

BOSTON REDEVELOPMENT AUTHORITY

CHAIRMAN'S STATEMENT

April 12, 2018

This is a public hearing before the Boston Redevelopment Authority doing business as the Boston Planning & Development Agency, being held in conformance with Article 80 of the Boston Zoning Code, to consider the Second Notice of Project Change and Amended and Restated Development Plan for Planned Development Area No. 103, consisting of the development of the Parcel 9-Haymarket Hotel project in Downtown.

The hearing was duly advertised on March 29, 2018 in the Boston Herald.

In a Boston Planning & Development Agency hearing on a proposed petition by the Agency, staff members will first present their case and are subject to questioning by members of the Authority. Thereafter, others who wish to speak in favor of the proposed petition are afforded an opportunity to do so under the same rules of questioning. Following that, those who wish to speak in opposition may do so, again under the same rules of questioning. Finally, the proponents are allowed a period of five to ten minutes for rebuttal if they so desire.

In an effort to accommodate all who would like to speak about this proposal, each person will be given up to two minutes to comment. BPDA staff will indicate when thirty seconds remain. At that time, please conclude your remarks so that the hearing may continue and others may be heard.

Mr. Sinatra will present.



## MEMORANDUM

## BOARD APPROVED

APRIL 12, 2018

**TO:** **BOSTON REDEVELOPMENT AUTHORITY**  
**D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY ("BPDA")\***  
AND BRIAN P. GOLDEN, DIRECTOR

**FROM:** JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW  
MICHAEL CHRISTOPHER, DEPUTY DIRECTOR FOR DEVELOPMENT  
REVIEW AND GOVERNMENT AFFAIRS  
LAUREN SHURTLEFF, SENIOR PLANNER AND SPECIAL ASSISTANT TO  
THE DIRECTOR OF PLANNING  
ALEXA PINARD, URBAN DESIGNER II  
DAVID CARLSON, DEPUTY DIRECTOR FOR URBAN DESIGN  
MICHAEL SINATRA, PROJECT MANAGER

**SUBJECT:** PUBLIC HEARING TO CONSIDER THE SECOND NOTICE OF PROJECT  
CHANGE AND AMENDED AND RESTATED DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT AREA NO. 103, CENTRAL ARTERY PARCEL 9,  
HAYMARKET HOTEL AND TO CONSIDER THE PARCEL 9-HAYMARKET  
HOTEL PROJECT AS A DEVELOPMENT IMPACT PROJECT

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA"), d/b/a Boston Planning & Development Agency ("BPDA"), authorize the Director to: (1) issue a Determination waiving the requirement of further review pursuant to Article 80, Section 80A-6.2 of the Boston Zoning Code (the "Code"), in connection with the Parcel 9-Haymarket Hotel project in the Government Center/Market District of downtown Boston (the "Second NPC Project"); (2) approve the Amended and Restated Development Plan for Planned Development Area No. 103, Central Artery Parcel 9, Haymarket Hotel ("Amended and Restated Development Plan"), pursuant to Section 80C of the Code; (3) petition the Zoning Commission of the City of Boston for approval of the Amended and Restated Development Plan pursuant to Section 80C of the Code; (4) approve the Second NPC Project as a Development Impact Project ("DIP") within the meaning of Section 80B-7 of the Code; (5) issue one or more Certifications of Compliance or Partial

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\* Effective October 20, 2016, the BRA commenced doing business as the BPDA.

Certifications of Compliance under Section 808-6 upon successful completion of the Article 80B review process for the Second NPC Project; (6) issue one or more Certifications of Consistency or Partial Certifications of Consistency pursuant to Section 80C- 8 of the Code; and (7) execute and deliver a Cooperation Agreement, a Development Impact Project Agreement, a Boston Residents Construction Employment Plan, and any and all other agreements and documents which the Director deems appropriate and necessary with respect to the Second NPC Project and the Amended and Restated Development Plan.

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## **PROJECT SITE**

The development site is an approximately 29,400 square foot parcel of land located in the Central Artery Special District and the Greenway Overlay District and is subject to the provisions of Article 45 (Government Center/Market District) of the Code and is bounded by Blackstone Street to the south, John F. Fitzgerald Surface Road facing the Greenway to the north, Hanover Street to the west and North Street to the east (the "Project Site"). The Project Site is currently undeveloped and is owned by the Massachusetts Department of Transportation ("MassDOT"). The Project Site is adjacent to Blackstone Street and together, the Project Site and Blackstone Street encompass the approximately 52,598 square foot area which constitutes Planned Development Area No. 103.

The Project Site comprises a prominent location along the Greenway. The surrounding area includes mid-rise residential and commercial buildings such as the Boston Public Market and the historic Blackstone Block, as well as structured parking garages such as the Dock Square Garage and Parcel 7 Garage. The northern portion of the Project Site faces the Rose Kennedy Greenway. To the southeast of the Project Site are Faneuil Hall and Quincy Market, with Post Office Square and the Financial District several blocks further south. The Project Site also has convenient access to the North End neighborhood and Boston Harbor, making it an ideal location for tourists and business visitors to Boston. The Second NPC Project is designed to blend well with the existing buildings and to activate its Greenway, Hanover Street and North Street frontages.

## **DEVELOPMENT TEAM**

The development team includes the following:

### Proponent:

Haymarket Parcel 9 Investor, LLC: Richard Galvin, Principal; Yvette Tetreault, Eamon O'Marah

### Legal Counsel:

Mintz, Levin, Cohn, Ferris, Glovksy and Popeo, P.C.: Rebecca A. Lee, Esq.

### Architect:

Group One Partners: Harry Wheeler, Jim Ryan

### Landscape Architect:

Copley/Wolff Design: Sean Sanger

### Civil Engineer:

Nitsch Engineering: Deborah Danik, Ryan Gordon

### Transportation Engineer:

Howard/Stein-Hudson Associates: Guy Busa

### Geotechnical and Environmental Engineers:

Haley & Aldrich: Mark H. Balfe, Keith E. Johnson

## **THE 2016 APPROVED PROJECT**

The Parcel 9-Haymarket Hotel project as proposed in the Project Notification Form ("PNF") and First Notice of Project Change ("First NPC") filed by the original proponent included hotel and retail uses, with up to 225 hotel keys and up to 25,000 square feet of retail space. In addition, the Proponent filed a Development

Plan for Planned Development Area No. 103 on April 4, 2016 ("Original Development Plan"). The Project as proposed in the PNF, the First NPC and the Original Development Plan (the "Project") was to comprise a building containing up to 145,000 square feet of gross floor area with a Floor Area Ratio not to exceed 3.0. The Project was also to contain facilities for the Haymarket Pushcart Association to contain trash and storage areas and restrooms. No on-site parking was to be provided; however, there was to be a valet-managed pick-up/drop-off area provided along Surface Road at the hotel entrance. The hotel was to also include amenities such as meeting space for business visitors and a fitness center for hotel guests.

The Project would have transformed a currently undeveloped site with significant frontage along the Greenway into a new development containing uses that will substantially enliven the pedestrian realm in the area. The Project was to result in improvements to the surrounding streetscape, with new sidewalks and new street trees and planters along the Greenway. The existing acorn street lighting was to be retained and relocated where needed to accommodate the Project. New Americans with Disabilities Act ("ADA") - compliant ramps were to be installed adjacent to the Project Site where needed and the proposed reconstruction of Blackstone Street would be part of the Project.

The Project Site was made developable by MassDOT as a result of the Central Artery/Tunnel project, and presented an opportunity not only to expand the Market District, but also to activate this portion of the Greenway and link this unique linear open space to the vibrancy of the city surrounding it. The removal of the raised highway and improvements to the surrounding area, including the creation of the Greenway in place of the removed highway, raised the profile of this now very visible, underutilized parcel. The Project was to enhance the existing Market District of Haymarket Square with a hotel that would serve tourist and other visitor activity in this busy area that is close to the financial district and other business and tourist destinations. The nearby proximity of the Boston Public Market would complement the new life that would come to the area through the 24-hour activity of the hotel.

## **SECOND NPC/AMENDED AND RESTATED DEVELOPMENT PLAN**

On February 14, 2018, the Proponent filed a Second Notice of Project Change (the "Second NPC") and the Amended and Restated Development Plan describing the Project as proposed to be modified (the "Second NPC Project"). The Proponent is a joint venture of CV Properties, LLC, which has developed the Aloft and Element

hotels in the Seaport District and the One Channel Center office/garage/park development, as well as Olshan Properties and Harbinger Development. The total development cost will be \$107,000,000.00

The main use at the Second NPC Project will remain substantially the same: an approximately 225-key hotel. The Second NPC Project will also contain approximately 9,600 square feet of complementary retail and restaurant uses, a one-story component at the Hanover Street end that will house a restaurant as well as a rooftop deck of approximately 1,800 square feet in size, and an approximately 1,615 square foot ground floor area off Blackstone Street that will be leased to the Haymarket Pushcart Association to accommodate storage and restrooms for their members. The ground floor of the building will also include restrooms accessible to the public as well as meeting space that can be made available for community use.

The building design includes glass storefronts as well as building materials which provide a contemporary take on the historic setting of the Project Site between Blackstone Street and the traditional North End neighborhood.

An important element of the Second NPC Project also remains as originally proposed: the reconstruction of Blackstone Street from North Street to Hanover Street, as well as streetscape improvements around all sides of the building, subject to required approvals from the City's Public Improvement Commission. The Blackstone Street improvements have already been approved by MassDOT and the Boston Landmarks Commission. The Blackstone Street reconstruction will include new bollards to provide electrical service for members of the Haymarket Pushcart Association during the Friday and Saturday market days. Water service will also be provided from the hotel structure itself.

The key change in the Second NPC Project is a modest increase in the maximum height of the building, from 65 feet to a maximum of 69 feet, 6 inches tall. The Proponent is proposing this change solely in order to achieve acceptable floor-to-ceiling heights within the building. The advancement of the design plans for the hotel revealed that this small increase in height was necessary and consistent with the anticipated hotel brand standard. However, the overall size of the Proposed Project will not change — it will continue to have a maximum of 145,000 square feet of Gross Floor Area (as defined in the Code).

Contemporaneously with the submission of the Second NPC, the Proponent submitted the Amended and Restated Development Plan to reflect the advancement of the design of the Second NPC Project, not only with respect to the building height, but also the ground floor layout and other aspects of the building. The Proponent has included in the Amended and Restated Development Plan as well as the Second NPC, an updated site plan as well as updated building design plans, elevations and perspectives illustrating those changes.

## **ARTICLE 80 REVIEW PROCESS**

On February 14, 2018 the Proponent filed the Second Notice of Project Change and Amended and Restated Development Plan, notice of which was published in the Boston Herald. These filings with the BPDA triggered a 45 day comment period for the public and City agencies to review the filings and submit comments.

On March 19, 2018, the BPDA sponsored a public meeting for members of the Impact Advisory Group (IAG) and the public that was held at City Hall from 6:00-8:00 pm in the BPDA Board Room. The meeting was well attended and most of those in attendance were supportive. Three comment letters were submitted in opposition. Two were concerned with the height increase and the third was concerned with the change from market use to restaurant use.

The comment period closed on April 2, 2018.

## **ZONING**

The Project Site is located within the Central Artery Special District governed by Article 49 of the Code. Under the provisions of Article 49, the Project Site is also deemed to be part of the Government Center/Markets District governed by Article 45 of the Code. Parcel 9 is also located in the Restricted Parking Overlay District established pursuant to Article 3A of the Code and is also subject to the Downtown Boston Parking Freeze administered by the Boston Air Pollution Commission. However, no parking will be included in the Second NPC Project. The proposed total Gross Floor Area (as defined in the Code) for the Second NPC Project will be a maximum of 145,000 square feet. As part of the Second NPC, the new maximum height for the Second NPC Project will be 69 feet 6 inches in order to accommodate appropriate floor heights in accordance with the proposed hotel brand standard. The Floor Area Ratio for the Second NPC Project, applied to the Amended and

Restated Development Plan area as a whole, will not exceed 3.0. The Project Site is within an area in which a Planned Development Area is permitted.

## **MITIGATION AND PUBLIC BENEFITS**

Because the Second NPC Project is substantially similar to the project approved by the BRA in 2016 save for its increased height, the mitigation and community benefits associated with the Second NPC Project will remain the same as those approved in 2016, as follows:

- Creation of approximately 250 to 300 construction jobs.
- Creation of approximately 125 new permanent jobs.
- Generation of property tax revenues to the City of Boston from what is currently a government (MassDOT-owned) vacant parcel of land.
- Generation of hotel occupancy and meal tax revenues to the City of Boston and to the Commonwealth.

The Second NPC Project will include a variety of urban design elements which will complement the surrounding neighborhood, including:

- Creating approximately 9,600 square feet of ground floor restaurant and/or retail space that will generate increased pedestrian activity around the site and the Greenway, and provide amenities for the residents of the area as well as hotel guests.
- Improving the urban design characteristics and aesthetic character of the Project surroundings through the introduction of high-quality architecture to the Project Site.
- Construction of an energy-efficient and climate-resilient building that will be certifiable at the Leadership in Energy and Environmental Design (LEED) Silver level.
- Enhancing the public realm by replacing the sidewalks around the hotel building with new concrete, universally accessible sidewalks, new street trees, landscaped planters along John F. Fitzgerald Surface Road, and new universally accessible pedestrian ramps.
- The Proponent will be leveling, tabling and reconstructing Blackstone Street to eliminate the curbs and provide electrical and water connections for Haymarket Pushcart Association ("HPA") vendors, allowing for a more enjoyable experience for vendors and patrons at the Friday/Saturday Haymarket, and to ensure that a fire lane can be maintained at all times.



- The Proponent will be leasing an approximately 1,600 square foot area within the hotel building to the HPA for use by its vendor members for storage purposes. This space will also include rest rooms and a small HPA office space.
- The Proponent will provide trash facilities inside the building to accommodate trash generated by the HPA vendors.
- The Proponent is working with the artist which created the "Asaroton" art work that is embedded in Blackstone Street to recreate and relocate the art work, which is currently substantially damaged, to a new location outside a pedestrian right of way.
- The Proponent will be restoring the section of the Freedom Trail which passes the Project Site to connect the Government Center area to the North End neighborhood.
- The Second NPC Project will include a ground floor meeting space that can be made available for community meetings.
- The ground floor of the hotel will include rest rooms accessible to the public.

#### **DEVELOPMENT IMPACT PROJECT EXACTION**

The Second NPC Project includes an estimated 145,000 square feet dedicated to Development Impact Uses (as defined in Section 80B-7 of the Code). Therefore, the Second NPC Project will provide estimated linkage funds of \$375,300 in Housing Exactions and \$75,150 in Jobs Exactions pursuant to the provisions of Section 80B-7 of the Code. The estimated linkage payments are calculated as follows:

##### Housing Linkage

DIP Uses	145,000 square feet
Exclusions	- <u>100,000 square feet</u>
	45,000 square feet of DIP Uses
	<u>x 8.34/square foot</u>
	\$375,300.00

##### Jobs Linkage

DIP Uses	145,000 square feet
Exclusions	- <u>100,000 square feet</u>
	45,000 square feet of DIP uses
	<u>x 1.67/square foot</u>
	\$ 75,150.00



## **RECOMMENDATIONS**

Based on the foregoing, BPDA staff recommends that the Board authorize the Director to: (1) issue a Determination waiving further review pursuant to Section 80A-6 of the Code in connection with the Second NPC filed by the Proponent on February 14, 2018, finding that the Second NPC does not significantly increase the impacts of the Project; (2) approve the Amended and Restated Development Plan, pursuant to Section 80C of the Code; (3) petition the Zoning Commission of the City of Boston for approval of the Amended and Restated Development Plan pursuant to Section 80C of the Code; (4) approve the Second NPC Project as a DIP within the meaning of Section 80B-7 of the Code; (5) issue one or more Certifications of Compliance or Partial Certifications of Compliance under Section 80B-6 upon successful completion of the Article 80B review process for the Second NPC Project; (6) issue one or more Certifications of Consistency or Partial Certifications of Consistency pursuant to Section 80C- 8 of the Code; and (7) execute and deliver a Cooperation Agreement, a Development Impact Project Agreement, a Boston Residents Construction Employment Plan, and any and all other agreements and documents which the Director deems appropriate and necessary with respect to the Second NPC Project and the Amended and Restated Development Plan.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue a Determination (the "Determination") under Section 80A-6 of the Boston Zoning Code (the "Code") which finds that the Second Notice of Project Change ("Second NPC") submitted to the Boston Redevelopment Authority ("BRA") by Haymarket Parcel 9 Investor, LLC (the "Proponent") on February 14, 2018, does not significantly increase the impacts of the Parcel 9-Haymarket Hotel Project to be located at Central Artery Parcel 9 in the Government Center/Market District of downtown Boston (the "Second NPC Project") and waives further review of the Second NPC Project, subject to on-going design review by the BRA; and

### **FURTHER**

**VOTED:** That, in connection with the Amended and Restated Development Plan for Planned Development Area No. 103, Central Artery Parcel 9, Haymarket Hotel ("Amended and Restated Development Plan") describing the Second NPC Project presented at the public hearing

duly held at the offices of the BRA on April 12, 2018, and after consideration of evidence presented at, and in connection with, the hearing on the Amended and Restated Development Plan and the Second NPC Project, the BRA finds that, pursuant to Section 80C-4 of the Code: (a) such Amended and Restated Development Plan is not for a location or Proposed Project for which Planned Development Areas are forbidden by the underlying zoning; (b) the Second NPC Project in such Amended and Restated Development Plan complies with the provisions of the underlying zoning that establish use, dimensional, design and other requirements for Proposed Projects in Planned Development Areas, including one or more of the following: (i) diversification and expansion of Downtown's economy and job opportunities through economic activity; (ii) creation of new job opportunities; and (iii) improvements to the urban design characteristics and aesthetic character of the development site and its surroundings, and the enhancement of existing open space or the creation of new open space; (c) such Amended and Restated Development Plan complies with any provisions of underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) such Amended and Restated Development Plan conforms to the plan for the district, subdistrict or similar geographic area in which the Planned Development Area is located, and to the general plan for the City as a whole; and (e) on balance, nothing in such Amended and Restated Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and

**FURTHER  
VOTED:**

That the BRA approve the Second NPC Project as a Development Impact Project within the meaning of Section 80B-7 of the Code; and

**FURTHER  
VOTED:**

That the Director be, and hereby is, authorized to petition the Boston Zoning Commission for approval of the Amended and Restated Development Plan, pursuant to Section 3-1A.a and Section 80C of the Code, in substantial accord with the Amended and Restated Development Plan presented to the BRA on April 12, 2018; and

**FURTHER  
VOTED:**

That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Second NPC Project pursuant to Section 80B-6 of the Code upon successful completion of the Article 80B Large Project Review process; and

**FURTHER  
VOTED:**

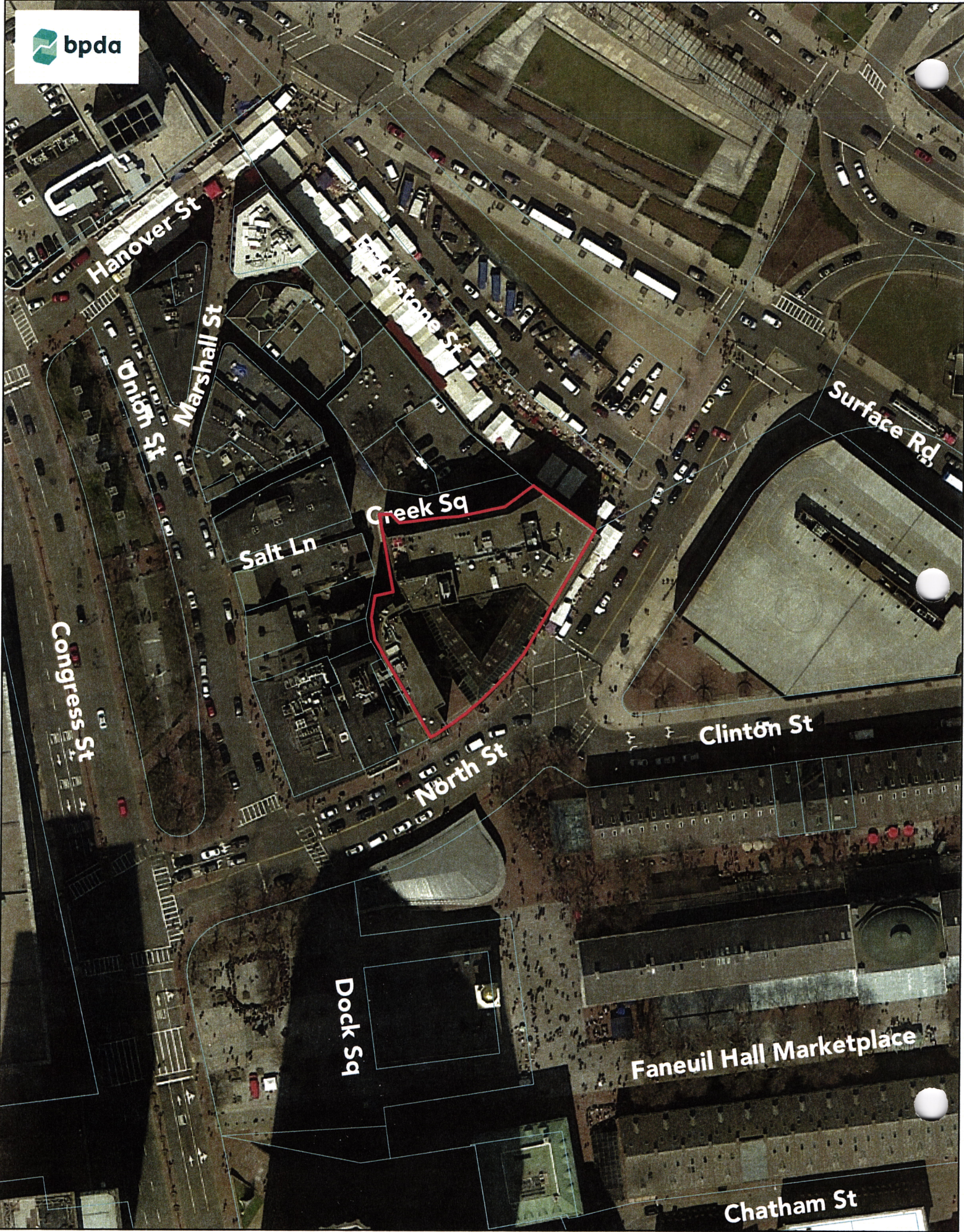
That the Director be, and hereby is, authorized to issue one or more Certifications of Consistency or Partial Certifications of Consistency for the Second NPC Project pursuant to Section 80C-8 of the Code, when appropriate; and

**FURTHER  
VOTED:**

That the Director be, and hereby is, authorized to execute a Cooperation Agreement, a Development Impact Project Agreement, a Boston Residents Construction Employment Plan, and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the Second NPC Project and the Amended and Restated Development Plan, all upon terms and conditions determined to be in the best interests of the BRA.

