



**MassDOT Turnpike Air Rights Parcels #12-15
CAC Working Meeting #2
Tuesday, September 20, 2011, 6:30 p.m.
Location: Boston Public Library, Boston Room**

CAC Attendees:

Brandon Beatty, Back Bay Resident
Kathleen Brill, Fenway Civic Association (FCA)
Fritz Casselman, Neighborhood Association of the Back Bay (NABB)
David Gamble, Boston Society of Architects (BSA)
Valerie Hunt, Fenway Neighborhood Resident
David Lapin, Community Music Center
Meg Mainzer-Cohen, Back Bay Association
Barbara Simons, Berklee Task Force
Jan Sprawka, Fenway Studios
Gil Strickler, St. Cecilia's Parish
Steve Wolf, Fenway Community Development Corporation (FCDC)

Ex-Officio Attendees:

Massachusetts State Representative Marty Walz
David Blaisdell, Office of Representative Walz
Michelle Snyder, Office of Boston City Councilor Michael Ross

City of Boston Attendees:

Jonathan Greeley, BRA
Emily Mytkowicz, BRA
Lauren Shurtleff, BRA
Rachel Szakmary, BTB

State of Massachusetts Attendees:

Robin Blatt, MassDOT
Tim Famulare, MassDOT
Peter O'Connor, MassDOT
William Tuttle, MassDOT

Members of the Public:

Kenan Bigby, Trinity Financial
Anthony Casendino, Resident
Cara Casendino, Resident
Calvin Champlin, Resident of Back Bay
Inge Corless, Resident of Harcourt Street
Ashlee Fairey, Boston Courant
Sarah Horsley, FCDC

Lilly Jacobson, FCDC
Mike Jammen, UrbanMeritage, LLC
Howard Kassler, NABB
Elliott Laffer, NABB and Boston Groundwater Trust
Vic Norton, UrbanMeritage, LLC
Sue Prindle, NABB
Steven Riggs, Berklee College of Music
Barry Solar, NABB
Adam Weiner, Weiner Ventures
Bill Whitney, Berklee College of Music
Marvin Wool, NABB
Jackie Yessian, NABB

Meeting Summary

On Tuesday, September 20, 2011, the second working session of the Massachusetts Department of Transportation (MassDOT) Turnpike Air Rights Parcels 12 – 15 Citizens Advisory Committee (CAC) was called to order at approximately 6:30 p.m. in the Boston Room of the Boston Public Library, Copley Branch by Jonathan Greeley, BRA Planner. After Jonathan welcomed the CAC, Lauren Shurtleff, BRA Planner, introduced the two co-chairs of the CAC: Meg Mainzer-Cohen, Back Bay Association, will represent the business community and Fritz Casselman, NABB, will represent neighborhood interests. Meg and Fritz each ran unchallenged for the designated business and neighborhood co-chair seats, respectively.

Peter O'Connor, MassDOT, then gave a PowerPoint presentation (available on the BRA's project website:

<http://www.bostonredevelopmentauthority.org/Planning/PlanningInitsIndividual.asp?action=ViewInit&InitID=155>) that covered the history of air rights development in Boston and presented an overview of the proposals made for Parcels 12 – 15.

In 2008, MassDOT issued a Request for Proposals (RFP) for Parcels 12 through 15. In 2009, MassDOT put the development process on hold due to the weak economic climate. As development conditions have recently shown signs of improving, MassDOT has resumed the citizen review process for the original development proposals put forth in 2008. The process and guidelines for review are outlined in the *Civic Vision for Turnpike Air Rights in Boston* document (which is also available on the project website). Peter emphasized the importance of community support for the success of air rights development and indicated that MassDOT, the City of Boston, and the community would need to work collaboratively for development to move forward.

All of the proposals for Parcels 12 – 15 envision a mixture of uses, with retail on the ground floor. Parcel 12 received two proposals: one from Trinity Financial (500,000 square feet, 14 stories, 366 housing units) and another from Weiner Ventures (213,000 square feet, 9 stories, 98 housing units). Parcel 13 received only one bid from Trinity

Financial (250,000 square feet, 11 stories, 180 housing units). Parcel 14 is a remnant parcel that will not be developed on its own, but is incorporated into Parcel 15 proposals. The *Civic Vision* document signifies Parcel 15 as an opportunity for the most density, given its proximity to existing tall buildings. Three proposals were submitted for Parcel 15: one from Weiner Ventures (765,000 square feet, 40 stories, 112 housing units), another from Carpenter and Company (750,000 square feet, 16 stories above the existing adjacent garage and 7 stories facing Boylston Street), and the final one from the Chiofaro Company (636,000 square feet, 30 stories). Peter indicated that each Parcel 15 proposal appears to incorporate a parcel that is in fact owned by Prudential Insurance Company of America and is therefore not controlled by MassDOT.

