



**South Boston Waterfront District Municipal Harbor Planning
Advisory Committee Meeting No. 6**
Wednesday, May 4, 2016
Piemonte Room, 5th Floor, City Hall, Boston, MA

Attendees

Advisory Committee (“Committee”): Bruce Berman, Austin Blackmon, Buddy Christopher, State Representative Nick Collins, Marianne Connolly, Michael Creasey, City Councilor Bill Linehan, Sara McCammond, Julie Wormser

City of Boston (“City”): Richard McGuinness, Boston Redevelopment Authority (BRA); Chris Busch, BRA; Erik Hokenson, BRA; Christopher Cook, Parks & Recreation Department; Maura Zlody, Environment Department

Government Representatives: Lisa Engler, Office of Coastal Zone Management (CZM); Sean Pierce, Office of State Senator Linda Dorcea Forry

Proponent Representatives: Chuck Anastas, Durand & Anastas; Victor Baltera, Sullivan & Worcester; Jon Cronin, Cronin Holdings; Rob Halter, Elkus Manfredi Architects; Michael Kineavy, Cronin Holdings; Rebecca Leclerc, Elkus Manfredi Architects; John Pulgini, Cronin Holdings; Tom Skinner, Durand & Anastas

Members of the Public: Patrick Dolan, Edward Downs, Mary Fiske, Mike Foley, Steve Hollinger, Kathy Lafferty, John McGahan, Dante Ramos, Andy Ward, Mark Winkeller

Meeting Summary

Mr. Chris Busch, BRA, opened the meeting at 6:05 PM by introducing BRA staff and representatives from the 150 Seaport Boulevard development team, Cronin Holdings, in attendance. He invited members of the press to identify themselves, which Mr. Dante Ramos of the Boston Globe did, and stated that the purpose of the meeting was to continue the review of the draft South Boston Waterfront Municipal Harbor Plan (“MHP”) Renewal & Amendment begun by the Committee at [last week’s Advisory Committee meeting](#).

Before opening the conversation, Mr. Busch informed the Committee that the Department of Environmental Protection (“DEP”) had indicated that the existing Chapter 91 licenses and written determinations for the project site are valid and do not preclude the submission of the MHP amendment to the State by the City and that any ambiguities or contradictions within the licenses and written determinations would be resolved during the state’s consultation period and in the licensing of the proposed development. In addition, he drew the Committee’s attention to a revision of the substitute provision for allowable lot coverage, which was increased to 70% from 65% in order to allow for flexibility should the State determine that the project site needs to be reduced. Finally, Mr. Busch stated that he had provided to the Committee an updated section regarding the prioritization of offsets via email. He explained

that \$1.5 million in offset funding has been proposed and, based upon Committee feedback, is being directed to open space improvements within the planning area, with Martin's Park at Children's Wharf being a priority project. He added that the City is recommending that fees exacted by the State for an extended license term, which are typically used for water transportation, waterfront infrastructure and activation, be used for the expansion of and improvements to the Seaport Boulevard sidewalk and Harborwalk between 150 Seaport Boulevard and Commonwealth Pier to the east. Such investments would be proximal to the project site and also improve the function of the existing ticketing and ferry facility at Commonwealth Pier. Mr. Busch also noted that other potential offsets include funding for the fit-out of the Fort Point Arts Community (FPAC) space at the Envoy Hotel. The provision of the raw space was a condition of the Hotel's Chapter 91 license, but FPAC has been unable to finance the space's interior fit-out.

Mr. Busch, having been previously approached by a number of attendees with commitments elsewhere, invited them to speak. City Councilor Bill Linehan, MHPAC Member, began by thanking the Committee for their service and requested their support for the proposed project. He praised Mr. Jon Cronin's charitable contributions and efforts; his development performance; and the provision of much-needed affordable housing for seniors in the neighborhood. He concluded that in many instances South Boston residents have not benefited from developments within the neighborhood, but that developments by Cronin Holdings are often an exception.

Parks and Recreation Department Commissioner Chris Cook thanked the Committee for the opportunity to speak. He summarized the almost year-long process undertaken by the Parks & Recreation Department and the Martin Foundation that engaged both the Boston Children's Museum and the Fort Point community that resulted in Martin's Park at Children's Wharf. Due to costs driven by existing site constraints and the universally-accessible design of the Park, the Parks & Recreation Department has sought private and non-profit partners to assist in its funding. Commissioner Cook stated that the neighborhood needs a playground and in closing, invited the Committee and public to provide comments on the Park's design [online](#).