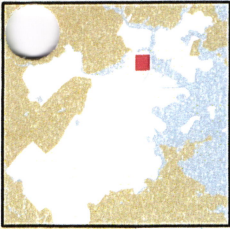
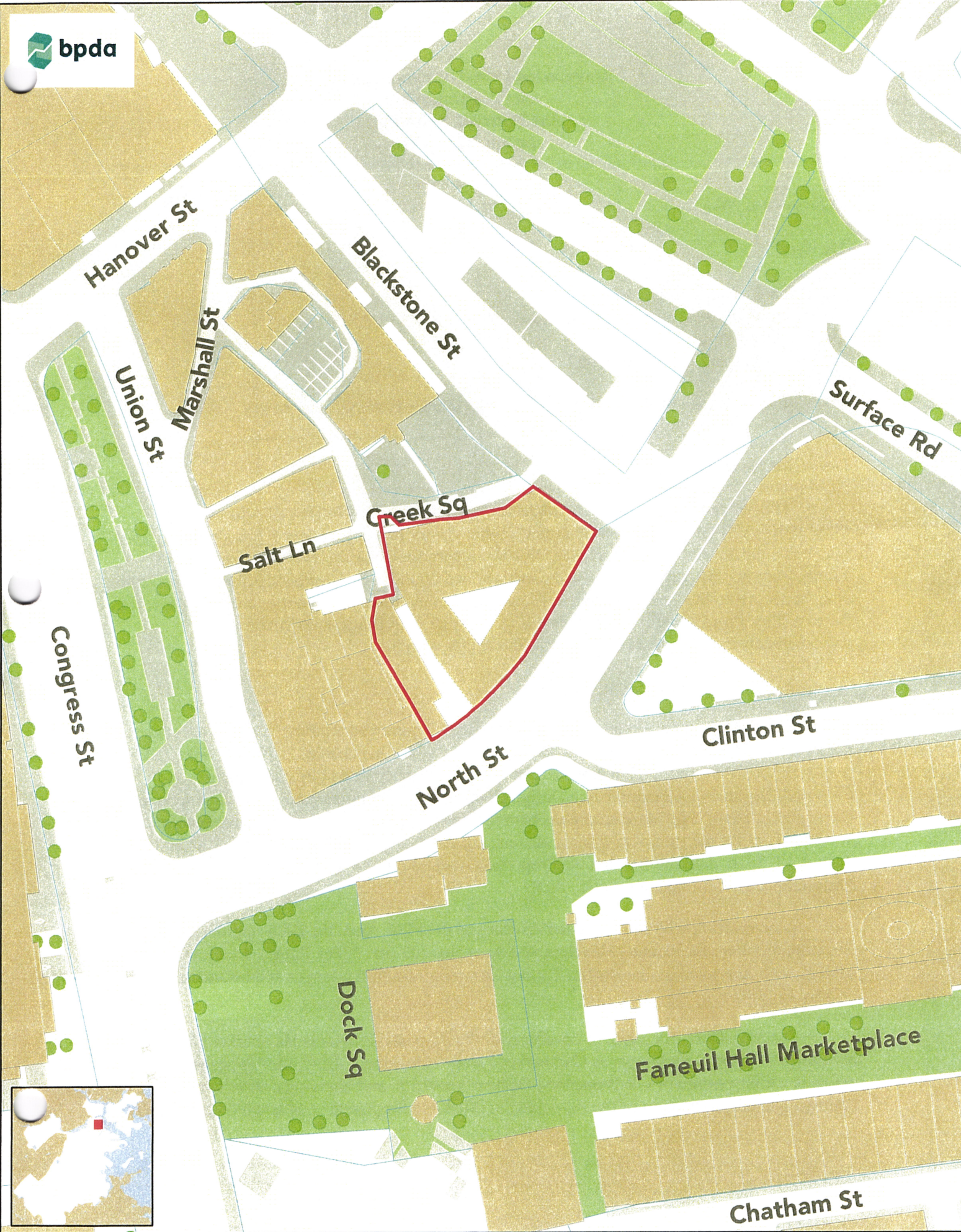
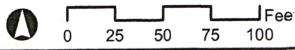


111 North Street, Downtown





# 111 North Street, Downtown





**Haymarket Parcel 9 Investor, LLC**  
**c/o CV Properties**  
**451 D Street, Suite 100**  
**Boston, MA 02210**

February 13, 2018

By Hand

Mr. Brian P. Golden, Director  
Boston Planning & Development Agency  
One City Hall Square  
Boston, Massachusetts 02201-1007

Re: Notice of Project Change #2 – Haymarket Hotel/Central Artery  
Parcel 9 Project

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Dear Director Golden:

This letter and accompanying plans comprise the second Notice of Project Change (“Second NPC”) for the Haymarket Hotel/Central Artery Parcel 9 project (“Proposed Project”), which is to be constructed on a vacant, 29,400± square foot, Massachusetts Department of Transportation (“MassDOT”) - owned parcel of land bounded by Blackstone Street to the south, Hanover Street to the west, the John F. Fitzgerald Surface Road to the north, and North Street to the east (the “Project Site”). The Project Site, together with Blackstone Street, total approximately 52,598 square feet of land (the “PDA Area”).

A. Background and Status Update

The Boston Redevelopment Authority (“BRA”) approved the Proposed Project pursuant to the provisions of Article 80B of the Boston Zoning Code on June 16, 2016, following BRA receipt of the Expanded Project Notification Form and first Notice of Project Change for the Proposed Project and a Boston Civic Design Commission recommendation of design approval on December 2, 2014. The Massachusetts Historical Commission issued a determination of no adverse effect for the Proposed Project on June 28, 2016, and a MEPA Certificate was issued on August 19, 2016, determining that the Proposed Project did not require further review under the Massachusetts Environmental Policy Act.

In connection with the Proposed Project and the PDA Area, the BRA approved the Development Plan for Planned Development Area No. 103 (the “PDA Plan”), which was subsequently approved by the Boston Zoning Commission and the Mayor and became effective on July 18, 2016.

The MassDOT - designated developer of the Proposed Project is Haymarket Parcel 9 Investor, LLC (formerly known as Haymarket Parcel 9 Developer, LLC; the “Proponent”), which is a joint venture of CV Properties, Olshan Properties, and Harbinger Development. Following a recapitalization of the Proponent in 2017, the Proponent is advancing the design of

February 13, 2018  
Mr. Brian P. Golden  
Page 2

the Proposed Project, has identified a hotel operator, and is preparing to enter into a long-term ground lease with MassDOT for the site of the Proposed Project. We expect to complete the project design as well as the necessary permitting for the Proposed Project, the finalization of hotel brand arrangements, and the closing of the construction loan later this year, at which time the ground lease will be entered into by the Proponent and MassDOT.

B. Changes to the Proposed Project.

The uses at the Proposed Project will remain the same: an approximately 225-key hotel building with approximately 9,600 square feet of complementary retail and restaurant uses, a one-story component at the Hanover Street end that will house a restaurant as well as a rooftop deck of approximately 1,800 square feet in size, and an approximately 1,615 square foot ground floor area off Blackstone Street that will be leased to the Haymarket Pushcart Association to accommodate storage and restrooms for their members. In addition, the Proposed Project continues to include the reconstruction of Blackstone Street from North Street to Hanover Street, as well as streetscape improvements around all sides of the building, subject to receipt of the necessary approvals from MassDOT, the Boston Landmarks Commission, the City's Art Commission, and the City's Public Improvement Commission, as applicable.

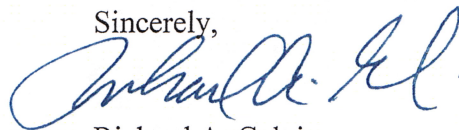
The key change to the Proposed Project is a modest increase in its maximum height, from 65 feet to a maximum of 69 feet, 6 inches. We are proposing this change solely in order to achieve acceptable floor-to-ceiling heights within the building. Our advancement of the design plans for the hotel revealed that this small increase in height was necessary and consistent with the anticipated hotel brand standard. However, the overall size of the Proposed Project will not change – it will have a maximum of 145,000 square feet of Gross Floor Area (as defined in the Boston Zoning Code).

Contemporaneously with the submission of this Second NPC, we are submitting an Amended and Restated PDA Plan to reflect the advancement of the design of the Proposed Project, not only with respect to the building height, but also the ground floor layout and other aspects of the building. We have included in this Second NPC, an updated site plan as well as, updated building design plans, elevations and perspectives illustrating those changes.

We look forward to working with the BPDA staff on the successful completion of the Article 80B Large Project Review process for this exciting project.

Thank you.

Sincerely,

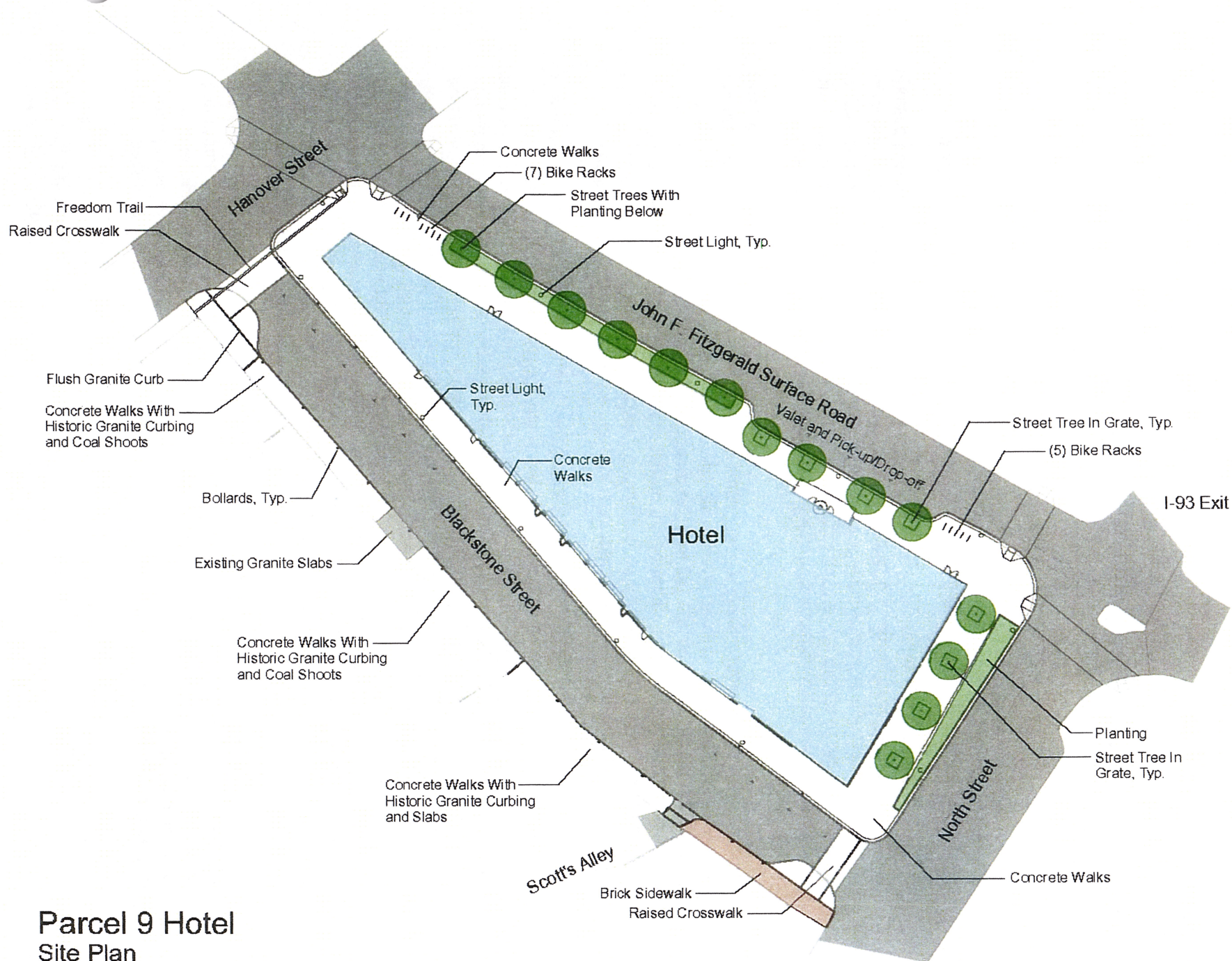


Richard A. Galvin

cc: Michael Sinatra  
Marybeth Pyles

Enclosures: Site Plan, Design Plans, Elevations and Perspectives





## Parcel 9 Hotel Site Plan

1"=60'

