



**Downtown Waterfront Municipal Harbor Planning
Advisory Committee Meeting No. 37**
Wednesday, June 22, 2016
Boston City Hall, Piemonte Room

Attendees

Advisory Committee (“Committee”): Joanne Hayes-Rines, Nigella Hillgarth, Sue Kim, Lee Kozol, Bud Ris, Lois Siegelman, Robert Venuti

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

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

Government Representatives: Lisa Engler, Office of Coastal Zone Management (CZM)

Members of the Public: Forbes Dewey, Fred Goodman, Donna Hazard, Pamela Humphrey, Roger Joseph, Gabor Korodi, Eric Krauss, Todd Lee, Sara McCammond, Tomoki Mirra, Sy Mintz, Thomas Nally, Tom Palmer, Erik Rexford, Diane Rubin, Jay Spence, Dan Stewart, Meaghan Stiman, Ginny T., Dan T., Robert Vidaver, Marcelle Willock, Heidi Wolf, Parnia Zahedi, Morton Zisk, Myra Zisk

Meeting Summary

Mr. Richard McGuinness, BRA, opened the meeting at 6:00 PM by introducing BRA staff and the consultant team. He explained that the purpose of the meeting was to discuss the proposed substitute provisions for the Downtown Waterfront Municipal Harbor Plan (MHP) and the accompanying offsets.

Mr. Matthew Littell, Utile, began with a summary of the regulatory framework for the MHP: the [Public Realm and Watersheet Activation Plan](#), which informs the MHP, which is then codified into the City of Boston Zoning Code. This is then applied to proposed development projects, which have a separate development and environmental review process [e.g. Article 80 Development and Massachusetts Environmental Policy Act (MEPA) Reviews]. Mr. Littell recapped the vision for the Downtown Waterfront, which entails an accessible, clearly-defined, resilient, year-round, flexible, and innovative destination. He continued that the Public Realm and Watersheet Activation Plan identified three subdistricts: Northern Avenue, Rowes Wharf and India Row, and Long and Central Wharves. These subdistricts possess unique opportunities and goals to be incorporated into the MHP and organized into three themes: connectivity, legibility, and activation and programming. These opportunities and goals serve to inform the discussion on substitutions and offsets.

Before summarizing the potential public benefits in the MHP area, Mr. Littell reminded the Committee that the proposed projects have inherent public benefits, including revitalizing properties (Hook Lobster and Harbor Garage sites), improving access and views to the water (Harbor Garage), and activating the edges of Long Wharf (Marriott Long Wharf). He continued that previously-identified public benefits have been assigned estimated costs, but that the prices are not the focus of the offsets, but rather a tool for measurement. The public benefits have been organized into project-specific offset recommendations: for the Hook Lobster site, an enlarged open space area along the Fort Point Channel, interior and exterior special public destination facilities (SPDF), and over-the-water Harborwalk connection to the south of the Moakley Bridge; for the Harbor Garage site, open spaces improvements to the Chart House parking lot, adjacent BRA property, Central Wharf, and Old Atlantic Avenue, and financial support for New England Aquarium (NEAq); for Marriott Long Wharf, an interior water transportation waiting room, Harbor Islands gateway, and ticket sales. Alternative offsets include parking for water-dependent uses (e.g. NEAq, Harbor Islands), funds for open space programming, and water transportation subsidies.

Mr. Tom Skinner, Durand & Anastas, summarized the substitute provisions for the three sites and the offsets with approximate cost estimates. Ms. Joanne Hayes-Rines, MHPAC Member, asked why the Harbor Garage is not required to have a SPDF on the premises. Mr. McGuinness explained that NEAq is a SPDF adjacent to the site that the City wants to support, instead of compete with. Ms. Hayes-Rines suggested that an upper-story space such as Top of the Hub in the Prudential would be an attractive use to the public. Mr. McGuinness concurred, but cautioned that existing observation spaces required through Chapter 91 licenses are under-utilized. Ms. Hayes-Rines claimed that this was the result of poor promotion, not a lack of interest. Mr. Skinner added that MHPs are generally focused on the pedestrian experience at the ground-floor level.

Mr. Bud Ris, MHPAC Member, asked about the discrepancy between the total cost of public benefits and the total cost of public benefits assigned to specific projects. Mr. McGuinness explained that some of the public benefits are not being proposed as offsets, such as improvements to Long Wharf.

Mr. Skinner continued with a summary of the area-wide offset recommendations that were developed from future projects not currently proposed. Different substitutions require different offsets. He summarized the five proposed amplifications to the existing Chapter 91 regulations, which are: 1) all interior ground floor and exterior open space shall meet the standards for Commonwealth tidelands; 2) the MHP will provide specific guidance on protecting existing and proposed water-dependent uses; 3) all offsets for Hook Wharf shall be made regardless of upper floor uses; 4) open space shall be elevated as appropriate as a coastal resilience measure; and 5) fees associated with long-term Chapter 91 licenses shall, to the extent possible, be directed toward water transportation and open space programming within and adjacent to the MHP area. A member of the public asked if raising the public areas

would be detrimental to the private areas. Mr. Skinner answered that this would be determined on a case-by-case basis and only done where appropriate. He added that it might need to be done incrementally, but it is not designed to be a dramatic change. Mr. Ris suggested that the Chart House parking lot presents an obvious opportunity to test a variety of flood resilience measures.

