

Boston Redevelopment Authority

Boston's Planning & Economic
Development Office

Thomas M. Menino, *Mayor*
Clarence J. Jones, *Chairman*
John F. Palmieri, *Director*

One City Hall Square
Boston, MA 02201-1007
Tel 617-722-4300
Fax 617-248-1937

November 19, 2009

John B. Hynes III, President & CEO
Gale International
One Post Office Square
Suite 3150
Boston, MA 02109

Dear Mr. Hynes:

Re: **Seaport Square, Boston, Massachusetts**
Project Notification Form and Environmental Notification Form Phase I
Waiver Request for the Proposed Seaport Square in South Boston
Project Consisting of Twenty-Three (23) Acres of New Development on
the South Boston Waterfront – Revised Scoping Determination

Please find enclosed the Revised Scoping Determination for the Seaport Square project with corrections made to comments on Urban Design. The proposal consists of twenty-three (23) acres of new development on the South Boston Waterfront which include 6.5 million square feet of new development, six (6) acres of open space and below grade parking for sixty-five hundred (6500) vehicles. The Scoping Determination describes information required by the Boston Redevelopment Authority in response to the Project Notification Form and Environmental Notification Form, which was submitted under Article 80 of the Boston Zoning Code on June 2, 2008 and noticed in the *Boston Herald* on the same day. Additional information may be required during the course of review of the proposal.

If you have any questions regarding the Scoping Determination or the review process, please contact me at (617) 918.4317

Sincerely,



Jay Rourke
Senior Project Manager

Cc. James M. Tierney
Brenda McKenzie
Heather Campisano

**BOSTON REDEVELOPMENT AUTHORITY
SCOPING DETERMINATION**

FOR

**SEAPORT SQUARE, SOUTH BOSTON, PROJECT NOTIFICATION FORM,
ENVIRONMENTAL NOTIFICATION FORM, PHASE I WAIVER REQUEST**

PREAMBLE

Gale International, Morgan Stanley, W/S Development Associates, LLC, collectively MS Boston Seaport, LLC (the "Developer", "Proponent" or "Development Team") submitted to The Boston Redevelopment Authority ("BRA") a Project Notification Form / Environmental Notification Form / Phase I Waiver Request (collectively, the "PNF") under Article 80 of the Boston Zoning Code (the "Code") on June 2, 2008 and noticed in the *Boston Herald* on the same day, to construct twenty (20) new city blocks with approximately six (6) acres of open space, nineteen (19) buildings which will contain approximately 2.75 million square feet of residential use (approximately 2500 housing units), 1.4 million square feet of office and research space, 1.25 million square feet of retail space, 600,000 square feet of educational, civic and cultural uses, 500,000 square feet of hotel space (approximately 700 keys) as well as below-grade parking for approximately 6,500 vehicles (the "Proposed Project" or "Seaport Square"). These uses will be organized around two (2) major open spaces, Seaport Square and Seaport Hill, while Seaport Boulevard itself will become and extensively landscaped urban space. All buildings with the exception of the proposed chapel and educational institutions will have ground-floor retail and restaurant uses to provide a safe, inviting, and animated pedestrian experience. Written comments constitute an integral part of the Scoping Determination and should be responded to in the Draft Project Impact Report (the "DPIR").

Specific concerns below are highlighted for additional emphasis and consideration:

- Careful planning and consideration must be the nucleus of the DPIR. When a project of this scale and size is proposed, sensitivity to the surrounding area is essential to the success of the planning and approval process. The Development Team has extended itself throughout this initial phase of review, meeting with local residents, abutters, and city agencies. These conversations need to continue ensuring that what is presented in the DPIR is

not only a benefit to Seaport Square but to local resident, abutting interests and the City of Boston as a whole.

- It is clear in reading through the comment letters that the Proposed Project has created excitement and also some concern. Many of the letters show a desire to see the Proposed Project implemented immediately while others request that more study be given to certain aspects or parcels slated for development. The BRA encourages the Development Team to work with those parties who have expressed concern so that any and all foreseen impacts can be resolved or mitigated when the DPIR is filed.
- A greater understanding of design and programming must be a part of the DPIR filing. How will the transition from the Boston Wharf District blend with the Proposed Project? When one crosses over the Evelyn Moakley Bridge what will you see? How does old meet new? How does the programming of the Proposed Project mesh with the existing neighborhood? What will it feel like standing on Seaport Hill or walking down Autumn Lane? How will view corridors to the sea, convention center and financial district be enhanced by the architecture of the Proposed Project? These are just a few of the questions to be answered and this thought process should be evident in the DPIR.
- The Proposed Project intends to provide approximately sixty-five hundred (6500) parking spaces. How will these be allocated? In today's world, less dependency on automobiles is not only better for the environment but also better for one's health in general. Alternative modes of transportation should be encouraged. Biking and walking are not only great forms of exercise but they also alleviate traffic while creating a healthier neighborhood and city. The Developer should work to encourage these modes of transit to new occupants and visitors to the site.
- "Where are the kids going to play?" This is a question that is asked whenever a residential proposal is presented. Understanding that this is an urban setting and should have an urban feel the uses stated in the PNF suggest the number of children associated with this site will be high. Add to that future retail customers and abutters and you have an area that requires response to the question in the first sentence. Please do so in the DPIR.
- A strong city is one that includes residents who have a balanced mix of income levels in its neighborhoods. The Mayor's Executive Order clearly outlines the parameters of development and how a proposal can provide affordable housing to those whose income levels might not allow them the opportunity. The Development Team should be applauded for its

commitment to not only achieve the goals of providing fifteen percent (15%) of the total units as affordable but also how it intends to provide another fifteen percent (15%) of the total units as "work-force housing". The BRA requests that the DPIR show a detailed plan of how the Development Team plans to implement the fifteen percent (15%) affordable units and a definition and implementation of the fifteen percent (15%) "work-force housing" units.

- Construction Impacts. If approvals are to be granted the Development Team should take a pro-active approach to how the Proposed Project will be constructed. As with any urban development there needs to be a balance of construction related inconveniences and the day to day living, working, commuting and sightseeing that encompass the site. A detailed approach to the construction management needs to be included in the DPIR.
- The Proponent needs to show how it intend to provide a high level of Leadership in Energy and Environmental Design ("LEED") standards. Integrating green building components into the planning and design of new projects improves energy efficiency and promotes responsible and sustainable building practices.
- Please pay special attention to the comment letters. They represent the active residents, business leaders and elected officials of the community in which you intend to develop.

SUBMISSION REQUIREMENTS

FOR

SEAPORT SQUARE, SOUTH BOSTON, PROPOSAL FOR TWENTY-THREE (23) ACRES OF NEW DEVELOPMENT ON THE SOUTH BOSTON WATERFONT - DRAFT PROJECT IMPACT REPORT

The Boston Redevelopment Authority ("BRA") is issuing this Scoping Determination ("Scope") pursuant to Section 80B-5 of the Boston Zoning Code (the "Code"), in response to a Project Notification Form / Environmental Notification Form / Phase I Waiver Request (collectively, the "PNF") which Gale International, Morgan Stanley, W/S Development Associates, LLC, collectively MS Boston Seaport, LLC (the "Developer", "Proponent" or "Development Team") submitted on June 2, 2008 to construct to construct twenty (20) new city

blocks with approximately six (6) acres of open space, nineteen (19) buildings which will contain approximately 2.75 million square feet of residential uses (approximately 2500 housing units), 1.4 million square feet of office and research space, 1.25 million square feet of retail space, 600,000 square feet of educational, civic and cultural uses, 500,000 square feet of hotel space (approximately 700 keys) as well as below-grade parking for approximately 6,500 vehicles (the "Proposed Project" or "Seaport Square"). Notice of the receipt by the BRA of the PNF was published in the *Boston Herald* on June 2, 2008 initiating the public comment period that ended on July 31, 2008. Pursuant to Section 80A-2 of the Code, the Notice and the PNF were sent to all public agencies of the City and other interested individuals and parties. Written comments in response to the Notice and the PNF that were received by the BRA prior to the end of the public comment period are included in the Appendices of this Scope. The Scope requests information that the BRA requires for its review of the Proposed Project in connection with the following:

- (a) Certification of Compliance of the Proposed Project pursuant to Article 80, Section 80B-6 of the Code; and
- (b) Preliminary Adequacy Determination pursuant to Article 80, Section 80B-5.4(c) of the Code; and

The BRA is reviewing the Proposed Project pursuant to Article 80, Section 80B, Large Project Review, which sets out comprehensive procedures for project review and requires the BRA to examine the urban design, transportation, environmental, and other impacts of proposed projects. The Developer is required to prepare and submit to the BRA a Draft Project Impact Report ("DPIR") that meets the requirements of the Scope by detailing the Proposed Project's expected impacts and proposing measures to mitigate, limit, or minimize such impacts. The DPIR shall contain the information necessary to meet the specifications of Section 80B-3 (Scope of Review; Content of Reports) and Section 80B-4 (Standards for Large Project Review Approval) as required by the Scope.

Subsequent to the end of the seventy-five (75) day public comment period for the DPIR, the BRA will issue a Preliminary Adequacy Determination ("PAD") that indicates the additional steps necessary for the Proponent to complete in order to satisfy the requirements of the Scope and all applicable sections of Article 80 of the Code. If the BRA finds that the PNF/DPIR adequately describe the Proposed Project's impacts and, if appropriate, proposes satisfactory measures to mitigate, limit or minimize such impacts, the PAD will announce such a determination and that the requirements for the filing and review of a Final Project Impact Report are waived pursuant to Section 80B-5.4(c)(iv) of the Code. Before

reaching said findings, the BRA shall hold a public hearing pursuant to Article 80 of the Code. Section 80B-6 requires the Director of the BRA to issue a Certification of Compliance before the Commissioner of Inspectional Services can issue any building permit for the Proposed Project.

I. PROPOSED PROJECT DESCRIPTION

The proposed Seaport Square project is located on an approximately twenty-three (23) acre parcel of land that is generally bound by Northern Avenue the Old Northern Avenue Bridge and the Moakley Federal Courthouse to the north, Northern Avenue and the Fan Pier Development to the east, Summer Street and the Boston Convention and Exposition Center to the south and existing buildings associated with the Fort Point District to the west (the "Project Site").

The project is a mixed-use development over twenty (20) new city blocks with approximately six (6) acres of open space, nineteen (19) buildings which will contain approximately 2.75 million square feet of residential use (approximately 2500 housing units), 1.4 million square feet of office and research space, 1.25 million square feet of retail space, 600,000 square feet of educational, civic and cultural uses, 500,000 square feet of hotel space (approximately 700 keys) as well as below-grade parking for approximately 6,500 vehicles (the "Proposed Project" or "Seaport Square"). These uses will be organized around two (2) major open spaces, Seaport Square and Seaport Hill, while Seaport Boulevard itself will become and extensively landscaped urban apace. All buildings with the exception of the proposed chapel and educational institutions will have ground-floor retail and restaurant uses to provide a safe, inviting, and animated pedestrian experience.

II. DEVELOPMENT REVIEW REQUIREMENTS - ARTICLE 80

SUBMISSION REQUIREMENTS

In addition to full-size scale drawings, sixty-five (65) copies of a bound report and one (1) digital PDF copy containing all submission materials reduced to size 8-1/2" x 11", except where otherwise specified, are required. The report should be printed on both sides of the page. In addition, an adequate number of copies must be available for community review. A copy of this Scope should be included in the report submitted for review.

A. GENERAL INFORMATION

1. Applicant Information

a. Development Team

(1) Names

(a) Developer (including description of development entity and type of corporation)

(b) Attorney

(c) Project consultants and architect

(2) Business address and telephone number for each

(3) Designated contact for each

b. Legal Information

(1) Legal judgments or actions pending concerning the Proposed Project

(2) History of tax arrears on property owned in Boston by the Applicant

(3) Evidence of site control over the project area, including current ownership and purchase options of all parcels in the Proposed Project, all restrictive covenants and contractual restrictions affecting the proponent's right or ability to accomplish the Proposed Project, and the nature of the agreements for securing parcels not owned by the Applicant.

(4) Nature and extent of any and all public easements into, through, or surrounding the site.

2. Design Development Information (See **Appendix 5** for required design development and contract document submissions).

3. Project Area

a. An area map identifying the location of the Proposed Project

b. Description of metes and bounds of project area or certified survey of project area

4. Public Benefits

a. Anticipated employment levels including the following:

(1) Estimated number of construction jobs

(2) Estimated number of permanent jobs

The Proponent is expected to provide a workforce development plan and needs assessment for the Proposed

Project. The Proponent should describe the efforts it will undertake to ensure that an appropriate share of new jobs and construction jobs will be filled by Boston residents.

- b. Current activities and programs which benefit adjacent neighborhoods of Boston and the city at large, such as: child care programs, scholarships, internships, elderly services, education and job training programs, etc.
- c. Other public benefits, if any, to be provided.

5. Regulatory Controls and Permits

- a. Existing zoning requirements, zoning computation forms, and any anticipated requests for zoning relief should be explained.
- b. Anticipated permits required from other local, state, and federal entities with a proposed application schedule should be noted.
- c. A statement on the applicability of the Massachusetts Environmental Policy Act (MEPA) should be provided. If the Proposed Project is subject to MEPA, all required documentation should be provided to the BRA, including, but not limited to, copies of the Environmental Notification Form, decisions of the Secretary of Environmental Affairs, and the proposed schedule for coordination with BRA procedure.

6. Community Groups

- a. Names and addresses of project area owners, abutters, and any community or business groups which, in the opinion of the applicant, may be substantially interested in or affected by the Proposed Project.
- b. A list of meetings held and proposed with interested parties, including public agencies, abutters, and community and business groups.

B. PROJECT DESCRIPTION AND ALTERNATIVES

1. Project Description

The DPIR shall contain a full description of the Proposed Project and its components, including its size, physical characteristics, development schedule, costs, and proposed uses. This section of the DPIR also shall present analysis of the development context of the Proposed Project. Appropriate site and building plans to illustrate clearly the Proposed Project shall be required.

2. Project Alternatives

A description of alternatives to the Proposed Project that were considered shall be presented and the primary differences among the alternatives, particularly as they may affect environmental conditions, shall be discussed. In addition, any alternative development studies requested by the Boston Landmarks Commission should be discussed.

C. TRANSPORTATION COMPONENT

Please refer the comments and information requested by the Boston Transportation Department ("BTD") included in **Appendix 1**.

D. ENVIRONMENTAL PROTECTION COMPONENT

Please refer to the comments and information requested by the Boston Environment Department ("BED") included in **Appendix 1**. In addition, the Proponent is requested to provide information on the following:

- The Proponent should consider and document how it would use the Leadership in Energy and Environmental Design (LEED) standards. Integrating green building components into the planning and design of new projects improves energy efficiency and promotes responsible and sustainable building practices.

E. URBAN DESIGN COMPONENT

The Proposed Project consists of some 6.5 million SF and covers 27 acres of essentially empty land in the South Boston Waterfront District. The Seaport Square Project, while within the wide bounds of the Public Realm Plan for the area, connects and quite literally fills in the blocks between areas of the District that have had their own more specific planning: Fan Pier and the Courthouse, Pier 4, the World Trade Center and Commonwealth Flats, the Convention Center, the 100-Acre Plan PDA, and the now-official Fort Point Channel Landmark District. It is critical, therefore, that the Seaport Square Project and PDA complete with detail the planning for this interstitial zone that will spring into existence, possibly in the phased blink of an eye. The Seaport Square Project at its core is an urban renewal project. The key goals of such are to reinvent and renew the socio-economic and physical fabric of the City for its ultimate betterment...and to conform to the overall Plan for the District.

Gale International purchased the land in the South Boston Waterfront ('Seaport') District assembled by the McCourt company and has initiated, working in pre-Article 80 meetings required by the BRA, an Article 80 public process which seeks approval of up to 6.5 million SF of mixed-use development spread throughout the 27 acres (and about 17 parcels, depending on how they are counted). Only Parcel A, proposed as part of the first phase, is fully and directly subject to Chapter 91. A PNF was submitted June 2, 2008 and the Proponent is maintaining a website with meeting and Project information.

Similarly to the Fan Pier Project, the BRA will require that the Seaport Square Project Proponent apply for a Master Plan PDA designation, and Seaport Square will face many of the same immense infrastructure issues and questions as did Fan Pier - as well as the difficulties inherent in doing so. Gale International, per the PNF, nevertheless intends to start Phase 1 (less than 200,000 SF) in 2009, and may start Phase 2 as early as 2010, with continuous build-out until completion in 2015. Gale is basing this strategy on the success of Songdo City in Korea, and preliminary marketing is reported to have indicated some interest in building out a *full context* that a major tenant can be part of. Although possible, we feel it prudent nevertheless to proceed with a PDA Master Plan, which can accommodate either short or long time spans and variable phasings.

The Project as envisioned comprises a mixed-use project totaling approximately 6.5 million square feet of space, including about 1.5 MSF Office space, 2.65 MSF Residential (~2500 units), 500,000 SF Hotel (~700 keys), 650,000 SF cultural/education, and 1.25 MSF Retail/restaurant. The use distribution and square footage may change somewhat as the Project is realized, but the initial

Phase proposed, consisting primarily of the smaller parcels fronting on Sleeper Street and Seaport Boulevard, includes retail and residential. Parking for the Project will primarily be placed underground, in large interconnected garages, with surface parking along newly created streets. The Proposed Project will ultimately define the heart of the South Boston Waterfront District, joining the Fan Pier with the Boston Wharf Company buildings and Downtown, the World Trade Center and Commonwealth Flats, and the BCEC. KPF and a host of other consultants are working on the Master Plan and its aspects, including local firms ADD Inc. and Reed Hildebrand on the overall Plan. A large park is planned to augment the open space of Fan Pier's Public Green; a new street will lead from elevated Summer Street down through a new residential neighborhood, spanning Congress Street in so doing.

DAYLIGHT COMPONENT

A daylight analysis for both build and no-build conditions shall be conducted by measuring the percentage of skydome that is obstructed by the Proposed Project building(s) and evaluating the net change in obstruction. If alternative massing studies are requested or result as part of the Article 80 development review process, daylight analysis of such alternatives shall also be conducted for comparison. The study should treat three elements as controls for data comparisons: existing conditions, the 'as-of-right' (the applicable general area zoning), and context examples. The areas of interest include all new streets, and the Project facades along Summer and Congress streets, Seaport Boulevard, Old Northern Avenue, Boston Wharf Road, B Street, and East Service Road. Daylight analyses should be taken for each major building facade fronting these public ways. The midpoint of each public accessway or roadway should be taken as the study point. The BRADA program must be used for this analysis.

If a Proponent wishes to substitute a more contemporary computer program for the 1985 BRADA program, its equivalency must first be demonstrated to the satisfaction of BRA staff before it is utilized for inclusion in the DPIR, and it must be commonly available to Boston development team users.

URBAN DESIGN

The BCDC voted to review the Proposed Project on June 3, 2008 and saw a preliminary presentation. The Commissioners present were supportive of the Project; the Project was referred to Design Committee. On August 5, 2008, the BCDC voted to recommend approval of Parcel A alone; the larger Project remains in Design Committee status. When sufficient progress in preparation of a Preferred Alternative in the DPIR in response to the Scoping Document has

been made on the design pursuant to preliminary BCDC, IAG, and BRA staff comments, BCDC Design Committee meetings should be scheduled by contacting David Carlson, Executive Director of the BCDC. Minutes from the June 3, 2008 BCDC meeting are attached.