CV Properties

Group One

Copley Wolff Design Group

Nitsch Engineering

December 19, 2017





Proposed Hotel  
Parcel 9 – Boston, MA



CV PROPERTIES LLC  
Development • Investment



OLSHAN  
PROPERTIES



Group One PARTNERS

Surface Road Aerial

Updated Design Presentation





Proposed Hotel  
Parcel 9 – Boston, MA



CV PROPERTIES LLC  
Development • Investment



OLSHAN  
PROPERTIES



Harbinger  
Development



Group One PARTNERS

Surface Road Perspective

Updated Design Presentation









Surface Road

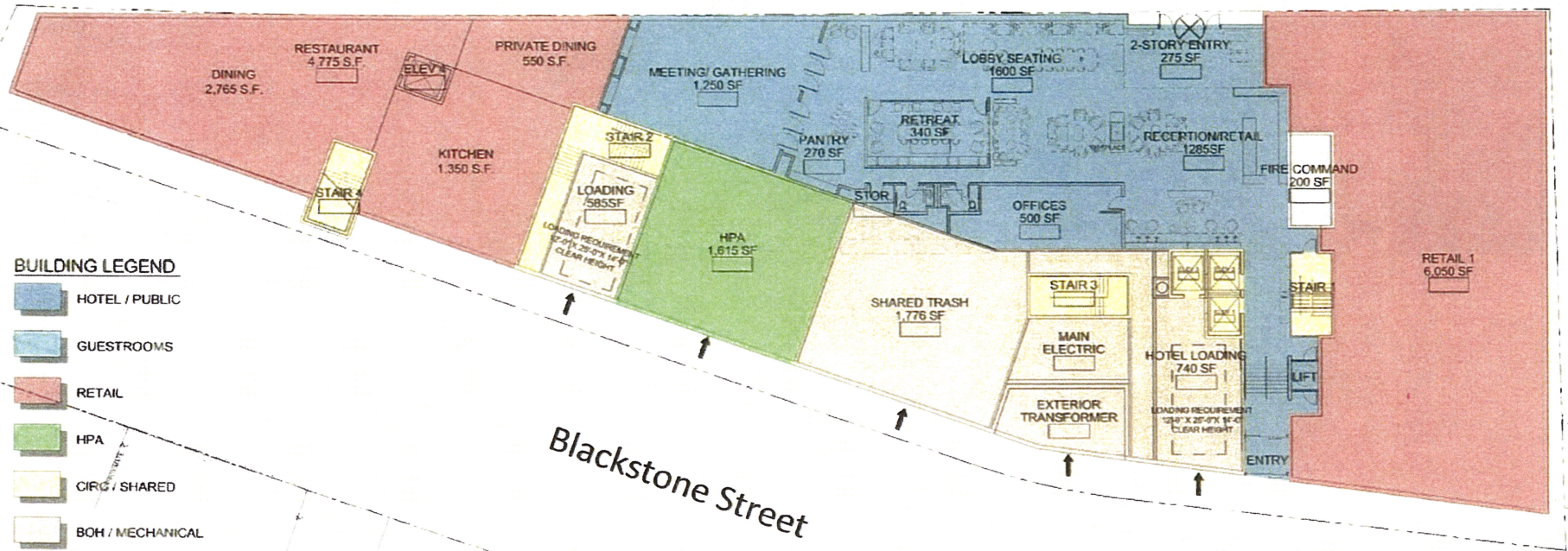
Hanover Street

North Street

Blackstone Street

**BUILDING LEGEND**

-  HOTEL / PUBLIC
-  GUESTROOMS
-  RETAIL
-  HPA
-  CIRC / SHARED
-  BOH / MECHANICAL



**Proposed Hotel**  
Parcel 9 – Boston, MA



**CV PROPERTIES** LLC  
Development • Investment



**OLSHAN**  
PROPERTIES



**Group One** PARTNERS

**Ground Floor Plan**







Updated Design Presentation

Surface Road

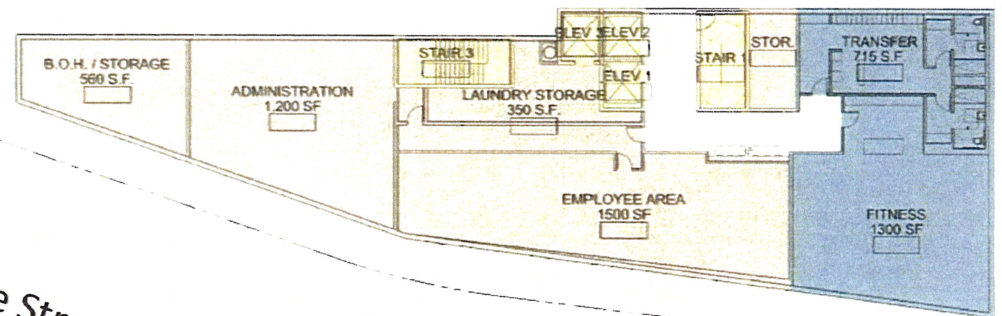
Hanover Street

North Street

**BUILDING LEGEND**

-  HOTEL / PUBLIC
-  GUESTROOMS
-  RETAIL
-  HPA
-  CIRC / SHARED
-  BOH / MECHANICAL

Blackstone Street



Proposed Hotel  
Parcel 9 - Boston, MA



CV PROPERTIES LLC  
Development • Investment

OLSHAN  
PROPERTIES



Group One PARTNERS

Lower Level Floor Plan  
Updated Design Presentation









Hanover Street

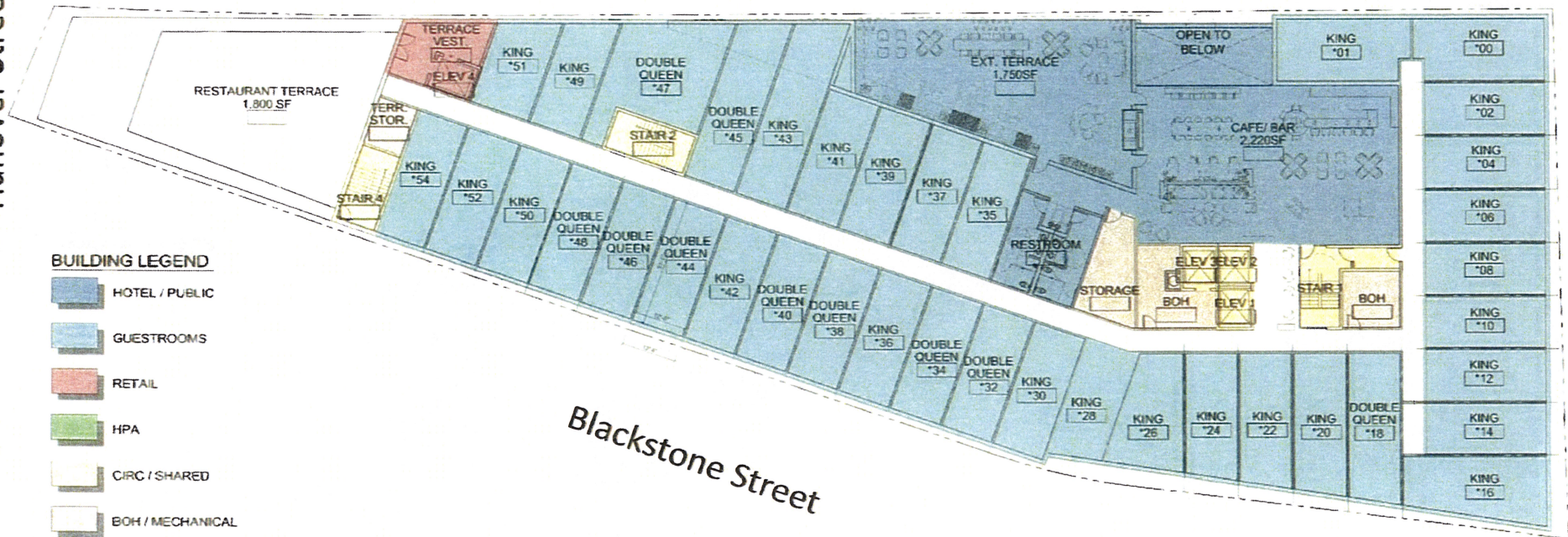
Surface Road

North Street

Blackstone Street

**BUILDING LEGEND**

-  HOTEL / PUBLIC
-  GUESTROOMS
-  RETAIL
-  HPA
-  CIRC / SHARED
-  BOH / MECHANICAL



Proposed Hotel  
Parcel 9 - Boston, MA



CV PROPERTIES  
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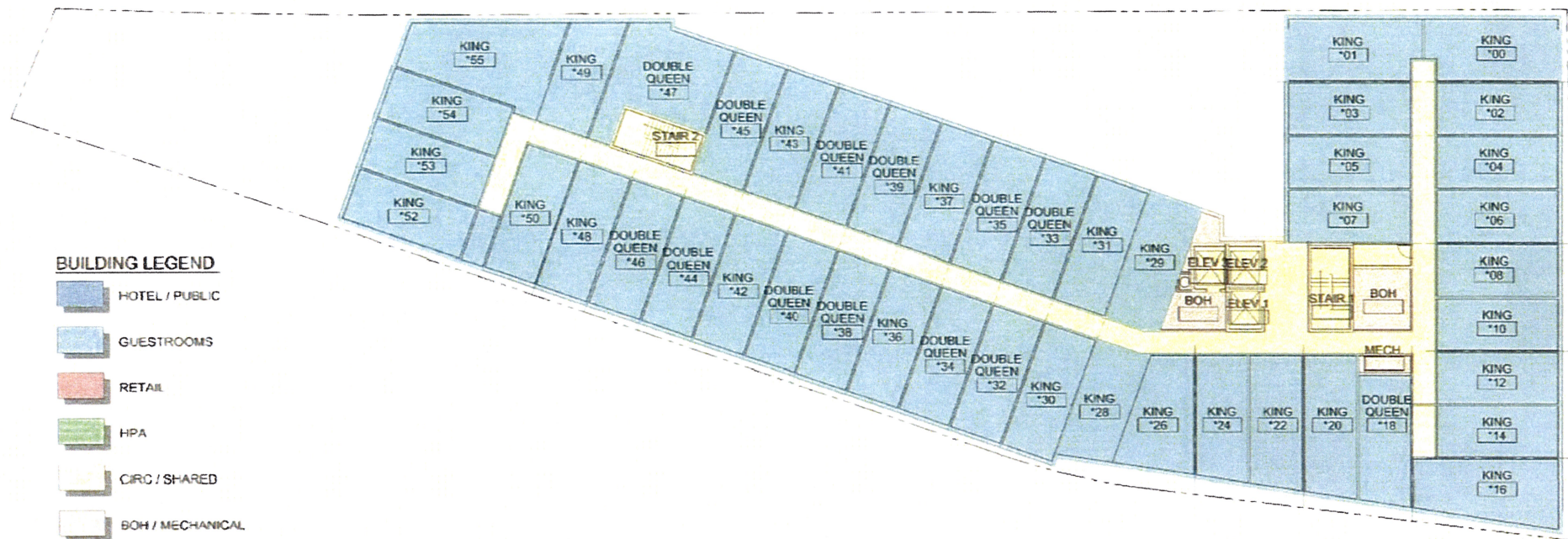
OLSHAN  
PROPERTIES



Group One PARTNERS

Second Floor Plan

Updated Design Presentation



Proposed Hotel  
Parcel 9 - Boston, MA



CV PROPERTIES LLC  
Development • Investment

OLSHAN  
PROPERTIES



Group One PARTNERS

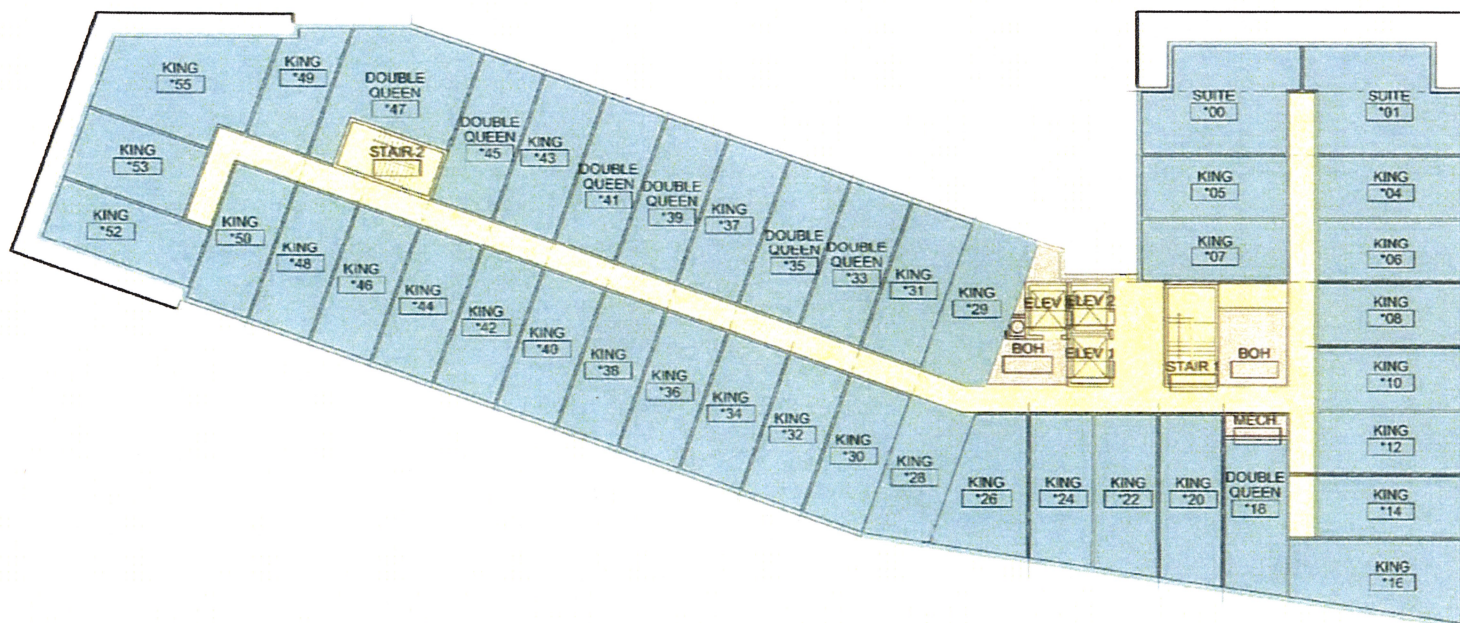
Typical Floor Plan

Updated Design Presentation



# BUILDING LEGEND

- HOTEL / PUBLIC
- GUESTROOMS
- RETAIL
- HPA
- CIRC / SHARED
- BOH / MECHANICAL



Proposed Hotel  
Parcel 9 - Boston, MA



CV PROPERTIES LLC  
Development • Investment

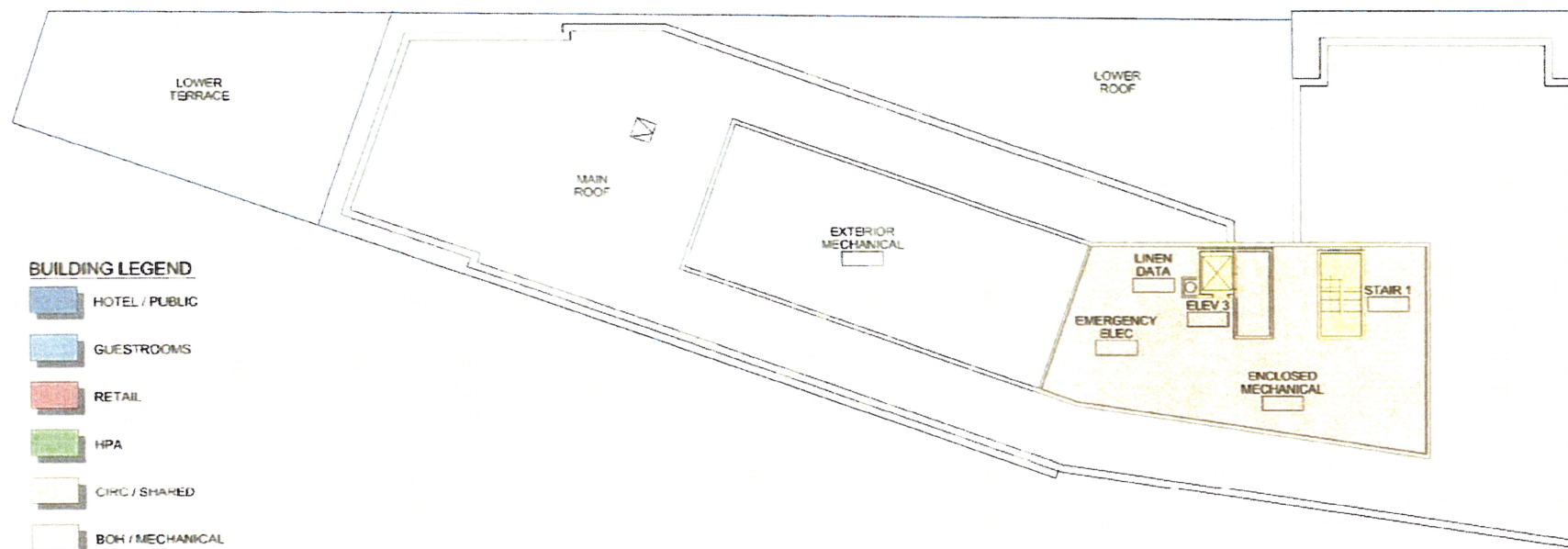
OLSHAN  
PROPERTIES



Group One PARTNERS

Sixth Floor Plan

Updated Design Presentation



Proposed Hotel  
Parcel 9 – Boston, MA



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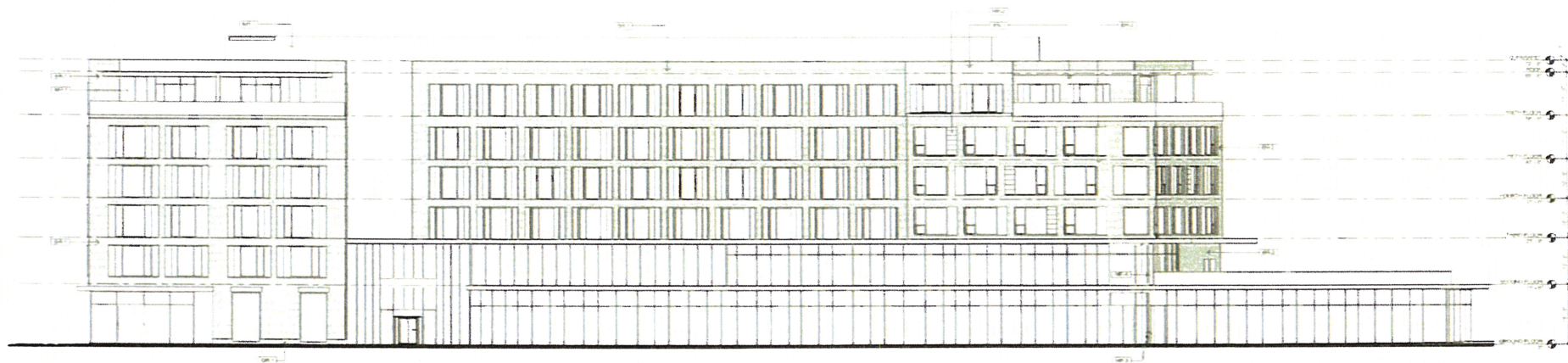


Group One PARTNERS

Roof Plan

Updated Design Presentation

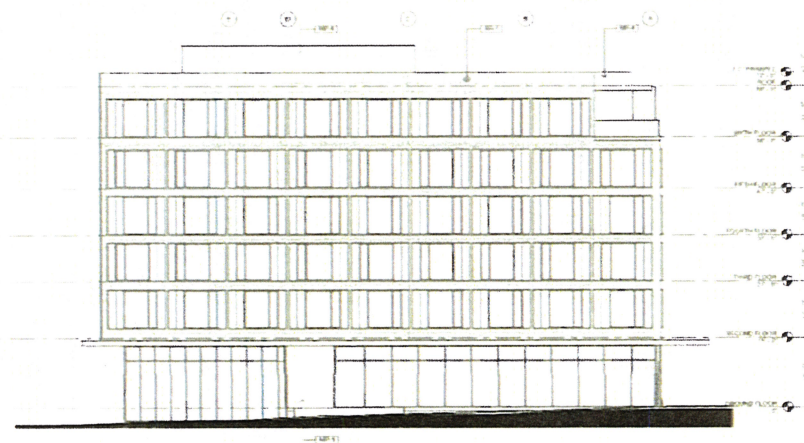




1 NORTH ELEVATION  
SCALE 1/8\"/>



2 WEST ELEVATION  
SCALE 1/8\"/>



3 EAST ELEVATION  
SCALE 1/8\"/>

Proposed Hotel  
Parcel 9—Boston, MA



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PROPERTIES



Group One PARTNERS

Elevations

Updated Design Presentation

BOSTON REDEVELOPMENT AUTHORITY  
AMENDED AND RESTATED DEVELOPMENT PLAN  
PLANNED DEVELOPMENT AREA  
NO. 103

Central Artery Parcel 9  
Haymarket Parcel 9 Investor, LLC  
\_\_\_\_\_, 2018

Development Plan: In accordance with Sections 3-1A, 49-5, 49-11, 45-9 through 45-13 and Section 80C of the Boston Zoning Code (as amended to date, the “**Code**”), this Amended and Restated Development Plan for the Parcel 9 Project, Planned Development Area No. 103 (the “**Development Plan**”), sets forth information on the proposed development of the site known as MassDOT Central Artery Parcel 9 in the Haymarket area of Boston, including the proposed location and appearance of a new structure, open spaces and landscaping, proposed uses, densities, proposed traffic circulation, parking and loading facilities, access to public transportation and the proposed dimensions of the proposed new structure. This Development Plan sets forth the zoning for the Project (as defined below).

An Expanded Project Notification Form (“**PNF**”) for the Project was filed with the Boston Redevelopment Authority (the “**BRA**”) on October 14, 2014 and a Notice of Project Change (“**NPC**”) was filed with the BRA on May 3, 2016. A Development Plan for the PDA Area (as defined below) and the Project was filed with the BRA on April 4, 2016 (the “**Original Development Plan**”), commencing a 45-day public review process. On June 9, 2016, the BRA approved the Project as described in the PNF and NPC, and authorized issuance of a Scoping Determination Waiving Further Review pursuant to the provisions of Section 80B-5.3(d) of the Code. The BRA also approved the Original Development Plan on June 9, 2016. The Original Development Plan was subsequently approved by the Boston Zoning Commission on July 13, 2016 and became effective on July 18, 2016. This Development Plan amends, restates and replaces in its entirety, the Original Development Plan. The BRA issued a Scoping Determination Waiving Further Review pursuant to Section 80B-5.3(d) of the Code on February \_\_\_\_, 2018 and the Project is undergoing design review by the BRA pursuant to the provisions of Article 80B of the Code. The Proponent (as defined below) filed a second Notice of Project Change with the BRA concurrently with this Development Plan.

The final plans and specifications for the Project will be submitted to the BRA (now doing business as the Boston Planning & Development Agency) pursuant to Section 3-1A, Article 80B and Article 80C of the Code for final design review approval and a certification as to consistency with this Development Plan and compliance with the provisions of Article 80B of the Code.

This Development Plan consists of 7 pages of text and **Exhibit A** through **Exhibit E**. All references to the Development Plan contained herein shall pertain only to such 7 pages and such exhibits. The Project as described herein is subject to final design, environmental and other

development review by the BRA and other governmental agencies and authorities, and the Project as described herein may evolve in the course of such review. Upon issuance of a Certification of Consistency by the Director of the BRA, the Project shall be deemed to be consistent with this Development Plan. Unless otherwise set forth herein, all references herein to terms set forth in the Code shall have the meanings set forth in the Code as amended to the effective date hereof, and not as the same may be amended hereafter.

Proponent and Development Team: The Proponent is Haymarket Parcel 9 Investor, LLC, a Delaware limited liability company (formerly known as Haymarket Parcel 9 Developer, LLC), its successors and assigns (the “**Proponent**”). The Proponent is an affiliate of CV Properties, LLC, Olshan Properties and Harbinger Development, and has a business address c/o CV Properties, LLC, 451 D Street, Suite 100, Boston, MA 02210. The development team for the Project is as set forth on Exhibit A.

Proposed Location: The Project will be located within an area bounded by John F. Fitzgerald Surface Road facing the Rose Fitzgerald Kennedy Greenway to the north, Hanover Street to the west, Blackstone Street to the south, and North Street to the east (the “**PDA Area**”). The PDA Area, which is currently unimproved except for Blackstone Street, is located within numerous zoning districts: the Central Artery Special District, the Restricted Parking District and the Greenway Overlay District. Pursuant to Section 49-5 and Section 49-11.3 of the Code, the Project Site is subject to the provisions of Article 45 (Government Center/Markets District) also, as well as selected provisions of Article 54 (North End Neighborhood District) of the Code.

The PDA Area consists of approximately 52,598 square feet or 1.21± acres of land area as shown on the plan attached as Exhibit B-1. The legal description for the PDA Area is set forth on Exhibit B-2. The parcel on which the Project will be constructed (the “**Project Site**”) comprises approximately 29,400 square feet of land and is shown on the plan appended hereto as Exhibit B-3. The PDA Area is owned by the Massachusetts Department of Transportation (“**MassDOT**”) and the Project Site will be leased to the Proponent for the development and operation of the Project, under a long-term ground lease.

Appearance and Proposed Dimensions of Structures and Proposed Density. The Project will comprise a 6-story building that will contain an approximately 225 key hotel building with approximately 9,600 square feet of retail/restaurant space; accessory and ancillary space to such uses (including telecommunications uses); and an approximately 1,615 square foot area fronting on Blackstone Street that will house storage areas and restrooms for members of the Haymarket Pushcart Association (“**HPA**”), together with streetscape and site improvements, including the reconstruction of Blackstone Street from North Street to Hanover Street (collectively, the foregoing constitute the “**Project**”). The building will have a one-story component at its Hanover Street end that will house a restaurant use as well as an exterior rooftop deck of approximately 1,800 square feet in size. A site plan for the Project is attached hereto as Exhibit C. The Project will contain a maximum of 145,000 square feet of Gross Floor Area. The Floor Area Ratio (“**FAR**”) of the Project will not exceed 3.0 (calculated with reference to the PDA Area) or 5.0 (calculated with reference to the Project Site). The Building Height will be a maximum of 69' 6", excluding the mechanical penthouse, the mechanical equipment located therein, and the elevators and stairways serving the mechanical penthouse (collectively, “**Mechanical Equipment**”), which Mechanical Equipment shall not be subject to the provisions

of Section 16-8, Section 54-18 or any other applicable provisions of the Code, provided that all such Mechanical Equipment is located on the roof of the 6-story portion of the Project. The Mechanical Equipment shall be subject to BRA design review. The Building Height will step down to approximately 59' 6" feet along the John F. Fitzgerald Surface Road facing the Rose Fitzgerald Kennedy Greenway.

The schematic design plans for the Project are attached hereto as **Exhibit D**, as the same may evolve during the course of the Article 80B design review process, provided that the maximum Building Height of the Project shall be as set forth in this Development Plan. The Boston Civic Design Commission approved the schematic design of the Project on January 6, 2015. The plans for the Project will be refined as BRA design review of the Project continues, and the plans are subject to design, environmental and other development review by the BRA and other governmental agencies and authorities (including without limitation, with respect to the design guidelines set forth in Article 49 of the Code for the Central Artery Special District and the roof structure restrictions set forth in Section 49-11.3 and Section 54-18 of the Code).

**Proposed Uses.** The Project will be used for hotel and retail/restaurant uses and for uses accessory and ancillary to the foregoing. The Project will also contain facilities for use by the Haymarket Pushcart Association, including space for trash storage, pushcart storage and restrooms. No on-site parking will be created; however, valet parking will be available for patrons of the Project at a pick-up/drop-off location on John F. Fitzgerald Surface Road, as shown on the traffic and circulation plan attached hereto as **Exhibit E**.

