

SOUTH BOSTON WATERFRONT DISTRICT MUNICIPAL HARBOR PLAN RENEWAL AND AMENDMENT



JUNE 2016

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South Boston Waterfront District Municipal Harbor Plan Renewal and Amendment

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South Boston Waterfront District Municipal Harbor Plan Renewal & Amendment

June 2016

1. Introduction

South Boston Municipal Harbor Plan Renewal & Amendment

On December 6, 2000, the Commonwealth of Massachusetts approved the City of Boston's South Boston Waterfront District Municipal Harbor Plan (South Boston MHP), covering portions of South Boston along the Fort Point Channel and the Inner Harbor. As part of the state requirement to update and renew MHPs, the City of Boston formally initiated the South Boston MHP Renewal and Amendment process, as authorized under 301 CMR 23.06, in a letter from Boston Redevelopment Authority (BRA) Director Brian P. Golden to Massachusetts Energy and Environmental Affairs (EEA) Secretary Matthew A. Beaton dated December 21, 2015. A total of six South Boston MHP Advisory Committee meetings were held between February 3, 2016, and May 4, 2016, and a public comment period was held from May 9 through June 3, 2016. On June 9, 2016, the BRA Board of Directors approved the South Boston MHP Renewal & Amendment for submission and review by the EEA Secretary.

The South Boston MHP renewal covers the entire 108-acre South Boston MHP planning area, all within Chapter 91 jurisdiction and consisting primarily of Commonwealth tidelands. The amendment covers an area of approximately 25,000 SF of filled and flowed Commonwealth tidelands located at 150 Seaport Boulevard, within the Inner Harbor District of the MHP planning area (*Figures 1-1, 1-2*). This site is listed in the 2000 South Boston MHP and the Secretary's decision as 146-150 Northern Avenue and referenced in both documents as "the restaurant parcel" or "the restaurant parcels." Apart from this single-site amendment, the renewal includes updated information and planning layers as indicated below but is otherwise an "as is" renewal.

1.1 South Boston MHP Renewal

The renewal process and the amendment continue the City's extensive MHP public outreach process, including an MHP Advisory Committee. In preparation for the South Boston MHP renewal, the City detailed the scope of its proposed renewal efforts in a letter dated December 5, 2011, to EEA Secretary Richard Sullivan. The City's description of new or updated information to be included in the South Boston MHP renewal was confirmed in Massachusetts Office of Coastal Zone Management (CZM) Director Bruce Carlisle's January 9, 2012, response, which stated:

The South Boston MHP renewal process will provide an opportunity to update the plan by incorporating the various planning layers that have evolved on the South Boston Waterfront since the South Boston MHP was approved in 2000. The renewal should describe how these additional planning layers promote water related public interests and neighborhood planning goals. As mentioned in your letter, topics to be included in the renewal include transportation planning, open space objectives, the policies and objectives of the City's Innovation District and its civic/cultural needs, and climate adaptation.

The South Boston MHP renewal and amendment includes these additional planning layers to better implement state tidelands policy objectives and the City's vision for the South Boston Waterfront District.

1.2 Requested Renewal Period

The City of Boston is requesting a renewal period of ten (10) years, to ensure predictability and continuity in its efforts to fully develop the South Boston Waterfront District into a vibrant mixed-use neighborhood.

1.3 South Boston MHP Amendment

The South Boston MHP has been amended twice: first, to accommodate design elements of the Institute of Contemporary Art (Fan Pier Parcel J) on December 31, 2002; and second to codify the Fort Point District 100 Acres Master Plan on October 22, 2009. The current proposed amendment covers an area consisting of approximately 25,000 SF of filled and flowed Commonwealth tidelands that is part of the South Boston MHP planning area but previously not included in the MHP for Chapter 91-related substitute provisions and offsets. The City has evaluated this parcel as an amendment to the South Boston MHP renewal and proposes for state approval substitute provisions and offsets as described below. The substitute provisions in the amendment are for building footprint/lot coverage and building height.

At the time of the South Boston MHP the 150 Seaport Boulevard parcels were some of the only active and developed waterfront sites along the South Boston Inner Harbor District. This area is now the center of a revitalized district, with 150 Seaport Boulevard framing the waterfront along a redeveloping B Street corridor. Two restaurants, the Whiskey Priest and the Atlantic Beer Garden, currently occupy the property, which serves as the nexus between the Fan Pier/Pier Four developments and the mixed-use waterfront areas to the southeast, including The World Trade Center, The Fish Pier, and Liberty Wharf. The 2000 South Boston MHP recommended that these parcels remain unchanged, as the restaurants located there attracted local residents and visitors to a largely vacant waterfront.

The surrounding neighborhood has changed dramatically in the intervening sixteen years, and with it the City's vision of the pivotal role 150 Seaport Boulevard should play in the development of the South Boston Waterfront District. The building proposed for this site was designed in response to Mayor Martin J. Walsh's call for bold, aspirational architecture and is representative of the Mayor's vision for the future of Boston. The key goals of this amendment are to facilitate the redevelopment of the site with a signature building and improve the public realm experience, particularly by the completion of the Harborwalk between Pier Four and The World Trade Center. For the first time in decades, the current owner's consolidation of the several parcels composing the project site will allow for an uninterrupted Harborwalk along this entire stretch of the waterfront, a long-sought priority of both the City and the State. It is also the City's intent to use the redevelopment of this site as a catalyst for other public realm improvements in the Seaport neighborhood that were envisioned when the South Boston MHP was approved in 2000 but which have not yet been completed.

2. Planning Background and Updates

Since 2000 there have been several policy and planning initiatives developed that relate to the South Boston MHP planning area. The following is a summary of those policy and planning efforts.

2.1 Transportation Planning

South Boston Waterfront Sustainable Transportation Plan (2015)

One of the consequences of the rate and pace of development in the South Boston Waterfront District has been increased traffic congestion. Currently, many of the gateway intersections to the South Boston Waterfront, along with the MBTA Silver Line, are at capacity during peak hours. To address these issues a number of city and state agencies and departments convened in 2014 to develop a new transportation plan to better manage existing traffic and transit capacity, as well as volumes anticipated with an additional 17 million SF of build out and 63% trip increase expected by 2035.

The resulting 2015 South Boston Sustainable Transportation Plan (the “Plan”) explores a number of multi-modal transportation options and interventions that can be implemented over various time scales to better optimize the transportation and transit resources that exist, and build capacity into the transportation system to relieve congestion. The Vision and Goals of the plan seek to realize a transformation of the planning area to a distinct and vibrant city district and relate directly to the objectives of the 1999 Seaport Public Realm Plan which served as the foundation for the South Boston MHP. The primary objectives of the planning effort were to increase sustainable transportation modes such as walking, biking and transit; support economic growth; enhance the public realm; ensure compatibility of solutions with environmental and quality of life goals; and, the active management and performance of existing infrastructure. The Plan serves as both a strategic plan for transportation systems improvements over next 20 years, and an action plan outlining more short term strategies to address mobility issues.

Many of the recommendations proposed in the plan function to improve and enhance access to the city’s waterfront and support the goals of the South Boston MHP. The plan calls out for several recommendations to better connect residential communities to the waterfront through improved wayfinding, bicycle routes, transit and water transportation. The waterfront and Harborwalk are also referenced as key components of the public realm. The greatest mode share increase expected through 2035 will be walking which will grow by 123% and Harborwalk will be an important part of the pedestrian network that will accommodate these increased walk trips. Regarding public realm enhancements, the plan references reinforcing view corridors to the water, extension of Harborwalk and access to the water. Improved wayfinding signage is called out as need to improve connectivity and legibility for the district and is a priority for the City.

The Plan recognizes the importance of the working port and the need to ensure the bypass road and haul road are maintained for truck traffic associated with port related to the Marine Industrial Park and Massport’s Conley Cargo Terminal. Water transportation is also referenced as an untapped resource in advancing new mobility options along with expansion of regular ferry services from the South Boston Waterfront to North Station as well as East Boston. Key locations indicated for ferry

terminals in the South Boston Waterfront include Fan Pier, World Trade Center and Raymond L. Flynn Marine Park (RFMP) Drydock.

An interagency implementation group consisting of representatives from City and state agencies continue to meet to advance the recommendations of the Plan, which include:

- Improve Regional Access – Focus on transit and improving capacity of Silver Line operations and connections; relieve congestion at gateways and create new transit connections including water transportation.
- Expand Community Connections – Improve pedestrian and bike connections, local bus service and street operations.
- Enhance Internal Waterfront Mobility – Improve internal pedestrian and bike connections and infrastructure, visibility of Silver Line stations and active transit information, establish mobility hubs.
- Advance the Public Realm – Establish an integrated street and block system; extend Harborwalk, establish special spaces and open space to anchor subdistricts; reinforce view corridors to the water.
- Implement Supportive Management Strategies and Policies – Traffic Demand Management and Parking and Traffic System upgrades, expanding TMA role.
- Maintain State of Good Repair – maintain transportation infrastructure in good working order.

City of Boston Inner Harbor Passenger Water Transportation Plan (2000)

The purpose of this study was to inventory existing water transportation infrastructure and service and prepare a comprehensive development plan for new water transportation terminals to better facilitate vessel transit for Boston's residents, commuters and visitors. Four Inner Harbor districts (Downtown, Charlestown, South Boston, East Boston) were analyzed and terminal locations and functions prioritized to encourage the full growth of ferry transit system. The study found the key to stimulate growth in the water transportation network was to expand capacity and improve the quality of terminal facilities, along with landside intermodal connections.

The Plan references the South Boston Waterfront as the district with the greatest potential for growing ferry service demand due to the Convention Center and scale of new development in the area. The primary recommendations for the South Boston Waterfront include:

- Expanded ferry terminals on both sides of the World Trade Center and have the location function as primary water transportation hub.
- Development or expansion of passenger terminals at Museum Wharf, the Federal Courthouse, Fan Pier Cove, Wharf 8 and Pier 1 in the Reserved Channel.
- Establishment of intermodal connections to link the South Boston Waterfront to cross-harbor connections, pedestrian and bike routes as well as transit.
- Layover berthing opportunities along Northern Avenue, the World Trade Center, Fish Pier and a reconfigured Wharf 8.

Since the plan's issuance there have been several water transportation infrastructure improvements including a ferry terminal in Fan Pier Cove, which has also been dredged and includes a marina.

Water Commons at Pier 4 functions for touch-and-go access and provides a waiting area and information on water transportation. Boston Harbor Cruises also continues their successful water taxi program which utilizes many of these docks and berthing areas in the Fort Point Channel for service. The Convention Center Authority will also be moving forward with a Federal Highway Administration grant to purchase two inner harbor ferries which will provide direct service from Fan Pier Cove to Lovejoy Wharf at North Station, as well as service to the East Boston waterfront.

2.2 Open Space Planning

City of Boston Open Space Plan (2015)

The City's Open Space and Recreation Plan is updated every five (5) years, by the Parks and Recreation Department to assess the quantity and quality of the city's open space resources and guide future investment, programming, operations and ongoing policy initiatives. The plan reviews all open space resources within the city to develop an integrated plan for open space protection and development. The effort also reviews demographic and socio-economic trends of the city's residents and open space users. The plan recommendations specific to the South Boston Waterfront District include:

- Completion of Harborwalk network; extend and provide access to inland neighborhoods; establish a complete pedestrian network along waterfront as the South Boston Waterfront is a district with a greater proportion of residents without cars.
- Ensure ground floor uses are compatible with and encouraging of the public's use of the Harborwalk.
- Use signage and landscaping to draw people to the waterfront and interpret historic uses.
- Ensure varied active and passive open space and recreation needs are met for present and future users.
- Encourage recreational use of the watersheet; support accessory uses such as restrooms, fish gear rental, and restaurants.
- Harbor Islands Gateway; have the area serve as an additional point of access to the islands.

Boston Harbor Islands National Recreation Area

Since 1996 the 34 harbor islands have comprised a National Recreation Area, managed by the National Park Service. To coordinate oversight of the islands, the Boston Harbor Islands Partnership was created, a 13-member body that implements a general management plan for the park. Non-profit organizations, such as Save the Harbor Save the Bay and Boston Harbor Now are involved with programming, advocacy and promotion of visitation. Annual visitation to the islands is over 125,000, and there is strong interest in growing this number in future years. The South Boston Waterfront can potentially serve as an additional gateway to the Harbor Islands, with a ferry terminal in Fan Pier Cove and a planned terminal to be constructed by Massport on the east side of Commonwealth Pier. The South Boston MHP specified space as part of the build-out of Fan Pier to be utilized by the Boston Harbor Island Alliance, which has recently merged with the Boston Harbor Association into Boston Harbor Now, in order to further facilitate interest and access to the Islands.

2.3 Climate Change Resiliency and Preparedness

Climate Change Resiliency and Preparedness (Ongoing)

The South Boston Waterfront consists primarily of areas that were once tidal and filled in the 1800's to just a few feet above the high, high tide elevation, making the area particularly vulnerable to effects of coastal storms and rising sea levels. Under the Mayor's leadership Boston has been at the forefront of climate change adaptation and mitigation planning. Building on the 2007 Executive Order Relative to Climate Action in Boston the Mayor has advanced several new planning and policy initiatives to better prepare Boston for storms and sea level rise including:

- The City's 2014 Climate Action Plan Update which focuses on Greenhouse Gas Reductions; Climate Preparedness; Community Engagement; and Tracking Progress
- The BRA implemented a Climate Preparedness and Resiliency Check List in 2013 which all projects going through the City's Article 80 Development Review Process must complete. The Check List requires proponents to respond to project design and building management measures that will make the project more resilient over the project's lifespan.
- The City is currently involved with its Climate Ready Boston initiative to look more specifically at climate projections and scenarios and how they relate to vulnerability assessments, review and identify applicable resilient design measures and practices, and then come forth with an implementation plan that also prioritizes based upon costs and benefits.
- The Metro Boston Climate Preparedness Commitment, which was initiated by Mayor Walsh in 2015 is a regional agreement to establish a common policy framework throughout the Metro Boston area to prepare for climate change. The effort will ensure municipalities take coordinated action on critical regional infrastructure and systems, develop best practices for local government, policy recommendations for state and federal partners, and funding and investment vehicles to meet the challenges of climate change. Participating member municipalities will share information, assessments, plans and identifying crucial gaps; integrate climate change in policies and programs; coordinate preparedness action; identify regional priorities opportunities for coordination and collaboration. A Metro Boston Climate Preparedness Task Force was also established to meet regularly to coordinate regional, cross-government action to prepare for climate change, evaluate and implement strategies, and to develop best practices, make policy recommendations and set regional priorities.
- There have also been a number of excellent guidance reports, vulnerability assessments and design competitions sponsored by A Better City, the Green Ribbon Commission, Urban Land Institute, TBHA, and the Barr Foundation, which function as excellent resources for new construction in vulnerable areas of the City.

Updates in the future to state building code and state environmental regulations will also assist in advancing resilient design requirements for new projects.

2.4 Civic, Cultural and Public Realm Planning

Northern Avenue Bridge Project (2016)

In March 2016, Mayor Walsh announced an Ideas Competition to crowdsource concepts for the design and function of a new crossing of the Fort Point Channel. The historic steel three-span, triple-barreled, Pratt-type through-truss bridge will be disassembled in 2016, with the bridge's steel super structure stored for possible reuse as part of a new bridge. The new bridge will provide multi-modal

access and serve as a primary gateway between the South Boston Waterfront, Downtown and the Rose Kennedy Greenway.

Study of Cultural, Civic, and Non-Profit Facilities of Public Accommodation in Boston

The BRA commissioned this study to analyze the network of public spaces on the waterfront in relation to the spatial needs of Boston's cultural, civic, educational and non-profit organizations. This study identifies how much space currently exists and how much is projected in the future. Each neighborhood is analyzed to review how FPA requirements relate to demand and where important opportunities to activate the waterfront with cultural uses exist. Project case studies inform recommendations intended to improve the quality of public waterfront facilities and overall waterfront vitality. This study addresses current and future challenges and makes recommendations on ways to best utilize FPA space to ensure public access and enjoyment of the waterfront. In reviewing existing FPA's the study found that FPA quality and design is as important as quantity; location, visibility and connectivity to density and a variety of uses is key to success; clustered FPA's tend to support public access; and strong community and City partnerships increase the likelihood of success. The study recommends the following uses for FPA space within the South Boston MHP area:

Fort Point Channel

- Smaller Special Public Destination Facilities (SPDFs) organized around themes to create more powerful destinations.
- SPDFs that continue the theme of small, site-specific interactive exhibits along the waterfront.
- Art galleries and artist live/work space in FPAs.
- Cultural uses that build on the Fort Point Channel Arts District.
- Uses celebrating the working waterfront.
- Uses capitalizing on the eclectic and artistic nature of the Arts District.

South Boston

- Restaurants
- Retail
- SPDFs
- Visitor's Centers
- Museums and other large SPDFs
- Temporary uses including visiting exhibitions, antiques markets, flea markets, movie screenings

2.5 City-wide Planning Initiatives (Ongoing)

Under the leadership of Mayor Walsh the City has initiated a number of community driven planning processes to better guide future development and growth and ensure the City is healthy, thriving and innovative. The waterfront and harbor are components to these planning efforts which will function to enhance access to and use of the City's waterfront resources.

Imagine Boston 2030 is the city's current comprehensive planning effort to create a framework to guide preservation, enhancement and responsible growth between now and 2030. The plan is

driven by community input to determine the best ways to promote quality of life for all, access to jobs, education, and housing and how to make city government more responsive and effective. The focus of the planning effort is on articulating a shared vision for prosperity, innovation, education, health, equity, and arts and culture. Imagine Boston proposes four goals to guide our City's growth:

1. Provide Quality of Life in Accessible Neighborhoods
2. Drive Inclusive Economic Growth
3. Promote a Healthy Environment and Adapt To Climate Change
4. Invest in Infrastructure, Open Space, and Culture

Boston Creates is a city-wide cultural planning process to better understand, support and build upon the city's creative capital. The plan can help inform mitigation funding realized through Chapter 91 Waterways licenses to support local artists and activate waterfront districts.

Go Boston is a city-wide transportation plan that looks at developing a vision that proposes new policies and projects to improve transportation and mobility throughout the city, and how transportation can support improvements in equity, climate and the economy. The plan will promote access to multi-modal transportation options, including water transportation, improve safety and greater transportation connectivity.

Housing a Changing City is the administration's housing plan, which aims to create housing across demographics and neighborhoods, and outlines the City's strategies for housing an expected 91,000 new Bostonians by the year 2030. The plan calls for the creation of 53,000 new units of housing at a variety of income levels across the City utilizing a number of different policies and programs.

2.6 South Boston Seaport Public Realm Plan (1999)

The Seaport Public Realm Plan was started in 1997 and completed over a two-year public process. In the mid 1990's the South Boston Waterfront was largely a collection of parking lots and underutilized land. With the construction of the Central Artery Project, the Silver Line, plans for the Convention Center and the South Boston Waterfront's proximity to Downtown and the Airport, there was a need to develop a plan to begin to guide future development and clarify what type of new district would evolve. The plan includes principles to create a vibrant mixed use district with commercial, civic and residential uses. The document also functions as a physical plan to prioritize open space, building locations and massing, civic and cultural uses and street layout. The five primary planning principles that evolved guide the development of the area and the subsequent South Boston MHP are:

- Promote access to Boston Harbor – as a shared natural resource and connect people, land and water; Boston Harbor Cleanup and Harbor Islands National Recreation Area.
- Preserve and enhance the industrial port – and balance the growth of mixed use and recreational activity along Boston Harbor with the needs of maritime commerce.
- Plan the district as a vital mixed-use neighborhood – that includes a critical mass of residents, a lively mix of open space, civic and cultural uses and safe and convenient water-transit and transportation, and commercial uses and job opportunities that are mutually supportive.

- Develop the district as an integral part of Boston's economy – establish area as a true destination, enhancing our City's hotel, commercial office, retail and visitor industries and our position as the economic catalyst for the region.
- Ensure that the South Boston residential community and all neighborhoods of the City are not only protected from potential impacts from development, but share in the benefits of private investment.

2.7 South Boston MHP (2000)

The South Boston MHP embodies and facilitates the planning principles and physical planning concepts of the Seaport Public Realm Plan. The final MHP approved by the Secretary of Energy and Environmental Affairs represents the City of Boston and Commonwealths objective of developing a waterfront district that is diverse, mixed use area that attracts public from around the City and region and better integrates the harbor into the fabric of the city. The intent of the MHP was to create a public realm more reflective of Boston's urban character and mixed use economy than would have resulted through the strict application of the Chapter 91 standards. The Secretary's Decision determined that the MHP was consistent with the state's tidelands policy objectives set forth in 310 CMR 9.00, and the substitute provisions for the minimum use and numeric standards and related offsetting measures function to ensure an equitable distribution of public benefits, prevent privatization of the waterfront and serve to promote the state tidelands policy objectives with comparable or greater effectiveness than those advanced by the tideland regulations.

The principles developed through the MHP process to guide future development are intended to:

- Enhance access to open space resources;
- Avoid privatization of the harbor shoreline;
- Limit adverse effects of wind and shadow on the public realm;
- Identify substitutions and enforceable, quantifiable offsets ;
- Promote offsets prioritized by the public;
- Ensure that developments are carried out in a manner that protects the public's rights in tidelands.

The MHP divided the South Boston Waterfront into subdistricts due to the planning area size and differing land use contexts, historic conditions, ownership and plans for future development. Each of the subdistricts had baseline requirements and guidelines for required public benefits for non-water dependent use projects, as well as substitutions to the Chapter 91 Regulations dimensional and use standards and related offsetting public benefits. At the time of the MHP the Inner Harbor subdistrict was largely vacant land comprised of parking lots and a few active uses such as Anthony's Pier 4 and the restaurant parcels at 150 Seaport Boulevard. As this area was anticipated to have the greatest concentration of development and density the substitutions and offsets approved by the Secretary were more specific and related to the larger, master development areas of Fan Pier, McCourt Broderick (now Seaport Square), and Pier 4. None of the substitutions for the subdistrict were applicable at the time of the MHP to the 150 Seaport Boulevard property as the parcels were recently converted from water dependent uses to restaurants and there was no interest expressed on the part of the property owners at the time for new development.

2.8 Status of South Boston Waterfront District MHP

At the time of the 2000 MHP much of the planning area consisted of parking lots, inaccessible waterfront and economically underutilized land. The Central Artery/Third Harbor Tunnel and Silver Line Transitway projects were in the midst of construction, the Boston Harbor Cleanup Project was advancing, and site work had yet to commence on the new Convention Center. The 1999 Seaport Public Realm plan and MHP provided a planning framework to transform the South Boston Waterfront and guide one of the most significant new city building opportunities in the city's history. These plans outlined a bold vision to build upon the public infrastructure investments and establish a dynamic mixed use district and revitalized waterfront that would attract broad populations and enhance access to the harbor. Through an array of mitigation offset for substitutions related to non-water dependent development within the planning area, significant new civic and cultural uses, open space resources, waterfront infrastructure and support for water transportation service were advanced to ensure the realization of the MHP and state tidelands public policy objectives. The plan referenced 4,700 linear feet of new Harborwalk along the Fort Point Channel and Inner Harbor, and for the Fan Pier and Pier 4 developments, provisions for 127,000 SF of new civic uses with 56% of these sites dedicated for open space with expansive new open space along the waterfront.

Since the Secretary's Decision on the South Boston MHP implementation of the plan was delayed by changes in property ownership, updates to development programs and the global recession of 2008. The past eight years however have seen a significant turnaround bolstered by prior planning efforts, public infrastructure investments and the locational attributes of the area. Currently the South Boston Waterfront has the greatest concentration of investment and development in the Commonwealth. Below are status summaries of the primary development projects within the MHP planning area:

- Fan Pier – A 21-acre site with nine building parcels and just under 3 million SF of build out. At this time six buildings have been constructed or are near completion, including the 60,000 SF Institute of Contemporary Art, which was the first building constructed on the Fan Pier property in 2006. An additional 47,000 SF of civic cultural space is required to be provided at Fan Pier. Currently Boston Family Boat Builders occupies 4,277 SF at 11 Fan Pier Boulevard, with 13,666 SF contemplated for a facility operated by the Boston Harbor Island Alliance and New England Aquarium at 50 Liberty Drive, and 23,550 SF in Parcel H for a facility programmed by the Boston Children's Museum, which has yet to be constructed. Required waterside improvements completed to date include a ferry terminal in Fan Pier Cove with a ticketing facility, a recreational boating facility, and a publically accessible wave attenuator at the outer portion of the cove. Of the approximately \$5.5 million water transportation contribution, \$1.5 million is being paid out annually for water transportation operations and service. The project has also constructed 1,700 linear feet of temporary and permanent Harborwalk, and new open space with Fan Pier Green and soon to be completed Fan Pier Park.
- Seaport Square – The 23-acre, 20-block mixed-use development will total approximately 6.5 million SF when complete and include of 2,500 new residential units, 235,000 SF of civic and cultural uses, new retail, office, hotel, innovation centers, and 6.5 acres of open space. Currently ten of the blocks are complete or under construction. Early action mitigation included the construction of Q Park along Boston Wharf Road and District Hall, where an

adjacent park is currently being completed. Only about two acres of the Seaport Square project fall within Chapter 91 jurisdiction and subject to the South Boston MHP. Due to the fragmented nature of the parcels in the planning area and site constraints the EEA Secretary's Decision on the South Boston MHP allowed for an open space aggregation program for site coverage in excess of 50%, with funding and offsets being focused on Parcel E adjacent to Children's Wharf Park and the park parcel adjacent to District Hall, to establish cohesive open space resources. The EEA Secretary's expectation of a signature park along the Fort Point Channel has yet to be realized, however, with the recent dedication of the Children's Wharf Park to the memory of Martin Richard a new design is under development by the Parks & Recreation Department and funding resources are actively being explored. Projects subject to the MHP that have been completed include the Envoy Hotel, which provided for the rehabilitation of Old Sleeper Street into a new pedestrian promenade, a publically accessible roof deck, 1,200 SF for the Fort Point Arts Community, and funding for access to the harbor islands. A portion of One Seaport Square development project is within jurisdiction and will be providing maintenance funding for the park at Children's Wharf, and the Chapel at Block H will also be providing a public plaza on Sleeper Street. Remaining parcels subject to the MHP include portions of Block's M1 and M2 which are currently undergoing permitting, and Block G which does not have a development program at this time.

- Pier 4 – An approximately five-acre site comprised of the three buildings that will total just under 1 million SF of office, residential, retail, restaurant and civic and cultural uses. 100 Pier 4 was the first phase of the project which opened in 2014 with 396 residential units, a ground floor restaurant and 20,000 SF of civic and cultural space that will house the Society of Arts and Crafts. As part of this phase Water Commons was also constructed for public docking and much of the seawall on the eastern side of the pier was reconstructed. The phase two office building is currently undergoing site work with a phase three residential building soon to follow. When completed there will be an additional 1,700 linear feet of new Harborwalk, a one acre park at the end of the pier where Anthony's Pier 4 was located, and a half acre Waterfront Plaza adjacent to the Institute of Contemporary Art. A payment of \$1,165,000 to support water transportation is also being provided upon completion of the project phases.
- Fort Point District 100 Acres – Following the EEA Secretary's Decision in 2000 and direction for further planning of the MHP area south of Summer Street, the City engaged in a public master planning process for the Fort Point District. The goal was to create a public realm plan and planning principles that would guide future development and ensure the viability of water dependent industrial uses in the area. The resulting Fort Point District 100 Acres Master Plan provides a framework for transforming the existing surface parking lots around the Proctor & Gamble/Gillette ("P&G/Gillette") plant, the USPS facility into a vibrant 24-hour, mixed-use neighborhood anchored by over 11 acres of new public open space and almost 5.9 million SF of development. The MHP was amended in 2009 to have the document recognize the Master Plan land use and design principles for 13 acres of the 100 acre area subject to Chapter 91 jurisdiction. Since the amendment there has been no development within the 13 acres, however, General Electric has recently announced plans to relocate their headquarters facility to this area.

3. South Boston MHP Amendment

3.1 Project Description

The 150 Seaport Boulevard mixed-use project is located on an approximately 25,000-square foot site and includes a proposed mixed-use building with a maximum height of 250 feet and 22 floors. The total project lot coverage is approximately 65%, or up to a maximum of 70% depending upon the final project site size. The total building footprint is approximately 15,600 SF, and the ground level lot coverage is approximately 45% with a ground level building footprint of approximately 11,200 SF (*Figure 1-7*). The total project floor area is approximately 292,000 SF and total building volume of 3,310,000 cubic feet. A retail area, consisting of a proposed restaurant on the ground and second floors, including a second floor deck, will cover approximately 10,749 SF and will help to activate Seaport Boulevard and the waterfront. Upper floors will house approximately 124 residential units, and approximately 170 underground valet-only parking spaces will be provided on three levels for building residents and restaurant patrons and employees.

The 150 Seaport Boulevard project will provide a broad range of public benefits. Waterfront and public realm benefits include:

- Total clear-to-the-sky open space of approximately 9,400 SF (*Figure 1-8*)
- A minimum 26-foot wide setback, clear-to-the-sky along the water's edge, creating approximately 7,600 SF of new waterfront open space, including: (1) a 12-foot wide, approximately 3,355 square foot Harborwalk; (2) the Water Dependent Use Zone; and (3) additional open space;
- An additional 1,800 SF of clear-to-the-sky open space along Seaport Boulevard plus 4,400 SF of exterior open space under the building canopy, all leading to Boston Harbor
- New view corridors to the harbor along Seaport Boulevard and B Street; and
- Activating the waterfront area and Seaport Boulevard sides of the project with two floors of public restaurant area.

As part of the MHP process and Chapter 91 licensing, the project will provide the following additional waterfront benefits:

- Additional coastal flood protection by raising the elevation of portions of Seaport Boulevard and its sidewalk;
- Financial support to create or improve open space within the South Boston MHP planning area;
- Financial support of water transportation or tidelands activation as part of a long-term Chapter 91 license.

The project also will contribute to the neighborhood with the following public benefits:

- Annual taxes of approximately \$3,600,000;
- A contribution of approximately \$5,000,000 to the development of 46 off-site affordable units of housing for seniors, with an additional unit for a live-in building manager;
- Approximately 400 temporary construction jobs;
- Approximately 200 permanent jobs;

- Sidewalk and streetscape improvements to Seaport Boulevard, including landscaping, new paving, a dedicated bike lane, and wider sidewalks to improve pedestrian circulation and safety; and
- A realignment of a portion of Seaport Boulevard to provide improved truck access and reduce pedestrian and vehicular conflicts.

The Waterways regulations at 310 CMR 9.53(3)(d) support "...meeting a community need for mixed-income residential development..." The affordable housing component of the proposed project is an innovative approach to address specific housing needs in the South Boston community and has been developed with the support of the South Boston Neighborhood Development Corporation, Caritas Communities, and the City of Boston. In conjunction with the Tishman-Speyer Company and its development at the adjacent Pier Four project, the 150 Seaport Boulevard project will build 46 units of affordable housing for seniors plus one unit for a live-in building manager at a site on O'Connor Way in South Boston. Cronin Holdings LLC or an affiliated company will construct the housing using its \$5 million investment from the 150 Seaport Boulevard project and a combination of city and state funding sources, including MassHousing tax credits.

The proposed project also includes onsite services, including social services, provided by the South Boston Neighborhood House, and health services, provided by the Geiger-Gibson Community Health Center. Both entities will serve not only the building's residents but the broader neighborhood as well, which is an underserved community.

With its onsite services, the proposed senior housing project will prioritize senior residents who currently live in larger family units at the adjacent Mary Ellen McCormack Public Housing Development, the oldest public housing development in the country, thereby freeing up additional housing for families.

The project site is also an important gateway location into both the Seaport District and the city. It is highly visible from the Harbor, from airplanes landing at Logan Airport, from the Interstate 90 exit ramp, and from numerous passenger vessels that dock at the adjacent Commonwealth Pier, making this project site one of the first major properties that visitors see upon arrival in Boston. From Downtown, after passing over the Moakley Bridge into the Seaport district, the building will anchor the end of the corridor of development running from the Fort Point Channel down Seaport Boulevard.

The building massing is both inspired and shaped by its connection with the water. The sail-like layered massing, which protrudes slightly over the sidewalk to the south, has been stepped up, away from the sidewalk to maintain a comfortable walking condition beneath the building and to graciously emphasize the directionality of the building massing towards the Harbor. The main building massing move occurs along the northern and eastern sides of the site. At ground floor, the building peels away from the sidewalk edge, revealing the harbor beyond and giving additional open space along the waterfront to public use. To further emphasize the movement towards the water, the building gently curves away in a sweep of serrations. These serrated curves extend up to 250', and twist 90 degrees, creating a series of sweeping glass sails facing the harbor.

One of the most important components of the City's waterfront revitalization program was the creation of a Harborwalk. The Harborwalk re-establishes the shoreline from Dorchester to East

Boston, by creating a continuous public walkway along the water's edge. The current site does not have a Harborwalk, nor does it have any open space for public use along the water. The 150 Seaport Boulevard project has committed to creating not only a Harborwalk but generous amounts of open space for public enjoyment. This new exterior space will be enhanced with the incorporation of new site furnishings such as custom seating, planters, shade structures, trash/recycling bins, bollards, railings, lighting and bike racks. This Harborwalk and public open space will not only have a connection to the water, but will also follow the edge of two stories of restaurant and outdoor seating areas. These restaurants will be primarily glass facades and it is the Proponent's vision that these eateries open up to the exterior, further activating the building edge and incorporating seating elements for both pedestrians and restaurant patrons. The remaining programmatic uses at the building's lower levels will include a small residential lobby and residential services, a loading dock, two discreet parking elevators and mechanical space.

The site is defined to the north and east by the seaward extent of the existing Chapter 91 license, by Seaport Boulevard to the south, and by 100 Pier Four to the west. The site is also located over an existing 115 KVA line, which slices through the southeast corner of the property, reducing the building site and aligning the façade with its neighbor, 100 Pier 4. In addition, building height is capped on the site at 250 feet by the Federal Aviation Administration (FAA), which provides height restrictions near airports known as Terminal Instrument Procedures, or TERPS. Given its dimensional restrictions, the site accommodates a proportional, slender building, arcing upwards to reduce the ground floor footprint as a way to increase pedestrian access along and to the waterfront.

Unlike its developed neighbors, the 150 Seaport Boulevard site is unusual in its size, shape, and location. To ensure the completion of the Harborwalk at this location, the Proponent has undertaken a process to secure long-term care and control of the entire approximately 25,000 square foot project site.

The proposed site will be assembled through a combination of fee interest ownership, leases, and easements. Fee interest and less-than-fee interest control of portions of the site are for periods equal to or exceeding the term of the Chapter 91 license, to ensure consistency with its provisions. Leases and easements for the project site have been or will be secured from Massport, 130 Northern Avenue, LLC (a company affiliated with the Tishman-Speyer Company), and the City of Boston. The parcel assemblage is detailed below and in Figure 1-9.

3.2 Parcel Assemblage, 150 Seaport Boulevard Project

146 – 150 Seaport Boulevard	10,515 SF
Massport easement (historic)	1,902 SF
Massport easement (Harborwalk)	1,688 SF
Tishman-Speyer easement	3,148 SF
City of Boston Triangle parcel	3,803 SF
City of Boston Sidewalk area	3,828 SF
TOTAL	Approx. 25,000 SF

To create the project site, the Proponent will demolish the two existing building structures, and will build an approximately 7,600 square foot pile-supported open space area that includes the water dependent use zone (WDUZ) and a 12-foot wide, approximately 3,355 square foot Harborwalk along the north and east sides of the site. In total, the site will have approximately 9,767 SF of public open space. To accommodate the existing 115 KVA line that cuts across the southwest corner of the site and to open up as much of the site as possible for pedestrian use, the ground floor building footprint has been reduced to approximately 11,200 SF, or approximately 45% of the total project site. As the building moves upward, a series of discreet, stepped cantilevers increases the building footprint along Seaport Boulevard while simultaneously pulling back a smaller portion of the building along the seaward edge. The total lot coverage of the building footprint is approximately 15,600 SF, or approximately 65%, or up to a maximum of 70% depending upon the final project site size. (Figure 1-7).

The building will remain within the fee interest property line, with the exception of the cantilevered south façade, which will extend 13' horizontally over the sidewalk. This cantilevered portion will begin approximately 44 feet above grade, stepping out 6'-6" at level 4, and then stepping out an additional 6'-6" over the sidewalk at level 5, approximately 54 feet above grade. These design moves will improve the pedestrian experience along Seaport Boulevard and will further enhance the building's concept of opening the site up to the water.

3.3 History of 150 Seaport Boulevard

As with most of the area covered by the South Boston MHP, the 150 Seaport Boulevard project site is located on filled Commonwealth tidelands. Much of the filling in this area was conducted in the second half of the nineteenth century as railroads expanded onto the former flowed tidelands area for tracks, freight yards, shipping berths for trans-shipments, and other related transportation services. Since at least 1929, the site, its buildings, and its waterfront infrastructure have encroached to the east and to the north on land currently owned, respectively, by Massport and 130 Northern Avenue, LLC, a Tishman-Speyer Company affiliate.

The Chapter 91 licenses for the project site extend back at least to 1882, when the Commonwealth conveyed the area to the Boston & Albany Railroad, though the site was filled prior to that time. A

subsequent Chapter 91 license (#3107) was issued on September 26, 1907, to the New York, New Haven, & Hartford Railroad Company "...to widen on piles a portion of its pier No. 4 in Boston Harbor at South Boston, and to dredge in its dock in conformity with the accompanying plan 3107..." and another (License #169) on February 9, 1916 "... to make repairs to bulkhead at the south end of dock No. 4 at the Boston Freight Terminal by placing plank behind an existing bulkhead to hold filling and tying back the existing bulkhead by dead men steel rods and a 12" by 12" stringer, all as shown on the accompanying plan."

Further expansion of the site was authorized on August 21, 1929 (License #1025) "... to build and maintain a pile bulkhead and to fill solid in Boston Harbor at Pier No. 4 of the Boston Freight Terminal in the city of Boston, in conformity with the accompanying plan No. 1025... Said Bulkhead may be constructed with the outer spur piles projecting 17 feet easterly from said easterly boundary line of property of the licensee as shown on said plan. The area between the [proposed] bulkhead... and the existing bulkhead may be filled solid." The 1929 License also indicated the existence of three structures, from east to west: Morello Lunch, Mass Lobster [sic], and Power House. In 1956, the site was again enlarged under License #3812, which authorized the Haynes Realty Corporation "... to erect and maintain a steel sheet piling bulkhead and to place filling in Boston Harbor...."

By the late 1990s, water dependent uses from Fort Point Channel to Commonwealth Pier 5 had largely disappeared and new nonwater dependent developments were being planned. In 1997, the owners of a portion of the site, Paul's Lobster Company and Mark Shaw, sought to convert the property from water dependent to nonwater dependent uses. License #6970, for 148 - 150 Northern Avenue, now 148 - 150 Seaport Boulevard, authorized the owner "...to change the use of an existing two story building from a fish processing facility to a restaurant.... The structures authorized...shall be limited to the following uses: a restaurant, public access to waterfront open space for passive recreational purposes, and public access to navigable waters." Similar provisions for 146 Northern Avenue, now 146 Seaport Boulevard, were incorporated into a Written Determination for the parcel but a Chapter 91 license was never issued due to ensuing legal issues. Both the Written Determination for 146 Northern Avenue and License #6970 for 148 Northern Avenue envisioned a Harborwalk around the waterfront perimeter of the property built over the water on the adjacent parcels. However, the Harborwalk was not constructed because the Licensees did not control the area designated for the Harborwalk.

In 2000, the BRA submitted the South Boston MHP, which included a brief section on the project site. Recognizing its recent conversion from water dependent to nonwater dependent use, the South Boston MHP requested no Chapter 91-related substitute provisions on the project site, seeing the restaurants as one of the few facilities along this section of the waterfront that would attract the public to the water's edge. The South Boston MHP states on p. 167:

The existing restaurants have, in one incarnation or another, been a part of the South Boston Waterfront landscape for many years and are favorites with residents and visitors alike. The existing uses bring an added dimension to the area and will support public uses on adjacent parcels and watersheet. This Municipal Harbor Plan supports the existing uses and structures. We would like to see this Harborwalk connection completed. No substitutions, however, are proposed for these parcels.

In 2006, an entity controlled by Jon Cronin purchased 146 – 150 Northern Avenue (146 – 150 Seaport Boulevard). The two restaurants on the parcel, the Atlantic Beer Garden and the Whiskey Priest, opened in 2008 and 2010 respectively.

3.4 Consistency with the 2000 South Boston Waterfront MHP

The 2000 South Boston MHP was approved with a series of substitute provisions, offsets, and amplifications that provided the framework for the transformation of this area from predominantly surface parking lots to a dynamic mixed-use neighborhood that continues to evolve and mature.

Along the Inner Harbor sub-district, the general framework that was developed allowed for building heights up to a maximum of 300 feet within the MHP planning area, with lower building heights stepping down along Fan Pier and Pier Four toward the seaward pier edge along Boston Inner Harbor. Along the landward side of Fan Pier Cove and the area between Pier Four and Commonwealth Pier/The World Trade Center, authorized building heights were generally 250 feet. Offsets for building height substitute provisions were generally focused on providing open space in excess of that required under the Waterways regulations, a dedicated building footprint area for a free-standing civic or cultural facility, and other public amenities.

For the larger development areas in the Boston Inner Harbor Sub-district, lot coverage at the Fan Pier and Pier Four sites was 44%. Along the developed portion of the Fort Point Channel Sub-district, allowable lot coverage the Chapter 91 nonwater dependent use standard, and was as high as 100% at the Barking Crab site.

The proposed project at 150 Seaport Boulevard is consistent with the substitute provisions in the 2000 South Boston MHP in terms of allowable building height and lot coverage for smaller, site-constrained developments. The proposed project also complies with the amplification requirements in the 2000 South Boston MHP for a minimum 12-foot wide Harborwalk, a maximum lot coverage of 20% for streets and ways, no surface parking, and a maximum of 20% of the total building footprint for ground level upper floor accessory uses.

