



**Downtown Waterfront Municipal Harbor Planning
Advisory Committee Meeting No. 34**
Wednesday, May 11, 2016
Boston City Hall, Piemonte Room

Attendees

Advisory Committee (“Committee”): Bruce Berman, Marianne Connolly, Joanne Hayes-Rines, Jill Valdes Horwood, Lee Kozol, Eric Krauss, Susanne Lavoie, Bud Ris, Meredith Rosenberg, Lois Siegelman, Greg Vasil, Robert Venuti

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

Consultant Team: Matthew Littell, Utile; Tom Skinner, Durand & Anastas; Craig Seymour, RKG Associates

Government Representatives: Lisa Engler, Office of Coastal Zone Management (CZM); Sue Kim, Massachusetts Port Authority (Massport)

Members of the Public: M. Barron, J. Berman, Jane Berman, Victor Brogna, Valerie Burns, Don Chiofaro, Duna Chiofaro, Steven Comen, Steve Dahill, Chris Fincham, Julie Hatfield, Donna Hazard, Mary Holland, Dorothy Keville, Tony Lacasse, Todd Lee, Julie Mairaw, Arlene Meisner, Norman Meisner, Sy Mintz, Thomas Nally, Frank Nasisi, Charles Norris, Tom Palmer, Chris Regnier, Erik Rexford, Laura Rood, Diane Rubin, Bob Ryan, Patricia Sabbey, Wes Stimpson, David Weaver, Heidi Wolf, Barbara Yonke, Parnia Zahedi, Bill Zielinski

Meeting Summary

Mr. Richard McGuinness, BRA, opened the meeting at 3:05 PM by introducing BRA staff and the consultant team. Mr. McGuinness informed the Committee that as Ms. Sydney Asbury, Chair of the Committee, is expected to give birth in the coming days, she would not be attending today’s meeting. In addition, Mr. Tom Wooters, MHPAC Member, passed away a number of weeks ago. Mr. Lee Kozol, Harbor Towers, was appointed to replace him on the Committee as a representative of Harbor Towers. Mr. McGuinness also drew the Committee’s attention to the upcoming schedule of meetings on the back of the agenda; the schedule includes two night meetings – June 22 and July 20 from 6 – 8 PM – at the public’s request.

Mr. McGuinness opened the meeting’s discussion about offsets and public benefits in the Downtown Waterfront Municipal Harbor Plan (MHP). As a reminder, substitute provisions, which are modifications to the state-wide numerical standards for development on filled and flowed tidelands are developed through a municipal harbor plan (MHP), must be mitigated, or offset, to ensure a comparable or better waterfront. Mr. McGuinness explained that MHPs are effective for ten years plus extensions; the 1990 Harborpark MHP remains in effect for the

Downtown Waterfront. As a result, it is possible that the projects discussed and their mitigation may not be realized immediately; for example, the South Boston Waterfront District MHP was approved in 2000, but Fan Pier and Pier 4 did not commence construction until 2010. Therefore, it is important to develop a hierarchy of public benefits and alternatives in the event that certain public benefits are completed sooner or later.

Mr. Bud Ris, MHPAC Member, asked when the Committee should expect for the MHP process to conclude. Mr. McGuinness replied that according to the planned schedule, a draft MHP would be presented and reviewed by the Committee in June and July, and then submitted to the BRA Board of Directors for their approval to submit the MHP to the State in the early fall. Submission to the State would initiate a separate public process, including a public hearing, during which a consultation session with the City can be conducted. Mr. Bruce Berman, MHPAC Member, clarified that after the July 20th Committee meeting, there wouldn't be any more, which Mr. McGuinness confirmed and to which he added that there would also be a BRA-sanctioned public comment period prior to submission to the State.

Regarding the realization of public benefits, Mr. Berman noted that the Institute of Contemporary Art (ICA) was constructed prior to the development of the rest of Fan Pier, suggesting that public benefits can be induced prior to any other development. At the same time, public benefits identified through the MHP process may become a priority of other initiatives or entities prior to development, thus necessitating a hierarchy of public benefits.

Mr. Tom Palmer, representing Harbor Towers, sought a clarification on the notion of alternative public benefits. Mr. McGuinness explained that the City will make recommendations linking public benefits to the three proposed developments in the MHP area. However, if, for example, the City received a grant to complete one of these benefits, such as the Chart House parking lot, prior to the development of the linked project, the proponent be required to provide an alternative public benefit, as identified in the MHP. The Chapter 91 licensing process for the Wynn Boston Harbor casino in Everett outlined preferred offsets and alternatives in the event the preferred ones materialized through other means.