It should be noted that we will expect the evolution of design strategies, as well as the compilation of your planning studies and conceptual diagrams conceived as part of a logical procession arriving at an urban truth, or comprehensible vision, for this significant area of Boston's evolving new South Boston Waterfront District; this will allow more in-depth comment at the DPIR stage. We reserve the right to comment at that stage toward the submission of an FPIR. In general, we will ask for studies related to all requested alternatives, with certain modifications, as well as comparisons to both existing conditions and an 'as-of-right' alternative. In a PDA Master Plan, we are expecting flexibility in massing and details, yet with strong, expressed planning principles and urban design guidelines which will determine the direction of future implementation - equivalent to form-based zoning.

The following urban design objectives should be addressed in the DPIR submission for all variations on your proposed scenarios.

- 1) Identify all federal, state, and local regulations that apply to the Project both existing and as proposed.
- 2) The Project shall take into account as strict (absolute) height limits the FAA limits as defined by the FAA and Massport, since the bounds impact this Project site.
- 3) Include mitigations. Standard alternatives for study include no-build, and an 'as-of-right' build-out...in this case FAR 3, with a height of 155', although the case may be made for FAR of 4.25 and heights of 250' within the PDA Height Zone. It should be recognized that a portion of the Project lies within the Protection Area bounds of the Fort Point. We will expect that the Proposed Project as represented in the DPIR *will have taken into account any necessary mitigating factors*, for scenarios with densities and heights beyond those alternatives, discovered as a result of environmental and other studies by the Proponent.
- 4) Performance Standard concept. The Proposed Project should meet the 'performance standard' of *generally* having the same or a lesser degree of environmental impacts than either the full 'as-of-right' build-out or existing conditions, whichever are most impactful. I.E., criteria such as daylight,

shadows, and wind should be *at least* neutral or improved *on average*, recognizing that some elements or points may be worse, but proving that the whole is better as a Project. We will expect in fact that mitigations or positive urban benefits will result from this Project and in balance far outweigh *any* negative impact. Heights, tower locations and setbacks should be adjusted to minimize environmental and visual impacts on the park areas in the vicinity (including the Harbor) as well as park areas created by the Project itself. Another way of stating this is that the Project should set its open spaces to advantage in terms of strategic natural lighting and programming on a daily basis.

5) Sustainability. The DPIR design should bring a high degree of innovation and conceptually be able to achieve LEED ND Gold. This Project should set the bar very high for waterfront area projects in Boston, and incorporate bold energy, recycling, daylight/ quality of environment, green roofs and plantings, innovative connections to the water, and transportation initiatives. The nearby Artists for Humanity building is Boston's first LEED platinum-rated building; this site presents an opportunity to be bold as well.

6) Area Planning. DPIR submissions shall incorporate or consider the planning principles included in the South Boston Waterfront Public Realm Plan, the Commonwealth Flats Plan, and the Pier 4, Fan Pier and 100 Acre PDA plan areas, as well as the Fort Point Channel Landmark District. The planning studies and diagrams developed as part of the genesis of the Seaport Square Project should be brought into the DPIR document as a rationally ordered background planning exercise whose conclusions lead to the Proposed Project. Guidelines should be developed equivalent to form-based zoning to set the stage for the parameters in terms of building mass, treatment, uses, and open space strategies, such that they in turn may begin to form the basis of a PDA Master Plan with a presumed multi-phased, multi-designer strategy toward execution.

7) The highest building elements generally should be *set back* from the primary adjacent streets to the extent possible, particularly in areas of high pedestrian use or sensitivity. They should be *separated* from each other, within the constraints of the site's infrastructure and dimensions. They should be as *differentiated in height* as possible, to break up the perceived skyline. The nature of the current proposal deliberately tends to aggregate use-related massings, making the perceived mass larger (i.e. along Old Northern Avenue); this notion should be reconsidered. Where desirable to create an emphasis or entry, certain high elements could come straight down to the ground...but only if wind conditions permit such.

8) Enhance active ground floor program elements (local retail, hotels, cultural uses, galleries, restaurants) as a positive element of the Project, with

entries *possibly* on all sides. Invite entry into and through the sites and through the buildings, in both directions if possible. A hierarchy of such uses should be clarified and considered further than demonstrated in the PNF, with most uses augmenting strong pedestrian corridors, but some uses encouraging the use of new transportation connections (bicycle, boat, Silver Line) as well. We do not necessarily believe in the *even* spreading of retail uses *everywhere*; this has not been the experience of success in most areas. Build upon the intended and beginning transformation of adjacent areas (such as Fan Pier Boulevard) in this regard. Transparency and views into the uses must be maximized on each frontage. Incorporate bicycle stations into the Project...both public and private (*see also* BTB scoping likely regarding this).

9) Multiple upper story uses in different areas are accordingly encouraged to be retained in the Proposed Project going forward to enliven the streets with a diversity of activity throughout the day. Work to minimize the impacts of necessary service and parking functions on adjacent sensitive interfaces, particularly at strong public circulation nodes. Necessary service and access functions should *not* occur *directly* on the arterial streets.

10) Parking and Garage elements. The parking in general must be minimized. Submit information which justifies the scale and amount of parking proposed by analyzing both current levels of use and projected future levels with an expectation of expanded alternative modes of transit (also see the BTB scope). Parking here currently serves both the local and area workers, Fort Point residents and visitors to the area's attractions. The BRA asks that the infrastructure constraints (i.e. Silver Line, major conduits, etc.) be studied to clarify any limitations for the proposed phasing, given that a certain amount of the parking functions should continue unabated through all phases to serve the current and future demands of the area. The BRA expects that all service, parking, and transportation elements will be designed in harmony with the architectural treatments and integrated into the design. Above-grade garage floors should be avoided. MBTA entries should be incorporated into buildings or specially treated as airy pavilions; the easterly entries to the Courthouse station should be fully opened.

11) Public Space(s). The Proposed Project contains public park elements which both augment existing open spaces (Parcel E/Children's Park, Sleeper Street treatment/Harborwalk, Seaport Square/Public Green) and create new ones (Courthouse Square area, Seaport Hill). Such elements should continue in the DPIR design; they must be viable proposals in terms of both execution, maintenance, and programming elements. Such elements should enhance both perceived and actual qualities of year-round usability, light and airiness, plantings and greenery, and open invitation and sense of welcome to the public

as an essentially public space, and not act merely a forecourt for the building lobbies. The Courthouse Square space should be better defined...it is only hinted at in the PNF design. Connecting spaces must function as a public sidewalk 24 hours a day. More information on the public spaces and their function is requested in the DPIR; they should be demonstrated to be part of a system which connects to other parts of the neighborhood and the City. Higher public spaces – including the notion of a public observatory at some height – could be explored.

12) Street edges and new sidewalks created as a result of any version of the Proposed Project must conform to all applicable standards, including the use of wire-cut brick or other dimensionally stable concrete or stone pavers set and maintained to South Boston Waterfront and ADA standards, and be appropriately sized to bear pedestrian traffic peaks. Street trees and plantings should be included in site plans. Pedestrian paths in general should be reinforced, augmenting the multiple pathways around the site, and through the Project itself where possible.

13) The architectural expression of the tower elements should begin to be clarified. They should be sufficiently differentiated, and shaped as part of the skyline, but not read as a single 'complex'. They should respond to each other, and to any shaping view lines from nearby streets. Consider the view studies requested in the list of materials later to achieve a massing and orientation which begins to break the scale of the towers and podium elements down to that of the appropriate scale-giving datum elements in the immediate area. This effect will be most noticeable from the intermediate range of direct views, including views from nearby neighborhoods and from the Harbor.

14) The architectural expression of the podium elements in general should partake of the tower elements to connect the two vertically. Differentiation by programming elements (office, residence, hotel, etc.) lends itself to this effort, while possibly breaking up the podium wall. Again, it is anticipated that the Seaport Square Project will develop guidelines but also defined rough massing and use diagrams in these areas, for phased execution via the PDA.

15) Public Art. Special attention should be paid to public art, both indoor and outdoor. The Proposed Project presents an opportunity to connect multiple interior and exterior spaces in many different ways, and it would be helpful if the Proponent consulted with local artists during the design period to allow for an integrated aesthetic effect. The Mayor's Office of Arts, Tourism and Special Events might also be consulted.

16) Adhere to the spirit of the guidelines of the Fort Point Channel Landmark District.

17) The nature of Harbor Street must be considered along its length. The BRA has consistently advocated for the street network in the Seaport area, whether public or private, both as an extension of the local grid and as a key new connector from elevated Summer Street down to Seaport Boulevard. Reinforce the idea of adding rich urban complexity to connections, especially at Summer Street and Autumn Lane. Consider the nature of the bridge over Congress Street in the light of other such street bridges in the District – and celebrate the moment appropriately, rather than just building an overpass.

18) Pedestrian strategies. The Seaport Square plan as presented in the PNF is reasonably cohesive, with sectional studies to show the different walking environments, and this should be refined further in terms of hierarchy, shifts between open space and sidewalks and other alternative passages (i.e. through-building), and building strong connections to neighborhood and City walkways, paths and destinations. The pedestrian network should provide a sense of orientation and connection. This is also important from a vehicular point of view, but even more so for pedestrians traveling to and from (and within) the Seaport Square area. It is key that the Seaport Square project be subsumed seamlessly into the greater character of the larger District to which it is key. Pedestrian connection improvements should also be carefully considered in the light of phasing the overall Plan.

19) Connections to the neighborhood. Develop diagrams and concepts, translatable into reinforcing action, that are clearly intended to animate and connect the edges of the Seaport Square project with the surrounding institutions and neighborhoods, and to continue or enhance through-block pedestrian path connections such as the connection continuing into Stillings Street opposite Autumn Lane. Connections to MBTA services (Silver line, shuttles and ferries) should be clear, and space must be provided for bicycles.

20) A PDA Master Plan implies area-wide thinking, regardless of the size of the overall project which is triggering the application. This should extend to ideas of transportation as well as water recharging and management, energy and communication/data systems. The percentage of employees, residents and visitors who bicycle may be limited by the amount of bicycle racks and reasonable storage facilities provided; this idea should be expanded as a strategy, and possibly extended into ideas of bicycle rental if applicable.

21) Area networks. Develop diagrams and plans that show connections inside and outside of buildings. Develop a plan for the open space networks which might connect through blocks, along edges and along the major pathways,

and will play a significant role in defining the nature of the overall Seaport neighborhood. Show how open spaces, including the spaces which are active, hidden, or which may serve as *ad hoc* places of relaxation and refuge, may be defined further in the future, even if not currently a part of the intended PDA entitlement.

Among others, the refined Seaport Square Master Plan design included in the DPIR must satisfactorily address all the above parameters. An accurate sense of scale of the Proposed Project in its context must be achieved. Focus on key distanced views, as well as key intermediate/user viewpoints, to guide the design composition of the revised Proposed Project. Reinforce all pedestrian pathways; develop a plan which shows the potential building programs and how they support such activity within the future pedestrian/public access network. Active programming that will engage the public and ideally spill seasonally (at a minimum) into the public realm at the ground floor should remain (and should be maximized). Take note of the fundamental contextual strengths of the site, including its connections to Harborwalk and ferry and shuttle connections and the MBTA, Fort Point Channel, the Boston Wharf Company area, and the Convention Center, and incorporate that sense into the overall design approach...tempered by the proposed uses. To the maximum extent possible, provide publicly accessible interior or rooftop spaces.

We reserve the right to add additional concerns during the course of the process of combined BRA staff, IAG, and BCDC review which may affect the responses detailed in the DPIR. The following urban design materials for the Proposed Project's schematic design must be submitted for the DPIR. It is recognized that some of the below items may be too specific for a PDA Masterplan, but such will eventually be required as the overall Project moves forward.

1. Written description of program elements and space allocation (in square feet) for each element, as well as Project totals.

2. Neighborhood plan, elevations and sections at an appropriate scale (1"=100' or larger as determined by the BRA) showing relationships of the proposed project to the neighborhood context:
 - a. massing
 - b. building height
 - c. scaling elements
 - d. open space
 - e. major topographic features
 - f. pedestrian and vehicular circulation
 - g. land use
3. Color, or black and white 8"x10" photographs of the site and neighborhood.
4. Sketches and diagrams to clarify design issues and massing options.
5. Eye-level perspective (reproducible line or other approved drawings) showing the proposal (including main entries and public areas) in the context of the surrounding area. Views should display a particular emphasis on important viewing areas such as key intersections, pathways, or public parks/attractions. A few of these viewpoints have already been used in presentations to the public; others should include views along major streets and open spaces, possibly sequenced to give a sense of experiential space, views from nearby residential neighborhoods (South Boston, Fort Point, East Boston), from BCEC, from the Harbor, et al. Long-ranged (distanced) views of the proposed project must also be studied to assess the impact on the skyline or other view. At least one bird's-eye perspective should also be included. All perspectives should show (in separate comparative sketches) at least both the build and no-build conditions; any alternatives proposed should be compared as well. The BRA should approve the view locations before analysis is begun. View studies should be cognizant of light and shadow, massing and bulk.
6. Additional aerial or skyline views of the project, if and as requested.
7. Site sections at 1"=20' or larger (or other scale approved by the BRA) showing relationships to adjacent buildings and spaces.
8. Site plan(s) at an appropriate scale (1"=20' or larger, or as approved by the BRA) showing:
 - a. general relationships of proposed and existing adjacent buildings and open spaces
 - b. open spaces defined by buildings on adjacent parcels and across streets
 - c. general location of pedestrian ways, driveways, parking, service areas, streets, and major landscape features
 - d. pedestrian, handicapped, vehicular and service access and flow through the parcel and to adjacent areas
 - e. survey information, such as existing elevations, benchmarks, and utilities
 - f. phasing possibilities
 - g. construction limits
9. Massing model (ultimately in basswood) at 1":40'0" for use in the Authority's Downtown Model
10. Study model at 1" = 16' or 1" = 20' showing preliminary concepts of setbacks, cornice lines, fenestration, facade composition, etc.

11. Drawings at an appropriate scale (e.g., 1":16'0", or as determined by BRA) describing architectural massing, facade design and proposed materials including:
 - a. building and site improvement plans
 - b. neighborhood elevations, sections, and/or plans showing the development in the context of the surrounding area
 - c. sections showing organization of functions and spaces, and relationships to adjacent spaces and structures
 - d. preliminary building plans showing ground floor and typical upper floor(s).
 - e. phasing, if any, of the Proposed Project
12. A written and/or graphic description of the building materials and its texture, color, and general fenestration patterns is required for the proposed development.
13. Electronic files describing the site and Proposed Project at Representation Levels one and two ("Streetscape" and "Massing") as described in the document *Boston "Smart Model": CAD & 3D Model Standard Guidelines*.
14. Full responses, which may be in the formats listed above, to any urban design-related issues raised in preliminary reviews or specifically included in the BRA scoping determination, preliminary adequacy determination, or other document requesting additional information leading up to BRA Board action, inclusive of material required for Boston Civic Design Commission review.
15. Proposed schedule for submission of all design or development-related materials.
16. Diagrammatic sections through the neighborhood (to the extent not covered in item #2 above) cutting north-south and east-west at the scale and distance indicated above.
17. True-scale three-dimensional graphic representations of the area indicated above either as aerial perspective or isometric views showing all buildings, streets, parks, and natural features.

SHADOW AND WIND COMMENTS

In addition to the comments and scoping by others, the Proponent is directed to consider the use of color as an alternative to dark tonality to indicate new shadows; these should be clearly shown to their full plan extent, whether on street, park, or rooftop. The Proponent is additionally requested to provide continuous dawn-to-dusk digital shadow animations. Do NOT duplicate studies for months in which the information is identical (i.e., a single animation for November/January, or May/July).

Regarding wind, all wind tunnel test points shall be approved by BRA staff before conduction of testing. Wind analysis may be requested at points within several blocks of the properties in question; where contiguous to open space, analysis may extend to likely bounds of no impact. Analysis of results and effective mitigation may need to be presented in the DPIR using diagram methodology so that the delta or changes

manifested by the project relative to existing or as-of-right conditions...again, whichever provides the higher base impacts...are clearly understood.

INFRASTRUCTURE SYSTEMS COMPONENT

An infrastructure impact analysis must be performed.

The discussion of Proposed Project impacts on infrastructure systems should be organized system-by-system as suggested below. The applicant's submission must include an evaluation of the Proposed Project's impact on the capacity and adequacy of existing water, sewerage, energy (including gas and steam), and electrical communications (including telephone, fire alarm, computer, cable, etc.) utility systems, and the need reasonably attributable to the Proposed Project for additional systems facilities. Clarify sewage tributary flows and constraints as well as possible energy choices. The location of transformer and other vaults required for electrical distribution or ventilation must be chosen to minimize disruption to pedestrian paths and public improvements both when operating normally and when being serviced, and must be described. Storm drain and sewage systems should be separated or separations provided for in the design of connections.

Any system upgrading or connection requiring a significant public or utility investment, creating a significant disruption in vehicular or pedestrian circulation, or affecting any public or neighborhood park or streetscape improvements, comprises an impact which must be mitigated. The DPIR must describe anticipated impacts in this regard, including specific mitigation measures, and must include nearby Proposed Project (i.e. Fan Pier, Russia Wharf, 316-322 Summer, 49-55-63 Melcher, Waterside Place, Pier 4, Congress Street Hotel, 100 Acre Plan, Jimmy's, et al.) build-out figures in the analysis. The standard scope for infrastructure analysis is given below:

1. Utility Systems and Water Quality

- a. Estimated water consumption and sewage generation from the Proposed Project and the basis for each estimate. Include separate calculations for air conditioning system make-up water
- b. Description of the capacity and adequacy of water and sewer systems and an evaluation of the impacts of the Proposed Project on those systems; sewer and storm drain systems should include a tributary flow analysis as part of this description
- c. Identification of measures to conserve resources, including any provisions for recycling or 'green' strategies, including green roofs
- d. Description of the Proposed Project's impacts on the water quality of Boston Harbor or other water bodies that could be affected by the Project, if applicable

- e. Description of mitigation measures to reduce or eliminate impacts on water quality
- f. Description of impact of on-site storm drainage on water quality
- g. Information on how the Proposed Project will conform to requirements of the Ground Water Trust under Article 32, if applicable, by providing additional recharge opportunities or by describing any special provisions in a landfill area with presumed tidal groundwater levels
- h. Detail methods of protection proposed for infrastructure conduits and other artifacts, including the Turnpike tunnels and structures, and BSWC sewer lines and water mains, during construction
- i. Detail the energy source of the interior space heating; how obtained, and, if applicable, plans for reuse of condensate.

Thorough consultation with the planners and engineers of the utilities will be required, and should be referenced in the Infrastructure Component section.

2. Energy Systems

- a. Description of energy requirements of the project and evaluation of project impacts on resources and supply
- b. Description of measures to conserve energy usage and consideration of the feasibility of including solar energy provisions or other on-site energy provisions, including wind, geothermal, and cogeneration.

Additional constraints or information required are described below. Any other system (emergency systems, gas, steam, optic fiber, cable, etc.) impacted by this development should also be described in brief.