4. Proposed Substitute Provisions and Offsets

This MHP amendment applies the principles of the 2000 South Boston MHP to the 150 Seaport Boulevard project site, with some modifications, given the relatively small size of the site. There are two proposed substitute provisions, as described further below.

4.1 Lot Coverage – 310 CMR 9.51 (3)(d) and 310 CMR 9.53(2)(b)(1)

The first substitute provision is for lot coverage under 310 CMR 9.51(3)(d) and 9.53(2)(b)(1). The proposed 150 Seaport Boulevard project is on filled and flowed Commonwealth tidelands. It has been designed to minimize lot coverage/building footprint at the ground level, where the building footprint is approximately 11,200 SF, or approximately 45% of the project site, in order to open up view corridors to the harbor and increase pedestrian access to the waterfront. As the building increases in height, the building footprint increases to approximately 15,600 SF, for a total lot coverage of approximately 65%, or up to a maximum of 70% depending upon the final project site size. Since open space in an MHP is considered as only those areas open to the sky, the public exterior areas below the cantilevered sections of the building are not considered open space and

are included in the total lot coverage figures. The project exceeds the Chapter 91-compliant standard by approximately 3,100 SF, the amount of square footage that must be offset (*Figure 1-7*).

For large projects, such as Fan Pier and Pier 4, the 2000 South Boston MHP provided a total of 44% lot coverage and 56% open space area. For a smaller project, such as what was envisioned as a possible development at the Barking Crab, an open space requirement as low as 0% was approved, given the constrained nature of the site. The 150 Seaport Boulevard project, although also modest in size and with several building and open space constraints, provides considerably more open space than the existing structure, and the ground-level outdoor areas, even those with cantilevered components above them and not open to the sky, provide a pedestrian experience that is closer to that at Pier 4 than at the Barking Crab.

To offset the 3,100 SF of lot coverage, and to ensure that, in general, buildings for nonwater dependent use will be relatively condensed in footprint, in order that an amount of open space, commensurate with that occupied by nonwater dependent use buildings, will be available for water-dependent activity and public access, the project proponent, the City, and the Advisory Committee have reviewed possible options that are located either on or adjacent to the property. However, the site constraints, the provisions of the 2000 South Boston MHP that address adjacent parcels to the west, and the DPA boundary at the World Trade Center limit the possibilities for proximate offsets. Offsets developed through the municipal harbor planning amendment and renewal process and prioritization of public benefits are specified in Section 4.3 below.

4.2 Building Height – 310 CMR 9.51(3)(e)

The second substitute provision under 310 CMR 9.51(3)(e) is for building height. The Chapter 91-compliant building height for this site is 55 feet. This substitute provision would allow for a Chapter 91 building height of up to 250 feet, but no higher than allowed by the FAA. This substitute provision is consistent with the 250-foot building heights allowed in the 2000 South Boston MHP for the parcels adjacent to this site at 100 Pier 4 and on Parcel M1. The existing Seaport West building is also 250 feet in height. The quantitative measure of the impact for building height that exceeds the standard in 310 CMR 9.51(3)(e) is the amount of net new shadow created by the building. Net new shadow is measured as the amount of new shadow created by the building above what would have been created by a Chapter 91-compliant structure and existing or permitted structures for one hour or longer on October 23, a key date for the shoulder season when shadow might affect pedestrians' use of the waterfront. Net new shadow is measured within the Shadow Protection Zone, an area defined in the 2000 South Boston MHP. The net new shadow for the 150 Seaport Boulevard project is approximately 16,640 SF, of which approximately 4,443 SF affects land resources and approximately 12,197 SF affects the water sheet (*Appendix 2*).

To offset the impact of net new shadow and to ensure that new or expanded buildings for nonwater dependent use will be relatively modest in size, in order that wind, shadow, and other ground-level environmental conditions will be conducive to water-dependent activity and public access, a list of offsets and prioritization of public benefits have been developed through the municipal harbor planning amendment and renewal process, as specified in Section 4.3 below.

Summary of Proposed Substitute Provisions & Offsets

Nonwater Dependent Use Standard	Chapter 91-Compliant Standard	Substitute Provision	Offset
Lot Coverage – 310 CMR 9.51 (3)(d)	One square foot of open space for each square foot of building footprint, or a maximum of 50% lot coverage	Lot coverage of up to 50% at the ground level and an additional 20% of overhang beginning at 42' above grade for a total lot coverage of not more than 70%	\$1.5 million to improve open space within or adjacent to the South Boston MHP Planning area
Building Height – 310 CMR 9.51(3)(e)	Building height of 55 feet	Building height of 250 feet	

4.3 Offsets for Impacts of Substitute Provisions and Chapter 91 License Fees

Project Offsets

Below is a program of offsetting measures developed through the municipal harbor planning amendment and renewal process that are appropriate to mitigate, compensate or offset the negative impacts of substitutions associated with the 150 Seaport Boulevard property. The objective of the offsetting program is to mitigate the negative impacts of shadow associated with building height, and reduction in open space associated with building lot coverage, and have the offsets function to foster public use and access to the waterfront and activate the adjacent watersheet. Offsets are generally in-kind, such as increased Water Dependent Use Zone (WDUZ) in a portion of the project area for a reduction in WDUZ in another area of the site, or out-of-kind, such as increased open space in exchange for shadow cast by additional height, or qualitative, such as funding for watersheet activation programming for a reduced WDUZ. The state also has a preference for offsets being implemented concurrent with project completion, as well as proximal to the project site. Determining offsets for new or improved open space on-site or adjacent to the 150 Seaport Boulevard site has proven challenging due to the site’s size and constraints, as well as its location at the eastern extent of the South Boston MHP planning area, and being bounded by the larger Seaport Square and Pier 4 private developments. Accordingly, the offset prioritization below combines mitigation public benefits within the broader MHP planning area, and proximal to the amendment site where feasible.

To offset the impacts of building height and building lot coverage, the project proponent shall provide \$1.5 million to improve open space within or adjacent to the South Boston MHP Planning area. The priority project shall be Martin’s Park at Children’s Wharf, in which case the project proponent may also provide construction services with an estimated value of \$1.5 million to satisfy the offset. The offset may be a combination of both funding and construction services amounting to \$1.5 million. This priority project will advance a long-sought public amenity in the South Boston MHP area and assist in fulfilling the completion of a cohesive signature park along the Fort Point Channel, which was an expectation of the Secretary’s Decision in 2000.

Projects eligible for public benefits for the project are prioritized below:

1. Open Space Improvement within the MHP Planning Area
 - Martin's Park at Children's Wharf
2. Water transportation and waterfront activation and programming adjacent to 150 Seaport Boulevard
 - Expansion of water transportation waiting area along Seaport Boulevard
3. Support of Civic and Cultural Space within the MHP Planning Area
 - Interior build-out of Fort Point Arts Community space at Envoy Hotel
4. Public Realm Improvements adjacent to 150 Seaport Boulevard
5. Enhanced Harborwalk above baseline
6. Water Transportation subsidies above baseline
7. Northern Avenue Bridge Gateway improvements and programming

Chapter 91 Licensing Fees

The fees associated with the long-term Chapter 91 license, including those for Commonwealth tidelands occupation, water transportation, and waterfront activation shall, to the extent possible, be directed to water transportation improvements and waterfront activation projects within or adjacent to the South Boston MHP planning area. The two priority projects for these funds shall be (1) a payment for the design and construction of an approximately 12-foot wide pile supported expansion of Seaport Boulevard water transportation waiting area on Massport property, parallel to Seaport Boulevard between the project site and the World Trade Center; and (2) funds to build out space allocated to the Fort Point Arts Community located at the Envoy Hotel.

5. Climate Resiliency and Preparedness

The project proponent has evaluated the project site in terms of flooding in combination with projected sea level rise, as outlined in the *Sea Level Rise: Understanding and Applying Trends and Future Scenarios for Analysis and Planning* prepared by the Massachusetts Office of Coastal Zone Management (CZM). The CZM report provides a number of sea level rise scenarios over various time frames and under a range of emission scenarios established by the Intergovernmental Panel on Climate Change in their fourth comprehensive report. For this project the Intermediate High Scenario, with sea level rise of 2.47 feet for the year 2075, was utilized as the flood design elevation for evaluating resiliency. The flood elevation of 21.93 feet BCB, is accounted for in all building design decisions, including the placement of critical infrastructure and utilities.

5.1 Site Design Measures

The project proponent will use resilient design practices to limit the project site's susceptibility to flooding from potential sea level rise in combination with extreme weather events.

Paving and landscaping will be designed for short-term flooding, sidewalks will be sloped toward tree pits, planted areas to capture stormwater during short rainstorms and mediate localized flooding. Seaside, native and adapted plant material that is salt tolerant and able to withstand occasional flooding will be used throughout the site.

5.2 Building Resiliency

The project proponent will include multiple approaches to providing resiliency against future flooding, rising sea levels and changes in energy delivery.

The ground floor consisting of the residential entry, restaurant space and back of house facilities will occupy an area that is 18' floor to floor, this height is intended to allow a future modification to raise the ground floor elevation up to 4 feet above the current building design of Boston City Base elevation of 18.5'. In addition, outdoor waterfront areas will be designed to be raised in conjunction with any interior floor rises, as these exterior areas will be primarily on pile-supported piers and require periodic replacement as a part of regular maintenance.

The base building structure and below grade parking garage will be designed with saltwater resistant rebar and water proofed envelope that can be extended upward to the height of the first level above grade. The primary structural slab at the ground floor will also be designed to support a secondary framing system of knee walls and saltwater resistant supports to allow the construction of a new raised entry-level elevation in the future. This will provide 14' floor-to-floor dimensions on both the future ground floor and second level restaurant spaces.

Primary mechanical systems will be designed as Modular/flexible infrastructure that can be modified and/or supplemented as required to meet future building needs. All Critical MEP/FP systems are being installed above the FEMA flood elevation to facilitate operability during flood conditions. Electrical transformers are being installed on a waterproofed elevated platform, above the FEMA flood elevation, to facilitate operability during flood conditions. Backflow prevention valves will be placed on storm system outlets to prevent the injection of a flood surcharge into the building interior. Integrated floodgates will be provided at that entrance of the garage to prevent water from entering and elevator machine rooms will be located at the top of the shaft above the current and future sea levels.

The project proponent will locate emergency generators on the roof to protect critical systems during storm events at the current or projected sea level. Potential temporary, deployable systems that can be fitted to the building for future flood conditions and flooding more severe than the 100-year storm event will also be investigated.

6. Wind Conditions

A pedestrian wind study was conducted on the proposed 150 Seaport Boulevard Project to assess the effect of the proposed development on local wind comfort conditions in pedestrian areas around the study site and provide recommendations for minimizing adverse effects. The study was used to determine if winds caused by the new construction exceeded the City's pedestrian level wind criteria on the surrounding sidewalks. The study modeled the ground level wind conditions at one hundred and one (101) locations including pedestrian routes and public streets surrounding the building.

The City has adopted two standards for assessing relative wind comfort of pedestrians. The first criterion used to determine the relative level of pedestrian wind comfort for activities such as sitting, standing and walking.

Pedestrian Level Wind Standards – Mean wind speeds

<u>Level of Comfort</u>	<u>Wind Speed</u>
1. Comfortable for Sitting	<9 mph
2. Comfortable for Standing	>9 and <13 mph
3. Comfortable for Walking	>13 and <18 mph
4. Uncomfortable for Walking	>18 and <22 mph
5. Uncomfortable/Dangerous	>22 mph

The second standard is the wind design guidance criterion which requires that the equivalent gust (defined as the mean velocity plus 1.5 times the root mean square value) speed of 31 mph should not be exceeded more than one percent of the time.

The results of the wind study were compared to the recommended criteria for evaluating pedestrian level winds at all 101 locations studied meet the recommended criteria, 98 of the locations (97%) had wind conditions which improved or remained the same from the existing configuration to the build configuration. It is anticipated that mitigation measures such as canopies, wind screens and landscaping will be included to alleviate wind gusts in three locations during the spring, fall and winter seasons. Appendix 1 has more details on the wind analysis for the 150 Seaport Boulevard project.

7. Consistency with State Agency Plans

An MHP must include all feasible measures to achieve compatibility with plans or planned activities of all state agencies owning real property or responsible for the implementation or development of plans and projects within harbor planning area.

Massport is the only state agency that owns property within the MHP amendment area. It also operates a water dependent industrial pier to the east of the project site at Commonwealth Pier 5/The World Trade Center, the west side of which is accessed by vessels via the adjacent water sheet.

7.1 Consistency with State Tidelands Policy Objectives

As required by 301 CMR 23.05(3), the South Boston MHP Renewal & Amendment must be consistent with state tidelands policy objectives and associated regulatory principles set forth in the state Chapter 91 Waterways regulations at 310 CMR 9.00. As promulgated, the Waterways regulations provide a uniform statewide framework for regulating tidelands projects. Municipal Harbor Plans and associated amendments present communities with an opportunity to propose modifications to these uniform standards through the amplification of the discretionary requirements of the Waterways regulations or through the adoption of provisions that, if approved, are intended to substitute for the use limitations or numerical standards of 310 CMR 9.00. The substitute provisions of Municipal Harbor Plans, in effect, can serve as the basis for a waiver of specific use limitations and numerical standards affecting nonwater-dependent use projects, and thereby reflect local planning goals in decisions involving the complex balancing of public rights in and private uses of tidelands.

The South Boston MHP Renewal & Amendment contains clear guidance that will have a direct bearing on Chapter 91 licensing decisions within the harbor planning area. Included in this guidance

are provisions that are intended to substitute for certain minimum use limitation and numerical standards in the regulations.

These provisions are each subject to the approval criteria under 301.CMR 23.05(3)(b)-(e), and as explained below.

The general framework for evaluating all proposed substitute provisions to the Waterways requirements is established in the Municipal Harbor Plan regulations at 301 CMR 23.05(2)(c) and 301 CMR 23.05(2)(d). The regulations, in effect, set forth a two part standard that must be applied individually to each proposed substitution in order to ensure that the intent of the Waterways requirements with respect to public rights in tidelands is preserved.

For the first part, in accordance with 301 CMR 23.05(2)(c), there can be no waiver of a Waterways requirement unless the Secretary determines that the requested alternative requirements or limitations ensure that certain conditions—specifically applicable to each minimum use limitation or numerical standard—have been met. The second part of the standard, as specified in 301 CMR 23.05(2)(d), requires that the municipality demonstrate that a proposed substitute provision will promote, with comparable or greater effectiveness, the appropriate state tidelands policy objective.

A municipality may propose alternative use limitations or numerical standards that are less restrictive than the Waterways requirements as applied in individual cases, provided that the plan includes other requirements that, considering the balance of effects on an area-wide basis, will mitigate, compensate for, or otherwise offset adverse effects on water-related public interests.

Under 301 CMR 25.5(2)(a), an MHP must be consistent with the relevant primary state tidelands policy objectives. For substitute provisions relative to the minimum use and numerical standards of 310 CMR 9.51(3)(a)–(e), 310 CMR 9.52, and 310 CMR 9.53, any proposal must ensure that nonwater-dependent uses do not unreasonably diminish the capacity of tidelands to accommodate water-dependent uses. Similarly, substitute provisions for nonwater-dependent projects on Commonwealth Tidelands must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes, as provided in 310 CMR 9.53.

The 2016 South Boston MHP Renewal & Amendment is consistent with the relevant primary state tidelands policy objectives as described below.

Categorical Restrictions on Fill and Structures – 310 CMR 9.32

None of the proposed site uses or improvements are categorically restricted in previously filled or flowed tidelands.

Environmental Protection Standards – 310 CMR 9.33

310 CMR 9.33 states all projects must comply with the applicable environmental regulatory programs of the Commonwealth. The regulatory programs specifically applicable to the Project are:

- The Massachusetts Environmental Policy Act (MEPA);

- The Massachusetts Wetlands Protection Act (a notice of intent will be filed with the City of Boston Conservation Commission);
- Massachusetts Historical Commission Act; and
- Coastal Zone Management Consistency Review.

Conformance with Municipal Zoning and Harbor Plans standards – 310 CMR 9.34

The Project meets the requirements set forth in Section 27P – 15 and Section 42E – 5 of the Zoning Code for the issuance of the Boston Redevelopment Authority's Section 18 recommendation.

The proposed project at 150 Seaport Boulevard will conform with the substitute provisions for nonwater dependent uses included in the Secretary's approval of the 2016 South Boston MHP Renewal & Amendment.

Standards to Preserve Water-Related Public Rights – 310 CMR 9.35

The Waterways regulations at §9.35 are designed to preserve the public's rights to navigation, free passage over and through the water and access to Town landing, and to insure that public open spaces are properly managed and maintained.

The Project will be located within the confines of the existing Chapter 91 license area, as reconfigured and/or extended in compliance with the 2016 South Boston MHP Renewal & Amendment and the Chapter 91 regulations.

The Proponent or its successors will be responsible for the on-going management and maintenance of public open space planned for the Project. The Proponent expects that there will be no restriction on hours of use of the public open space. Similarly, there will be no gates or fencing associated with the public areas. The Proponent will develop a maintenance plan that addresses the regulatory standards presented in 310 CMR 9.35.

Standards to Protect Water-Dependent Uses – 310 CMR 9.36

The regulations at 310 CMR 9.36 are designed to protect any water-dependent uses occurring at or proximate to the site. This includes water-dependent uses within the five years prior to the filing of the license application.

The Project site is available to the pedestrian public. The Project will result in a number of significant improvements to the water-dependent aspects of the property, including the considerable expansion of public open space for passive recreational use.

Engineering Construction Standards – 310 CMR 9.37

All structures will be designed and constructed in a manner that is structurally sound and will be certified by a Registered Professional Engineer.

Nonwater Dependent Uses on New Pile Supported Structures – 310 CMR 9.51(3)(a)

Nonwater dependent structures on new pile-supported structures generally shall not extend beyond the footprint of existing, previously authorized pile-supported structures or pile fields. The Project will require new pile-supported structures but they will be located within the confines of the existing Chapter 91 license area, as reconfigured and/or extended in compliance with the 2016 South Boston MHP Renewal & Amendment and the Chapter 91 regulations.

Nonwater Dependent Facilities of Private Tenancy – 310 CMR 9.51(3)(b)

For nonwater dependent uses on pile-supported structures, 310 CMR 9.51(3)(b) prohibits Facilities of Private Tenancy on any pile supported structure on flowed tidelands, or on ground floor of any filled tidelands within 100 feet of a project shoreline. The South Boston MHP reaffirms this concept, and further requires that any upper floor accessory uses on the ground floor be limited to 20% of the building footprint. The principal ground floor uses are public open space and a restaurant.

Water Dependent Use Zone – 310 CMR 9.51(3)(c)

Except as authorized in the 2000 South Boston MHP and its 2002 and 2009 amendments, the 2016 South Boston MHP Renewal and Amendment complies with the WDUZ standard at 310 CMR 9.51(3)(c).

Lot Coverage – 310 CMR 9.51 (3)(d)

For the lot coverage standard at 310 CMR 9.51(3)(d), an MHP must specify an alternative lot coverage, ratios and other requirements, that ensure, in general, buildings for nonwater dependent use will be relatively condensed in footprint, and must demonstrate that the substitution provisions set forth will, with comparable or greater effectiveness, make available an amount of open space to accommodate water-dependent activity, and associated public access, commensurate with that occupied by buildings containing nonwater-dependent uses.

The South Boston MHP Renewal & Amendment specifies an overall lot coverage of approximately 65%, or up to a maximum of 70% depending upon the final project site size resulting in approximately 3,100 SF of building footprint in excess of the Chapter 91-compliant standard which will be offset.

In addition, the proposed project eliminates a portion of the existing building footprint on the eastern and southern sides of the project site, opening up view corridors to the harbor from Seaport Boulevard and B Street. Capping the ground floor building footprint at 50% of the project site further expands exterior public space and provides an improved connection to the harbor from Seaport Boulevard. The approval standards for lot coverage are met through a combination of: (1) building and site design; (2) a reconfigured open space area along the waterfront sides of the project that maintains a minimum 26-foot wide building setback; and (3) the proposed offset. The amount of upper floor accessory services on the ground floor shall not exceed 20% of the total building footprint as provided as an amplification in the 2000 South Boston MHP.

Building Height – 310 CMR 9.51(3)(e)

For the building height standard at 310 CMR 9.51(3)(e), an MHP must specify an alternative height limit that ensures that, in general, new or expanded buildings for nonwater-dependent use will be relatively modest in size, as appropriate for the harbor in question, in order that wind, shadow, and other conditions of the ground-level environment will be conducive to water-dependent activity and public access. The approval standards focus on how a building's mass will be experienced at the public open spaces on the project site, especially along the waterfront and key pathways leading thereto.

The Plan specifies a change in building height from 55 feet under the provisions of 310 CMR 9.51(3)(e) to 250 feet. This alternative height dimension is consistent with previously approved adjacent parcels in the 2000 South Boston MHP and in other portions of the immediate neighborhood. The proposed project will generate 16,640 SF of net new shadow which will be offset. Wind impacts will be mitigated through building design review to ensure there are no negative impacts on ground-level conditions. This substitute provision, coupled with the proposed offsetting measures, will not impair water-dependent activity or public access to the waterfront, and will appropriately serve to meet the objectives of 310 CMR 9.51(3)(e).

Utilization of Shoreline for Water Dependent Purposes – 310 CMR 9.52

This section of the Waterways regulations requires that “a nonwater dependent use project that includes fill or structures on any tidelands shall devote a reasonable portion of such lands to water dependent use, including public access in the exercise of public rights on such lands.” Under subsection (1)(a), nonwater dependent use projects with a WDUZ must include “...one or more facilities that generate water dependent activity of a kind and to a degree that is appropriate for the project site, given the nature of the project, conditions of the water body on which it is located, and other relevant circumstances”. The primary public objective at this site is to complete the Harborwalk, and, given the constrained site and the limited watersheet area, public access is the focus for water dependent purposes.

The proposed project meets this standard by providing a minimum 12-foot wide clear-to-the-sky Harborwalk around the perimeter of the project site, a WDUZ, additional open space areas, and exterior public space, through which the public may access the waterfront but which is not clear-to-the-sky. The relatively small project site is located between the fully accessible public docking area at the Water Commons at Pier Four and the water transportation terminal at Commonwealth Pier 5/The World Trade Center. Additional water dependent uses are readily available in proximity to the project site and, therefore, such uses are not part of the project due to site constraints and to avoid conflicts with these two other facilities.

Activation of Commonwealth Tidelands for Public Use – 310 CMR 9.53

Under 310 CMR 9.53, a nonwater dependent use project “...that includes fill or structures on Commonwealth tidelands...must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures the private advantages of use are not primary but merely incidental to the achievement of public purposes.” In addition, the project “...shall attract and maintain substantial public activity on the site on a year-round basis, through the provisions of water-related public benefits of a kind and to a

degree that is appropriate for the site, given the nature of the project, conditions of the waterbody on which it is located, and relevant circumstances. "

As discussed above, the proposed project meets this standard by providing a minimum 12-foot wide clear-to-the-sky Harborwalk around the perimeter of the project site and additional open space for a WDUZ, additional open space areas, and exterior public space, through which the public may access the waterfront but which is not clear-to-the-sky. The interior area is activated to attract the general public through a two-level restaurant facing Seaport Boulevard and Boston Harbor, and upper floor accessory services at the ground level are limited to 20% of the building footprint, in accordance with the 2000 South Boston MHP. The relatively small project site is located between the fully accessible public docking area at the Water Commons at Pier Four and the water transportation terminal at Commonwealth Pier 5/The World Trade Center. Additional water dependent uses are readily available in proximity to the project site and, therefore, are not part of the project to avoid conflicts with these other two facilities.

Under 310 CMR 9.53(2)(a), the proposed project must also "promote water-based public activity" including but not limited to ferries, cruise ships, water shuttles, public landings and swimming/fishing areas, excursion/charter/rental docks, and community sailing centers. As stated above, the site and watershed constraints preclude water-based public facilities, other than public access, which is the water dependent use focus of this project. The project promotes "water-based public activity" by providing improved public access to the Pier Four Water Commons and Commonwealth Pier 5/The World Trade Center water transportation centers, and through the payment of a long-term Chapter 91 license fee.

The project meets the standards in 310 CMR 9.53(2)(b) by orienting all open space associated with the project site along the waterfront or leading directly to the waterfront, and by providing public amenities such as viewing scopes, public art, water features, lighting, public seating, wayfinding, and exterior support for adjacent interior public nonprofit space, specifically the Society for Arts and Crafts at 100 Pier Four.

Implementation Strategies – 301 CMR 23.05(4)

Pursuant to 301 CMR 23.05(4), the Plan must include enforceable implementation commitments to ensure that, among other things, all measures will be taken in a timely and coordinated manner to offset the effect of any plan requirement less restrictive than that contained in 310 CMR 9.00. The project will be subject to the requirements of the Boston Zoning Code, including provisions authorizing planned development areas that will ensure implementation of the offsets.

The site is located within the Fort Point Waterfront subdistrict of the Harborpark Zoning District and within the South Boston Inner Harbor subdistrict of the South Boston Waterfront Interim Planning Overlay District ("IPOD"). The IPOD allows Planned Development Area ("PDA") designations in the area of the project site, and the Proponent intends to seek approval of a PDA development plan for the 150 Seaport Boulevard project. The PDA and the development plan, after public comment and review, are subject to approval by the BRA Board, the Boston Zoning Commission and the Mayor. Upon the approval and establishment of the PDA, the Project will be governed by the development plan.

The development plan will establish specific dimensional requirements for the project that will allow a maximum height of 250 feet and minimum open space of 9,767 SF. In addition, the development plan will describe the placement of the building on the site, the location and nature of open spaces, and other public amenities and public benefits.

The project also will be subject to Large Project Review pursuant to Article 80B of the Zoning Code, under which the BRA will assess project impacts and conduct design review. The Article 80 process will result in an enforceable agreement to provide mitigation, including the proposed offsets in the MHP. Before the project can receive a building permit, the director of the BRA must issue a certificate of consistency with the PDA development plan and a certificate of compliance with respect to large project review. Thus, the zoning process will result in enforceable implementation of the offsets.

The project Proponent will be responsible for securing long-term agreements that provide care and control of the entire project site for at least the same period of time as the term of the Chapter 91 license. Currently, the Proponent has a perpetual and exclusive easement from 130 Northern Avenue, LLC to use the land constituting the north side of the site for the Harborwalk and a seawall and expects to acquire the fee interest to this area. In addition, the Proponent anticipates obtaining a similar perpetual and exclusive easement from Massport to use Massport property along the east side of the site for the project. Finally, the Proponent plans to acquire the fee interest in both the Triangle Parcel and in the air space over the sidewalk on Seaport Boulevard from the City and/or BRA, in accordance with the Public Improvement Commission's guidelines.

7.2 Consistency with State Coastal Policies

The South Boston MHP Renewal & Amendment complies with the enforceable policies, as revised in 2011, of the approved Massachusetts Coastal Zone Management (CZM) program and will be implemented in a manner consistent with such policies. A summary of the regulatory and non-regulatory CZM policies and the consistency of the South Boston MHP site-specific amendment with the applicable policies are presented below. The remaining areas of the South Boston MHP area are unchanged and remain consistent with State Coastal Policies.

Coastal Hazards Policy #1

Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.

Natural coastal landforms at the 150 Seaport Boulevard site, such as coastal bank and land subject to coastal storm flowage, have been altered extensively. The coastal bank consists primarily of a man-made bulkhead. Due to the deteriorated condition of the bulkhead, repairs and reconstruction are required, which will improve the condition and functionality of the bulkhead.

Coastal Hazards Policy #2

Ensure that construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Flood or erosion control projects must demonstrate no significant adverse effects on the project site or adjacent or downcoast areas.

All construction and demolition associated with the redevelopment of the 150 Seaport Boulevard project along the water will follow Best Management Practices and will occur within the confines of a floating siltation curtain and debris boom.

No significant interference with water circulation or sediment transport is anticipated. The proposed elevation of the street and sidewalk along Seaport Boulevard as part of this project will assist flood control efforts.

Energy Policy #2

Encourage energy conservation and the use of renewable sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.

The 150 Seaport Boulevard project will strive to meet LEED Silver certification. The project's location allows convenient use of the MBTA Silver Line, water transportation, and bus and rail connections at South Station. As part of the project, a bike lane will be incorporated into the redesigned Seaport Boulevard.

Growth Management Policy #1

Encourage sustainable development that is consistent with state, regional, and local plans and supports the quality and character of the community.

The 150 Seaport Boulevard project will strive to meet LEED Silver certification. Over time, the project's elevation may be adjusted relative to rising average harbor levels. The project's location allows convenient use of the MBTA Silver Line, water transportation, and bus and rail connections at South Station. As part of the project, a bike lane will be incorporated into the redesigned Seaport Boulevard.

Habitat Policy #1

Protect coastal, estuarine, and marine habitats—including salt marshes, shellfish beds, submerged aquatic vegetation, dunes, beaches, barrier beaches, banks, salt ponds, eelgrass beds, tidal flats, rocky shores, bays, sounds, and other ocean habitats—and coastal freshwater streams, ponds, and wetlands to preserve critical wildlife habitat and other important functions and services including nutrient and sediment attenuation, wave and storm damage protection, and landform movement and processes.

The 150 Seaport Boulevard project is located on a filled bulkhead and over flowed tidelands on pile-supported piers. Adjacent areas are also on filled tidelands with shoreline protection structures, most commonly bulkheads and seawalls. The reconstruction of the existing bulkhead will improve its functionality and the protection it provides to flowed tidelands in the immediate area. Storm

damage protection will be increased through man-made methods by raising the sidewalk and roadway of Seaport Boulevard.

Habitat Policy #2

Advance the restoration of degraded or former habitats in coastal and marine areas.

The 150 Seaport Boulevard project will cause temporary impacts to flowed wetlands in the immediate area of the project site, due to construction of the project and reconstruction of the existing seawall. In addition, the existing Chapter 91 license authorizes the Harborwalk to extend 12 feet beyond the waterfront perimeter of the site; therefore, improvements to the Harborwalk could cause wetland resource impacts.

All construction will follow Best Management Practices to avoid negative impacts to wetland resources. During demolition and construction, the entire work area will be contained within a floating siltation curtain and debris boom. The floating siltation curtain will minimize turbidity to the localized area of construction. The contractor will be required to clean the water surface and any areas confined within the floating debris boom on a daily basis.

Once the new Harborwalk is complete, a permanent Harborwalk and publicly accessible promenade and open space will be present on site to promote use and enjoyment of the water's edge.

Ports and Harbors Policy #3

Preserve and enhance the capacity of Designated Port Areas to accommodate water-dependent industrial uses and prevent the exclusion of such uses from tidelands and any other DPA lands over which an EEA agency exerts control by virtue of ownership or other legal authority.

The proposed project has been designed and situated so that it does not impact vessel movements in and out of the World Trade Center/Commonwealth Pier 5, which is located in a DPA. The 150 Seaport Boulevard project site and adjacent watershed are not within the South Boston DPA.

Ports and Harbors Policy #4

For development on tidelands and other coastal waterways, preserve and enhance the immediate waterfront for vessel-related activities that require sufficient space and suitable facilities along the water's edge for operational purposes.

The proposed project has been designed and situated so that it does not impact vessel movements in and out of the World Trade Center/Commonwealth Pier 5. There is also sufficient turning room for smaller vessels using the Water Commons at Pier 4. No vessel-related activities are planned due to the relatively small size of the project site, its proximity to the two maritime facilities mentioned above, and shallow water depth around the waterside perimeter of the site.

Ports and Harbors Policy #5

Encourage, through technical and financial assistance, expansion of water-dependent uses in Designated Port Areas and developed harbors, re-development of urban waterfronts, and expansion of physical and visual access.

The proposed project has been designed and situated so that it does not impact vessel movements in and out of the World Trade Center/Commonwealth Pier 5, which is located in a DPA. There is also sufficient turning room for smaller vessels using the Water Commons at Pier 4. No vessel-related activities are planned for the project due to the relatively small size of the project site, its proximity to the two maritime facilities mentioned above, and shallow water depth around the waterside perimeter of the site. The project also opens up the waterfront to the public by providing a water dependent use zone and a Harborwalk where these areas do not exist currently, and opens up view corridors along B Street and Seaport Boulevard.

Protected Areas Policy #3

Ensure that proposed developments in or near designated or registered historic places respect the preservation intent of the designation and that potential adverse effects are minimized.

The Project site does not encompass any resources that are listed in the State or National Register or included in the Inventory. The site is in the vicinity of several historic properties. The Fort Point Channel National Register Historic District/Fort Point Channel Landmark District and the Seaport Boulevard/Boston Wharf Road Landmark District Protection Area are located south and west of the Project site. Commonwealth Pier Five (World Trade Center) and the South Boston Fish Pier are located east of the project site; Commonwealth Pier Five (World Trade Center) is individually listed in the National Register and the South Boston Fish Pier is included in the Inventory. The Chapel of Our Lady of Good Voyage, included in the Inventory, is located northwest of the site.

Public Access Policy #1

Ensure that development (both water-dependent and nonwater-dependent) of coastal sites subject to state waterways regulation will promote general public use and enjoyment of the water's edge, to an extent commensurate with the Commonwealth's interests in flowed and filled tidelands under the Public Trust Doctrine.

Currently, the site has no water dependent use zone and no waterside Harborwalk. The proposed project will provide approximately 7,600 SF of open space along the water's edge, including a Chapter 91-compliant WDUZ and a 12-foot wide Harborwalk with approximately SF will be for the Harborwalk. In addition, exterior open space, some open to the sky and some under a building cantilever, leads from Seaport Boulevard along a curved building façade, opening up views of the harbor. The Harborwalk will also be accessible along the west side of the building.

Public Access Policy #2

Improve public access to existing coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation and trail links (land- or water-based) to other nearby facilities. Increase capacity of existing recreation areas by facilitating multiple use and by

improving management, maintenance, and public support facilities. Ensure that the adverse impacts of developments proposed near existing public access and recreation sites are minimized.

Apart from an existing second floor observation area, there is currently no public outdoor recreational area on this site. The project will create such areas as described in Public Access Policy #1 above.

Public Access Policy #3

Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities, giving highest priority to regions of high need or limited site availability. Provide technical assistance to developers of both public and private recreation facilities and sites that increase public access to the shoreline to ensure that both transportation access and the recreation facilities are compatible with social and environmental characteristics of surrounding communities.

Given the relatively small size of the project site, only passive recreation is promoted, with the principal objective being the creation of a Harborwalk and WDUZ connection between Pier Four and Seaport Boulevard along the water's edge. The site is easily accessible from the MBTA's Silver Line, by water transportation at Fan Pier and Pier Four, and by use of the Harborwalk itself.

Water Quality Policy #1

Ensure that point-source discharges and withdrawals in or affecting the coastal zone do not compromise water quality standards and protect designated uses and other interests.

The 150 Seaport Boulevard project will comply with all federal and state point-source discharge requirements.

Water Quality Policy #2

Ensure the implementation of nonpoint source pollution controls to promote the attainment of water quality standards and protect designated uses and other interests.

The development at 150 Seaport Boulevard will be designed to comply with all applicable nonpoint source pollution standards.

Figure 1-1. South Boston Waterfront MHP Area & Amendment Planning Area

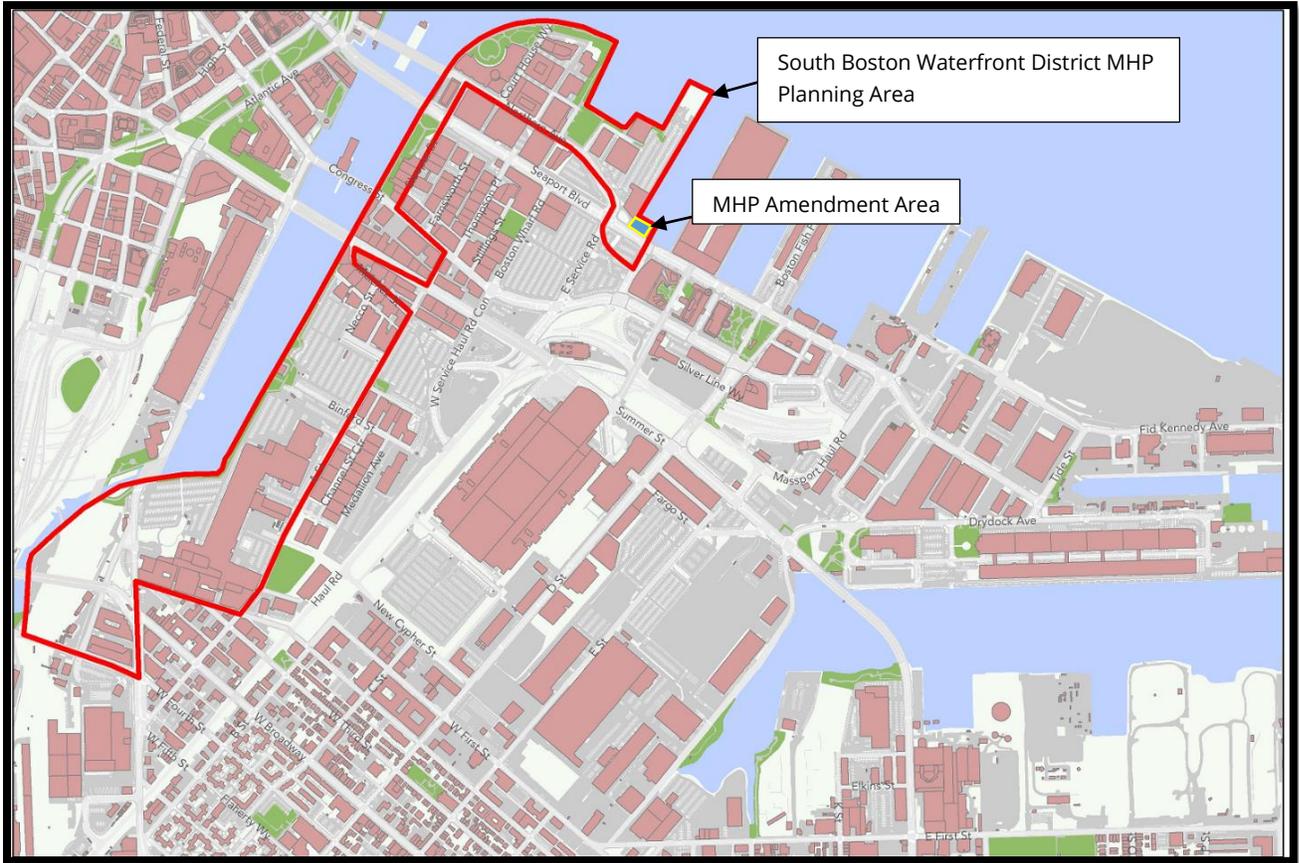
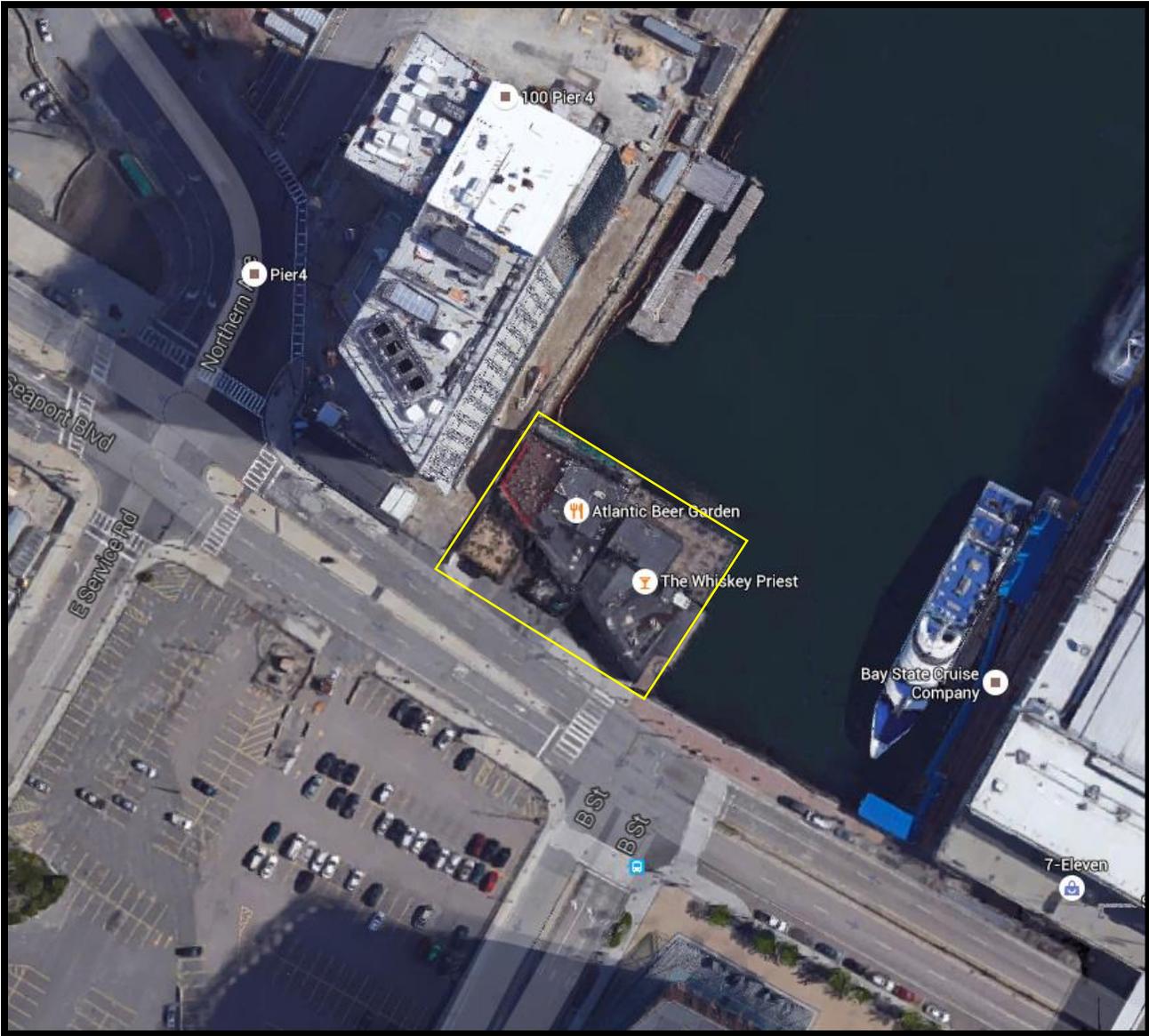
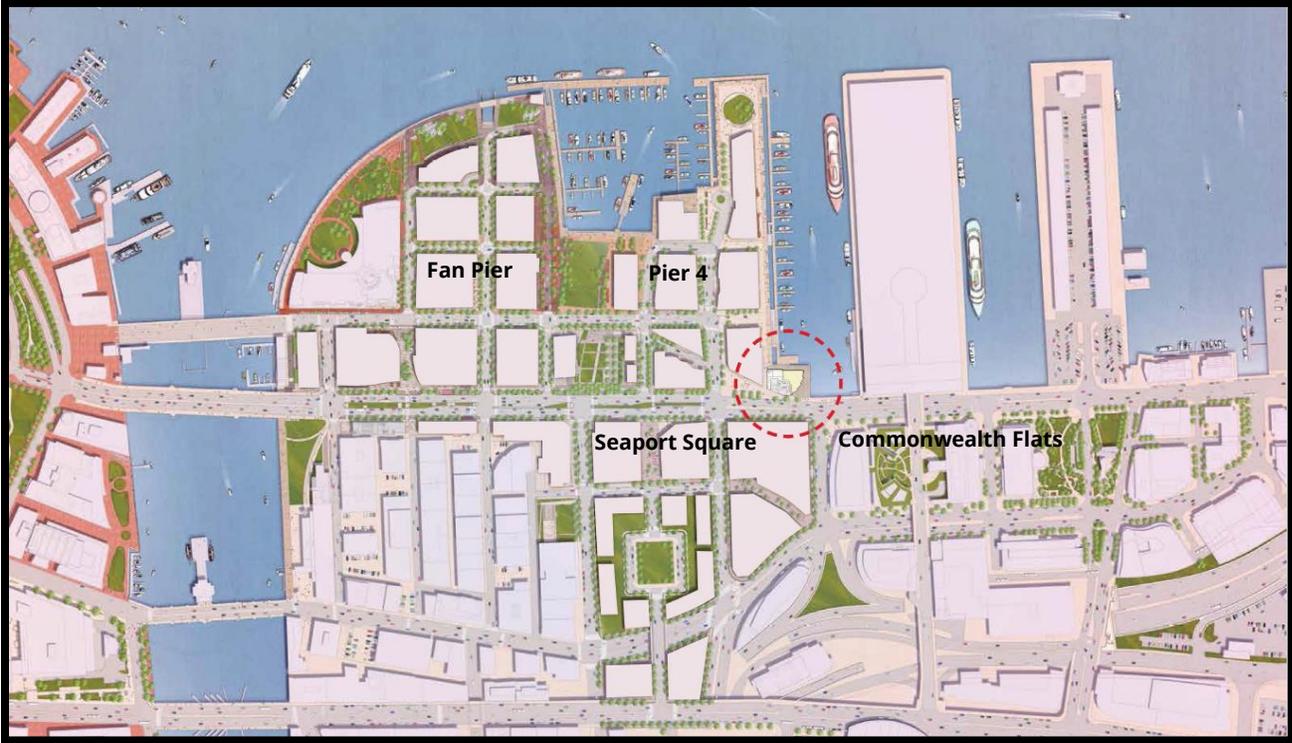