Mr. Skinner read the draft amplification for Commonwealth tidelands: "To ensure the Downtown Waterfront district provides high-quality public areas, without noticeable differences in the quality of public spaces on Private or Commonwealth tidelands, and to the extent possible, all interior and exterior areas located on Private tidelands within the MHP planning area shall be considered as if they are on Commonwealth tidelands and be required to conform to the interior and exterior public activation requirements under 310 CMR 9.53(2), including provisions for interior ground floor facilities of public accommodation (FPAs), excluding Upper Level Accessory Uses. To implement this amplification and the provisions of 310 CMR 9.53(2), the City of Boston shall develop design and use standards for: (1) new, publicly accessible interior areas, including new SPDFs, if any; (2) the general types of FPAs and water-dependent uses to be located in ground level interior areas and all publicly accessible exterior areas; and (3) water transportation facilities, including a water transportation and watersheet management plan. To the extent possible under applicable building codes, and subject to the amplification in Section 3.2.2 below, the design and use standards shall also provide direction and guidance on making interior FPAs and exterior public realm areas climate resilient. All SPDFs, FPAs, signage, amenities, landscaping features, wayfinding, and the location and size of public restrooms shall conform to the City's design and use standards, which shall provide guidance to Massachusetts Department of Environmental Protection (DEP) to meet this amplification for Chapter 91 licensing decisions." Ms. Diane Rubin, representing Harbor Towers, expressed confusion over how this amplification would apply to Harbor Towers. Mr. Skinner clarified that this would not apply to minor modifications to or renewals of existing licenses. Mr. Tom Palmer, representing Harbor Towers, asked why the amplification is necessary. Mr. McGuinness responded that there are other instances where this amplification would apply, such as developments seeking relief through substitute provisions. Ms. Rubin asked if the Harbor Towers pool or lawn would become public spaces. Mr. Skinner explained that this would only happen if a new license were required for some aspect of the Harbor Towers site.

Mr. Ris inquired about the timeline for promulgating the design guidelines. Mr. Skinner replied that it would have to be done prior to the issuance of any license and would likely be an offset for the first project to initiate a licensing project.

Mr. Littell presented two public realm design precedents as examples for the Downtown Waterfront design guidelines: Dewey Square, which features unique pavers, and the Broad Street corridor. He highlighted that lessons learned from these two experiences include a

centralized planning and governance regime and ensuring financial feasibility and sustainability.

Mr. Skinner continued with an outline of the elements and structure of the Downtown Waterfront MHP to prepare the Committee and public to receive and read the draft MHP.

Ms. Hayes-Rines asked who controls the licensing fees. Mr. Skinner responded that this would be specified in the MHP, but historically they have been held in escrow accounts.

Mr. Ris asked if the building massing metrics would be included in the MHP. Mr. Skinner replied that they are in the dimensional standards. Mr. McGuinness added that building volume is not a substitute provision, but that the volume of a building can be inferred through lot coverage and height. Mr. Ris asked about progress in negotiations with the respective developers of the proposed projects. Mr. McGuinness replied that they are ongoing with a focus on the costs of the public benefits. The draft would be based upon the most current discussions.

A member of the public inquired if there have been any formal submissions of projects for the development sites in question. Mr. McGuinness answered that there are no formal proposals under consideration, but some concepts have been previously presented.

Ms. Pamela Humphrey, member of the public, expressed disquiet regarding transparency of the process developing the offsets. Mr. McGuinness responded that the City has proposed the offsets in the draft MHP, which is then submitted to the state for their approval. The Committee meetings and a public hearing administered by the state are opportunities for the public to provide feedback.

A member of the public requested a clarification on the substitute provisions, which Mr. McGuinness detailed in response.

Mr. Ris returned the conversation to the improvements to Long Wharf. Mr. McGuinness explained that it is identified as a public benefit, but never as an offset. It was considered, but determined to be less of a priority than the Chart House parking lot, for example. The estimated cost exists only to provide the state guidance if the public benefits are realized independent of a development in the MHP area (e.g. through a grant).

A member of the public asked if the proposed maximums are likely to increase. Mr. McGuinness answered that it is possible, but unlikely; he was unable to recall an instance where the maximum for a development had ever increased during the state's review.

Ms. Humphrey inquired about the formula used to determine the offsets. Mr. McGuinness replied that it is qualitative, not necessarily quantitative. She then asked when the public is engaged in the process of revising the zoning for the Downtown Waterfront. Mr. McGuinness

responded that there has been more than three years of public engagement through the MHP process and will have more through the state's review process and again when the zoning code is revised.

A member of the public asked why the Hook Lobster and Harbor Garage sites have different height maximums. Mr. McGuinness answered that they are different sites with unique contexts and goals. She then asked if the public should expect more 600-foot buildings. Mr. McGuinness replied that the MHP proposed a maximum of 200 feet for new construction in the planning area with exceptions for the Hook Lobster and Harbor Garage sites.