Mr. Michael Creasey, MHPAC Member, inquired if Martin's Park at Children's Wharf is comparable to Mayor Thomas M. Menino Park in Charlestown. Commissioner Cook responded that its universally-accessible play equipment is similar, but, whereas Menino Park is additionally designed for rehabilitation, Martin's Park will feature landscape features and aesthetics comparable to the Maggie Daley Park in Chicago. Mr. Creasey inquired about the cost of the project. Commissioner Cook replied that it could be as much as \$7 million, pending the final design. Ms. Julie Wormser, MHPAC Member, asked how much of that figure had been raised. Commissioner Cook answered that the City will soon be announcing a \$3 million gift, but is seeking additional sources to fund the balance. Mr. Bruce Berman, MHPAC Member, remarked that Martin's Park exemplifies the combination of capital investment and active programming often sought by past MHP advisory committees. Commissioner Cook additionally

informed the Committee that the Park will be legally protected as open space under Article 97. He added that the Parks & Recreation Department is working with the Children's Museum and the Fort Point community to develop programming for the Park. Mr. Berman asked how donations could be made. Commissioner Cook stated that both the [Fund for Parks & Recreation](#) and the [Martin Richard Foundation](#) are accepting donations. Ms. Sara McCammond, MHPAC Member, sought a clarification on the project cost and the portion of the City's budget allocated to it, as indicated [online](#). Commission Cook clarified that the City has allocated \$1.5 million towards the total \$7 million project budget, but that the Open Budget web application shows the project budget, not the capital allocation.

Andreas, an employee at a restaurant owned by the Cronin Group, spoke favorably of his experiences working for the Cronin Group through a translator. He highlighted an empowering work environment and support to achieve professional and personal goals as examples. His translator seconded Andreas's comments and thanked the Committee for the opportunity to speak.

Mr. Busch solicited questions and comments from the Committee regarding the information provided by DEP and the offsets. Ms. Marianne Connolly, MHPAC Member, inquired how much the fees exacted by the State would be. Mr. Busch answered that extended license term fees have been guided by a draft policy document from 2002 and could amount to up to \$500,000. However, that amount isn't finalized until licensing, which makes the prioritization in the planning process important. Mr. McGuinness added that while these fees typically go to DEP's general fund or other priority funds, MHPs can specify other planning area priorities to receive them.

Mr. Berman recognized members of the audience who spoke publicly through the 150 Seaport Boulevard Article 80 Development Review process regarding the inclusionary development component of the proposal and expressed his interest in hearing from them at some point during the meeting. Regarding the offsets, Mr. Berman articulated his support for subsidies for water transportation, as well as his excitement for Martin's Park. He concluded that an open and expansive Harborwalk seaward of any structures is the ultimate priority for the site.

Mr. Creasey inquired how the \$1.5 million exaction was determined. Mr. McGuinness explained that it is not based upon a formula, e.g. dollar per square foot of shadow. Rather, the amount was developed in discussions with the Parks & Recreation Department regarding the cost of Martin's Park and negotiated with Cronin Holdings. Mr. Busch referenced [a study conducted by RKG Associates, Inc.](#) for the Downtown Waterfront MHP to determine a historic "rule of thumb" for mitigation that ultimately concluded the uniqueness of each project makes it impossible to establish a consistent metric or formula for offsets.

Mr. Buddy Christopher, MHPAC Member, reckoned that the offsets are appropriate for the project of this magnitude. He commended the proponent for the unique design of the building

and articulated his appreciation for Boston's unique positive and negative spaces exemplified by narrower spaces between buildings. In conclusion, he conveyed support for providing funding for Martin's Park rather than the Northern Avenue Bridge gateway, especially given the uncertainty of its future design. Mr. Busch asked Mr. McGuinness if the Public Works Department had provided any updates regarding the Northern Avenue Bridge. Mr. McGuinness replied that the deadline for the [Ideas Competition](#) was the previous Friday (April 29). Mr. Austin Blackmon, MHPAC Member, added that there would be further public engagement to guide the bridge's replacement, including what of it, if any, is preserved.