Figure 1-2. Amendment Planning Area - 150 Seaport Boulevard

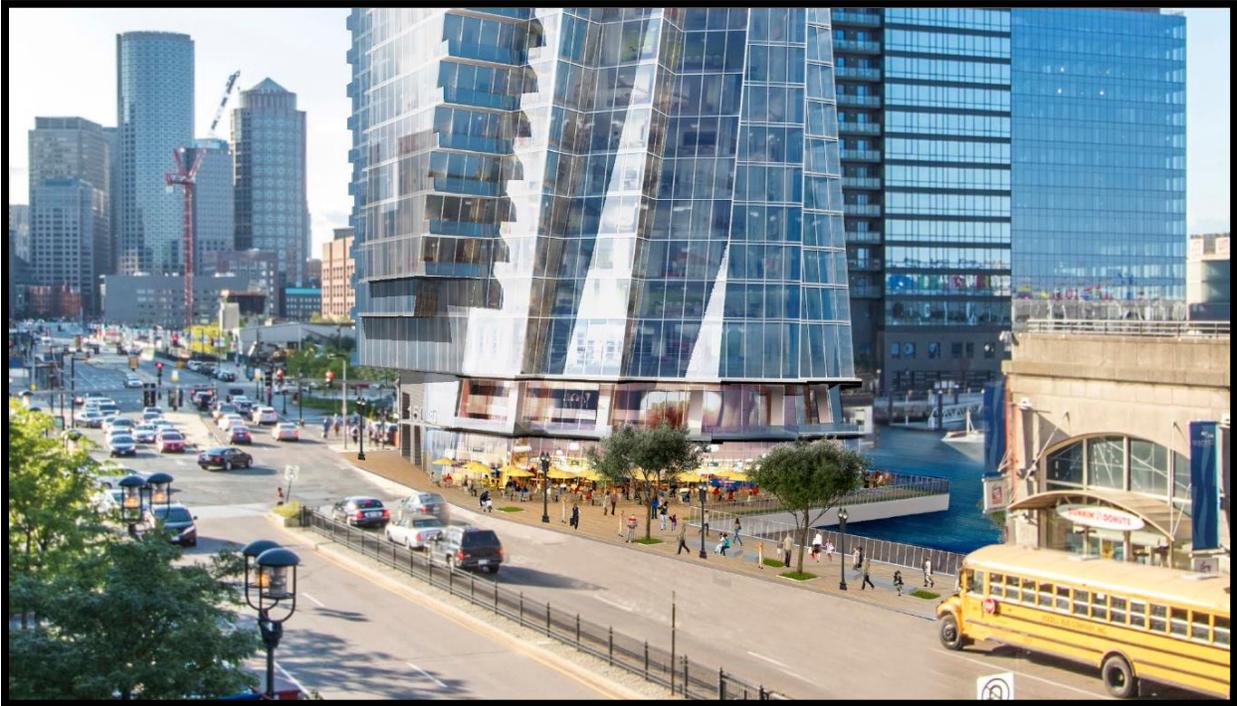


Google Maps

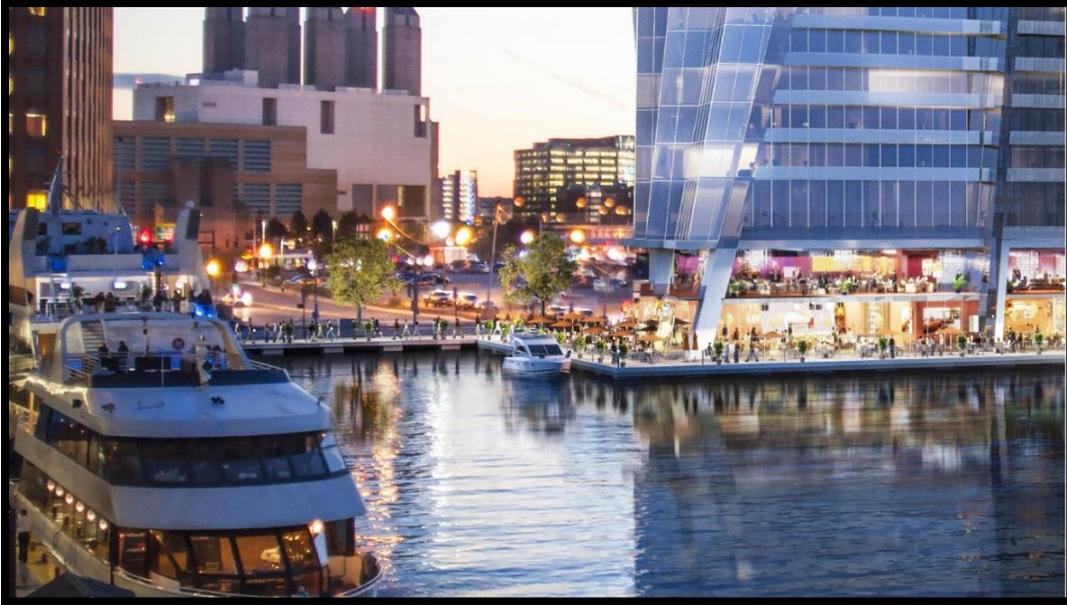
Figure 1-3. 150 Seaport Boulevard – Site Context



1-4. 150 Seaport Boulevard Project Renderings



150 Seaport Boulevard Project Renderings



150 Seaport Boulevard Project Renderings



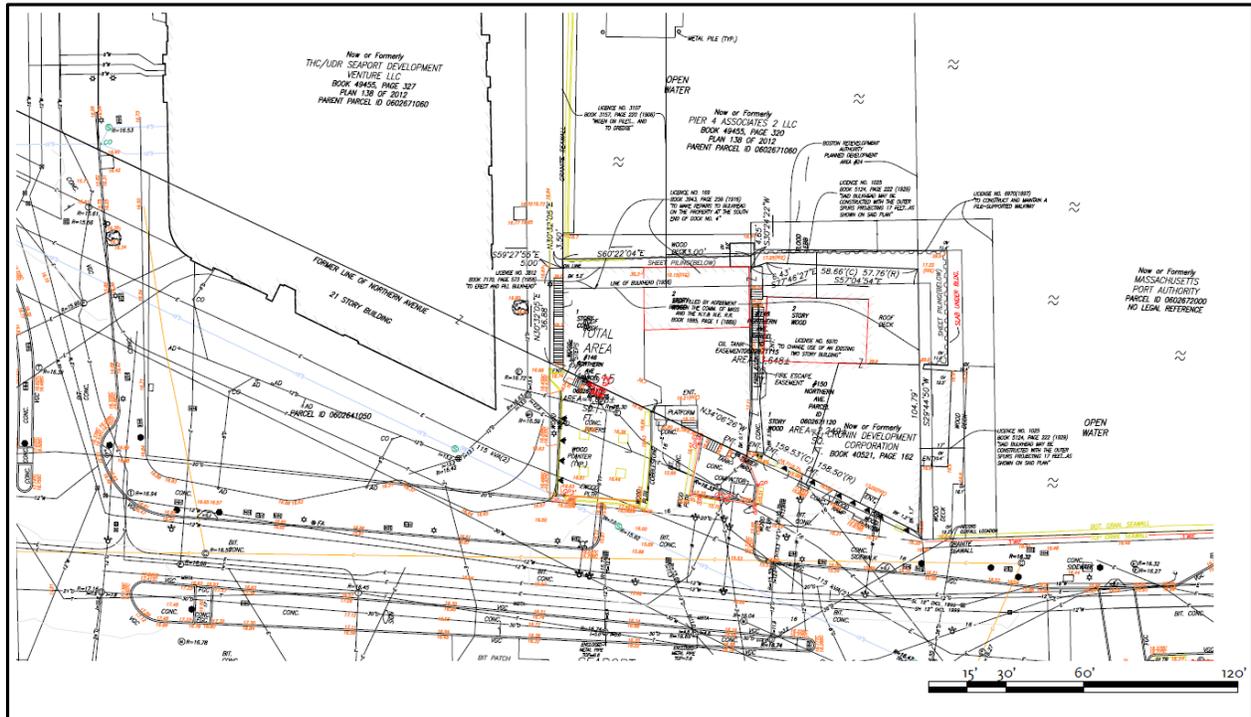
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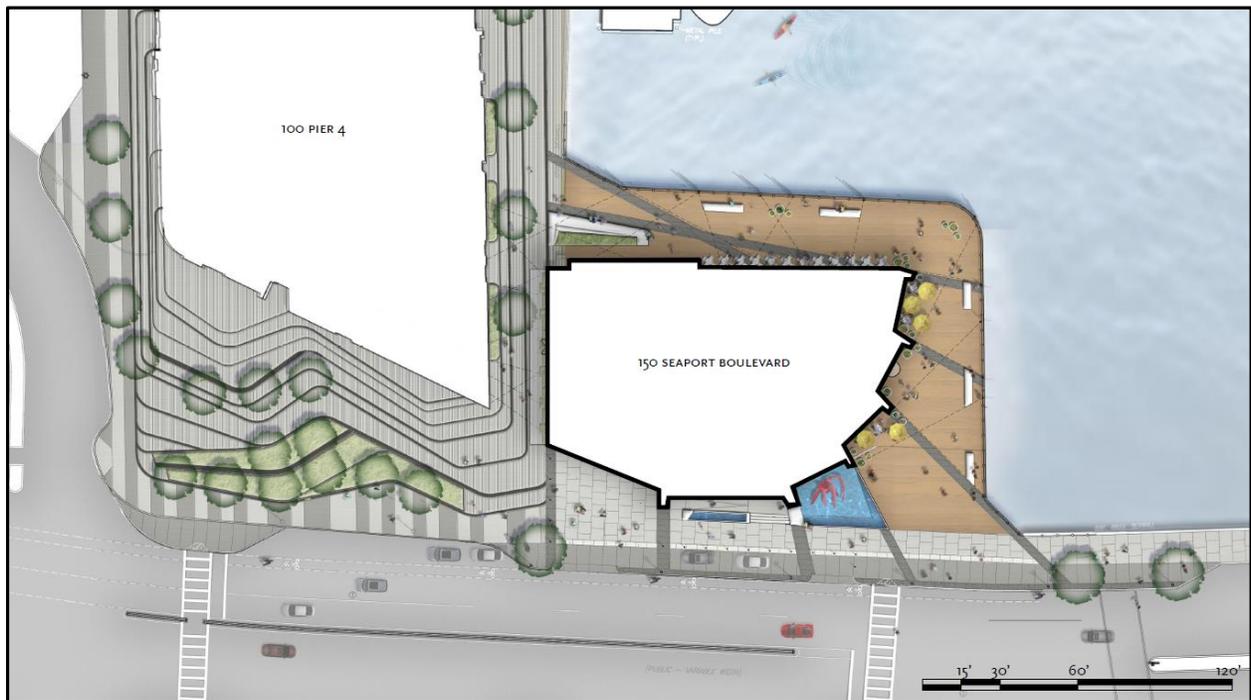
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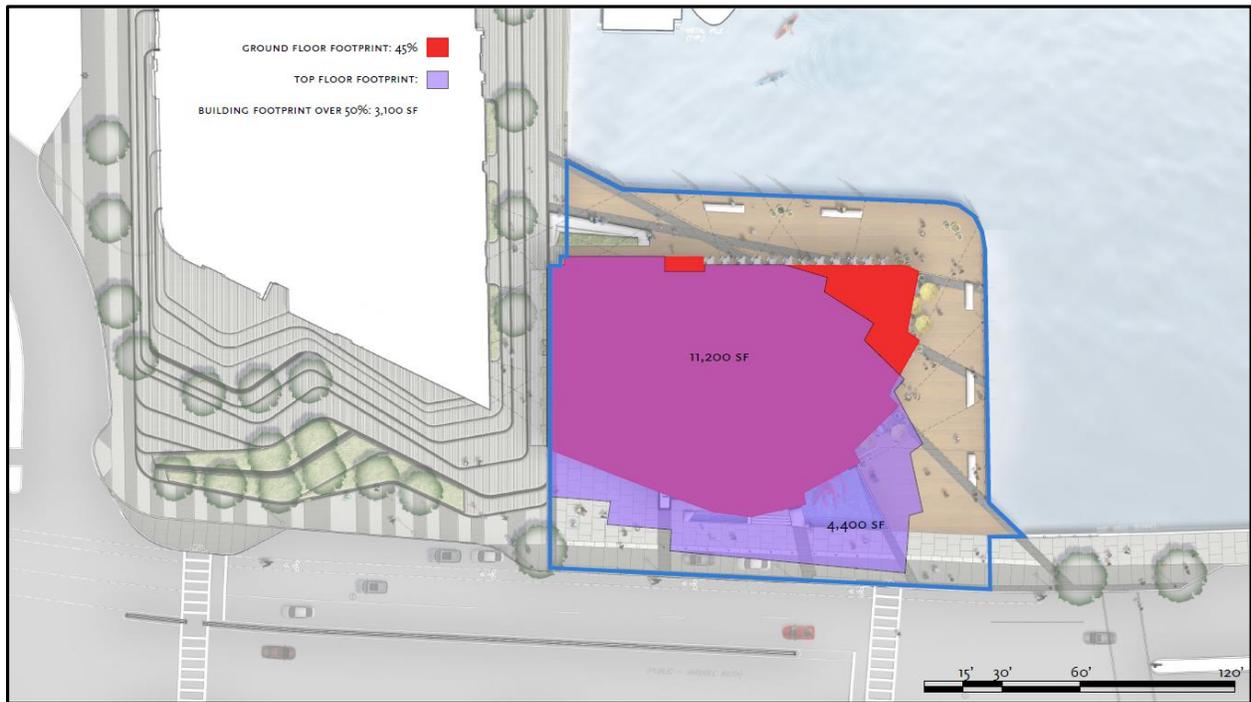
1-5 150 Seaport Boulevard Existing Conditions Survey



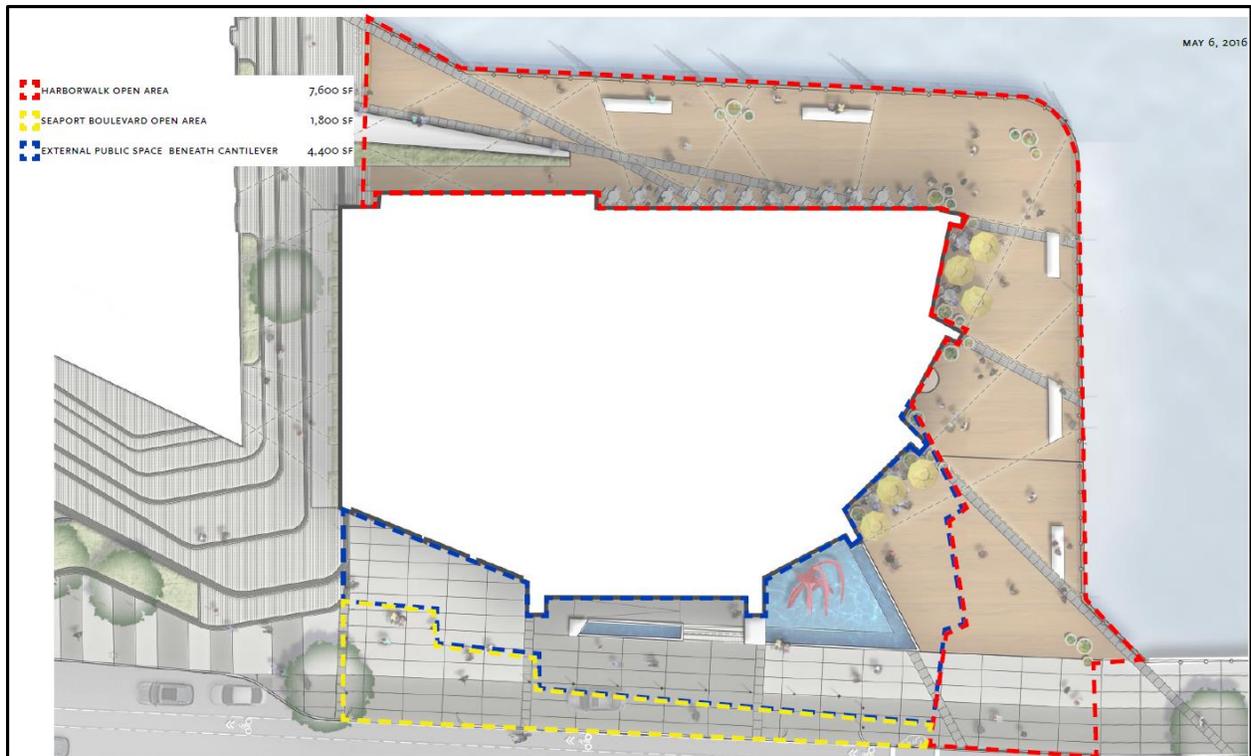
1-6 150 Seaport Boulevard Site Plan



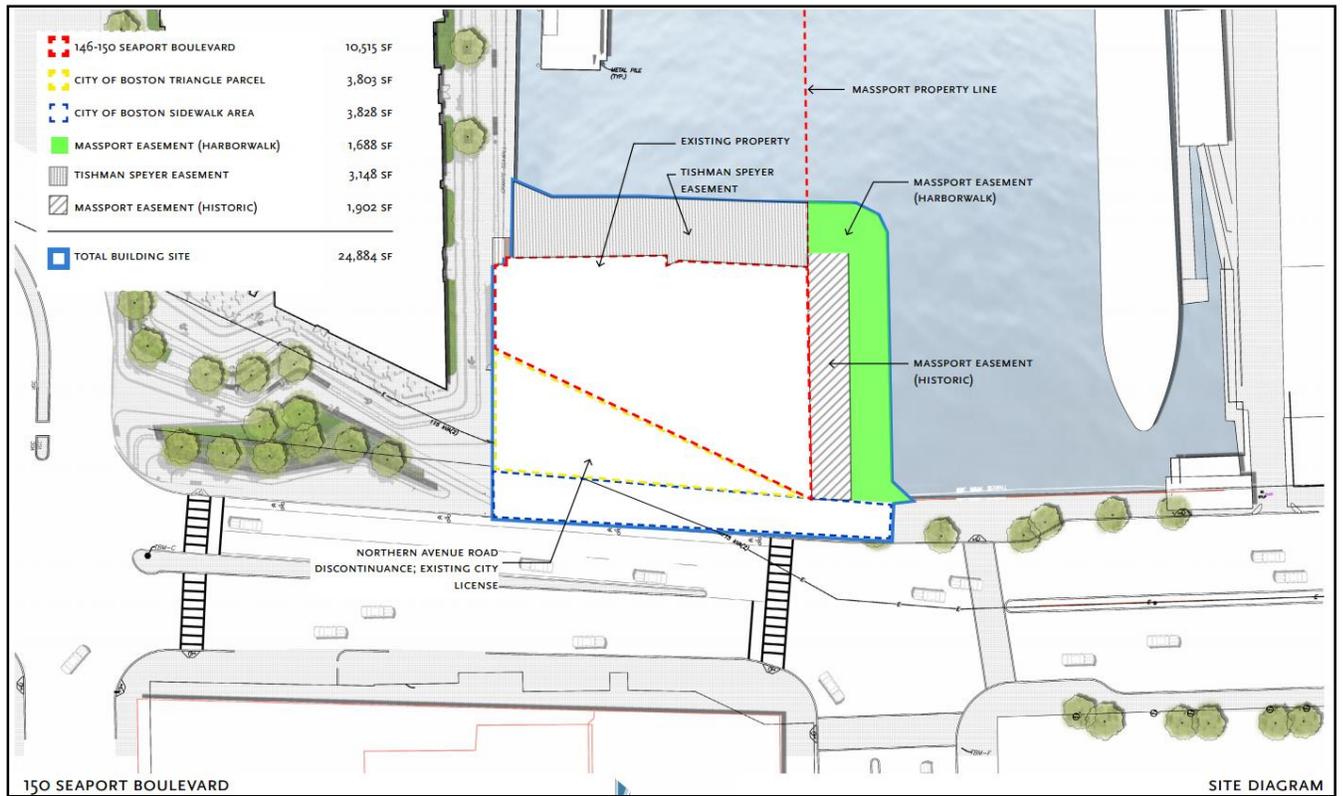
1-7 150 Seaport Boulevard Building Footprint



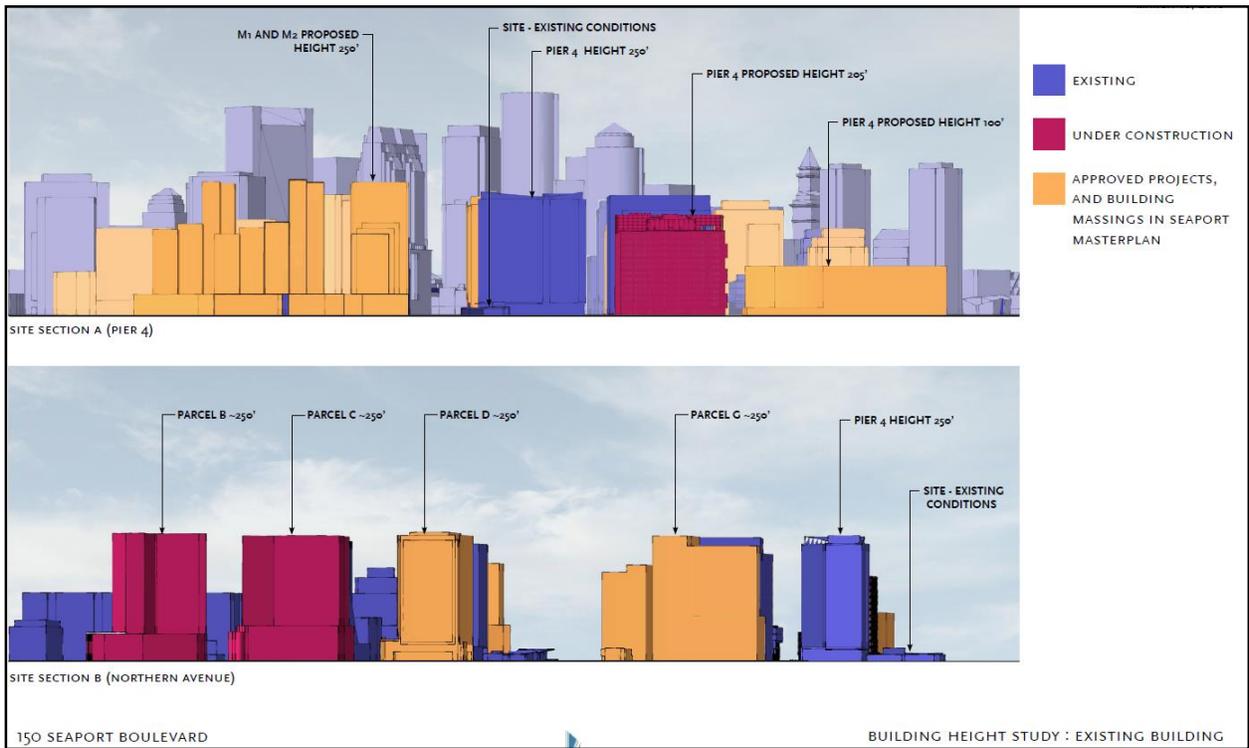
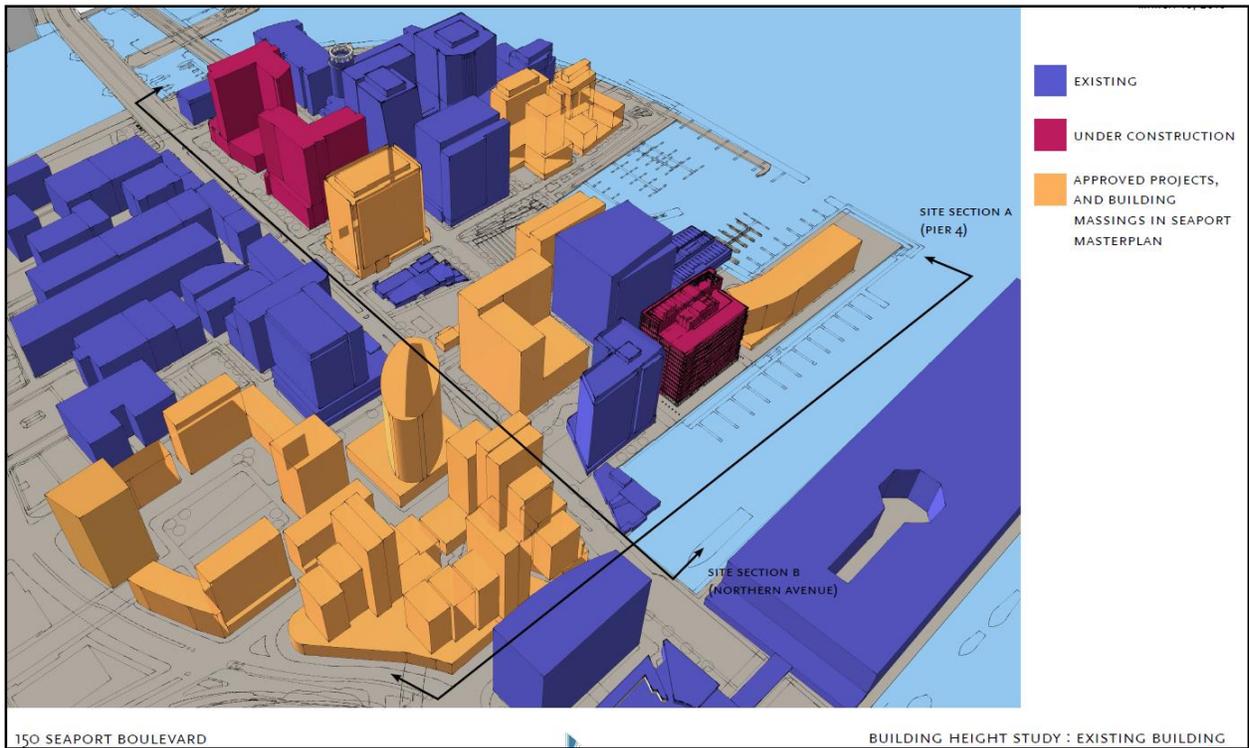
1-8 150 Seaport Boulevard Open Space



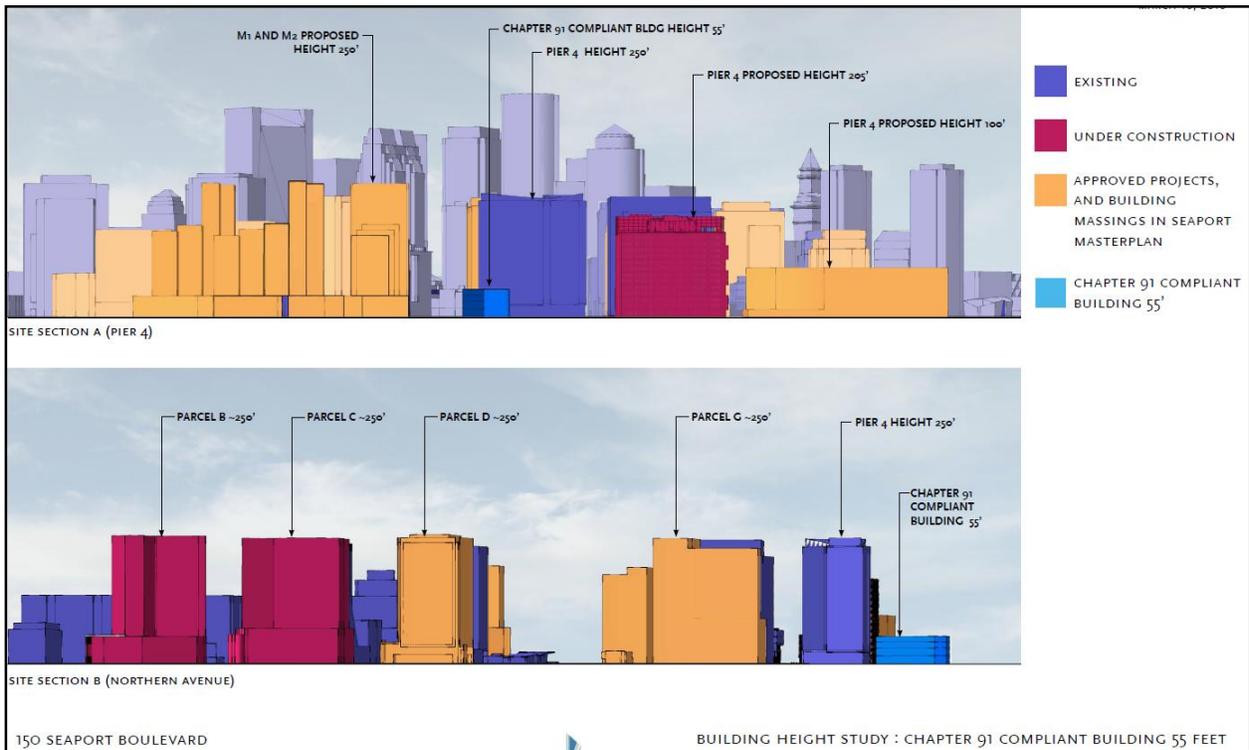
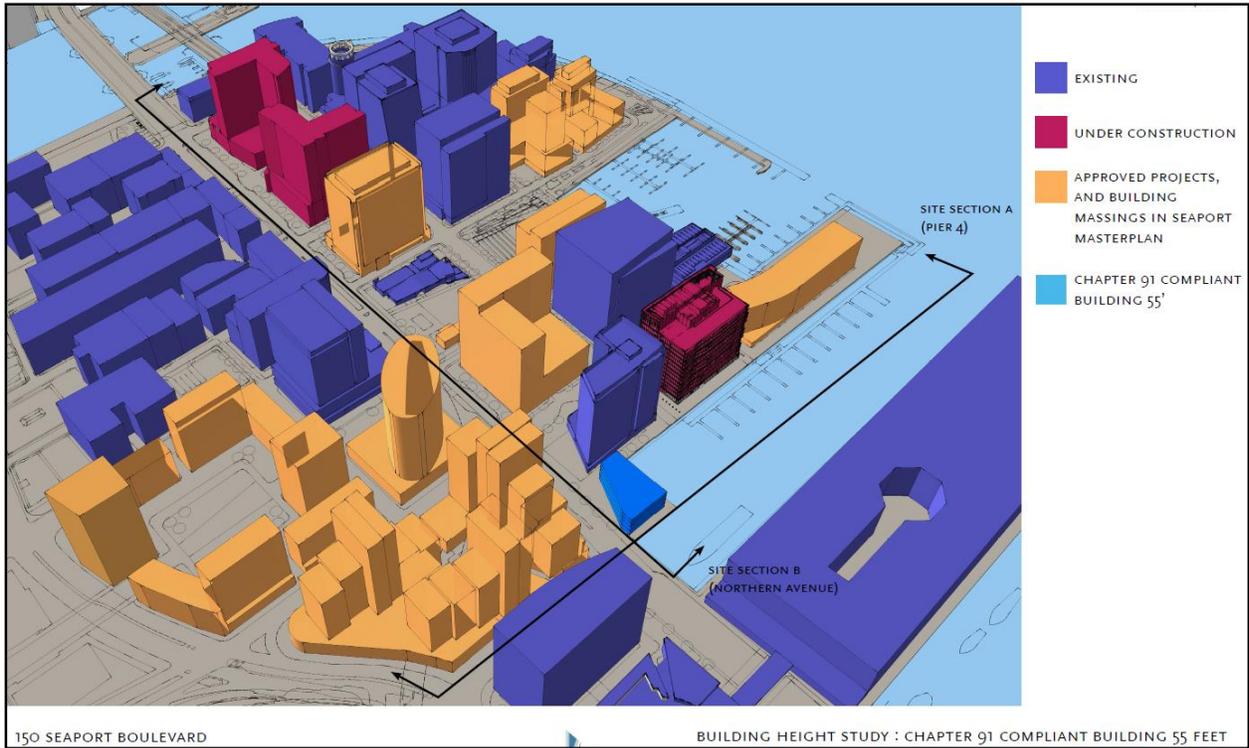
1-9 150 Seaport Boulevard Site Diagram



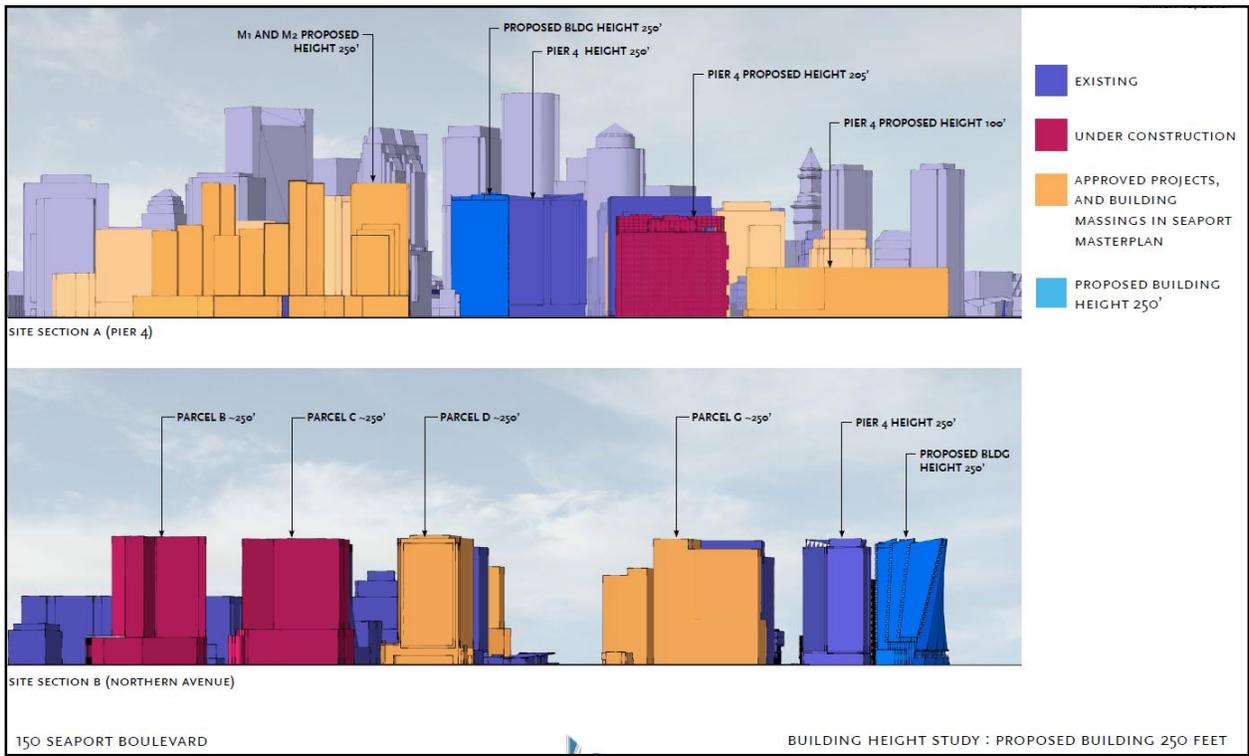
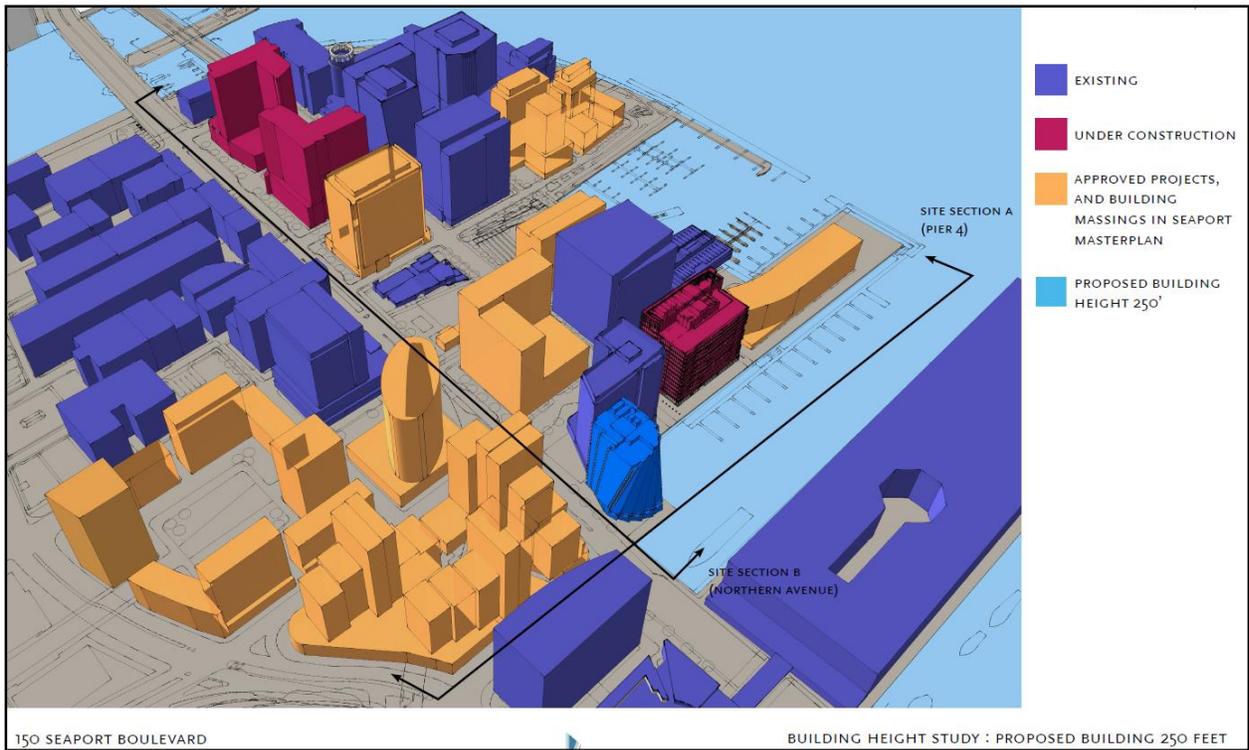
1-10 Building Height Study: Existing Building



