



**Downtown Waterfront Municipal Harbor Planning
Advisory Committee Meeting No. 35**
Wednesday, May 25, 2016
Boston City Hall, Piemonte Room

Attendees

Advisory Committee (“Committee”): Bruce Berman, Jesse Brackenburg, Marianne Connolly, Phil Griffiths, Joanne Hayes-Rines, Nigella Hillgarth, Jill Valdes Horwood, Lee Kozol, Susanne Lavoie, Bud Ris, Lois Siegelman, Greg Vasil, Robert Venuti

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

Consultant Team: Matthew Littell, Utile; Tom Skinner, Durand & Anastas

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

Members of the Public: Rita Advani, Victor Brogna, Sandy Campbell, Duna Chiofaro, Chris Fincham, Dave Gibbons, Erika Gorman, Judith Grasso, Pat Haswell, Donna Hazard, Jenny Kessler, Eric Krauss, Tony Lacasse, Julie Mairaw, Arlene Meisner, Norman Meisner, Sy Mintz, Thomas Nally, Charles Norris, Tom Palmer, Christian Regnier, Erik Rexford, Diane Rubin, Matt Rubins, Eli Sherman, Jay Spence, Wes Stimpson, Marcelle Willock, Heidi Wolf, Parnia Zahedi, Bill Zielinski, Zara Zsido

Meeting Summary

Mr. Richard McGuinness, BRA, opened the meeting at 3:10 PM by introducing BRA staff, the consultant team, and the topic of the meeting’s discussion: offsets for substitute provisions in the Downtown Waterfront Municipal Harbor Plan (MHP). He reminded the Committee that the recommended offsets had been reviewed at the previous meeting and emphasized the need for alternative offsets in case the public benefits are realized through other means (e.g. grants) prior to the development of the linked projects in the planning area. As requested, additional details on open space maintenance costs and water transportation subsidies would be presented through the course of the meeting. He hinted that the discussion may need to continue at the next Committee meeting, scheduled for June 15 at 3 PM, which would also focus on climate change and resilience. The City plans to meet with the State to discuss progress on the MHP and receive feedback on the proposed offsets.

Mr. Matthew Littell, Utile, began the presentation with a review of the feedback provided by the Committee and public at the previous meeting; in particular, if the scale of the offsets were sufficient for the mitigation of the impacts of the proposed developments and more information on other potential offsets (e.g. water transportation, park maintenance, etc.). He

reminded the Committee that the proposed projects have inherent public benefits, such as activating the public realm, creating open space, etc., and are augmented by baseline public benefits, such as the incorporation of the public realm plan framework to guide decisions.

Mr. Littell recapped the prioritization of the public realm improvements, including the Chart House parking lot, Old Atlantic Avenue, Central Wharf, and the BRA property adjacent to the Harbor Garage. Additionally considered were upgrades and tabling at Long Wharf and the Northern Avenue terminus. He wondered how new open space on the Harbor Garage site could complement and enhance the public realm or if it could be combined with the BRA property and Central Wharf to create a singular offset.

Moving onto monetary offsets for off-site public benefits, Mr. Littell informed the Committee that maintenance costs at Channel Center Park (on A Street) are approximately \$3.21 PSF annually, while the Rose Kennedy Greenway has ranged from \$3.00-\$3.50 PSF annually in 2014-2015. From 2009-2013, the Harbor Islands required on average \$11.4 million in operations/maintenance costs and \$7.4 million in capital improvements. Mr. Bruce Berman, MHPAC Member, commented that given the size of the Harbor Islands (approximately 1,482 acres), the cost per square foot is miniscule. Mr. Littell continued that the Greenway also invests in programming and public art; from mid-2014 to the end of 2015, \$1.344 million was spent on direct program expenses for public art and \$1.131 million for contracted services for the public art.