Each of the development proposals for Parcels 12 – 15 is available on the project website. Hard copies will be made available at the office of the BRA's Executive Director/Secretary, on the 9th Floor of Boston City Hall.

Questions and comments made in response to Peter's presentation included the following:

- Fritz Casselman asked where each developer currently stands in the review process. Peter replied that MassDOT will eventually get board approval for each chosen developer, at which point that developer will proceed with the City's Article 80 Development Review process. MassDOT would like to engage the community from the very beginning of this process and will therefore seek guidance from the CAC in terms of which parcel and/or developer to proceed with first. All developers have confirmed in writing that they are ready to begin the process.
- Massachusetts State Representative Marty Walz suggested that the CAC review the *Civic Vision* document, where the air rights development review process is described in detail.
- Meg Mainzer-Cohen asked if there are any criteria that would allow MassDOT to assess whether the proposed developments are viable. Peter replied that this sort of analysis, which is generally speculative at best, has not yet been done for these proposals.
- In a follow-up question, Meg then asked if it makes sense to ask developers for an updated proposal and also whether MassDOT allows developers to change their original bid amounts. Peter replied that he expects the developers to provide greater detail and also any updates when they visit future CAC meetings to present their proposals. Air rights development proposals differ from MassDOT land sales in that they are evaluated on value and not just on highest bid. While developers are not able to change their original bid amount, the CAC can expect that other details of the proposals will change as they go through the development review process.
- Meg also inquired whether the CAC would know the actual bid amounts. Peter replied that while MassDOT aims to achieve transparency wherever possible, the

financial information will be withheld in case MassDOT wishes to enter into negotiations with one or more of the developers.

- David Gamble, BSA, emphasized that the CAC should consider the combined impact of all development proposals when evaluating each individual proposal. Jonathan indicated that this would be a major goal of the next CAC meeting in October and that the *Civic Vision* document itself incorporates neighborhood-wide goals and issues that extend beyond each individual parcel. The BRA will present a map that outlines all development activity in the immediate area and will invite the Berklee College of Music development team to a future CAC meeting, to discuss the impact of its adjacent development on Parcels 12 - 15. The Boston Transportation Department (BTD) will also attend a future meeting to discuss traffic, loading, accessibility, and other neighborhood-wide transportation-related issues. The BRA wants to be as comprehensive as possible and is open to other suggestions related to this matter.
- Meg Mainzer-Cohen expressed concern that the process would result in a chosen developer that is not able to actually deliver on the proposal. Peter replied that MassDOT has a general idea of what types of development are feasible on these parcels and MassDOT could potentially hire a consultant to thoroughly analyze the financial information for each project. Peter also indicated that MassDOT and the CAC should consult with John Rosenthal, the current developer for Air Rights Parcel 7 in the Fenway.
- Steve Wolf, FCDC, noted that it might be worthwhile to establish the community objectives for each project first, even if the financial information cannot be verified in detail. Meg seconded this point and reiterated that the *Civic Vision* would be important in helping the CAC form these goals.
- In response to a question from Fritz Casselman, Peter confirmed that it would be possible to build a deck that is not weight-bearing.
- David Lapin also noted the opportunity for decking given that not all of the proposed developments cover up the entirety of the parcel created by the Turnpike.
- Representative Walz expressed support for this idea and indicated that she has begun talking to Trinity and the MBTA about the possibility of using decking over Parcel 13 to create the space for a bus stop on Massachusetts Avenue. Jonathan noted that in all of these parcels there is an opportunity to address other objectives and goals for the area including transportation, traffic and circulation, etc.
- Brandon Beatty, Back Bay resident, asked Peter to clarify for each proposal where development occurs over terra firma and where it occurs over air rights. Peter reviewed the proposals for each parcel, noting that the two Parcel 12 proposals take advantage of the significant amount of land available, while the proposals for Parcels 13, 14 and 15 place a significant portion of the development over air rights. Peter also indicated that the developers should confirm the breakdown between terra firma and air rights when presenting their projects to the CAC. He added that he has been unable to confirm whether

there is a certain height to which the developer must build in order to recover the costs associated with air rights development.