Mr. Berman asked for an explanation of the other public benefits realized through the Article 80 Process, such as affordable housing. Ms. Kathy Lafferty, Executive Director of the South Boston Neighborhood House (SBNH), explained that the South Boston Neighborhood Development Corporation (SBND) is planning to build new affordable senior housing at the Mary Ellen McCormack housing complex, the residents of which will have access to SBNH's services. Mr. Berman noted that the creation of senior housing would allow smaller households to downsize and thus make much-needed affordable family housing available for their target demographic. Mr. Mark Winkeller, Deputy Director of Caritas Communities, and Mr. Mike Foley, SBND Director, both reiterated that the innovative affordable housing proposed by the proponent would help to address a deep community need.

Mr. Steve Hollinger, Fort Point resident, argued that, while he is supportive of the affordable housing, the MHP process is not concerned with housing, but rather with the public's access to and enjoyment of the waterfront. He criticized the building's front on Seaport Boulevard, the lack of civic/cultural space, and the absence of civic/cultural experts in the MHP process. Regarding his [comment letter dated April 1](#), he expressed concern with the letter not being shared earlier with the Committee and reiterated his request for 2,500 SF for civic/cultural space to be occupied via a public request for proposals (RFP) process similar to Pier 4 (Society of Arts & Crafts). He opined that the Pier 4 civic/cultural RFP process was a step forward for the BRA, however, the 150 Seaport Boulevard proposal would be the first planned development area (PDA) on Chapter 91 tidelands in South Boston not to have any civic/cultural space. He concluded with a comparison of the 150 Seaport Boulevard proposal with the mitigation of the Atlantic (Russia) Wharf redevelopment.

Ms. McCammond, referenced a repetition of public benefits listed in the draft MHP amendment and the [Project Notification Form \(PNF\)](#), and shared her concerns over the simultaneous processes through which the project is currently progressing. Mr. Busch explained that different regulatory processes have different requirements, including public benefits, but that they are not necessarily counted as double. Mr. McGuinness stated that the public benefits related to the MHP process under consideration by the Committee are those listed in the relevant section of the draft MHP. Ms. McCammond questioned why civic space was listed as a public benefit in the PNF, but is not included in the draft MHP amendment. Mr. Michael Kineavy, Cronin Holdings, answered that he would need to see the specific references

in the PNF. Mr. McGuinness asserted that references to civic space in the PNF would not be to mitigate the Chapter 91 substitute provisions.

Mr. Creasey was unsure how Martin's Park became the priority for mitigation given that the Committee had just been provided the amount of mitigation and wondered what was being asked of the Committee. Mr. McGuinness explained that Chapter 91 is treated as zoning by the city (and in much of the state) for non-water-dependent uses. The dimensional standards are uniform throughout the state, but can be modified through MHPs to further local planning priorities and match urban context. Any substitute provisions, whose impacts on the pedestrian environment are approximated through shadow and lot coverage, must be offset. Given the constraints on the 150 Seaport Boulevard site, offsite mitigation within the planning area was brought into consideration. Funding for Parcel E was never linked to a development because it was assumed that private and non-profit funds were sufficient, which was not the case. As the only city-owned park in the area, it was suggested to the Committee for their consideration and seems to have received unanimous support. Mr. Creasey responded that a lot of information about Martin's Park had been provided, but not a lot of information on the other mitigation possibilities. Mr. Busch replied that the other items, such as funding for the Water Commons, were discussed at previous meetings.

Ms. Wormser reiterated Ms. McCammond's request for a table linking impacts and mitigation. She conveyed her support for Cronin Holdings, but expressed concerns regarding the precedence this project sets, namely the expansion of the deck over the watershed and offsite mitigation. She suggested a middle ground between a Chapter 91-compliant development and the proposed project. She advised that absent any changes to the proposal in response to her concerns, she would rather not have her name associated with the process. Regarding precedence, Mr. Busch responded that any proposal not compliant with Chapter 91 is subject to an MHP and, therefore, a public process. Ms. Wormser stated that she is concerned about four things: 1) completing the Harborwalk; 2) climate preparedness; 3) Chapter 91 compliance; and 4) setting negative precedent. In her opinion, the first two of these were satisfactorily met, while the latter two were not. She voiced her disquiet regarding the lack of changes to the proposal since its inception despite her expressed concerns.