Regarding water transportation subsidies, Mr. Littell explained that existing ferry routes are subsidized from \$4.31/passenger (MBTA Route F4 from Charlestown Navy Yard to Long Wharf) to \$46.22/passenger (Lynn Ferry Pilot Program); the Cultural Connector is approximately \$528.48/passenger. Ms. Susanne Lavoie, MHPAC Member, inquired about the subsidizers. Mr. Littell replied that it varies depending on the service; for example, the MBTA subsidizes the MBTA routes (F1-F4), while the Cultural Connector is subsidized by the Fallon Company as the developer of Fan Pier. Mr. Joanne Hayes-Rines, MHPAC Member, recalled that a previous meeting included a discussion on previous Chapter 91 licenses requiring subsidies for ferry routes that never materialized. Mr. McGuinness confirmed that there are a number of escrow accounts held by the Department of Environmental Protection (DEP). The City is assuming that the MBTA will continue subsidizing the existing MBTA ferry routes, but not necessarily new routes, for example from Lovejoy Wharf and Fan Pier, which both have new terminals. Mr. Bud Ris, MHPAC Member, cautioned that the ridership numbers for Fan Pier would have been higher if the service had been better promoted. Mr. Phil Griffiths, MHPAC Member, also noted that subsidy calculations for water transportation are not necessarily comparable to subsidies for other public transportation systems, such as light rail, as they do not require as much in capital infrastructure (e.g. tracks). Mr. Berman recounted a recent discussion of the Fan Pier Owners Corporation (FPOC) Advisory Committee meeting, during which DEP indicated that the aforementioned water transportation trust fund amounts to \$5.9 million and that the Fallon Company made an additional contribution of \$190,000 separate from their requirement to

operate the Cultural Connector. He concluded that investments in water transportation are sensible and added that water-based excursions (e.g. to the Harbor Islands) are also vital to the local tourism economy.

Mr. Tom Skinner, Durand & Anastas, explained the recommended substitute provisions for each of the three proposed projects (Marriott Long Wharf, Harbor Garage, and Hook Wharf) and their proposed offsets. Ms. Lavoie asked why square feet of development had been omitted from the table of substitute provisions. Mr. Skinner responded that the table is not exhaustive and the goal was to fit as much information as possible onto the page, but would be happy to include the gross square footages of the developments. He added that total building area is not used as a metric for measuring the impact of developments under Chapter 91; rather, lot coverage (for area) and shadow (for height) are used to quantify any impacts. Mr. Berman suggested that it would be useful to have readily available. Ms. Jill Valdes Horwood, MHPAC Member, asked about the relationship between the Harbor Islands gateway as a proposed offset for Marriott Long Wharf and the maintenance costs for the Harbor Islands. Mr. Skinner clarified that these are separate. Mr. Jesse Brackenbury, MHPAC Member, asked that the estimated costs of the offsets be included on the table, as opposed to a different slide.

Mr. Lee Kozol, MHPAC Member, asked how improvements to the Chart House parking lot could offset the proposed development of the Harbor Garage. Mr. Skinner offered that historically Chapter 91 has mitigated the impacts of height with open space. Mr. Kozol countered that it doesn't make sense to improve a smaller park at the expense of enhancing the Greenway. Mr. McGuinness replied that additional open space cannot be created on the Greenway, whereas investing in the Chart House parking lot creates a more welcoming and opening gateway to the Harbor Islands, another aspect of open space in Boston. These improvements were identified in the [Downtown Waterfront Public Realm and Watersheet Activation Plan](#) and prioritized by the Committee.

Mr. Ris asked why the improvements to Long Wharf were so expensive. Mr. Littell explained that there is a lot of surface area and subsurface work required. Mr. McGuinness added that there are potential marine infrastructure improvements that could be made to the wharf, too. Mr. Ris asked if the new owner of the Custom House block was planning to perform any subterranean work below the parking lot. Mr. McGuinness stated that they have no rights to that area, but they are doing work beneath their building.

Mr. Berman noted that previous discussions on Long Wharf had focused on "pinching" at Long Wharf, which would hinder the movement of passengers and cargo to/from the ferries. He sought to ensure that any water-dependent use would not be interfered with.

Mr. Ris observed that Christopher Columbus Park is intensely used and would benefit from sharing some of its users with additional open space, i.e. an improved Long Wharf and Chart House parking lot.

Mr. McGuinness informed the Committee that the City had recently met with Boston Harbor Cruises (BHC), the operator of many of the ferries operating in Boston Harbor, who had provided an update to their letter from last summer outlining their needs and requests for continued and improved operations at Long Wharf.

