



Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting

Wednesday, April 23, 2014
Atlantic Wharf, 290 Congress Street

Attendees

Advisory Group:

Janean Hansen, Vivien Li, Lois Siegelman, Bud Ris, Susanne Lavoie, Bob Venuti, Joanne Hayes-Rines, Tom Wooters, Rick Dimino, John Gambino, Eric White

City of Boston:

Lauren Shurtleff, BRA; Chris Busch, BRA; Michael Sinatra, Councilor LaMattina's Office; Patrick Lyons, Rep. Michlewitz's Office; Maria Puopolo Sen. Petrucelli's Office

Consultant Team:

Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

Government Representatives:

Valerie Gingrich, CZM; Andrea Langhauser, MA DEP; Ronald Killian, MassDOT; Beth Rubenstein, Massport; Maria Puopolo, Senator Petrucelli's Office

Members of the Public:

Al Raine, Bill Zielinski, Chris Fincham, Thomas Nally, Jim Duffey, Steve Mitchell, Ann Lagasse, Victor Brogna, Rob Cardad, Don Chiofaro Jr., Sy Mintz, BJ Moriarty; Rita Advani, Cortney Kirk, Matt Conti, Martin Katz, M. Holland, Courtney Kirk, Andrew Runida, Toby Bernstein, Morris Englander, Dave Lightfoot, Ann Lagasse, Barbara Mann, Fred Kramer, Judith Sugarman, Rick Moore, Sylvia Bertrand, Martin Zisk, James Brady, Danielle Pillion, Matt Conti, Jim Cravens, Bob Cummins, Pam McDermott, Wes Stimpson, Ann Barrett, Rick Moore, Peggy Briggs, David Dixon, Peter Brill

Meeting Summary

Chris Busch, BRA, opened the meeting with the announcement of Rick Dimino as temporary Committee Chair as well as new Committee Member Tom Wooters, representing Harbor Towers. He then passed the meeting over to Tom Skinner, Durand & Anastas, to give an overview of a proposed planning framework to assist the Advisory Committee in the development of the Downtown Municipal Harbor Plan.

Tom Skinner noted that there are numerous ways to craft a municipal harbor plan and the purpose of his presentation was to propose an approach to the City and Advisory Committee for developing a plan for the Downtown Waterfront. He presented the structure of the Municipal Harbor Plan (MHP) framework as broken into the following categories: Geographic Scope and Substitute Provisions and Offsets which included Open Space, Height, Facilities of Private Tenancy, and Water Dependent Use Zone. First, he reviewed the purpose of Municipal Harbor Plans to promote long-range planning goals and to offer alternate standards to Chapter 91 and then gave a quick overview of Chapter 91 standards and requirements for water dependent uses and non-water dependent uses.

Tom then presented the Geographic Scope of the MHP, referencing the Greenway District Planning Study, the Public Realm Plan, Crossroads Initiative, and the MHP. He highlighted that the geographic scope of the MHP was determined by the State and areas subject to Chapter 91 jurisdiction. He explained the State presumes that there will be an offset (public benefit) within the MHP area when a substitute provision occurs (offset for wind, shadow etc.) within the MHP area, and that it would be very unlikely that the secretary will approve an offsets outside of planning area. He noted that in prior MHP's there have been offsets outside the planning area, however these exceptions have only occurred when impacts from substitutions within the MHP area have been mitigated, and a significant portion of the public realm has been implemented, and the offsets outside the MHP relates directly to the MHP area.

Tom recognized the regulatory disconnect present as there has been much interest through the planning process to better connect the Greenway to the waterfront. He provided three options for integrating the two resources; the first being through the MHP which must follow the prior exceptions and involves a lengthy and complex process. This approach may be marginally successful and may not be deemed acceptable by the State Secretary of EOEEA. He noted the second option would be to have a section in the MHP describing how the Article 80 review process should the same offset calculations to quantify the impacts upon the Greenway and areas outside of the MHP planning area, so there is the same level of evaluation and offset. The third option would be through the state's MEPA process and the required Public Benefits Determination which is specific to Landlocked Tideland areas such as the Greenway. The MHP could provide guidance to the MEPA process on mitigation metrics for Landlocked areas adjacent to the planning area.