Mr. Ed Downs, South Boston resident, said that he frequents the Harborwalk in the Seaport with his grandchildren and his 50-year-old special-needs brother. He lamented the existing conditions of the site, specifically the lack of the Harborwalk, and claimed that an expansive Harborwalk on the site would be welcoming to people of all walks of life. He added that he lives near a number of Mr. Cronin's redevelopments, which have always been well-done and well-maintained. In response, Ms. Wormser contended that the proposed development should not be a case of either the existing structure without the Harborwalk or the proposed development with the Harborwalk, but rather a case of both a more modest scale of development and the Harborwalk. Mr. Christopher rebutted that sites such as 150 Seaport Boulevard often constrains the possibilities and added that the proposed building would be a

public benefit itself. Ms. Connolly concurred that the site is too small for on-site benefits and is partial to supporting Martin's Park. She asked how the Committee is to determine if the magnitude of the offsets is appropriate for the proposed development. Mr. McGuinness offered the water transportation subsidies associated with other waterfront development projects as an example. The State typically exacts \$2.00 per SF for similarly extended license terms, but that approximately \$5 million of water transportation subsidies remain unexpended because there isn't an operator for the service. He continued onto Northern Avenue Bridge gateway improvements, which would enhance the pedestrian scale of the street, but would be impacted by the ultimate design and users of the bridge. Mr. Berman restated Mr. Blackmon's earlier comment that \$1.5 million was "a drop in the bucket" of total costs for the bridge, while it is a significant amount compared to the \$7 million total cost of Martin's Park. Mr. Blackmon explained that his evaluation of the offsets is based on four criteria: on- or offsite, between which he prefers offsite; one-time contributions or subsidies, between which he prefers one-time contributions; magnitude of impact, i.e. Martin's Park versus Northern Avenue Bridge; and ease of implementation. Based upon these, he concluded that Martin's Park was the clear choice.

Ms. McCammond asked if the MHP can dictate how funds are specifically expended, such as capital costs versus programming costs. Mr. Busch answered that all funds must enhance the public's access to and enjoyment of the waterfront, so they couldn't be used for a building's backup generator, for example. Ms. McCammond clarified that she was asking specifically about programming for Northern Avenue Bridge. Mr. Busch suggested that if the Committee wanted to designate funds for that, the MHP would need to be generally worded given the absence of a final plan for the bridge. He reminded the Committee that past MHPs have been too specific and no longer applicable by the time specific projects are licensed. Ms. McCammond requested a clarification on the total mitigation amount. Mr. McGuinness replied that it would be about \$2 million; \$1.5 million for mitigation and \$500,000 for licensing fees.

Mr. Berman explained that he evaluates proposals with a series of questions. First, is the proposal better than existing conditions? Next, is the proposed project better than a Chapter 91-compliant building? Furthermore, does the proposal afford the public improved access to the waterfront? Finally, are the offsets commensurate to the impacts? Based upon the answers to the first three questions, he supports the proposal, assuming the offsets are commensurate. He posited that funding for the Northern Avenue Bridge gateway would be ill-advised given the uncertainty surrounding the bridge and that one-time contributions can be risky as the money doesn't last for the license term. However, absent other funding sources, he voiced support for Martin's Park.

Mr. John McGahan, President/CEO of the Gavin Foundation, explained that that his organization would benefit from the secondary effects of the affordable housing created by the proposal because his staff and people in the Gavin Foundation's programs would have an

opportunity to remain in the community. He concluded with a declaration of support for the project.

Mr. Andy Ward, Director of the South Boston Collaborative Center, seconded Mr. McGahan's comments, stressing that affordable housing in South Boston is much needed. He summarized Mr. Cronin's long-running support for community causes, including his organization. Mr. Berman observed that many of the public's comments refuted speculation at a previous meeting that Mr. Cronin would permit the project and sell prior to completion at a significant profit, but appreciates the Committee's and public's scrutiny of the proposal.

Ms. McCammond asked if the shadow impacts of the Harborwalk had been analyzed and factored into mitigation. Mr. McGuinness responded that shadow impacts from water-dependent uses do not require mitigation.