Mr. Ris suggested a cohesive wayfinding, signage, and design plan for the neighborhood be added to the list of public benefits. Ms. Lavoie concurred that wayfinding and signage in the area is inadequate. She proposed local ambassadors or ranges, akin to the Downtown Business Improvement District (BID) or National Park Service (NPS). Mr. Berman cautioned that unifying design can also remove local character, where activity, such as food trucks and live music, might provide a better identity for the area. Mr. Brackenbury endorsed Mr. Ris's suggestion, but warned that there are costs to specialized paving, as an example. He recounted a recent experience during which public work had removed a section of granite paving and replaced with asphalt. He opined that a strict framework of governance would ensure a consistently well maintained public realm. Ms. Lois Siegelman, MHPAC Member, agreed based upon her experiences with the maintenance of the Harborwalk in the Charlestown Navy Yard. She added that she would like to weatherproof facilities for waiting ferry passengers.

Mr. Skinner resumed the presentation to discuss the offsets for Marriott Long Wharf and Hook Wharf. Mr. Tom Palmer, representing Harbor Towers, asked if alternative offsets were in addition to the preferred offsets. Mr. Skinner clarified that they are alternatives in the case any of the public benefits are realized prior to the project's development. He continued onto the area-wide offset recommendations, which are classified based upon the location of structures relative to Marriott Long Wharf. Mr. Skinner explained that all new structures seaward of the Marriott Long Wharf would be restricted to their existing height limit plus the lesser of 30 feet or two new floors. In addition, all mechanicals would be required to be flood-proofed and elevated, the ground floor would be a facility of public accommodation (FPA), and all open space would be public. All other new structures would be limited to 200 feet in height and be required to make an annual payment for open space maintenance within or adjacent to the MHP area. Vertical additions to existing structures would be capped at the lesser of 30 feet or two floors, provided that mechanicals are flood-proofed and elevated, the ground floor becomes an FPA, and all open space on the site it made public.

Mr. Ris asked if Long Wharf was being kept free of net new shadow (NNS) cast by new structures or additions, which Mr. McGuinness confirmed. Mr. Berman asked if this included shade shelters, which Mr. McGuinness denied.

Ms. Horwood asked why none of the offsets include district-wide climate resilience improvements. Mr. McGuinness explained that the City is loath to tie time-sensitive

improvements at a district level to specific developments, but that the topic would be further explored at the next Committee meeting.

Mr. Skinner continued his presentation with a summary of the proposed amplifications. Amplifications take an existing Chapter 91 license and adds specific details to it, e.g. regulations that require open space can be amplified to prescribe the type or programming of such open space. The proposed amplifications for the Downtown Waterfront MHP include: all interior ground floor and exterior open space shall meet the standards for Commonwealth tidelands; the MHP will provide specific guidance on protecting existing and proposed water-dependent uses; all offsets for Hook Wharf shall be made regardless of upper floor uses [i.e. FPA or facility of private tenancy (FPA)]; and fees associated with long-term Chapter 91 licenses shall be directed toward water transportation and open space maintenance within and adjacent to the MHP area.

Mr. Berman asked if the MHP would highlight any areas as special public destination facilities (SPDF). Mr. Skinner replied that it would: NEAq would be the primary SPDF, with the potential for auxiliary SPDFs, such as the Harbor Islands gateway, Rowes Wharf ferry terminal, and the water-dependent uses at Hook Lobster. Mr. Berman reiterated his request that water transportation funds are not precluded from subsidizing excursions to the Harbor Islands.

Ms. Hayes-Rines asked how well defined the over-the-water Harborwalk under the Moakley Bridge was. Mr. Skinner replied that it's currently being explored abstractly. She continued that it needs to be well-designed, well-lit, and intuitive to use. Mr. Brackenbury agreed, but posited that it would be a very expensive connection at the expense of improving the existing intersection at Seaport Boulevard and Atlantic Avenue. Mr. McGuinness answered that they could try to calculate the cost of the bridge, but that it is the preferred solution. Ms. Hayes-Rines also asked the Harborwalk behind the Coast Guard, which is not handicap accessible. Mr. McGuinness responded that the City plans on addressing that issue with the redesigned Northern Avenue Bridge. Mr. Ris expressed his disappointment that not a single submission to the [Northern Avenue Bridge Ideas Competition](#) had addressed that need. Mr. Brackenbury stated that it is difficult to understand if the mitigation is sufficient without understanding their costs. Mr. McGuinness replied that they would provide as many additional details as possible at the next Committee.

