



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.