Mr. Ris asked if the City is in discussions with all of the developers regarding these public benefits. Mr. McGuinness answered affirmatively.

Mr. Matthew Littell, Utile, alluded to the standard of an equal or better waterfront as he recapped the vision developed for the Downtown Waterfront, which includes key concepts such as accessibility, connectivity, resilience, activation and programming, flexibility, and identity. [The Downtown Waterfront Public Realm and Watersheet Activation Plan](#) identifies three subdistricts with distinct character and goals: Northern Avenue, Rowes Wharf and India Row, and Long and Central Wharves. Mr. Littell presented Fan Pier as a case study of a project that on its own merits improved the public realm and waterfront access and, combined with the offsets, improved the waterfront overall. Baseline requirements for the project included

Harborwalk, water-based infrastructure (e.g. Fan Pier Cove and floating wave attenuator) and transportation infrastructure, and other public infrastructure (e.g. roads, sidewalks, etc.). These are based upon the incorporation of the public realm plan into the MHP; the amplification of existing regulations for fully activated exterior & interior areas; large-scale qualitative design that optimizes public space, building orientation, view corridors, and mixed uses; and other City priorities, such as climate resilience. Offsets for the substitute provisions of the South Boston Waterfront District MHP included Fan Pier Park & Green, the ICA, additional civic/cultural space, and other public realm improvements.

Building upon this example as analogous to the Downtown Waterfront, Mr. Littell stated that redevelopments proposed with the Downtown Waterfront provide inherent public benefits. The redevelopment of the Hook Lobster site would revitalize the property, reconnect the water's edge to the public realm, and enhance connections between the South Boston Waterfront, Fort Point, and Downtown through the advancement of the Crossroads Initiative. The redevelopment of the Harbor Garage would activate the edges of the site, eliminate a "wall" to the water, and provide new open space and views to Boston Harbor. The expansion of Marriott Long Wharf would activate the edges of the structure and enhance north-south pedestrian connections.

Mr. Littell continued that offsets provide additional public benefits to ensure an equal or better waterfront. Offsets can be monetary, such as funds for programming and maintenance of the public realm (e.g. Rose Kennedy Greenway, Boston Harbor Islands, or Christopher Columbus Park) or water transportation subsidies; space in support for water-dependent uses, such as parking, office space, or storage space; water-based infrastructure (docks, seawalls, piers); and other public realm improvements, such as plazas, parks, streetscapes, and an enhanced Harborwalk. These public benefits could occur in a number of areas within the MHP and serve to enhance a variety of aspects of it: its connective tissue, opportunity sites, the public realm along the water, and the watershed.

Based upon previous feedback, improvements to the public realm were prioritized in the following order: Chart House parking lot (\$1.5-\$3.8 million of greenscape); Long Wharf (\$5.8-\$15.5 million of hardscape improvements, including tabling and integrated lighting); Old Atlantic Avenue (\$1.2-\$3.2 million of hardscape improvements); Central Wharf (\$2.6-\$7 million in hardscape improvements); the BRA property in front of Harbor Garage (\$1.6-\$4.3 million in hardscape improvements); Northern Avenue terminus (\$1.2-3.2 million in hardscape improvements). (The estimated cost ranges are based upon calculations of \$75-\$200 per square foot for hard costs and 20% for soft costs.)

Ms. Susanne Lavoie, MHPAC Member, asked why a development would pay for a road (i.e. Northern Avenue). Mr. Littell answered that the developer would not pay for the road itself, but for an improved public realm to enhance the pedestrian experience. For example, depending upon the [bridge's final design](#), funds could be used for programming or activating the roadway

if it closed to vehicular traffic at certain times (e.g. non-peak hours). Mr. McGuinness clarified that funds for the Northern Avenue terminus are not being recommended given the uncertainty of the crossing's future, but that any improvements would also consider the Harborwalk adjacent to the Coast Guard, which is not handicap accessible.

Mr. Littell explained the project-specific offset recommendations as follows: for the Hook Lobster site, the Harborwalk connection beneath Seaport Boulevard (therefore, off-site); for the Harbor Garage site, improvements to the Chart House parking lot, Old Atlantic Avenue, Central Wharf Plaza, the BRA property adjacent to the Harbor Garage, and parking for water-dependent uses [e.g. New England Aquarium (NEAq) and Harbor Islands]; for the Marriott Long Wharf expansion, island ticketing and waiting area and funds for maintenance of the public realm. The MHP must decide what improvements are mitigation for the proposed developments, i.e. link the improvements to a particular project. Mr. Littell provided examples of how these improvements can transform the public realm, including the activation of the waterfront behind the Harbor Garage, public art, etc.