1-11 Building Height Study: Chapter 91 Compliant Building



1-12 Building Height Study: Proposed Building 250 feet

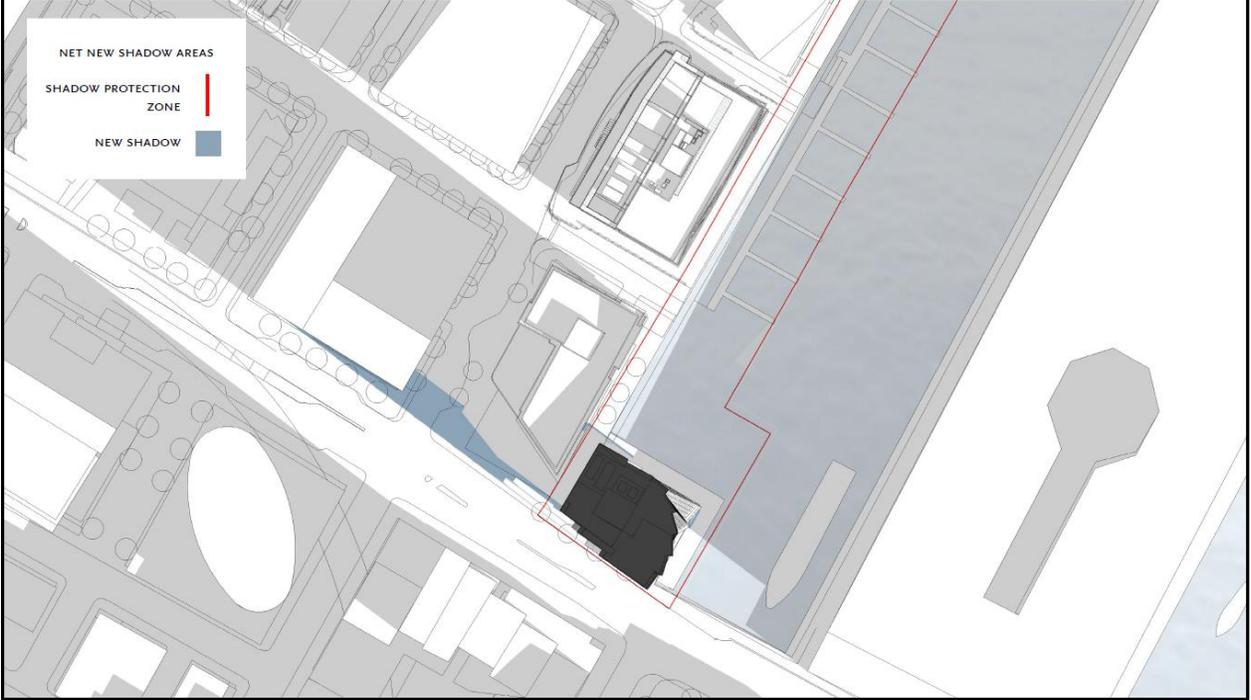


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Appendix 1
Shadow Analysis

OCTOBER 23 : 0900

NET NEW SHADOW AREAS
SHADOW PROTECTION ZONE
NEW SHADOW



OCTOBER 23 : 1000

NET NEW SHADOW AREAS
SHADOW PROTECTION ZONE
NEW SHADOW

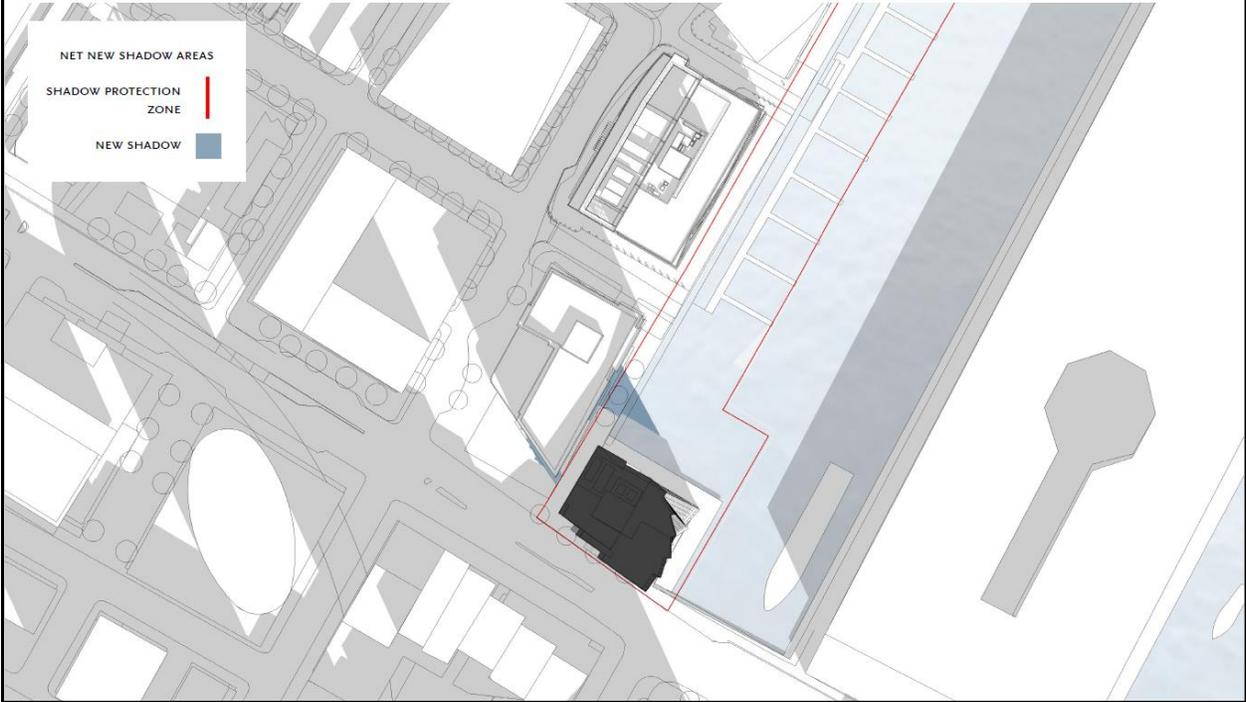


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SHADOW PROTECTION ZONE

NEW SHADOW

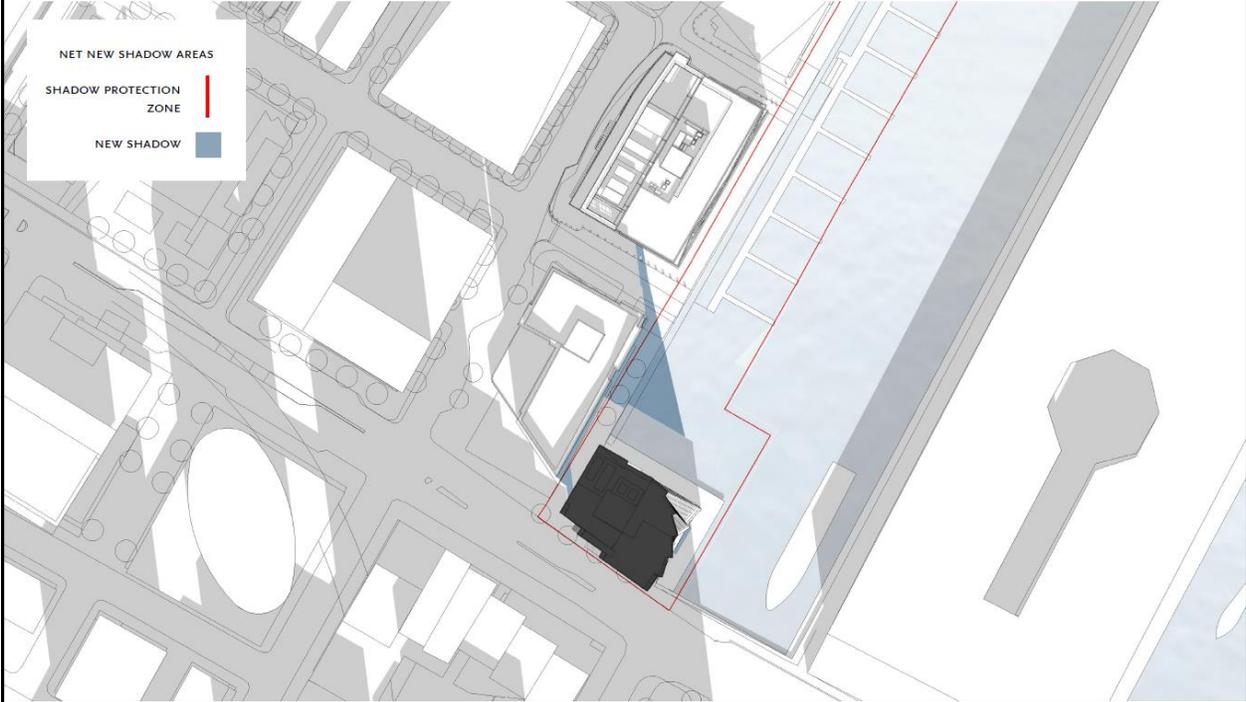


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SHADOW PROTECTION ZONE

NEW SHADOW

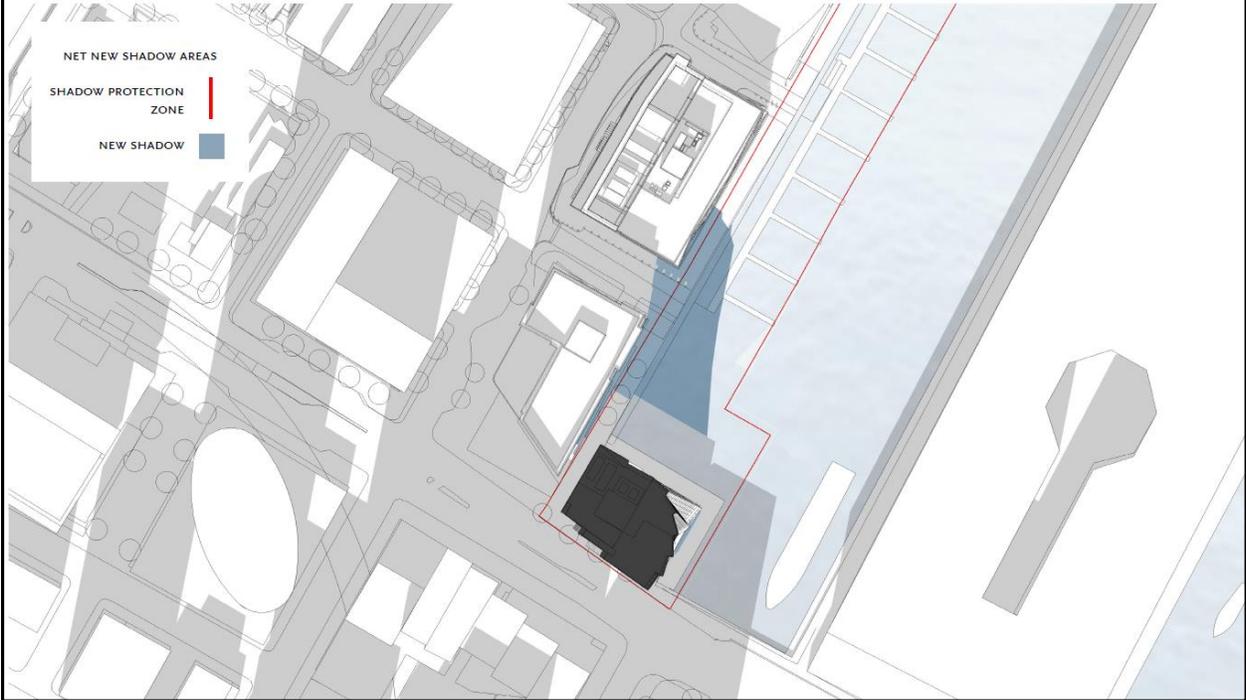


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SHADOW PROTECTION ZONE

NEW SHADOW

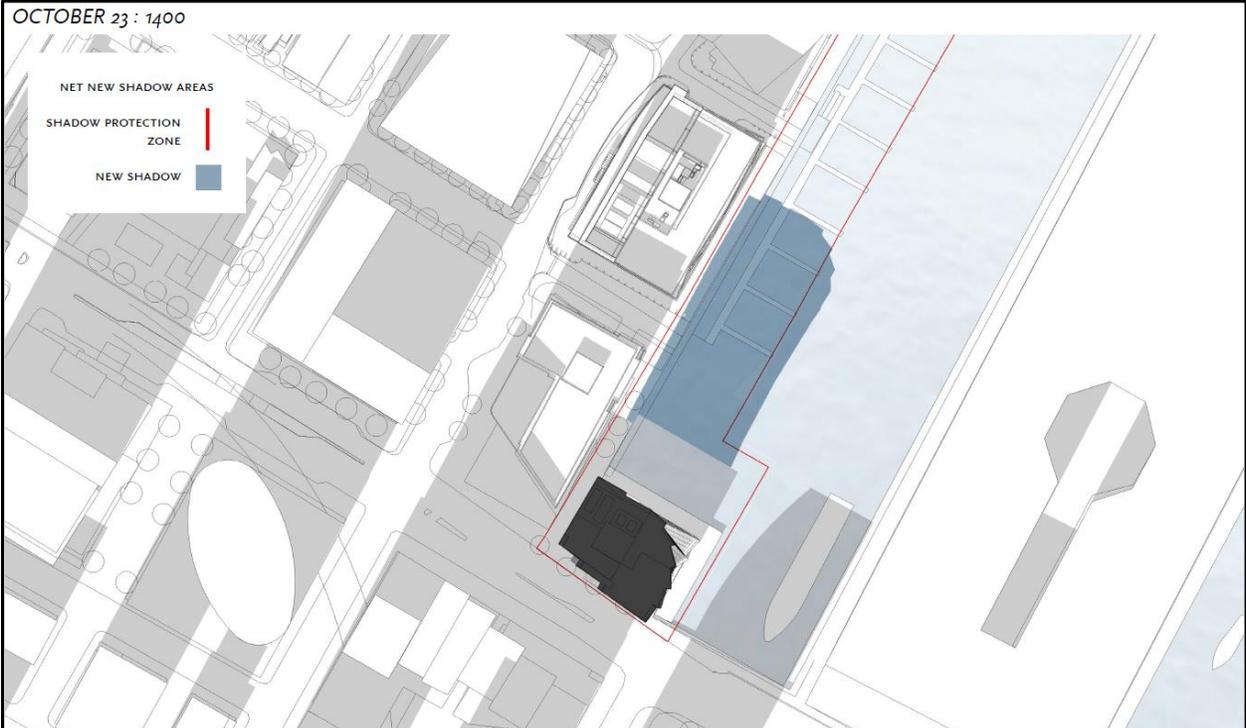


OCTOBER 23 : 1400

NET NEW SHADOW AREAS

SHADOW PROTECTION ZONE

NEW SHADOW



OCTOBER 23 : 1500

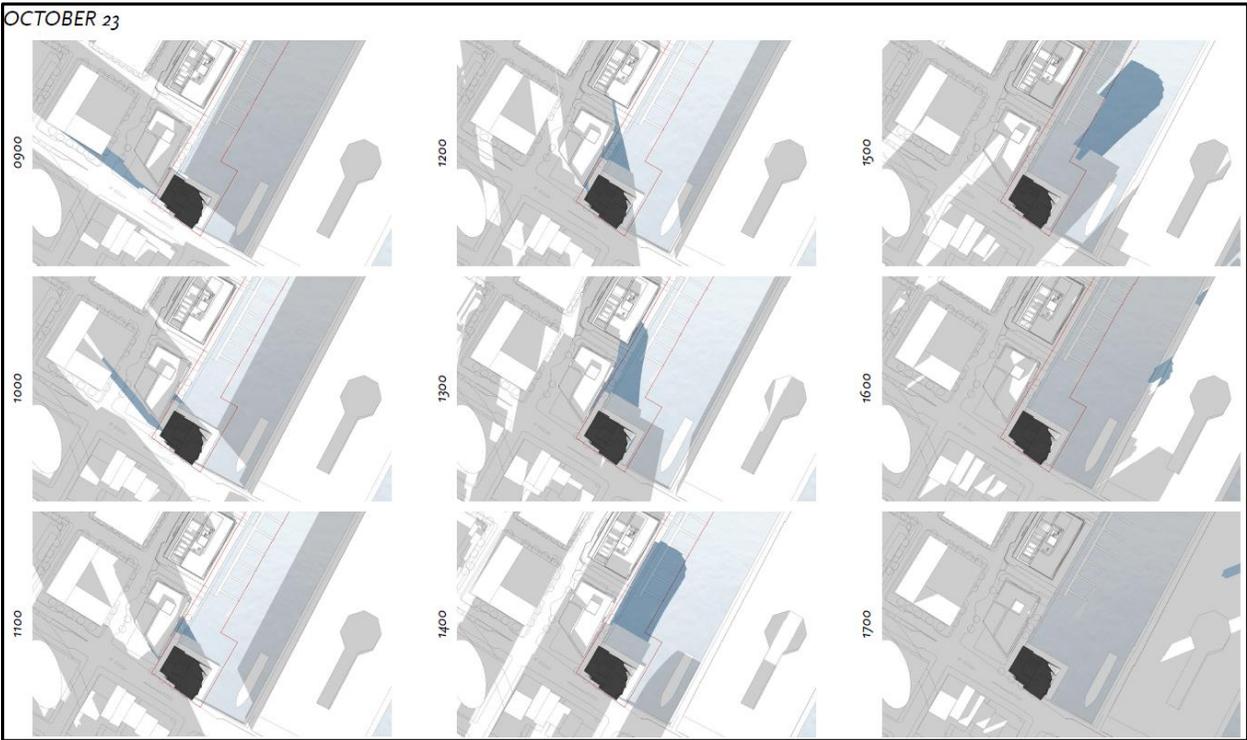
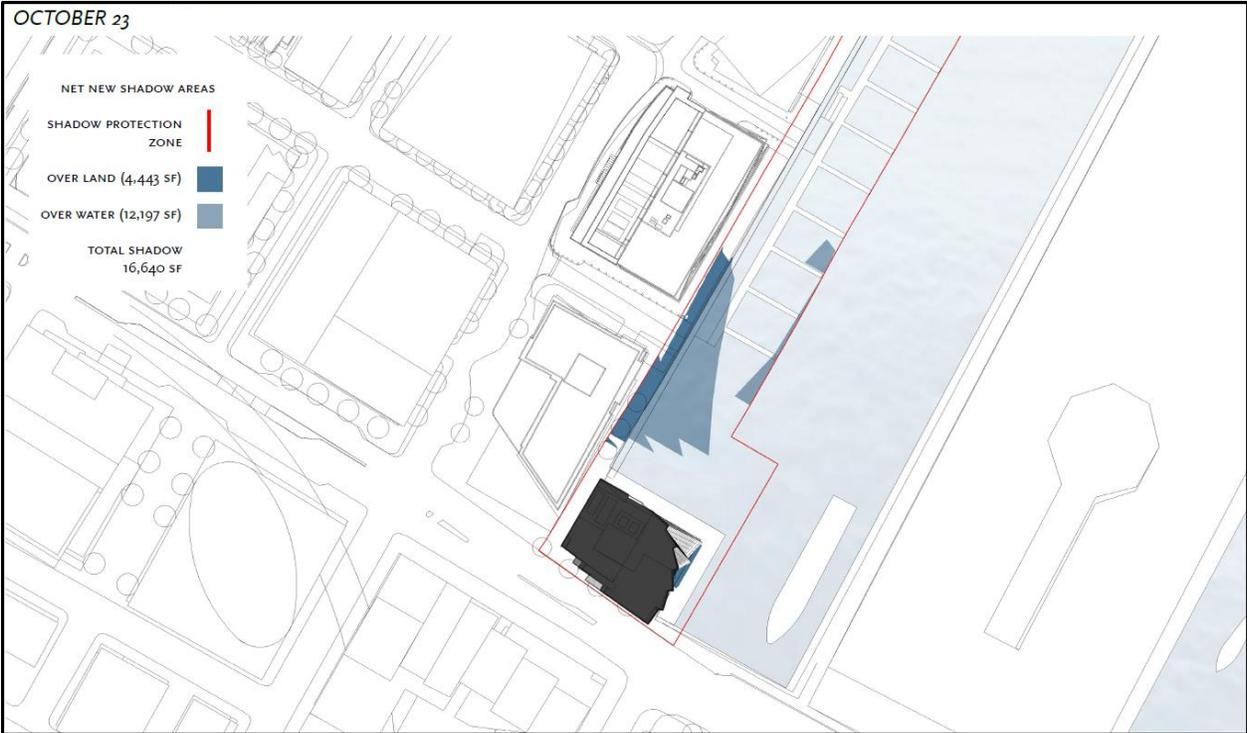
NET NEW SHADOW AREAS
SHADOW PROTECTION ZONE
NEW SHADOW



OCTOBER 23

NET NEW SHADOW DURATION
100' SPZ BOUNDARY
1 HOUR SHADOW
2 HOUR SHADOW
3+ HOUR SHADOW





Appendix 2
Wind Analysis

2. PEDESTRIAN-LEVEL WINDS

2.1 Lawson and BRA Criteria

Over the years, a number of researchers have added to the knowledge of wind effects on pedestrians by suggesting criteria for comfort and safety. Because pedestrians will tolerate higher wind speeds for a smaller period of time than for lower wind speeds, these criteria provide a means of evaluating overall acceptability of a pedestrian location. Also, a location can be evaluated for its intended use, such as for an outdoor café or sidewalk. One of the most widely accepted set of criteria was developed by Lawson (1990).

Lawson’s criteria allow planners to judge the usability of the locations for various purposes, such as for long-duration activities (e.g., outdoor café) or ordinary walkways, and to highlight areas that may be dangerous to elderly or infirm individuals.

There are categories for comfort, based on the larger of a mean or gust-equivalent mean wind speed (U_{GEM}) exceeded 5% of the time (about eight hours per week on average). The gust-equivalent mean is the peak gust wind speed divided by 1.85.

The Boston Redevelopment Authority (BRA) has defined its own pedestrian wind criterion. This criterion requires that the BRA equivalent gust (defined as the mean velocity plus 1.5 times the root mean square value) speed of 31 mph should not be exceeded more than one percent of the time.

The wind speeds for each category are as follows:

Comfort	
<9 mph	“Pedestrian Sitting” – considered to be of long duration;
9-13 mph	“Pedestrian Standing” – or sitting for a short time or exposure;
13-18 mph	“Pedestrian Walking”;
18-22 mph	“Business Walking” – objective walking from A to B or for cycling;
>22 mph	“Uncomfortable”;
BRA Criterion	
31 mph	Not to be exceeded more than 1% of the time

The level and severity of the comfort categories can vary based on individual preference, so calibration to the local wind environment is recommended when evaluating the Lawson ratings.

For regular outdoor dining, and in semi-enclosed spaces, it has been the experience of CPP that the comfort rating of “pedestrian sitting” may be slightly non-conservative and that a wind speed of less than 6 mph may be required. This lower wind speed is recommended to assure optimal quality of the outdoor dining experience.

2.2 Measurement Points

Wind speed measurements were made at a number of selected locations to evaluate pedestrian comfort and safety around the project site. Mean (average) wind speed and turbulence intensity measurements were made at the model-scale equivalent of 5 to 7 ft above the surface for 16 wind directions in 22.5° increments from 0° (north). Wind speeds were measured with a CPP Probe (calibratable pedestrian-level pressure probe). Supplemental information pertaining to the pedestrian wind results is provided in Appendix B.

Measurement points were prescribed to determine the degree of pedestrian comfort or discomfort at locations where relatively severe conditions are frequently found, such as at the building corners, near entrances and on adjacent sidewalks with heavy pedestrian traffic. Locations used in this study were approved by the BRA.

2.3 Wind Climate

To enable a quantitative assessment of the wind environment, the wind tunnel data were combined with wind frequency and direction information derived from data measured at the Logan International Airport and adjusted to the site location. Appendix A provides a description and a graphical representation of the climate data. These data were combined statistically with the wind tunnel data to obtain cumulative probability distributions of wind speed for the full-scale site at each pedestrian measurement location. These results can then be compared to criteria for pedestrian wind comfort and safety.

A detailed presentation of the wind tunnel data, the general wind climate, and their integration to determine pedestrian wind comfort and distress is presented in Appendix B. Refer to the text at the beginning of the appendix for a description of how to interpret this information.

3. DISCUSSION OF RESULTS

3.1 Summary

The assessment of pedestrian comfort and safety with respect to the Lawson criteria is presented in Figure 2 using color location identifiers on a site plan. Figure 3 is also useful as an aid in assessing where each location falls within the range of wind speeds ascribed to each comfort rating. For example, Figure 3a shows that Point 5 received the “pedestrian sitting” rating category.

The BRA criterion ratings are indicated by the border color, with black indicating a pass and red indicating a fail.

It should be noted that all measurements were made without landscaping in place and, as such, can be considered a worst-case condition. Testing in this condition does, though, give guidance on the types of landscaping and other mitigation measures that will be required. These are discussed in the following paragraphs.

Analyses were performed on both an annual (i.e., average over all seasons) and a seasonal basis to identify wind conditions that may be important to seasonal use of certain areas. The majority of the following discussion will concentrate on annual conditions, except where otherwise referenced.

For some areas, it is important to evaluate how much of the time wind speeds will be below the wind speed criteria associated with each comfort category. Figure 4 is included to help evaluate the overall comfort at specific areas of concern and shows the percentage of time that different ranges of wind speed will occur. This assists in gaining a better understanding of the expected comfort ratings shown in Figure 2. Again, Lawson’s criteria and the analysis are based on wind speeds that will occur 5% of the time. The criteria are based on experiences that suggest that if certain wind speeds are exceeded 5% of the time in outdoor areas then complaints are likely.

Ultimately, mitigation decisions are up to the design team and what is practical given the local wind conditions and project location. Since the perception of comfort varies from city to city and individually, areas that require mitigation must be decided with some local knowledge based on typical city conditions. The comfort criteria of Lawson can vary based on individual

preference, so calibration to the local wind environment is recommended when evaluating these ratings.

3.2 Surrounding Conditions

Wind speeds at test locations at a distance of more than one block from the proposed development at 150 Seaport Blvd. would not be affected by the proposed building. These locations exhibit the same measured wind speeds as in the existing configuration. The new proposed development has minimum impact on the wind environment of most of its surroundings. This can be shown by comparison, between the same locations in both configurations, of the polar plots attached in Appendix B. Outside of the immediate (one block) area around the proposed building, the ratios of mean wind speeds to reference wind speed, peak wind speeds (gusts) to reference wind speed, and directionality are unchanged.

3.3 Site Conditions

The influence on wind conditions at ground-level around the new development at 150 Seaport Blvd. is limited. The development site with the existing low rise building (Configuration B) received comfort ratings of “pedestrian standing” (Points 78 to 80, and 85) to “pedestrian walking” (Points 83 and 84). The wind tunnel test showed that the proposed building would have a slightly adverse influence on the alley between 100 Pier 4 and 150 Seaport Blvd., slightly raising the 5% wind speeds of points 78-80 (Figure 3). Points 79 and 80 would become slightly less comfortable, with ratings changing from “pedestrian standing” to “pedestrian walking”. A contributing factor to this change is the redirection of downwash, caused by north-easterly to easterly winds, along the west face of the proposed structure. The resulting flow is partially channelled through the alley. If these conditions are not acceptable, possible mitigation measures would include oversized canopies, at the one-story level, spanning the west elevation of the proposed building and east elevation of the 100 Pier 4 building. The canopies connected by pergola type structure (brise soleil) and dense landscaping pods (sculpture, landscaping feature) placed at the north entrance to the alley would likely help to mitigate these wind conditions. Point 87 was only tested in the proposed condition, as this point is located along the new harborwalk which does not currently exist. During testing it was determined that Point 87 has the potential for higher gusts in the autumn and spring seasons due to strong north-easterly winds from the harbour. These gusts occur in the current condition and are not caused nor worsened by the proposed development. If needed tall glass screen walls can be placed around the perimeter of the waterfront to help mitigate these conditions locally while leaving the ocean view unobstructed.

The general ground-level wind conditions around the new proposed development are acceptable for pedestrian use. Nevertheless, if outdoor dining is planned for this development,

CPP would recommend mitigation measures such as local screen walls, dense planters in areas of outdoor dining to lower the wind speed below CPP recommended threshold of 6 mph for outdoor dining.

The ground wind conditions at the corner of E. Service Rd. and Seaport Blvd. (Points 40 and 46) benefited from the new development (Figure 3). In the existing configuration (B) the north-easterly to easterly flows being accelerated over the existing low rise structure adversely impact the corner of E. Service Rd. and Seaport Blvd., where the comfort ratings were “business walking” (Point 46) and “pedestrian walking” (Point 40). With the new development in place, these ratings improved to “pedestrian walking” and “pedestrian standing,” respectively. The new development serves in this case as a buffer that redirects the north-easterly and easterly flows away from the corner. Wind speeds at the waterfront southeast of the new development (Points 89 and 90 in Configuration (C) would increase slightly compared to the existing configuration (Figure 3); this is due to north-easterly to easterly flows that are redirected by the new development.

3.4 Seasonal Results

A seasonal analysis was also performed to identify wind conditions that may be important to seasonal use of outdoor areas. Based on our seasonal wind climate data analysis, it should be noted that the summer results give the most favorable ratings, as the summer winds are generally not as strong as the other seasons; the summer analysis may be more relevant to some of the outdoor terrace areas that may be used more in the summer months.

While new failures of the BRA criterion occur in the non-summer seasons, these are generally offset by the mitigation of existing failure locations. For example, in autumn, point 46 fails in the existing configuration (B), while Point 80 passes. The reverse is true in the proposed configuration (C). In winter, Points 46 and 50 fail in Configuration B, but both pass in Configuration C while Point 80 fails. Finally, in spring, Points 40, 46, 50 and 82 fail in Configuration B but pass in Configuration C, while the reverse is true for Points 75, 80 and 89. Other failures not mentioned here are common to both configurations.

REFERENCES

- American Society of Civil Engineers (1999), *Wind Tunnel Studies of Buildings and Structures* (ASCE Manual of Practice Number 67).
- American Society of Civil Engineers (2010), *Minimum Design Loads for Buildings and Other Structures* (ASCE 7-10).
- American Society of Civil Engineers (2012), *Wind Tunnel Testing for Buildings and Other Structures* (ASCE 49-12).
- Lawson, T.V. (1990), "The Determination of the Wind Environment of a Building Complex before Construction," Department of Aerospace Engineering, University of Bristol, Report Number TVL 9025.
- BRA Development Review Guidelines (2006).



Figure 2a. Pedestrian wind speed measurement points with comfort/distress ratings – Annual.

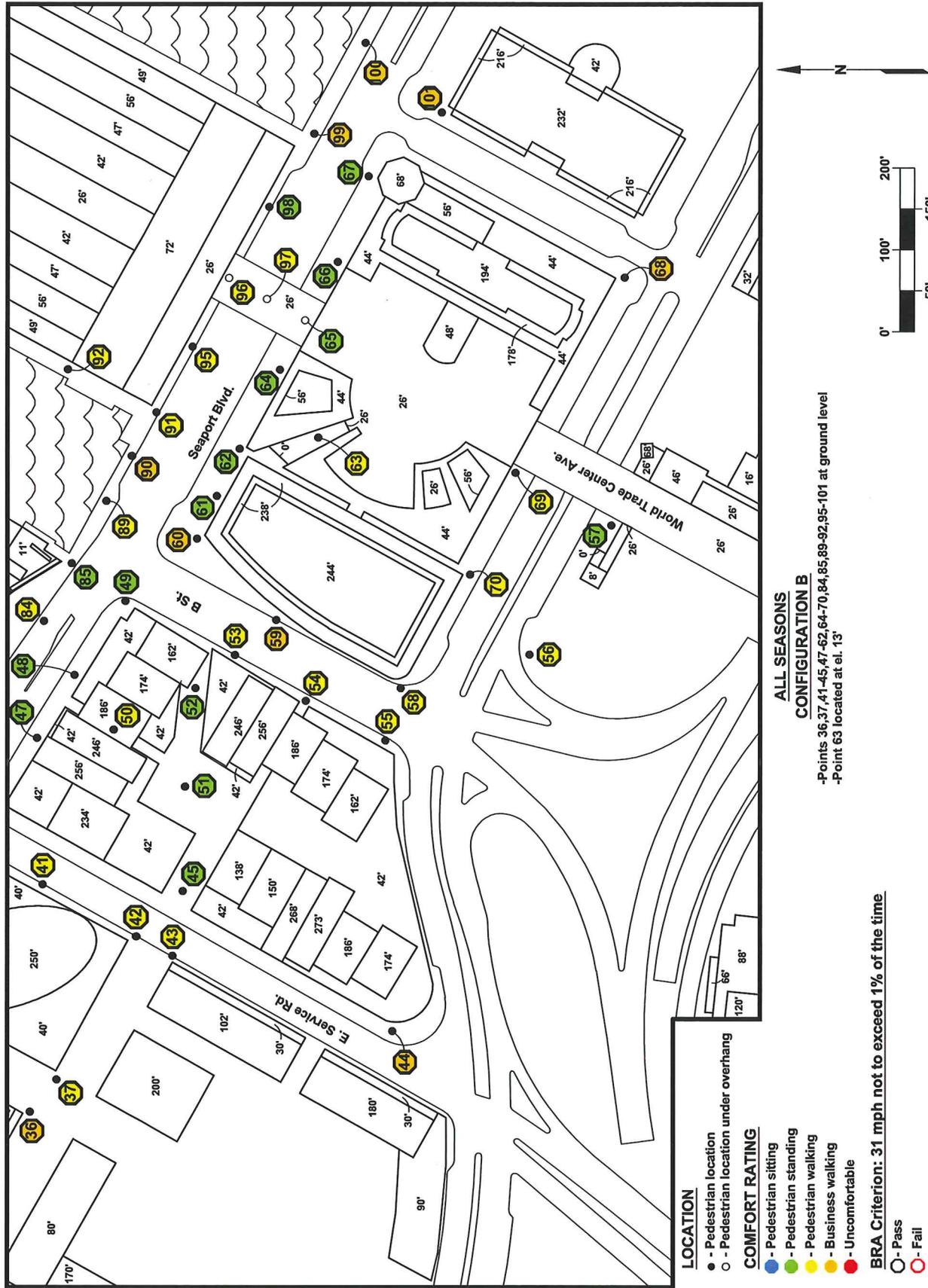


Figure 2b. Pedestrian wind speed measurement points with comfort/distress ratings – Annual.



Figure 2c. Pedestrian wind speed measurement points with comfort/distress ratings – Annual.

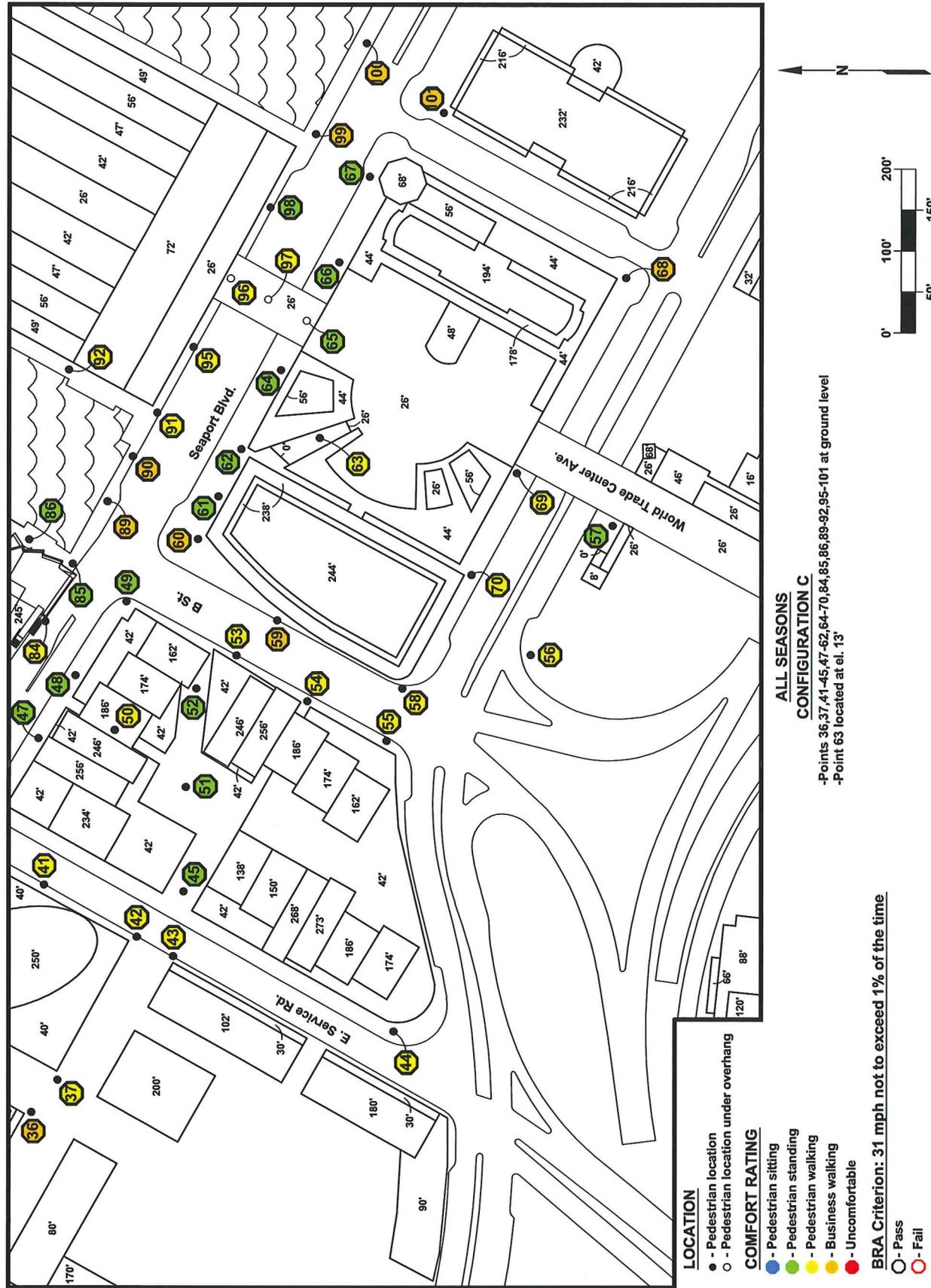


Figure 2d. Pedestrian wind speed measurement points with comfort/distress ratings – Annual.



Figure 2e. Pedestrian wind speed measurement points with comfort/distress ratings – Winter.

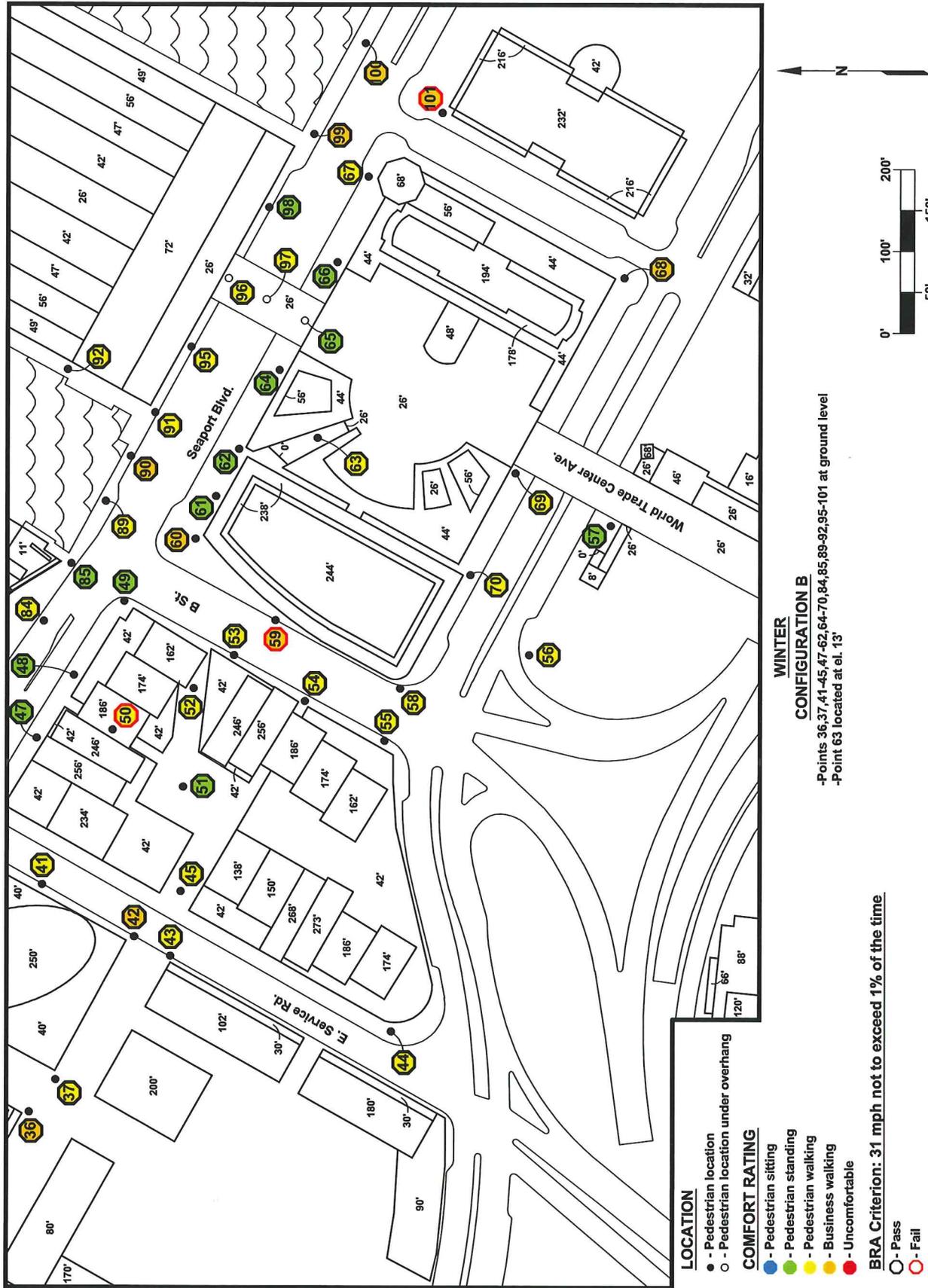


Figure 2f. Pedestrian wind speed measurement points with comfort/distress ratings – Winter.



Figure 2g. Pedestrian wind speed measurement points with comfort/distress ratings – Winter.