The location of transformer and other vaults required for electrical distribution or ventilation must be chosen to minimize disruption to pedestrian paths and public improvements both when operating normally and when being serviced, and must be described. Storm drain and sewage systems should be separated or separations provided for in the design of connections.

This proposal calls for the radical transformation of a District. The Proponent should investigate energy source strategies that take advantage of this scale of construction, including those that incorporate green roof strategies as well as solar orientation and materials/systems that maximize efficiencies, daylighting, wind, tidal, and geothermal systems, and cogeneration.

Excerpted from the minutes of the BCDC of June 3, 2008:

The next item was a presentation of the **Seaport Square Project** in the South Boston Waterfront District. John Hynes (JH) handed out postcards and introduced his team, including Jamie Von Klemperer (JVK) of Kohn Pedersen Fox, the lead for Songdo City, with 50 buildings under construction at a cost of six billion dollars - who led us to new ideas about how to approach the development of a site. This has the makings of a decent location, but it's not there yet; there are synergies created by the *volume* of our construction. We are going from 3600 to 6500 parking spaces, all below grade. All the loading is below grade. JH continues: Our intent is to do buildings up front: Phase 1, to build connections to the City, and then do the entirety of the rest. There is a school, an International School, pre-K through 12, and also a Pilot School. And a cultural center with an auditorium that doubles duty for the school, and works as a performing arts center other times. Morgan Stanley is our financial partner in Songdo, at One Lincoln - and here. JH noted other members of their design team.

AL: What is the concept for the entire area? JH: We view it as a neighborhood (points out all the elements). We see it with larger units, families, a workforce housing mix, and a mix of rentals and condos - 2500 total. DS: What is the role of the BCDC? Reviewing the overall Plan, Phase 1, more? JH: The Article 80 process overall, and individual buildings. DC: The BCDC review will parallel those approvals asked of the BRA. DS: Massing, setbacks, parcels, etc.? JH: We are hoping that what you see will BE the plan. DC: Tonight is intended as an introduction; we will go into more depth in Committee.

JVK presented the Plan. The conceptual framework is that there is an existing array of abutting plans and zones; our intent is to mesh with those as fabric. It's an amalgam of pieces; they all relate. (Goes through Powerpoint show, showing diagrams of connecting streets, open spaces, framing views, and more.) JVK: There is an FAA datum line, and lower datum lines have been set to retail and the context. Street improvements and the public realm include Seaport Boulevard, with already established guidelines. The connection from Summer Street creates a new District topography; we are being mindful of how this is experienced both internally and from the outside. (Points out grid-to-grid alignments.) In the residential area, we are looking at comparable residential squares, including those in the South End and Beacon Hill (Worcester and Louisberg squares). It's not Gramercy Park, but a more public experience. We will have an Arts program. It will be a District, not a neighborhood; it brings together a number of elements. Seaport Square itself will be the most public. The spaces in the buildings around it are also thought of as public; how we think about the space is helped by comparisons (shows). There are larger district connections, to the City, to the Waterfront District overall. All the buildings, as in Songdo, will be LEED certifiable. If all green areas are counted, they become considerable.

Gary Hildebrand (GH2): The (public) realm may outlast the buildings we are creating. And it's ALL 'made' land. We're building a slope, and everything has to allow for exposure, built to last. We are building in a palette that progresses, and are mindful of the infrastructure below. JVK: Bryant Park is a good example, a civic space surrounded by private uses - about the same size. It's passive much of the year, but there are also events. JVK then thanked the other team members (notes BK, Tamara, and Larry of ADD Inc.)....And the international, wider-flung members - the team fits the aspiration of the District that it's not only local, Boston, but also international in its interest. JH: The idea is to attract corporate users not here now, to a location that's unique - to reverse the trend seen, and not just to take from Cambridge or Route 128. We will be doing international marketing; as in Korea, with government support.

LW: Are the parcels lettered in order of construction? JH: No, first are A, H, and J, the smallest and easiest. They are an introduction to the district (points out on model, and notes the land swap with the Chapel property). The masses are not yet designed; they will not connect to the existing buildings. LW: I agree with Gary on the scope of the undertaking. I saw the ground plane plan; I want to know more about the sense of the District, being there. JH (pointing to the commercial blocks): It should feel like a financial district, was the thought.

AL: There was a lot said about the green space, which is appreciated. What is the strategy about the massing? I get it to here (the 'L' blocks). JVK: Thought was given to standard approaches, at one scale or another. But we considered instead a transition in scales, with different architects, not a superblock. JH: At one time, we thought of this as another South End, but changed that scheme, and we now have Libeskind and HO+K on two blocks. AL: What are the *rules* which govern the massing, is my question. JVK: We haven't written the guidelines, but have started. We acknowledge the sun, to allow sunlight into spaces. We hope the buildings support the overall diagram, and that there is *some* similarity in heights. AL: I am thinking SE Washington, with an Urban Renewal mix of low and high rises, which was pretty successful. But your intentions should be stated specifically. JH: That was the intent of the team and the BRA. But also marketing...about 90% of the units have 'good' views. AL: One of the things that's being suggested is a massing system, which is emerging, but has inconsistencies. JVK: Maybe that's where we go next. We acknowledge the concern. (JH brings out the Daniel Libeskind model, with three curved, sculptural forms.) JH: This is just to give you an idea. The composition starts to work differently.

DS: The street grid is a question (in the residential neighborhood). Also, how do the parks work together? (Notes Monument Square and Winthrop Training Ground.) MD: This is the biggest project we're likely ever to see. Really, it's not how there's a there there, but how this fits into a new 21st century City, what it does for Boston. Its energy, the moves made. JH: It's a huge thing; we are competing in the international arena. (He then goes through the comprehensive thinking.) There's a need, say, for 500K SF of

office space. But, where do the execs live? We'll give you 200 residential units as part of the deal. But, where do the kids go to school? We'll give 200 seats. Like that. Interconnections. Synergy. There is 32 million SF under construction in Korea; a model for our thinking, and happening elsewhere. AL: Consider decking over Congress Street at the school. Also, I question the adjacency of the parks, and next to a boulevard. Each is justified, but together? GH2: We have worked hard to get an asymmetrical boulevard, and the nature of Seaport Square is different than the Public Green (on Fan Pier). We have tilted the lawn to a skating rink, with a level traversal. JVK: And pavilions. AL: I was wondering if...it's defined on three sides, but larger than above, and wide open on one side. Then the Harbor....Is it a park? A park with a road? JVK: It needs definition and engagement. (JH shifts the building around on the model.) Two conversations began around the model, with AL and JVK talking about the residential neighborhood and JH talking with DS and MD about open space and programming.

DC suggested the time was appropriate, and with that, the Seaport Square Project was duly sent to Design Committee by the Commissioners.

[Note: Parcel A alone was recommended for approval on August 5, 2008, without otherwise modifying the above action. The BRA Board acted on Parcel A in November, 2008.]

F. PLANNING COMPONENT

The proposed Seaport Square project (Project) involves the construction of a vibrant, mixed use neighborhood on what is now 23 acres of surface parking lots on the South Boston Waterfront. The project is generally located between Northern Avenue, Seaport Boulevard, Congress Street and Summer Street, and includes a mix of residential, office and research, retail, hotel, educational, civic and cultural uses.

The Project lies within the Fort Point Waterfront Harborpark Zoning District (Article 42E), except for Parcel Q, which is located in the M4 District. The entire project lies within the South Boston Interim Planning Overlay District (Article 27P) and the Restricted Parking District. Portions of the project are located in the Groundwater Conservation Overlay District and the Fort Point Channel Landmark District Protection Area. Planned Development Areas (PDAs) are permitted in the Project area.

Planning Context

The Seaport Public Realm Plan (1999)

The Seaport Public Realm Plan provides a planning framework for the development of the South Boston Waterfront. The Seaport Square project fits into the planning

framework provided by the Seaport Public Realm Plan by meeting basic objectives outlined in the Plan.

- To connect the Seaport with Boston Harbor and to encourage people to experience the water as well as the land.

The construction of new streets and the activation of existing streets, such as Seaport Boulevard and Northern Avenue will provide active pedestrian experiences and connections from the neighborhood to the water. The open space and vehicular connection from Summer Street to Seaport Square Park and Fan Pier Green will provide a necessary visual and physical connection to the water's edge.

- To create a vibrant, mixed-use neighborhood in the Seaport, with substantial residential and civic uses that will attract people to the area even after the end of the workday.

The Project provides a mix of uses which includes more than 1/3 residential, greater than the 1/4 that the Public Realm Plan required. The Seaport Public Realm Plan is exemplarily in its introduction of civic and cultural destinations as future uses in projects. The Proponent should be commended for providing ample civic and cultural uses in the Project program. While the PNF suggests that much of this space will be located along Summer Street, we believe these uses should be strategically located to activate the gateways to the South Boston waterfront including Seaport Boulevard and Northern Avenue, and the Project's open space system particularly Seaport Square. Additionally, the proponent should assist the City with coordinating the existing cultural anchors of the neighborhood including the Boston Children's Museum, the Fort Point Arts community and the ICA, and the civic and cultural spaces proposed in the Fan Pier and Pier Four developments.

- To develop the Seaport within the economic context of the rest of Boston, adding to our City's commercial, office, hotel, retail, and tourist industries and enhancing our position as the economic engine of the region.

The Project provides a mix of uses including commercial, office, hotel and retail. Currently the mix includes only 8% hotel use. The proponent may want to consider increasing the amount of hotel space because of the project area's proximity to downtown Boston, nearby civic and cultural destinations and the BCEC.

The Project will provide additional units of affordable housing and provide both construction and permanent jobs in South Boston.

The Public Realm Plan directs appreciable density and height to areas around Silver Line stations and the area between Summer Street and Northern Avenue, making the Seaport Square project area appropriate for density.

The Public Realm Plan aims to design a compact, walkable environment with small-scaled streets, blocks, and neighborhood parks all with localized connections to the waterfront. The Plan provides a street grid for improved access to and around the waterfront area, which was adopted by the Project.

The Project has the opportunity to activate the three main East to West Streets recognized in the Public Realm Plan: Seaport Boulevard, Summer Street, and Congress Street. Likewise, the Project can potentially activate West Service Road, an important North to South connection to the waterfront. The Project's proposed grade change from Summer Street to the waterfront by providing a new street and a series of open spaces leading to the water is commendable. The proponent should provide more detail regarding pedestrian connections and the activation of the proposed street and open space.

South Boston Waterfront District Municipal Harbor Plan (2000)

The South Boston Waterfront District Municipal Harbor Plan (MHP) builds on the Seaport Public Realm Plan by providing additional guidance for the development of the South Boston Waterfront. In order to create a lively, urban waterfront, the MHP calls for a balanced mix of uses including at least 1/3 residential and no more than 1/3 office. These parameters help to ensure that there will be a critical mass of housing and a critical mass of neighborhood uses such as retail, civic/cultural, restaurants, and hotel.

The Seaport Square project provides a mix of uses which meets the specific parameters of the South Boston MHP, providing over 1/3 residential use and less than 1/3 office use. Other uses such as hotel, retail, civic/cultural, and open space are provided in the Project.

In order to create a vibrant, urban waterfront, the MHP provides relief from the Waterways Regulations (Chapter 91) to allow for increased height and lot coverage in certain locations within Chapter 91 jurisdiction.

Open Space and Lot Coverage

In order to create a neighborhood that reflects the urban form of Boston's other neighborhoods, the MHP provides relief from the Waterway's restriction of 50% lot coverage. The MHP allows for additional lot coverage as long as the required open space is provided elsewhere. The Secretary's Decision on the MHP provided very specific guidance regarding the amount and location of open space provided as an offset to additional lot coverage:

- McCourt/Broderick Parcel "E" (8,100+ SF), located immediately adjacent to the MBTA Mitigation Park (approximately three-quarters of an acre) off Sleeper Street, should be designated as public open space.
- The off-site open space area requirements for McCourt/Broderick Parcels "A", "B", "C", "D", and "F" shall be aggregated off-site on Parcel "E" within the Fort Point Historic North District, at a ratio of 1:1, until such time as the total area of Parcel "E" has been developed as public open space.
- Remaining open space requirements for McCourt/Broderick Parcels "A", "B", "C", "D", and "F" shall be aggregated off-site on the McCourt Fan Pier Gateway Project property (as it is referred to in the MEPA ENF filing) at the ratio of 1.25:1. (In other words, when open space is aggregated out of jurisdiction, the resulting area shall be 25% greater than that required under the Waterways Regulations.)
- All open space aggregated outside the harbor planning area shall be located adjacent to lands subject to Chapter 91 jurisdiction and establish a visual connection to the waterfront. I would encourage strongly that the open space provided outside the harbor planning area be located adjacent to the Fan Pier Public Green, or at the Courthouse Square location. Should Parcel C be developed after the completion of the McCourt Gateway project, open space may be aggregated outside of jurisdiction on Parcel C, subject to the same conditions set forth above.
- All open space provided must meet the standards for open space on Commonwealth Tidelands.
- All open space must be provided concurrent with the impacts associated with individual projects.

The Seaport Square project is proposing 25% of the total project to be open space. The Proponent should provide detailed calculations of open space required by the MHP and where those requirements will be met. Additionally, the Proponent should supply a calculation of the amount of open space provided that is not associated with Chapter 91 requirements.

As directed by the Secretary's Decision on the MHP, the Project provides a significant amount of open space adjacent to Fan Pier Green. The Project also provides open space across Northern Avenue from the Moakley Courthouse. This open space should provide ample public open space as it is across from a civic use, and a pedestrian connection from Seaport Boulevard to the Moakley Courthouse.

The Secretary's Decision required that open space be provided concurrently with new construction. The Proponent should provide a detailed phasing plan for public benefits.

The transformation of Sleeper Street adjacent to the Project's parcel A to a public promenade and Harborwalk link is a good early-on project benefit and we support its consideration as an open space offset.

Near-term public realm enhancements are critical to the existing neighborhood and the evolution of new development in the South Boston Waterfront District. The Proponent is considering a walkway/open space corridor connecting Seaport Boulevard and Northern Avenue in alignment with the Fan Pier development's Pier Street. We strongly encourage the Proponent to continue the design and implementation of this element.

The dedication of Parcel E to the Boston Children's Museum ("BCM") also provides an opportunity for the Project to offer open space enhancements ahead of new development. Parcel E is intended to be consolidated with the MBTA's open space and other publicly owned parcels into Children Wharf Park. The BCM and the City have worked on a conceptual design for this new park. The Proponent should consider supporting the implementation of this new neighborhood park.

The Project will provide over 40% residential use in the project area. The Proponent should consider varied types of open spaces both active and passive to support the growing neighborhood.

Court House Square is identified as a pedestrian way in the PNF. Earlier planning for this site anticipated not only a pedestrian link but also an open space along Northern Avenue. A more generous connection and set back will produce more usable open space and also address some of the concerns of building massing along Northern Avenue.

Height

The MHP provides guidance for height and massing to ensure that the ground-level environment remains pedestrian friendly. Building podiums should be scaled to provide a pleasant pedestrian experience, and tower elements should be designed with the massing of Fan Pier in mind.

The MHP provided height substitutions for several of the Seaport Square parcels, which were approved in the Secretary's Decision. The Secretary's Decision approved a height of 200' for Parcel A (Seaport Square Block B) and a height of 250' for Parcel B (Block G) and Parcel C (Block M1). The Secretary strongly suggests that the lower podium

elements (75') be located in Chapter 91 jurisdiction and the tower elements be set back from Chapter 91 jurisdiction.

Any shadow impacts resulting from the increased height are to be offset with additional open space. The quantity and location of the open space to offset any net new shadow impacts should be provided in a detailed chart that includes all open space (Chapter 91/MHP required, non jurisdictional requirements, offsets) and what it is counting towards.

Seaport Boulevard was designed and completed in anticipation of the density and height proposed in the various planning documents. The Public Realm Plan directs appreciable density and height to areas around Silver Line stations and the area between Summer Street and Northern Avenue. However tower elements along Northern Avenue should be positioned to avoid overpowering its pedestrian scale.

Inner Harbor Water Transportation Plan (2000)

The Boston Inner Harbor Passenger Water Transportation Plan provides a framework for a harbor-wide water transportation network and providing locations for water transportation facilities. The Project area will benefit from future water transportation infrastructure and services. There are water transportation terminals permitted for Russia Wharf and Fan Pier and a major terminal in design for Massport's World Trade Center. Since significant portions of the project area are within a ten minute walk to water transit services, the Proponent should consider support for water transit including subsidies as part of the Project's transportation analysis and also as a requirement for any extended Chapter 91 license terms.

Fort Point Channel Watersheet Activation Plan (2002)

The Fort Point Channel Watersheet Activation Plan (FPCWAP) provides a vision of the Fort Point Channel as a year-round, active, defining public space that connects neighborhoods to the water. Access to and around the Channel, and the activation of the Channel's watersheet are detailed in the plan, with uses such as floating art, public landings, kayaks, water taxis, floating parks, etc.

The implementation of the FPCWAP relies on support and active participation from the surrounding neighborhoods. Projects in the proximity of the Fort Point Channel, such as Seaport Square, can contribute to the implementation of the Plan by providing public benefits that are required of landlocked tidelands. Implementation of watersheet infrastructure and support for on-going programming should be required for any extended Chapter 91 license terms.

Public Infrastructure

The proposed Project will benefit from the significant public infrastructure investments completed in the South Boston Waterfront District, including the Silver Line, Central

Artery Project and I-90 extension, Logan Airport modernization project and the Boston Harbor Clean-up. Additional public infrastructure projects are pending, including the rehabilitation of the old Northern Avenue Bridge, the realignment of Northern Avenue and the completion of Children's Wharf Park.

The Proponent has proposed funding the Northern Avenue Bridge project as a project commitment. This project is currently proceeding with construction design and permitting and has over \$9 million in federal earmarks.

The Proponent should continue discussions with the City regarding implementation priorities for nearby infrastructure projects in order to determine appropriate project commitments.

The Proponent should coordinate with the BRA, Public Work Department, Fan Pier and Pier Four development teams and the Executive Office of Transportation on the realignment of Northern Avenue.

The Proponent should also provide more details on their coordination with the MBTA and commitments for elevators and a new Court House Station entrance on the Silver line.

G. HISTORIC RESOURCES COMPONENT

It is clear that the Proposed Project is adjacent to historic properties listed in the National and State Registers of Historic Places. The DPIR shall identify, map, and describe these historic resources and any other historic properties in the vicinity of the Proposed Project's site and shall evaluate the anticipated effects of the Proposed Project on these resources. Particular attention shall be given to the design, scale, height, massing, materials, and other architectural elements of the proposed buildings as these relate to the significant architectural and historic resources in the proposed project's vicinity. The DPIR must also include an assessment of the potential presence of archaeological resources that may be disturbed by the Proposed Project. The Proponents should also respond to the comments of the Boston Environment Department outlined in **Appendix 1**.

H. INFRASTRUCTURE SYSTEMS COMPONENT

The standard scope for infrastructure analysis is given below:

1. Utility Systems and Water Quality

- a. Estimated water consumption and sewage generation from the Proposed Project and the basis for each estimate. Include separate calculations for air conditioning system make-up water;
- b. Description of the capacity and adequacy of water, storm drain and sewer systems and an evaluation of the impacts of the Proposed Project on those systems;
- c. Identification of measures to conserve resources, including any provisions for recycling;
- d. Description of the Proposed Project's impacts on the water quality of Boston Harbor and the Fort Point Channel or other water bodies that could be affected by the project, if applicable;
- e. Description of mitigation measures to reduce or eliminate impacts on water quality;
- f. Description of impact of on-site storm drainage on water quality;
- g. Detail methods of protection proposed for infrastructure conduits and other artifacts, including BSWC sewer lines and water mains, during construction; and
- h. Detail the energy source of the interior space heating; how obtained, and, if applicable, plans for reuse of condensate.