Mr. Littell added that improvements that enhance the resilience of projects or the area to the effects of climate change should also be considered. Lower Manhattan and the Netherlands have been pioneers of infrastructures that protect the waterfront, but don't prevent the public's access to it. Examples include floodable open spaces, automatic or deployable flood barriers, and so on.

Mr. Littell posed the question if the spirit of the Downtown Waterfront Public Realm and Watersheet Activation Plan is captured through these proposed offsets or if they need to be reprioritized.

Ms. Lavoie, MHPAC Member, asked how the provision of parking for a water-dependent use (e.g. NEAq) that already exists can be considered "transformative." Mr. McGuinness replied that there is no requirement for parking to be allocated to water-dependent uses, but that it can be through the MHP.

Mr. Berman asked how licensing fees are collected and expended. Mr. McGuinness explained that they are exacted by the State based upon a draft policy of \$2.00/SF of development that MHPs can direct to certain improvements within the MHP area.

Ms. Lavoie clarified that the mitigation is based upon the deviation from Chapter 91 use and dimensional standards, which Mr. McGuinness confirmed. He added that the maximum recommendations for the Harbor Garage are 70% lot coverage and 600 feet in height. Mr. Chris Busch, BRA, clarified that baseline improvements (e.g. Harborwalk for projects on the shoreline) are required regardless of size.

Mr. Berman requested a clarification on the estimated costs of improvements currently proposed to be assigned to the Harbor Garage redevelopment. Mr. Littell explained that the highlights in magenta (slide 31) total up to \$18.3 million. Mr. McGuinness reminded the Committee of the [analysis that RKG Associates, Inc.](#) had undertaken and stated that BRA staff thought it would be more beneficial to assign specific, discrete improvements as opposed to collecting funds from the developments.

Ms. Joanne Hayes-Rines, MHPAC Member, asked about the vision for connecting the Harborwalk under Moakley Bridge and how far out in the Fort Point Channel it would have to go. Mr. Busch responded that it would go out a bit more than fifty feet, but could be a floating structure. Mr. Berman suggested it could be a floodable bridge during astronomical high tides. He also asked if the Harborwalk is a water-dependent use. Mr. McGuinness replied affirmatively.

Mr. Ris asked if the proposed mitigation were comparable to those for Fan Pier, Pier 4, and Atlantic Wharf. Mr. McGuinness answered that they were all unique developments; for example, Fan Pier was a blank slate that required extensive public infrastructure (e.g. roads). In addition, the contexts are very different. Therefore, the question is not necessarily comparative, but if the public benefits adequately improve the waterfront. Regarding the expenditure of funds outside of the MHP area, Mr. Ris opined that it would be better to keep the funds within the MHP area. He wondered what improvements are necessary to create a cohesive neighborhood, e.g. improved signage, design guidelines, etc. Mr. Littell agreed that these are absolutely necessary. Mr. Ris had assumed that there was a legal requirement for the Harbor Garage to provide parking for NEAq. Mr. McGuinness indicated that he was not aware of any such requirement, but welcomed information to the contrary. Mr. Palmer asked if the parking in the Harbor Garage redevelopment would be market-rate, noting that there was no cost associated with this public benefit in the presentation. Mr. McGuinness replied that the MHP could explore subsidized parking for water-dependent uses.

Ms. Lavoie asked if the proposed mitigation under consideration is assuming the BRA's recommended maximums for the Harbor Garage redevelopment (i.e. 600 feet in height, 70% lot coverage, etc.), which Mr. McGuinness confirmed. At Mr. Ris's prompting, he continued that the advantage to requiring discrete public benefits for each project is advantageous compared to aggregating funds for future public improvements.

Mr. Berman concurred with Mr. Ris that seeing the estimated costs of these public benefits helps the Committee understand the scale of them. He also noted that there are other public benefits required by other public processes, such as affordable housing. He submitted the Harbor Islands, the Greenway, and Christopher Columbus Park as "elastic benefits" that could be funded from other sources and drew comparisons to Martin's Park at Children's Wharf. Regarding maintenance, Mr. McGuinness referenced the Wynn Boston Harbor casino written determination, in which an alternative offset is 24 SF of open space maintenance for every

square foot of lot coverage. That concept has been explored by inquiring about maintenance costs for the Greenway and other public parks. He added that in regard subsidies for water transportation, it is easier for the government to receive grants for capital projects (e.g. docking and ferries) than operational subsidies. Mr. Berman recalled a past Committee member's comments from an early meeting that height, density, and so on are allowed, but in exchange for public benefits of a comparable benefit.