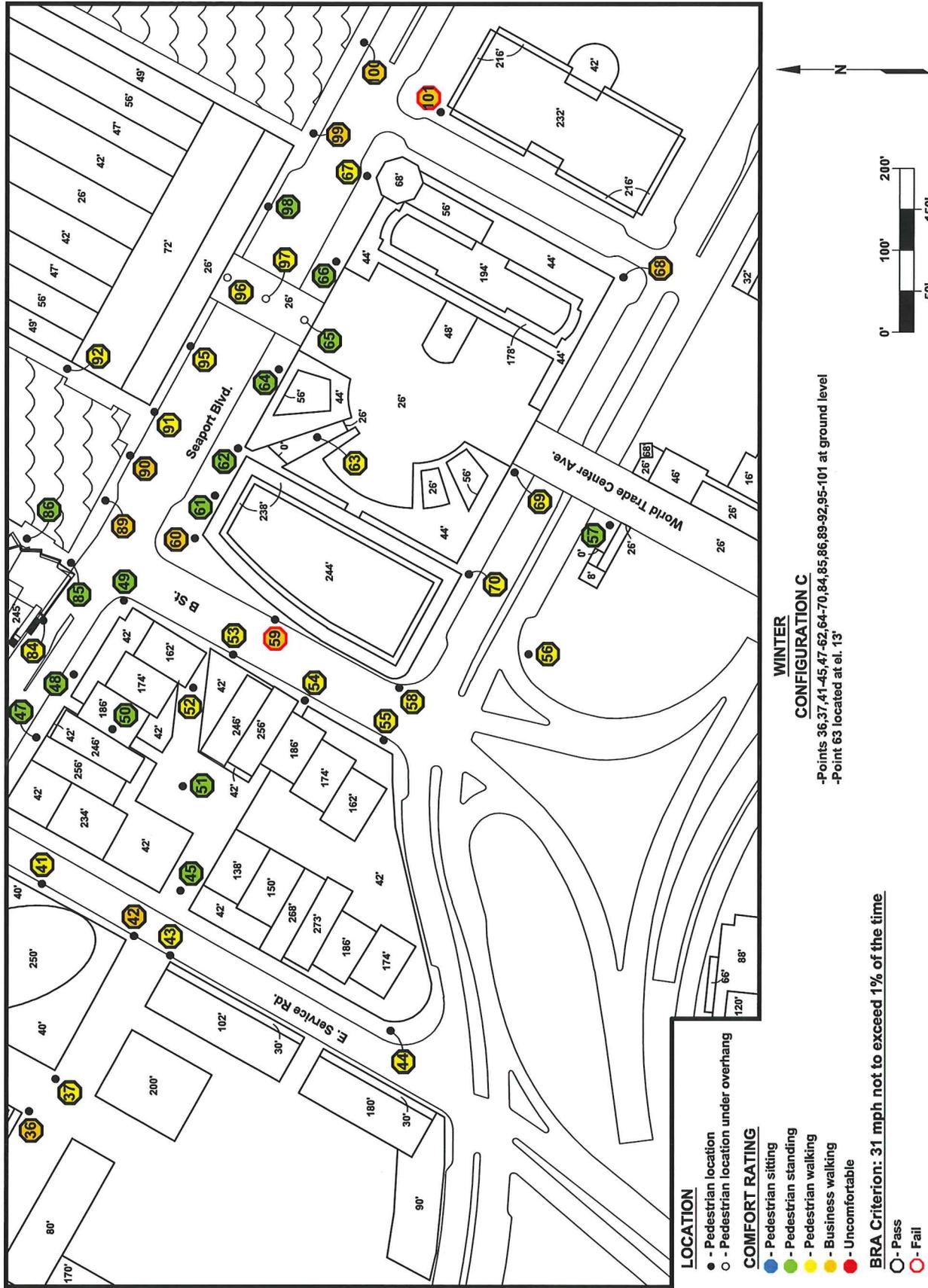
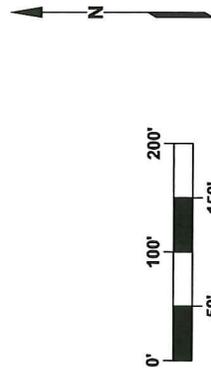


Figure 2h. Pedestrian wind speed measurement points with comfort/distress ratings – Winter.



SPRING CONFIGURATION B

- Points 1-35,38-41,46-48,71,72,74-85,92-94 located at ground level
- Point 73 located at el. 26'

Figure 2i. Pedestrian wind speed measurement points with comfort/distress ratings – Spring.

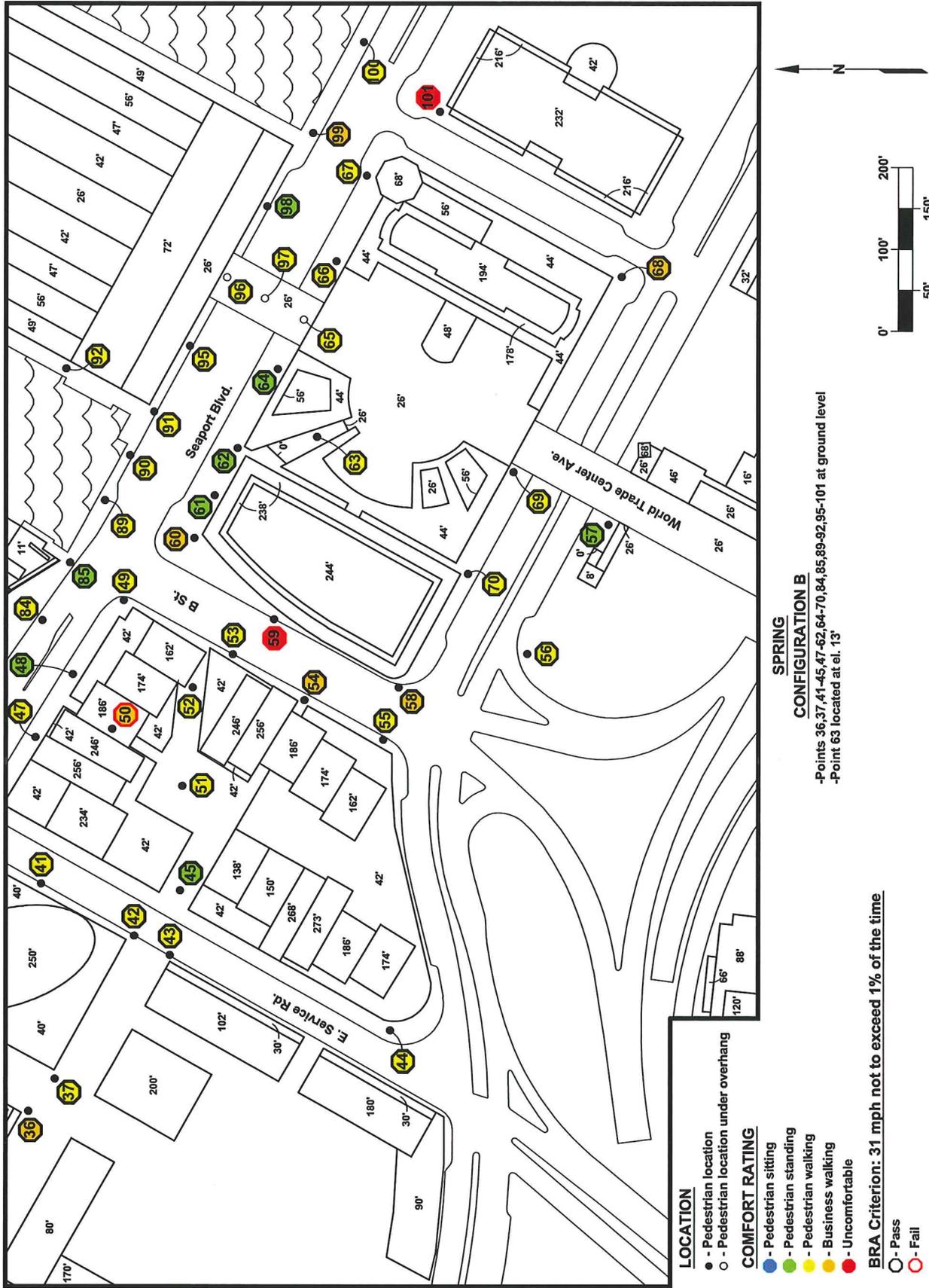
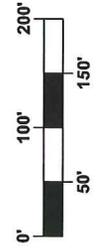
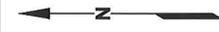
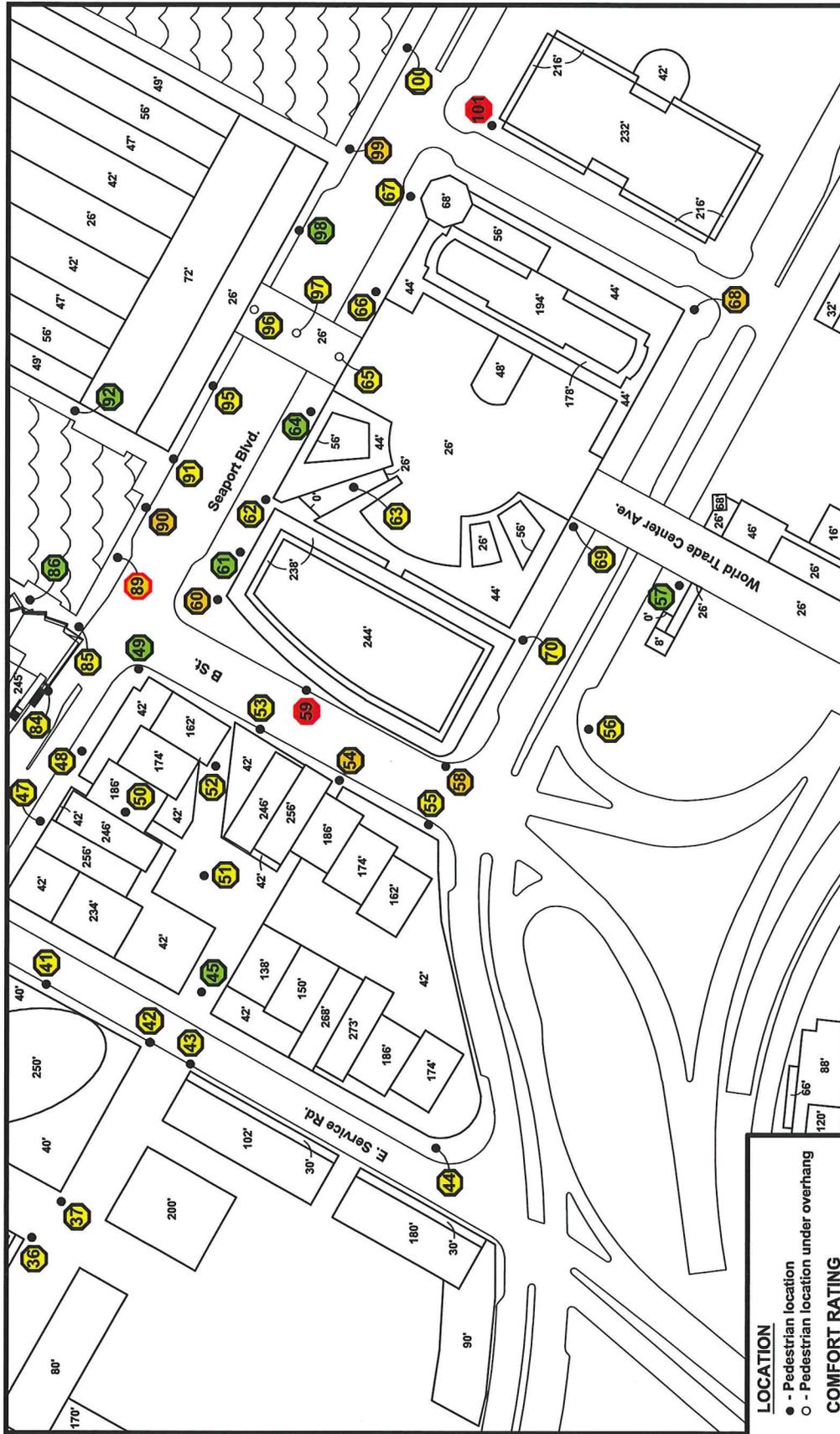


Figure 2j. Pedestrian wind speed measurement points with comfort/distress ratings – Spring.



Figure 2k. Pedestrian wind speed measurement points with comfort/distress ratings – Spring.

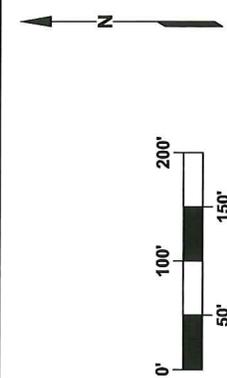


SPRING

CONFIGURATION C

- Points 36,37,41-45,47-62,64-70,84,85,86,89-92,95-101 at ground level
- Point 63 located at el. 13'

Figure 21. Pedestrian wind speed measurement points with comfort/distress ratings – Spring.



SUMMER
CONFIGURATION B
 -Points 1-35,38-41,46-48,71,72,74-85,92-94 located at ground level
 -Point 73 located at el. 26'

- LOCATION**
- - Pedestrian location
 - - Pedestrian location under overhang
- COMFORT RATING**
- - Pedestrian sitting
 - - Pedestrian standing
 - - Pedestrian walking
 - - Business walking
 - - Uncomfortable
- BRA Criterion: 31 mph not to exceed 1% of the time**
- - Pass
 - - Fail

Figure 2m. Pedestrian wind speed measurement points with comfort/distress ratings – Summer.

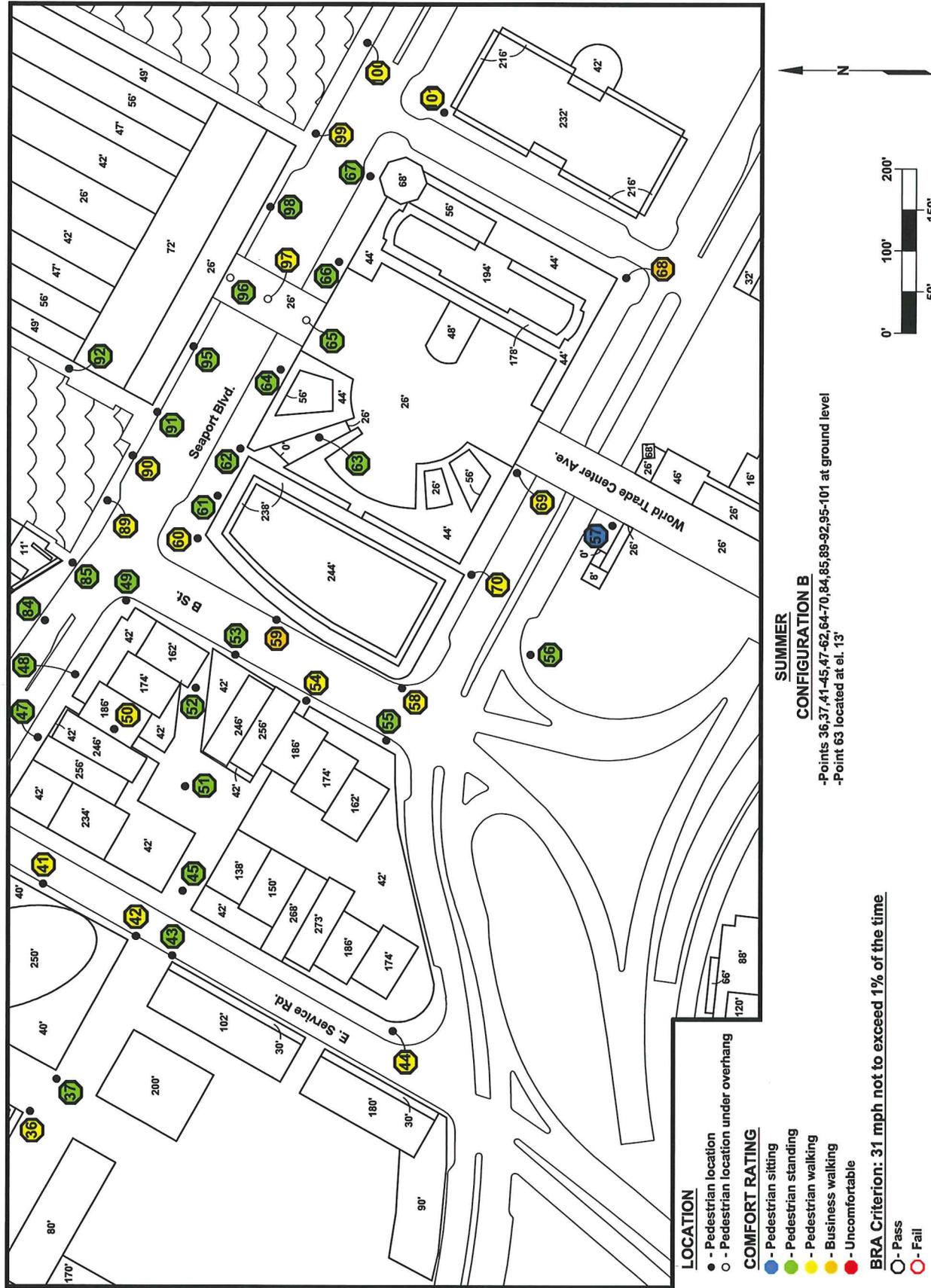
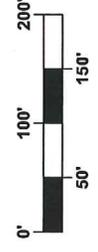
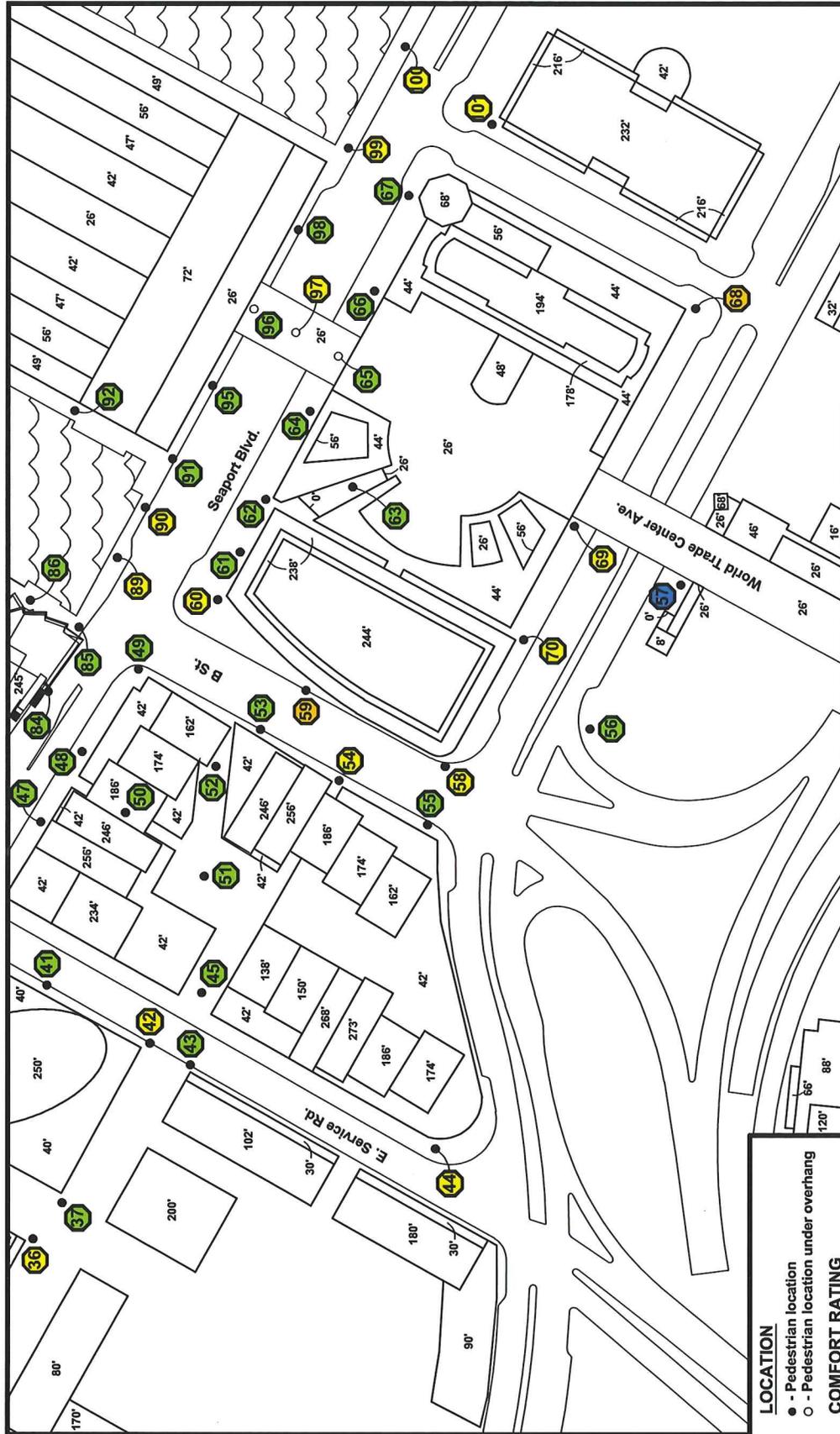


Figure 2n. Pedestrian wind speed measurement points with comfort/distress ratings – Summer.



Figure 20. Pedestrian wind speed measurement points with comfort/distress ratings – Summer.



- LOCATION**
- - Pedestrian location
 - - Pedestrian location under overhang
- COMFORT RATING**
- - Pedestrian sitting
 - - Pedestrian standing
 - - Pedestrian walking
 - - Business walking
 - - Uncomfortable
- BRACriterion: 31 mph not to exceed 1% of the time**
- - Pass
 - - Fail

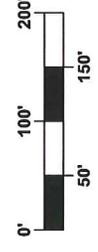
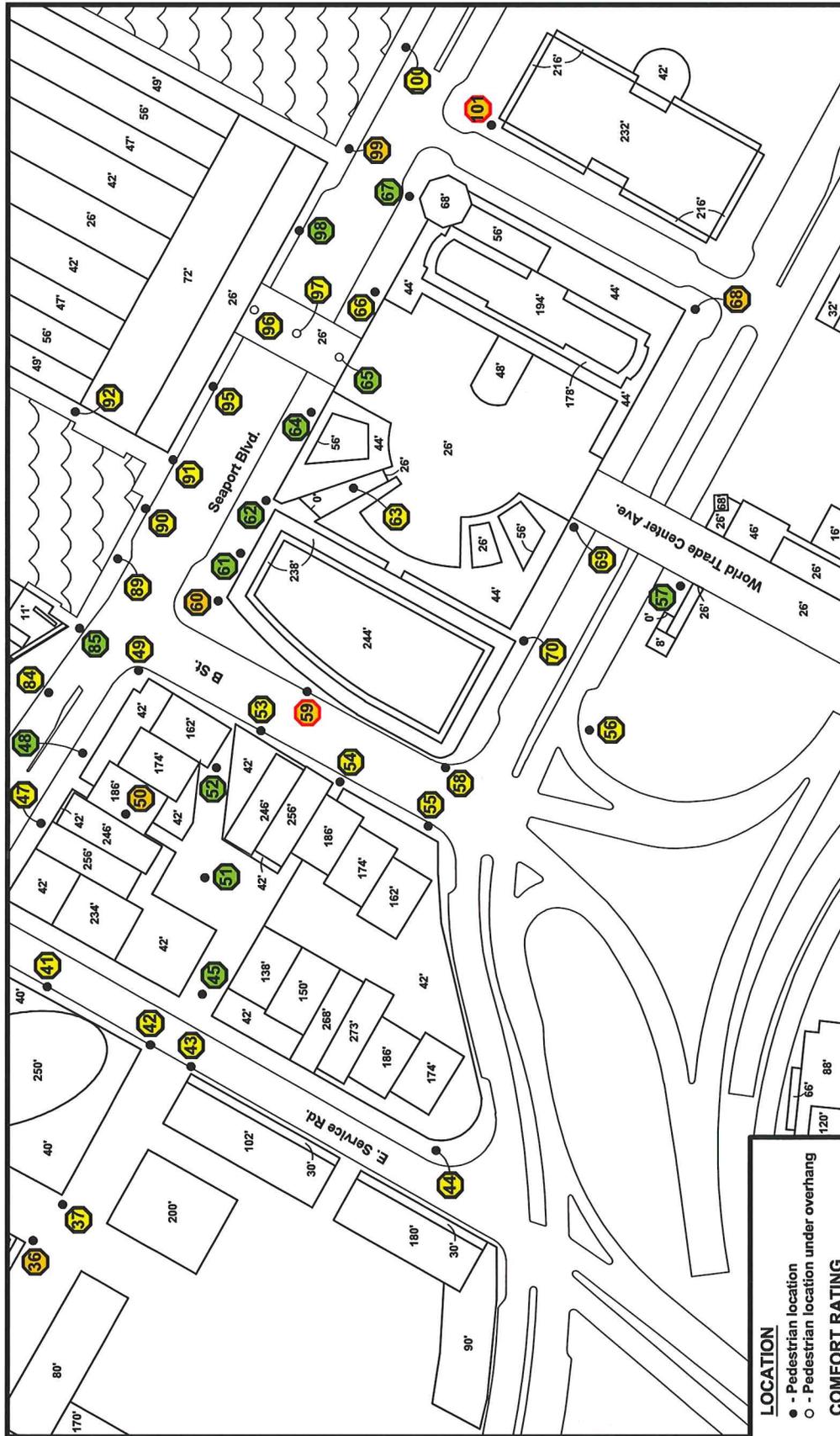
SUMMER
CONFIGURATION C

- Points 36,37,41-45,47-62,64-70,84,85,86,89-92,95-101 at ground level
- Point 63 located at el. 13'

Figure 2p. Pedestrian wind speed measurement points with comfort/distress ratings – Summer.



Figure 2q. Pedestrian wind speed measurement points with comfort/distress ratings – Autumn.



AUTUMN
CONFIGURATION B

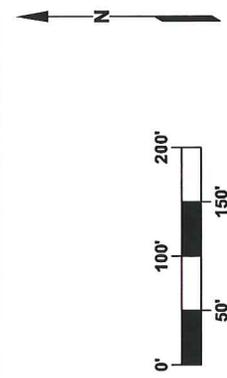
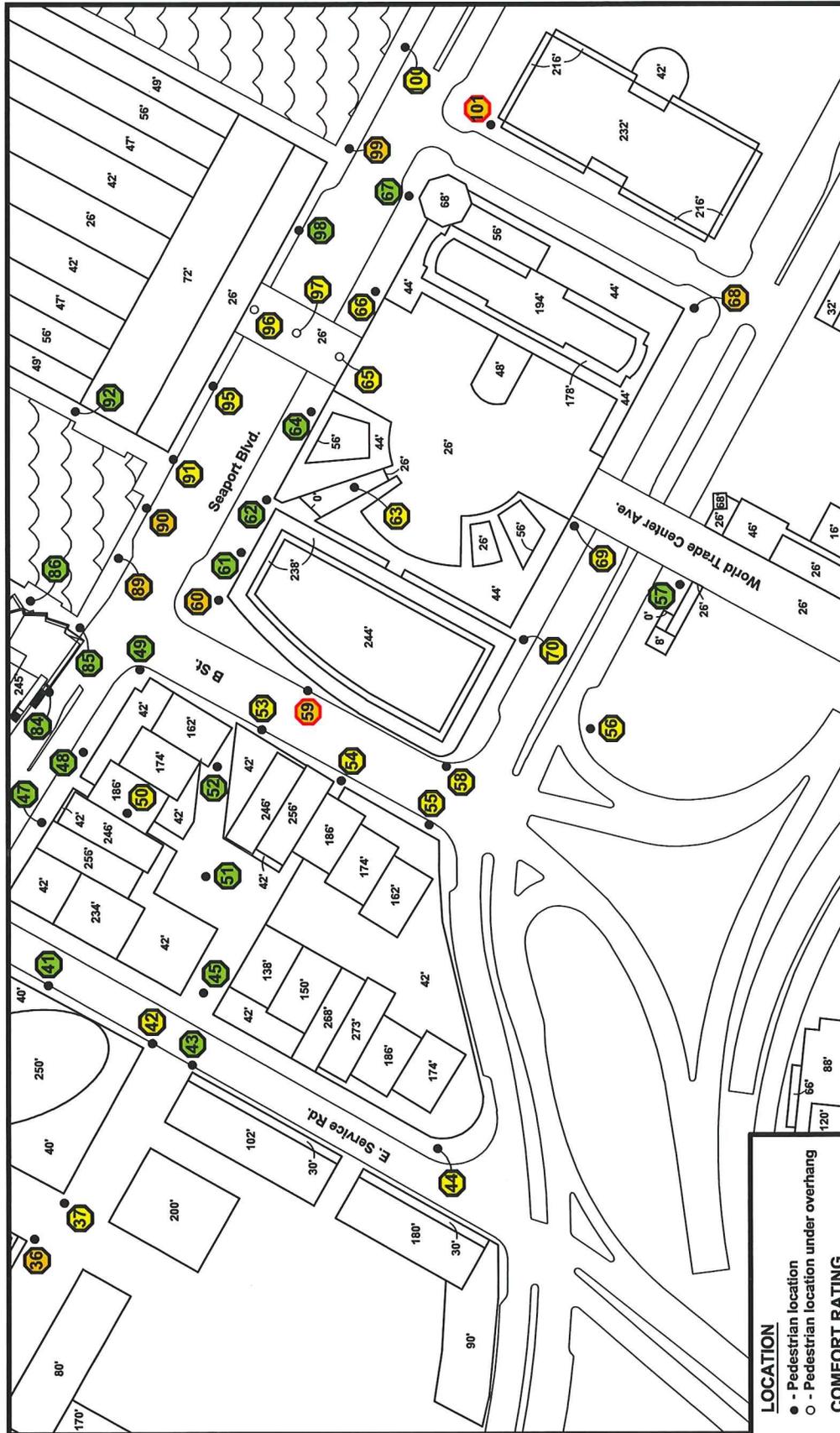
- Points 36,37,41-45,47-62,64-70,84,85,89,92,95-101 at ground level
- Point 63 located at el. 13'

- LOCATION**
- - Pedestrian location
 - - Pedestrian location under overhang
- COMFORT RATING**
- - Pedestrian sitting
 - - Pedestrian standing
 - - Pedestrian walking
 - - Business walking
 - - Uncomfortable
- BRACriterion: 31 mph not to exceed 1% of the time**
- - Pass
 - - Fail

Figure 2r. Pedestrian wind speed measurement points with comfort/distress ratings – Autumn.



Figure 2s. Pedestrian wind speed measurement points with comfort/distress ratings – Autumn.



- LOCATION**
- - Pedestrian location
 - - Pedestrian location under overhang
- COMFORT RATING**
- - Pedestrian sitting
 - - Pedestrian standing
 - - Pedestrian walking
 - - Business walking
 - - Uncomfortable
- Legend:**
- - Pass
 - - Fail

AUTUMN
CONFIGURATION C
 -Points 36,37,41-45,47-62,64-70,84,85,86,89-92,95-101 at ground level
 -Point 63 located at el. 13'

BRA Criterion: 31 mph not to exceed 1% of the time

Figure 2t. Pedestrian wind speed measurement points with comfort/distress ratings – Autumn.

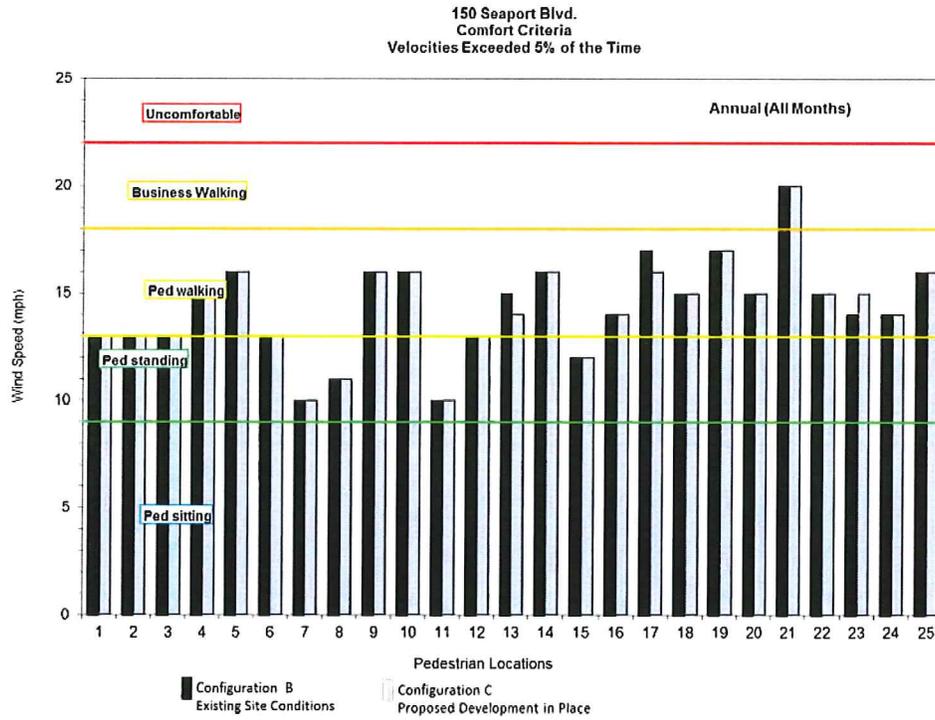


Figure 3a. Summary of pedestrian wind comfort ratings – Annual.

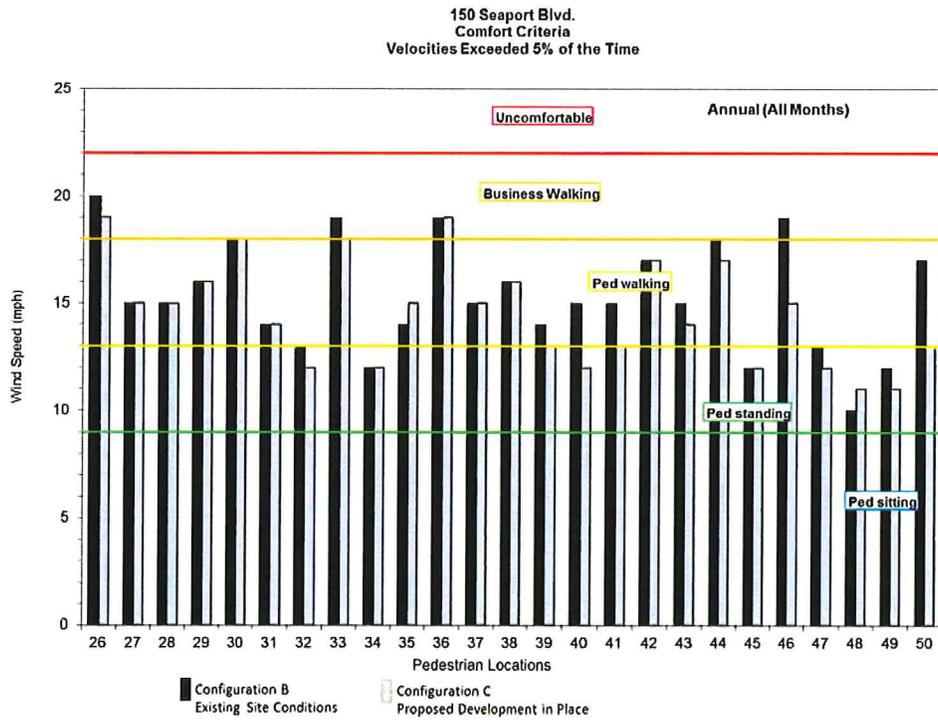


Figure 3b. Summary of pedestrian wind comfort ratings – Annual.

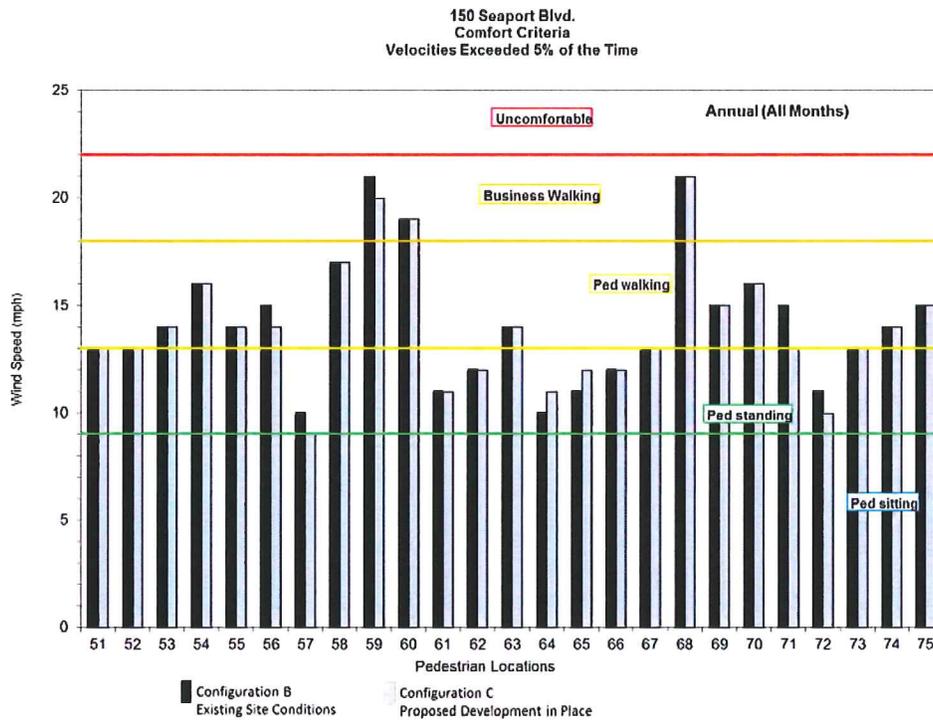


Figure 3c. Summary of pedestrian wind comfort ratings – Annual.

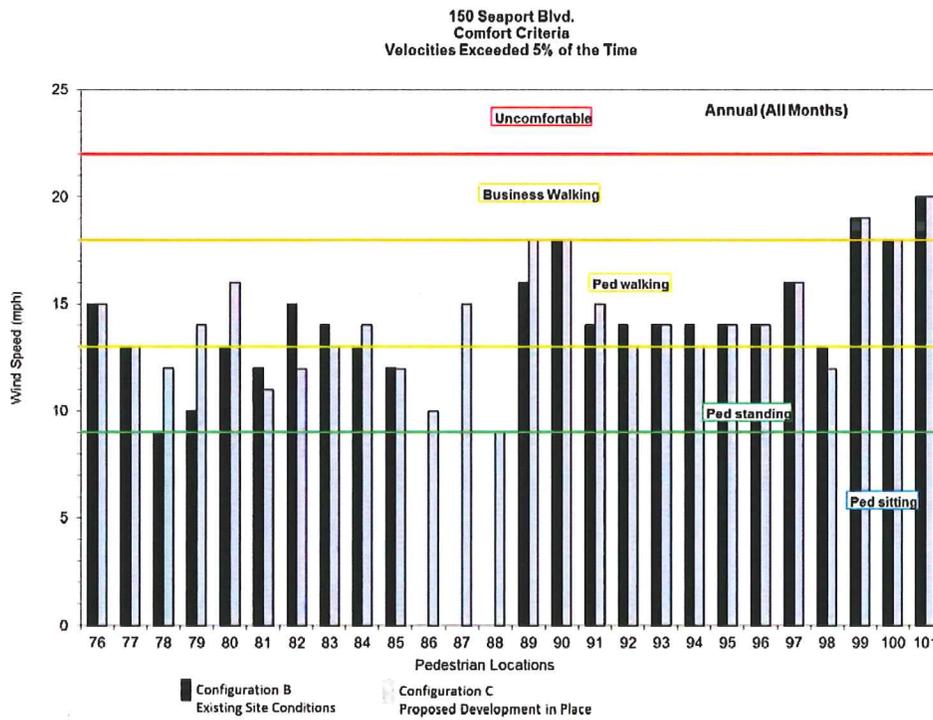


Figure 3d. Summary of pedestrian wind comfort ratings – Annual.

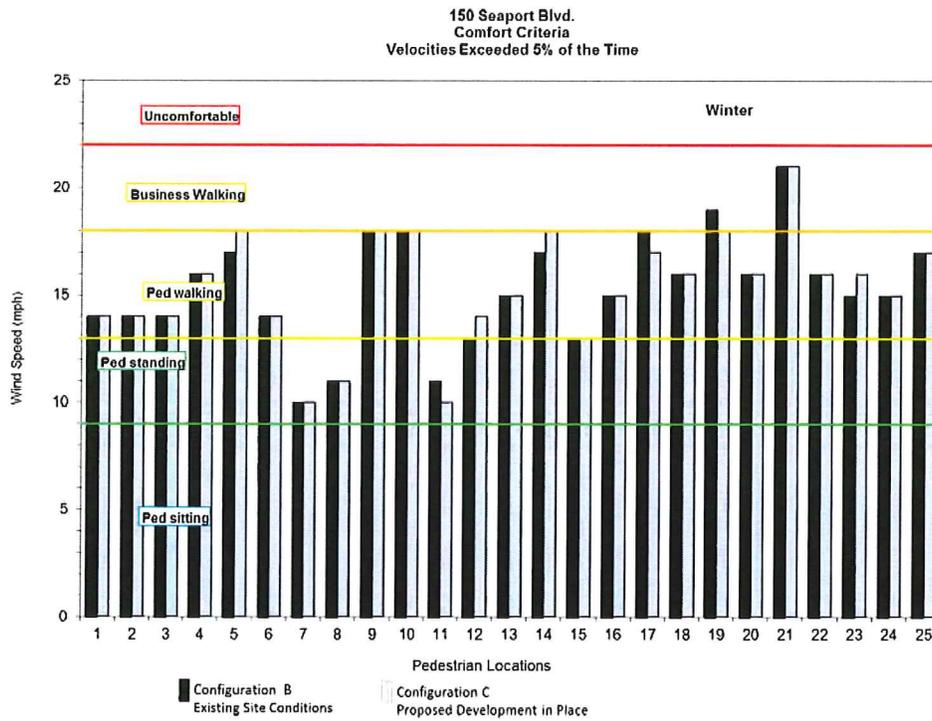


Figure 3e. Summary of pedestrian wind comfort ratings – Winter.