**Proposed Traffic and Pedestrian Circulation.** Current traffic circulation around the Project Site is expected to remain as it currently exists: one-way southeasterly traffic on the portion of John F. Fitzgerald Surface Road adjacent to the Project Site, with northwesterly traffic separated by the Rose Fitzgerald Kennedy Greenway; two-way easterly and westerly traffic on North Street, one-way southeasterly traffic on Blackstone Street; and two-way easterly and westerly traffic on Hanover Street. A drop-off/pick-up area for the hotel will be located on John F. Fitzgerald Surface Road near the main entrance to the hotel. The sidewalks on all four sides of the hotel will be reconstructed (to the extent necessary) and conform to City of Boston standards, and will include street lights, street trees, bicycle storage and other street furniture, subject to City of Boston Public Improvement Commission and MassDOT approval, as applicable. All such sidewalks will meet all applicable accessibility standards. As part of the Project, and as further discussed below, the Proponent will reconstruct Blackstone Street, retaining as much of the existing granite sidewalks on its southerly side and the cobblestone street path as possible, subject to the receipt of applicable public approvals. A Traffic and Circulation Plan for the Project is attached hereto as **Exhibit E**.

**Historic Resources.** The PDA Area is adjacent to the North End neighborhood as well as to the Blackstone Block, which is listed on the State and National Registers of Historic Places. To the east of the Project Site are Faneuil Hall and Quincy Market, each important buildings in Boston's history. The development of the Project is subject to review by the Massachusetts Historical Commission and the Boston Landmarks Commission in compliance with Section 106 of the National Historic Preservation Act, and the Project is therefore subject to the Historic Resources Considerations for Joint Development ("**Joint Development Guidelines**") developed



by MassDOT and other public agencies in connection with the Central Artery project. The Project is generally consistent with the Joint Development Guidelines.

Proposed Parking and Loading Facilities. No parking facilities will be constructed as part of the Project. Project traffic will be accommodated by a valet service that will be accessed from a pick-up/drop-off area along John F. Fitzgerald Surface Road. As is typical for an urban hotel, it is anticipated that the majority of the guests will either arrive by taxi, private ride sharing service or public transportation, and will not have a need for parking. The proximity to Haymarket Station and other nearby MBTA stations in downtown Boston will provide hotel guests with easy access to and from North Station, South Station, Logan Airport and other points in Boston and beyond. The valet service will use one or more nearby parking garages for the Project's parking needs. Three on-site, ground-level loading docks/bays will provide space for trash and other hotel and restaurant loading operations as well as HPA operations. The entrance to each of these areas will be off Blackstone Street (see Exhibit E).

Open Spaces and Landscaping. As noted above, the Project Site will be improved with new sidewalks and street trees on John F. Fitzgerald Surface Road, Hanover Street and North Street. In addition, Blackstone Street will be completely rebuilt. This will involve: (i) the raising of the finished grade of Blackstone Street along its entire length between North Street and Hanover Street so as to be level with the sidewalk adjacent to the building and thereby facilitate use of Blackstone Street by HPA vendors; (ii) all associated utility relocation and installation work required by reason of the change in grade of the street; (iii) all related earthwork and paving work; (iv) the design, fabrication and installation of approximately fifty (50) permanent steel-reinforced stanchions along the length of Blackstone Street; (v) the installation of adequate and appropriate exterior lighting and electrical power for use by HPA vendors (which may be incorporated into the new stanchions); and (vi) the provision of outdoor hose bibs along the Blackstone Street facade of the Project for use by HPA vendors and the hotel operator. The Proponent will also work with the artist of the existing public art work "Asaroton" and the City of Boston Art Commission to remove the portion located in Blackstone Street and reinstall a new version of the art piece at a location to be agreed upon by MassDOT, the City of Boston Public Improvement Commission, the Proponent and the artist.

Access to Public Transportation. The Project Site is located in an ideal location to take advantage of Boston's excellent public transportation system. The Project Site is one block away from the MBTA Haymarket Station, which provides access to Orange and Green line subway service, as well as a number of local buses servicing Charlestown, Everett, and Chelsea and express bus services servicing the northern and northwestern suburbs. Additionally, there are several other MBTA stations within a quarter-mile, or about a 7-minute walk, of the Project Site, including the Blue Line at both State Street and Aquarium stations (which provides direct connections to Logan Airport); the State Street Station also provides Orange Line service. Other MBTA service within a short walking distance include the Green Line at Government Center Station, and the Blue Line at Bowdoin and Government Center stations. North Station, which is also walkable and is located one stop north on the Orange and Green lines, provides access to the MBTA's regional commuter rail trains serving the northern and northwestern suburbs of Boston. Connections to the MBTA's Red Line subway service, which provides a direct link to South Station's commuter rail serving the western and southern suburbs, Northeast Corridor

regional rail service by Amtrak, and local and regional bus services, are also available one stop south of the State Street station via the Orange Line, at Downtown Crossing.

Signage. Signage for the proposed Project will include: (a) those permitted by Article 11 and any other applicable provision of the Code; and (b) any additional signs that are approved by the BRA under its Article 80B development review procedures.

Development Review Procedures. All design plans for the Project are subject to ongoing design, environmental and development review and approval by the BRA pursuant to the provisions of Article 80B of the Code (Large Project Review). The plans for the Project will be refined as review of the Project continues.

Development Impact Project Exactions. The Proponent will enter into a Development Impact Project Agreement with the BRA (the “**DIP Agreement**”) pursuant to which the Proponent will make a housing contribution grant and a jobs contribution grant with respect to the uses at the Project (all of which are expected to be Development Impact Uses) exceeding 100,000 square feet of Gross Floor Area in accordance with the provisions of Section 80B-7 of the Code. These grants are anticipated to total up to approximately \$450,450 in accordance with Section 80B-7 of the Code, with the housing contribution exaction to be up to approximately \$375,300 based upon a payment of \$8.34 per square foot of Gross Floor Area of the Project in excess of 100,000 square feet that is occupied by Development Impact Uses (*i.e.*, 45,000 square feet), and the jobs contribution exaction to be approximately \$75,150 based upon a payment of \$1.67 per square foot of Gross Floor Area of the Project in excess of 100,000 square feet that is occupied by Development Impact Uses. Such contributions shall be set forth in, and governed by, the DIP Agreement.

Public Benefit Criteria. The Project provides substantial street improvements to streets adjacent to and in the vicinity of the Project Site. As discussed above, Blackstone Street will be rebuilt to better serve the Haymarket vendors and other sidewalks around the Project will be improved with new paving, lighting and landscaping. Trash and storage for the HPA will be taken off the street and stored inside a space within the Project leased to HPA. Electrical and water connections created as part of the Project and located along Blackstone Street will obviate the need for unsightly hoses and electrical wires in Blackstone Street on market days. Since the reconstructed Blackstone Street will be level with adjacent sidewalks, platforms will be no longer be required for Haymarket vendors to set up their stalls and sell their wares, and a fire lane will be maintained even during market days. The proposed street improvements are consistent with applicable street improvement regulations and guidelines and will improve the appearance, condition, quality of design and materials, and accessibility and usability of the affected streets by pedestrians, taking into account increased vehicular and pedestrian flows.

Other Public Benefits. The Project will revitalize a vacant parcel along the Rose Fitzgerald Kennedy Greenway in Boston’s emerging Market District, bringing additional life and vitality to the area. The retail uses in the Project will complement the uses provided by the Haymarket vendors and the vendors in the nearby Boston Public Market. The hotel will also provide much-needed hotel rooms to add to the city’s supply. When fully operational, the Project is estimated to produce over \$780,000 annually in real estate taxes for the City of Boston. In addition, the hotel will generate room occupancy taxes for the City of Boston and the

Commonwealth of Massachusetts. The construction and operation of the Project will contribute directly to the economy of Boston by providing approximately 300 construction jobs and approximately 125 permanent jobs.

Green Building Requirements and Climate Resiliency: The Project is subject to the provisions of Article 37, Green Buildings, of the Code. The Proponent shall ensure that the Project is LEED certifiable, and also that its design includes measures to address climate resiliency, such as grade modifications and locating the electrical vault and building entrances above the flood zone. Most building entrances will be located above the flood zone but to the extent they are required to be located within the flood zone, the building entrances will be protected by human intervention flood-proof panels.

Flood Protection. A small portion of the Project Site is located within an “AE” zone as designated in the most recent flood insurance maps issued by the United States Federal Emergency Management agency. Thus, the Project is subject to the provisions of Article 25 of the Code governing Flood Hazard Districts. The Proponent will file a Notice of Intent with the City of Boston Conservation Commission with respect to the Project, and provide action related thereto to the BRA to evidence compliance with Article 25 of the Code, prior to the issuance of a Certification of Consistency pursuant to Section 80C-8 of the Code or a Certification of Compliance pursuant to Section 80B-9 of the Code. The issuance of a Certification of Consistency shall evidence the Project’s compliance with the provisions of Article 25 of the Code.

Other Public Approvals. A Certificate of the Secretary of Energy and Environmental Affairs was issued on August 19, 2016 under the Massachusetts Environmental Policy Act (“MEPA”), determining that the Project did not require the preparation of an Environmental Impact Report under MEPA. Certain aspects of the Project will require review and approvals from other public agencies, such as the Boston Water and Sewer Commission, the City of Boston Public Improvement Commission, MassDOT and the Federal Highway Administration.

Project Components and Ownership. While construction of the Project will proceed as a single phase, following construction completion, discrete components of the Project (each, a “**Project Component**”) may be separately owned through the creation of a condominium regime at the Project. The compliance of a Project Component with this Development Plan shall be determined based only upon such Project Component’s compliance with the requirements of this Development Plan relative to such Project Component. The provisions of this Development Plan may be amended by any owner of any Project Component as to that Project Component only, and shall not affect any other Project Component except with the consent of the owner of said other Project Component.

Potential Conveyance of Blackstone Street: If and to the extent MassDOT conveys Blackstone Street (or any part thereof or any interest therein) to the City of Boston for use as a City of Boston street, said conveyance shall not alter the validity of this Development Plan nor its applicability to any improvements now or hereafter existing within the PDA Area.

Development Schedule: The Proponent expects to commence construction of the Project in the second quarter of 2018, with a hotel opening scheduled for the first quarter of 2020.

Construction commencement will be contingent upon the completion of applicable design review approvals, the receipt of all applicable governmental permits and approvals, and execution of a ground lease with MassDOT.

Applicability. In accordance with Sections 80C-9 of the Code, if the Project has received a Certification of Consistency pursuant to Section 80C-9 of the Code, then (1) the Project, and (2) the parcels or lots and any improvements thereon that are the subject of this Development Plan shall be deemed to be in compliance with the requirements of the dimensional, density, use, parking, loading, flood protection, design, roof structures and additions and other provisions of the Code to the extent that such requirements have been addressed in this Development Plan. The failure of any Project Component to comply with the provisions of this Development Plan shall not affect or impair the zoning compliance of any other Project Component.

No Duty to Develop the Project: Notwithstanding anything to the contrary set forth in this Development Plan, under no circumstances shall the Proponent be obligated to undertake all or any part of the Project.

Attachments:

- Exhibit A: Project Team Members
- Exhibit B-1: Plan of PDA Area
- Exhibit B-2: Legal Description of PDA Area
- Exhibit B-3: Plan of Project Site
- Exhibit C: Site Plan
- Exhibit D: Design Plans – Perspectives, Elevations and Floor Plans
- Exhibit E: Traffic and Circulation Plan



Exhibit A

Project Team Members

<u>Proponent</u>	<p>Haymarket Parcel 9 Investor, LLC c/o CV Properties, LLC 451 D Street, Suite 100 Boston, MA 02210</p> <p>Richard A. Galvin <a href="mailto:RGalvin@cvprop.com">RGalvin@cvprop.com</a> 203/255-4600</p> <p>Yvette Tetreault <a href="mailto:YTetreault@cvprop.com">YTetreault@cvprop.com</a> 857/990-3045</p>
<u>Co-Developer</u>	<p>Eamon O'Marah <a href="mailto:Eomarah@harbingerdev.com">Eomarah@harbingerdev.com</a> 781/992-5999</p>
<u>Architect</u>	<p>Group One Partners 21 West 3<sup>rd</sup> Street Boston, MA 02210</p> <p>Harry Wheeler <a href="mailto:Harry@grouponeinc.com">Harry@grouponeinc.com</a> 617/268-7000</p> <p>Jim Ryan <a href="mailto:Jim@grouponcinc.com">Jim@grouponcinc.com</a> 617/268-7000</p>
<u>Landscape Architect</u>	<p>Copley Wolff Design Group Ten Post Office Square Boston, MA 02109 617/654-9000</p> <p>Sean Sanger, RLA <a href="mailto:SSanger@Copley-Wolff.com">SSanger@Copley-Wolff.com</a></p>

<u>Civil Engineer</u>	<p>Nitsch Engineering 2 Center Plaza, Suite 430 Boston, MA 02108</p> <p>Deborah Danik, P.E. <a href="mailto:Ddanik@nitscheng.com">Ddanik@nitscheng.com</a> 857/206-8737</p>
<u>Transportation Engineer</u>	<p>Howard/Stein-Hudson Associates 11 Beacon Street, Suite 1010 Boston, MA 02108</p> <p>Guy Busa, P.E. <a href="mailto:gbusa@hshassoc.com">gbusa@hshassoc.com</a> 617/348 - 3314</p>
<u>Geotechnical and Environmental Engineers</u>	<p>Haley &amp; Aldrich 465 Medford Street, Suite 2200 Boston, MA 02129</p> <p>Mark H. Balfe, PE <a href="mailto:mbalfe@haleyaldrich.com">mbalfe@haleyaldrich.com</a> 617/886-7304</p> <p>Keith E. Johnson, PE <a href="mailto:Kjohnson@haleyaldrich.com">Kjohnson@haleyaldrich.com</a> 617/886-7318</p>
<u>Legal Counsel</u>	<p>Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. One Financial Center Boston, MA 02111</p> <p>Rebecca A. Lee, Esq. <a href="mailto:RALee@Mintz.com">RALee@Mintz.com</a> 617/348-3009</p>

### PLAN OF PDA AREA

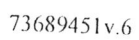


Exhibit B-2

LEGAL DESCRIPTION OF PDA AREA

A CERTAIN PARCEL OF LAND SITUATED IN BOSTON, SUFFOLK COUNTY, MASSACHUSETTS AND BEING SHOWN AS PROPOSED DEVELOPMENT AREA ON A PLAN ENTITLED "BOSTON REDEVELOPMENT AUTHORITY PLANNED DEVELOPMENT AREA PLAN", DATED MARCH 2015, SCALE: 1"=20', SHEET 1 OF 1 SHEETS, DRAWING NO. 10220.2\_PDA1.DWG, PREPARED BY NITSCH ENGINEERING, INC.

BEGINNING AT THE NORTHWESTERLY CORNER OF PARCEL 9, ON THE PROPOSED SIDELINE OF CITY LAYOUT NO. 2041 SECTION 6, THENCE TURNING AND RUNNING ALONG SAID PROPOSED CITY LAYOUT ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 85.08', WITH A RADIUS OF 1810.00', WITH A CHORD BEARING OF S58°38'16"E AND WITH A CHORD LENGTH OF 85.07', THENCE TURNING AND RUNNING;

S59°59'03"E ALONG SAID PROPOSED CITY LAYOUT A DISTANCE OF 253.93', THENCE TURNING AND RUNNING;

S28°59'08"W A DISTANCE OF 114.00', THENCE TURNING AND RUNNING;

S56°57'29"E A DISTANCE OF 24.08', THENCE TURNING AND RUNNING;

S33°02'31"W A DISTANCE OF 65.91' TO A POINT ON THE LINE OF STATE HIGHWAY LAYOUT NUMBER 7737 OF JUNE 20, 2007, SECTION 1 - WESTERLY LOCATION, THENCE TURNING AND RUNNING;

N53°00'37"W ALONG SAID STATE HIGHWAY LAYOUT LINE A DISTANCE OF 81.35', THENCE TURNING AND RUNNING;

N52°19'35"W ALONG SAID STATE HIGHWAY LAYOUT LINE A DISTANCE OF 15.95', THENCE TURNING AND RUNNING;

N52°24'52"W ALONG SAID STATE HIGHWAY LAYOUT LINE A DISTANCE OF 54.28', THENCE TURNING AND RUNNING;

N40°24'39"W ALONG SAID STATE HIGHWAY LAYOUT LINE A DISTANCE OF 269.59', THENCE TURNING AND RUNNING;

N39°07'40"W ALONG SAID STATE HIGHWAY LAYOUT LINE A DISTANCE OF 9.94', THENCE TURNING AND RUNNING;

N52°21'14"E A DISTANCE OF 65.01', THENCE TURNING AND RUNNING;

S41°13'24"E A DISTANCE OF 22.72', THENCE TURNING AND RUNNING;

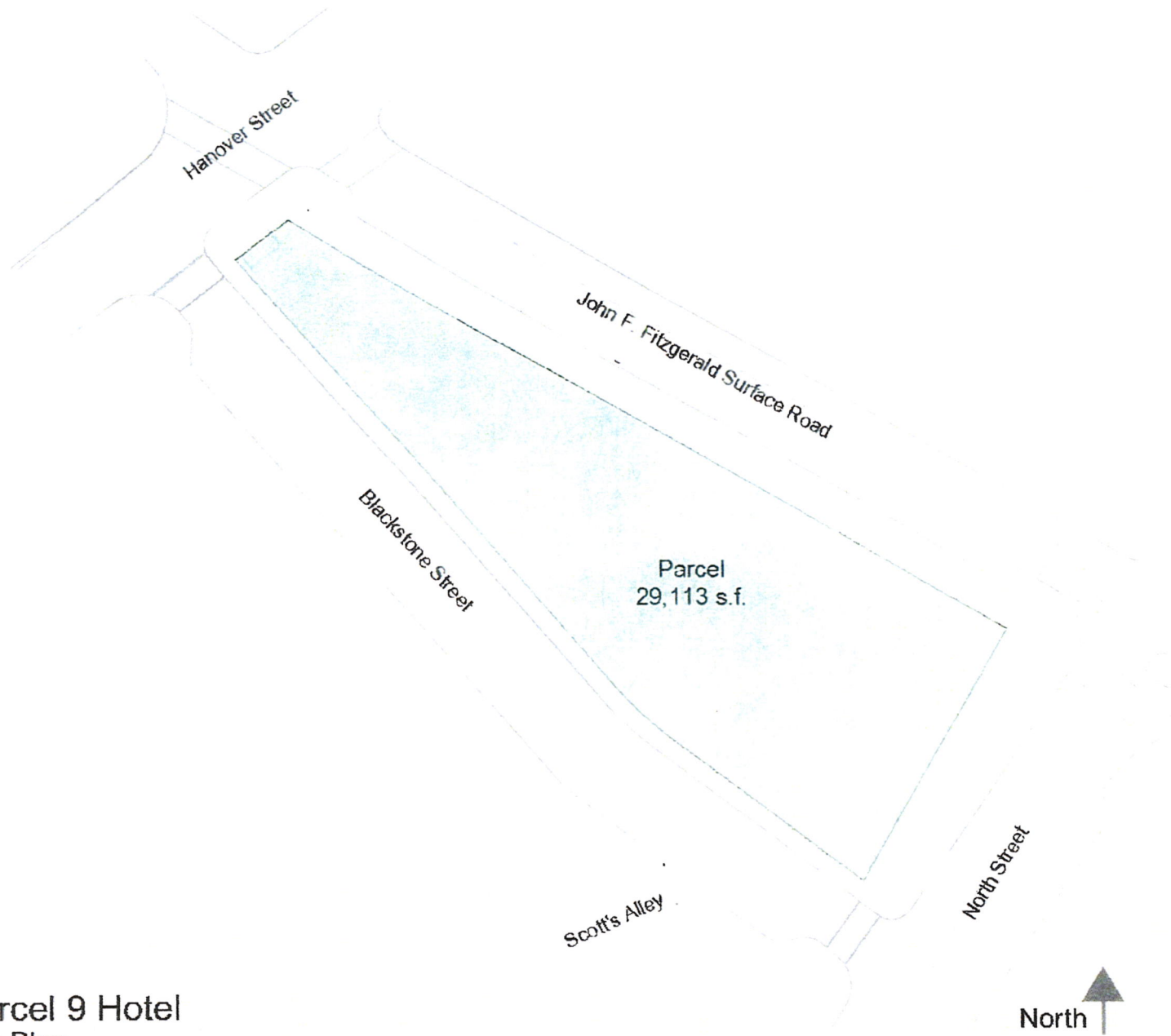
N48°46'36"E A DISTANCE OF 18.21' TO THE POINT OF BEGINNING;

CONTAINING 52,598 SQUARE FEET MORE OR LESS ACCORDING TO SAID PLAN.