Mr. Lee Kozol, MHPAC Member, wondered why the Committee should care about the cost of the public benefits to the developer. Mr. McGuinness replied that the information was provided in response to requests from the Committee. Furthermore, it is useful to have a metric to determine the magnitude of the public benefit in the event that a preferred public benefit is realized prior to the development of the triggering project, so that another comparable public benefit can be provided. Mr. Kozol countered that he understands, but suggested that it is a qualitative matter, not a quantitative matter. Mr. McGuinness agreed and stated that the discussion began with public benefits that enhance the waterfront. Mr. Berman argued that in the event that developments only partially fund a public benefit, it is necessary to know if the funds could fully fund another public benefit. He continued that he would regret unrealized public benefits because those are not transformative.

Mr. Ris compared the cost of the public benefits to the cost of the Harbor Garage redevelopment and posited that given the proposed deviation from the Chapter 91 dimensional standards, the public benefits should be towards the higher end of the scale up to \$20 million, if not even higher.

Mr. Littell asked Mr. Tom Skinner, Durand & Anastas, to explain the difference between on-site and offsite offsets. Mr. Skinner explained that on-site offsets are generally preferable, but that the proposed benefits in the Downtown MHP are a mix of both and include priorities for discrete projects and alternatives of monetary exactions.

Mr. Ris inquired about the dearth of signage and wayfinding for water transportation. Mr. McGuinness answered that it's not only signage, but also the lack of berthing area, which is a hindrance to new ferry service, such as a route to and from the Town of Winthrop. The City has made a concerted effort in partnership with Boston Harbor Cruises, the ferry operator, to improve signage and wayfinding.

Ms. Lavoie expressed her concern that the public benefits sufficiently mitigate the redevelopment of the Harbor Garage at its proposed scale. Mr. Ris and Ms. Meredith Rosenberg, MHPAC Member, concurred. Mr. McGuinness replied that the purpose of this discussion is to explore additional public benefits.

Mr. Berman asked for more specific information about the Greenway's budget in order to better understand how much a certain amount of money would fund on the Greenway. Ms.

Rosenberg suggested that the fact public benefits outside of the planning area were being explored merited reconsideration of the scale of the Harbor Garage redevelopment.

Ms. Lois Siegelman, MHPAC Member, declared that water transportation can be transformative if done properly. She stressed the need for alternative options with the pending closure of the North Washington Street Bridge. In reference to the Harborwalk over the water at Moakley Bridge, she cautioned that in her experience as a physical therapist floating infrastructure can be an impediment to accessibility.

Ms. Diane Rubin, representing Harbor Towers, argued that improvements to the BRA parcel adjacent to the Harbor Garage should not be considered a public benefit as any construction of a structure on the Harbor Garage site would require use of that parcel and, therefore, its restoration or improvement. In addition, she alleged that the image presented by the Chiofaro Company showing an active watersheet adjacent to Harbor Towers was deceptive as they have no rights to that area. Mr. McGuinness replied that the intent was not to be deceptive, but to spark ideas about an active public realm. He added that no one is suggesting the Chiofaro Company has legal rights to that watersheet. Mr. Duna Chiofaro said that every time the image has been presented they have done so conceptually as a potential improvement for the neighborhood and acknowledged that the Chiofaro Company would need permission to provide it. Mary Holland, Harbor Towers Resident, stated that it's an issue of public perception and requested that the image be removed from the presentation. (N.B.: In response to this request, the slide was removed from the [presentation posted online](#).) Ms. Rubin reiterated her allegation that any improvement to the BRA parcel adjacent to the Harbor Garage should not be considered a public benefit as any construction of a structure on the Harbor Garage site would require use of that parcel and, therefore, its restoration or improvement. Mr. Berman wondered if enhancing the parcel, as opposed to simply restoring the parcel, would be an acceptable public benefit.

A member of the public asked if on-going programs, such as excursions or public art programming, would be considered a public benefit. Mr. McGuinness answered that it depends on the context.