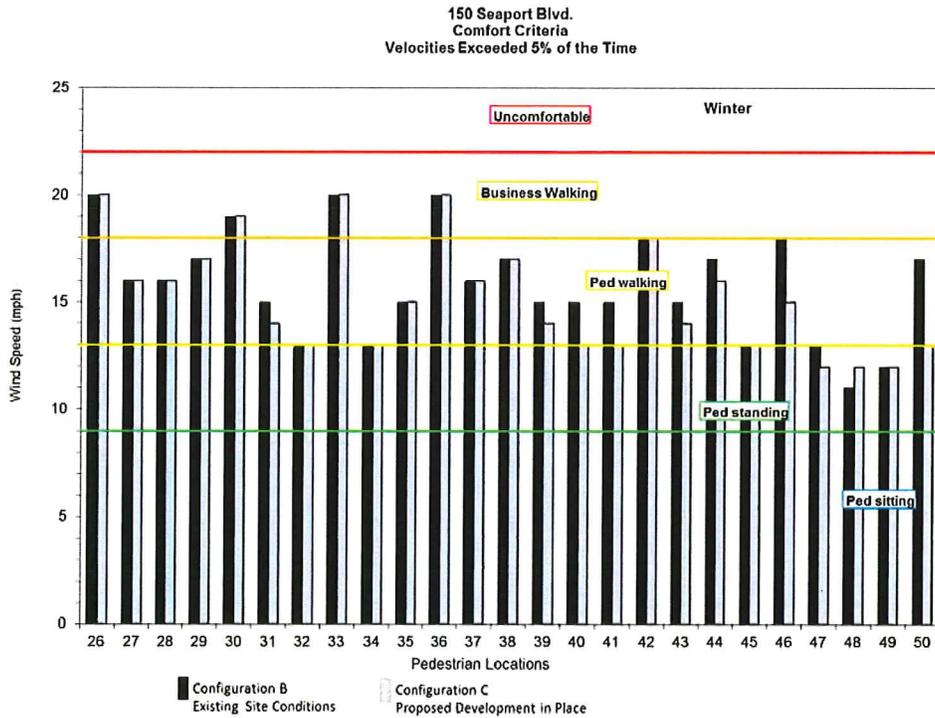


Figure 3f. Summary of pedestrian wind comfort ratings – Winter.

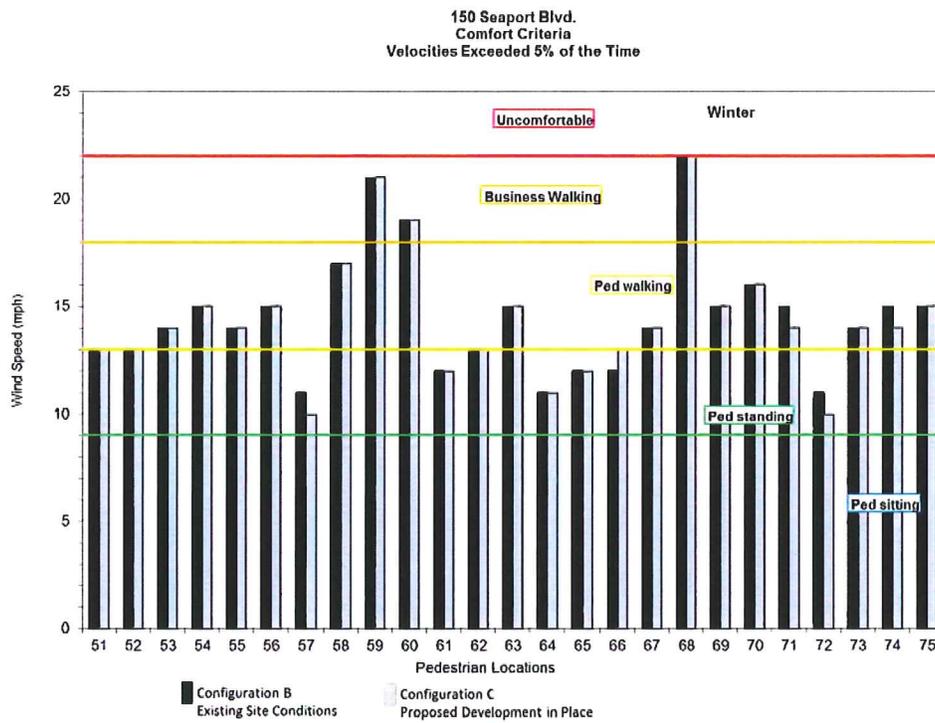


Figure 3g. Summary of pedestrian wind comfort ratings – Winter.

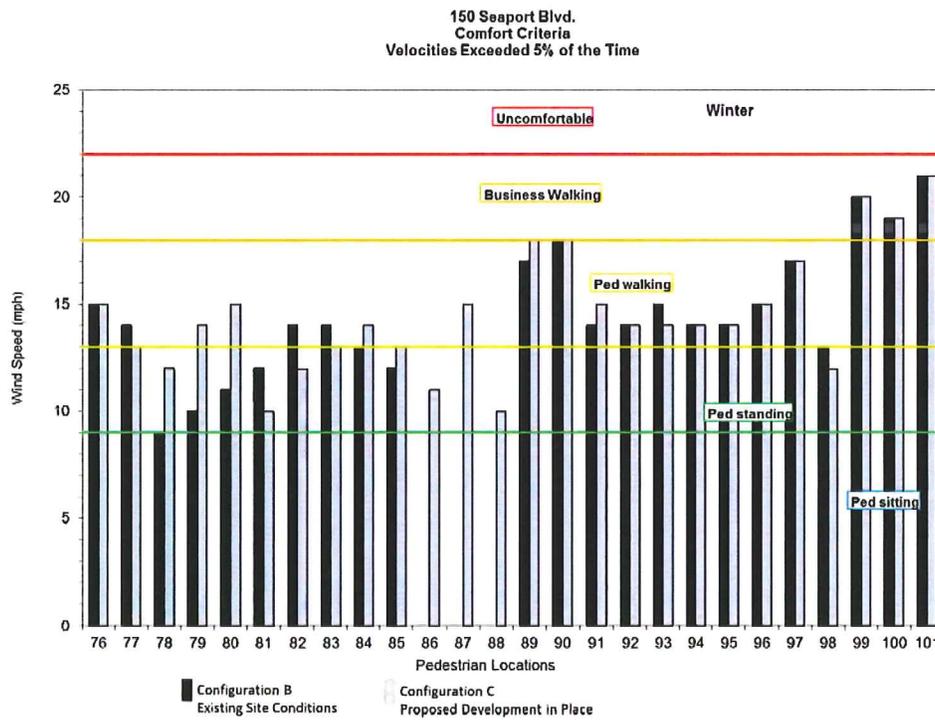


Figure 3h. Summary of pedestrian wind comfort ratings – Winter.

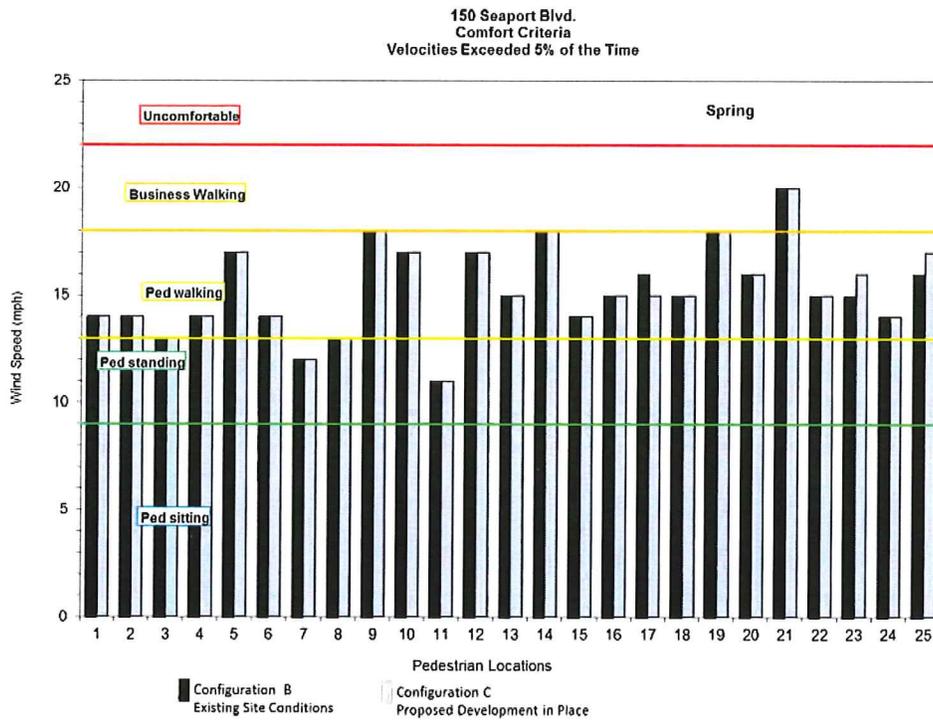


Figure 3i. Summary of pedestrian wind comfort ratings – Spring.

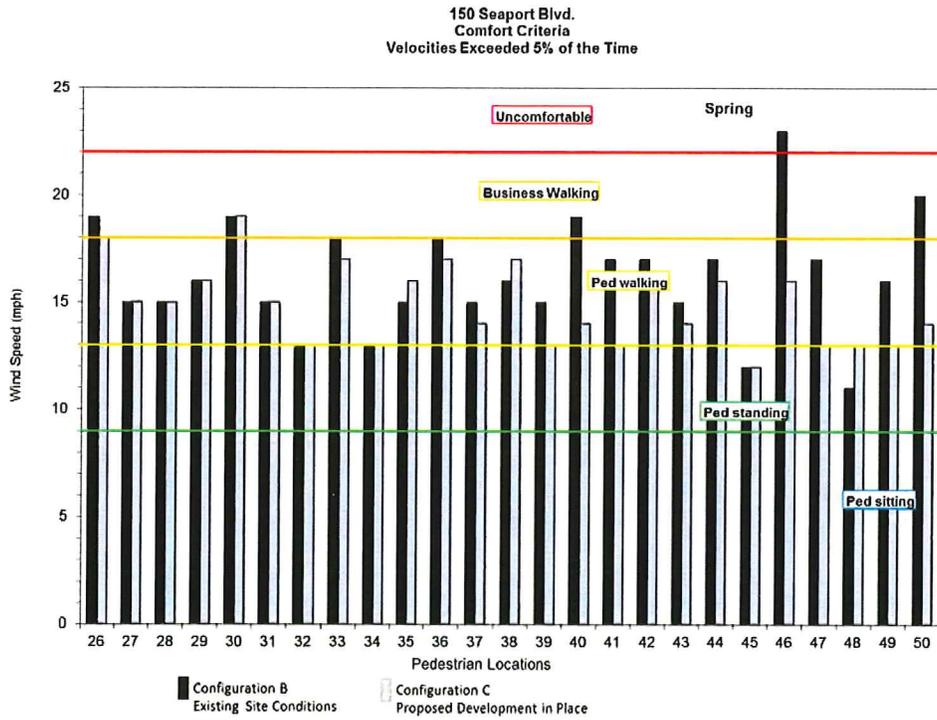


Figure 3j. Summary of pedestrian wind comfort ratings – Spring.

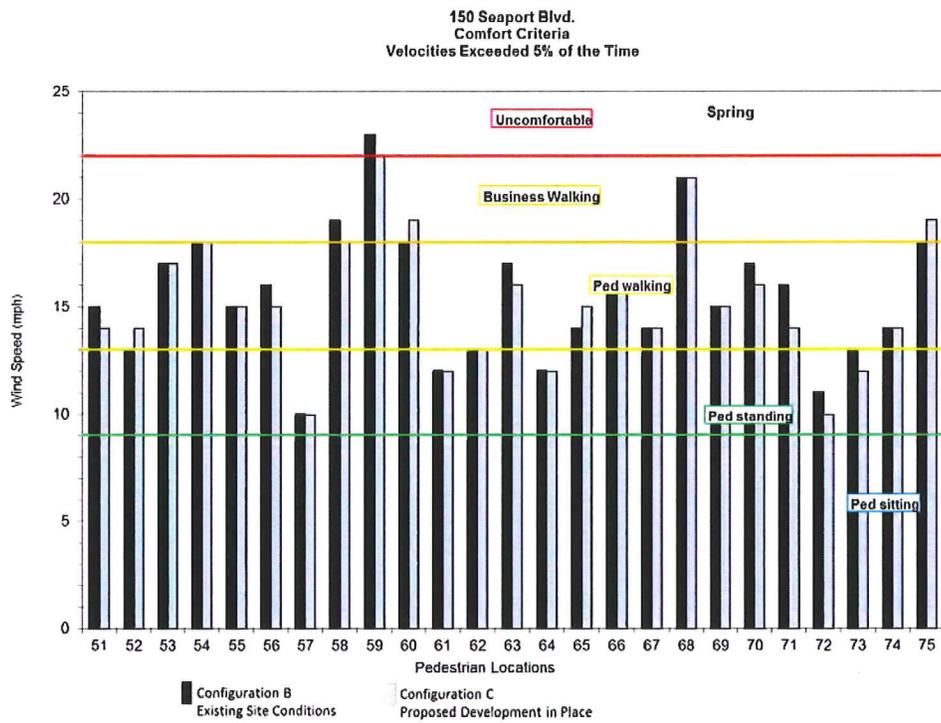


Figure 3k. Summary of pedestrian wind comfort ratings – Spring.

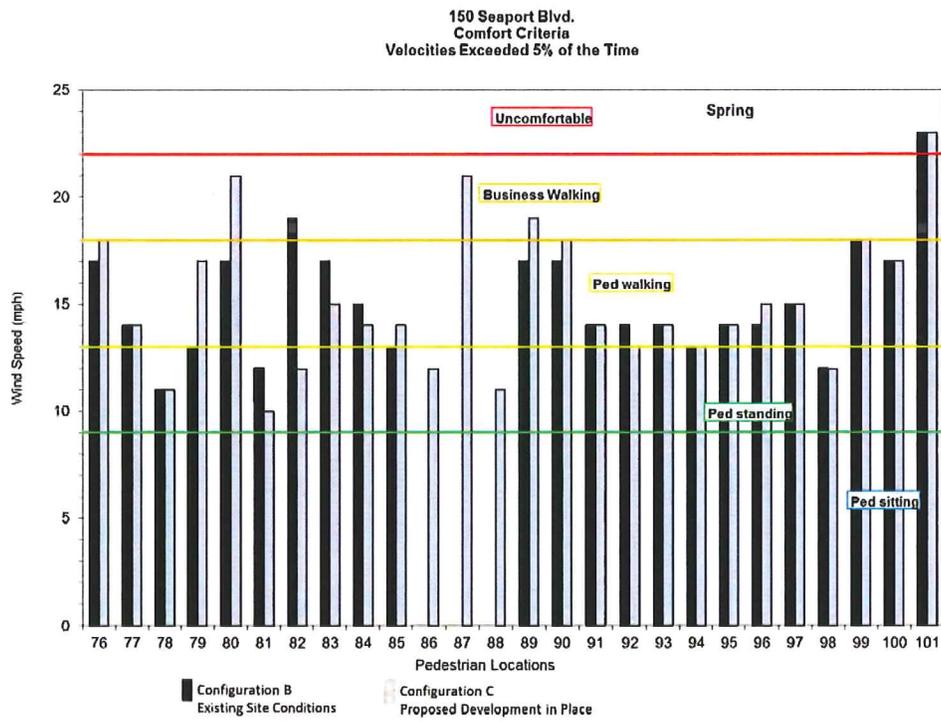


Figure 3l. Summary of pedestrian wind comfort ratings – Spring.

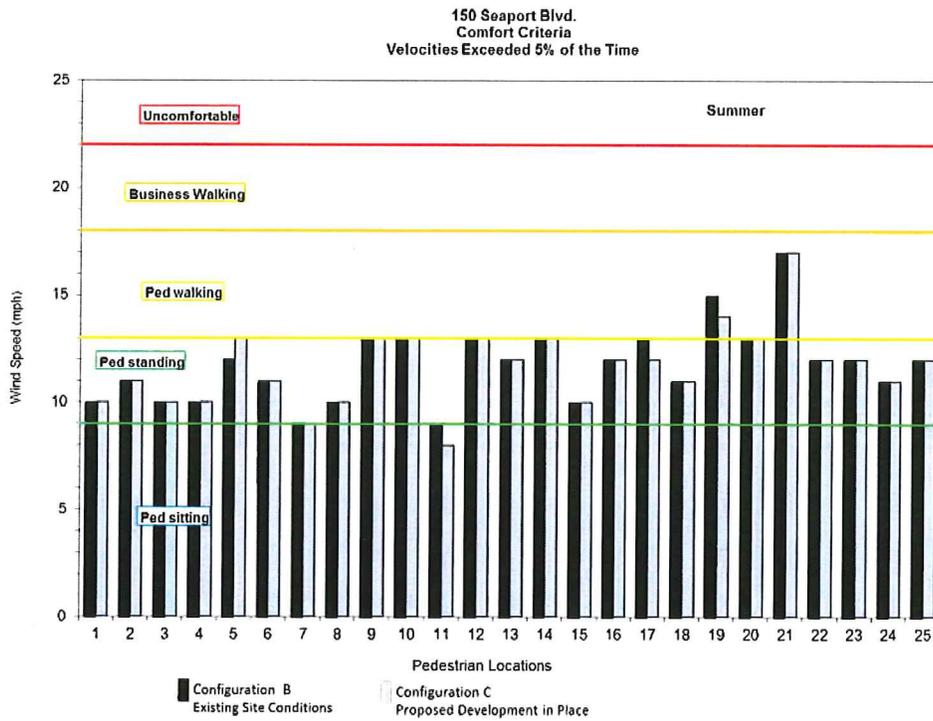


Figure 3m. Summary of pedestrian wind comfort ratings – Summer.

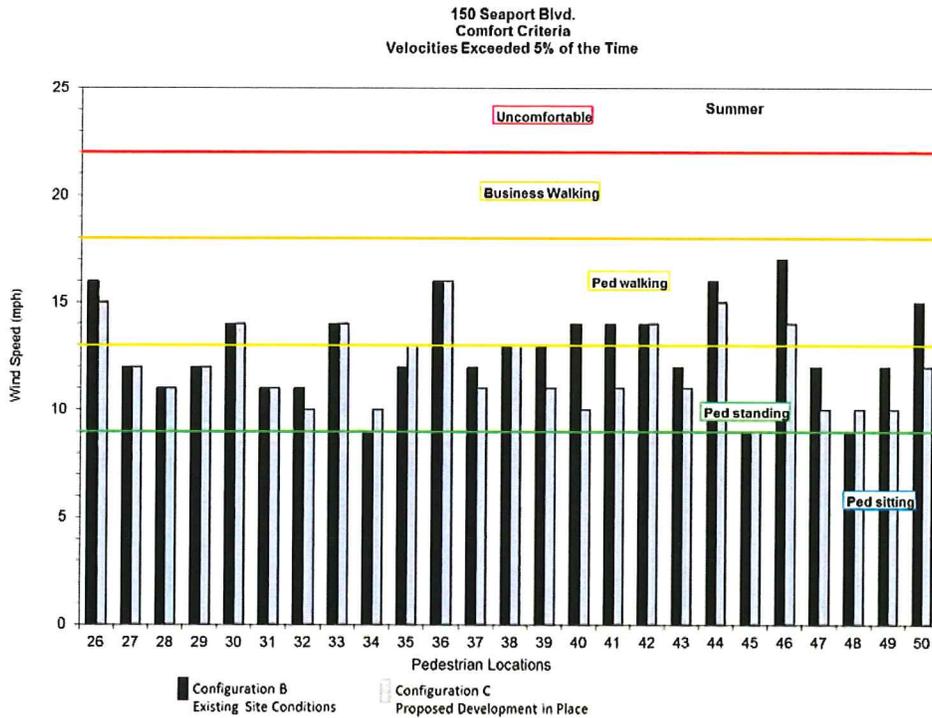


Figure 3n. Summary of pedestrian wind comfort ratings – Summer.

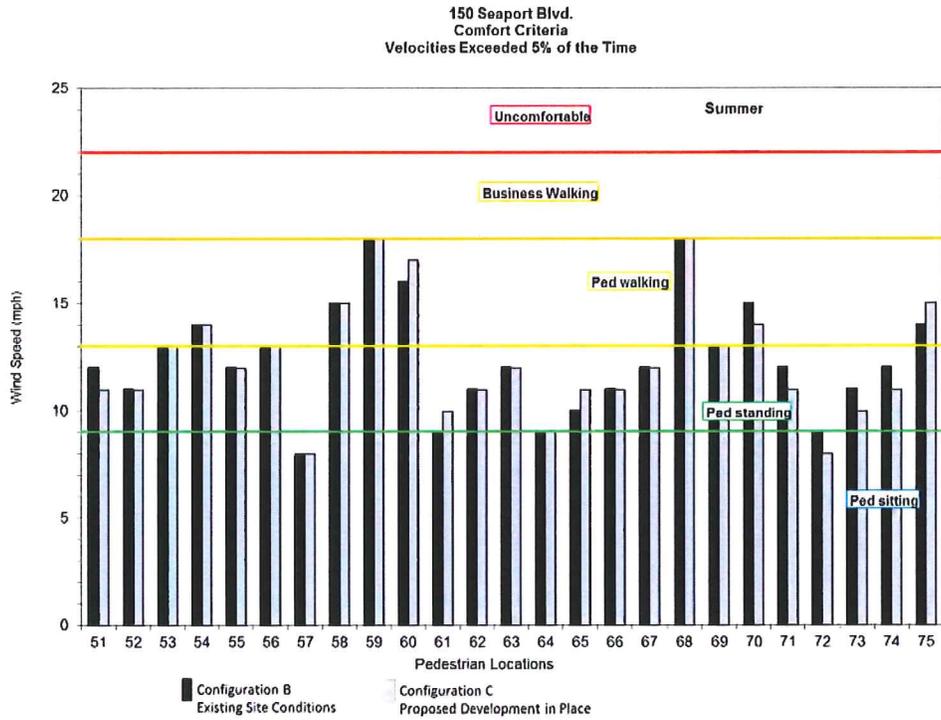


Figure 3o. Summary of pedestrian wind comfort ratings – Summer.

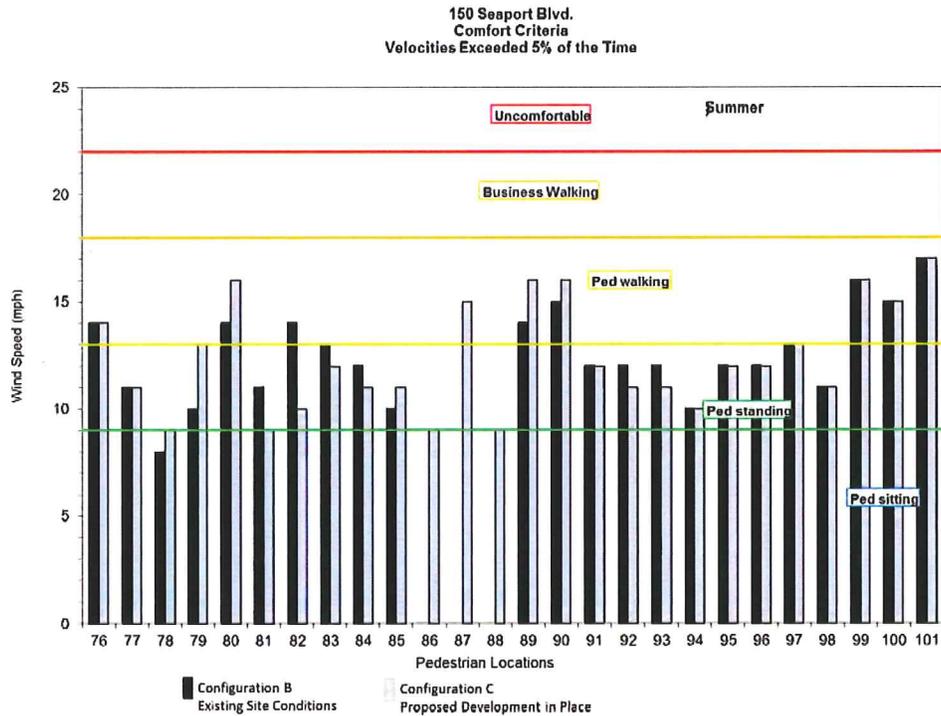


Figure 3p. Summary of pedestrian wind comfort ratings – Summer.

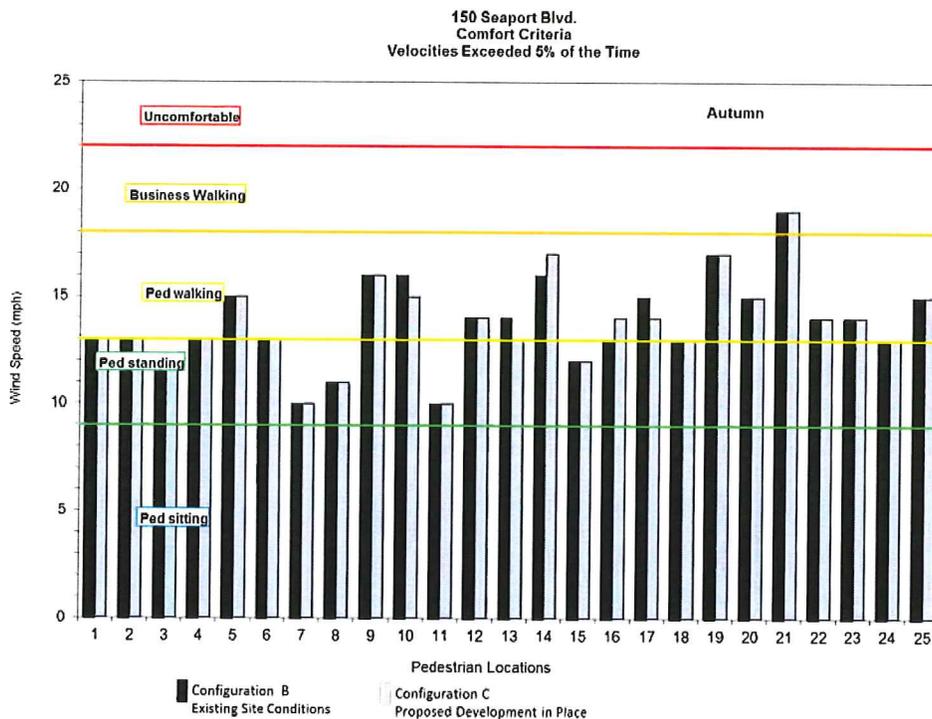


Figure 3q. Summary of pedestrian wind comfort ratings – Autumn.

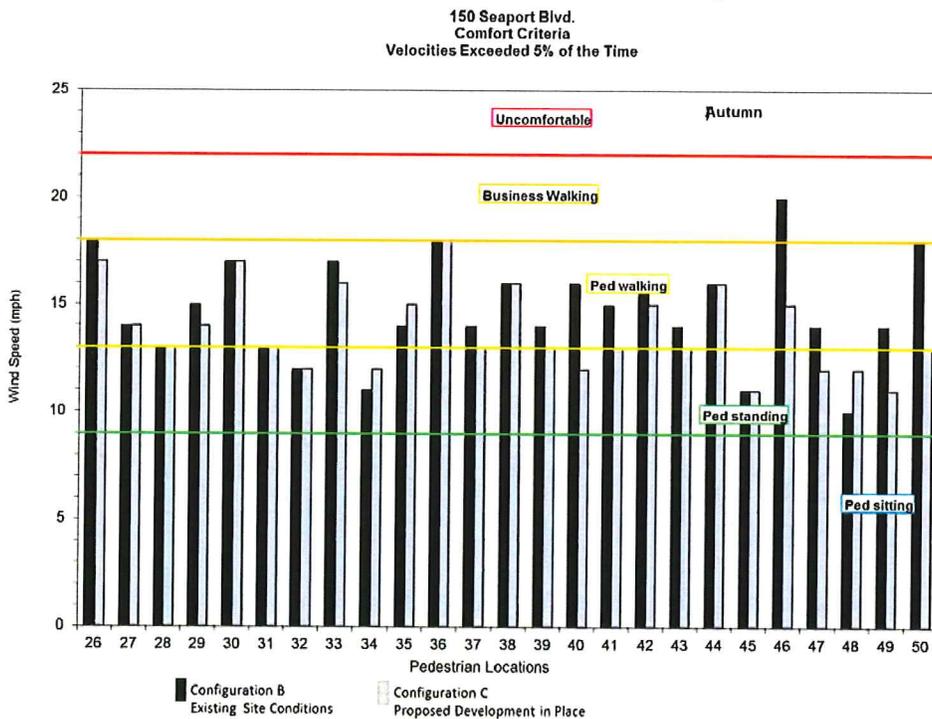


Figure 3r. Summary of pedestrian wind comfort ratings – Autumn.

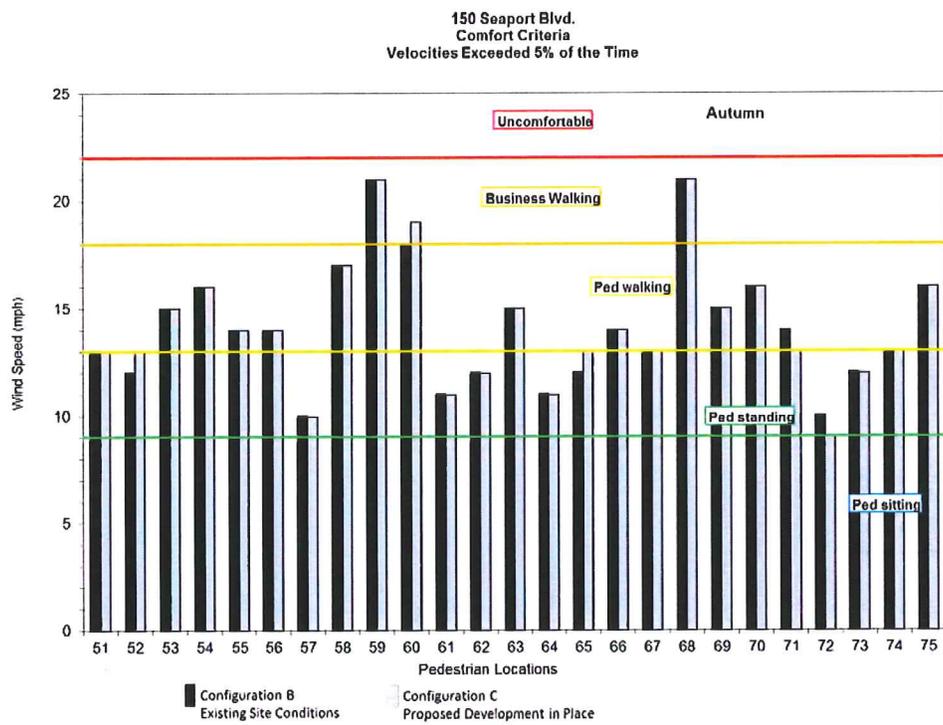


Figure 3s. Summary of pedestrian wind comfort ratings – Autumn.

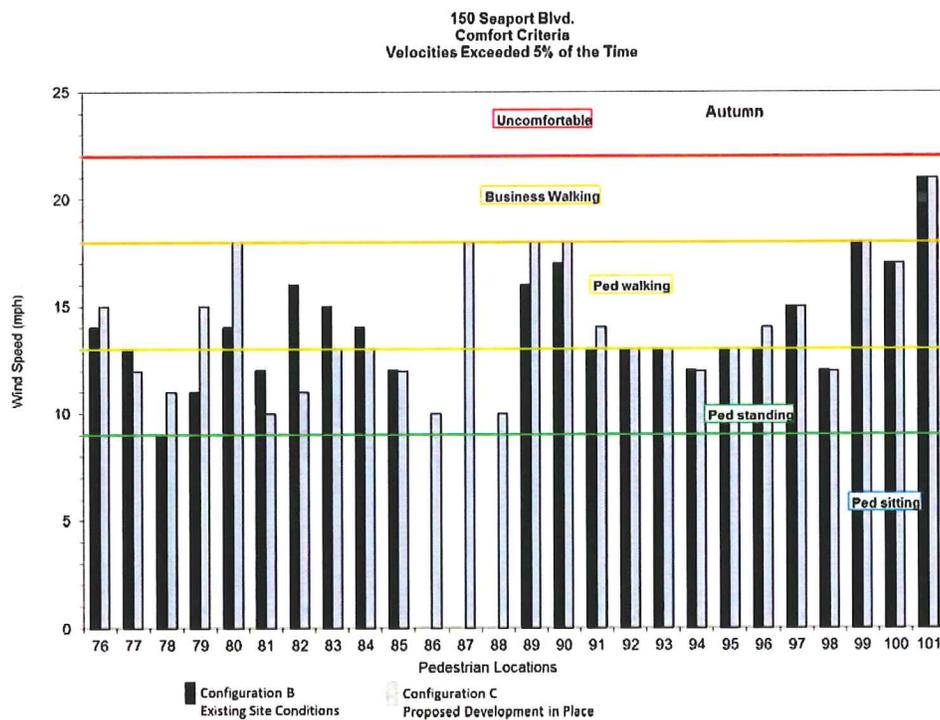


Figure 3t. Summary of pedestrian wind comfort ratings – Autumn.

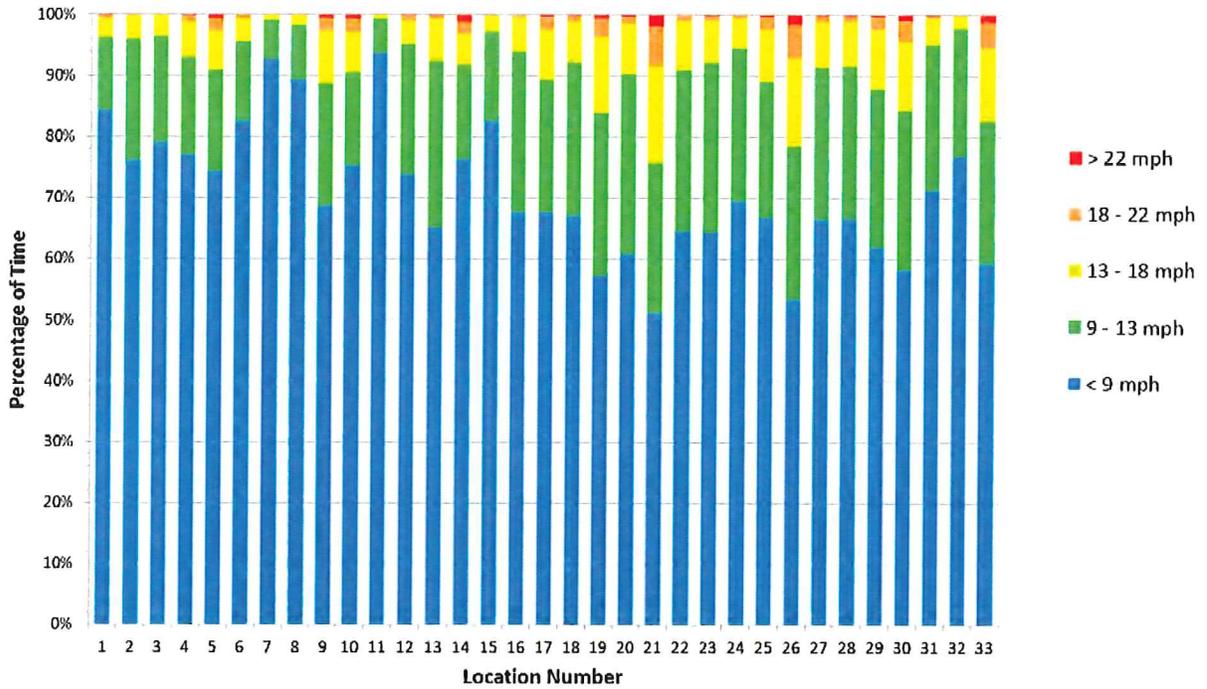


Figure 4a. Percentage of time that the wind speeds will be within each wind speed range – Annual.

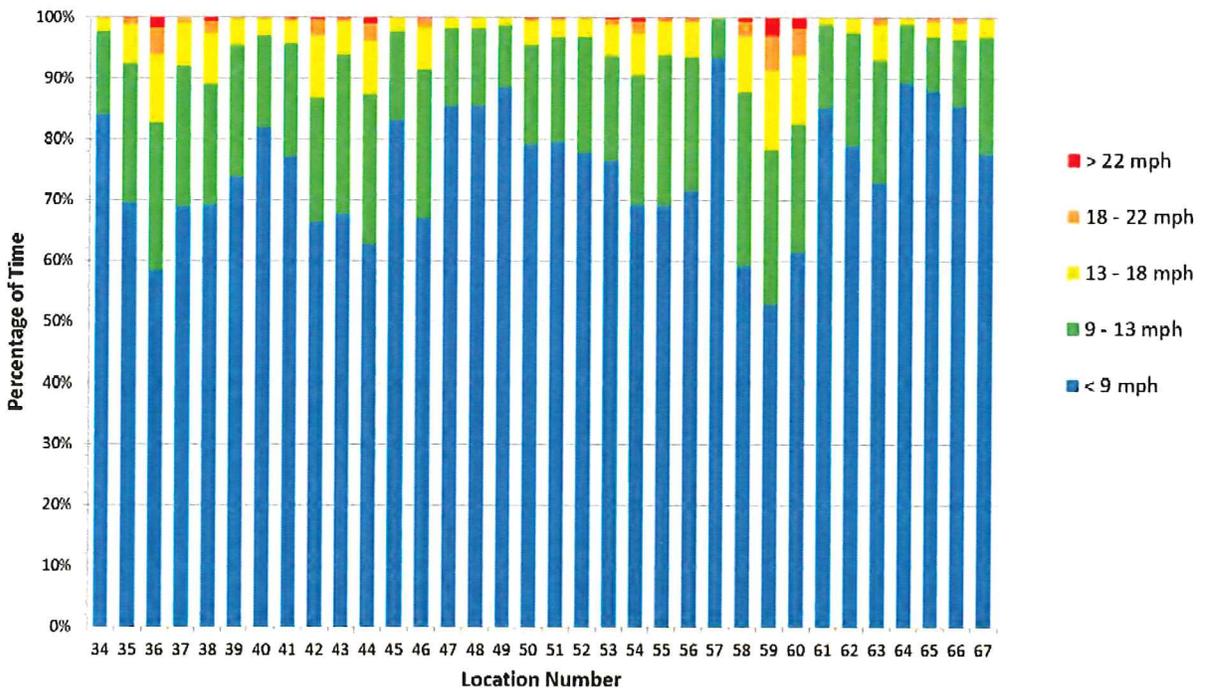


Figure 4b. Percentage of time that the wind speeds will be within each wind speed range – Annual.

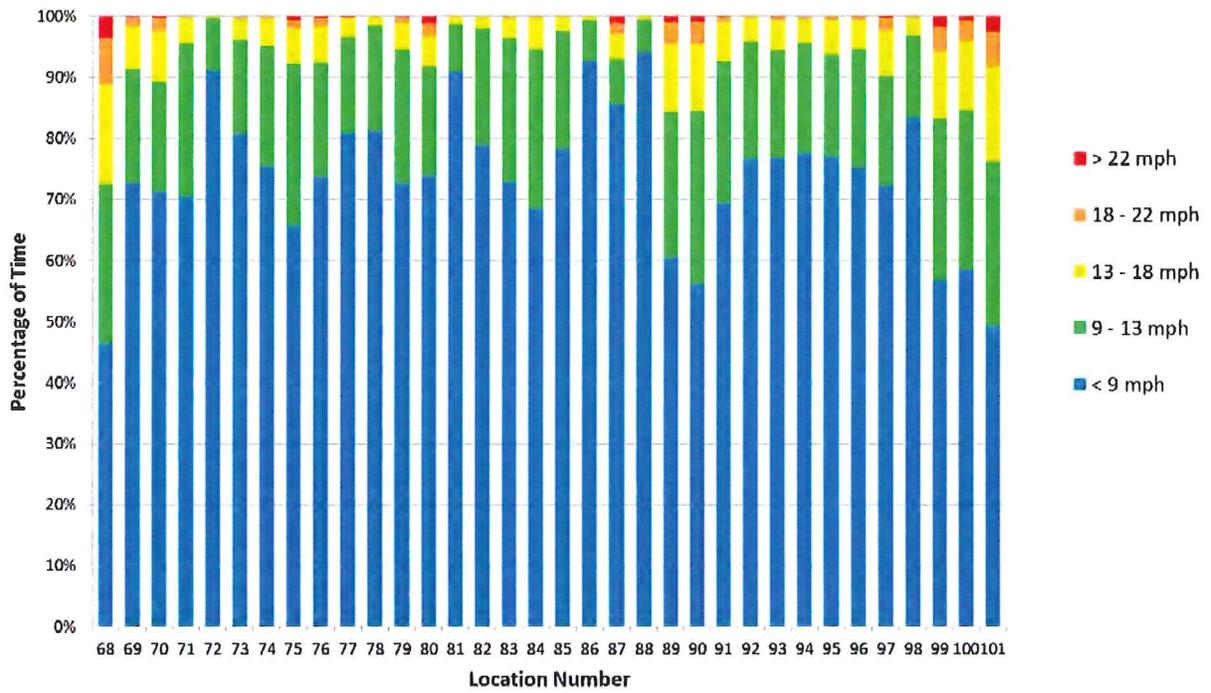


Figure 4c. Percentage of time that the wind speeds will be within each wind speed range – Annual.

Appendix 3

Harbor Plan Advisory Committee Meeting Dates and Notes

Harbor Plan Advisory Committee Meeting Dates

February 3, 2016

February 17, 2016

March 2, 2016

March 16, 2016

April 27, 2016

May 4, 2016



South Boston Waterfront District Municipal Harbor Planning
Advisory Committee Meeting No. 1
Wednesday, February 3, 2016
District Hall, 75 Northern Avenue

Attendees

Advisory Committee (“Committee”): Bruce Berman, Austin Blackmon, Buddy Christopher, Rep. Nick Collins, Marianne Connolly, Sgt. Joe Cheevers, Sara McCammond, Jim Rooney, Greg Vasil, Julie Wormser

City of Boston (“City”): Richard McGuinness, Boston Redevelopment Authority (BRA); Chris Busch, BRA; Erikk Hokenson, BRA; Casey Hines, BRA; Michael Christopher, BRA

Government Representatives: David Biele, Office of Rep. Nick Collins; Pat O’Brien, Office of Sen. Linda Dorcea-Forry; Lisa Engler, Office of Coastal Zone Management (CZM); Ben Lynch, Department of Environmental Protection (DEP)

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

Members of the Public: Valerie Burns, Regan Cleminson, Jeffrey Curley, Neil Fitzpatrick, Mike Foley, Alex Morris, Charles Norris, Tom Palmer, Lisa Pedicini, Tom Snyder

Meeting Summary

Mr. Chris Busch, BRA, opened the meeting at 6:05 PM by introducing BRA staff and the Committee in attendance. He explained that the Committee has been convened to provide input into the amendment and renewal South Boston Waterfront District Municipal Harbor Plan (MHP) in order to facilitate the redevelopment of the “Restaurant Parcels” located at 150 Seaport Boulevard, where the Atlantic Beer Garden and Whiskey Priest are currently located. Additionally, the amendment will serve to enhance the public’s access to and use of the waterfront there and incorporate the recommendations of several planning studies and city policies that have been developed since the MHP was originally approved in 2000.