Exhibit B-3

PLAN OF PROJECT SITE

[See attached]



**Parcel 9 Hotel**  
**Site Plan**

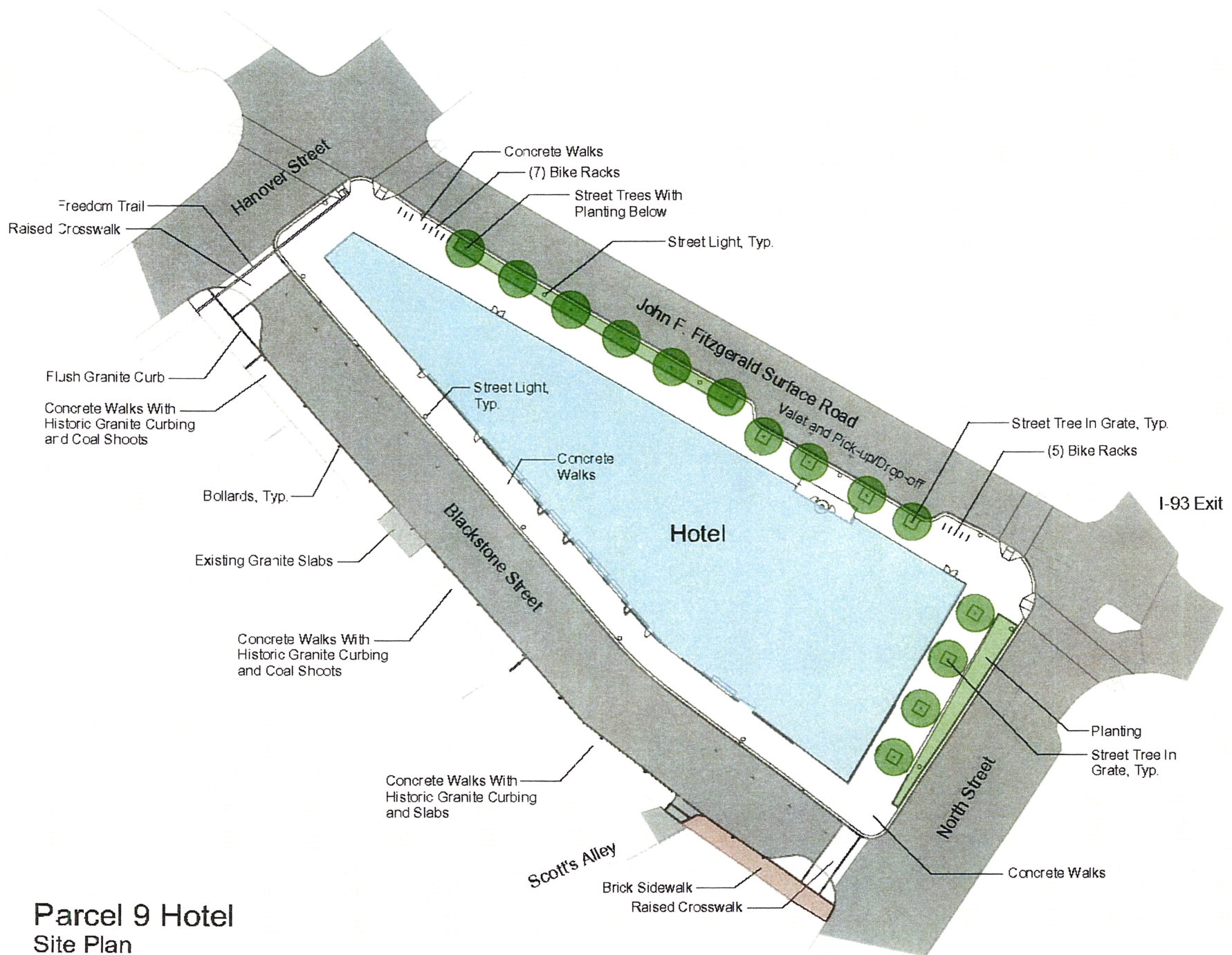
1"=60'   CV Properties   Group One   Copley Wolff Design Group   Nitsch Engineering   Howard Stein Hudson   January 31, 2018

Exhibit C

SITE PLAN

[See attached]





# Parcel 9 Hotel Site Plan

1"=60' CV Properties Group One Copley Wolff Design Group Mitsch Engineering December 19, 2017

Exhibit D

DESIGN PLANS - PERSPECTIVES, ELEVATIONS AND FLOOR PLANS

[See attached]





Proposed Hotel  
Parcel 9 – Boston, MA



CV PROPERTIES LLC  
Development • Investment



OLSHAN  
PROPERTIES



Group One PARTNERS

Surface Road Aerial

Updated Design Presentation





**Proposed Hotel**  
Parcel 9 – Boston, MA



**CV PROPERTIES LLC**  
Development • Investment



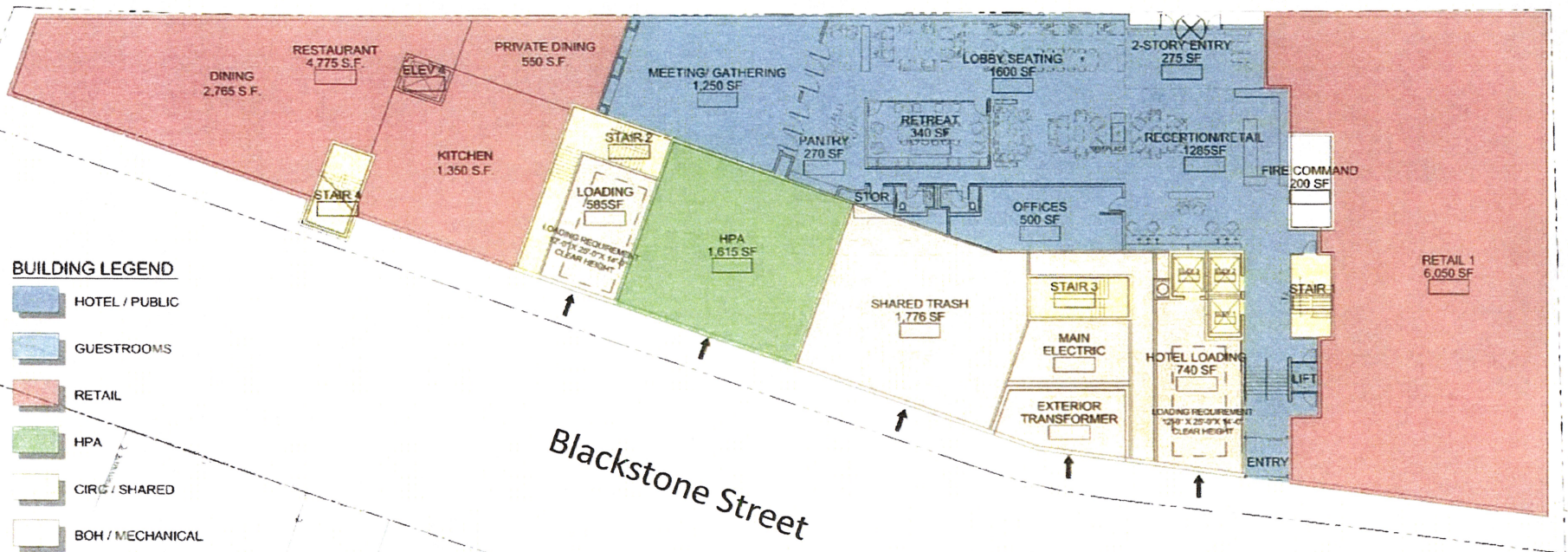
Surface Road Perspective  
Updated Design Presentation



Surface Road

Hanover Street

North Street



**BUILDING LEGEND**

- HOTEL / PUBLIC
- GUESTROOMS
- RETAIL
- HPA
- CIRC / SHARED
- BOH / MECHANICAL

**Proposed Hotel**  
Parcel 9 – Boston, MA



**CV PROPERTIES** LLC  
Development • Investment









**Ground Floor Plan**  
Updated Design Presentation

Hanover Street

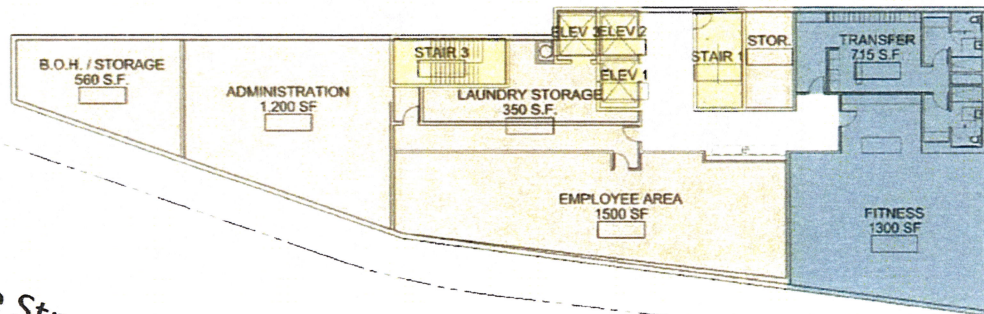
Surface Road

North Street

**BUILDING LEGEND**

-  HOTEL / PUBLIC
-  GUESTROOMS
-  RETAIL
-  HPA
-  CIRC / SHARED
-  BOH / MECHANICAL

Blackstone Street



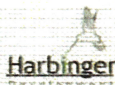
Proposed Hotel  
Parcel 9 - Boston, MA



CV PROPERTIES LLC  
Development • Investment



OLSHAN  
PROPERTIES



Group One PARTNERS

Lower Level Floor Plan  
Updated Design Presentation



Hanover Street

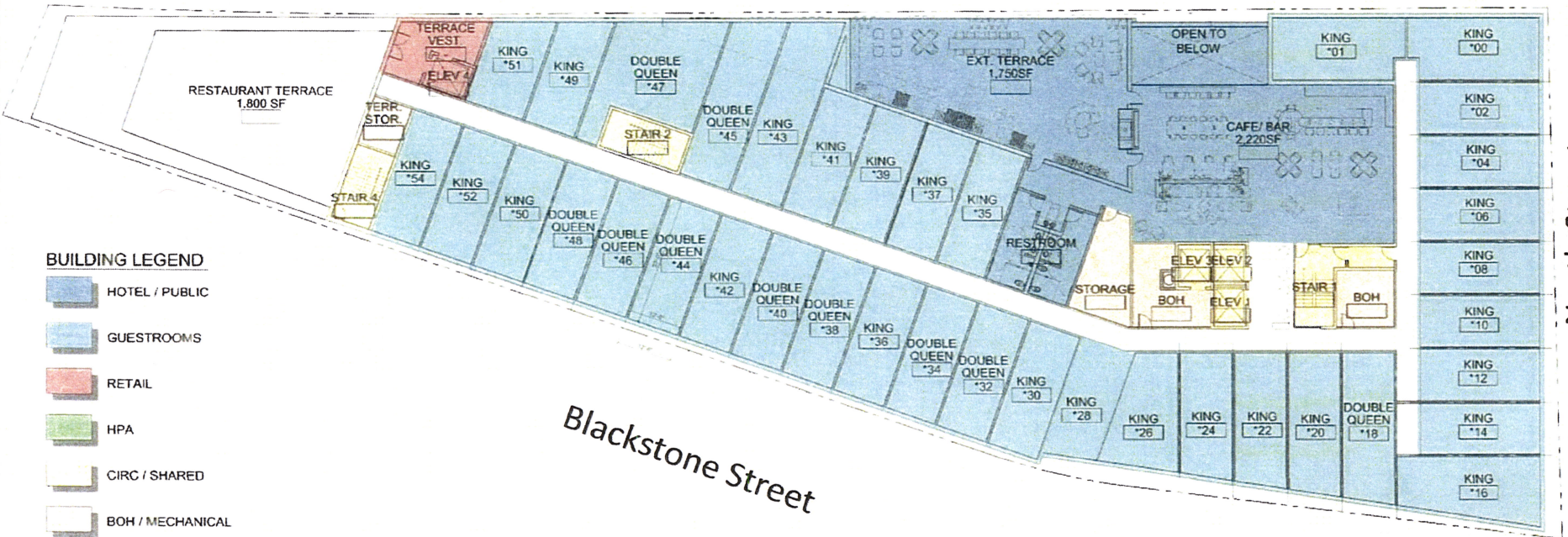
Surface Road

North Street

Blackstone Street

**BUILDING LEGEND**

-  HOTEL / PUBLIC
-  GUESTROOMS
-  RETAIL
-  HPA
-  CIRC / SHARED
-  BOH / MECHANICAL



Proposed Hotel  
Parcel 9 - Boston, MA



CV PROPERTIES LLC  
Development • Investment

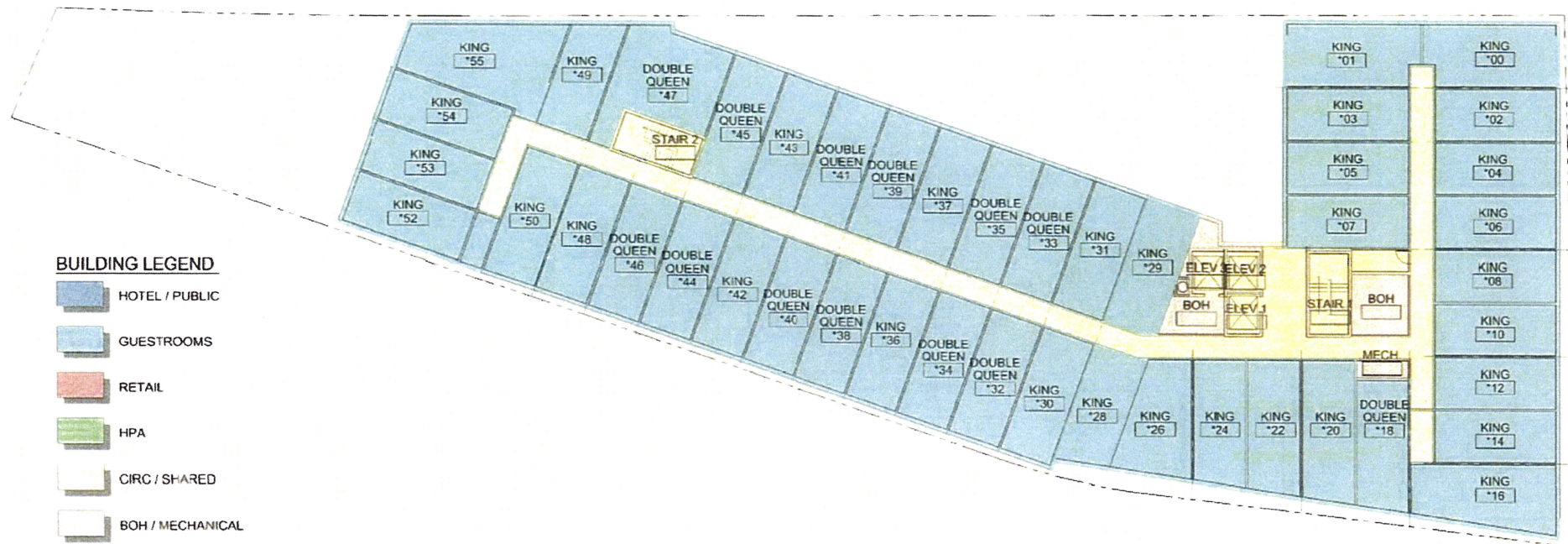


OLSHAN  
PROPERTIES



Group One PARTNERS

Second Floor Plan  
Updated Design Presentation



Proposed Hotel  
Parcel 9 – Boston, MA



CV PROPERTIES LLC  
Development & Investment

OLSHAN  
PROPERTIES



Group One PARTNERS

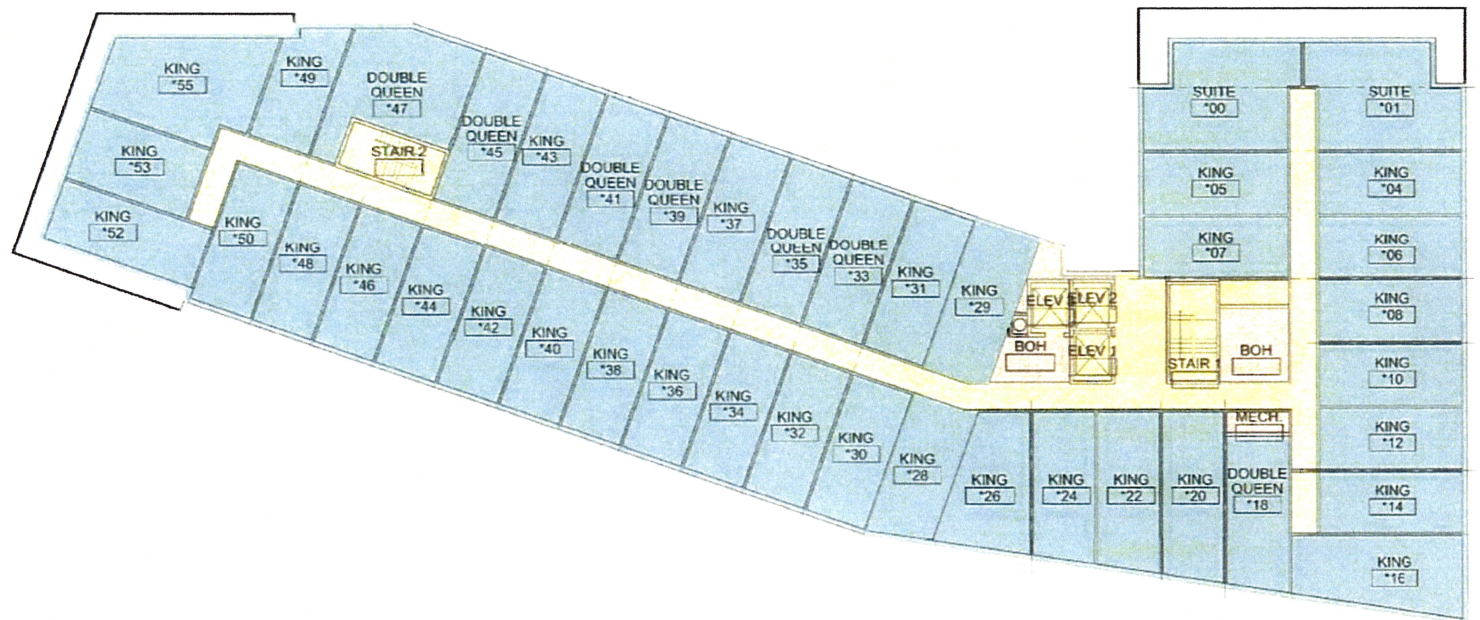
Typical Floor Plan

Updated Design Presentation



# BUILDING LEGEND

-  HOTEL / PUBLIC
-  GUESTROOMS
-  RETAIL
-  HPA
-  CIRC / SHARED
-  BOH / MECHANICAL



Proposed Hotel  
Parcel 9 – Boston, MA



CV PROPERTIES LLC  
Development • Investment



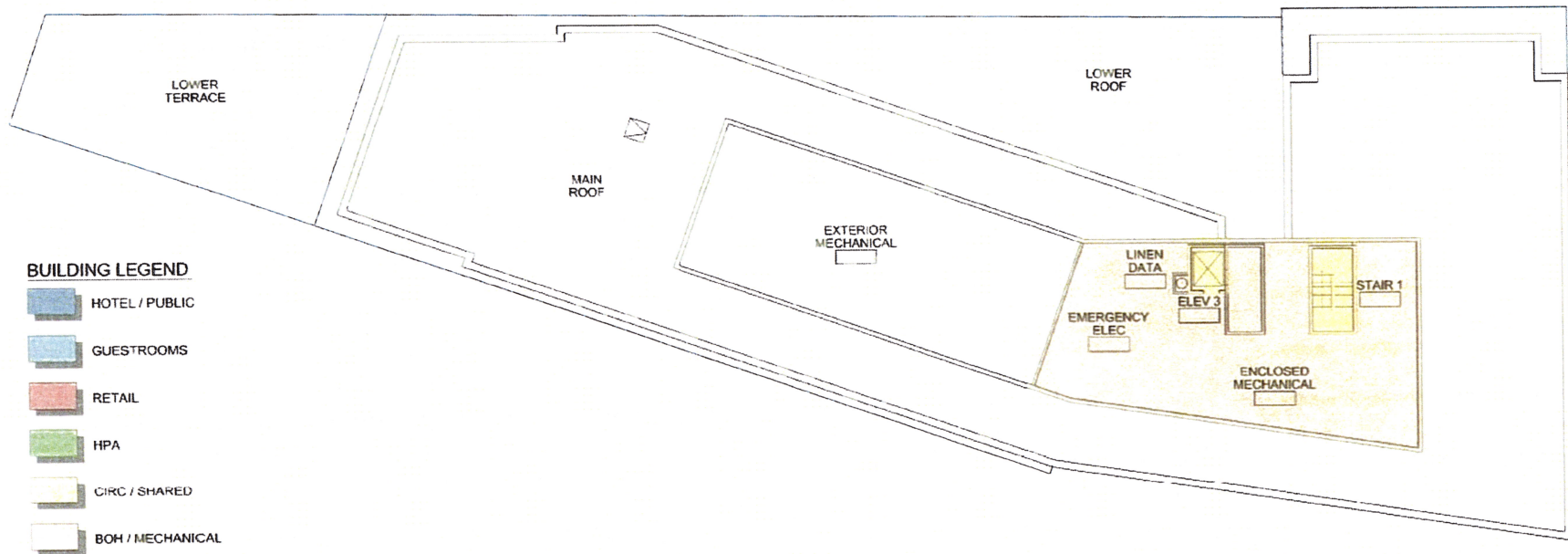
OLSHAN  
PROPERTIES



Group One PARTNERS

Sixth Floor Plan

Updated Design Presentation



Proposed Hotel  
Parcel 9 – Boston, MA



CV PROPERTIES LLC  
Development • Investment

OLSHAN  
PROPERTIES



Group One PARTNERS

Roof Plan

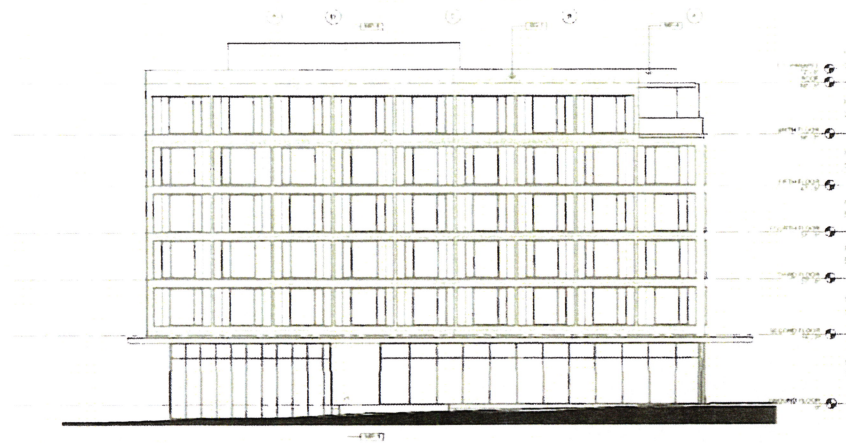
Updated Design Presentation



NORTH ELEVATION  
SCALE 1/8" = 1'-0"



