



**Downtown Waterfront Municipal Harbor Planning
Advisory Committee Meeting No. 31**
Wednesday, January 27, 2016
Boston City Hall, Piemonte Room

Attendees

Advisory Committee (“Committee”): Sydney Asbury, Chair; Tom Wooters, Susanne Lavoie, Bruce Berman, Marianne Connolly, Joanne Hayes-Rines, Jill Valdes Horwood, Lois Siegelman, Bud Ris, Greg Vasil, Nigella Hillgarth

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

Government Representatives: Lisa Engler, Office of Coastal Zone Management (CZM); Patrick Lyons, Office of Representative Michelewitz

Members of the Public: Rita Advani, M. Barron, Toby Beruiter, Victor Brogna, Steve Dahill, Katie Duggan, Elizabeth Filosa, Eddie Fleckenstein, Donna Hazard, Wen He, Mary Holland, Chelsea Johnson, Michael Kinsavy, Gabor Korodi, Lee Kozul, Eric Krauss, Anne Kreider, Julie Marrano, Lev McCarthy, Jim McCarty, Norman Meisner, Sy Mintz, Thomas Nally, Janet Oberto, Marc Olden, Bob Paoire, Erik Rexford, Diane Rubin, Max Silverman, Iris Taymore Schnitzer, Ann Vassos, Mark Warren, Marcel Willock, Heidi Wolf, Barbara Yanke, Kevin Yazhari

Meeting Summary

Mr. Rich McGuinness, BRA, opened the meeting by introducing BRA staff and the consultant team. He reminded the Municipal Harbor Planning Advisory Committee (MHPAC) that per the BRA’s December 1st letter, BRA staff were hosting discussions with Prudential Real Estate Investors who have a majority ownership interest in the Harbor Garage, in order to learn more about their long-term plans for the site with the hopes of breaking an impasse with the site’s developer, the Chiofaro Company, regarding site entitlements. The BRA had previously introduced preliminary dimensional recommendations in the summer of 2015 for the Harbor Garage, Hook Lobster, and Marriott Long Wharf sites, which provided the initial foundation for the discussions with each property developer. Mr. McGuinness continued that the discussions with Prudential Real Estate Investors are on-going, which was the reason the previously scheduled Committee meeting was postponed. He stated that Prudential Real Estate Investors presented a case for a 1.1-million-square-foot development and disclosed that the proposal’s financials are driven by the required returns and allowable risk-taking of the high-yield real estate investment trust (REIT) that owns the property. City and BRA staff most recently met with Prudential Real Estate Investors on January 11, 2016.

Mr. McGuinness informed the Committee that the Commonwealth of Massachusetts's Executive Office of Energy and Environmental Affairs (EEA), which must approve any proposed municipal harbor plan (MHP), generally does not provide comment upon a proposed MHP until it is formally submitted. However, EEA officials made it clear that they would not approve an MHP with exceptions exceeding the recommendations for the Harbor Garage site presented by the BRA in the summer of 2015 – no more than 600 feet in building height and 900,000 square feet of space – and that any project would still need to demonstrate its contribution to creating an equal or better waterfront.

Mr. McGuinness continued that BRA staff explored the possibility of removing the Harbor Garage site from the MHP process in order to allow the process and eventual development of Hook Lobster and Marriott Long Wharf sites move forward. This, however, would likely require a future amendment to the MHP for any redevelopment of the Harbor Garage site. Instead, BRA staff will continue discussions with Prudential Real Estate Investments and move onto the next phase of the planning process including offsets and public benefits.

Mr. McGuinness reminded the Committee that they were previously advised to withhold any judgements on proposed recommendations for the developments within the planning area until the public benefits associated therewith were also determined, so as to ensure a complete picture of the waterfront. The BRA has contracted a consultant to review previous, similar developments, such as Lovejoy Wharf, Russia (Atlantic) Wharf, and Fan Pier, to determine any consistencies of these public benefits (e.g. amounts that developers were associating with these benefits in the development of their project financials). In order to allow for the consultant to complete the scope of work, the Committee will not meet in February, but instead reconvene in March with a presentation of the consultant's analysis and findings.

In the meantime, one specific area on which the BRA is requesting guidance from the Committee is the mechanics of these public benefits. For example, some of Fan Pier's public benefits were on-site capital improvements, such as roads and the Institute of Contemporary Art, while Russia Wharf's public benefits included a significant monetary contribution to the Fort Point Operations Committee for the purpose of watersheet activation.