Ms. Diane Rubin, representing Harbor Towers, asked why Marriott Long Wharf wouldn't be responsible for improvements to Long Wharf given its geographic proximity. Mr. McGuinness explained that this had been considered, but given the modest impacts of the substitute provision for the Marriott Long Wharf was considered unduly burdensome. Ms. Rubin countered that the impacts of the Harbor Garage redevelopment were not being mitigated by proposed offsets. Mr. McGuinness asked if the shortcoming stemmed from the proposed projects themselves or their cost relative to the Harbor Garage redevelopment. Ms. Rubin replied that the residents of Harbor Towers consider the proposed Harbor Garage project as

inherently inappropriate given its size. However, assuming the recommended maximums remain unchanged, the residents of Harbor Towers do not feel that the project impacts would be mitigated by improvements to Long Wharf. Mr. McGuinness answered that some development impacts, such as traffic, are not the focus of Chapter 91 – though they are through the Article 80 Development Review process – but that an MHP can suggest mitigation for these impacts, e.g. water transportation to alleviate congestion. He reiterated that the City remains open to additional suggestions for public benefits to mitigate development impacts.

Mr. Littell reminded the Committee and public that the offsets for the Harbor Garage are a plurality; it is not a singular public benefit selected from a menu of options, but multiple public benefits (buffet-style).

Referring to the BRA parcel adjacent to the Harbor Garage, Ms. Rubin contended that improvements to the parcel should not be considered as an offset as any development on the Harbor Garage site would require use of the site, which would necessitate the restoration of it to its previous condition. Mr. McGuinness answered that this was taken into consideration in determining the proposed offsets, but that the City is interested in improvements to the site beyond restoration to its current condition.

Mr. Brackenbury recalled [the findings of RKG Associates, Inc.'s analysis on Chapter 91 offsets](#) and asked how, in the absence of a formula for mitigation, the proposed offsets were determined. Mr. McGuinness explained that these proposed offsets are a starting point for a discussion on transformative public benefits. Mr. Skinner expanded that in response to a previous presentation on formula-based public benefits, the State had indicated that the City's approach was too formulaic. He continued that the metric for evaluation is not how much a public benefit costs (quantitative), but rather how much does it improve the waterfront (qualitative). Ms. Rubin wondered if the Committee concurred that the public benefits sufficiently mitigate the impacts of the proposed developments.

Mr. Berman opined that the focus of the meeting's discussion – the quality of public benefits – was the opposite of the previous week's, which had focused on the quantity. He added that the proposed public benefits were the result of the Committee's previous work in developing the plan for the public realm of the Downtown Waterfront. He stated that he would be willing to provide additional public benefits to the Committee for consideration, such as water-based events like the Tall Ships. He disagreed with the approach to evaluating the public benefits by their cost relative to the development cost and suggested a better approach is to fulfill the vision of the Downtown Waterfront Public Realm and Watersheet Activation Plan. Mr. Berman also surmised that NEAq's on-going institutional planning process would add to the list of public benefits. He asked if the City was looking for a formula for mitigation for MHPs. Mr. McGuinness replied that the analysis was undertaken to determine if there was a historic rule-of-thumb, but was not necessarily looking for a formula for the City's entire waterfront for the future. He indicated that the City is planning to meet with the State prior to the next

Committee meeting to provide an update on the MHP process. Mr. Ris noted that one of the recommendations from the RKG Associates, Inc. report was the need for the better data and suggested that this MHP would be an ideal time to begin better tracking.

Mr. Palmer admitted that Harbor Towers may be an unfortunate exception to a vision for city whose building heights step down to the waterfront, but argued that the proposed maximums for the Harbor Garage redevelopment are so out of scale with previous substitute provisions in MHPs across Boston's waterfront that their impacts are very difficult to mitigation.

Ms. Marcelle Willock, Harbor Towers resident, opined that improvements to the Chart House parking lot would be best if they served the passengers waiting for ferries, such as sheltered waiting areas. She speculated this would also alleviate pedestrian congestion on Long Wharf. Mr. McGuinness concurred, noting that plans for Long Wharf dating back to the 1970s called for a structure towards the end and that offsets for the Marriot Long Wharf include a waiting area. He added that BHC also indicated a need for additional space for offices and storage, which could present an opportunity to aggregate the offsets into a water-dependent use structure. Mr. McGuinness stated that the offset would be to convert the parking lot from its current use into something that would benefit the area, which might be open space or water-dependent use facilities. Ms. Willock commented that this would be practical, welcomed, and well-used, as opposed to additional green space, which would be superfluous.