WEST ELEVATION  
SCALE 1/8" = 1'-0"



EAST ELEVATION  
SCALE 1/8" = 1'-0"

**Proposed Hotel**  
Parcel 9 – Boston, MA



**CV PROPERTIES, LLC**  
Development • Investment



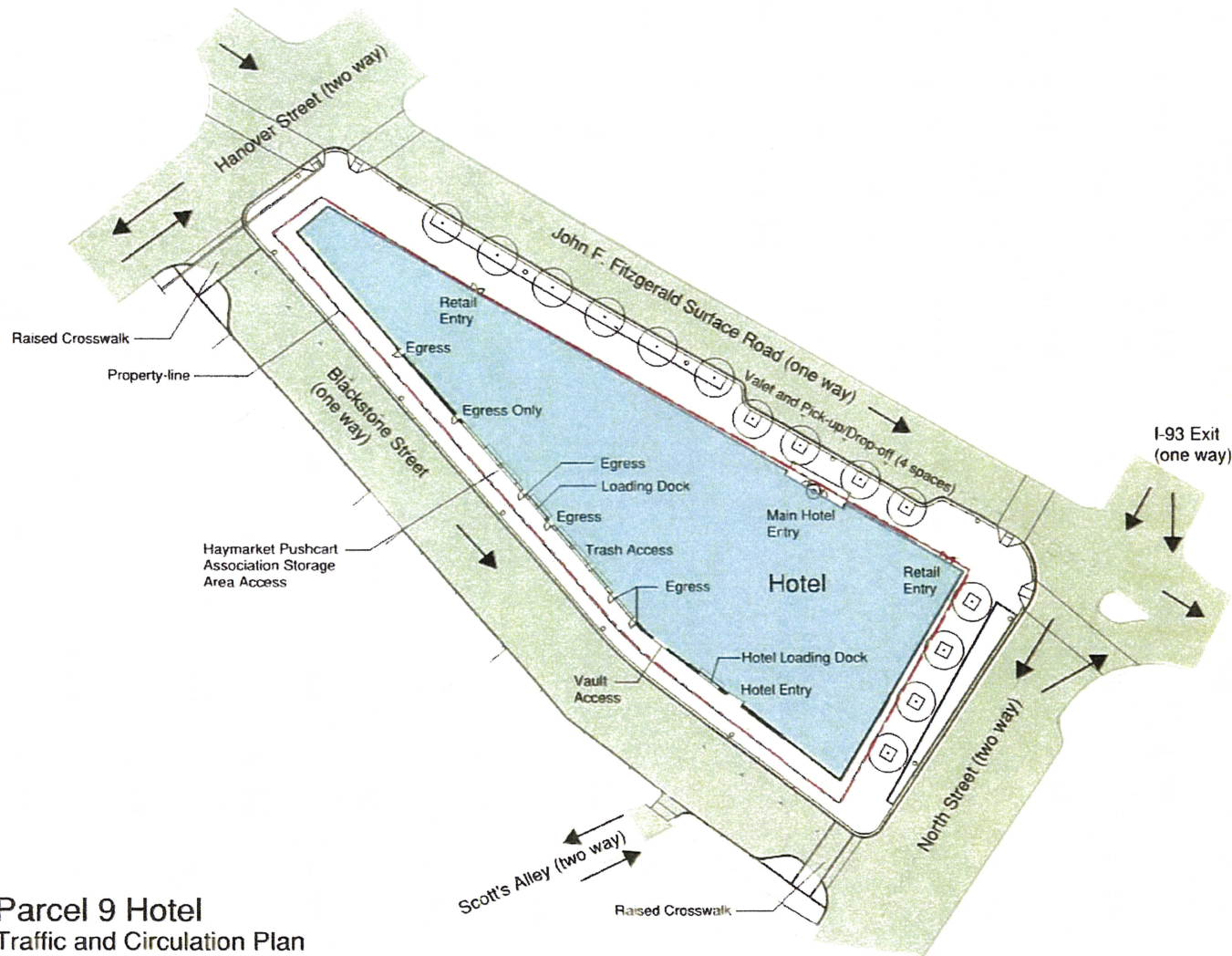
**Elevations**  
Updated Design Presentation

Exhibit E

TRAFFIC AND CIRCULATION PLAN

[See attached]





# Parcel 9 Hotel Traffic and Circulation Plan

1"=60' CV Properties Group One Copley Wolff Design Group December 14, 2017

Proposed Hotel  
Parcel 9 - Boston, MA



CV PROPERTIES LLC  
Development • Investment

OLSHAN  
PROPERTIES



Group One PARTNERS

Traffic and Circulation Plan  
Updated Design Presentation



VICTOR BROGNA  
P.O. BOX 130371  
BOSTON, MA 02113-0007  
[REDACTED]

April 4, 2018

Brian P. Golden, Director  
Boston Planning & Development Agency  
Attention: Michael Sinatra, Project Manager  
One City Hall Square  
Boston, MA 02201-1007

Re: Comment Letter on Notice of Project Change #2 - Haymarket Hotel/Central  
Artery Parcel 9 Project

Dear Director Golden:

I take this opportunity to discuss matters of concern regarding the Notice of Project Change currently before the BPDA.

*Incorrect description requiring correction.* On page 2 of the transmittal letter from Haymarket Parcel 9 Investor, LLC to you, dated February 13, 2018, the developer states that the uses at the Proposed Project will remain the same. The statement is incorrect and misleading. The uses as described will not remain the same. The developer's letter states further that,

"a one-story component at the Hanover Street end . . . will house a restaurant as well as a rooftop deck of approximately 1,800 square feet in size."

This description represents a change in use of that structure from the use described in the developer's previously approved Planned Development Area (PDA) plan.

Two years ago, by letter dated April 4, 2016, the developer filed with the Boston Planning & Development Agency (BPDA) a PDA development plan. The use

designated for the one-story component at the Hanover Street end contained in that plan, was *retail*. (PDA plan, Exhibit B, Ground Floor plan, 6<sup>th</sup> page of 9 unnumbered pages.) On the recommendation of the Boston Redevelopment Authority Board and the BPDA staff (BRA/BPDA), the PDA plan including that use was approved by the Boston Zoning Commission. The difference is significant. The designation of *retail* use could have included a market. The current designation of *restaurant* use will not include a market. This must be recognized as a major change, in view of the developer's earlier commitment, discussed below, to have a "Great 1-story 'Market Hall' with fresh foods" in the low-rise building.

*Failure of the developer to honor public benefit commitments.* The developer's failure to keep its promise to have a market in the low-rise building is a matter of grave concern, as well as its failure to keep its promises regarding other public benefits. A brief review of the project's history will serve to illustrate these failures.

*The Parcel 9 project.* Parcel 9, owned by MassDOT, is located in the BRA-created Market District. Five years ago, MassDOT invited bids for the redevelopment of Parcel 9. The bid documents recognized the location of Parcel 9 as being in the BRA/BPDA's Market District, and included a schematic design identifying the one-story component at the Hanover Street end as a *Lower Market Shed*. The low market design was also shown in schematics designated *Concept 1* and *Concept 2*. Copies of the three schematics are attached hereto collectively as Exhibit I.

On March 15, 2013, the Haymarket Hotel development group submitted a bid. After bid submission, but prior to award, the developer distributed a flyer seeking public support for its bid. The flyer asked the public to send support letters or emails to MassDOT by April 4, 2013, prior to bid opening. A copy of the two-page flyer is attached hereto as Exhibit 2.

The flyer contained representations which amounted to promises by the developer that, if its bid were to be selected, the project would contain the public benefits it specified. The benefits included, in the developer's own words:

- Low 20 foot height along Greenway preserves views from Hanover Street



- Great 1-story "Market Hall" with fresh foods
- One signature restaurant on the ground floor facing North Street
- Second floor uses open to public include "Community Meeting Room" and indoor pool
- Respectful, quiet presence on the Greenway facing the North End
- Second floor bars & restaurant 0 [zero]

The benefits were described in the flyer as "better for the neighborhood."

I was, at the time, a member of the MassDOT Parcels 7 and 9 Advisory Committee. Based upon the promises contained in the flyer and the terms of the developer's bid, I wrote a letter to MassDOT supporting the Haymarket Hotel proposal. I was the lone voice in support. The rest of the Advisory Committee supported a competing proposal. A copy of my support letter dated April 5, 2013, is attached hereto as Exhibit 3. I refer to that letter and its detailed reasons for why the low-rise building should be preserved as a market hall, and why it should not be permitted to become a restaurant. I expect that the letter may have played a part in MassDOT's selection of the Haymarket Hotel group as the successful bidder.

Unfortunately, immediately after receiving designation by MassDOT, the selected developer began to abandon its promises. It raised its hotel height from 84 feet to 103 feet, and raised the one-story low-rise building height from 20 feet to 27 feet by the addition of a second story. Fortunately, the hotel height was reduced through the successful efforts of the Massachusetts Historical Commission. Although the elevation heights are mostly illegible in Exhibit D to the developer's Amended and Restated Development Plan (Development Plan), I have been told that the low-rise building height is now back to 20 feet. According to the BPDA's Parcel 9 website, the low-rise building height is now 27 feet, decreased from 29 feet, but I believe that the statement confuses the second floor hotel height of 27 feet with the low-rise building height.

Although the low-rise building has apparently returned to its 2013 height, the promised use of the building as a Market Hall has gradually slipped into oblivion. The developer refers in its Development Plan to "Boston's emerging Market District" (Other Public Benefits, page 5), but fails to recognize that this is the last

vacant parcel in the Market District. If there is no market on Parcel 9, the "emergence" of a Market District will be brought to a halt.

Public benefits. I therefore urge the BRA/BPDA to enforce the developer's promises to have:

- A low 20 foot height along the Greenway
- A great 1-story Market Hall with fresh foods
- One signature restaurant on the ground floor facing North Street
- A Community Meeting Room
- A respectful quiet presence on then Greenway facing the North End
- No restaurant with roof deck facing the North End

Public restrooms. At the March 19, 2018, Public Meeting, the developer agreed publicly to the inclusion of ground floor restrooms available for public use, as well as to public restrooms on the second floor. These public benefits need to be identified on the drawings. The developer agreed at the meeting to do so, but they need to be shown before the Development Plan is presented to and acted upon by the Boston Zoning Commission. Otherwise, they will not become part of the PDA approval and will be unenforceable in the future. The promised Community Meeting Room should also be identified on the drawings, for the same reason.

The developer's request for an increase of 4' 6" in hotel height. I take no position on this request. The reduction in hotel height from 103 feet to 55-65 feet, brought about through the efforts of the Massachusetts Historical Commission and its Executive Director, Brana Simon, was such an important achievement that I leave any further adjustment in hotel height to the judgment of the Commission and its Director. I will support whatever position Director Simon deems appropriate to take on the developer's request for increased hotel height.

There is no public need for an additional restaurant a few hundred feet from the North End. When I was appointed to the MassDOT Parcels 7 and 9 Advisory Committee seven years ago, I considered my role to be to represent the best interests of the North End/Waterfront community. At the present time there are in excess of one hundred restaurants in the community, and the percentage of alcohol pouring licenses to community residents is the highest in the city. I



believe that the business community does not need additional restaurant competition, and that the residential community wants and needs a market in the Parcel 9 Market Hall, not a restaurant. The BRA/BPDA, having created the Market District in which Parcel 9 is located, should enforce the requirement of a market in Parcel 9.

*The development entity and prior commitments.* Although the development entity has acquired new participants, commitments made in 2013 for the purpose of obtaining selection as developer should continue to be honored, regardless of the present make-up of the development entity.

*A draft Cooperation Agreement.* Pursuant to the BPDA's Impact Advisory Group Information Sheet, the BPDA should provide copies of a draft Cooperation Agreement to members of the IAG for a 15-day review and comment, prior to the execution of the Agreement. Therefore, kindly furnish the draft for the IAG's review.

Thank you for your consideration of the concerns I have raised.

Yours sincerely,

*Victor Brogna*

Victor Brogna

Member, BRA Parcel 9 Article 80 Impact Advisory Group  
Member, MassDOT Advisory Committee  
Chair, North End/Waterfront Residents' Association  
Zoning Licensing & Construction Committee

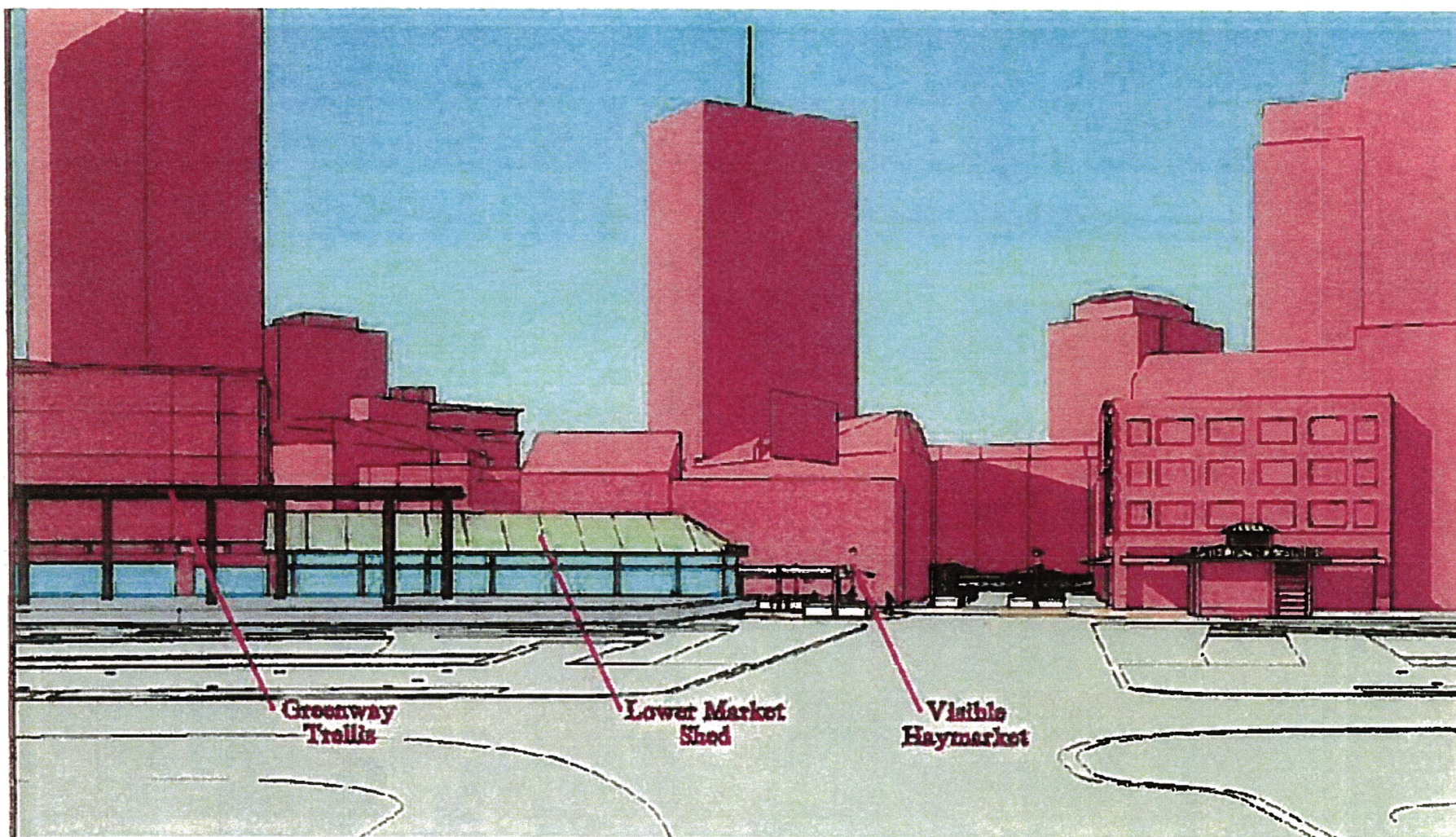
# EXHIBIT 1

"Lower Market Shed"

"Concept 1"

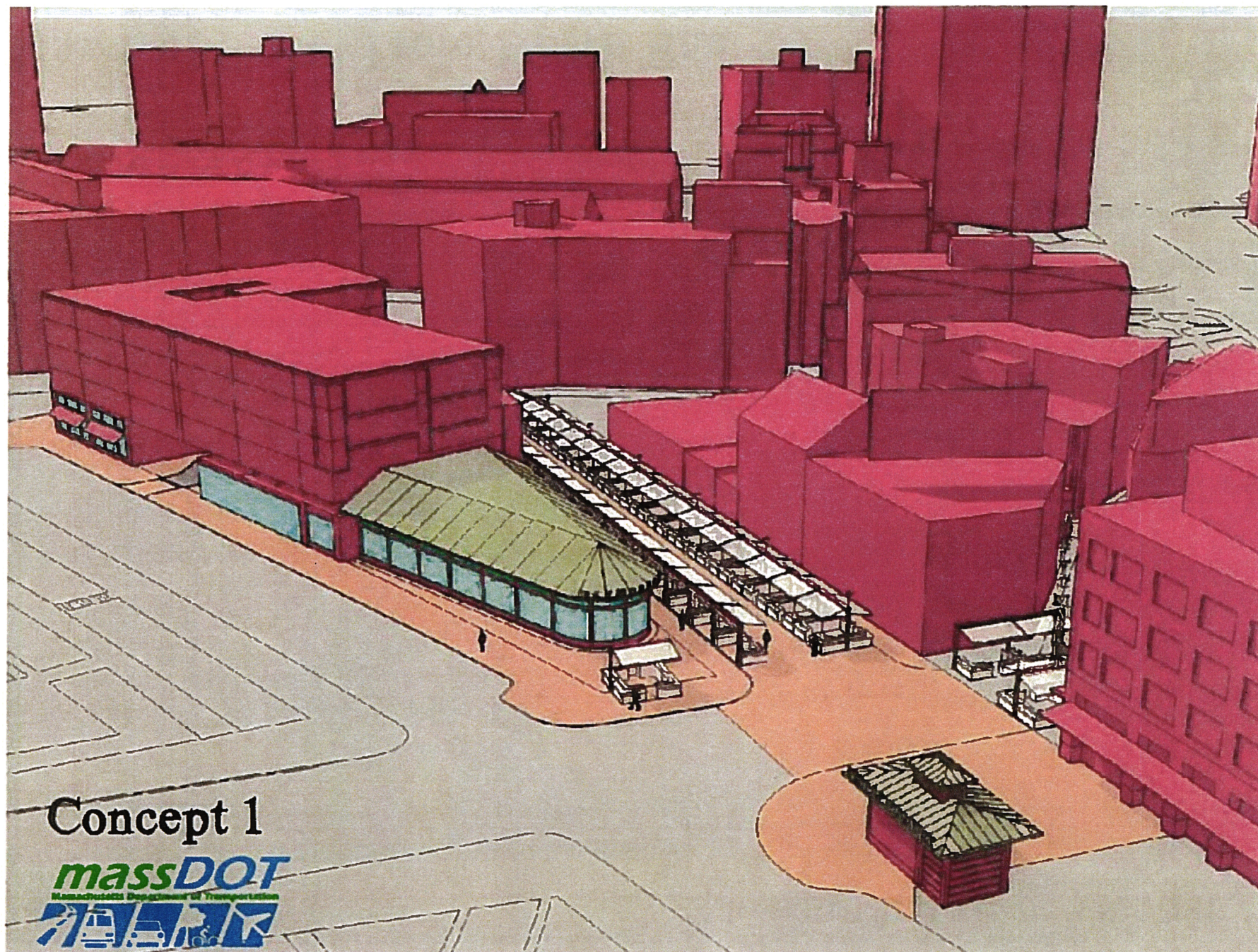
"Concept 2"