A member of the public inquired if estimated costs for all of the potential offsets (e.g. infrastructure improvements, water transportation subsidies, open space maintenance, etc.) would be provided. Mr. McGuinness responded that more information would be provided at the next Committee meeting. The same individual asked if there was a target amount for mitigation. Mr. McGuinness replied that the four suggested improvements provide a range for the mitigation. He then questioned if Mr. McGuinness felt the mitigation was appropriate for the proposed projects. Mr. McGuinness answered that this is the topic of the discussion today.

Mr. Todd Lee, member of the public, noted the recent publication of the submissions to [Northern Avenue Bridge Ideas Competition](#) and suggested that the proposals might provide inspiration for the Committee and public.

A member of the public, asked about neighborhood-wide resilience. Mr. McGuinness answered that measures that enhance resilience to the effects of climate change would be incorporated in the various capital projects and redevelopments. However, the City is loath to require specific projects to be responsible for off-site resilience improvements, such as flood barriers at Long Wharf, in the event that the redevelopment is not initiated for a number of years.

Ms. Heidi Wolf, asked if there had been a discussion on the substitute provisions, such as maximum allowed height. Mr. McGuinness replied that there were a number of meetings last summer on those topics and the City has made its recommendations.

Mr. Victor Brogna, North End resident, wondered why a public benefit that creates an “equal” waterfront (as opposed to “better”) would ever be considered. Mr. McGuinness answered that public benefits are experienced by a diverse public, including residents, commuters, tourists, etc.

Mr. Steven Comen, Harbor Towers resident, sought to clarify the status of the proposed maximums for the Harbor Garage site. Mr. McGuinness clarified that the City has recommended the following maximums: 600 feet in height, 900,000 SF of area, and 70% lot coverage. Nothing in excess is being entertained by the City or the State.

A Harbor Towers resident, questioned the recommended dimensional maximums when NEAq, Harbor Towers, and the North End Association had expressed opposition to them. She compared this situation to the recent Starbucks controversy in South Boston, where neighborhood opposition prevented the national coffee chain from occupying commercial space on East Broadway. In addition, she questioned how a development on the Harbor Garage site would not disturb the foundations of NEAq and Harbor Towers. She concluded by expressing her opposition to the development.

A community member asked if the BRA owns Long Wharf. Mr. McGuinness clarified that the BRA owns Long Wharf except for the Custom House Block.

Mr. Berman suggested that free Wi-Fi and public water access (for refilling water bottles, etc.) should be included as public benefits because small things make a big difference.

Mr. Ris declared that the substitute provisions are the BRA's recommendations and not necessarily those of the Committee.

Ms. Lavoie requested the consideration of public meeting space as an offset.

In reference to [amendments to the Waterways Regulations, the Designated Port Area Regulations, and the MHP Regulations at 310 CMR 9.00, 301 CMR 25.00, and 301 CMR 23.00](#), respectively, proposed by the Massachusetts Department of Environmental Protection (DEP) and CZM, Mr. Ris surmised that they would apply to the Downtown Waterfront. Mr. McGuinness countered that they wouldn't as they are designed for less dense areas that cannot support facilities of public accommodation (FPAs). Ms. Jill Valdes Horwood, MHPAC Member, noted that there are a number of specific requirements to qualify for a facility of limited accommodation (FLA).

Mr. Chris Fincham, Harbor Towers resident, asked about potential conflicts between the redevelopment of the Hook Lobster site and the North-South rail link. Mr. McGuinness explained that all MHPs must be reviewed for consistency with other State plans. At this time, the North-South rail link is being studied, but there are no plans for either the footings of the Hook Lobster redevelopment nor the North-South rail link.

Ms. Rubin referenced [Ms. Shirley Leung's column in the Boston Globe](#) from that morning that reported on the Barr Foundation's grant to the BRA for waterfront visioning. Mr. McGuinness said that the Barr Foundation's grant is to augment the on-going [Image Boston 2030](#) citywide visioning with a focus on the waterfront. Mr. McGuinness indicated that the exercise is expected to begin within the next few weeks.

Mr. Palmer claimed that there was never a discussion on the substitute provisions for the Harbor Garage site, but rather that the BRA provided its recommendations and skipped to discussing offsets. Mr. McGuinness countered that maximums were discussed the previous summer and must be considered within the existing neighborhood context and in comparison to the proposed offsets.

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the next meeting would be on May 25, 2016 at 3 PM in the Piemonte Room on the 5th Floor of City Hall, Boston, MA and ended the meeting at 4:55.