Thorough consultation with the planners and engineers of the utilities will be required, and should be referenced in the Infrastructure Component section.

2. Energy Systems

- a. Description of energy requirements of the Proposed Project and evaluation of the Proposed Project's impacts on resources and supply; and
- b. Description of measures to conserve energy usage and consideration of the feasibility of including solar energy provisions or other on-site energy provisions.

Additional constraints or information required are described below. Any other system (emergency systems, gas, steam, optic fiber, cable, etc.) impacted by this development should also be described in brief.

- The location of transformer and other vaults required for electrical distribution or ventilation must be chosen to minimize disruption to pedestrian paths and public improvements both when operating normally and when being serviced, and must be described.
- Sewer systems and storm water systems must be separated if possible; utilization of combined systems should be avoided. Thorough analysis and continuing discussions with BWSC are required.
- Water supply systems adjacent to the Proposed Project and servicing the Proposed Project should be looped so as to minimize public hazard or inconvenience in the event of a main break.

In addition, the Proponent should respond to the comments by the Boston Water and Sewer Commission found in **Appendix 1**.

I. PUBLIC NOTICE

The Proponent will be responsible for preparing and publishing in one or more newspapers of general circulation in the city of Boston a Public Notice of the submission of the Draft Project Impact Report (DPIR) to the BRA as required by Section 80A-2. This Notice shall be published within five (5) days after the receipt of the DPIR by the BRA. Therefore, public comments shall be transmitted to the BRA within seventy-five (75) days of the publication of this Notice.

Sample forms of the Public Notices are attached as **Appendix 4**.

Following publication of the Public Notice, the Proponent shall submit to the BRA a copy of the published Notice together with the date of publication.

APPENDIX 1
COMMENTS FROM CITY PUBLIC AGENCIES

**Boston Water and
Sewer Commission**



980 Harrison Avenue
Boston, MA 02119-2540
617-989-7000

August 1, 2008

Secretary Ian A. Bowles, Jr., Secretary
Executive Office of Environmental Affairs
Attn: Briony Angus, MEPA Reviewer
100 Cambridge Street, Suite 900
Boston, MA 02114

and

Mr. Jay Rourke
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

Re: Seaport Square, ENF/PNF, EOEA No. 14255

Dear Secretary Bowles and Mr. Rourke:

The Boston Water and Sewer Commission (Commission) has reviewed the Environmental Notification Form /Project Notification Form (ENF/PNF) for Phase 1 Waiver Request of the Seaport Square Project. Seaport Square is a large development project which proposes to construct 19 buildings over about 23 acres in South Boston. The project site is generally bounded to the north by Northern Avenue, to the east by B Street, to the south by Congress Street and to the west by Sleeper Street. The Phase 1 proposal contains three of these buildings along the western portion of the site.

Two of the Phase 1 buildings will be used for retail/commercial on the lower stories and residential on the upper stories. The third building will become the relocated Our Lady of Good Voyage Chapel. Block A of Phase 1 is located on New Sleeper Street, where the proponent proposes to construct a 6-story, 81,600 square foot building with below grade parking for 43 vehicles. Block H, on Seaport Boulevard, is the proposed location for a 92,100 square foot building; the lower two stories allocated for retail with residential use on the floors above. Block J also on Seaport Boulevard is the proposed relocation of Our Lady of Good Voyage Chapel, a 25,000 square foot building.

Wastewater and Stormwater

The proponent estimates that Seaport Square will generate about 988,000 gallons per day of wastewater; Phase 1's flow will be approximately 27,000 gallons per day of this total. The Commission's Northern Avenue sewer serves the Seaport Square site. Sanitary flows in this sewer are lifted into the South Boston Interceptor – North Branch at the Commission's

Trilling Way Pumping Station. The Commission would like the proponent to investigate other routes for the sanitary flows from Seaport Square to avoid pumping at Trilling Way. The proponent proposes in the ENF/PNF to route about 86 percent of the wastewater (about 850,000 gallons per day) to the South Boston Interceptor – North Branch (SBI-NB) via A Street, avoiding Trilling Way. Routing this amount of flow via A Street may be adequate to the Commission's concerns. However, it appears that the proponent has not taken into consideration future developments and recent improvements when this plan was developed.

The Seaport Square site is served by storm drains that discharge into Boston Harbor and Fort Point Channel. The Commission will require the proponent to route the stormwater from this project to these drains.

The realignment of Northern Avenue will require the proponent to relocate the 15-inch sanitary sewer and related structures. If necessary the proponent will also be responsible for installing storm sewers in the realigned Northern Avenue.

Project Study

The proponent needs to take into consideration the information on other projects that will be developed in future near Seaport Square along with recent improvements. The Commission requests that the proponent conduct a study that includes the following:

1. A review of information on the existing conditions and the plans for future developments in South Boston. Some of these notable projects are the Fan Pier Project and Commonwealth Flats.
2. Flows measurements in the collection system and a comparison to the pumping records at the Commission's Trilling Way Pumping Station.
3. An estimate of stormwater contributions to the existing drains.
4. An evaluation of the capacity of the sanitary and stormwater systems.
5. A plan to route sanitary and stormwater flows for the entire Seaport Square project.
6. Recommendations for improvements.

The study must identify the extent of the improvements for conveying flows from this area and their costs.

Water

The proponent estimates that the project will demand about 1,087,000 gallons per day, 30,000 gallons per day for Phase 1. The realignment of the Northern Avenue will require the proponent to relocate two water mains; a 16-inch main and a 30-inch transmission line.

Mitigating Impacts

The proponent is advised that the Massachusetts Department of Environmental Protection (DEP) routinely requires proponents to assist the agency in its program for reducing infiltration and inflow (I/I). In cooperation with this effort, the Massachusetts Water

Resources Authority (MWRA) and its member communities are implementing a coordinated approach to control extraneous flows such as I/I into the wastewater system. In this regard, the DEP has routinely required projects that add a significant amount of new wastewater flows to offset the increase with a reduction in I/I. Typically, the DEP uses a minimum ratio of 4 to 1; 4 gallons of I/I removed for each gallon of proposed wastewater. As a member community, the Commission supports the DEP and the MWRA, and will require the proponent to develop an I/I reduction plan that is consistent with their policy.

The Commission has the following general comments regarding the proposed Seaport Square:

General Comments

1. All new or relocated water mains, sewers and storm drains must be designed and constructed at the proponent's expense. They must be designed and constructed in conformance with the Commission's design standards, Water Distribution System and Sewer Use Regulations, and Requirements for Site Plans. To assure compliance with the Commission's requirements, the proponent must submit a site plan and a General Service Application to the Commission's Engineering Customer Service Department for review and approval when the design of the new water and wastewater systems and the proposed service connections to those systems is 50 percent complete. The site plan should include the locations of new, relocated and existing water mains, sewers and drains which serve the site, proposed service connections as well as water meter locations.
2. Prior to demolishing any structures, above or below grade, all water, sewer and storm drain connections must be cut and capped at the main pipe in accordance with the Commission's requirements. The proponent must complete a Termination Verification Approval Form for the Demolition Permit, available from the Commission, and submit a completed form to the City of Boston's Inspectional Services Department before the Demolition Permit will be issued.
3. The proponent is advised that the discharge of any dewatering drainage to the Commission's drainage system, whether it is temporary or on a permanent basis, requires a Drainage Discharge Permit issued by the Commission. *An NPDES Permit issued by the EPA and/or DEP does not relieve the proponent of the responsibility to obtain authorization from the Commission.* Failure to obtain a Drainage Discharge Permit from the Commission for any dewatering discharge may result in a fine of up to \$ 1,000 per day per violation.
4. Seaport Square should be aware that the US Environmental Protection Agency issued a draft Remediation General Permit (RGP) for Groundwater Remediation, Contaminated Construction Dewatering, and Miscellaneous Surface Water Discharges. If groundwater contaminated with petroleum products, for example, is encountered, Seaport Square will be required to apply for a RGP to cover these discharges.

5. Seaport Square must submit a General Service Application and site plan to the Commission for review and approval. The site plan should show the location of all existing and proposed water lines, sewers and storm drains that serve the site. Separate service connections for sanitary flow and storm water will be required.
6. To assure compliance with the Commission's requirements, site plans and General Service Applications should be submitted to the Commission for review when project design is 50 percent complete.
7. With the site plan, the proponent must provide detailed and updated estimates for water demand, sanitary sewer flows and stormwater runoff generation for the proposed project. The amount of potable water required for landscape irrigation must be quantified. The proponent must also provide an analysis of the impacts of the proposed project on the Commission's water, sewer and storm drainage systems.

Water

8. The proponent is required to obtain a Hydrant Permit for use of any hydrant during the construction phase of this project. The water used from the hydrant must be metered. The proponent should contact the Commission's Operations Division for information on and to obtain a Hydrant Permit.
9. The proponent should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular the proponent should consider outdoor landscaping which requires minimal water. If the proponent plans to install in-ground sprinkler systems, the Commission recommends that timers, soil moisture indicators and rainfall sensors be installed. The use of sensor-operated faucets and toilets in common areas of buildings should also be considered.
10. The Commission utilizes a Fixed Radio Meter Reading System to obtain water meter readings. If a new water meter is needed for the proposed project, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, the proponent should contact the Commission's Meter Installation Department.

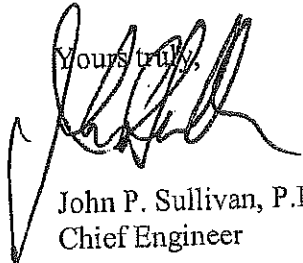
Sewer and Drains

11. The proponent must fully investigate methods for retaining stormwater on-site before the Commission will consider a request to discharge stormwater to the Commission's system. The site plan should indicate how storm drainage from roof drains will be handled and the feasibility of retaining their stormwater discharge on-site. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer.
12. The site plan must show in detail how drainage from building roofs and from other impervious areas will be managed. Roof runoff and other stormwater runoff must be conveyed separately from sanitary waste at all times.

13. In conjunction with the site plan and General Service Application, the proponent will be required to submit a Stormwater Pollution Prevention Plan. The plan must:
- Identify specific best management measures for controlling erosion and preventing the discharge of sediment, contaminated stormwater or construction debris to the Commission's drainage system when construction is underway.
 - Include a site map which shows, at a minimum, existing drainage patterns and areas used for storage or treatment of contaminated soils, groundwater or stormwater, and the location of major control or treatment structures to be utilized during construction.
 - Specifically identify how the project will comply with the Department of Environmental Protection's Performance Standards for Stormwater Management both during construction and after construction is complete.
14. The Commission requires oil traps on drains within an enclosed parking garage. Discharges from oil traps must be directed to the sanitary sewer and not to a storm drain. The requirements for oil traps are provided in the Commission's Requirements for Site Plans.
15. In accordance with the Commission's Sewer Use Regulations, grease traps will be required in any restaurant or commercial kitchen. The proponent is advised to consult with Mr. Richard Fowler, Supervisor for the Commission's Grease Trap Program, prior to preparing plans for a restaurant or commercial kitchen.
16. The project proponent will be required to obtain coverage under the EPA's NPDES General Permit for Construction. A copy of the Notice of Intent and the pollution prevention plan prepared pursuant to the Permit should be provided to the Commission, prior to the commencement of construction.
17. The Commission requests that the proponent install a permanent "Don't Dump, Drains to Boston Harbor" castings next to any new catch basin installed as part of the projects.
18. The proponent should be aware that the US Environmental Protection Agency issued a draft Remediation General Permit (RGP) for Groundwater Remediation, Contaminated Construction Dewatering, and Miscellaneous Surface Water Discharges. If groundwater contaminated with petroleum products, for example, is encountered, the proponent will be required to apply for a RGP to cover these discharges.

Thank you for the opportunity to comment on this project.

Yours truly,

A handwritten signature in black ink, appearing to read 'John P. Sullivan', written over the typed name.

John P. Sullivan, P.E.
Chief Engineer

JPS/pwk

c.

John P. Hynes, III, Gale International
M. Zlody, Boston Environment Department
Katie Pederson, BRA
P. Laroque, BWSC

MEMORANDUM

Date: July 1, 2008

To: Kristin Kara, Project Manager
Jay Rourke, Project Manager

From: Jim Fitzgerald, Senior Manager for Transportation and Infrastructure

Re: **Comments on the Project Notification Form for the proposed Seaport Square project**

The following are comments related to the Project Notification Form (PNF) for the proposed Seaport Square project:

Phase 1

- *Block A Access:* As proposed, the location of the driveway to access the parking and loading for Block A conflicts with the future plan to open the Old Northern Avenue Bridge to general vehicular traffic. The current plan for the bridge would open the south lane (nearest the Barking Crab) for vehicles and the planned access apron and a portion of the residential lobby would be in the same alignment of this lane of traffic. Having the vehicular access at this location also raises concerns with potential conflicts with the high volume of pedestrians that utilize the Old Northern Avenue Bridge. Alternatives for relocating this access will need to be considered during the design review process and in joint consultation with the Boston Transportation Department (BTD).

Full-Build Analysis

- *Traffic Study Area Intersections:* The following three intersections that had been previously requested to be included in the study area need to be added:
 - Summer Street/Dry Dock Avenue/Pappas Way
 - L Street/1st Street
 - L Street/Day Boulevard
- *Transit:* The PNF proposes using a more generous transit mode split for its analysis based on changes to the transportation system and in particular the completed Silver Line Phase II and the anticipated Silver Line Phase III. While Phase II certainly had a significant positive impact on transit capacity to the area, the completion of the Silver Line with Phase III may actually result in less capacity than currently is enjoyed, when a mostly exclusive service switches to a through connected service with

Roxbury. Therefore, the proponent must conduct a thorough and detailed analysis of future transit capacity versus the full build transit demand from the South Boston Waterfront neighborhood.

- *Parking:* The proposed parking ratios for most of the uses are acceptable and should be commended. The exception are the proposed 2,500 retail spaces that results in a 2.0 ratio that is over double the BTB proposed ratio of 0.7. Keeping this high ratio will make it doubtful that the future proposed aggressive transit mode share could ever be met, and the 2,500 spaces is over two times the PM peak vehicular trip generation rate of 1,176 trips (with only 578 entering and 598 exiting). The management, public accessibility and potential rate structure for these spaces needs to also be clearly articulated by the proponent.
- *Bicycling:* The proposal to incorporate bike lanes on Seaport Boulevard will be a welcome addition to the emerging and proposed bike facility system in the area. Bike planning for the South Boston Waterfront envisions 5' bike lanes for West Service Road in the 100 Acres area to provide a connection to the off-road South Bay Harbor Trail. To this end, the Seaport Square project must continue this connection on West Service Road (Boston Wharf Road) out to Seaport Boulevard, and then along Pier Street to connect out to Fan Pier.

cc: Kairos Shen
Richard Garver
Richard McGuinness
Valerie Gingrich

BRA MEMORANDUM

TO: Kristin Kara

FROM: Katie Pedersen

DATE: August 4, 2008

RE: Seaport Square in South Boston
Comments on Project Notification Form/Environmental Notification Form
Phase 1 Waiver Request

I have reviewed the Project Notification Form/Environmental Notification Form (PNF/ENF) Phase 1 Waiver Request dated June 2, 2008 and submit the following comments for the Environmental Protection Component. Gale International, Morgan Stanley and WS Development Associates, LLC (the Proponent) proposes the development of more than 23 acres of land, devoting approximately 36% (approximately 8 acres) of the total land area to streets, sidewalks and public open space, and constructing 19 new buildings (the Proposed Project).

The Proponent is requesting that the BRA Scoping Determination waive further review of Phase 1 (approximately 200,000 square feet or roughly 3% of the Proposed Project) of the Proposed Project based on the analysis in the PNF/ENF of the impacts of this phase, while providing a Scope for the Draft PIR/EIR for the entire project.

Wind

As described by the Proponent, the buildings to be built in Phase 1 of (Blocks A, H and J) the Proposed Project are designed in heights ranging from 75 to 85 feet and thus not anticipated to create adverse wind impacts. The Proponent has also stated that the Phase 1 buildings will be similar in height to the surrounding buildings, consequently limiting impacts on pedestrian level winds. For this reason, it is estimated that the overall impact of the Phase 1 development will be negligible on the pedestrian level winds.

Shadow

Phase 1 of the Proposed Project will create a net new shadow, as the existing site is primarily vacant; but as the Proponent has demonstrated, shadows are likely to result in a significant adverse impact. Due to the sufficient distance between Building H and the identified sensitive areas, the water and existing open space at the Children's Museum, shadow impacts will be substantially reduced.

Noise

The Proponent will comply with the City of Boston Noise Ordinance during the construction of Phase 1 of the Proposed Project. No significant impacts due to increased

noise from the construction activities are anticipated as a result of the mitigation measures described in Section 3.3.11.2 of the PNF/ENF.

Solar Glare

The Proponent has stated that the Proposed Project design will not include the use of reflective glass or other reflective materials that would result in adverse impacts.

Air Quality

The Proponent has identified potential long-term air quality impacts are being limited to emissions from Proposed Project-related mechanical equipment and pollutant emissions from vehicular traffic generated by the development of the Proposed Project. Impacts to air quality during Phase 1 would potentially occur due to the operation of construction equipment on site and vehicular traffic going to and from the site. The main air pollutant of concern from construction-related activities is particulate matter due to fugitive dust and from the exhaust from diesel-powered construction equipment, trucks, and worker vehicles. In addition, carbon monoxide from mobile source emissions is also a pollutant of concern. Possible impacts could include sedimentation of surface water resources, as well as construction activities that would increase traffic and decrease air quality. However, the Proponent has identified mitigation measures in Section 3.3.11.1 of the PNF/ENF to be incorporated in the Proposed Project that will offset these potential impacts.

Stormwater Management

The Proponent has stated that the existing stormwater infrastructure will support Phase 1 of the Proposed Project. As illustrated in the PNF/ENF, the Proposed Project will be designed to meet Department of Environmental Protection's (DEP) Stormwater Management Policy and Boston Water and Sewer Commission (BWSC) standards and practices. In order to reduce stormwater-induced impacts from the Proposed Project during construction, it is essential to design and implement adequate erosion and sedimentation control measures to mitigate potential impacts. The Proponent has indicated in the PNF/ENF that such measures will be employed during the construction of Phase 1.

Geotechnical Impact

The Proponent has provided an analysis of existing sub-soil conditions at the Proposed Project site, potential for ground movement and settlement during excavation and foundation construction, and potential impact on adjacent structures, utility lines and roadways.

Groundwater

Parcels H, J, K and Q are within the Groundwater Conservation Overlay District, however within this section of the GCOD there is no requirement for groundwater recharge, but there is a requirement to demonstrate that the Proposed Project does not cause a reduction of groundwater levels on the site or on abutting lots. The areas of concern are those that immediately abut the Fort Point Channel area of South Boston, where the majority of the buildings are supported on vulnerable wood foundations.