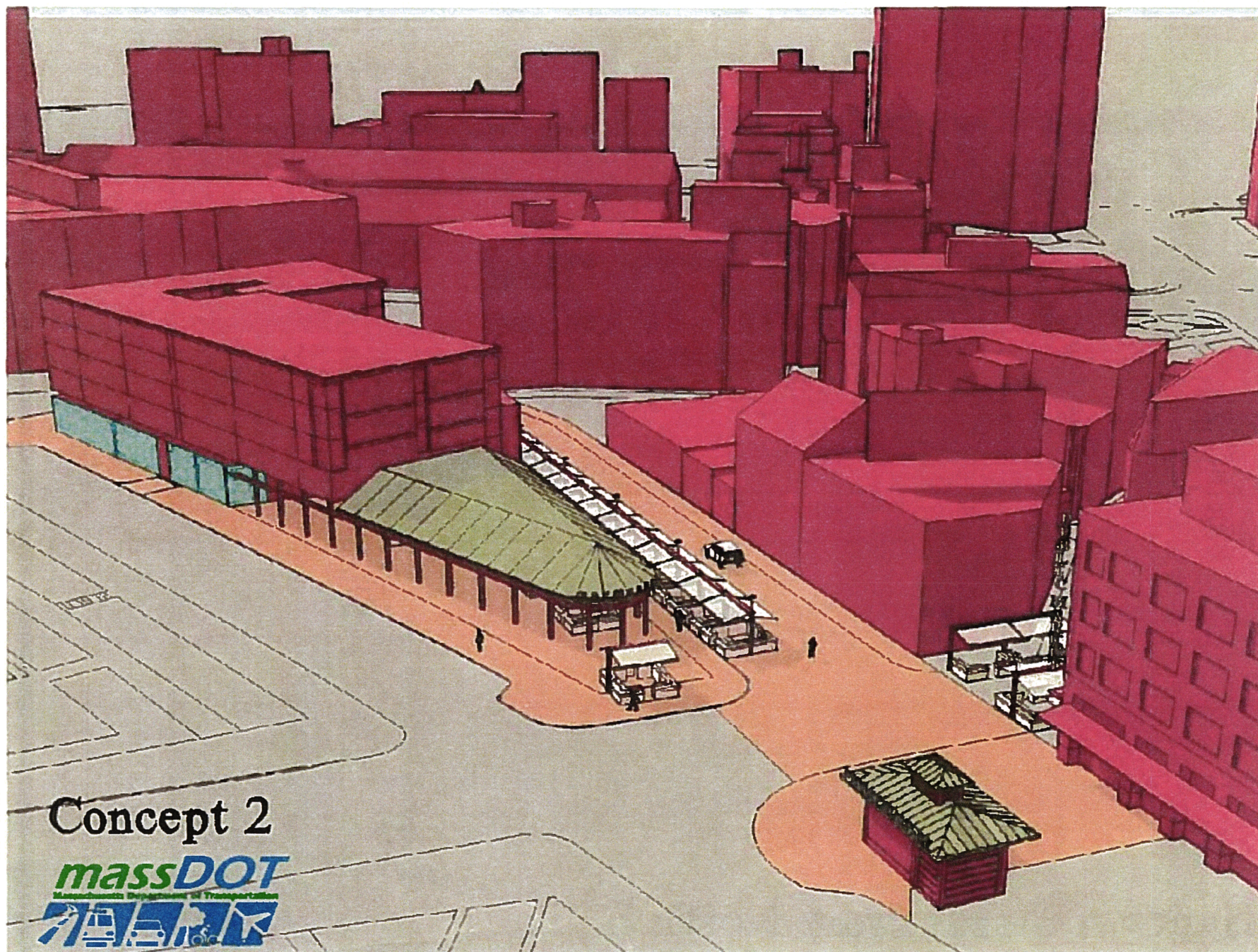


Hanover Street from North End









Concept 2





## EXHIBIT 2

Developer's 2-Page Flyer





Neighborhood amenity in the North End with small size and positive impact:

- ■ Low 20 foot height along Greenway preserves views from Hanover Street
- ■ Great 1-story "Market Hall" with fresh foods
- ■ 180 mid-priced hotel rooms with significant permanent employment
- ■ One signature restaurant on the ground floor facing North Street
- ■ Second floor uses open to public include "Community Meeting Room" and indoor pool
- ■ Expansive hotel lobby "Winter Garden" open to public 24/7
- ■ Inoperable windows in hotel eliminates noise issue with Haymarket
- ■ Respectful, quiet presence on the Greenway facing the North End

### Public Improvements

- Approximately \$2 million public improvements to reconstruct Blackstone Street to be curb-less and flush to accommodate pedestrian flow and market activities
- Significant hotel and sales tax revenue generation for Boston
- Publicly-accessible community meeting space
- Creation of hundreds of new permanent hotel jobs

### Haymarket Pushcart Assoc. (HPA) Improvements

- Thoughtful design preserves all vendor stall locations
- Separate loading facilities
- 3,000 s.f. for the HPA, including a new headquarters office
- Storage and bathroom facilities
- 4 new self-contained trash compactors

Tale of the Tape - better for the neighborhood ←

	Haymarket Square	Blackstone Market
Building height	84 feet	104 feet
Low section height	20 feet	44.5 feet
Floor area ratio (FAR)	3.56	4.28
Total floor area	104,727 s.f.	125,995 s.f.
Ground floor market/retail	17,882 s.f.	17,050 s.f.
HPA facilities	3,000 s.f.	1,475 s.f.
Community room	2,500 s.f.	2,437 s.f.
Indoor pool & fitness	3,172 s.f.	0
Second floor bars & restaurant	0	25,212 s.f.

For questions or comments please call Eamon O'Marah, Jones Lang LaSalle, +1 617 531 4127

**NORMANDY**  
REAL ESTATE PARTNERS

**JONES LANG  
LASALLE**

**PERKINS  
+ WILL**

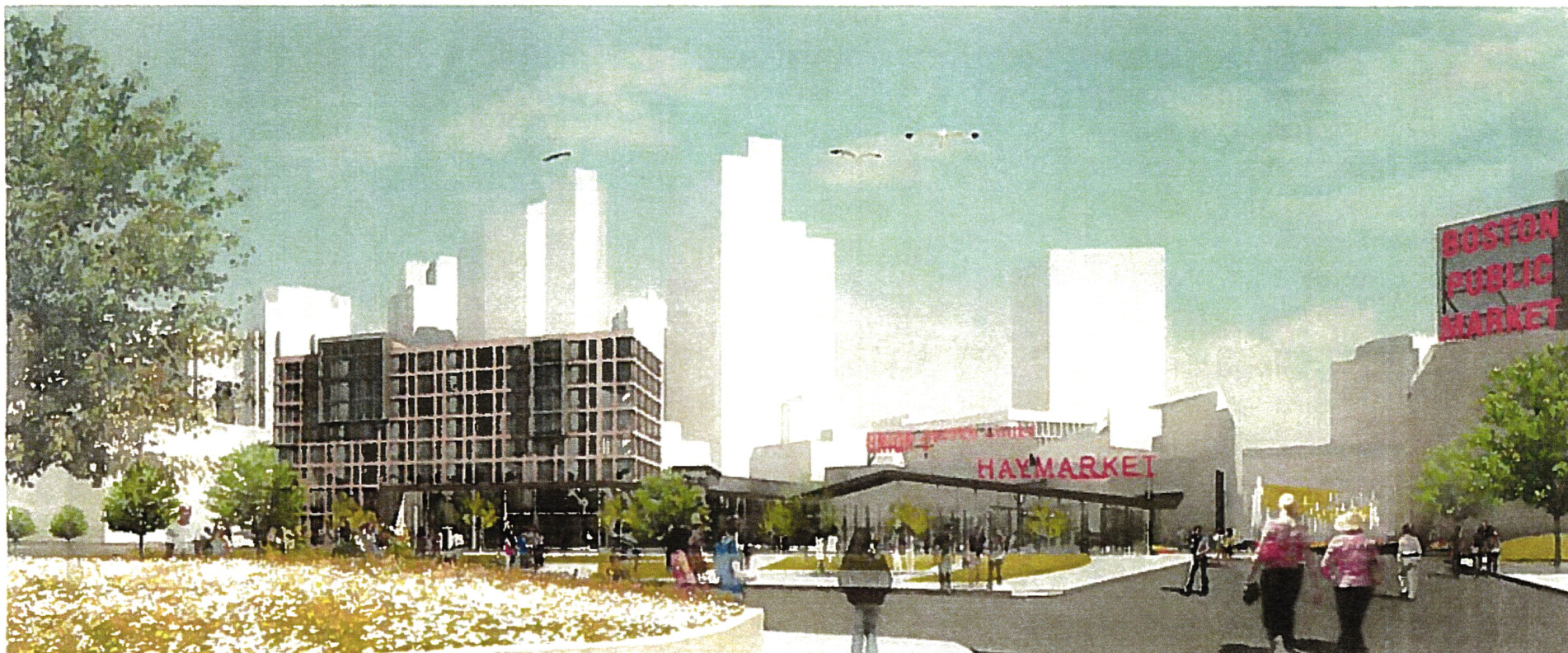
**HAYMARKET  
SQUARE**



# HAYMARKET SQUARE:

*The public gathering place in Boston's Market District*

MassDOT Parcel 9 - North End



View from North End,  
Hanover Street

→ PLEASE Send SUPPORT letter or email by April 4th:

MassDot RE@dot.state.ma.us

Massachusetts Department of Transportation

OREAD

10 Park Plaza, Suite 4470

Boston, MA 02116

RE: PARCEL 9\_HAYMARKET SQUARE



HAYMARKET  
SQUARE



# EXHIBIT 3

Support Letter

for

Parcel 9 Developer Selection

VICTOR BROGNA  
POST OFFICE BOX 130371  
BOSTON, MA 02113-0007

April 5, 2013

Jeffrey A. Simon  
Assistant Secretary for Real Estate and Asset Development  
MassDOT  
Re: Parcel 9  
OREAD  
10 Park Plaza, Suite 4170  
Boston, MA 02116

Re: Parcel 9 Developer Selection

Dear Secretary Simon:

I write this comment letter as a member of the Parcels 7 and 9 Advisory Committee, as Co-Chair of the Zoning, Licensing and Construction Committee of the North End/Waterfront Residents' Association, as a resident of the North End/Waterfront neighborhood for 20 years, and as a citizen of Boston for 60 years. I write as an Advisory Committee member because I am unable to join in the consensus letter which has been drafted on behalf of the committee. My inability stems from my disagreement with the committee's relative assessment of the strengths and weaknesses of the proposals of the two finalists, the Blackstone Market group and the Haymarket Hotel group. Additionally, the committee has expressed a preference for the Blackstone Market proposal in the comment letter it has prepared, despite the instructions from your Office of Real Estate Development to limit the comments to the strengths and weaknesses of each proposal, and not to include a preference. Since I expect that the committee's letter as submitted will contain such a preference, I am constrained to advise you of my disagreement with that choice as well. In my earlier personal comment letter of February 14, 2013, I stated that I was in general agreement with the preference expressed by my colleagues on the committee, which was the Blackstone Market proposal. Since then the landscape has changed, as a result of the responses to Addendum 3 to MassDOT's Request for Proposals which were filed by the two proponents. Haymarket Hotel's response included major revisions to their earlier proposal, which addressed many of my concerns. Blackstone Market's response addressed only one of my concerns, by changing the function of a rooftop greenhouse to that of a community meeting room. My preference is now, therefore, the proposal of Haymarket Hotel as revised.

As requested by MassDOT, my evaluation of certain strengths and weaknesses of the two proposals follows.

1. The Restaurant Issue.

The entire upper floor of the two-story market hall under the Blackstone Market's proposal would be devoted to restaurants. At the public meeting on March 20, 2013, we learned that the restaurants would contain 400 to 500 seats. In my earlier letter I explained in detail the negative impacts which would inevitably occur to the North End/Waterfront neighborhood from the influx of tourists which a restaurant destination of such size would produce. My earlier letter is on file with MassDOT and there is no need for me to repeat here what was said. I add to those words the



advice contained in the January 2009 Boston Market District Feasibility Study produced for the BRA by Project for Public Spaces (PPS), where it was stated on page 13:

While tourists would expect to be drawn to a public market, they can also have a destructive impact. Pike Place Market [in Seattle] is so clogged with tourists that many locals avoid the market, and the number of farmers has declined significantly.

PPS states on pages 64-66 of its report that restaurants are the largest square foot user in the Pike Place Market, and that the aisles of the market are flooded with visitors who are not interested in buying fresh fish and vegetables – only looking at them. Farmers are leaving and setting up in new outdoor markets in neighborhoods. If there is any doubt that there is a causal connection between the large space devoted to restaurants, the influx of tourists and the decline in the success of the Pike Place Market, I would suggest that the expertise of PPS be utilized and that MassDOT make a request of the BRA to obtain the opinion of its consultant, PPS, on this question.

There is also a serious risk to the financial health of the project which relates to Blackstone Market's heavy reliance on restaurants. The restaurant issue has been part of the debate for some time now, and we must assume that Blackstone Market's refusal to budge on the issue reflects their dependence on restaurants to finance the project. It is well known, however, that a large percentage of new restaurants fail. If MassDOT does not have the figures, its consultant on the Parcels 7 and 9 project can undoubtedly produce them. It is also well known, and consistent with our North End experience, that when restaurants are in a failing mode they look for recovery by staying open late hours and selling more alcohol, a scenario which would have serious negative impacts on the quality of residential life in the North End/Waterfront neighborhood, for the reasons already discussed in my February 14, 2013, comment letter.

Like the Pike Place Market, Blackstone Market's entire second floor restaurant area of 26,029 square feet seating 400 to 500 diners exceeds by a large amount its market area of 17,050 square feet. (Blackstone Market submission dated March 15, 2013, page 8.) It should also be noted that restaurants above the first floor are prohibited under the provisions of the Boston Zoning Code applicable to the North End neighborhood, and enforcement of the prohibition is important to North End residents. (See the current North End Regional Review, April 2, 2013, page 9.) Haymarket Hotel's restaurant, on the other hand, is tucked away from the market hall on the first floor, at the corner of Cross and North Streets, where I count 56 seats at tables and 22 seats around a central bar or common eating area. (Haymarket Hotel submission dated March 15, 2013, page 4.) This should be large enough to satisfy the needs of the hotel as well as diners who wish to eat near the market hall. Additionally, and not to be overlooked, are the Union Oyster House and numerous other restaurants and pubs in the area on the other side of Blackstone Street, as well as the Hard Rock Café and the restaurant in the Millennium Boston hotel which are immediately adjacent to the site. All these nearby restaurants provide dining facilities off-site which are fully adequate to serve the needs of tourists on the Freedom Trail and other visitors. Following PPS' advice, we should accept that a large restaurant presence is detrimental to the success of a market district.

Therefore, on the relevant aspects of the restaurant issue as described above, the Blackstone Market proposal exhibits substantial weakness and the Haymarket Hotel proposal exhibits substantial strength.

## 2. Architectural Concerns.

The applicable height limit at Parcel 9 under the Boston Zoning Code is 55 feet. The support of the North End/Waterfront community was obtained for a structure exceeding 55 feet at the North Street end of the parcel when the community was given schematics showing a low market building along the Greenway side of the parcel. The low market building preserved view corridors across to Blackstone Street from Salem Street and Hanover Street, which were important to the community. The Haymarket Hotel proposal preserves these view corridors, with a one-story market hall only 20 feet high. (Haymarket Hotel submission dated March 15, 2013, page 6.) The Blackstone Market proposal, on the other hand, has a two-story market hall with a former greenhouse, now a community room, atop a portion of the second story. The height of the two-story hall itself is 30 feet 6 inches, and the height to the top of the community room is 44 feet 6 inches. (Blackstone Market submission dated March 15, 2013, page 23.) These heights will substantially impede the views across the Greenway from the North End.

It should be noted that view corridors have long been important aspects of Boston urban planning. Boston City Hall was sited in such a way as not to block the view of the Old North Church steeple from Tremont Street. The view corridor from Faneuil Hall to the Boston Police Academy building across the then artery corridor was considered important as noted in the Joint Development Parcel-By-Parcel Analysis for the Central Artery Corridor, prepared for the Massachusetts Department of Public Works, dated July 1991, at page 52.

Again, on the issue of preservation of important view corridors, the Blackstone Market proposal exhibits substantial weakness and the Haymarket Hotel proposal exhibits substantial strength.

Another architectural concern involves height of the non-market building. The Blackstone Market proposal has for its residential apartment building a height of 104 feet. (Blackstone Market submission dated March 15, 2013, page 23.) The Haymarket Hotel's height is 84 feet. (Haymarket Hotel submission dated March 15, 2013, page 6.) For comparison, we were told at the March 20, 2013, public meeting that the height of the adjacent Clinton Street Garage is 85 feet and that of the adjacent Millennium Boston Hotel is 74 feet. The Blackstone Market's apartment building exceeds the height of the garage by 19 feet, and exceeds that of the hotel substantially, by 30 feet. The agreement of the North End/Waterfront community to support a zoning height violation at the North Street end of the site cannot be understood to extend to a height without limits, and there are certainly view corridors (from Faneuil Hall, for example) which would be less impeded by a lower height than a greater height.

Therefore, on the issue of the height of the non-market building, the Blackstone Market proposal exhibits substantial weakness and the Haymarket Hotel proposal exhibits substantial strength.

It should also be mentioned that the preference of the committee for the architecture of the Blackstone Market proposal rests to a great extent on the perceived contextual nature of the design. That is, the entire structure repeats the brick of its neighbors. As I interpret the Haymarket Hotel's March 15, 2013, submission, the hotel building which was originally clad in tile is now clad in brick. The hotel's market hall building, on the other hand, shows itself as a separate presence by being of glass and steel, which recalls the market halls of 150 years ago from which the Parcel 9 market hall takes its cue. Speaking personally, I do not find it inappropriate to distinguish the exterior of the market hall from the non-market building on the same site. Additionally, I have confidence that, through the BRA Article 80 process and the Boston Civic Design Review process, an appropriate exterior design of a separately-presenting market hall can be assured.



### 3. Other Concerns.

#### (1) Hotel Use vs. Residential Use.

The opportunity to have a hotel for the non-market building on the site, open and staffed 24/7, would seem to be something to take advantage of. This is especially so, considering the presence of the adjacent pushcart market and the inevitable noise and confusion which accompanies its operation. Hotel guests are short-term and residential tenants are longer-term, which on the face of it would give the latter greater opportunity to mobilize and to present complaints. The committee feels differently – that a rental community would celebrate the noisy activities of the pushcart vendors. None of us is expert on the subject. The best we can do is to make predictions based upon educated guesses. I would once again suggest that MassDOT take advantage of the expertise of PPS, and request the BRA to obtain from them an opinion based on their market studies of which use, hotel or residential apartments, would be the better use for this site.

#### (2) The Retail Program for the Market Hall.

In the discussions of the committee there was agreement that the products sold in the market hall must not compete with the products sold by either the pushcart vendors or the public market vendors. They must of course be food products, or perhaps food-related products, only. This issue was always present in the minds of the committee members during our many meetings, but I do not recall that it was ever thoroughly discussed and a position taken. As for the retail programs suggested by the proponents, I personally do not put much weight on them. I would expect that under the lease terms to be drafted by MassDot there would be explicit, strict and appropriate terms describing what could and what could not be sold in the market hall, which the lessee would be obliged to adhere to. I will trust to MassDOT to achieve the appropriate balance between the retail activities taking place in Blackstone Street, the public market and the market hall. I also refer MassDOT to the recommendations of PPS on pages 6 and 7 of its report.

#### (3) Market Hall Size.

I received via e-mail a few moments ago two plan views purporting to show the area in square feet devoted to the market itself in the first floor of the market hall. It appears to show that the Blackstone Market proposal assigns 17,108 square feet to the market and Haymarket Hotel proposal assigns only 8,716 square feet to the same function. I would like the opportunity to analyze and discuss this further with the two proponents, to make sure that the comparison is fair and that I am reading the two drawings correctly. Unfortunately, there is not time to do so, as the hour when these comments are due is soon to arrive. I do note, however, that a large portion of the Haymarket Hotel's first floor - 5,128 square feet - is devoted to Winter Garden and retail use. The generous area and height of the Winter Garden provides an attractive public benefit, and the retail portion appears to be only a small part of the Winter Garden area. This means that a very large part of the area difference between the two proposals is accounted for by a public benefit, which it would be difficult for me, on behalf of the North End/Waterfront community, to reject. In the many meetings held by the committee, an appropriate size for the specifically market portion of the market hall was never discussed. On balance I might agree that larger is better, but to do so I would have to give up a generous public benefit which at this time I am unwilling to do. I also note that the Haymarket Hotel's restaurant takes up what appears to be over 2,000 square feet in the area under discussion, in a first floor corner location which I favor. I would not readily give that up

either. Therefore, I am content to leave any adjustment in the layout of the market hall to the expertise of MassDOT, the BRA and perhaps PPS .