Mr. McGuinness reiterated the BRA's and EEA's support for the New England Aquarium as a special public destination facility (SPDF) and that public benefits should enhance the Aquarium and their mission.

Ms. Asbury, Chairwoman of the MHPAC, opened the floor for comments from the Committee.

Greg Vasil, MHPAC Member, asked if BRA staff could disclose the consultant. Mr. McGuinness replied that Byrne McKinney Associates, Inc. would be conducting the analysis and providing recommendations for strategy moving forward.

Mr. Bud Ris, MHPAC Member, clarified that the BRA would maintain the allowed maximums as presented last summer as a result of EEA's recent input, assuming that the public benefits were able to justify such dimensional aspects. Mr. McGuinness affirmed this and added that the Chapter 91 regulations have an equal or better waterfront standard when judging offsets. Mr. Ris, also asked if concurrent discussions similar to those with Prudential Real Estate Investors were also being held with the owners of the Hook Lobster and Marriott Long Wharf sites, which Mr. McGuinness also confirmed.

Mr. Tom Wooters, MHPAC Member, stated that moving forward with the process is a positive development and that it is important to continue discussions to reach a consensus on land uses and dimensions that maximize the public benefits of the planning area.

Upon a request for further clarification from Mr. Ris, Mr. McGuinness stated that the BRA and MHPAC must analyze the impacts of the proposed substitute provisions and the related offsets to ensure that the offsets actually benefit the public. This is generally the most tedious aspect of the MHP process, but arguably the most important.

Ms. Nigella Hillgarth, MHPAC Member, reminded the Committee that the New England Aquarium (NEAq) wrote last June that they were concerned about the density recommended last June for the Harbor Garage site and the impacts that it would have on the NEAq.

Ms. Marianne Connolly, MHPAC Member, was pleased that EEA provided input to further the MHP process.

Ms. Asbury asked what materials would be presented in advance of the March Committee meetings. Mr. McGuinness replied that Byrne McKinney Associates, Inc. would be providing their analysis of Chapter 91 mitigation. He further added that the BRA is reviewing the previously-developed public realm plan to provide the Committee with guidance on the estimated costs of such improvements to better inform any financial concessions required as mitigating offsets.

Ms. Joanne Hayes-Rines, MHPAC Member, asked about a project previously discussed where the developer was required to provide funds for water transportation that was expected to be taken over by the MBTA, which ultimately declined to do so, and how the Committee could ensure such a scenario can be avoided. Mr. McGuinness replied that this is something the Committee must consider as a possibility and emphasizes the importance of a proper governing structure for these funds, such as the Fort Point Channel Operations Board (FPCOB). Ms. Marianne Connolly, MHPAC Member, asked if Rowes Wharf was a model for the Committee to consider in this instance. Mr. McGuinness stated that all of Rowes Wharf's offsets were on-site, which is an option to consider, but in comparison to off-site benefits.

Mr. Bruce Berman, MHPAC, stated that he was pleased with the transparency of the FPCOB and the rigor applied to evaluating plans for the use of these funds. He continued that while there are plenty of poor examples of management boards and committees, this was not one of those. He concluded by saying that Save the Harbor/Save the Bay Shamrock Splash will be held on March 7th to raise funds for the non-profit's initiatives.

Ms. Susanne Lavoie, MHPAC Member, asked who initially proposed removing the Harbor Garage from the current MHP process. Mr. McGuinness replied that the BRA initially explored the possibility to allow for additional time for this particular development and for the NEAq to develop their long-term plan, but EEA concluded that they would not accept additional density and encouraged the BRA to move forward.

Ms. Hayes-Rines stated that the developers of the Hook Lobster site has provided detailed concepts of the proposed development, but that the Harbor Garage and Marriott Long Wharf developers had not and wondered if it would be possible to receive more concrete plans for the sites. Mr. McGuinness stated that the MHP should not be so specific that it is focused on one development concept in the event that the circumstances of a project (e.g. ownership or economics) change and the MHP is too unwieldy to allow for a different development. The MHP design guidelines would be the best tool to implement the MHP's vision for these aspects of the MHP.

Mr. Ris reiterated Ms. Hillgarth's statement that a number of Committee members felt that the proposed maximums for the Harbor Garage site were too great for the area. He continued that the Committee needs to move to the next step and determine what will make the planning area the great public space that it can be in order to determine how the proposed developments will contribute to that. He concluded by inquiring of the impact of the recently-reported removal of the Northern Avenue Bridge would have on the area. Mr. McGuinness replied that BRA staff have been careful to ensure that the plans presented conform to the Federal Highway Administration's (FHA) requirements for federally-funded projects so as to not preclude the possibility of a replacement span.