Rick Dimino, MHPAC Acting Chair, asked the Committee to pose questions after each section. Vivian Li, MHPAC Member, asked to clarify if public benefits should be defined specifically for the MHP and not include an unrelated benefit such as job creation. She added that the Article 80 process is not a substitute for the MHP and serves to implement the MHP. Tom responded that it also works in reverse, as the MHP can guide the Article 80 review process on a project. Bud Ris, MHPAC Member, asked if an offset had to be provided on public property or if it could be provided on a separate private property within the MHP area, which was confirmed by Tom and Chris. Rick stated that it is important to emphasize the relationship of other regulations to the MHP as well as the exceptions that relate to the MHP itself. He also asked about the study boundaries as previously discussed, including the Greenway and properties considered stepping stones to the waterfront. Tom answered that there is a jurisdictional boundary at Atlantic Ave. and that is one of the challenges in developing the MHP so that it integrates the Greenway.

Tom Skinner then reviewed the framework for Substitute Provisions which were presented in three groups related to the Downtown MHP. The first group was comprised of the two provisions most likely to be needed: Open Space (50% provision) and Building Heights, which include stepping back building height and open space inclusion. The second group of provisions presented was items that may be needed based upon project proposals: Facilities of Private Tenancy (overflow tidelands- Hook site is on pilings) and Water Dependent Use Zone. The last group included items unlikely to require a Substitute Provision in the MHP: New Pile-Supported Structures, Open Space (Commonwealth tidelands), Harborwalk, and Facilities of Public Accommodation. Bud Ris mentioned tradeoffs between height, open space and how the visual/pedestrian connections to the waterfront are accommodated through the substitution and offset parameters. Tom noted that the topic of connections and visual corridors are framed more in the Open Space and Public Realm Plan as there are no specific performance standards.

Regarding the open space framework Tom outlined four components. First, the 50% Provision was discussed with the flexibility of the building footprint being over half the site, but establishing a maximum cap on lot coverage. Second, gradations of offsets were proposed based on footprint size instead of a flat, per square foot offsets for building footprints over 50% which would incentivize limiting expansive lot coverage while also allowing flexibility. Third, existing buildings could add a small increase in building footprint provided that the expansion area is primarily FPA space. Fourth, where there may not be adequate open space on the property to provide for an on-site offset, that there be provisions for creating new open space or enhancing existing open space in the MHP area.

Rick Dimino inquired about landlocked and filled tidelands as they relate to the MEPA public benefits determination and the role that could play with regard to MHP offsets. Tom responded that this is something that they will be looking into with further detail and will need to explore its applicability in the context of the MHP. Bud Ris suggested defining view corridor dimensions and what their definitions might be. Tom Skinner answered that looking at the upper level of lot coverage will help answer this question. Chris Busch added that the Greenway Guidelines also offers some guidance, locations, and standards. Vivien Li asked about the BRA-owned lot on Long Wharf and whether the city sees it as a development opportunity, parking, or open space. Chris answered that BRA Long Wharf parking lot has been discussed in public forums as potential open space in the future. Vivien then asked about the end of Long Wharf and greening the end of Long Wharf as a provocative way to address storm surge in terms of open space. She stated concerns about discussions surrounding substitutions going outside of the MHP area due to potential impacts to those who live in the immediate area. She also proposed a schedule for serious conversation moving forward. Rick then turned the questions over to the public for questions.

Harbor Towers Resident, asked if the only disincentive against expanding building footprint and height is money. Chris Busch answered that planning objectives will have to be adhered to as well and that the 50% rule is a regulatory number. Tom added that it is essentially a variance process.

Tom Wooters, MHPAC Member, stated that many people had participated in the Greenway Guidelines process, which affects some of the same parcels in the MHP. He envisioned Chapter 91 as imposing further restrictions on development not as an independent process and he asked to clarify the relationship between the two. Chris Busch answered that the Greenway Study served as a local master planning effort but that the new administration did not have oversight in that process and is therefore asking the MHPC for their own recommendations. As to downtown waterfront zoning, based on the Secretary's decision, zoning will follow MHP the process as an implementation mechanism.