(4) Support of Elected Officials.

At the public meeting on March 20, 2013, a letter was read stating that the Blackstone Market proposal was supported by the North End/Waterfront's State Senator, State Representative, and City Councilor. Copies of the letter were not distributed at the meeting and I have not seen it, which makes it difficult at this point for me to comment upon it. I do not know whether the signers of the letter were aware of the major changes and improvements in the Haymarket Hotel proposal which were contained in the hotel's response to Addendum 3, nor do I know whether or in what way the sentiments of the North End/Waterfront community were gauged before the letter was written. I can surely state that I was not contacted. I state as well that if MassDot sees fit to award the development contract to Haymarket Hotel, the North End/Waterfront community will work with MassDOT to obtain any support from elected officials which may be required at that time.

(5) The Haymarket Pushcart Association.

There is no doubt that the requirement of the Parcel 9 developer to work harmoniously with the Haymarket Pushcart Association must be assured. In the words of PPS, "The historic Haymarket is the heart of the proposed Boston Market District." (PPS Boston Market District Feasibility Study, p. 21.) We are told that there exists a written agreement between the Haymarket Pushcart Association and the Blackstone Market group, but that agreement has not been made available to the committee. The likely reason is that it contains financial information or commitments. Throughout the committee's existence, financial matters have been kept apart by MassDOT from the committee's discussions.

Once again, it is difficult to comment upon what one has not seen. However, I can at least make the recommendation that, assuming that MassDOT finds the terms of the Blackstone Market-Haymarket Pushcart Association agreement to be appropriate, such terms would be incorporated into the lease obligations between MassDOT and whichever proponent receives the award of the development contract for Parcel 9.

Thank you for your attention to these comments, which I hope will prove helpful in the making of MassDOT's decision on the award.

Sincerely,

Victor Brogna



Cc: Members of the Parcels 7 and 9 Advisory Committee  
Massachusetts Governor Deval Patrick  
Boston Mayor Thomas M. Menino  
Boston Redevelopment Authority Director Peter Meade  
Kairos Shen, Boston Redevelopment Authority  
Lauren N. Shurtleff, Boston Redevelopment Authority  
Senator Anthony Petrucelli, Representative Aaron Michlewitz, Councilor Salvatore LaMattina

Parcel 9- Haymarket Hotel Public Comments via website form 2018-04-05

Date	First Name	Last Name	Organization	Opinion	Comments
2/26/2018	Mary	Sweeney		Oppose	If they need to raise the height of the building to accommodate higher ceilings that take a floor off of the building and build the remaining floors taller. The skyline should not be affected by this new building. It's also incredibly ugly, cheap looking, with zero character. The thousands of people who enjoy the Greenway should not have the current iconic view of downtown altered for this building.
2/26/2018	Diana	Tomova	North End Resident	Oppose	Perhaps the developer can reduce the number of floors and thus gain the necessary increase in ceiling height that their brand requires.





Michael Sinatra <michael.a.sinatra@boston.gov>

## Haymarket Hotel Project Change #2

1 message

Emilio Favorito

Fri, Apr 6, 2018 at 3:46 PM

To: michael.a.sinatra@boston.gov

Cc: Eamon O'Marah, Gallotto, Emilio Favorito

Michael,

I am forwarding the enclosed on behalf of

Otto Gallotto, President  
Haymarket Pushcart Association.

April 6, 2018

Michael Sinatra, MPA  
Project Manager  
Boston Planning & Development Agency (BPDA)  
One City Hall Square, 9th Floor  
Boston, MA 02201

On behalf of the Haymarket Pushcart Association (HPA) I am writing with respect to the Haymarket Hotel Notice of Project Change #2.

The HPA has been working diligently with the development team at Harbinger and CV Properties and their engineering consultants making solid progress towards the construction start. The project as revised has a modest height increase which we understand is needed to make the rooms ceiling heights functional. We see no negative affect of this modest increase. This change in no way negatively impacts the important Public Benefits that have been committed to the HPA including interior space for HPA storage, HPA bathrooms, access to the indoor trash compactor facilities and the major task of leveling Blackstone Street from end to end to make HPA market day operations more functional and pedestrian friendly.

We eagerly await the start (and the end!) of construction on this important project.

Sincerely,

Otto Gallotto, President  
Haymarket Pushcart Association

designated for the one-story component at the Hanover Street end contained in that plan, was *retail*. (PDA plan, Exhibit B, Ground Floor plan, 6<sup>th</sup> page of 9 unnumbered pages.) On the recommendation of the Boston Redevelopment Authority Board and the BPDA staff (BRA/BPDA), the PDA plan including that use was approved by the Boston Zoning Commission. The difference is significant. The designation of *retail* use could have included a market. The current designation of *restaurant* use will not include a market. This must be recognized as a major change, in view of the developer's earlier commitment, discussed below, to have a "Great 1-story 'Market Hall' with fresh foods" in the low-rise building.

*Failure of the developer to honor public benefit commitments.* The developer's failure to keep its promise to have a market in the low-rise building is a matter of grave concern, as well as its failure to keep its promises regarding other public benefits. A brief review of the project's history will serve to illustrate these failures.

*The Parcel 9 project.* Parcel 9, owned by MassDOT, is located in the BRA-created Market District. Five years ago, MassDOT invited bids for the redevelopment of Parcel 9. The bid documents recognized the location of Parcel 9 as being in the BRA/BPDA's Market District, and included a schematic design identifying the one-story component at the Hanover Street end as a *Lower Market Shed*. The low market design was also shown in schematics designated *Concept 1* and *Concept 2*. Copies of the three schematics are attached hereto collectively as Exhibit I.

On March 15, 2013, the Haymarket Hotel development group submitted a bid. After bid submission, but prior to award, the developer distributed a flyer seeking public support for its bid. The flyer asked the public to send support letters or emails to MassDOT by April 4, 2013, prior to bid opening. A copy of the two-page flyer is attached hereto as Exhibit 2.

The flyer contained representations which amounted to promises by the developer that, if its bid were to be selected, the project would contain the public benefits it specified. The benefits included, in the developer's own words:

- Low 20 foot height along Greenway preserves views from Hanover Street



vacant parcel in the Market District. If there is no market on Parcel 9, the "emergence" of a Market District will be brought to a halt.

Public benefits. I therefore urge the BRA/BPDA to enforce the developer's promises to have:

- A low 20 foot height along the Greenway
- A great 1-story Market Hall with fresh foods
- One signature restaurant on the ground floor facing North Street
- A Community Meeting Room
- A respectful quiet presence on then Greenway facing the North End
- No restaurant with roof deck facing the North End

Public restrooms. At the March 19, 2018, Public Meeting, the developer agreed publicly to the inclusion of ground floor restrooms available for public use, as well as to public restrooms on the second floor. These public benefits need to be identified on the drawings. The developer agreed at the meeting to do so, but they need to be shown before the Development Plan is presented to and acted upon by the Boston Zoning Commission. Otherwise, they will not become part of the PDA approval and will be unenforceable in the future. The promised Community Meeting Room should also be identified on the drawings, for the same reason.

The developer's request for an increase of 4' 6" in hotel height. I take no position on this request. The reduction in hotel height from 103 feet to 55-65 feet, brought about through the efforts of the Massachusetts Historical Commission and its Executive Director, Bruna Simon, was such an important achievement that I leave any further adjustment in hotel height to the judgment of the Commission and its Director. I will support whatever position Director Simon deems appropriate to take on the developer's request for increased hotel height.

There is no public need for an additional restaurant a few hundred feet from the North End. When I was appointed to the MassDOT Parcels 7 and 9 Advisory Committee seven years ago, I considered my role to be to represent the best interests of the North End/Waterfront community. At the present time there are in excess of one hundred restaurants in the community, and the percentage of alcohol pouring licenses to community residents is the highest in the city. I

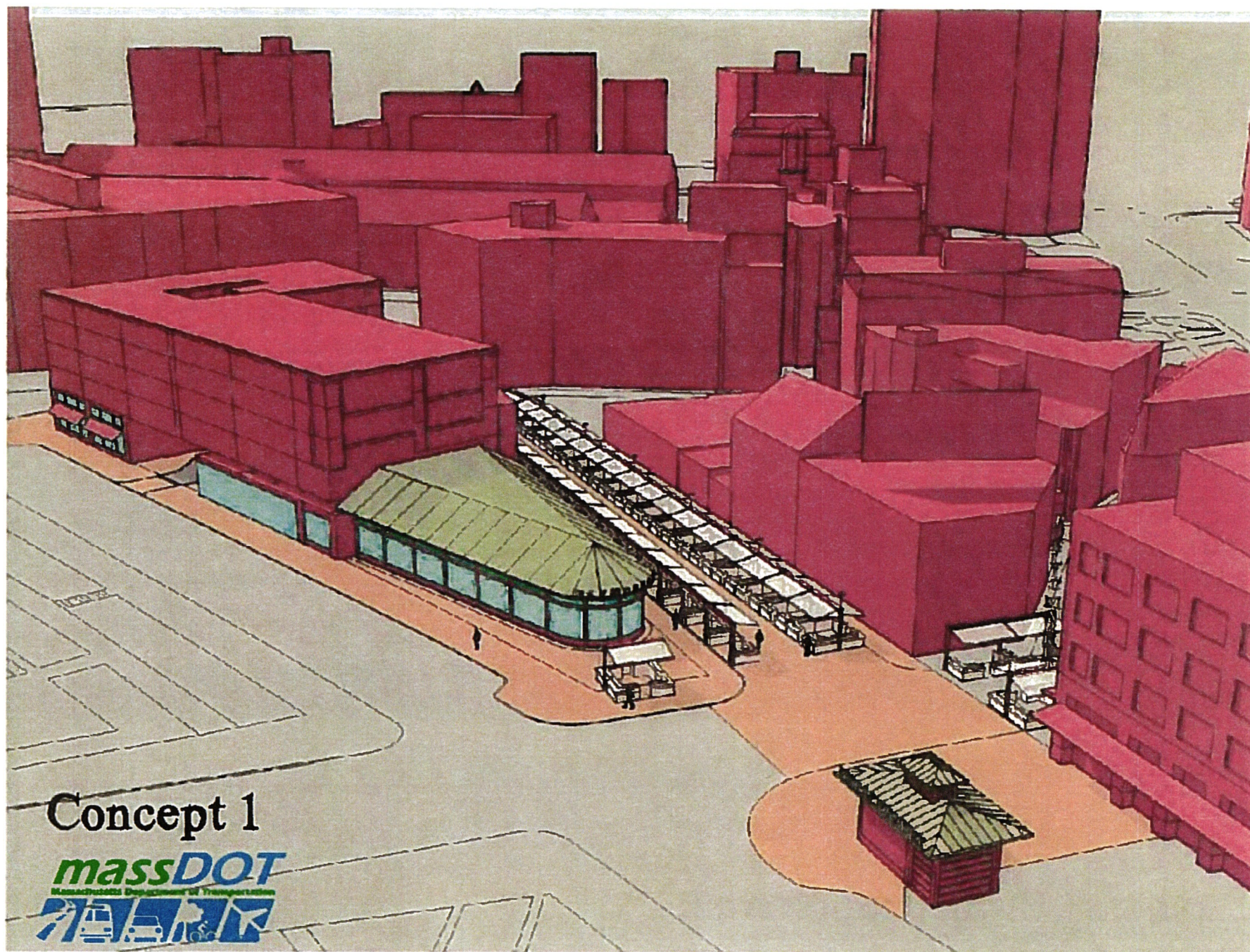
# EXHIBIT 1

"Lower Market Shed"

"Concept 1"

"Concept 2"





Concept 1





## EXHIBIT 2

Developer's 2-Page Flyer



# HAYMARKET SQUARE:

*The public gathering place in Boston's Market District*

MassDOT Parcel 9 - North End



View from North End,  
Hanover Street

→ PLEASE Send **SUPPORT** letter or email by April 4th:

MassDot.RE@dot.state.ma.us

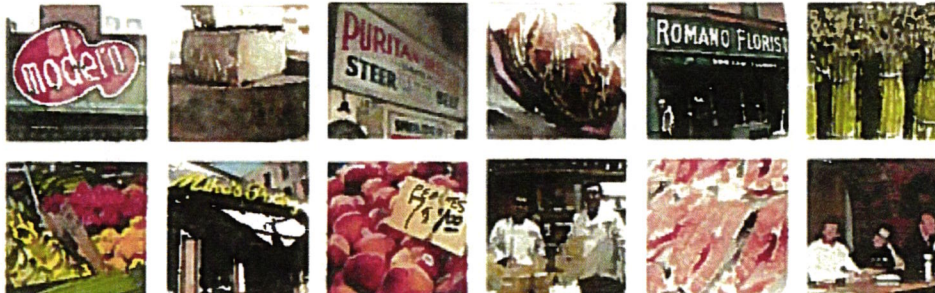
**Massachusetts Department of Transportation**

OREAD

10 Park Plaza, Suite 4470

Boston, MA 02116

RE: PARCEL 9\_HAYMARKET SQUARE



**HAYMARKET  
SQUARE**



VICTOR BROGNA  
POST OFFICE BOX 130371  
BOSTON, MA 02113-0007

April 5, 2013

Jeffrey A. Simon  
Assistant Secretary for Real Estate and Asset Development  
MassDOT  
Re: Parcel 9  
OREAD  
10 Park Plaza, Suite 4170  
Boston, MA 02116

Re: Parcel 9 Developer Selection

Dear Secretary Simon:

I write this comment letter as a member of the Parcels 7 and 9 Advisory Committee, as Co-Chair of the Zoning, Licensing and Construction Committee of the North End/Waterfront Residents' Association, as a resident of the North End/Waterfront neighborhood for 20 years, and as a citizen of Boston for 60 years. I write as an Advisory Committee member because I am unable to join in the consensus letter which has been drafted on behalf of the committee. My inability stems from my disagreement with the committee's relative assessment of the strengths and weaknesses of the proposals of the two finalists, the Blackstone Market group and the Haymarket Hotel group. Additionally, the committee has expressed a preference for the Blackstone Market proposal in the comment letter it has prepared, despite the instructions from your Office of Real Estate Development to limit the comments to the strengths and weaknesses of each proposal, and not to include a preference. Since I expect that the committee's letter as submitted will contain such a preference, I am constrained to advise you of my disagreement with that choice as well. In my earlier personal comment letter of February 14, 2013, I stated that I was in general agreement with the preference expressed by my colleagues on the committee, which was the Blackstone Market proposal. Since then the landscape has changed, as a result of the responses to Addendum 3 to MassDOT's Request for Proposals which were filed by the two proponents. Haymarket Hotel's response included major revisions to their earlier proposal, which addressed many of my concerns. Blackstone Market's response addressed only one of my concerns, by changing the function of a rooftop greenhouse to that of a community meeting room. My preference is now, therefore, the proposal of Haymarket Hotel as revised.

As requested by MassDOT, my evaluation of certain strengths and weaknesses of the two proposals follows.

1. The Restaurant Issue.

The entire upper floor of the two-story market hall under the Blackstone Market's proposal would be devoted to restaurants. At the public meeting on March 20, 2013, we learned that the restaurants would contain 400 to 500 seats. In my earlier letter I explained in detail the negative impacts which would inevitably occur to the North End/Waterfront neighborhood from the influx of tourists which a restaurant destination of such size would produce. My earlier letter is on file with MassDOT and there is no need for me to repeat here what was said. I add to those words the



The applicable height limit at Parcel 9 under the Boston Zoning Code is 55 feet. The support of the North End/Waterfront community was obtained for a structure exceeding 55 feet at the North Street end of the parcel when the community was given schematics showing a low market building along the Greenway side of the parcel. The low market building preserved view corridors across to Blackstone Street from Salem Street and Hanover Street, which were important to the community. The Haymarket Hotel proposal preserves these view corridors, with a one-story market hall only 20 feet high. (Haymarket Hotel submission dated March 15, 2013, page 6.) The Blackstone Market proposal, on the other hand, has a two-story market hall with a former greenhouse, now a community room, atop a portion of the second story. The height of the two-story hall itself is 30 feet 6 inches, and the height to the top of the community room is 44 feet 6 inches. (Blackstone Market submission dated March 15, 2013, page 23.) These heights will substantially impede the views across the Greenway from the North End.

It should be noted that view corridors have long been important aspects of Boston urban planning. Boston City Hall was sited in such a way as not to block the view of the Old North Church steeple from Tremont Street. The view corridor from Faneuil Hall to the Boston Police Academy building across the then artery corridor was considered important as noted in the Joint Development Parcel-By-Parcel Analysis for the Central Artery Corridor, prepared for the Massachusetts Department of Public Works, dated July 1991, at page 52.

Again, on the issue of preservation of important view corridors, the Blackstone Market proposal exhibits substantial weakness and the Haymarket Hotel proposal exhibits substantial strength.

Another architectural concern involves height of the non-market building. The Blackstone Market proposal has for its residential apartment building a height of 104 feet. (Blackstone Market submission dated March 15, 2013, page 23.) The Haymarket Hotel's height is 84 feet. (Haymarket Hotel submission dated March 15, 2013, page 6.) For comparison, we were told at the March 20, 2013, public meeting that the height of the adjacent Clinton Street Garage is 85 feet and that of the adjacent Millennium Boston Hotel is 74 feet. The Blackstone Market's apartment building exceeds the height of the garage by 19 feet, and exceeds that of the hotel substantially, by 30 feet. The agreement of the North End/Waterfront community to support a zoning height violation at the North Street end of the site cannot be understood to extend to a height without limits, and there are certainly view corridors (from Faneuil Hall, for example) which would be less impeded by a lower height than a greater height.

Therefore, on the issue of the height of the non-market building, the Blackstone Market proposal exhibits substantial weakness and the Haymarket Hotel proposal exhibits substantial strength.

It should also be mentioned that the preference of the committee for the architecture of the Blackstone Market proposal rests to a great extent on the perceived contextual nature of the design. That is, the entire structure repeats the brick of its neighbors. As I interpret the Haymarket Hotel's March 15, 2013, submission, the hotel building which was originally clad in tile is now clad in brick. The hotel's market hall building, on the other hand, shows itself as a separate presence by being of glass and steel, which recalls the market halls of 150 years ago from which the Parcel 9 market hall takes its cue. Speaking personally, I do not find it inappropriate to distinguish the exterior of the market hall from the non-market building on the same site. Additionally, I have confidence that, through the BRA Article 80 process and the Boston Civic Design Review process, an appropriate exterior design of a separately-presenting market hall can be assured.

either. Therefore, I am content to leave any adjustment in the layout of the market hall to the expertise of MassDOT, the BRA and perhaps PPS .

(4) Support of Elected Officials.

At the public meeting on March 20, 2013, a letter was read stating that the Blackstone Market proposal was supported by the North End/Waterfront's State Senator, State Representative, and City Councilor. Copies of the letter were not distributed at the meeting and I have not seen it, which makes it difficult at this point for me to comment upon it. I do not know whether the signers of the letter were aware of the major changes and improvements in the Haymarket Hotel proposal which were contained in the hotel's response to Addendum 3, nor do I know whether or in what way the sentiments of the North End/Waterfront community were gauged before the letter was written. I can surely state that I was not contacted. I state as well that if MassDot sees fit to award the development contract to Haymarket Hotel, the North End/Waterfront community will work with MassDOT to obtain any support from elected officials which may be required at that time.

(5) The Haymarket Pushcart Association.

There is no doubt that the requirement of the Parcel 9 developer to work harmoniously with the Haymarket Pushcart Association must be assured. In the words of PPS, "The historic Haymarket is the heart of the proposed Boston Market District." (PPS Boston Market District Feasibility Study, p. 21.) We are told that there exists a written agreement between the Haymarket Pushcart Association and the Blackstone Market group, but that agreement has not been made available to the committee. The likely reason is that it contains financial information or commitments. Throughout the committee's existence, financial matters have been kept apart by MassDOT from the committee's discussions.

Once again, it is difficult to comment upon what one has not seen. However, I can at least make the recommendation that, assuming that MassDOT finds the terms of the Blackstone Market-Haymarket Pushcart Association agreement to be appropriate, such terms would be incorporated into the lease obligations between MassDOT and whichever proponent receives the award of the development contract for Parcel 9.

Thank you for your attention to these comments, which I hope will prove helpful in the making of MassDOT's decision on the award.

Sincerely,

Victor Brogna



Date	First Name	Last Name	Organization	Opinion	Comments
2/26/2018	Mary	Sweeney		Oppose	If they need to raise the height of the building to accommodate higher ceilings that take a floor off of the building and build the remaining floors taller. The skyline should not be affected by this new building. It's also incredibly ugly, cheap looking, with zero character. The thousands of people who enjoy the Greenway should not have the current iconic view of downtown altered for this building.
2/26/2018	Diana	Tomova	North End Resident	Oppose	Perhaps the developer can reduce the number of floors and thus gain the necessary increase in ceiling height that their brand requires.