Mr. Busch continued with an explanation of the planning area and historical context for the MHP. The South Boston Waterfront is an approximately 1000-acre area, roughly bounded by the Fort Point Channel, West First Street, East First Street, and Boston Harbor. This area includes filled and flowed tidelands owned by private entities and the Commonwealth, as well as the South Boston Designated Port Area. The MHP area totals approximately 108 acres and includes the tidelands subject to Chapter 91 regulations in South Boston from the West Fourth Street Bridge, along the Fort Point Channel, around Fan Pier, and ending at 150 Seaport Boulevard. Following its approval in 2000, the MHP was amended in 2002 to facilitate the

build-out of the Institute of Contemporary Art (ICA) and again in 2009 to incorporate the Fort Point District 100 Acres Master Plan. The Harborpark District Plan, Boston's original MHP for its entire waterfront, was developed to promote the waterfront's revitalization, activation, working port, and access, the latter of which is generally achieved through the 47-mile Harborwalk. The South Boston Waterfront was initially excluded by the Commonwealth of Massachusetts in its approval of the Harborpark District Plan in order to encourage a deeper vision for the area. The City responded with the development of the Seaport Public Realm Plan, which focuses on the promotion of access to the harbor, preservation of the industrial port, establishment of a vital mixed-use district, development as an integral part of a local and regional economy, and assurance that the community would benefit from the redevelopment of the South Boston Waterfront.

Mr. Busch explained that the Seaport Public Realm Plan led to the development of the South Boston District Municipal Harbor Plan. The planning area was subdivided into subdistricts in order to preserve their distinct attributes: Fort Point Industrial (P&G Gillette area), 100 Acres, Fort Point Historic, and Inner Harbor. He continued that the Secretary of the Office of Energy and Environmental Affairs (EEA) conditioned approval of the MHP with a number of requirements, which included a minimum of 50% open space on all major development sites; maximum building heights of 240-270 feet; limited shadow impacts on Fan Pier Cove; provision of the Harborwalk along the entirety of the waterfront; provision of Facilities of Public Accommodation (FPAs) on all ground floors; 127,000 SF of civic and cultural space; a minimum of one-third residential use on new development sites; water transportation facilities and operations subsidies.

Mr. Busch focused on the Inner Harbor Subdistrict, summarizing the Fan Pier, Pier 4, and Seaport Square developments. He noted that the primary goal of the South Boston Waterfront District MHP for the Restaurant Parcels "is to complete a Harborwalk connection from Pier 4 along the seaward edge of the Restaurant Parcels connecting to a new Northern Avenue." Along with significant open space, these developments have included multiple civic & cultural uses, water transportation facilities, and water transportation operations subsidies.

Mr. Busch continued with an explanation of the existing plans with influence over the MHP process. He introduced the Inner Harbor Passenger Water Transportation Plan from 2000, which has been the City's guiding document for focusing water transportation resources in anticipation of growing ridership, especially to and from the South Boston Waterfront. While projections haven't been realized, an increase in ridership is expected. Continuing with the transportation theme, Mr. Busch highlighted the South Boston Waterfront Sustainable Transportation Plan from 2015, which was developed in the hopes of alleviating the existing and anticipated traffic of the area. Next, he spoke on the City of Boston's Open Space & Recreation Plan, which is updated every five years, the Fort Point Channel Watersheet Activation Plan, and Boston's various climate change preparedness and resilience initiatives. Finally, he listed a number of other on-going initiatives currently being conducted by the City,

including Imagine Boston 2030, Boston Creates, Housing a Changing City, Go Boston, Boston Bikes, Drive Boston, Complete Streets, and Vision Zero.

His presentation completed, Mr. Busch invited Mr. Tom Skinner of Durand & Anastas Environmental Strategies for Cronin Holdings to present additional context for the MHP process. Mr. Skinner provided a brief history of Chapter 91, which was drafted in 1866 to regulate the existing waterfront to limit harbor encroachments, preserve the public's right to navigation, and promote commerce. In 1979, judicial precedent expanded the purview of Chapter 91 to include filled tidelands, after which the Commonwealth, through its Department of Environmental Protection (DEP) Waterways Program, developed regulations over the course of ten years that affected both developments and activities on and near the water. Further legislation clarified that landlocked tidelands (i.e. those more than 250' from the shoreline and across a public way) are not regulated under Chapter 91. Current regulations prioritize water-dependent uses and ensure that private uses for tidelands and waterways serve a proper public purpose. Water-dependent uses require direct access to waterways, are presumed to have a proper public purpose, and are not restricted by Chapter 91's dimensional standards (but are subject to local zoning). Non-water dependent uses do not require direct access to the waterways, must provide amenities to ensure the public's enjoyment of the waterfront, and are restricted in size and location by Chapter 91's dimensional standards, of which there are eight: lot coverage, open space, building height, water-dependent use zone (WDUZ), FPAs, facilities of private tenancy (FPTs), pedestrian-access network (i.e. the Harborwalk), and new pile-supported structures. In the absence of an approved MHP, these standards are applied uniformly along the Commonwealth's coast.

Mr. Skinner paused for questions. Ms. Julie Wormser, MHPAC Member, inquired about buildings on pilings. Mr. Skinner clarified that any coverage on the watersheet is required to be offset by an equal amount of available watersheet elsewhere. Mr. Bruce Berman, MHPAC Member, asked for a clarification of FPTs on flowed tidelands. Mr. Skinner replied that FPTs are not allowed on flowed tidelands, unless substitute provisions allow for them and are offset. A member of the public inquired about floor-area ratio (FAR) requirements. Mr. Skinner replied that there is no specific FAR in Chapter 91, but defers to local zoning. He continued that massing, which is subject to Chapter 91, can be translated into FAR, but not always.

Mr. Skinner continued by explaining that MHPs are voluntary, state-approved, and used for many purposes, including alternative dimensional standards and the promotion of local waterfront goals. As mentioned, it is administered by EEA through DEP's Waterways Program and the Office of Coastal Zone Management (CZM). Substitute provisions replace dimensional standards for non-water-dependent use projects and must be offset to activate the waterfront with a variety of public amenities. Focusing on the South Boston Waterfront District MHP, Mr. Skinner provided a brief recap of Mr. Busch's presentation and added that the MHP allows building heights up to the Federal Aviation Administration (FAA) maximum and aggregates and

focuses open space on the waterfront. Excluding the Restaurant Parcels, the MHP will be renewed as-is, as periodically required.

Mr. Skinner outlined the anticipated schedule for the MHP process: four to six Committee meetings, a public hearing, review and approval by the BRA Board through the spring, followed by submission to the Commonwealth in late spring and a 30-day public comment period, and a decision from the Commonwealth in early summer.

Upon the conclusion of Mr. Skinner's portion of the presentation, Mr. Busch invited Rep. Nick Collins, MHPAC Member, to comment prior to his departure for another engagement. Rep. Collins stated his appreciation of the BRA's effort to engage the public by convening the Committee. He continued by highlighting the need to protect the waterfront for the public in light of the significant development the City is experiencing and noted that the proposed development is ceding ample rentable space in order to do so. Rep. Collins concluded that he is excited for the jobs that the proposed development of 150 Seaport Boulevard will create.

Mr. Michael Kineavy, Chief Operations Officer of Cronin Holdings, introduced Cronin Holdings' project team. He provided a brief history of his organization's real estate developments and holdings in the area, noting that they acquired the Restaurant Parcels nearly ten years ago and opened the Atlantic Beer Garden in 2007 and the Whiskey Priest in 2009. Cronin Holdings currently has over 800 people working along the City's waterfront, approximately half of whom are Boston residents. He emphasized the need for a neighborhood of private, public, and non-profit interests, which Cronin Holdings has a history of supporting. Mr. Kineavy continued that the architecture of the proposed development of 150 Seaport Boulevard is a response to Mayor Marty Walsh's call for more distinctive architecture in the City and expressed hope that the public would approve.

Mr. Rob Halter, Senior Associate at Elkus Manfredi Architects, provided a brief overview of his presentation and opened with a more detailed examination of the Restaurant Parcels. He explained that the parcels are composed of a quadrilateral parcel owned by Cronin Holdings, within whose footprint the buildings are, and a triangular parcel leased from the City. The Harborwalk would be seaward of the Restaurant Parcels and the sidewalk along Northern Avenue would be improved. Mr. Halter invited Mr. Howard Elkus, Principal of Elkus Manfredi Architects, to present the inspiration for the building's design. Mr. Elkus stated the site is uniquely positioned at the exit of the Mass Pike (I-90), effectively creating a gateway for the Seaport. He continued that the water's edge also provides a unique landscape where the built environment terminates and meets the flat sea. He continued that rather than replicate the forms of the neighboring buildings, Elkus Manfredi Architects sought to complement them while capitalizing on the "romance of the sea." The design's overall inspiration is the bow of a ship, which Mr. Elkus called the bow of a ship one of the most honest forms in the world: strictly functional, but beautifully formed. Mr. Elkus presented initial sketches of the building form and listed a variety of its aspects that sought to enhance the view corridors from both the

interior of the building and the street. He proceeded to explain the development of the design, where a parallelogram was dynamically modelled to enhance open space, optimize views, and expand the urban realm. Mr. Halter continued the description of the design, highlighting the smaller base form featuring two-stories of retail/restaurant space that allows for maximum ground-level open space, a continuous Harborwalk, and an improved sidewalk condition. Mr. Halter next showed the interior floor plans for the base and noted that the critical mechanical infrastructure has been elevated to the second floor in the interest of resilience to flooding. He then revealed the final building form, which Mr. Elkus also described further by highlighting the transparency of the building in an attempt to be neighborly to both the surrounding built environment and the water.

Mr. Skinner returned to present the substitute provisions of the MHP for building footprint, building height, and WDUZ that are needed to allow for such a development. He explained that the ground-level building footprint is 48.5% of the site, but that due to the cantilevered design, the total building footprint – which Chapter 91 regulates – is 64% and requires 3,374 SF to be offset. Additionally, the total net-new shadow for the building is 16,640 SF (12,197 SF over water, 4,443 SF over land), which Mr. Skinner indicated would be explained in more detail in future meetings. Further, the building is designed to exceed the Chapter 91 height limit and requires the relocation of 208 SF of the WDUZ from the north side of the Harborwalk to the east side. Mr. Skinner concluded his presentation with a recap of the public realm improvements the development would entail, including the continuation of the Harborwalk, expanded public exterior space, expanded view corridors, two levels of active uses, and the MHP offsets and stated that the next Committee meeting will be on February 17 at 6 PM.

Mr. Busch opened the floor to questions from Committee members. Mr. Jim Rooney, MHPAC Member, asked for a more detailed explanation of the building's programming. Mr. Halter replied that two bottom floors will include 8,500 SF of restaurant space and approximately 130 condominiums on the remaining floors. Ms. Wormser asked for the building's height and its relationship to the FAA height limits. Mr. Halter answer that the current design is 250' and is currently undergoing the FAA's TERPS analysis. He added that the existing building is 22-25' away from Pier 4, a line that will be maintained. Mr. Berman commented that this design proposal is the latest in a string of two or three that have sought to open view corridors. He requested that the development team consider how the building's edge at the water-level could interact with users of the water, such as the boating public. Ms. Marianne Connolly, MHPAC Member, asked if the surrounding buildings had also gone through the MHP process. Mr. Busch replied that those within the Chapter 91 jurisdiction had and that the Restaurant Parcels had not because the owners had not expressed an interest in additional density at the time of the MHP processes.

In response to Ms. Wormser's question regarding underground parking, Mr. Skinner affirmed that the current design calls for underground parking. He continued that additional analysis of the flood maps are being conducted to ensure that the unique characteristics of the site are

accounted for. Ms. Wormser expressed concern that the building would experience chronic flooding as opposed to nuisance flooding in the future given climate change and sea level rise. Mr. Halter responded that, in addition to the flooding analysis, the ground floor of the building will be elevated 1.5-3' above the ground and protected by flood barriers as needed. Mr. Austin Blackmon, asked if the flood barriers would be transported to the site each time, which Mr. Halter confirmed. Mr. Skinner added that maintaining the activation of the ground level and the public's access to the waterfront, as required by Chapter 91, is sometimes difficult to reconcile with expected flooding. Mr. Halter continued that additional measures will be examined once the flood analysis is complete, but that the building's core functions would, at the least, be elevated.

Mr. Blackmon, MHPAC, asked how many parking spaces are proposed for the development. Mr. Halter replied that there are 170 parking spaces for both residential and commercial uses. Mr. Blackmon followed up his initial question with another on job creation. Mr. Kineavy replied that 400 construction jobs would be generated and that permanent jobs are still being calculated.

Mr. Busch opened the floor to the public for questions. A South Boston resident and Local 7 Ironworker, inquired about jobs for residents. Mr. Kineavy replied that they are working with local union representatives to maximize the number of jobs for residents. Mr. Tom Snyder asked about public safety, specifically access for firefighters along the Harborwalk. Mr. Busch replied that the building will comply with all regulations necessary for building permits, including public safety. Mr. Snyder also asked about access to boats and ships from land. Mr. Busch replied that there are a number of areas throughout the city designed for such uses, including much of Charlestown, Chelsea Creek, East Boston, and the South Boston DPA, but that most of the water's edge in the South Boston Waterfront District are for transient vehicles due to the wave action of the area.

Ms. Wormser requested a clarification on site assembly. A representative from Cronin Holdings explained that Cronin Holdings has leased the discontinuance of Old Northern Avenue adjacent to the parcel they own and is seeking to purchase the discontinuance area.

Mr. Ben Lynch, Department of Environmental Protection, asked if the public sidewalk is included in the footprint. Mr. Skinner replied that the cantilevered portion of the building does extend over the sidewalk. Mr. Jim Rooney, MHPAC Member, asked if the adjacent sidewalk to the east is owned by MassPort, which Mr. Halter confirmed.

Mr. Busch informed the Committee and public that the next meeting is scheduled for February 17 at 6 PM in the Piemonte Room on the Fifth Floor of City Hall.

Meeting adjourned at 7:35 PM.



South Boston Waterfront District Municipal Harbor Planning
Advisory Committee Meeting No. 2
Wednesday, February 17, 2016
Piemonte Room, 5th Floor, City Hall, Boston, MA

Attendees

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

City of Boston (“City”): Chris Busch, Boston Redevelopment Authority (BRA); Erik Hokenson, BRA; Casey Hines, BRA

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

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

Members of the Public: Valerie Burns, Thomas Nally, Tom Palmer, Maren Tober, Alexandra Smith, Gary Walker, Andy Ward

Meeting Summary

Mr. Chris Busch, BRA, opened the meeting at 6:15 PM by introducing BRA staff in attendance. He apprised the Committee of the concurrent Article 80 Large Project Development Review process for the redevelopment of 150 Seaport Boulevard. He explained that Article 80 Large Project Development Review is an aspect of the City’s zoning code applicable to projects in excess of 20,000 square feet (SF) and exists to evaluate the impacts of a development on urban aspects such as traffic, utility infrastructure, air and noise quality, historic resources, and so forth. Cronin Holdings submitted their Letter of Intent (LOI) to redevelop the parcel in late December 2015, thereby formally initiating the Article 80 Development Review process. Mr. Busch indicated that a Project Notification Form (PNF) is expected to be filed in the coming months that will further detail the impacts of this project as they relate to the City’s zoning code and an Impact Advisory Group (IAG) consisting of community stakeholders will be convened as a part of this process to review and comment on the project. Mr. Busch clarified that the Municipal Harbor Planning (MHP) process is focused on the impacts of developments on the waterfront and watershed, which is separate from the Article 80 Development Review. Ms. Casey Hines, BRA, is the Project Manager for the Article 80 Development Review and is available to answer any questions related to that process.

Mr. Busch summarized the previous Committee meeting, which included a summary of Chapter 91, a brief history of harbor planning in the City and the South Boston Waterfront MHP, and a recounting of the various planning initiatives related to the South Boston Waterfront. Representatives of Cronin Holdings also presented on the proposed redevelopment of 150 Seaport Boulevard. He presented the agenda for the evening's meeting, which featured a review of the Chapter 91 regulations, a familiarization with the legislative vernacular, their application to this specific proposal, and a presentation by Cronin Holdings on modifications made to the proposal since the previous meeting.

Mr. Busch continued with a reiteration of the planning objectives from the Seaport Public Realm Plan and subsequently embedded into the South Boston Waterfront District MHP in 2000, which include promoting access to the waterfront; preserving the working port; establishing a vital, mixed-use district; developing the area as an integral part of the local and regional economy; and ensuring the community benefits from the area's growth.

Mr. Busch reiterated that filled and flowed tidelands are subject to the Massachusetts Public Waterfront Act (Chapter 91). This legislation governs both water-dependent projects (such as marinas, boatyards, etc.) and non-water-dependent projects (including residential or office uses) in order to ensure that the public tidelands serve a proper public purpose, which is defined as water-dependent uses or non-water-dependent uses that enhance public use of and access to the water.

Mr. Busch explained that this objective is achieved through eight dimensional and use standards: height limitations, lot coverage/open space; setback from shoreline [water-dependent use zone, WDUZ]; pedestrian access network (the Harborwalk); facilities of public accommodation (FPA); activated open space; facilities of private tenancy (FPT); new pile-supported structures. (Regulations relating to FPAs and activated open space differ slightly between Commonwealth and private tidelands.) Mr. Busch highlighted a development in Charlestown that, in the absence of an approved MHP, conformed to all of these standards. These standards are uniform and apply throughout the Commonwealth, but approved MHPS allows for conditioned waivers ("substitutions") to modify these standards to promote local planning priorities and better represent local built context, provided that any negative or detrimental effects that these substitutions have on the public realm and the public's use and enjoyment of the waterfront are mitigated ("offset"). The combination of substitutions and offsets is required to promote state tideland objectives with comparable or greater effectiveness. MHPs also allow for municipalities to amplify the discretionary (non-numeric) standards codified in Chapter 91. These regulations ("amplifications") function to provide more clarity and detail to achieving public waterfront goals. For example, "waterfront activation" is a broad term, which can be refined by specifying requirements that new developments include public art installations or waterfront/sheet programming.

Mr. Busch explained that the South Boston Waterfront District MHP amplified both the pedestrian access network requirements (i.e., an expanded Harborwalk width) and space on the ground floor allowed for driveways, parking, and upper floor accessory uses (i.e., allowed less). He continued that there were also substitutions within the Inner Harbor Subdistrict of the South Boston Waterfront, which include Fan Pier and Pier 4, to implement the priorities and land use plan of the Seaport Public Realm Plan. The substitutions were for relief from the height, and shoreline setback provisions associated with the WDUZ. In lieu of a 100-foot setback at Fan Pier and Pier 4, a substitute provision for a 140-foot setback at Fan Pier and 200-foot setback at Pier 4 were requested and approved in order to create more than an acre of open space to enhance the waterfront realm. Reconfiguration of the WDUZ in many subsequent MHPs has been requested and approved by the Secretary of the Executive Office of Energy and Environmental Affairs (EOEEA) provided that there is no net loss of WDUZ.

Mr. Busch explained that the substitute provisions relative to building heights in the South Boston Waterfront MHP that would increase the planning area's density, a critical aspect in developing into an active, mixed-use neighborhood. He presented a comparison of the building forms allowed under Chapter 91 and those allowed through the MHP. Because Chapter 91 is focused on the quality of the pedestrian, ground-level waterfront experience, building height and massing are often evaluated using new wind and shadow conditions and views of the water. There are two important standards for measuring shadow: date and duration. Dating back to MHP process in 2000, the City of Boston's standard date for measuring shadow has not been a solstice date, but rather October 23rd. Whereas the fall solstice is still considered a comfortably outdoor date, October 23rd is closer to the end of the traditional outdoor months during which sunlight encourages activity. Further, this is a more restrictive date, i.e. as the sun is lower on the horizon, the shadow cast is much longer. For duration, shadow must be cast for one hour or longer in the shadow protection zones (SPZ), which are specific areas of particular sensitivity to shadow impacts, in order to be considered net-new-shadow (NNS).

Mr. Busch moved onto how wind impacts are evaluated. The BRA has adopted two criteria for assessing the relative wind comfort for pedestrians that have been utilized to establish wind standards for prior MHPs. First, maximum wind gust velocity is 31 miles per hour (MPH), which is not to be exceeded more than one percent of the time. Second, the pedestrian-level wind standard, which is based on location and comfort levels for pedestrian activities as expressed in terms of the one-hour mean wind speed exceeded one percent of the time, is as follows:

<u>Level of Comfort</u>	<u>Wind Speed</u>
1. Comfortable for Sitting	> 12 MPH
2. Comfortable for Standing	12 – 15 MPH
3. Comfortable for Walking	15 – 19 MPH
4. Uncomfortable for Walking	19 – 27 MPH
5. Dangerous	> 27 MPH

Mr. Busch explained that under no circumstances is the “Dangerous” category allowed. He continued by stating that wind conditions and impacts associated with new development proposals have historically been analyzed through the Article 80 Development Review process and not mitigated through MHP offset provisions. Potential wind mitigation design measures may include alterations to building massing and location and installation of structural element closer to the ground plane to baffle or dampen winds.

Mr. Busch continued that the goal of the South Boston Waterfront District MHP was to identify a program of offsets site-by-site related to substitute provisions for the locations that would be most effective in fostering public use and access. The MHP framed guidelines for the evaluation of offsets, noting that mitigation measures should be commensurate with the negative impacts of the substitute provision; coincide with the completion of the project; and, preferably be in-kind in a proximate location; increase the performance standard of another quantitative requirements; and/or qualitatively contribute to promotion of tidelands objectives. Further, the MHP requires that offsets be above-and-beyond baseline requirements, such as civic, cultural, and educational programming; Harborwalk and related signage; water transit facilities, subsidies, and service; public space amenities; and dedicated space for public landings/transient dockage. Specific to the Inner Harbor, the South Boston Waterfront District MHP, developments in the Inner Harbor Sub-District (i.e. Pier 4 and Fan Pier) included no offsets for the WDUZ or open space because the parcels met the required standards. However, offsets were required for shadow and were developed with the intent to provide people with alternative places to gather, relax, or wait for water transportation. Formulaically, square footages of shadow were offset at a 2:1 ration for additional open space; 1:1 for civic, cultural, and educational facilities; 1:1 for public water-related facilities; 1:1 above and beyond baseline maximum of 15% for water-transportation subsidies; a maximum of 10% of offset amount for public access facilities for the Boston Harbor Islands; contributions to the Fund for Parks and Recreation; and other qualitative offsets. Given the significant amount of shadow created by Fan Pier and Pier 4, these results resulted in the contribution of millions of dollars for water transportation in the Inner Harbor, the development of ferry terminals at Fan Pier Cove and the Pier 4 Water Commons, and the creation of civic/cultural space on Fan Pier (the ICA) and Pier 4.

Mr. Busch transitioned to an explanation of the three substitute provisions requested for the 150 Seaport Boulevard parcels and the offsets that the Committee is being asked to assist in developing. The proponent is seeking substitutions for the reconfiguration of 208 SF of the WDUZ; height (which will generate approximately 16,640 SF of NNS); and 3,374 of lot coverage in excess of 50%. Ms. Julie Wormser, MHPAC Member, asked if the sidewalk and area under the cantilevered section of the building are included in the calculation of lot coverage. Mr. Busch replied that open space is defined as “open to the sky”, so the area under the cantilevered section of the building is not counted as open space, and that the sidewalk is included in the calculation of open space, as has previously been done. Ms. Wormser asked

how the calculation of open space would change if the sidewalk weren't included. Mr. Busch stated that those numbers could be provided.

Mr. Busch invited Mr. Rob Halter, Elkus Manfredi Associates, and Mr. Tom Skinner, Durand & Anastas, to present the modifications to the proposal since the previous Committee meeting. Prior to the beginning of this presentation, Mr. Bruce Berman, MHPAC Member, asked Mr. Busch to repeat the three most recently presented slides of the presentation to clarify the size of the substitute provisions required to be offset. Mr. Busch took this opportunity to highlight the final slide of the presentation, which compared the square footages of the existing structures at 150 Seaport Boulevard (10,515 SF), a Chapter 91-compliant structure (46,488 SF), and the proposed structure (275,000 SF), relative to the adjacent buildings: 100 Pier 4 (400,000 SF), Pier 4 Office Building (350,000 SF), Seaport West (575,000 SF), Seaport Square Parcel L2 (425,000 SF), and Seaport Square Parcels M1 & M2 (1.1M SF). Mr. Busch then returned to the three previous slides as requested. Mr. Berman clarified that shadow is counted only if it is NNS, not shadow overall, and that heights in this area are limited by the FAA due to approaches to Logan Airport. He continued that in previous MHPs roads and sidewalks had been included in calculating open space percentages. Ms. Wormser asked Mr. Busch to return to the final slide which showed the comparisons of square footages and asked if the heights of these adjacent buildings were all similar. Mr. Busch replied that while he can't speak for Parcel L2, the heights along Seaport Boulevard and Northern Avenue are generally around 250 feet. Ms. Wormser asked for a confirmation and comparison of the heights of adjacent buildings similar to how the square footages were presented. Mr. Palmer, member of the public, asked how the Chapter 91 height standard of 55 feet fits into these comparisons. Mr. Busch replied that the Chapter 91-compliant structure square footage (46,488 SF) would conform to that standard, but could vary based upon floor heights.

Mr. Busch indicated that the next task for the Committee is to determine the offsets that would ensure an equal or better waterfront than currently exists. Mr. Skinner then introduced the proponent's presentation in response to comments and questions received at the previous Committee meeting. Mr. Halter explained that his initial slide indicates the current property boundaries, the discontinued right-of-way for Old Northern Avenue currently licensed to Cronin Holdings, the delineation of the assumed property line on the watersheet, and the Chapter 91-licensed area of the Harborwalk. Mr. Berman clarified that the currently licensed Harborwalk does not currently exist. He explained that Save the Harbor/Save the Bay uses the watersheet three times per week in the summer and had previously expressed concern over the Harborwalk extending over the watersheet and its impact on navigation. He stated that he spoke with Bay State Cruiselines staff and they indicated that there would be no issues, but would actually be a benefit to the area overall.

Mr. Halter continued that the next slide presented a model of the existing structures to illustrate the current views of the watersheet and compare them those offered by a Chapter 91-compliant structure and the proposed structure. Mr. Halter pointed out the additional

views offered by the proposed structure and the activated “open-to-the-weather” space and facilities of public accommodation. Mr. Halter proceeded on to address the previously-expressed concerns about the climate-change-preparedness of the proposed building. He indicated that the existing differences in grade from the northwest to the southeast corners of the site (18.5 feet to 16.5 feet, respectively) offered the opportunity to level the ground floor at 18.5 feet with steps and a ramp, effectively raising the entire site. Further, this mitigation measure offers the ability to continue raising the entire ground floor to a still-to-be-determined height in preparation for expected sea level rise without compromising the building’s foundation. Finally, Mr. Halter highlighted that the building would use temporary flood gates at the vehicular access points along Seaport Boulevard as necessary. Mr. Berman asked what the elevation of the adjacent property is. Mr. Halter stated that he didn’t know readily, but that the street is fairly level.

Ms. Wormser sought clarification on the Chapter 91 standards and the number of substitute provisions requested. Mr. Busch clarified that shadow works as a proxy for height and Mr. Skinner explained that the current Chapter 91 license allows for the Harborwalk and therefore does not require mitigation. He continued that they are exploring additional designs to the Harborwalk to soften the 90° angles of it in order to visually cue pedestrians to follow it. Ms. Wormser emphasized that temporary flood gates are a poor long-term solution relative to raising the ground level of the building, but is pleased that the latter was featured in this proposal.

Ms. Sara McCammond asked where the vehicles access the building. Mr. Skinner pointed out the two garage entrances and truck dock. Ms. Wormser asked if not including parking in the proposal is at all possible and suggested that the apparent vulnerability to flooding would be resolved without it. Mr. Halter stated that the residential access areas are planned to also be flexible and that as the City of Boston considers street-level mitigation measures the building will be able to adapt.

Mr. Palmer asked about the east-west grade change of the Harborwalk. Mr. Halter indicated that there isn’t one because the ramp and stairs will run north-south.

Mr. Busch asked if there were any more questions. Hearing none, he explained that the next steps for the Committee will be to examine and develop potential mitigation measures that would ensure an equal-or-greater standard. Mr. Andrew Grace, asked about the size of the area covered by NNS. Mr. Skinner clarified the NNS – visually differentiated between land and water NNS – as determined by the MHP’s standards.

Ms. Wormser expressed concern regarding the proximity of the buildings on Pier 4 to the proposed buildings. Mr. Halter clarified that the buildings would maintain their existing distance of approximately 22 feet. Ms. Wormser wondered if this was typical in urban settings. Mr. Halter countered that in urban settings you can have attached buildings without any

issues. Ms. Wormser, noting that this is not a Chapter 91 issue, but rather an urban design issue, asked what would be expected as the norm in this instance. Mr. Halter pointed out that the buildings are slightly staggered and that the seaward ends of Pier 4 and 150 Seaport Boulevard are not very distant. Noting that the space is not a thoroughfare and that Boston has a historic precedent of narrow passages and roads, Mr. Halter stated that rather than a detriment to the area, this is actually an opportunity to frame a unique view of the watershed and create a novel pedestrian experience. Mr. Busch added that wind standards will also dictate certain aspects of the design of the space and building form. Ms. Wormser also expressed concern regarding the privacy of occupants of adjacent buildings. Mr. Halter replied that there are various design solutions to this issue, such as focusing views towards the water, strategically locating interior building infrastructure, and so forth. Mr. Andrew Grace, MassPort, asserted that the space between the buildings is very narrow and that the Committee might benefit from a figure ground drawing to better visualize and understand the space. Mr. Berman clarified that the proposal will be subject to Article 80 Development Review, which includes a design component, and will further refine it. Ms. McCammond requested clarification on the timeline of the Article 80 Development Review. Mr. Busch replied that they are concurrent processes in this instance and would consult with Ms. Casey Hines, who had left the meeting, about the exact schedule.

Mr. Palmer inquired about shadow modellings for dates other than October 23. Mr. Halter replied that they had and presented shadow models for March 21, June 21, September 21, and December 21. Mr. Busch clarified that these models include shadows from existing and permitted buildings.

Ms. Valerie Burns, Fort Point Resident, requested a better understanding of the interface of the proposed structure and Seaport Boulevard. She expressed specific concern about the lack of trees and the length of the curb cut for residential access. Mr. Halter replied that they are examining alternatives for the residential access, including narrowing the curb cut to one lane, which is why the area has been obfuscated in the proposal documents. Mr. Busch added that KV line running along the property presents some hindrances to certain aspects of the interface, such as trees. Mr. Burns requested that the proponent carefully examine the possibility of adding more trees.

Ms. Wormser inquired about removing the parking from the building, suggesting that the area is very transit-oriented and that removing it would solve a lot of problems, such as the flooding vulnerability and curb cut. Mr. Jon Cronin, Cronin Holdings, stated that, while he would rather not include parking that comes at a significant cost to the project, market studies indicated that the target clientele of the residences require on-site parking for their use.

Mr. Busch informed the Committee and public that the next meeting is scheduled for March 2 at 6 PM in the Piemonte Room on the Fifth Floor of City Hall.

Meeting adjourned at 7:30 PM.



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

Attendees

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

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

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

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

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

Meeting Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Meeting adjourned at 7:25 PM.



South Boston Waterfront District Municipal Harbor Planning
Advisory Committee Meeting No. 4
Wednesday, March 16, 2016
Piemonte Room, 5th Floor, City Hall, Boston, MA

Attendees

Advisory Committee (“Committee”): Bruce Berman, Austin Blackmon, Marianne Connolly, Sara McCammond, Greg Vasil, Julie Wormser

City of Boston (“City”): Chris Busch, Boston Redevelopment Authority (“BRA”); Erik Hokenson, BRA; Casey Hines, BRA

Government Representatives: David Biele, Office of Rep. Nick Collins

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

Members of the Public: Rami El Samahy, Laura Hadley, Todd Isherwood, Thomas Nally, Tom Palmer, Bud Ris

Meeting Summary

Mr. Chris Busch, BRA, opened the meeting at 6:05PM by introducing BRA staff in attendance and representatives from the 150 Seaport Boulevard development team, Cronin Holdings. He stated that the focus of the evening’s meeting would be further discussion of the offsets mitigating the substitute provisions for 150 Seaport Boulevard. He listed the offset priorities identified in the previous Committee meeting: Martin Richard Park (the “Park”), which the City of Boston Parks and Recreation Department is still designing with the goal of presenting the design in mid- to late-April; the Northern Avenue Bridge gateway, whose bridge is the subject of a recently-announced Ideas Competition beginning March 21; additional activation of the Pier 4 Water Commons; public realm improvements, including uniform and improved signage; an enhanced Harborwalk; and water transportation. Support of civic and cultural space and watersheet programming were also identified as priorities. Mr. Busch solicited initial comments from the Committee.

Ms. Marianne Connolly, Municipal Harbor Plan Advisory Committee (“MHPAC”) Member, contended that having recently visited Children’s Wharf Park, Martin Richard Park would be a worthwhile investment. She asked if there was a limit to the number of recipients of mitigation funding. Mr. Busch clarified that there is not, but that the Commonwealth prefers an order of priorities during the review of a draft municipal harbor plan (MHP). Ms. Connolly indicated that Martin Richard Park would be her strongly preferred choice.

Mr. Julie Wormser, MHPAC Member, posited that the Committee had not been provided with the amount of offsetting funds, thus making it difficult to prioritize the list in an effective manner. She also expressed her apprehension about the many outstanding hurdles to development, including land assembly. Mr. Busch replied that the mitigation corresponds to the square feet of net-new-shadow and lot coverage above 50% and that Cronin Holdings would address her land assembly concerns during their presentation. He noted that the absence of a dollar figure should not preclude the prioritization of the public benefits.

Mr. Bruce Berman, MHPAC Member, indicated that he was recently encouraged by a multi-stakeholder meeting to discuss transportation options for the approximately four thousand employees who commute from North Station to the South Boston Waterfront, which presents an opportunity to solidify demand for water transportation with more frequent service. He continued that his priorities are similar to Ms. Connolly's and that the goal of the Committee should be to ensure a democratic waterfront. He suggested that offsets that enhance the site's and neighborhood's resilience to the impacts of climate change should be considered, as well. Ms. Wormser countered that such measures should be baseline, as opposed to offsets. She postulated that Chapter 91 should evolve to include flood protection, with which Mr. Berman disagreed. Ms. Wormser continued that she is attempting to balance the requirements of the regulations with what would make an excellent project in this instance; for example, Chapter 91 requires on-site or geographically proximate benefits, which is difficult for 150 Seaport Boulevard as a result of the parcel size. She expressed concern with the possibility of setting precedent. Mr. Busch explained that there is already precedent for open space offset offsite and the Secretary's Decision for the South Boston Waterfront Municipal Harbor Plan referenced aggregation of open space offering greater benefit than individual pocket parks. Ms. Wormser speculated that deviations from Chapter 91 would eventually make the statute worthless and stressed the need to approve a project that sets as minimal of a precedent under Chapter 91 as possible. Mr. Berman claimed that the MHP provision of Chapter 91 allows for deviations, but Chapter 91 remains the guiding document for determining offsets, including how to appropriately weigh these deviations. He added that various public benefits can be contiguous to a site, such as programming, civic and cultural spaces, and infrastructure, but that the overarching goal is to increase and enhance access to and enjoyment of the waterfront. He opined that Martin Richard Park would certainly attract urban youth to the waterfront and closed by recommending that additional weight be given to public benefits that last for the duration of the Chapter 91 license.

Ms. Sara McCammond, MHPAC, concurred with Ms. Wormer's suggestion that the lack of a dollar amount made it difficult to develop priorities. She inquired if there would be civic and cultural space in 150 Seaport Boulevard. Mr. Busch answered that it can certainly be considered, but up to this point has not been discussed by the Committee. He pointed to the space for the Society of Arts & Crafts adjacent to the project site and another 30,000 SF at Fan Pier and 240,000 at Seaport Square to be built-out at nearby parcels. Ms. McCammond

lamented the lack of civic and cultural space in the South Boston Waterfront despite community groups' persistent need for it.

Mr. Austin Blackmon, MHPAC Member, admitted that he is a strong proponent of Martin Richard Park, shares his fellow Committee members' frustrations over evaluating the public benefits without an understanding of the dollar amounts. He agreed with Mr. Berman's suggestion of strongly considering financial sustainability. Therefore, Mr. Blackmon would not prioritize water transportation subsidies over the alternatives. He suggested that it would be useful to present some initial designs for the Park to the Committee. Mr. Busch responded that an invitation to the appropriate City department had been extended in order to do so, but not yet accepted in deference to a formal presentation to the public as a whole.

As a follow up to Ms. McCammond's comments, Mr. Berman informed the Committee that 100 Pier 4 has free public meeting space that recently opened. It's directly adjacent to the project site and overlooks the water from the second floor of the building.

Ms. Wormser indicated her strong preference for tangible projects over contributions to a fund for projects. She noted that there is a transportation hub planned for the Seaport by Massport, which may offer the opportunity to create a "water transportation hub" in lieu of water transportation subsidies. She continued that an accessible Martin Richard Park and an improved Northern Avenue Bridge gateway completes a list of three things that are tangible, proximate, and add value to the neighborhood.

Mr. Blackmon stated his support in order of preference for an enhanced Harborwalk, Martin Richard Park, and then the other public benefits.

With no immediate questions or comments from the Committee, Mr. Busch solicited comments and questions from the public.

Mr. Bud Ris, North End resident (and Downtown Waterfront MHPAC Member), inquired if there is any demographic information that could inform the planning of the area moving forward to ensure appropriate live, work, and play spaces. Mr. Busch replied that there are a number of sources for that information and that there has been a stated demand for active recreation areas. Mr. Berman added that traditional uses, such as fish processing, have leases at Fish Pier through 2029 that should not be forgotten. Mr. Ris, referencing previous plans for a children's aquarium on the South Boston Waterfront, argued that it is difficult to justify such an expense for a non-profit in a high-rent area. Mr. Berman commented that the site does not constitute a special public destination facility ("SPDF"). Mr. Ris concluded that the amendment should adhere to the priorities outlined in the original South Boston Waterfront District MHP.

With no further comments or questions, Mr. Busch invited Mr. Tom Skinner, Durand & Anastas, and Mr. Rob Halter, Elkus Manfredi, to present the proponent's project. Mr. Skinner stated that

the purpose of his presentation is to answer questions posed by the Committee. He initiated the presentation with an explanation of the project's site assembly. Referring to the site diagram, Mr. Skinner explained that there is the existing "restaurant parcels" owned by Cronin Holdings, a triangular parcel currently licensed to Cronin Holdings, easements from both neighboring Tishman Speyer and Massport, and the sidewalk. Ms. Wormser asked if Cronin Holdings owned all of the parcels. Mr. Skinner explained that they currently do not because certain purchases are dependent upon the issuance of a Chapter 91 license. Mr. John Pulgini, representing Cronin Holdings, clarified that Cronin Holdings and the BRA are co-petitioners to the Public Improvement Commission (PIC) to take the triangular parcel resulting from the discontinued Northern Avenue, which requires various municipal agency approvals and an appraisal. Ms. Wormser questioned the probability of the taking. Mr. Pulgini answered that Cronin Holdings is confident in acquiring the property given the City's explicit desire to straighten Seaport Boulevard and Northern Avenue. Ms. Wormser sought an explanation on the inclusion of sidewalks in the project site. Mr. Skinner clarified that the sidewalk is included to permit the cantilever, which would otherwise be precluded by Chapter 91 dimensional regulations. Ms. Wormser inquired about the inclusion of the cantilever in the overall design. Mr. Skinner replied that the cantilever allows for a smaller building footprint and without it the project would be financially unfeasible.

In response to its question on construction staging, Mr. Skinner informed the Committee construction will likely include the use of a barge and landside construction would be along Seaport Boulevard. The goal is to ensure a timely construction period with a protected walkway. Ms. Wormser returned to the land assembly. Mr. Skinner contended that there are no guarantees in permitting, especially under Chapter 91, but that the process must begin somewhere. A Chapter 91 license requires care and control of the licensed property for the duration of the license, but care and control cannot be proven prior to the Article 80 Development Review process, which is concurrent with this MHP amendment process. Mr. Skinner continued that the existing licenses for the site are not all consistent, especially in regard to the seaward line of the water-dependent use zone ("WDUZ"), and are complicated by legal actions of the previous owner. Depending upon the conclusions of the Department of Environmental Protection ("DEP"), the Harborwalk around the site will measure either twenty or twenty-six feet wide, the latter of which would better match the Harborwalk along Pier 4. Preempting concerns that a larger Harborwalk would constitute less lot coverage (and therefore require less mitigation), Mr. Skinner stated that the cost of a larger Harborwalk exceeds any savings from a lower lot coverage. Mr. Berman expressed his hope for an expanded and enhanced Harborwalk. Ms. Connolly agreed with Mr. Berman and opined that guidance from DEP would be beneficial.

Mr. Ris inquired if a table comparing the existing, Chapter 91-compliant, and proposed buildings has been presented. Mr. Skinner confirmed that the table has and is available online in previous presented and that a schematic comparison would be presented shortly by Mr. Halter.

Ms. Laura Hadley, member of the public, posed the question of incorporating protection against sea level rise into the design of the building. Mr. Skinner replied that it has, noting that the piles being replaced will be higher and the ground floor is capable of being raised without the loss of use. He added that this has been expounded on in previous meetings and referred Ms. Hadley to presentations from them.