Ms. Marcelle Willock, Harbor Towers resident, suggested that the majority of testimony at the meeting has objected to the proposed 600-foot-maximum for the Harbor Garage site. Mr. McGuinness reminded the Committee that the developer originally sought 1.1 million SF, which the City rejected.

A member of the public suggested that the MHP include a statement regarding climate change. Mr. McGuinness replied that there is an entire section on the topic. The same member of the public suggested investigating other potential offsets, such as the Rose Kennedy Greenway.

Ms. Hayes-Rines stated that the brick plaza around Rowes Wharf is budgeted to cost \$22 million and opined that the estimated costs for the public benefits may be too low. Mr. McGuinness explained that there aren't any direct comparisons for the improvements, but that a number of parks both within Boston and beyond were researched to develop the cost estimates. Mr. Sy Mintz, member of the public, countered that the cost of Rowes Wharf is due to the waterproofing necessary for the site.

Mr. Palmer asked if improvements to public properties would mean they would become privately owned. Mr. McGuinness answered they would remain public property and cited Atlantic Wharf's provision of a travel lane in the public right-of-way as an offset.

Mr. Ris wondered how the Committee's input would be characterized in the MHP. Mr. McGuinness replied that notes from all of the Committee meetings are included as an appendix to the MHP and added that the state can reconvene the Committee if necessary.

Ms. Hayes-Rines asked why the stairs on the Harborwalk adjacent to the Hook Lobster site are not included as an offset. Mr. McGuinness responded that a number of improvements, including these stairs, would be listed as alternatives.

Mr. Todd Lee, Harbor Towers resident, opined that the Harbor Garage developer's original plans are irrelevant to the negotiation, whereas the starting point for negotiations should be the height specified in zoning.

A member of the public wondered why unflattering language regarding Harbor Towers is on the BRA's website. Mr. McGuinness replied that the referenced statements are planning observations. Ms. Willock countered that they are an example of the BRA sacrificing planning principles to appease developers. She continued that the site is not isolating, but rather filled with people and is well-maintained. She suggested that the City should thank Harbor Towers for their investments in the area.

Ms. Rubin reiterated her concern regarding improvements to the BRA parcel as an offset for the Harbor Garage redevelopment. Mr. Busch answered that the developer would be required to restore the site to its existing condition if it were disturbed during construction, but that only improvements would be considered as an offset. Ms. Rubin posited that the proposed offsets are not transformative, but that the proposed maximums for development are the truly transformative element of the MHP. She concluded that it is of the opinion of Harbor Towers that there is nothing that could offset the proposed maximums.

A Harbor Towers resident argued that the development of Harbor Towers initiated significant investment in Downtown Boston and that the redevelopment of the Harbor Garage could not offer the area anything more than what it currently has.

Ms. Humphrey suggested that the City does not have a good record of transformative investments, citing the Seaport and City Hall Plaza, and complained that the MHP process has been unnecessarily complex. Mr. McGuinness replied that harbor planning is complicated, but stated that the draft MHP should clarify some confusion.

Ms. Hayes-Rines asked when the draft MHP would be available. Mr. McGuinness responded that the next Committee meeting is on July 20 and that it would be available prior to then. He added that there would likely be another Committee meeting in late summer or early fall, followed by an unofficial 30-day comment period prior to being submitted to the Board. Upon Board approval, the MHP would be submitted to the state, at which point there is an official comment period and consultation period. Following these two periods, a decision on the MHP is issued and finalized. Ms. Willock suggested the draft MHP should be made available to the Committee prior to the public. Mr. McGuinness asked the Committee when they would like to receive the draft MHP. Mr. Ris answered that it would be useful to have as soon as possible. Mr. McGuinness stated that the draft MHP would be provided to the Committee at least a few days prior to the next meeting with ample opportunity to further review thereafter.

Ms. Humphrey posited that the proposed offsets are not transformative. Mr. McGuinness explained that the Public Realm and Watersheet Activation Plan have guided the development of the MHP.

A member of the public sought a clarification over the cost of the offsets. Mr. McGuinness stated that the developer would be responsible for the discrete projects regardless of costs; the estimated costs serve as a guide.

A member of the public asked if parking is included in the MHP. Mr. McGuinness answered that parking is addressed through the Article 80 Development Review process.

Ms. Sara McCammond, Fort Point resident, suggested that the estimated costs be chained to inflation. She continued that, in her experience as a member of the advisory committee for the amendment and renewal of the South Boston Waterfront MHP, a consensus hadn't been achieved by the committee.

A member of the public inquired if the Committee is empowered to override the BRA's recommendations. Mr. McGuinness explained that the Committee serves to advise the BRA, but does not vote or make an official recommendation. The state can reconvene the Committee if they so desire.

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the next meeting would be on July 20, 2016 at 6 PM in the Piemonte Room on the 5th Floor of City Hall, Boston, MA and ended the meeting at 7:45.