The Proponent has stated that groundwater monitoring wells will be installed during planned future subsurface explorations. The Proponent is encouraged, if possible, to install in locations that will be accessible in the future and should be made available to the Boston Groundwater Trust (the Trust) to incorporate into its' observation well network when no longer needed for construction. Groundwater levels should be monitored before construction to establish a baseline and then during construction to assure that they are not being drawn down. Results should be made available to the BRA and to the Trust shortly after they are gathered.

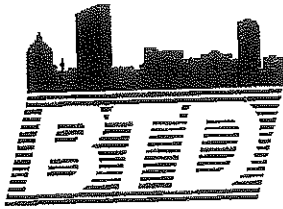
Rodent Control

The Proponent has stated that a rodent extermination certificate will be filed with the City of Boston as well on-going monitoring and treatment, in compliance with the City's requirements.

Sustainable Design/Green Buildings

The purpose of Article 37 of the Boston Zoning Code is to ensure that major buildings projects are planned, designed, constructed and managed to minimize adverse environmental impacts; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in Boston. Any proposed project subject to the provisions of Article 37 shall be LEED Certifiable (U.S. Green Buildings Council) under the LEED rating system. Proponents are encouraged to integrate sustainable building practices at the inception of the design process.

The Proponent has provided a completed LEED for Neighborhood Development Pilot checklist for which the Proposed Project purporting to achieve 55 points. The Proponent has also provided three separate LEED-NC checklists for Parcel A, Parcel H and Parcel J, each indicating 26 points which are "strongly pursuing." The Proponent shall be required to provide three updated LEED-NC checklists and narrative and indicate which points are fall into the yes, no and maybe categories.



BOSTON
TRANSPORTATION
DEPARTMENT

ONE CITY HALL PLAZA/ROOM 721
BOSTON, MASSACHUSETTS 02201
(617) 635-4680/FAX (617) 635-4295

August 11th, 2008

Attn: Kristin Kara

Boston Redevelopment Authority
Boston City Hall
Boston, MA 02201

RE: Seaport Square PNF/ENF Phase One

Dear Ms. Kara,

Thank you for the opportunity to comment on the PNF/ENF Article 80 Large Project Review for the Seaport Square Phase I development. The Phase I Project consists of three prominent parcels located along the entranceway to the emerging South Boston Waterfront. Parcels A, H, and J will consist of less than 200,000 square feet of the overall proposed 6 million square foot Seaport Square Project but will begin to lay the foundation for the overall development. Phase I includes three new buildings with approximately 110 residential units, 46,600 square feet of retail space and a 25,000 square foot Chapel.

The Boston Transportation Department has reviewed the proponent's PNF submittal for the Parcel A, H, and J Phase I development and has concluded that the project is a beneficial one for the City's emerging South Boston Waterfront. There are however certain transportation related issues to address before moving forward. The following is a summary of comments and questions pertaining to the submittal:

Existing Conditions & Future Build

- In the near term, as part of an Access Plan Agreement, the intersection of Seaport Boulevard and Sleeper Street will have signal analysis and design recommendations provided to BTD by others. As mitigation for the Seaport Square Project, the proponent has clearly stated its commitment (Section 4.2.1) to providing the necessary hardware (signal equipment, pavement markings, signage) to improve the same intersection's LOS. Following BTD acceptance of the new design by others, the proponent must work closely with BTD to coordinate implementation of new design and hardware items.
- Similarly, the intersection of A Street and West Broadway is also in the process of being redesigned by others and agreements are in place for signal upgrades. The Seaport Square proponent must collaborate with BTD and the developers to ensure Phase I and Full build analysis is incorporated into the new design.
- Additional No Build projects were omitted from the existing conditions report. Namely, the Cargo Terminal redevelopment, the Channel Center Phase II mixed use project, the 49, 51, 63 Melcher Street redevelopment, the Cruise Port Terminal and the USPS relocation.

THOMAS M. MENDINO, Mayor
Thomas J. Timlin, Commissioner



- The following intersections must be added to the Full Build Study Area list that was presented in the PNF: Summer Street/Pappas Way, L Street/1 St Street and L Street/Day Boulevard.

Mode Share and Trip Generation

- The proponent has presented an adjusted mode share allocation in the PNF which concludes daily trips for Phase I will total just 708 trips as opposed to an unadjusted ITE figure of 2,888. The Full Build comparison between adjusted and unadjusted ITE calculations also presents a sharp contrast between the estimated 24,660 vehicles as opposed to 99,116. Even when taking into consideration the excellent public transit proximity and possible Phase III Silver line connection, these adjustments appear to be extremely optimistic. The proponent must clearly explain in detail how it arrived at the generous transit and walk share splits.
- No Build and Full Build Intersection conditions must be presented in the context of an accurate mode split assumption. Build Condition level of service calculations require accurate data assessments in order to determine adequate mitigation proposals.

Parking

- The Parcel A parking space allocation is forty three (43) spaces. The per unit ratio (.81) is well within BTB waterfront residential guidelines. The retail component of the Parcel A is also expected to be served by nearby surface lots until completion of future underground garage space.
- The proposed Parcel H structure includes approximately fifty seven (57) units of housing and approximately 20,000 sf retail space with no built in parking component. Parcel J proposes a 25,000 sf Chapel. Do the existing surface lots adjacent to blocks H and J have the capacity to support the needs of the new buildings until construction of the underground garage?
- The overall full build proposal (6,500 spaces) for the residential, hotel and office space allocations are all within the BTB guidelines for parking ratio with the exception of the retail. The proponent needs to clarify how this is reduced "over time" as stated in the PNF.

Service & Loading Operations

- The Parcel A confinement presents a service/loading and parking garage entrance challenge. The pedestrian only aspect of the Northern Avenue Bridge and the travel lane uses of Sleeper Street and Seaport Boulevard limit access. The proponent will need to provide a scaled site plan including turning templates for applicable vehicles.
- The proponent must submit a scaled site plan depicting the truck access operations for Parcel H via Farnsworth Street for review by BTB.
- There is no ground floor connection between the east and west wings of the structure. Will vehicular access be permitted on any of the pedestrian plaza areas of Parcel H?

Public Transit

- The MBTA Silver Line Courthouse Station is ideally situated alongside Parcel J adjacent to the proposed Chapel. The MBTA Red line and Commuter Rail service located at the South Station transportation hub is within a short walking distance from both the Phase I and Full Build Parcels. The proponent must work through aggressive TDM measures and coordination with the MBTA and transit authorities to take full advantage of the access.

Pedestrian Issues/ Improvements

- The Seaport Square Project has significant public benefits in terms of improved pedestrian access, connections, new streets and improvements to existing roadways.

Walkway widths range from 12' to 70' in some instances. BTD is particularly pleased that the proponent has included an expansion of the Harborwalk connection between the Children's Museum and the new Federal Courthouse.

- BTD also supports the proponent's commitment to funding infrastructure improvements for the Old Northern Avenue Bridge and promoting the bridge as a pedestrian friendly gateway.
- Parcels A, H and J also integrate significant sidewalk with and pedestrian plaza area into their respective designs. Conflicts between the service and loading activities and pedestrian pathways must be avoided.
- In the Full Build Scenario it is not clear what scale and function the new Harbor street connection to Seaport Hill has as an urban street. Is it predominantly a pedestrian connection with minimal one way vehicular travel and curbside parking? The roadway is also sloped and then abruptly ends at the square. Harbor Street will have to undergo extensive design review with in BTD and BPWD.

Bicycles

- The Seaport Boulevard cross section includes a 5' bike lane as well as full travel lane capacity and parking lanes. BTD supports the possibility of including bike lanes along the Boulevard and elsewhere within the project area. BTD encourages the proponent to work with the City's Bike coordinator, BTD, BPWD and the BRA to determine precisely where other opportunities exist to incorporate bicycle accommodations. (see attached guidelines)
- The proposed two bicycle space per residential unit is consistent with BTD guidelines and should be applauded. It is not clear however what bicycle amenities are associated with the Phase I program aside from bike storage within the Parcel A building. The proponent must provide more detailed information relative to a Phase I bike strategy.
- BTD is encouraged by the proponent's commitment to including substantial numbers of bicycle parking and storage facilities within the context of the Full Build as well as expanding its existing bike rental program.

Transportation Demand Management

- BTD suggests that all developers implement TDM measures to encourage alternative modes of transportation. This is especially important in the case of the Seaport Square Phase I and Full Build scenarios. BTD wishes to emphasize and endorse the following items related to mixed use development referenced in the PNF:
 - An on site Transportation Coordinator.
 - Participation in a Transportation Management Association. (Seaport TMA)
 - Car/Vanpool Parking
 - Encourage Tenants to offer Transit Pass subsidies for retail and office employees.
 - Distribution of transit information in orientation packets, building lobbies and on a project Web site.
 - Market-rate public parking as a disincentive to use single occupant vehicles (SOV)
 - Car-Sharing Program (as proposed in the PNF but distributed not centralized)
 - Secure indoor storage for resident's bicycles.
 - Bicycle racks for visitors.
 - Post information regarding public and private transit routes, schedules and rates in prominent common areas and on any project Web sites.
 - Provide transit pass subsidies for all employees.
 - Offer pre-tax payroll deduction for transit pass purchase.
 - Maintain database of employee information for ride-matching purposes.

- Offer Guaranteed Ride Home Program
- Flextime/Telecommuting
- Sell MBTA link passes on site.

Construction Management Plans

- The City requires the proponent submit a Construction Management Plan to BTB. The CMP will detail the schedule, staging, parking and other impacts of the construction activities.

Transportation Access Plan Agreement

- As required by the Article 80 process, the proponent will prepare and submit a Transportation Access Plan Agreement (TAPA) for review by BTB. The TAPA is a legally binding agreement between the developer and the Boston Transportation Department.
- The TAPA will specifically address the assessment of overall traffic impacts and mitigation adequacy, assessment of construction impacts and mitigation, monitoring of traffic impacts and management of loading and deliveries.

Thank you again for the opportunity to comment on the Large Project Review/Article 80 PNF submittal for Seaport Square Phase I Development. If you have any questions please feel free to contact me at 617-635-2454

Sincerely,



Patrick E. Hoey
Transportation Planner
BTB Policy and Planning

Cc: Vineet Gupta, Director, BTB Planning
John DeBenedictus, Director, BTB Engineering

Space Guidelines

Residential Development:

- Two bicycle parking spaces per unit
- 50% Indoor/Secure facilities (primarily for residents), 50% Outdoor/Covered or Outdoor/Open facilities (primarily for visitors)

Retail Development:

- Spaces for 5% of the planned occupancy
- 25% Indoor/Secure facilities (for employees), 75% Outdoor/Covered or Outdoor/Open facilities (for patrons)

Commercial Office Development:

- Spaces for 5% of the planned occupancy, with a minimum of 2 bicycle parking spaces
- 75% Indoor/Secure facilities (for employees), 25% Outdoor/Covered or Outdoor/Open facilities (for visitors and/or customers)

Industrial Development:

- Spaces for 5% of the planned occupancy, with a minimum of 2 bicycle parking spaces
- 75% Indoor/Secure facilities (for employees), 25% Outdoor/Covered or Outdoor/Open facilities (for visitors and/or customers)

Transit Facility:

- Spaces for 10% of the planned occupancy, with a minimum of 4 bicycle parking spaces
- 50% Indoor/Secure facilities, 50% Class Outdoor/Covered or Outdoor/Open

Enforcement

- Bicycle parking guidelines will be enforced by the City of Boston.
- If Boston Bikes finds a violation of the requirements, he or she will provide written notice to the responsible party offering thirty days to cure the violation.
- If the violation has not been cured within the thirty days, a penalty of \$50/day will be assessed by the City of Boston, commencing with the first date of the violation.
- All fines collected for violations will be deposited for expenditure by Boston Bikes.

Technical Information

- When calculating average patron and employee load as well as number of bicycle parking spaces, round down to the nearest whole number.

Bicycle Parking Guidelines

Bicycle parking should be provided to encourage and facilitate bicycling. Bicycle parking requirements will vary depending on the type of development, as described below. Failure to comply with these requirements will result in a fine.

Definitions

- Indoor/Secure facilities are defined as bicycle parking areas that protect the entire bicycle, its components and accessories against theft and against inclement weather, including wind-driven rain. Examples include lockers, check-in facilities, monitored parking, restricted access parking, and personal storage.
- Outdoor/Covered facilities are defined as bicycle parking areas that provide some protection against the elements, such as an awning or tented roof, as well as access to bicycle racks to which the user can lock the bicycle frame and one wheel while the bicycle is supported in a stable position.
- Outdoor/Open facilities are defined as bicycle parking areas that permit the locking of the bicycle frame and one wheel to a bicycle rack and which supports the bicycle in a stable position without damage to wheels, frame or components.
- Bicycle parking spaces refers to the number of bicycles that can be accommodated by the bicycle racks or facility, as defined by the users manual for the rack or facility referenced. For the remainder of this document, guidelines refer to spaces, or number of bicycles for which the facility is designed to accommodate.

General Guidelines

- All racks and other fixtures must be securely affixed to the ground or a building.
- Areas used for bicycle parking should be secure, well-maintained, well-lighted and easily accessible to bicycle riders.
- No bicycle parking areas should impede sidewalk or pedestrian traffic.

Location Guidelines

- No bicycle parking shall be located farther from the entrance of a building than the closest automobile parking space.
- Retail establishments shall have Outdoor/Covered or Outdoor/Open facilities within 50 ft. of the primary entrance.
- All bicycle parking shall be separated by a physical barrier or sufficient distance from car parking and vehicular traffic to protect parked bicycles from damage.
- Prominently placed signs should direct users to all Class 1 facilities that are not immediately visible from the street.

August 6, 2008

Ian A. Bowles, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, 9th Floor
Boston, MA 02114
Attention: Briony Angus, MEPA Office

John Palmieri, Director
Boston Redevelopment Authority
Boston City Hall, Room 925
Boston, MA 02201
Attention: Kristin Kara, Project Manager/Planner

Re: Seaport Square – Environmental Notification Form/Project Notification Form/Phase I Waiver
Request - EEA #14255

Dear Secretary Bowles and Director Palmieri:

The City of Boston Environment Department has reviewed the Environmental Notification Form/Project Notification Form/Phase I Waiver Request (ENF/PNF) and offers the following comments.

The Proponent is a partnership of Gale International, Morgan Stanley and W/S Development Associates, LLC. The proposed project is a 23-acre development on land on the South Boston Waterfront now primarily occupied by surface parking. The project is to consist of 20 newly constructed blocks roughly bounded by Northern Avenue, Summer Street, Congress Street, B Street, East Service Road, Boston Wharf Road, Stillings Street, improved properties and the Fort Point Channel. It will include eight acres of streets, sidewalks, pedestrian ways and open space; 19 buildings and 6,500 parking spaces. Parking will be located under Blocks A, B, C, D, F, G, K, Q, L1 through L6, M1, M2 and N. Building zoning heights are expected to range from 35 feet to 240 feet. Uses are to include 2.75 million square feet (sf) of residential (2,500 units); 1.25 million sf of retail; 1.4 million sf of office and research; 500,000 of hotel (about 700 units); and 600,000 sf of educational, civic and cultural. Retail uses will occupy the ground floor of all buildings except the Chapel and schools. Acres of new non-water dependent use of tidelands or waterways will be 0.44 for Phase I and 1.64 at full build.

The project site is in the Fort Point Waterfront Subdistrict of the Harborpark District, the South Boston Inner Harbor Subdistrict of the South Boston Interim Planning Overlay District and the Restricted Parking District. An exception is Block Q which, rather than being in the Fort Point Waterfront Subdistrict of the Harborpark District, is in the M-4 Restricted Manufacturing Subdistrict. Blocks H, J, K, and Q are in the Groundwater Conservation Overlay District (GCOD). Zoning relief may be required for some blocks for uses, including parking, and for dimension (such as maximum height and Floor Area Ratio [FAR], minimum parapet setback, minimum lot size and lot width, minimum yard and parking and loading requirements).

Seaport Square is within close proximity to the pending Fort Point Channel Landmark District (FPCLD), and Blocks H, J, K, and Q fall within the boundaries of the Seaport Boulevard/ Boston Wharf Road Protection Area abutting the FPCLD. The proposals for Blocks H, J, K, and Q will require Boston Landmarks Commission (BLC) staff review in accordance with the process established by the BLC and the BRA for review of projects within the district and protection areas, in advance of designation and activation of the FPCLD. Once the FPCLD is activated, review will be conducted by the Commission.

The Proponent is requesting a waiver of further review for Phase I, three percent of the project's total floor area (one acre). In addition, the Proponent will seek for Blocks A, H and J, at a minimum, an Interim Planning Permit, conditional use permit and Planned Development Area (PDA) designation.

WAIVER BLOCK DESCRIPTIONS AND BLC COMMENTS

BLC Staff have reviewed the proposed development with the project team in advance of this ENF/PNF filing; the project team has been very receptive to working with BLC staff, and understands the need for sensitive design development for parcels within the Seaport Boulevard/ Boston Wharf Road Protection Area.

BLC staff is pleased to see the continuation of historic Sleeper, Farnsworth, and Thompson Streets across Seaport Boulevard, (Farnsworth as a pedestrian way). The continuation of these streets will encourage physical and visual connections to and from the FPCLD. The BLC encourages proposed new construction to maintain open view corridors on Sleeper, Farnsworth and Thompson Streets, as well as the alleys that run perpendicular to Congress Street and Seaport Boulevard. BLC staff finds the overall development to be generally appropriate in layout, scale and density and is pleased to see the incorporation of generous public open space. Staff is especially pleased to see improved vehicular and pedestrian access to and from the project site, connecting to the FPCLD, Convention Center, and adjacent proposed developments. BLC staff suggests that connections to the FPCLD could be strengthened near Blocks N and L5, as well as along the eastern edge of the District and Block Q. The proposed connection to the new Autumn Lane at Block Q may be refined through the design development of a future specific proposal for Blocks K and Q, which will require BLC staff or Commission review.

It has come to this department's attention that Block A will now contain 34 residential units and 31 parking spaces. We do not know if these changes have resulted in modifications to the proposed structure. The number of residential units in Blocks A and H combined will be about 93 if the number in A has been reduced.

Block A – The site is bounded by New Sleeper Street, Seaport Boulevard, Northern Avenue and the Fort Point Channel. It is in C. 91 jurisdiction.

The ENF/PNF indicates that this project is construction of a six-story, 75-foot high (zoning height; 87 feet to top of mechanicals) building with 43 parking spaces in one below-grade level, two stories of retail space, four stories (51 units) of residential condominiums and a public plaza, landscaped with paving, trees, benches, planters and lighting, where Old Sleeper Street is now located.

The plaza is described as a link with the linear space to the continuous Harborwalk at the water's edge. It must be clear in the description of this parcel that it is not directly along the water and does not add Harborwalk; it is not a Harborwalk link. What is shown as Old Sleeper Street (Pedestrian) in Figure 2.3-34 appears to have a set of steps up to the Harborwalk that runs southwest of the Barking Crab; no ramps are evident. A lack of universal access would diminish the benefit of this area.

Bicycle parking for residents will be provided in the parking garage with the location to be provided to BTM with the Transportation Access Plan Agreement (TAPA).