Mr. Tom Palmer, member of the public, asked how the contradicting licenses are resolved. Mr. Skinner replied that DEP does, but that the design presented is based upon a conservative site survey by Feldman Land Surveyors, a firm with extensive Chapter 91 experience.

Mr. Rami El Samahy, Principal of Over, Under, inquired about the white quadrilateral area adjacent to the Harborwalk in the southeast corner of the project site. Mr. Skinner replied that it is planned to be a water feature that Mr. Halter would present momentarily.

Mr. Todd Isherwood, resident of the South Boston Waterfront, quizzed Mr. Halter on pedestrian amenities on the Harborwalk, such as seating. Mr. Halter stated that such amenities are planned and would also be presented momentarily.

Ms. Wormser raised the issue of DEP issuing an unfavorable response regarding the inconsistent boundaries determined in the Chapter 91 licenses. Mr. Skinner explained that the design of the development works for either interpretation of the project site in the licenses.

Mr. Ris asked if Massport is comfortable with the infringement of the project on the designated port area ("DPA") fairway. Mr. Skinner replied that Massport has not raised any issues and, given that the water immediately adjacent to the piles is quite shallow, he does not expect there to be.

Mr. Halter responded to questions from previous Committee meetings regarding comparative building heights between existing, compliant, and proposed structures and neighboring ones using aerial and cross-sectional schematics. With no immediate questions from the Committee, Mr. Halter moved on to describe the site's landscape plan, which includes pedestrian seating, a water feature, and feature poles for artful lighting. He highlighted the space between Pier 4 and 150 Seaport Boulevard as a space requiring activation and currently calls for added lighting, community art installations, and plantings. Mr. Blackmon ask for a clarification of which direction this particular wall faces. Mr. Halter replied that it faces the west. Mr. Ris asked for the width of the space between the buildings. Mr. Halter informed him that it ranges from twenty to twenty-two feet. Mr. El Samahy speculated that there would not be enough sunlight to sustain any plant growth. Mr. Halter responded that it's not a climbing green wall of ivy, but will feature a selection of specifically-chosen plants to add texture to the wall, not cover it. He added that they are in discussions with the Society of Arts of Crafts, located adjacent to the project site, regarding the public art and programming the space. Mr. Berman remarked that

nothing activates an area like activity, whether it is attracted by meeting spaces, public art, or restaurants.

Mr. Ris inquired if the original South Boston Waterfront MHP intended to keep the project site at a lower height to step the buildings down to the waterfront. Mr. Busch explained that the South Boston Waterfront MHP had not considered any substitutions for the “restaurant parcels” due to a lack of the owner’s interest. The graded height authorized in the South Boston Waterfront MHP allowed increasing heights from a low at the outer edge of Fan Pier and Pier 4 to the FAA-allowed 250-foot maximums at Seaport Boulevard and southward. Mr. Ris cautioned that the Downtown Waterfront possesses many narrow alleyways between buildings that discourage the public’s access to the water, which this parcel should avoid. Mr. Halter replied that they would not want that and have proposed a design to ensure that the space is actually a feature that attracts activity.

On the topic of wind, Mr. Halter informed the Committee that the wind analysis found that all 101 locations tested met the BRA’s criteria on an annual basis and actually improved or did not change the wind at 97% of the locations compared to the existing conditions. He added that mitigating measures such as canopies, wind screens, and landscaping will be installed to alleviate wind gusts in the three exacerbated locations during the spring, fall, and winter.

Mr. Palmer quizzed Mr. Halter on the distance offsetting the southwest corner of the project site and the southeast corner of the adjacent Pier 4 site. Mr. Halter did not know exactly, but surmised that it was a number of feet. Mr. Palmer pressed if sunlight could be expected to penetrate the space. Mr. Halter said it would.

Ms. Wormser returned the conversation to the determination of the baseline for offsetting purposes, specifically the inclusion of the sidewalk in the project site. She expressed disquiet over the substitute provisions allowing a different building design if the proposed project became unviable due to a failure to close the purchase of the required land. Mr. Skinner replied that the MHP is only the initial step in the regulatory process, including Article 80 Development Review and MEPA, which provides further specification to the development. MHPs are designed to be general parameters, not specific building proposals, in order to be flexible to various uncertainties, such as market conditions, building materials, etc. Ms. Wormser claimed that the proposed project is a significant deviation from Chapter 91. Mr. Skinner parried that the purpose of the MHP is to allow for deviations from Chapter 91 and that the proposed project is not a deviation from the project’s context. Mr. Ris inquired if the extension of the deck onto the watersheet is being used to justify a larger building and if that sets a precedent. Mr. Skinner stated that it is not; excluding the expanded deck would only increase the lot coverage from approximately 62% to 65% or about 250 square feet of mitigation. Mr. Palmer asked what the lot coverage would be if the cantilevered portion were excluded from the project site. Mr. Skinner replied that it would be another small percentage increase of about two percent. Mr. Busch reminded the Committee that the extent of the

Harborwalk is pre-existing i.e. a license already exists for it. The size of it requires further clarification from DEP, but it is not subject to mitigation.

With no further questions or comments, Mr. Busch informed the Committee that BRA staff will prepare a draft of the South Boston Waterfront MHP amendment to be reviewed. The next Committee meeting will be scheduled based upon completion of the draft.

Meeting adjourned at 7:50 PM.



**South Boston Waterfront District Municipal Harbor Planning
Advisory Committee Meeting No. 5**
Wednesday, April 27, 2016
Piemonte Room, 5th Floor, City Hall, Boston, MA

Attendees

Advisory Committee (“Committee”): Bruce Berman, Austin Blackmon, Michael Creasey, Sara McCammond, Greg Vasil, Julie Wormser

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

Government Representatives: Lisa Engler, Office of Coastal Zone Management (CZM)

Proponent Representatives: Victor Baltera, Sullivan & Worcester; Jon Cronin, Cronin Holdings; Rob Halter, Elkus Manfredi Architects; Michael Kineavy, Cronin Holdings; Rebecca Leclerc, Elkus Manfredi Architects; John Pulgini, Cronin Holdings; Tom Skinner, Durand & Anastas

Members of the Public: Steve Hollinger, Jill Valdes Horwood, Thomas Nally, Charles Norris

Meeting Summary

Mr. Chris Busch, BRA, opened the meeting at 6:10 PM by introducing BRA staff in attendance and representatives from the 150 Seaport Boulevard development team, Cronin Holdings. He stated that the purpose of the meeting was to review the draft South Boston Waterfront Municipal Harbor Plan (“MHP”) Renewal & Amendment section-by-section with the Committee in a working session. He informed the Committee that there is a Committee meeting scheduled for the following Wednesday, May 4th, if the Committee deems it necessary. A public comment period will be initiated on May 9 for approximately three weeks, after which the draft MHP will be submitted to the BRA Board of Directors for their approval prior to submitting to the state. Mr. Busch also noted that the comment periods for the Project Notification Form (PNF) for 150 Seaport Boulevard and the Planned Development Area (PDA) Master Plan for the site close tomorrow (April 28) and June 3, respectively.

Regarding Martin’s Park at Children’s Wharf, Mr. Busch relayed from Ms. Liza Myer, City of Boston Parks & Recreation Department, that the community meeting on April 11 went well. Currently, permitting schedules for the park are being refined, site remediation is being assessed, and parcel ownership is being reviewed, all with the intent of returning to the community in June with a final design. The presentation from April 11’s meeting should be posted online in the near future with an opportunity to comment; a link will be forwarded as soon as it is available.

Mr. Busch initiated the review of the draft MHP with an outline of it: an introduction to the planning process and proposed project; various planning layers that have evolved since the original MHP was implemented; specifics to the project and proposed substitutions and offsets; and a review of consistency with state regulations. Mr. Busch highlighted that a ten-year renewal of the MHP is being requested. He also noted that the project site expanded approximately 1,100 square feet (SF) to 24,884 SF in order to accommodate the previously-presented 26-foot-wide Harborwalk/deck that maximizes usable open space and matches the width of Pier 4's Harborwalk.

Mr. Busch summarized the sections of the MHP relating to planning initiatives since the drafting of the original MHP in 2000, the initiatives that informed the MHP (e.g. Seaport Public Realm Plan), and the status of the implementation of the MHP. Moving onto the description of the proposed project at 150 Seaport Boulevard, Mr. Busch stated that the current plan calls for 61% lot coverage (i.e. not "open to sky"), but the draft MHP allows for a maximum of 65% lot coverage in order to accommodate any wind mitigation measures (e.g. canopies) as required as a result of the wind analysis, which indicated seasonal gusts exceeding the city limit at three locations. Mr. Bruce Berman, MHPAC Member, clarified that the lot coverage percentage is "clear-to-sky". Mr. Busch confirmed and added that the ground level lot coverage is only 45% due to the building's cantilever.

Mr. Busch noted the section regarding the public benefits realized as a result of the project. Mr. Berman asked for an explanation of the benefits that are related to the Chapter 91 process, specifically the affordable housing component. Mr. Busch deferred to Mr. Skinner, who explained that the MHP does refer to the provision of affordable housing, given the City's inclusionary development policy (IDP). The proponent for 150 Seaport Boulevard and the developer of Pier 4, Tishman Speyer, will cause the development of 46 units of age- and income-restricted housing with an additional unit for a live-in manager and provide on-site services, which will allow for smaller households to downsize and subsequently open affordable housing units for families.

Mr. Busch moved onto the substitute provisions proposed for the project site, which currently only include building height and lot coverage. Previously, a substitution for a reconfigured water-dependent use zone (WDUZ) was included, but omitted under the assumption of a 26-foot-wide Harborwalk/deck, which would meet the relevant Chapter 91 dimensional standard. Mr. Busch explained that he prioritized the offsets for the two substitute provisions based upon the Committee's discussion during the previous meeting in the following order: funding or in-kind services for open space improvement within MHP area (Martin's Park at Children's Wharf); funding for Water Commons and watersheet activation; support of civic/cultural spaces within MHP area (e.g. fit-out of various spaces); public realm improvements adjacent to 150 Seaport Boulevard; enhanced Harborwalk above baseline requirements; water transportation subsidies above baseline; and/or improvements to the Northern Avenue Bridge gateway. Mr. Berman thanked Mr. Busch for including all of the Committee's recommendations, noting that

it was comprehensive and accurate. However, he noted the lack of an exact amount of funding (expressed in the draft MHP amendment as \$XXX) and suggested that informing the Committee of that figure was necessary.

Ms. Julie Wormser, MHPAC Member, concurred with Mr. Berman, but added that she is concerned about building over the watershed and wondered how the public benefits would differ if the project were Chapter 91-compliant. Mr. Busch responded that if the decking were restricted, the reconfigured WDUZ would be reintroduced as a substitute provision and the lot coverage recalculated. Ms. Wormser posited that the Chapter 91 license that the property line is being based upon is invalid, with five years having lapsed without action by the licensee. She indicated she would rather see a proposal that did not assume the validity of the license, which would limit the encroachment of the deck over the watershed. Mr. Berman asked if the City, State, or proponent agreed that the license expired. Mr. Skinner stated that the Department of Environment Protection (“DEP”) indicated the license was valid, but the issue was instead that the license’s project site was inconsistent with a previous license, which a new license would reconcile. He added that it would have been impossible to act on the license until this past December, when litigation over the license was resolved. Ms. Wormser reiterated her request for a proposal on a smaller site. Mr. Skinner responded that such a project has been presented, with the same building size, but a smaller Harborwalk/deck. Both agreed that it would be beneficial for DEP to provide clarity on the licensing issue.

Mr. Rich McGuinness, BRA, asked Ms. Wormser if the issue was instead the lot coverage, to which Ms. Wormser agreed. Mr. McGuinness proposed Liberty Wharf as a comparable project with an expanded Harborwalk. Mr. Berman indicated he was under the impression that the Committee had agreed an expanded Harborwalk would be a public benefit. Ms. Wormser argued that the project as proposed sets a precedent by building over the watershed for a non-water-dependent use and requested a comparison of the public benefits from a Chapter 91-compliant project. Mr. Skinner countered that the parcel assemblage enables the Harborwalk, which precludes the possibility of an as-of-right project. Ms. Wormser stated that a colleague had shown the possibility of a full-width Harborwalk and a substantially-sized building can fit on the project site by using the footprint of one of the Harbor Towers. Mr. Skinner asked Ms. Wormser if a 12-foot Harborwalk was preferable to a 26-foot Harborwalk, the latter of which was proposed in response to the original MHP that had stated the goal for this site was to reconnect the Harborwalk seaward of the building and the Committee’s previous comments. Ms. Wormser replied that the space in between 150 Seaport Boulevard and 100 Pier 4 was a more valuable space as a connector to the Harborwalk and a view corridor. Mr. Busch asked if it is possible to shift the development footprint to create a larger space between the two buildings. Mr. Skinner answered that the site is limited by a KV line along the southwestern corner of the site and the property line with Massport to the east. He continued that he does not understand how the project acts as precedent for the redevelopment of Lewis Wharf or the Hook Lobster sites as each MHP is tailored to the area. He suggested that each site and proposed development within an MHP is unique, but that the

precedent is not set when discretion is involved, adding that the Barking Crab site could be argued as precedent for 100% lot coverage, but that it isn't. Upon Mr. McGuinness's request, Ms. Wormser reiterated her concern is expanding the deck for a non-water-dependent use and encroaching upon the Designated Port Area (DPA) fairway. Mr. Berman countered that the area in question is not part of the deep draft channel. Mr. Charles Norris, member of the public, interjected that it could be, hence the point of the fairway. Mr. Berman postulated that if any precedent is being set, that it is for expanded open space and improved connectivity, which are positive precedents. Mr. McGuinness stressed that MHPs are not precedent-setting because they are localized to achieve the planning and development goals of specific areas.

Ms. Sara McCammond, MHPAC Member, expressed her disquiet over precedent being set in advance of General Electric's (GE) planned relocation to the 100 Acres area of Fort Point, which is within the MHP area. Mr. Busch clarified that the current amendment is site-specific and has no relation to any development in the 100 Acres acre. She suggested that while the public agencies may not see precedence, the developers in the region argue that competing developments set precedence and request the same benefits.

Mr. Steve Hollinger, Fort Point resident, agreed with Ms. Wormser regarding the importance of the connection to the Harborwalk between 100 Pier 4 and 150 Seaport Boulevard. He continued that if the massing on the west were reduced, at least one of the loading and/or garage bays could be relocated off of Seaport Boulevard. Further, he criticized the planning process, during which the building was reviewed by the Boston Civic Design Commission (BCDC) prior to the approval of the PDA. Additionally, Mr. Hollinger postulated that the project would be "flipped" to another developer for significant profit once permitted. Mr. Jon Cronin, Cronin Holdings, objected to this speculation.

Mr. Hollinger also indicated that there is a lack of civic/cultural space afforded by the project and a lack of ground-floor activation on Seaport Boulevard. He suggested 2,500 SF of civic/cultural space at the expense of the proposed restaurant to be assigned to a tenant through a public proposal process. Mr. Busch noted that approximately 30,000 SF of civic/cultural space is planned on Fan Pier and another 1,200 SF in Block A, which requires funding for fit-out. Mr. Hollinger contended that given the six proposals for the civic/cultural space in Pier 4 received by the BRA in one month, exponentially more would be received with a longer window and a promise by the developer to fit-out the space. Mr. McGuinness, noting that he and Mr. Hollinger had spoken about this matter earlier, replied that his comments were welcome, but specifics would be beneficial to the process. Mr. Hollinger rejoined that the MHP process had intentionally excluded the civic/cultural community, despite the Secretary's Decision requirement that an advisory board of civic/cultural representatives citywide be formed for this MHP. Ms. McCammond noted that the clustering of civic/cultural uses facilitates their success, similar to any other industry.

In response to Mr. Skinner's previous question, Mr. Berman indicated his support for a wider Harborwalk. Mr. Greg Vasil, MHPAC Member, agreed and implied that objecting to it was motivated by a desire to preclude the project from moving forward.

Ms. McCammond requested a more detailed explanation of the proposed offsets and if they were weighted based upon their prioritization. Mr. Busch suggested knowing the offsetting dollar amount would also help finalize the prioritization. Mr. Michael Creasey, MHPAC Member, agreed with Ms. McCammond that the absence of the magnitude of the offsets prohibits prioritization. Mr. Berman suggested that regardless of the amount, each Committee member will have different priorities, but that the transparent and robust conversation should be applauded.

Mr. Hollinger, noting that, similar to 150 Seaport Boulevard, Atlantic (Russia) Wharf was a single-building PDA and included four civic/cultural spaces, decried the absence of civic/cultural space on-site and argued that off-site benefits are a loophole for developers to improve profit margins. Mr. Berman wondered why Mr. Hollinger hadn't suggested carving out a civic/cultural space earlier. Mr. Hollinger responded that he had in a letter to DEP.

Mr. Busch explained the climate change resilience embedded in the building design, including the ability to raise the base floor elevation and surrounding deck, flood proofing, and deployable flood prevention measures. Ms. Wormser complimented the proponent for its forward-thinking design and creative approach to resilience to flooding.

Mr. Busch concluded the overview of the draft MHP amendment with the final section on consistency with state regulations, whose inclusion is standard in MHPs.

Mr. Busch informed the Committee that a draft with images, wind analysis, and renderings will be forwarded to them within the next week. He added that any details regarding offset amounts would also be forwarded. He stated that the schedule is to make the amendment available for public comment on May 9 and present to the BRA Board for its approval at their June meeting. Ms. Wormser asked if it would be possible for DEP to provide clarity prior to then. Mr. Skinner replied that he has been attempting to schedule a meeting with them, but has not yet been able to do so. Mr. McGuinness added that the BRA contacted DEP regarding this issue approximately two weeks ago, but has not heard back.

Ms. McCammond asked how long the public comment would be. Mr. McGuinness clarified that it is not the formal comment period, but will last about three weeks. He stated that the formal comment period is a component of the state's review process and lasts up to sixty days. Ms. McCammond expressed apprehension regarding the various review processes, suggesting that they seemed out of order. Mr. Busch replied that it is an aggressive project schedule, but the Secretary's Decision regarding substitutions and offsets supersede the stipulations of Article

80 Development Review, in which case a Notice of Project Change (NPC) would be required if the Secretary's Decision differs from the Article 80 approval.

Ms. Wormser responded to Mr. Vasil that it is not her intent to prevent development on the waterfront, but rather ensure appropriately-sized and reviewed development. She wondered about the absence of an intermediate-sized proposal between the current buildings and the proposed building. Mr. Busch replied that the MHP sets maximums, so nothing would be larger and that the metric for evaluation is the pedestrian experience. Ms. Wormser posited that narrowing the space between 150 Seaport Boulevard and 100 Pier 4 would not improve the pedestrian experience. Mr. Rob Halter, Elkus Manfredi, clarified that the area isn't being narrowed, but adhering to the existing building footprint on the western side of the property. Ms. Wormser countered that the height of the building exacerbates the alleyway-like feeling of the corridor and razing the existing buildings presents an opportunity to not do that. Ms. Jill Valdes Horwood, Boston resident, inquired about the exact width of the space in question. Mr. Halter stated that it varies, but is approximately 21 feet. Ms. Horwood asked if there is a contingency plan in the event one or more of the easements are not secured. Mr. Cronin replied that there would be no redevelopment of the site if they were not secured, i.e. the restaurants would remain. Ms. Wormser indicated that her investigations suggested a building with a footprint similar to one of the Harbor Towers would be a better option as an intermediate-sized development. Mr. Cronin replied that the site is very constrained especially with its design for architectural significance. He continued that he is open to a discussion regarding civic/cultural spaces, but demurred to constructing a glass box that would maximize the building square footage. He added that Walgreen's had made a significant offer for the site, but had refused in order to redevelop the site as proposed.

Ms. Horwood asked about the inclusion in the MHP amendment of the shadow studies from the PNF. Mr. Busch clarified that the PNF shadow studies are seasonal, whereas the shadow studies for Chapter 91 are based upon October 23. Mr. Norris noted that the shadow studies presented did not include shadows cast after 1 PM and over the watersheet under the proposed deck. Mr. Skinner answered that he would confirm, but it was his recollection that no net-new-shadow (NNS) is cast after 1 PM on the shadow protection zone (SPZ). Mr. Norris additionally objected to the absence of a scale on any of the renderings and the suggestion that the proposed building footprint is within the existing building footprint, which is only true at the ground level, but not so at the upper floor as a result of the cantilever.

Mr. Hollinger asked if any part of the 26-foot Harborwalk would be exclusive to the restaurant. Mr. Busch agreed that this should be clarified in the amendment.

Ms. McCammond reiterated her concern over the process and requested that the Article 80 Development Review and MHP process not overlap in the future to ensure clarity. Mr. Berman noted the irony of this request given his and Ms. Viven Li's previous requests to consolidate review process, but sympathized with Ms. McCammond. Mr. Creasey concurred with Ms.

McCammond and pondered the magnitude of the public benefits and offsets offered by the proposed project. Mr. McGuinness replied that the BRA had recently contracted for an analysis of offsets under Chapter 91 in the hopes of discovering a “rule of thumb”, but that effort concluded without a quantitative answer.

Mr. Busch asked if another Committee meeting was necessary. Ms. McCammond answered that it was in order to reach a consensus on the prioritization of offsets. Ms. Wormser suggested waiting until clarity from DEP and financials were available before scheduling the next meeting. Mr. Vasil asked what the agenda for the meeting would be. Mr. Busch replied that it would be similar to that of this meeting, with a more specific discussion on the offsets and prioritization.

With no further questions or comments, Mr. Busch told the Committee that the next Committee meeting will be next Wednesday, May 4, unless otherwise informed.

Meeting adjourned at 7:40 PM.



**South Boston Waterfront District Municipal Harbor Planning
Advisory Committee Meeting No. 6**
Wednesday, May 4, 2016
Piemonte Room, 5th Floor, City Hall, Boston, MA

Attendees

Advisory Committee (“Committee”): Bruce Berman, Austin Blackmon, Buddy Christopher, State Representative Nick Collins, Marianne Connolly, Michael Creasey, City Councilor Bill Linehan, Sara McCammond, Julie Wormser

City of Boston (“City”): Richard McGuinness, Boston Redevelopment Authority (BRA); Chris Busch, BRA; Erik Hokenson, BRA; Christopher Cook, Parks & Recreation Department; Maura Zlody, Environment Department

Government Representatives: Lisa Engler, Office of Coastal Zone Management (CZM); Sean Pierce, Office of State Senator Linda Dorcea Forry

Proponent Representatives: Chuck Anastas, Durand & Anastas; Victor Baltera, Sullivan & Worcester; Jon Cronin, Cronin Holdings; Rob Halter, Elkus Manfredi Architects; Michael Kineavy, Cronin Holdings; Rebecca Leclerc, Elkus Manfredi Architects; John Pulgini, Cronin Holdings; Tom Skinner, Durand & Anastas

Members of the Public: Patrick Dolan, Edward Downs, Mary Fiske, Mike Foley, Steve Hollinger, Kathy Lafferty, John McGahan, Dante Ramos, Andy Ward, Mark Winkeller

Meeting Summary

Mr. Chris Busch, BRA, opened the meeting at 6:05 PM by introducing BRA staff and representatives from the 150 Seaport Boulevard development team, Cronin Holdings, in attendance. He invited members of the press to identify themselves, which Mr. Dante Ramos of the Boston Globe did, and stated that the purpose of the meeting was to continue the review of the draft South Boston Waterfront Municipal Harbor Plan (“MHP”) Renewal & Amendment begun by the Committee at [last week’s Advisory Committee meeting](#).

Before opening the conversation, Mr. Busch informed the Committee that the Department of Environmental Protection (“DEP”) had indicated that the existing Chapter 91 licenses and written determinations for the project site are valid and do not preclude the submission of the MHP amendment to the State by the City and that any ambiguities or contradictions within the licenses and written determinations would be resolved during the state’s consultation period and in the licensing of the proposed development. In addition, he drew the Committee’s attention to a revision of the substitute provision for allowable lot coverage, which was increased to 70% from 65% in order to allow for flexibility should the State determine that the project site needs to be reduced. Finally, Mr. Busch stated that he had provided to the Committee an updated section regarding the prioritization of offsets via email. He explained

that \$1.5 million in offset funding has been proposed and, based upon Committee feedback, is being directed to open space improvements within the planning area, with Martin's Park at Children's Wharf being a priority project. He added that the City is recommending that fees exacted by the State for an extended license term, which are typically used for water transportation, waterfront infrastructure and activation, be used for the expansion of and improvements to the Seaport Boulevard sidewalk and Harborwalk between 150 Seaport Boulevard and Commonwealth Pier to the east. Such investments would be proximal to the project site and also improve the function of the existing ticketing and ferry facility at Commonwealth Pier. Mr. Busch also noted that other potential offsets include funding for the fit-out of the Fort Point Arts Community (FPAC) space at the Envoy Hotel. The provision of the raw space was a condition of the Hotel's Chapter 91 license, but FPAC has been unable to finance the space's interior fit-out.

Mr. Busch, having been previously approached by a number of attendees with commitments elsewhere, invited them to speak. City Councilor Bill Linehan, MHPAC Member, began by thanking the Committee for their service and requested their support for the proposed project. He praised Mr. Jon Cronin's charitable contributions and efforts; his development performance; and the provision of much-needed affordable housing for seniors in the neighborhood. He concluded that in many instances South Boston residents have not benefited from developments within the neighborhood, but that developments by Cronin Holdings are often an exception.

Parks and Recreation Department Commissioner Chris Cook thanked the Committee for the opportunity to speak. He summarized the almost year-long process undertaken by the Parks & Recreation Department and the Martin Foundation that engaged both the Boston Children's Museum and the Fort Point community that resulted in Martin's Park at Children's Wharf. Due to costs driven by existing site constraints and the universally-accessible design of the Park, the Parks & Recreation Department has sought private and non-profit partners to assist in its funding. Commissioner Cook stated that the neighborhood needs a playground and in closing, invited the Committee and public to provide comments on the Park's design [online](#).

Mr. Michael Creasey, MHPAC Member, inquired if Martin's Park at Children's Wharf is comparable to Mayor Thomas M. Menino Park in Charlestown. Commissioner Cook responded that its universally-accessible play equipment is similar, but, whereas Menino Park is additionally designed for rehabilitation, Martin's Park will feature landscape features and aesthetics comparable to the Maggie Daley Park in Chicago. Mr. Creasey inquired about the cost of the project. Commissioner Cook replied that it could be as much as \$7 million, pending the final design. Ms. Julie Wormser, MHPAC Member, asked how much of that figure had been raised. Commissioner Cook answered that the City will soon be announcing a \$3 million gift, but is seeking additional sources to fund the balance. Mr. Bruce Berman, MHPAC Member, remarked that Martin's Park exemplifies the combination of capital investment and active programming often sought by past MHP advisory committees. Commissioner Cook additionally

informed the Committee that the Park will be legally protected as open space under Article 97. He added that the Parks & Recreation Department is working with the Children's Museum and the Fort Point community to develop programming for the Park. Mr. Berman asked how donations could be made. Commissioner Cook stated that both the [Fund for Parks & Recreation](#) and the [Martin Richard Foundation](#) are accepting donations. Ms. Sara McCammond, MHPAC Member, sought a clarification on the project cost and the portion of the City's budget allocated to it, as indicated [online](#). Commission Cook clarified that the City has allocated \$1.5 million towards the total \$7 million project budget, but that the Open Budget web application shows the project budget, not the capital allocation.

Andreas, an employee at a restaurant owned by the Cronin Group, spoke favorably of his experiences working for the Cronin Group through a translator. He highlighted an empowering work environment and support to achieve professional and personal goals as examples. His translator seconded Andreas's comments and thanked the Committee for the opportunity to speak.

Mr. Busch solicited questions and comments from the Committee regarding the information provided by DEP and the offsets. Ms. Marianne Connolly, MHPAC Member, inquired how much the fees exacted by the State would be. Mr. Busch answered that extended license term fees have been guided by a draft policy document from 2002 and could amount to up to \$500,000. However, that amount isn't finalized until licensing, which makes the prioritization in the planning process important. Mr. McGuinness added that while these fees typically go to DEP's general fund or other priority funds, MHPs can specify other planning area priorities to receive them.

Mr. Berman recognized members of the audience who spoke publicly through the 150 Seaport Boulevard Article 80 Development Review process regarding the inclusionary development component of the proposal and expressed his interest in hearing from them at some point during the meeting. Regarding the offsets, Mr. Berman articulated his support for subsidies for water transportation, as well as his excitement for Martin's Park. He concluded that an open and expansive Harborwalk seaward of any structures is the ultimate priority for the site.

Mr. Creasey inquired how the \$1.5 million exaction was determined. Mr. McGuinness explained that it is not based upon a formula, e.g. dollar per square foot of shadow. Rather, the amount was developed in discussions with the Parks & Recreation Department regarding the cost of Martin's Park and negotiated with Cronin Holdings. Mr. Busch referenced [a study conducted by RKG Associates, Inc.](#) for the Downtown Waterfront MHP to determine a historic "rule of thumb" for mitigation that ultimately concluded the uniqueness of each project makes it impossible to establish a consistent metric or formula for offsets.

Mr. Buddy Christopher, MHPAC Member, reckoned that the offsets are appropriate for the project of this magnitude. He commended the proponent for the unique design of the building

and articulated his appreciation for Boston's unique positive and negative spaces exemplified by narrower spaces between buildings. In conclusion, he conveyed support for providing funding for Martin's Park rather than the Northern Avenue Bridge gateway, especially given the uncertainty of its future design. Mr. Busch asked Mr. McGuinness if the Public Works Department had provided any updates regarding the Northern Avenue Bridge. Mr. McGuinness replied that the deadline for the [Ideas Competition](#) was the previous Friday (April 29). Mr. Austin Blackmon, MHPAC Member, added that there would be further public engagement to guide the bridge's replacement, including what of it, if any, is preserved.

Mr. Berman asked for an explanation of the other public benefits realized through the Article 80 Process, such as affordable housing. Ms. Kathy Lafferty, Executive Director of the South Boston Neighborhood House (SBNH), explained that the South Boston Neighborhood Development Corporation (SBND) is planning to build new affordable senior housing at the Mary Ellen McCormack housing complex, the residents of which will have access to SBNH's services. Mr. Berman noted that the creation of senior housing would allow smaller households to downsize and thus make much-needed affordable family housing available for their target demographic. Mr. Mark Winkeller, Deputy Director of Caritas Communities, and Mr. Mike Foley, SBND Director, both reiterated that the innovative affordable housing proposed by the proponent would help to address a deep community need.

Mr. Steve Hollinger, Fort Point resident, argued that, while he is supportive of the affordable housing, the MHP process is not concerned with housing, but rather with the public's access to and enjoyment of the waterfront. He criticized the building's front on Seaport Boulevard, the lack of civic/cultural space, and the absence of civic/cultural experts in the MHP process. Regarding his [comment letter dated April 1](#), he expressed concern with the letter not being shared earlier with the Committee and reiterated his request for 2,500 SF for civic/cultural space to be occupied via a public request for proposals (RFP) process similar to Pier 4 (Society of Arts & Crafts). He opined that the Pier 4 civic/cultural RFP process was a step forward for the BRA, however, the 150 Seaport Boulevard proposal would be the first planned development area (PDA) on Chapter 91 tidelands in South Boston not to have any civic/cultural space. He concluded with a comparison of the 150 Seaport Boulevard proposal with the mitigation of the Atlantic (Russia) Wharf redevelopment.

Ms. McCammond, referenced a repetition of public benefits listed in the draft MHP amendment and the [Project Notification Form \(PNF\)](#), and shared her concerns over the simultaneous processes through which the project is currently progressing. Mr. Busch explained that different regulatory processes have different requirements, including public benefits, but that they are not necessarily counted as double. Mr. McGuinness stated that the public benefits related to the MHP process under consideration by the Committee are those listed in the relevant section of the draft MHP. Ms. McCammond questioned why civic space was listed as a public benefit in the PNF, but is not included in the draft MHP amendment. Mr. Michael Kineavy, Cronin Holdings, answered that he would need to see the specific references

in the PNF. Mr. McGuinness asserted that references to civic space in the PNF would not be to mitigate the Chapter 91 substitute provisions.

Mr. Creasey was unsure how Martin's Park became the priority for mitigation given that the Committee had just been provided the amount of mitigation and wondered what was being asked of the Committee. Mr. McGuinness explained that Chapter 91 is treated as zoning by the city (and in much of the state) for non-water-dependent uses. The dimensional standards are uniform throughout the state, but can be modified through MHPs to further local planning priorities and match urban context. Any substitute provisions, whose impacts on the pedestrian environment are approximated through shadow and lot coverage, must be offset. Given the constraints on the 150 Seaport Boulevard site, offsite mitigation within the planning area was brought into consideration. Funding for Parcel E was never linked to a development because it was assumed that private and non-profit funds were sufficient, which was not the case. As the only city-owned park in the area, it was suggested to the Committee for their consideration and seems to have received unanimous support. Mr. Creasey responded that a lot of information about Martin's Park had been provided, but not a lot of information on the other mitigation possibilities. Mr. Busch replied that the other items, such as funding for the Water Commons, were discussed at previous meetings.

Ms. Wormser reiterated Ms. McCammond's request for a table linking impacts and mitigation. She conveyed her support for Cronin Holdings, but expressed concerns regarding the precedence this project sets, namely the expansion of the deck over the watershed and offsite mitigation. She suggested a middle ground between a Chapter 91-compliant development and the proposed project. She advised that absent any changes to the proposal in response to her concerns, she would rather not have her name associated with the process. Regarding precedence, Mr. Busch responded that any proposal not compliant with Chapter 91 is subject to an MHP and, therefore, a public process. Ms. Wormser stated that she is concerned about four things: 1) completing the Harborwalk; 2) climate preparedness; 3) Chapter 91 compliance; and 4) setting negative precedent. In her opinion, the first two of these were satisfactorily met, while the latter two were not. She voiced her disquiet regarding the lack of changes to the proposal since its inception despite her expressed concerns.

Mr. Ed Downs, South Boston resident, said that he frequents the Harborwalk in the Seaport with his grandchildren and his 50-year-old special-needs brother. He lamented the existing conditions of the site, specifically the lack of the Harborwalk, and claimed that an expansive Harborwalk on the site would be welcoming to people of all walks of life. He added that he lives near a number of Mr. Cronin's redevelopments, which have always been well-done and well-maintained. In response, Ms. Wormser contended that the proposed development should not be a case of either the existing structure without the Harborwalk or the proposed development with the Harborwalk, but rather a case of both a more modest scale of development and the Harborwalk. Mr. Christopher rebutted that sites such as 150 Seaport Boulevard often constrains the possibilities and added that the proposed building would be a

public benefit itself. Ms. Connolly concurred that the site is too small for on-site benefits and is partial to supporting Martin's Park. She asked how the Committee is to determine if the magnitude of the offsets is appropriate for the proposed development. Mr. McGuinness offered the water transportation subsidies associated with other waterfront development projects as an example. The State typically exacts \$2.00 per SF for similarly extended license terms, but that approximately \$5 million of water transportation subsidies remain unexpended because there isn't an operator for the service. He continued onto Northern Avenue Bridge gateway improvements, which would enhance the pedestrian scale of the street, but would be impacted by the ultimate design and users of the bridge. Mr. Berman restated Mr. Blackmon's earlier comment that \$1.5 million was "a drop in the bucket" of total costs for the bridge, while it is a significant amount compared to the \$7 million total cost of Martin's Park. Mr. Blackmon explained that his evaluation of the offsets is based on four criteria: on- or offsite, between which he prefers offsite; one-time contributions or subsidies, between which he prefers one-time contributions; magnitude of impact, i.e. Martin's Park versus Northern Avenue Bridge; and ease of implementation. Based upon these, he concluded that Martin's Park was the clear choice.

Ms. McCammond asked if the MHP can dictate how funds are specifically expended, such as capital costs versus programming costs. Mr. Busch answered that all funds must enhance the public's access to and enjoyment of the waterfront, so they couldn't be used for a building's backup generator, for example. Ms. McCammond clarified that she was asking specifically about programming for Northern Avenue Bridge. Mr. Busch suggested that if the Committee wanted to designate funds for that, the MHP would need to be generally worded given the absence of a final plan for the bridge. He reminded the Committee that past MHPs have been too specific and no longer applicable by the time specific projects are licensed. Ms. McCammond requested a clarification on the total mitigation amount. Mr. McGuinness replied that it would be about \$2 million; \$1.5 million for mitigation and \$500,000 for licensing fees.

Mr. Berman explained that he evaluates proposals with a series of questions. First, is the proposal better than existing conditions? Next, is the proposed project better than a Chapter 91-compliant building? Furthermore, does the proposal afford the public improved access to the waterfront? Finally, are the offsets commensurate to the impacts? Based upon the answers to the first three questions, he supports the proposal, assuming the offsets are commensurate. He posited that funding for the Northern Avenue Bridge gateway would be ill-advised given the uncertainty surrounding the bridge and that one-time contributions can be risky as the money doesn't last for the license term. However, absent other funding sources, he voiced support for Martin's Park.

Mr. John McGahan, President/CEO of the Gavin Foundation, explained that that his organization would benefit from the secondary effects of the affordable housing created by the proposal because his staff and people in the Gavin Foundation's programs would have an

opportunity to remain in the community. He concluded with a declaration of support for the project.

Mr. Andy Ward, Director of the South Boston Collaborative Center, seconded Mr. McGahan's comments, stressing that affordable housing in South Boston is much needed. He summarized Mr. Cronin's long-running support for community causes, including his organization. Mr. Berman observed that many of the public's comments refuted speculation at a previous meeting that Mr. Cronin would permit the project and sell prior to completion at a significant profit, but appreciates the Committee's and public's scrutiny of the proposal.

Ms. McCammond asked if the shadow impacts of the Harborwalk had been analyzed and factored into mitigation. Mr. McGuinness responded that shadow impacts from water-dependent uses do not require mitigation.

In response to Mr. Berman's observation, Mr. Hollinger stated that his comment was not meant to impugn Mr. Cronin's intentions, but rather to rebut concerns over the economic viability of the project that had been invoked at a previous meeting. He reminded BRA staff to clearly delineate the Harborwalk that is reserved for the restaurant's use. Mr. Creasey asked how wide the Harborwalk not used for the restaurant would be. Mr. Busch clarified that the minimum is twelve-feet-clear. Mr. Creasey countered that if the Harborwalk is being expanded, it should be expanded beyond the twelve feet. Mr. McGuinness said that it can be specified through the MHP amendment.

Ms. Wormser submitted Liberty Wharf as a project whose scale and design would better fit the project site as opposed to the current proposal. She would regret the State rejecting the MHP amendment without a smaller, alternative proposal. Mr. McGuinness replied that the BRA has consulted with the State and has received no indications that the scale of the proposed project is unacceptable.

Mr. Tom Skinner, Durand & Anastas, clarified that the deck beyond the twelve-foot Harborwalk is the water-dependent-use zone (WUZ), which means that any temporary use of it, including outdoor seating for a restaurant, requires a permit from DEP granted through a public process. In response to Ms. McCammond's question about civic/cultural space within the building in the PNF, Mr. Skinner admitted he was only able to find references to civic/cultural space in the planning area, not the project site, except in regards to the Harborwalk, which is labeled as exterior civic space because it has been a priority in the public realm for such a long time. Finally, he informed Ms. Wormser that Liberty Wharf extended over the watersheet approximately 30 feet, but opined that it was irrelevant because both Liberty Wharf and 150 Seaport Boulevard use previously licensed boundaries. Additionally, Liberty Wharf required an easement from the City of Boston, similar to 150 Seaport Boulevard. Ms. Wormser inquired if there is a Chapter 91 license for Liberty Wharf. Mr. McGuinness affirmed this, but that it is within the area governed by the Massport Memorandum of Understanding with DEP, not the

MHP. He also reminded the Committee that 150 Seaport Boulevard still requires approvals from the Conservation Commission and the Army Corps of Engineers, among other regulatory bodies.

State Representative Nick Collins, MHPAC Member, stated his support for the project, especially given the long-awaited Harborwalk connection. He sympathized with Mr. Hollinger's point regarding civic/cultural spaces, but reasoned that it was more beneficial to sustain existing spaces instead of creating more, a point he also applied to parks.

Mr. Busch shared comments from Mr. Greg Vasil, MHPAC Member, sent via email. In absentia, Mr. Vasil conveyed his support for the proposal and appreciation for service of the Committee.

Mr. Sean Pierce, Office of State Senator Linda Dorcena Forry, relayed Sen. Forry's support for the project and echoed Rep. Collins' comments. Furthermore, as Senate Chair of Housing, Sen. Forry approves of the project's innovative approach to affordable housing.

Mr. Hollinger wondered why affordable housing is considered a public benefit under the MHP when it would normally be required regardless of Chapter 91 jurisdiction because of the City's [Inclusionary Development Policy \(IDP\)](#). Mr. McGuinness countered that a Committee member had requested additional information on the affordable housing because the MHP and Article 80 processes were occurring simultaneously. Mr. Busch added that in a public forum the public is afforded the opportunity to speak; several members of the public had spoken about affordable housing. Mr. McGuinness reminded Mr. Hollinger that MHPs allow communities to further local planning priorities, including affordable housing, which is specifically mentioned in the MHP.

Ms. Connolly inquired about next steps. Mr. Busch outlined the schedule: the draft MHP would be available online on Monday, May 9 with a comment period ending Friday, June 3. Ms. Wormser requested a 30-day comment period. Mr. Busch responded that this is not the formal comment period, which follows the submission of an MHP to the State and lasts up to 60 days. Friday, June 3 allows for four full business weeks for the public to comment, while allowing the draft MHP to be submitted to the BRA Board of Directors for their approval in June.

Ms. McCammond asked if all of the potential offsets would be included in the draft MHP and subject to public comment, which Mr. Busch confirmed. She also suggested that the Committee didn't reach a consensus on offsets. Mr. Busch requested feedback from the Committee if this were the case.

With no further questions or comments, Mr. Busch thanked the Committee for their service.

Meeting adjourned at 7:50 PM.