Mr. Victor Brogna, North End resident, noted that the applying a "[Percent for Art](#)"-like exaction on development has not been discussed by the Committee as a metric for mitigation, but added that one percent of one billion dollars (ten million dollars) was not enough to mitigate the proposed redevelopment of Harbor Garage. Mr. Brogna also asked about enforcement of area-wide amplifications. Mr. McGuinness responded that both the BRA and Massachusetts Department of Environmental Protection (MassDEP) would be the policing powers.

Ms. Hayes-Rines inquired about offsets for a smaller expansion of the Marriott Long Wharf (e.g. only one or two of the sides, instead of three). Mr. McGuinness replied that guidance would be provided to the State through the MHP as to proportionate offsets, e.g. a shell for a water-transportation passenger waiting area as opposed to a completed structure. Ms. Hayes-Rines followed up a question regarding how the City could compel the owner of the Marriott Long Wharf to provide a passenger waiting area if they opt not to expand. Mr. McGuinness explained that the City has no leverage to compel them to do so, but could pursue grants for such a facility on publicly-owned property (e.g. Chart House parking lot).

Ms. Marianne Connolly, MHPAC Member, urged the City to consider adding the new bridge for Northern Avenue to the list of public benefits in the event that higher-priority public benefits are otherwise realized; she posited that some of these projects have similar timelines to the new bridge, which presents an opportunity to support the bridge's construction. Mr. McGuinness answered that the City has been loath to tie private funds to public infrastructure

projects, but would be open to adding secondary improvements not related to the infrastructure, such as the restoration of the tender's building.

Ms. Willock returned the discussion to the Harbor Garage, cautioning the City against expending resources to activate a "bottleneck" of traffic congestion. She asked what the offset for congesting the Harbor Towers' ingress/egress would be and objected to the lack of a final design for the redeveloped Harbor Garage. Without an understanding of the building, she indicated it wasn't possible to offset. Mr. McGuinness explained that Chapter 91 does not address the specifics of building design, but rather the building envelope through maximums. In addition, an MHP can suggest design guidelines and provide guidance on access to/for water-dependent uses, such as NEAq.

Mr. Robert Venuti, MHPAC Member, shared Mr. Brogna's concerns about enforceability. He relayed his experiences with Casa Maria at 145 Commercial Street, whose requirement for senior housing expires after 20 years. Mr. McGuinness clarified that recurring offsets (e.g. maintenance of open space) can be recommended to run concurrent with the license term. Mr. Venuti bemoaned the lack of consideration for existing and incoming residents who will be forced to live with the decisions developers make.

Ms. Rubin asked if climate resilience is being considered as an offset. Mr. McGuinness reiterated that the City is reluctant to tie area-wide climate resilience improvements to a development without certainty that it will be realized within an appropriate timeframe. Ms. Rubin asked if the area-wide offsets would apply to Harbor Towers. Mr. McGuinness explained that the MHP would be incorporated into the city zoning code. Ms. Rubin suggested a meeting to better understand the implications for Harbor Towers, especially as they are subject to a land disposition agreement (LDA) and urban renewal plan. Mr. McGuinness clarified that those are local ordinances, but Chapter 91 is a state-level regulation. Mr. Brogna asked if the substitute provision allowing for a 30-foot/two-story vertical expansion would apply to the Custom House Block. Mr. McGuinness answered no. Mr. Brogna asked if exceptions to an approved MHP are possible. Mr. Skinner replied you can amend one, which would require a public process.

Ms. Willock strenuously objected to the area-wide offset for vertical existing structures. Mr. Skinner countered that it is in the spirit of Chapter 91, but it is not a requirement. Mr. McGuinness clarified that relocating the mechanicals alone does not trigger these offsets; it is only if the mechanicals are relocated and an occupiable floor is added. Ms. Rubin and Ms. Willock stressed that the distinction must be clear in the MHP.

Ms. Lavoie inquired about next steps for the Committee. Mr. McGuinness requested comments and solicited ideas for additional public benefits.

Mr. Eric Krauss, NEAq, asked how the area-wide offsets apply to NEAq. Mr. McGuinness clarified that NEAq is a water-dependent use and as-such not subject to Chapter 91.

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the next meeting would be on June 15, 2016 at 3 PM in the Piemonte Room on the 5th Floor of City Hall, Boston, MA and ended the meeting at 4:55.