Block A is outside of the Seaport Boulevard/ Boston Wharf Road Protection Area but occupies a prominent site that will be seen in context with the FPCLD. BLC staff generally finds the site and building design appropriate in articulation of detail and suitable in scale and massing; staff appreciates modern design that is refined in proportion and detail. However, staff understands that environmental issues remain for BED staff as wind and shadow analyses have not been conducted for this and other waiver parcels.

BLC staff is pleased with the idea that the second floor retail space has some flexible outdoor space that visually connects to the public plaza below. Staff would encourage the expansion of this idea with a physical connection to the second floor retail space from the southeastern corner of the project to provide even more opportunity for pedestrian flow.

Block H - Construction of a building with two floors of retail and residences on the upper five floors on the Sleeper Street side and upper eight floors on the Farnsworth Street side. Zoning heights are identified in the ENF/PNF as 85 feet on Sleeper Street side and 116 feet on Farnsworth. It appears that there may be mechanical penthouses on the roof of each element. The site is bounded by Seaport Boulevard, Sleeper Street, Farnsworth Street and a parking lot. Part of the building is in Chapter 91 jurisdiction.

Block J - Construction of a new Our Lady of Good Voyage Chapel from Block D. Plans and Elevations in the ENF/PNF show three stories with a zoning height of 45 feet and a 65 foot element. The design has not yet been finalized.

The proposed plans for the new chapel will require ongoing design review with BLC and BRA staff in advance of designation of the FPCLD. The proposed demolition of the existing chapel at 65 Northern Ave requires Article 85 Demolition Delay review by the Boston Landmarks Commission. The Article 85 Demolition Delay application can be found online at www.cityofboston.gov/environment.downloads.asp. Contact Gary Russell at 617-635-3850 if you have questions about the application.

Blocks H and J are within the boundaries of the Seaport Boulevard/ Boston Wharf Road Protection Area and will require ongoing BLC staff or Commission review. BLC staff has met with the project team and BRA design review staff in advance of this ENF/PNF filing and understand that the development team may be exploring options for the parcels that are significantly different from those seen in the ENF/PNF. Currently the proposal for Block H is a building that is generally appropriate in scale and articulation. However, the proposed building spans across the alley on the upper floors. While the pedestrian access remains a two-story open space and the volume above is somewhat articulated as distinct from the main volumes of the building, the building massing clearly cuts off the alley view corridor into and out of the district, a violation of the standards and criteria for projects within the Seaport Boulevard/ Boston Wharf Road Protection Area. Staff notes that the standards and criteria, listed below, apply equally to public streets and alleys and private ways open to public travel.

The goals of the Seaport Boulevard/Boston Wharf Road Protection Area are to:

- 1. Protect view corridors into and out of the adjacent Fort Point Channel Landmark District along streets and alleys that run perpendicularly from Seaport Boulevard into the Landmark District, including Sleeper, Farnsworth, and Pittsburg (Thompson Place) Streets.*
- 2. To ensure that massing, land coverage, and height of new development is compatible with the adjacent Landmark District.*

BLC staff notes that there has been some discussion about building the new chapel on Block H, rather than J. Locating the chapel on Block H could be beneficial in many ways and the site is an appropriate location for a building of the chapel's scale; the unique corner site would be highly visible and have a direct connection to the park across the street. BLC staff would be open to discussing the idea of the

chapel at Block H as the revised proposal would require ongoing design review of a design specific to that parcel.

Locating a retail/residential building at Block J would require a new, specific proposal for review. The same concern about protecting the alley view corridor will apply to Block J as well. BLC staff would also note that any potential future development that may connect or integrate with adjacent properties within the FPCLD will require detailed ongoing design review. The project team should refer to the draft standards and criteria for guidance in design proposed changes, alterations or additions to historic buildings within the FPCLD. The draft standards and criteria can be found at:
<http://www.cityofboston.gov/environment/fpc/guidelines.asp>

The BLC requests that dated cornerstones be incorporated into all new construction. This element will allow those who are attentive to and value the architecture of the City to appreciate the historical context in which structures were conceived.

BLC staff looks forward to a continued cooperative relationship with the project team as design review of revised and refined specific proposals moves forward.

ENVIRONMENTAL COMMENTS

We note that there was no mention in meetings with the Proponent at which we were present that the uses on Blocks H and J might be reversed. Such a change would require additional review.

The ENF/PNF states that Blocks A, H and J generally range in height from 75 to 85 feet and, "...future shadow impacts are anticipated to be similar to other dense urban areas." It notes that the South Boston Municipal Harbor Plan (SBMHP) "contemplated" that, "...buildings ranging from in height from 75 to 85 feet would not result in significant shadow impacts" and that regarding Chapter 91 jurisdiction, "...the Secretary's Decision on the SBMHP states that for projects ranging in height from 75 to 85 feet, 'it would appear that ground level conditions will be conducive to pedestrian level activities'." Any impacts will be included in the Draft PIR/EIR.

The references from the SBMHP and the Secretary's Certificate are qualified and do not seem to represent conclusions based upon analyses of shadow and ground level conditions.

Shadow studies are an essential part of project review and should be conducted for Parcels A, H and J. Shadow diagrams should include:

- a north arrow;
- street names;
- the identification of doorways, bus stops, open space, areas where pedestrians are likely to walk or congregate (in front of historic resources or other tourist destinations, for example) and watershed;
- clear delineation of shadow on both rooftops and facades;
- clear distinctions between existing shadow and new shadow; and
- analyses for 6:00 p.m. for the Summer Solstice and Autumnal Equinox.

Diagrams should be oriented and scaled consistent with diagrams depicting wind monitoring locations, for both the Build and No Build conditions.

Regarding wind, the ENF/PNF notes that 14 of the planned 19 buildings will be greater than 150 feet in height – in the 200- to 250-foot range, similar to existing and proposed buildings in the vicinity. The Proponent suggests a quantitative wind analysis for buildings in excess of 150 feet.

Based upon the proposed heights and designs of Blocks A and H, qualitative wind studies should be

conducted so that the affect on the pedestrian realm, open space and sidewalks, are identified. Information about expected conditions will be necessary as part of the baseline upon which wind data will be used to confirm at full build and then utilized to progressively evaluate and respond to project wind levels.

Attention of shadow and wind will continue to be important elements of review with mitigation clearly identified, as necessary. We ask that information be provided so that their combined affects on open space and the general pedestrian realm can be understood.

The sole reference to sound, other than that generated by construction, is that levels are expected to increase. Potential noise impacts of A, H and J are to be included in the Draft EIR/PIR.

It is standard that ambient sound conditions be assessed during large project review. They provide information about the levels of sound that may be experienced by occupants of new projects and can help to inform decisions about envelope and window choices. Where existing levels exceed those allowed under the Regulations for the Control of Noise in the City of Boston, ambient sound becomes the cap for projects. In addition, expected levels generated by Blocks A, H and J can be compared with actual levels in measuring ambient for Blocks B, C, D and K, allowing for adjustments as necessary.

In the ENF/PNF and in several meetings with City agencies that included this department, the Proponent's strong commitment to developing a sustainable neighborhood and individual elements was evident in the description of project plans. A Draft Preliminary LEED for Neighborhood Development (Pilot) checklist was submitted as part of the ENF/PNF. It shows a current estimate of 55 points, within the range for a Silver designation. The ENF/PNF indicates that the Proponent intends to target LEED Silver for Blocks A and H. The Archdiocese of Boston will be directing the construction of Block J and design parameters have not been established.

Section 3.3.14, *Sustainable Design/Reduction in Greenhouse Gases (GHG)*, identifies many ways in which Seaport Square will be a neighborhood that is highly environmentally sensitive and sustainable in the long term. Significant public land, the efficient delivery of water and energy, energy efficiency and recycling are some planned measures. Specific targets for minimizing GHG are not identified and we look forward to more detailed information in the Draft EIR/PIR.

Preliminary Draft LEED-NC checklists have been amended to reflect four categories of consideration:

- Tier 1 - "Strongly Pursuing"
- Tier 2, - "Recommended for Further Investigation"
- Tier 3 - "Not likely for pursuit"
- Tier 4 - "Not Possible or Not Feasible"

For each of the waiver parcels, 26 credits are in the Tier 1 category. The number of credits in other tiers is variable. There is no discussion of the difference in credit choices.

The ENF/PNF checklists do not include LEED information typically provided in a PNF. We understand that a representative of this department and Katie Pedersen of the BRA will meet with the Proponent to review updated checklists. Those checklists should use the standard LEED categories. An additional important LEED-related discussion will be the way in which commercial and retail tenants will be approached regarding LEED-CI when a building has been rated under LEED-CS.

Missing from the Master Plan Framework sustainability synopsis is any reference to technologies such as distributed generation to serve the neighborhood-at-large. We understand that a Request for Proposals (RFP) had been issued in April, 2008 for an energy feasibility study and we suggest that a discussion in the near term with Brad Swing, Director of Energy Policy, may be timely.

We look forward to information in the Draft EIR/PIR in fulfillment of the MEPA Greenhouse Gas Emission Policy and Protocol. In addition, we ask that the subject of adaptation to climate change be discussed.

This department recommends that, once the hotel brand is chosen, the proprietor contact Boston Green Tourism (BGT). BGT is dedicated to increasing tourism in Boston, reducing the operating costs to the industry in areas such as energy, water and waste disposal and showcasing to the public and media the environmental best practices employed by the visitor industry. The BGT can be contacted at bostongreentourism@usa.net or through Dan Ruben at 617-527-7950.

Grow Boston Greener, a campaign to plant 100,000 new trees in the city by the year 2020, is a collaboration between the City of Boston, the Commonwealth of Massachusetts, the U.S. Forest Service and Boston's Urban Forest Coalition. By increasing the city's tree canopy cover by 20%, Grow Boston Greener will make our city a healthier place to live and visit by improving air quality, shading and cooling our neighborhoods, and lowering energy consumption (and therefore carbon emissions). At the same time, the initiative will make Boston a safer, stronger city by providing beautiful spaces for families and neighbors to meet. We look forward to Seaport Square's contribution to this effort.

As LEED emphasizes, once plants are established, native and drought-tolerant groundcover and plants generally require little water. To eliminate or minimize the use of potable water, the potential for stormwater retention and reuse or the use of grey water, a measure the Proponent plans to evaluate, are useful measures. During the period when plants and trees are being established, the manner of irrigation is important. Sprinklers spray water into the air first, before it ever reaches the ground. Wind can carry airborne water away, distributing it away from plants. Drip irrigation systems preclude this water loss by taking the water right to the roots; the location of the open holes is tailored to irrigate specific areas. We recommend evaluating their temporary use.

The quality of stormwater is an increasingly important environmental issue. We ask that the Proponent help to educate the public and further improve the water quality of local water bodies by agreeing to the permanent installation at all new catch basins (or catch basins around which road work is done) plaques that bear the warning "Don't Dump - Drains to Boston Harbor." Information on the casting can be obtained from the Operations Division of the Boston Water and Sewer Commission (617-989-7000).

Exterior lighting should meet safety needs while not contributing to light pollution. Fixtures should be shielded (full cut-off) and downward directed. We recommend as a resource, the Campaign for Dark Skies which can be accessed at '<http://www.britastro.org/dark-skies/goodvbad.htm>'.

Save That Stuff, a Charlestown company, has recently initiated a composting program, one of the few available in the Boston area. We ask that the Proponent encourage restaurant and other food service tenants to consider participating in this program which will turn their organic waste into a useful product while helping to control waste removal costs and, when properly managed, assist with pest control. Save That Stuff can be reached at 617-241-9998.

Some excess building materials from each building at the project may be suitable for donation to the Building Materials Resource Center (BMRC). The BMRC is a nonprofit building materials reuse project that accepts donations of good-quality used and surplus building materials and sells them to the public at low prices. Low- and moderate-income customers and nonprofits are eligible for a considerable discount on those prices. The BMRC also offers a wide range of homeowner support services, including home improvement classes, in-home consultations and a do-it-yourself window repair shop. The BMRC can be contacted at 617-442-8917.

The ENF/PNF indicates that a Transportation Demand Management (TDM) program will be described and evaluated in the Draft Project Impact Report/Draft Environmental Impact Report (DPIR/DEIR) and

during work to establish the terms of a Transportation Access Plan Agreement (TAPA). A TDM plan may include:

- An on-site Transportation Coordinator.
- Participation in a Transportation Demand Association (TMA).
- Car/Vanpool Parking.
- Encouraging tenants to offer Transit Pass subsidies for retail and office employees.
- Distribution of transit information in orientation packets, building lobbies and on a project Web site.
- Market-rate public parking as a disincentive to use single occupant vehicles (SOV).

The ENF/PNF indicates that, within the overall project, one bicycle storage space will be provided for every three residential units. Shared bicycle rooms with racks will be in the parking garages of several buildings. The Proponent will continue to offer a low-cost bicycle rental program, an innovation that we hope will be expanded over time.

The potential 100+ vehicle car-sharing service for the overall project would be a strong TDM measure. A single hub within the Seaport Square boundaries, however, may limit use. Zipcar, currently the only such service in Boston, operates in 48 U.S. municipalities and regions in addition to Vancouver, Toronto and Edmonton, Alberta and London; members may use vehicles in all locations worldwide. Zipcar's Z2B program, designed specifically for businesses, can be a tenant amenity, an employee benefit or a part of standard business practice. With Zipcars available, those working in Seaport Square who occasionally need a vehicle during the workday would not have to drive to work. Those coming to Boston to do business in Seaport Square and/or lodging in Seaport Square while working or on holiday may find Zipcar access desirable. We suggest that the Proponent evaluate the benefits of locating Zipcars in several pods for easy access for residents, visitors and business travelers.

The TDM commitments for Blocks A and H will set the standard and precedent for residential and retail uses at Seaport Square. We believe that a strong, comprehensive program is necessary and suggest that the following be included (some of which are already under consideration by the Proponent).

Residence-specific

- Car-sharing, such as Zipcar, for A and H.
- Secure, indoor storage for residents' bicycles.
- Bicycle racks for visitors.
- Posting information about public and private transit routes (including water), schedules and rates in prominent common areas and on any project Web sites.
- Electric vehicle/alternative fuel charging stations for Zero Emission Vehicles (ZEV), as classified by the California Air Resources Board, or are low-emitting, having achieved a minimum score of 40 on the American Council for an Energy Efficient Economy (ACEEE) annual vehicle rating guide.

The accessibility of transit, including water transportation, may provide an additional incentive for the ownership of only one vehicle, resulting in reduced vehicle trips and an increase in transit mode share. An increasingly common residential TDM measure for condominiums being marketed to buyers not presently living in urban areas is offering one Massachusetts Bay Transportation Authority (MBTA) subway pass for each unit during the six months to one year after the initial sale of each unit. Such subsidies encourage residents to try the transit system and emphasize that city living at the project can be comfortable without a vehicle or with a single vehicle.

Commercial/Retail/Mixed-Use

- On-site Transportation Coordinator (to provide services to residents, as well).
- Joining or establishing a Transportation Management Association (TMA).

- Providing transit pass subsidies for all employees, including contract workers, with a *pro rata* subsidy for part-timers. Consider making this a lease term for retail/commercial tenants.
- Offering pre-tax payroll deduction for transit pass purchase.
- Offering on-site transit pass distribution or sales.
- Maintain a database of employee information for ridematching/planning purposes – home address, commuting mode, work hours, etc. (Best done through membership in a TMA or, in the alternative, MassRIDES.)
- On-site information about MassRIDES.
- Offering a Guaranteed Ride Home program for non-drivers and high occupancy vehicle (HOV) users. (Often a TMA service.)
- Posting and on-site availability of public and private transit schedules with rate information.
- Providing the same information on Web sites and through e-mails, newsletters and at employee orientations.
- If parking is a perquisite, offer a parking "cash out" option.
- Additional bicycle storage for short-term users.
- Payroll deduction for the purchase of bicycles and accessories.
- Showers and changing rooms/lockers for commuters who bike or walk (can be a shared amenity amongst commercial occupants or through an arrangement with a health club in proximity to an employee's workplace).
- Flextime.
- Telecommuting.
- Direct deposit of paychecks.
- On-site ATMs.
- A local hiring program.
- If offering shuttle services: share cost with other employers, allow free resident use, serve major transit hubs offering multiple transportation modes and contract with one that uses clean (alternative) fueled vehicles.
- Offer occasional parking for transit commuters who may sometimes need to drive.
- Structure parking rates to discourage all commuter, not just SOV commuter, use.
- Provide fueling stations for alternative fuel vehicles.

Please note that in order to accommodate MassRIDES vehicles, the height of the first level of a parking garage must be at least 6 feet, 10 inches.

Hotel-specific

- Offer on-site car rental or special arrangements with car rental agency to provide car at hotel so that trips to and from the airport or rail are not necessary.
- Offer on-site trip-planning assistance.
- Send transit information (MBTA, water shuttle, etc.) and special car rental information to all who reserve a room and to all registrants of conferences or seminars to be held at hotel.
- Sell MBTA Link Passes on-site.
- If offering shuttle services, share with other hotels, serve major transit hubs for multiple modes and contract with one that uses clean (alternative) fueled vehicles.

An expanded and enhanced, first-rate water transportation system has the potential to link destinations harbor-wide for commuting and leisure, including access to retail, cultural and entertainment venues and commercial locations. Such a system would be a benefit for Seaport Square residents, employees and

visitors. We encourage the Proponent to consider ways to contribute to the development and maintenance of water transportation.

According to the Massachusetts Department of Environmental Protection (DEP), about 33 percent of mobile source particulate matter (PM) and ten percent of all nitrogen oxide (NO_x) pollution in the northeast is caused by construction vehicles. More than 90 percent of diesel engine particulate emissions are highly respirable and carry toxins deep into the lung, exacerbating human respiratory ailments. The U. S. Environmental Protection Agency (EPA) has proposed classification of diesel exhaust as "highly likely to be carcinogenic in humans." It estimates that diesel engines currently on the road can run for 1,000,000 miles and remain in operation for as long as 20 to 30 years. This amounts to 160 to 240 tons of pollution over the life of each engine.

The use of flow-through filters and, diesel particulate filters on pre-2007 diesel vehicles can reduce air quality degradation caused by emissions of carbon monoxide (CO), volatile organic compounds (VOC), NO_x and air toxins generated by heavy-duty equipment. Oxidation catalysts and catalyzed particulate filters reduce toxic emissions of formaldehyde, benzene, acrolein and 1-3 butadiene by as much as 70 percent, decrease localized adverse impacts and reduce dust and odor complaints from project abutters and regulatory agencies. Experience with a pilot project that retrofitted 83 pieces of equipment working on the Central Artery/Tunnel (CA/T) project showed that:

- Vehicles did not experience significant power loss.
- There are no additional operation and maintenance (O & M) or fuel costs.
- Engine manufacturers continue to honor vehicle warranties.

We ask that all post-2007 diesel construction vehicles working on the project be retrofitted using retrofit technologies approved by the United States Environmental Protection Agency (EPA).

We look forward to a broad program in the Draft PIR/EIR that will outline construction-period best practices and plans in the areas of air quality, stormwater quality, erosion prevention, noise, vibration, demolition and construction waste management, hazardous waste management and TDM for workers.

CHAPTER 91/PUBLIC BENEFITS DETERMINATION

Block A and portions of Blocks B, G, H and M are within C. 91 jurisdiction and subject to licensing. The projects on Blocks A and H are nonwater-dependent. Pursuant to 301 CMR 13:00, *Public Benefit Determination Regulations*, the entire Seaport Square project area is also subject to a Public Benefits Review and determination by the Secretary. Individual licenses with extended terms will be sought for each parcel.