In response to Mr. Berman's observation, Mr. Hollinger stated that his comment was not meant to impugn Mr. Cronin's intentions, but rather to rebut concerns over the economic viability of the project that had been invoked at a previous meeting. He reminded BRA staff to clearly delineate the Harborwalk that is reserved for the restaurant's use. Mr. Creasey asked how wide the Harborwalk not used for the restaurant would be. Mr. Busch clarified that the minimum is twelve-feet-clear. Mr. Creasey countered that if the Harborwalk is being expanded, it should be expanded beyond the twelve feet. Mr. McGuinness said that it can be specified through the MHP amendment.

Ms. Wormser submitted Liberty Wharf as a project whose scale and design would better fit the project site as opposed to the current proposal. She would regret the State rejecting the MHP amendment without a smaller, alternative proposal. Mr. McGuinness replied that the BRA has consulted with the State and has received no indications that the scale of the proposed project is unacceptable.

Mr. Tom Skinner, Durand & Anastas, clarified that the deck beyond the twelve-foot Harborwalk is the water-dependent-use zone (WDUZ), which means that any temporary use of it, including outdoor seating for a restaurant, requires a permit from DEP granted through a public process. In response to Ms. McCammond's question about civic/cultural space within the building in the PNF, Mr. Skinner admitted he was only able to find references to civic/cultural space in the planning area, not the project site, except in regards to the Harborwalk, which is labeled as exterior civic space because it has been a priority in the public realm for such a long time. Finally, he informed Ms. Wormser that Liberty Wharf extended over the watersheet approximately 30 feet, but opined that it was irrelevant because both Liberty Wharf and 150 Seaport Boulevard use previously licensed boundaries. Additionally, Liberty Wharf required an easement from the City of Boston, similar to 150 Seaport Boulevard. Ms. Wormser inquired if there is a Chapter 91 license for Liberty Wharf. Mr. McGuinness affirmed this, but that it is within the area governed by the Massport Memorandum of Understanding with DEP, not the

MHP. He also reminded the Committee that 150 Seaport Boulevard still requires approvals from the Conservation Commission and the Army Corps of Engineers, among other regulatory bodies.

State Representative Nick Collins, MHPAC Member, stated his support for the project, especially given the long-awaited Harborwalk connection. He sympathized with Mr. Hollinger's point regarding civic/cultural spaces, but reasoned that it was more beneficial to sustain existing spaces instead of creating more, a point he also applied to parks.

Mr. Busch shared comments from Mr. Greg Vasil, MHPAC Member, sent via email. In absentia, Mr. Vasil conveyed his support for the proposal and appreciation for service of the Committee.

Mr. Sean Pierce, Office of State Senator Linda Dorcena Forry, relayed Sen. Forry's support for the project and echoed Rep. Collins' comments. Furthermore, as Senate Chair of Housing, Sen. Forry approves of the project's innovative approach to affordable housing.

Mr. Hollinger wondered why affordable housing is considered a public benefit under the MHP when it would normally be required regardless of Chapter 91 jurisdiction because of the City's [Inclusionary Development Policy \(IDP\)](#). Mr. McGuinness countered that a Committee member had requested additional information on the affordable housing because the MHP and Article 80 processes were occurring simultaneously. Mr. Busch added that in a public forum the public is afforded the opportunity to speak; several members of the public had spoken about affordable housing. Mr. McGuinness reminded Mr. Hollinger that MHPs allow communities to further local planning priorities, including affordable housing, which is specifically mentioned in the MHP.

Ms. Connolly inquired about next steps. Mr. Busch outlined the schedule: the draft MHP would be available online on Monday, May 9 with a comment period ending Friday, June 3. Ms. Wormser requested a 30-day comment period. Mr. Busch responded that this is not the formal comment period, which follows the submission of an MHP to the State and lasts up to 60 days. Friday, June 3 allows for four full business weeks for the public to comment, while allowing the draft MHP to be submitted to the BRA Board of Directors for their approval in June.

Ms. McCammond asked if all of the potential offsets would be included in the draft MHP and subject to public comment, which Mr. Busch confirmed. She also suggested that the Committee didn't reach a consensus on offsets. Mr. Busch requested feedback from the Committee if this were the case.

With no further questions or comments, Mr. Busch thanked the Committee for their service.

Meeting adjourned at 7:50 PM.