Ms. Asbury opened the floor to the public. Mr. Tom Palmer, Tom Palmer Communications representing Harbor Towers, asked if Ms. Pamela McKinney of Byrne McKinney Associates, Inc., though well-respected as an expert in the industry, held any conflicts of interest while performing the firm's analysis. Mr. McGuinness replied that Ms. McKinney would have had to disclose any conflicts and that she had not.

Ms. Rubin, Prince Lobel Tye LLP representing Harbor Towers, stated that she was unclear why the maximums proposed for the Harbor Garage were reflective of the development proposed at the time, when it would be better to consider the maximums afresh. Mr. McGuinness replied that a thorough analysis of various massing schemes had been conducted the previous summer that informed the proposed maximums, presentations of which are available on the

BRA's website, and that the material would be revisited moving forward in the context of developing public benefits for the areas. Mr. Greg Vasil MHPAC Member, asked if Ms. McKinney would be reviewing these schemes as a part of her analysis, which Mr. McGuinness confirmed. Mr. Vasil continued that Ms. McKinney has done admirable work on a number of public projects and having her expertise would allay many concerns of the Committee and public.

Rita Advani, Harbor Towers resident, asked for a cost analysis of the potential public benefits identified in the public realm plan, both on- and off-site of these proposed developments. Mr. McGuinness replied that this would be included.

Mr. Ris exhorted the Committee to be cautious in considering the recommended development maximums presented in June as a number of Committee members questioned whether those maximum numbers flowed logically from the MHP planning process and prior planning processes such as the Greenway Study.

Ms. Lavoie asked if Byrne McKinney Associates, Inc.'s analysis would include the impacts on the residents of the planning area. Mr. McGuinness replied that the impacts of the development to the public realm are considered. Mr. Berman added that Chapter 91 is focused on the impact to the public's access to the tidelands and other impacts, such as traffic congestion, are considered until the BRA's Article 80 development review process. Mr. McGuinness concurred, but stated that because NEAq is a water-dependent use, all impacts to NEAq, such as adjacent construction, are under the purview of Chapter 91.

Ms. Hayes-Rines stated that, in her opinion, one of the most significant public benefits that could be rendered from this process, would be solving the inaccessible stairs behind the Coast Guard property at adjacent to the Hook Lobster site. Mr. McGuinness continued the notion that given the recent news regarding Northern Avenue Bridge, this is a positive time to consider such an improvement, in concert with a walkway under Moakley Bridge or an alternative.

Mr. Norman Meisner, Harbor Towers resident, asked for clarification on the role of Byrne McKinney Associates, Inc. and if it would include analysis of the realization of mitigating offsets required of previous developments as they were originally intended. Mr. McGuinness confirmed that this would be a consideration in the analysis and advised the Committee to consider such short-comings to on-site approaches. Mr. Berman added that there are disadvantages to both approaches, but that done properly, positive results, such as the ICA being the first development of Fan Pier, can be achieved.

Ms. Marcel Willock, Harbor Towers resident, asked if the public benefits are reserved for the waterfront or if they are similar to other development requirements, such as inclusionary development, which allow the requirements to be satisfied off-site. Mr. McGuinness stated that the City of Boston recently unveiled their new inclusionary development policy, which is a

baseline requirement for new development, as opposed to a public benefit under Chapter 91, though in other municipalities, affordable housing is considered a public benefit under Chapter 91.

Ms. Lois Siegelman, MHPAC Member, suggested that the Byrne McKinney Associates, Inc. analysis include older projects, such as Charlestown Navy Yard to ensure a more whole holistic picture. Mr. McGuinness concurred that reviewing the 1990 Municipal Harbor Plan was a good idea.

Ms. Rita Advani, Harbor Towers Resident, asked that the planning considerations normally covered by Article 80, such as transportation and congestion, be considered in this planning process, as well. Mr. McGuinness stated that the MHP will acknowledge the current congestion affecting access to NEAq and that residential developments typically generate fewer trips.

Mr. McGuinness informed the Committee and public that the next Committee meeting is scheduled for March 9 at 3 PM in the Piemonte Room on the Fifth Floor of City Hall. He added that the BRA is initiating the process to renew and amend the South Boston Waterfront Municipal Harbor Plan. The first MHPAC meeting will be on February 3 at 6 PM at District Hall in South Boston.

Meeting adjourned at 3:50 PM.