- Barbara Simons, Berklee Task Force, asked about the importance of Parcel 14 in the proposals put forth for Parcel 15. Peter replied that he would like the developers to comment on this matter themselves when they present their proposals to the CAC at a future working session.
- Jan Sprawka, Fenway Studios, asked whether there has been any analysis of the environmental impacts of all of the proposed development in the area. Jonathan noted that shadow, daylight, wind, transportation, and other external effects will be studied with each proposal as it goes through the City of Boston's Article 80 Development Review process. The CAC should also ask developers to comment on these and other issues when they present their proposals.
- Fritz Casselman asked the members of the group that participated on the original *Civic Vision* process (David Lapin, Steve Wolf and Representative Walz) whether they would make any changes to the document and its findings now that eleven years have passed since it was published. Steve replied that the pedestrian-friendly recommendations made in the *Civic Vision* now seem mainstream. David responded that a major concern at the time was Green Line capacity and that it would be good to have an update from the MBTA on its current capacity. Jonathan noted that the principles called out in the *Civic Vision* relate to general livability and continue to be applicable today. He also indicated that the BRA would try to bring in the Berklee College of Music development team, John Rosenthal, the MBTA, and others in order to arm the CAC with as much information as possible as they evaluate Parcels 12 – 15. The BRA will also bring in the proposed developers soon so that the CAC can ask them questions directly.
- Representative Walz suggested that the CAC begin its review process with Parcel 13. Meg Mainzer-Cohen expressed concern with this idea and instead suggested that the CAC ask each developer where they are in the process and whether they are ready to move forward. Brandon Beatty asked whether Trinity Financial, the proposed developer for Parcel 13, is ahead in the process. Jonathan replied that although some developers have been more vocal than others, each is currently at the same point in terms of their availability to move forward. The BRA will extend a formal invitation to each developer to visit the CAC so that the group can ask each developer directly about their status.
- Kathleen Brill, Fenway Civic Association, suggested that the CAC meet first with John Rosenthal to discuss general air rights development issues before hearing from each developer. Meg Mainzer-Cohen expressed support for this idea and also reiterated that the CAC members review the *Civic Vision* document carefully.
- Fritz Casselman asked the group whether they would prefer to review one parcel at a time or review more than one at once. Meg Mainzer-Cohen noted that each developer has its own vision for the area, and therefore it would be appropriate to review the proposals by developer, rather than by parcel.

- In response to a suggestion by David Gamble, Jonathan noted that the BRA would instruct each developer to be prepared with a summary sheet of its proposed developments with uses, heights, and build-out projections.
- Meg Mainzer-Cohen asked MassDOT how extensive of a review of the architectural design they will do. Peter responded that MassDOT does not review the proposed design carefully and that it is instead reviewed by the BRA and the Boston Civic Design Commission. Jonathan also noted that the CAC's recommendations for the aesthetics of the project will inform MassDOT's tenant selection. Additionally, the CAC will have the opportunity to carefully review the design details of the proposals during the Article 80 Development Review process.
- Peter also urged the CAC to think about and agree upon the criteria it will use when evaluating each development proposal. This could include, for example, feasibility, responsiveness to the *Civic Vision* principles, architectural merit, activation of space, or any other criteria the CAC deems appropriate. Jonathan suggested that the CAC put together a list of questions that each developer will be prepared to answer when visiting with the CAC.
- Representative Walz suggested that the MBTA be present at an upcoming meeting to talk through issues with the Hynes Convention Center transit station, the #1 and #55 buses, and current Green Line capacity.

Questions and comments from the public included:

- Elliott Laffer, NABB and Boston Groundwater Trust, urged the CAC to keep groundwater conservation issues in mind when evaluating the parcels. Any development on Parcels 12 – 15 must comply with the City of Boston's Groundwater Conservation Overlay District (GCOD) regulations.
- In a follow-up comment, Elliott also suggested that the CAC fully understand whether the proposed developers for Parcel 15 have an agreement with Prudential Insurance Company of America to develop the portion of the parcel that it owns.
- In response to a question from the audience, Jonathan concluded the meeting by confirming that the air rights developments will be subject to City of Boston's Zoning Code.

The next meeting will be held during the week of October 10th at a to-be-determined date and location in the Back Bay area.

The meeting was adjourned at approximately 8:15 p.m.