The ENF/PNF identifies public benefits associated with the waiver parcels are to be in, but not limited to, the following categories:

- Creation of public open space, pedestrian connections and a Harborwalk link
- Funding for open space improvements
- Seasonal programming for community events
- New facilities of public accommodation
- Protection of adjacent open spaces

The ENF/PNF states that the Proponent will manage and maintain improvements for Block A and Old Sleeper Street and that it is likely that there will be no restriction on the hours of use of the public open space. Gates and fencing will not be associated with the public areas. We look forward to the draft management and operations plan for the entire project that will be included in the C. 91 license application.

The ground floors (and second floors) of Blocks A and H will be occupied by Facilities of Public Accommodation (FPA); accessory uses to upper floor private uses will not exceed 20 percent of the building footprint. We assume that the 20 percent limit applies to Block A but, given that Block H is under partial jurisdiction, the limit may be 20 percent of the area under jurisdiction. We ask that this be clarified.

This department requests that public restrooms, open hours to be determined on a project-by-project basis, be provided on the ground floors of each building within C. 91 jurisdiction. Signage indicating the availability of restrooms should be posted in prominent outdoor locations. Access during business hours would seem to be appropriate for Blocks A and H.

The *Benefits to the Public Trust in Tidelands or Other Associated Rights* describes a number of significant initiatives. Particularly exciting are the Harborwalk connection under the Evelyn Moakley Bridge to the Old Northern Avenue Bridge and to a broad variety of seasonal programming and community events that, along with the expanded open space, will invite the general public to all that Seaport Square will offer. We also look forward to information on options for the Northern Avenue Bridge.

This department supports the Proponent's request for a waiver for Parcels A, H and J should the following information be provided to this department and, as requested by her, to Katie Pedersen of the BRA within one month:

- A shadow study.
- A qualitative wind study.
- A noise study.
- Updated LEED-NC checklists.

A meeting to review the checklists will be set up by Ms. Pedersen.

We look forward to the evolution of this project and to working with the Proponent as it progresses. Thank you for the opportunity to offer comment.

Sincerely,

Bryan Glascock
Director

Cc: Kathleen Pedersen, BRA
Brad Swing, Environmental and Energy Services

Boston

Kristin Kara
Senior Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

June 3, 2008

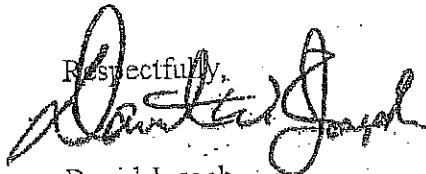
Dear Mr. Rourke:

Regarding the Project Notification Form for the Seaport Square project submitted to the BRA on June 2, 2008 the Boston Fire Department requires the following issues addressed by a qualified individual.

1. Emergency vehicle site access to the new buildings as well as existing buildings that might be affected.
2. Impact on availability and accessibility of hydrant locations for new buildings as well as for any existing buildings that might be impacted.
3. Impact on availability and accessibility to siamese connection locations for new buildings as well as for any existing buildings that might be impacted.
4. Impact that a transformer vault fire or explosion will have on the fire safety of the building. Particularly as it relates to the location of the vault.
5. Need for Boston Fire Department permit requirements as outlined in the Boston Fire Prevention Code, the Massachusetts Fire Prevention Regulations (527 CMR), and the Massachusetts Fire Prevention Laws (MGL CH148).
6. For projects involving air-supported structures, it is critical that the impact of the design has on fire safety relative to the interaction of the area underneath the structure to the structure as well as to the interaction of the structure to the area underneath the structure.

These items should be analyzed for all phases of the construction as well as the final design stage. This project will need permits from the Boston Fire Department as well as the Inspectional Services Department.

Respectfully,



David Joseph
Acting Fire Marshal

Cc: Paul Donga, FPE, Plans Unit, BFD



Thomas M. Menino, Mayor/FIRE DEPARTMENT/115 Southampton Street 02118

BOSTON

Thomas M. Menino, Mayor

July 31, 2008

Secretary Ian A. Bowles
EOREA, Attn: MEPA Office
Briony Angus, EEA No. 14255
100 Cambridge Street, Suite 900
Boston MA 02114

Kristin Kara
Senior Project Manager
Boston Redevelopment Authority
One City Hall Square, 9th Floor
Boston, MA 02201-1007

RE: Seaport Square Environmental Notification Form/Project Notification Form
Scoping Comments

Dear Secretary Bowles and Ms. Kara:

We have reviewed the above-referenced document and have the following comments on this proposed project.

Seaport Square is located on approximately 23 acres in the South Boston seaport industrial district. The proponent desires to construct 6.5 million square feet, distributed among 19 buildings. This mixed use development will contain approximately 2.75 million square feet of residential space (approximately 2,500 dwelling units), 1.4 million square feet of office and research space, 1.25 million square feet of retail space, 0.6 million square feet for educational, civic and cultural uses, 0.5 million square feet for hotel uses (approximately 700 rooms), and below-grade parking for approximately 6,500 cars. The proponent is requesting a Phase I waiver for construction of 3 buildings on 3 small parcels on the northwest section of the project area.

Phase I of this project is relatively modest, and can proceed without addressing most of the issues this Department has considered (please see below for the specific issue that does require further consideration).

The increase in residents alone generated by this project (~4,000-5,000 people) would increase Boston's population by nearly 1%. This population increase would likely stress the area's open space resources. We believe several issues must be addressed in an environmental/project impact statement that does include the impacts of both Phase I and later phases.



Boston Parks and Recreation Department

Antonia M. Pollak, Commissioner

1010 Massachusetts Ave., Boston, MA 02118 / Tel.: (617) 635-4505 / Fax: 635-3173

- In Phase I, the proponent proposes to build a section of Harborwalk. We welcome this aspect of the project, but are concerned at how this new pedestrian environment, which together with the pedestrian environments of the Old Northern Avenue Bridge and the Fan Pier Harborwalk of the Moakley Courthouse form a key pedestrian node, will be impacted by the car/truck drop-off/pick-up area proposed for the building at Parcel A. We feel that such a car/truck drop-off/pick-up area would be better designed to avoid this pedestrian area. It might be better relocated to the New Sleeper Street frontage.
- As stated in pre-scoping and in the scoping meeting, given the size and scale of this project, the proponent should undertake the detailed open space impact assessment (see attached) which our agency requires for review of open space impacts of large-scale development projects. To summarize why this is necessary, the Department's open space impact assessment method provides a guideline for inner-core urban neighborhoods, such as South Boston, of 2.5 acres of open space allocation per 1000 residents. To meet this goal, a project that generates 4,000 to 5,000 residents would need to provide 10 to 12 acres of open space to meet that guideline. The subject ENF/PNF shows only three open spaces, the Seaport Square Park, the Seaport Hill Park, and the Seaport Square Harborwalk (part of Phase I), which by our reckoning total 1.87 acres. Such underserved demand will likely cause these new residents to seek open spaces elsewhere, burdening other neighborhood's open space resources, including those of nearby environmental justice communities.
- Further, the open space impact assessment method provides a guideline that 80% of an area's open space should be oriented to active recreation. We note that the ENF/PNF shows the only active open space to be provided by the project is a children's playground, which typically occupies one-quarter (1/4) acre. Eighty percent (80%) of 2.5 acres per thousand is 2.0 acres per thousand. Again, this underserved demand will likely cause these new residents to seek active recreation spaces elsewhere, burdening other neighborhood's active recreation resources, including those of nearby environmental justice communities.
- While we mentioned that the amount of open space currently proposed for this project is extremely limited, quality as well as quantity is another of our concerns. We found the location of Seaport Hill Park to be contrary to the concepts of public access and public realm. It is located within a superblock of high- and mid-rise buildings such that the view to it by the public will be extremely limited, giving rise to a perception that the available open space is in fact private. Further, it is surrounded by streets and parking, which is more typical for very small decorative South End square type parks that provide visual enhancement, not actual physical enjoyment. (The project elsewhere provides such pedestrian enhancements as at the Seaport Boulevard and other small pedestrian-oriented spaces between the high-rise towers.) Placing a children's

play area in a substantially larger park at the southwest corner of such a superblock would allow for better public visual and physical access (for both the public and for the schools to be located nearby) as well as for access to sunlight. In contrast, the location proposed in the ENF/PNF would likely be shaded from the sun for long periods of time. The EIR/PIR should address shadow impacts on open spaces in this area, both within and outside the project area.

- The proponent should also describe how this project will support the recommendations of the City of Boston Open Space Plan 2008-2012, as well as Goal #23 of the recently released Metropolitan Area Planning Council (MAPC) plan for the region, *MetroFuture* (<http://www.metrofuture.org/goal/23>).
- We also wish to note that after the scoping meeting, a member of the proponent's consulting staff provided information on a bicycle share program. We encourage such efforts. We also wish to note that while Tables 3.1-18 and 3.1-19 include the word "Bicycle" in the title, the discussion makes it clear that bicycle trips were not counted. We look forward to the proponent's effort to remedy this oversight; we also look forward to a more full description as to how bicycles will be accommodated on the road network of the project area.

We look forward to working with the proponent and your respective offices on developing the EIR/PIR. Should you have any further questions, please feel free to contact our office at either 617 961-3033 or at aldo.ghirin@cityofboston.gov.

Sincerely,



Aldo Ghirin
Senior Planner
Design & Construction Unit
City of Boston Parks & Recreation Department

Attachment:

Impact Assessment Method: Open Space

Copy: Ken Crasco, Chief Landscape Architect, BPRD

Impact Assessment Method: Open Space

I. DEFINITIONS

For purposes of this section, open space is defined as publicly or privately owned land that has been designated for leisure, play, or sport, or land set aside for the protection and/or enhancement of the natural environment. Under Article 80 - Large Project Review of the Boston Zoning Code, an analysis of open space is conducted to determine whether or not a proposed action would have either a direct impact resulting from elimination or alteration of open space or an indirect impact resulting from overtaking available open space.

Open space may be public or private and may include active and/or passive areas:

A. *Publicly Accessible Protected Open Space.*

Only open space that is accessible to all members of the public on a constant and regular basis or for designated daily periods is defined as "publicly accessible" and analyzed for impacts under Article 80, Large Project Review. "Protection" refers to legal protection against a change in the use of the subject open space property from publicly accessible open space to another use. Publicly accessible and protected open space may be under government or private jurisdiction and may include, but is not limited to, the following: parks and parkways under the jurisdiction of the City, State, and Federal governments (for the City and State properties, such lands protected by Article 97 of the Amendments to the state Constitution) (only the non-roadway portions of parkways are included); open spaces permanently protected by easements or deed restrictions for public access outdoor recreation or natural resource conservation purposes; and such other spaces considered protected by other long-term or permanent means as defined by the EOEEA Division of Conservation Services in the current edition of the *Open Space Planner's Workbook*. The initial quantitative impact analysis/assessment described in Part III below focuses only on this type of open space. This type of open space remains the primary, but not sole, focus of further detailed impact analyses/assessments described below. (Generally, the term "open space" used throughout the remainder of this document will most likely refer to publicly accessible protected open space.)

B. *Publicly Accessible Unprotected Open Space.*

These are open spaces that are publicly accessible but not permanently protected as defined by the EOEEA Division of Conservation Services in the *Open Space Planner's Workbook*. Examples include outdoor public school yards, institutional campuses, and open spaces generated by regulatory approvals such as zoning but not governed by a legal instrument that permanently preserves its open space status per the *Open Space Planner's Workbook*. This type of open space may

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also be considered qualitatively in the detailed impact analysis/assessment described in Part III below.

C. *Private Unprotected Open Space.*

This includes open space that is not publicly accessible or is available only to limited users and is not available to the public on a regular or constant basis. It is not included in the initial quantitative impact analysis/assessment described in Part II below, but may be considered among the qualitative factors of the detailed impact analysis/assessment of potential open space impacts. For example, private-access fee-charging spaces, such as the outdoor tennis courts of health clubs, are considered private open spaces. In addition, the following are also considered private and are not included in the definition of public open space: privately owned natural areas or wetlands with no public access, and vacant lots. These types of spaces are only considered after an assessment of the proposed action's effects on publicly accessible and protected open space has been completed. If the action is likely to have indirect effects on public open space (such as greater use or demands), the ability of private open space to influence or alter those effects may be considered. This type of open space may also be considered qualitatively in the detailed impact analysis/assessment described in Part III below.

D. *Active and Passive Open Space.*

Open space includes both "active" and "passive" areas as described below.

1. **Active open space.** Open space that is used for sports, exercise, or active play is classified as "active open space." Active open space consists mainly of recreational facilities, including the following: playground equipment, playing fields (baseball, soccer, football, track), playing courts (basketball, handball, tennis), beach area (swimming, volleyball, frisbee, running), pools, outdoor ice skating rinks, greenways and esplanades (running, biking, rollerblading, hopscotch, and other active play), multipurpose play area (open lawns and paved areas for active recreation, such as running games, informal ball-playing, skipping rope, etc.), and golf courses, including pitch and putt.
2. **Passive open space.** Open space that is used for relaxation, such as sitting or strolling, is classified as "passive." Facilities may include the following: plazas or medians with seating, a percentage of beach areas (sunbathing), picnicking areas, greenways and esplanades (sitting, strolling), paths, accessible restricted use lawns, gardens, church yards or cemeteries, and publicly accessible natural areas used, for example, for strolling, dog walking, and bird watching. In many cases open space can be used for active or

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passive recreation. These include lawns and beaches, which permit both sunbathing and ad hoc ball or frisbee games.

E. *Direct and Indirect Effects.*

A proposed action's effects on open space may be either direct or indirect. These are defined as follows:

1. **Direct effects** may occur when the proposed action would encroach on or cause a loss of open space. Direct effects may also occur if the facilities within an open space would be so changed that the open space no longer serves the same user population. Limitation of public access and changes in the type and amount of public open space may also be considered direct effects.

Other direct effects include the imposition of noise, air pollutant emissions, odors, or shadows on public open space. Assessment of these effects is addressed in the relevant technical chapters of the project impact report and should be referenced in the open space impact assessment.

2. **Indirect effects** may occur when the population generated by the proposed action overtaxes the capacity of existing open spaces so their service to the existing or future population of the affected area would be substantially or noticeably diminished.

II. DETERMINING WHETHER AN OPEN SPACE ASSESSMENT IS APPROPRIATE

An open space assessment may be necessary if an action could potentially have a direct or indirect effect on open space. A direct impact would physically change, diminish, or eliminate an open space or reduce its use or aesthetic value. An indirect impact could result if an action would introduce a substantial new user population that would diminish the service capacity of open space resources or create or exacerbate an overuse of open space resources.

Direct effects may not always result in adverse effects to open space. Alterations and changes to parks may be beneficial or may result in beneficial changes to some resources while having an adverse effect on others. In determining whether or not to prepare an open space assessment, consider whether the changes are likely to adversely affect use of existing resources or specific user groups of these resources.

A. *Direct Effects*

If a proposed action would have a direct effect on an open space, an assessment of the effects on open space and its users may be appropriate. Direct effects would

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occur if the action would result in the physical loss of public open space (by encroaching on an open space or displacing an open space); change the use of an open space so that it no longer serves the same user population (e.g., elimination of playground equipment); limit public access to an open space; or cause increased noise or air pollutant emissions, odors, or shadows on public open space that would affect its usefulness, whether on a permanent or temporary basis. Consideration of these effects during the construction phase of a project should also be taken into account when determining whether an open space assessment is required. The analysis of construction impacts, as described in the project impact report, should be consulted for a detailed discussion of impacts on parkland during the construction phase of a proposed project.

When the direct effect would be very small, however, so that it would be unlikely to change use of the open space, an assessment may not be needed. For example, a small widening of a roadway within a public park or the loss of a small amount of open space to support infrastructure may not warrant a full open space analysis. When few users or a limited age group of users would be affected, when new and comparable open space would be provided at the same location, or when the proposed alterations to an existing open space would be considered improvements by creating comparable updated or better (e.g., enhanced) facilities, significant adverse impacts are unlikely and a full assessment may not be needed. A simple comparison of conditions with and without the action and a discussion of the users affected may be adequate. However, most direct effects on open space do require assessment, particularly when there is any ambiguity as to whether the action would reduce the usability of an open space, detract from its aesthetic qualities, or impair its operation, or when more information on users of that open space may be appropriate.

In addition to consideration of direct effects on open space, in Massachusetts if an action entails the use of parkland for a non-parkland purpose or the conveyance of municipal parkland, it may constitute "parkland conversion." Authorization of the General Court of Massachusetts (by a two-thirds vote of the House of Representatives and the Senate of the Massachusetts legislature) is required for parkland conversion, in accordance with Article 97 of the Amendments to the state Constitution. Prior to the vote on the home rule petition by the General Court, the parkland conversion measure must be approved by the Boston City Council and the Mayor. In addition, if federal funds were provided for the affected parkland, the action may also be governed by the rules and regulations of the National Park Service of the U.S. Department of the Interior for conversion of parkland. If state funds were provided, the action may also be governed by the rules and regulations of the Division of Conservation Services of the Massachusetts Executive Office of Energy and Environmental Affairs for the conversion of parkland. Conversion of parkland is also affected by the Executive Office of Energy and Environmental

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Affairs Article 97 Land Disposition Policy

(<http://www.mass.gov/envir/dcs/pdf/article97.pdf>). The project sponsor should contact the City of Boston Parks and Recreation Department's Design and Construction Unit at the earliest stage of the project's conception if conversion of parkland (whether owned by the city or other governmental agency) is contemplated.

The U.S. Department of Transportation Act of 1966 Section 4(f) requires the Federal Highway Administration (FHWA) to assess the environmental effects of an action through the NEPA process. The FHWA is directed not to approve any program or project that requires the use of any publicly owned public park, recreation area, or wildlife or waterfowl refuge, or any land from an historic site of national, state, or local significance, unless there is no feasible and prudent alternative to the use and all possible planning to minimize harm resulting from such use is included. The environmental regulations for applying Section 4(f) to transportation project development are found at 23 CFR 771.135.

B. Indirect Effects

If an action would add population to an area, the additional population would typically place an added demand on existing open space facilities. Indirect effects may occur when the population generated by the proposed action would be sufficient to noticeably diminish the ability of an area's open space to serve the existing or future population. Typically, an assessment is conducted if the proposed action's population is greater than 200 residents or 500 employees, or a similar substantial number of other users (such as the temporary user population that might be introduced by a large shopping area).

III. ASSESSMENT METHODS

Detailed analyses of open space may be conducted in stages of successively greater detail. In many cases it will be clear that a full, detailed open space analysis is necessary—if the action would displace a highly utilized open space or introduce a large population in an area underserved by open space. In some cases, however, it may be less clear and an initial quantitative assessment may be useful in determining the need for a more detailed analysis of open space. Often, when potential effects from the proposed action are limited, the assessment can be targeted to address only those effects. In any case, the initial step is to define and map a study area.