Tom Palmer, asked for clarification of the fourth item of open space improvements (Water Dependent Use Zone). Tom Skinner confirmed that it is not a substitute provision but is indeed already a component of the framework. Suzanne Lavoie, MHPAC Member, clarified that if Hook Lobster complied with the 55' height, they would not require any offsets but would still be required to support the Harborwalk. Tom confirmed that that is true provided that they did not build on any pile-supported piers and met the water dependent use zone, but that it would be a small portion of the site.

Harbor Towers Resident, asked about the Harbor Garage and when they will be addressed. Chris Busch answered that these meetings cover overall ideas and approach and that future meetings will cover parcel by parcel details. Chris then clarified that height and open space will be looked at on a parcel by

parcel basis in future meetings. Bud Ris noted that based upon recent newspaper articles it appears that the Harbor Garage development may be worked out between the Mayor and the property owner and expressed concern that the process the Advisory Committee undertakes may be dismissed by the Mayor. Chris answered that Mayor's Office is looking for guidance from this Committee on a variety of options and for all the properties within the planning area. Rick Dimino asked about open space, resiliency and climate change and suggested checking with MEPA as well. Tom answered that resiliency is one of the issues that will be tackled in the MHP and will likely be addressed as part of the improvements to open space.

Tom Skinner then addressed Building Height, and the factors associated with height. Chapter 91 has regulations for height along the waterfront and the MHP process allows for variations with a primary focus more on the impacts of height, such as wind and shadow, on the public realm, rather than height specifically. Other limitations are also considered including heights of adjacent buildings and FAA TERPS requirements. The first recommendation was to allow developments to exceed Chapter 91 allowable heights but to have parcel-specific maximum caps. The second recommendation was to have offsets based on net new shadow at ground level with progressive offsets with increasing shadow impacts. Bud Ris asked if time of day or time of year is considered with the shadow impacts as the shadow during peak summer hours may matter more than the shadows in the fall on seasonal sites like the Aquarium. Chris Busch answered that October 23rd is the standard date for calculation but also pointed out that specific areas such as the end of Long Wharf where we may want to limit shadow will be discussed in the context of specific projects and massing scenarios.

Tom Skinner then briefly explained Facilities of Private Tenancy (FPT) on overflowed tidelands, which would likely only apply to the Hook site. New FPTs on pile-supported piers require a substitute provision and offset that must prevent privatization of the water dependent use zone. The Hook site is therefore a very constrained site and will likely have a substitute provision. The last portion presented was Water Dependent Use Zones (setbacks) as determined by Chapter 91, ranging from 10' to 100' to ensure sufficient space for water dependent uses. He explained that generally there is flexibility for reconfiguring the space.

Rick Dimino suggested that in a future meeting, Tom and Chris show examples from other MHPs that use the framework to produce outcomes or actions to help with the education process for the Committee. He also asked how the Public Realm Plan relates to some of the aspects of the proposed framework.

Rick Dimino requested examples from prior MHP's of what could happen on some of the sites and what may be possible, as well as how the Public Realm Plan relates to the proposed framework and examples. Bud Ris asked for a 3D model (physical) of the district so the committee can see the district and imagine it more clearly. Chris mentioned the model room at the BRA as a possibility in the future. Tom concluded that this proposed framework is the work of consultants who want feedback, which may happen again after meetings about more specific parcels.

Tom Skinner reiterated that what was presented is the consultant's proposed framework for the City and Advisory Committee to review, discuss and comment on with the intent of having a flexible approach moving forward.

Member of the public stated that a recent *Boston Globe* article suggested that the Mayor wants action but that the MHP will be a slow process. She questioned if this process would be in sync with decisions made at City Hall. Chris Busch answered that he is unfamiliar with the timeline in the *Globe* but that this Committee is part of the set process for the MHP, which will then go through the State approval process before being codified by zoning. Rick Dimino pointed out that this framework has the benefit of standing on the shoulders of other planning processes.

Chris Busch then discussed the revised draft of the Public Realm Plan, which was issued after the last meeting and posted to the BRA webpage for public comment. He asked that public comment in response to the draft be received by May 16 so that a well-formalized plan can be presented at the May meeting.

Bud Ris commended the BRA and the consultants for responding to comment from the last meeting. He appreciated the sections for activating the downtown waterfront and wanted to double-check that specific implementation suggestions follow these ideas. Chris Busch replied that the implementation section at the end has most of the detail as broken down by location and contains a lot of the visionary concepts and goals. Matthew Littell, Utile, added that the first draft was more generalized, the following draft was more specific and detailed, and as a result, the current document is inclusive with aspirations for the area and also contains a lot of fine print at the end.

Suzanne Lavoie, agreed with Bud, and asked to clarify the suggestion to establish a management company to oversee the goals of the plan. Chris Busch answered that this is a conceptual idea, similar to the Fort Point Channel Operations Board, or a BID for the waterfront, since funding for activation concepts will need to be managed in some way. The members would be voluntary and it would be worked out through the State as well.

Rick Dimino agreed that this draft is much richer. Under the categories of height, open space, etc, maybe the consultants could show examples of how the Public Realm Plan could fit into the framework; fill in the chart as to how the framework for the MHP might fit in with the Public Realm Plan.

Jody Bernstein, Harbor Towers Resident, asked about page 27, and the dotted line that goes through Harbor Towers property. Matthew Littell answered that this is a reference to a view corridor; the plan questions if there is a way to maintain a view corridor to the water without compromising privacy. He also confirmed that this document is a wish list.

Harriet Holland, Harbor Towers Resident, requested clarity if the Mayor could encourage developers to make commitments separate from the plan, thus rendering it a weak document. Chris Busch answered that the Mayor has asked the Committee to consider many solutions and come up with recommendations. This Committee is an advisory body serving the Mayor who is looking to them for these recommendations. Rick added that every municipal harbor plan process has been used to guide future development.

Andrew Runida, Harbor Towers Resident, pointed out that Boston is not a grid city, and therefore the idea of view corridors seems like a moot issue; he questioned whether the Harborwalk provides all of the views needed without trespassing private property. Chris Busch answered that after billions of dollars on the Greenway and cleaning the Harbor, the main goal is connectivity and visibility and where opportunities exist, they want to take advantage of them.

Steve Wilstein, Harbor Towers Resident, asked if the plan accounts for traffic and tourism as there are current gridlock issues without the impact of future development. Rick Dimino answered that ground impact issues that relate to the waterfront are part of this process, including roadways and sidewalks, but that larger impacts of development are part of the project specific Article 80 process and Transportation Access Plans, which have their own public dialog. Chris Busch added that the South Boston Waterfront Transportation Plan was initiated 5 months ago to look at traffic constraints and development impacts, including Northern Avenue. This is an issue being looked at regionally and locally.

Ron Killian, Mass DOT, asked if publically accessible rooftop open space could be considered open space offsets. Tom answered that it would not be considered open space but that could be an offset as a public destination facility, but that would likely have a lower square footage ratio.

Marcelle Willock, Harbor Towers Resident, pointed out that the only green space on Atlantic Avenue is the Harbor Towers property, and that this oasis of green is also a view corridor. She also pointed out that a ground plane project has been submitted to the BRA to make India Row more of a green boulevard. She also pointed out some inaccuracies in the document such as the Harborwalk not being well identified on the Harbor Towers property.

Rick Moore, Harbor Towers Resident, asked about the storm surge protection line in the plan and also how the baseline for shadow was determined. Tom answered that a study for heights/net new shadow takes existing buildings shadows and then the shadow of a Chapter 91 compliant structure as a baseline. Matthew Littell added that some places that were identified as vulnerable to storm surge—the line on the map represents areas that might need to be reinforced.

Sy Mintz, Broad Street Resident, presented an aerial map of the waterfront area and accompanying design boards. He commented on connections, both visual and pedestrian. He stated that Rowes Wharf has continuous pedestrian access and questioned what the experience would be like if the same were true for Harbor Towers. He also pointed out that State Street connects all the way through Boston and exists as a visual corridor already so it should be improved and emphasized.

Matthew Littell concluded that the activation plan does not necessarily explain how to achieve all of the goals from a design standpoint but that it identifies areas that will need to be resolved. Before the meeting adjourned, Friends of Harbowalk announced their formation and upcoming meeting.

Meeting adjourned at approximately 5:15 p.m.