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A. Study Areas and Mapping of Existing Open Space

The open space study area is defined to analyze both the nearby open spaces and the population using those open spaces. It is generally defined by a reasonable walking distance that users would travel to reach local open space and recreation areas—typically a one-half-mile radius for residential users and $\frac{1}{4}$ mile from commercial projects with a worker population. For actions that would result in mixed-use projects (e.g., residential/commercial buildings), it may be appropriate to analyze two study areas—one for residential users and another for nonresidential users. However, the boundaries are often adjusted and the study area may be irregularly shaped. The following steps may be used to define an open space study area:

1. Use a legible map of appropriate scale as a base map. Locate the site of the proposed action and draw the physical boundary of the area affected by the action (aka “the project site”). (Include a graphic scale for the map.)
2. From the boundary of all sites that would be developed as a result of the proposed action, delineate a radius of one-quarter mile for commercial/non-residential projects or one-half mile for residential projects to create the generalized open space study area boundaries. As noted, it will be necessary to define two study areas for mixed-use projects—one for residential users and another for commercial users.
3. Identify all census block groups with at least 50 percent of their area within the generalized study area. The study area should include each of those census block groups in their entirety. Exclude all census block groups that have less than 50 percent of their area within the study area.
4. Identify all open spaces within the study area defined in step 3. Field surveys of the study area are usually important to be certain that all appropriate open spaces are included. Determine the acreage for each of the open spaces within the study area as well.

If an action would displace an open space, or where the action would take place on an extremely large site, the boundary may also need to be adjusted to reflect additional open space resources likely to be affected. For example, if a tot lot would be eliminated under a proposed action, other existing tot lots should be included in the map—even if they are located beyond the one-half-mile radius. If only direct effects from the action are expected, it may be possible to target the assessment to spaces that would be similar to those affected by the action. If the action is programmatic or generic, prototypical sites may have to be chosen for the analysis.

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5. Other boundary adjustments may be necessary to account for natural boundaries (ravines, rock outcroppings, water bodies, very steep slopes, wetlands) or built features (depressed highways, canals, railroad rights-of-way, etc.) that preclude access to open spaces within the study area. A written rationale for any adjustment of the boundary shall be provided.

B. Analysis Techniques

If an open space assessment is appropriate (see Section II, above), the analysis examines the type of open space and user population affected by the proposed action. (For example, a commercial or mixed-use project may introduce a large worker population, which would tend to place greater demands on passive open space. The analysis would examine in further detail the amount of passive open space available with and without the project to quantify the impact, and hence, the mitigation, more specifically.) Overall, the goal of the open space assessment is to determine the significance of the change in the availability of open space relative to the demand from the population, and/or the significance of change in the enjoyment potential of open space affected by the proposed action.

For actions that would have a direct effect on a specific type of open space without introducing a significant new user population, it may be possible to target the assessment. The open space analysis may be targeted toward those open space resources that are similar to the space that would be eliminated or altered by the action. For example, if the direct effects are limited to an open space resource targeted for a certain age group, such as a tot lot for toddlers and preschoolers, the impact assessment may be targeted to assess only that age group and nearby tot lots.

1. Initial Quantitative Assessment

An initial quantitative assessment may be useful if it is not clear whether a full, detailed open space analysis is necessary or whether the open space assessment can be targeted to a particular user group. Because the full, detailed open space analysis includes substantial data collection and analysis, this first level of quantitative assessment may be useful in determining the need for a full assessment or in narrowing the focus of that assessment. When it is clear from the outset that the open space assessment can be targeted or that a full open space assessment would be necessary, this level of analysis may not be useful. However, this methodology also may not be useful in addressing direct qualitative changes to open space that could result from an action (such as loss of space for a particular user group, or air pollutant emissions, noise, or shadows that could make a space less useable). In other circumstances—for example, where a study area appears to have a shortfall of open space that would be exacerbated by an action—this first level of quantitative

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analysis may be useful in clarifying the degree to which an action would affect open space and the need for further analysis.

The following methodology examines the change in total population relative to total open space (publicly accessible and protected (see I.A. above)) in the study area, to determine whether the elimination of open space and/or increase in user population would significantly reduce the amount of available open space for the area's population:

- a. Using the study area defined above, calculate total population at the time of the last (most recent) census, as described below. Census data can be obtained from the US Bureau of the Census (http://factfinder.census.gov/home/saff/main.html?_lang=en) or the Boston Redevelopment Authority, Research Division (<http://www.cityofboston.gov/bra/pdr/pdr.asp>).
 - *Actions that would result in an increase in residential population.* Calculate the residential population of the study area. If the action would occur in an area with a substantial nonresidential population (i.e., employees, visitors, students, etc.), also calculate the nonresidential population of the study area.
 - *Actions that would result in an increase in nonresidential population (i.e., employees, visitors, students, etc.).* Calculate the nonresidential population. If the action would occur in an area with a substantial residential population, also calculate the residential population of the study area.
 - *Actions that would result in an increase in both residential and nonresidential population.* Calculate the residential and nonresidential population of the study area.
- b. Calculate total open space (publicly accessible and protected (see I.A. above)) in the study area, using the information gathered above (Section III.A.).
- c. Determine the open space ratio in the study area, using the information from steps a. and b., as described below. The open space ratio is expressed as the amount of open space acreage per 1,000 user population.
 - *Actions that would result in an increase in residential population.* Calculate the open space ratio for the residential population. If the action would occur in an area with a substantial nonresidential population, also calculate the open space ratio for the nonresidential population of the study area.

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- *Actions that would result in an increase in nonresidential population (i.e., employees, visitors, students, etc.).* Calculate the open space ratio for the nonresidential population. If the action would occur in an area with a substantial residential population, also calculate the open space ratio for the residential population of the study area.
 - *Actions that would result in an increase in both residential and nonresidential population.* Calculate the open space ratio for both the residential and nonresidential populations of the study area.
- d. Add the population expected with the proposed action to the total population at the time of the last census (step 1, above).
 - e. Calculate any changes in the acreage of open space in the future with the action (accounting for increases and/or decreases resulting from the action).
 - f. Calculate the open space ratio with the action.

If the open space ratio would increase or remain substantially the same with the action in place, no further analysis of open space will likely be appropriate (unless direct, qualitative changes to an open space may occur because of the action).

If the ratio would decrease as a result of the action, the existing open space ratio and the extent to which the action would alter that ratio should be considered. As a planning goal, the City attempts to achieve a ratio of 2.5 acres of publicly accessible protected open space per 1,000 residents for large-scale plans and proposals in inner core urban neighborhoods, and 5.0 acres per 1,000 residents in all other neighborhoods¹. In both types of neighborhoods, the City benchmark goal is 80% active and 20% passive publicly accessible protected open space. However, this goal may not be feasible for some areas of the City and does not constitute an impact threshold. Rather, it is a benchmark that represents an area well served by open spaces.

Nonresidents also use both passive and active open space. Typically, 0.15 acres of passive open space per 1,000 nonresidents in addition to the residential passive open space ratio has been found to be adequate, while an additional 0.5 acres of active open space per 1,000 non-residents in addition to the residential active open space ratio has been found to be adequate.

Decreases in the open space ratio would generally warrant a more detailed analysis under the following conditions:

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- If the decrease in the open space ratio would approach or exceed 5 percent, it is generally considered to be a substantial change, warranting more detailed analysis.
- If the study area exhibits a low open space ratio (e.g., below 1.5 acres per 1,000 residents or 0.15 acres of passive space per 1,000 nonresidential users), indicating a shortfall of open space, even a small decrease in that ratio as a result of the action may have an adverse effect.

More detailed analysis of open space effects on residents for most actions will generally be unnecessary if the open space ratio decreases by less than 1 percent. However, the existing open space ratio may be so low that even an open space ratio change of less than 1 percent may result in potential significant open space impacts and should be further assessed. Typically, a 1 percent change should only be considered if open space resources are very scarce (e.g., below 1.5 acres per 1,000 residents) in the study area. For example, the closer the ratio is to 1.5 acres per 1,000 residents (and certainly the more it exceeds this ratio), the greater percentage of change that can be tolerated. This type of assessment is also applicable to the nonresidential population. The more the ratio drops below 0.15 acres of passive space per 1,000 non-residents, the more likely the action is to have an effect on the nonresidential population's use of passive open space. This assessment may also consider and compare the amount of open space in the study area relative to the neighborhood and the city as a whole to assess the relative shortfall or availability of open space in the study area. If this analysis suggests the need for additional assessment, the guidelines below may be followed.

2. Detailed Assessment - Existing Conditions

The detailed open space assessment typically analyzes study area population and details the amounts and quality of various types of open space to assess the availability of particular types of open space. In conducting this assessment, the analysis focuses on where shortfalls in open space exist now or would exist in the future, to identify whether they result from the action and to identify what sort of mitigation would be necessary. Where it is clear from the outset that the action would affect a particular type of open space or particular age group, this detailed assessment may focus on those issues.

- a. **Identify Study Area Population.** Determine the population in the study area using the most recent census for all census block groups in the study area as described above in Section III.B.1. Depending on the amount of time that has passed and the level of development that has occurred in the study area since the last census, the study area population data may need to be adjusted to account for increases or decreases in population. Analyze the population by the demographic and socio-economic variables used in the City of Boston's 2008-2012 open space plan

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(*Open Space Plan 2008-2012*), available from the City of Boston Parks and Recreation Department, Design and Construction Unit. (Please provide the discrete block group tables in the appendix of the project impact report.) Using these variables, compare the study area population to the City of Boston population (see Section 3 of the *Open Space Plan 2008-2012*), and the population of the neighborhood(s) in which the study area is located (see Section 7.2 of the *Open Space Plan 2008-2012*).

If it is clear that the area supports a substantial weekday population, such as workers, college students, or tourists, data on the size of such population and the source of this data may be appropriate. Data on daytime worker population can also be obtained from the Boston Redevelopment Authority, Research Division. Daytime college population can be determined by contacting administrative officers of colleges and other postsecondary educational institutions in the study area. Visitor population can be estimated using information from visitor attractions and major shopping attractions; this may include daily, weekend, or annual visitor counts and estimates of daily or weekend shoppers.

For an analysis targeting a specific open space and user population, this assessment may be focused on only that user population comparable to that which would be displaced. For example, if only a lot is to be affected by the proposed action, the demographic analysis can focus on the appropriate age group 4 years old and younger.

b. Identify and Describe Study Area Open Spaces. Identify and describe (see below) open spaces included in the study area. Provide a map on 8-1/2" by 11" paper showing the study area boundary and its open spaces. This description may also note any major regional facilities (such as the Charles River Reservation or Franklin Park) that may be proximate to the study area boundary. Information about those resources may be obtained from the City of Boston Parks and Recreation Department, Design and Construction Unit.

Data collection may include field surveys of the open space resources if current secondary data are not readily available, or use of aerial photographic analysis.

Using a table, the open spaces shall be described as follows:

- Name and address of each open space facility.
- Map key number. This ties the description to the map of open spaces described above.
- Owner (public/private). The fee simple owner should be described, as well as owners of open space, conservation, or public access easements or deed restrictions. If managing or jurisdictional entities differ from the fee simple owner, please list name and level of management control.

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- Protection Status and Method of Protection. Indicate degree (does it meet the definition of I.A. above?) and method of protection as noted in the table of the City of Boston's *Open Space Plan 2008-2012*, Section 5, Open Space Inventory.
- Acreage.
- Open Space Type. Use the categories found in the open space inventory found in Section 5 of the *Open Space Plan 2008-2012*.
- Percent of acreage devoted to active and to passive uses. Estimates based on the facility type and equipment should be provided. In general, the following assumptions may be appropriate: esplanades are typically 50 percent active, 50 percent passive, whereas greenways are typically more active than esplanades; beaches can be considered 20 to 40 percent active, and 60 to 80 percent passive; sitting areas are 100 percent passive; ball fields are 100 percent active; areas with children's play equipment (pre-school and pre-teen) are 100% active; multipurpose play areas are generally all active, unless field surveys confirm limiting conditions. Greenways can be assumed as 100 percent active; a greenway is the pathway itself. For greenways within park boundaries, the area beyond the pathway is active or passive depending on the nature of its use. Golf courses tend to serve a very limited portion of the population. The assessment may consider that although the golf course may contribute a substantial amount of open space acreage, it may not serve a comparable amount of the study area's active open space needs. Generally, the following Open Space Types (see above) are considered passive open space: Malls, Squares, and Plazas; Cemeteries and Historic Burying Grounds; Community Gardens; and Urban Wilds and Natural Areas.

The Parks and Recreation Department may determine that other percent breakdowns for the affected resources may be more appropriate, based on information as to how these resources actually function.

- Open space features, types of equipment, facilities, etc. In many cases, the features of an open space area (or lack thereof) may be important in assessing how the open space is currently used, and how it may be used in the future condition. For example, a passive open space area with no seating may not be useful; provision of seating and other attractive features, such as planters, can make that area more useable by both the existing community and new population introduced by a project.
- Other factors affecting usability. Some factors, either permanent or temporary, may affect the usability of open spaces. Various factors to consider include, but are not limited to, adjacent/proximate land uses (e.g., conflicting uses in a multiuse area), urban design elements, transportation, shadows, daylight, solar glare, wind, water, air, and noise quality, wetlands, geotechnical/groundwater,

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solid and hazardous waste, stormwater management, construction effects, wildlife habitat, and safety. These should be summarized in the table, but more fully discussed in the text of the open space impact assessment section. Some of the more likely factors to discuss are further described below.

- *Adjacent Land Uses.* Certain land uses can have a deterrent or adverse effect on potential users of an open space located nearby. Note and discuss such land uses, and their potential effects on open spaces in the study area.
- *Urban Design.* The arrangement of land uses, building types, massing, linkages, corridors, and other place-making and -functioning elements can have deterrent or adverse effects on potential users of an open space nearby or within an area. Note and discuss these and any other urban design elements and their potential effects on open space in the study area.
- *Transportation.* Proximity (or the lack of) to mass transit routes, bicycle paths and routes, and sidewalks can affect use of open space. Please import or reference the relevant portions of the transportation impact assessment performed for the proposed action's project impact report. Heavily trafficked arterials may limit usability of open spaces. Off-road bicycle paths connecting to open spaces can offer better access for a greater proportion of the population.
- *Shadows.* Shadows on sun-sensitive uses, such as botanical or landscape attractions, swimming pools, or benches, can affect use of an open space. This information may be noted during a field survey. If a shadow assessment is being performed for the proposed action's project impact report, the technical analyses and graphics presented in the shadow chapter should be considered and referenced in the open space assessment.
- *Air Quality/Odors.* These can also affect use of an open space. If the action is likely to have a significant air quality/odor impact on open space resources, the technical analyses presented in the project impact report should be referenced and considered in the open space analysis.
- *Noise.* Excessive noise, including traffic noise, can prohibit specific types of use from an open space. If the action is likely to have a significant noise impact on open space resources, the technical analyses presented in the project impact report should be referenced and considered in the open space analysis.
- *Safety.* Poor safety conditions can also deter use. Typically, important factors include access, crime, pedestrian safety, nearby construction, and

Open Space Impact Assessment Method

other transportation issues. Note and discuss such factors, and their potential effects on open spaces in the study area.

- c. **Assess the Adequacy of Open Space** Use the data gathered in the tasks above to provide a brief evaluation of the study area's existing open space conditions relative to the open space needs of the study area users.

First, calculate the existing open space ratio for the study area, using the population and open space acreage data identified in III.B.2.a. and b. above. The open space ratio is expressed as the amount of publicly accessible protected open space acreage per 1,000 population, and is calculated by dividing the total acres of open space by the population and multiplying by 1,000. This ratio may be tailored to age groups and types of facilities that would be affected by the proposed action. It is also usually appropriate to calculate separate open space ratios for active open space, passive open space, and total open space, based on the information gathered in III.B.2.b., above.

Typically, it would be appropriate to provide the following information when calculating the open space ratio:

1. *Actions that would result in an increase in residential population.* Calculate the open space ratio for the residential population:

- Number of acres of active open space per 1,000 residents;
- Number of acres of passive open space per 1,000 residents; and
- Number of acres of total open space per 1,000 residents.

If the action would occur in an area with a substantial nonresidential population, also calculate the open space ratio for the nonresidential population of the study area:

- Number of acres of passive open space per 1,000 non-residents; and
- Number of acres of active open space per 1,000 nonresidents.

2. *Actions that would result in an increase in nonresidential population (i.e., employees, visitors, students, etc.).* Calculate the open space ratio for the nonresidential population:

- Number of acres of passive open space per 1,000 nonresidents; and
- Number of acres of active open space per 1,000 nonresidents.

If the action would occur in an area with a substantial residential population, also calculate the open space ratio for the residential population:

- Number of acres of active open space per 1,000 residents;
- Number of acres of passive open space per 1,000 residents; and
- Number of acres of total open space per 1,000 residents.

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3. *Actions that would result in an increase in both residential and nonresidential population.* Calculate the open space ratio for the residential and nonresidential populations of the study area:

- Number of acres of active open space per 1,000 residents;
- Number of acres of passive open space per 1,000 residents;
- Number of acres of total open space per 1,000 residents; and
- Number of acres of passive open space per 1,000 nonresidents.

Second, assess the adequacy of open space.

Typically, for the assessment of both direct and indirect effects, citywide local norms have been calculated for comparison and analysis. In Boston, existing local area open space ratios vary widely. For large-scale actions (and for planning purposes), the City seeks to attain a planning goal of 2.5 acres per 1,000 residents, if appropriate and feasible, in inner core urban neighborhoods; in neighborhoods outside the inner core, the City seeks to attain a planning goal of 5.0 acres per 1,000 residents. (The City's planning goal is based, in part, on National Recreation and Park Association guidelines from 1.25 to 2.5 acres per 1,000 residents of neighborhood parks within one-half mile, 5 to 8 acres per 1,000 residents of community parks within one to two miles, and 5 to 10 acres per 1,000 residents of regional parks within one-hour drive of urban areas. In addition, the City also consulted open space literature, Boston open space studies, and the citywide figure of parkland of 7+ acres per 1,000 residents to develop the 2.5-acre goal for inner core urban neighborhoods and the 5.0 acre goal elsewhere in the city.)

For nonresidential populations, especially worker and student populations, generally ratios of 0.15 acres of passive open space per 1,000 non-residents and 0.5 acres of active open space per 1,000 non-residents in addition to the benchmark figures for the residential population represent a reasonable amount of open space resources for that population.

For large-scale actions (and for planning purposes), the City seeks to attain its planning goal of a balance of 80 percent active open space and 20 percent passive open space. Similar to the open space ratio discussed above, this planning standard is not a regulatory standard. Although a typical population mix may call for such a goal, it may not be appropriate or attainable for some areas of the City or for certain populations skewed toward certain age groups. Analyzing the breakdown of open space into the categories of passive and active uses often requires judgment, and for any particular case, typical open space resources may be used very differently.

To assess the adequacy of existing open space within the study area, consider the following factors:

Open Space Impact Assessment Method

- Is the open space ratio for the population of the study area less than 2.5 acres per 1,000 residents, the City's planning goal for inner core urban neighborhoods and 5.0 acres per 1000 residents (all other neighborhoods)?
- Do effects of air or noise quality, shadows, extreme wind conditions, or issues of safety or the lack of safe non-motorized access to or within open space resources cause a decrease in the usability of the open space supply? Do the streets and off-street paths encourage movement and access that promotes the usability of the existing open space resources and network?
- Is the proportion of active and passive open space appropriate for the population and age groups served? Note that for areas in which there is a substantial worker, student, or visitor population, typically there is a need for more passive and active space resources.
- Is the project or proposed action compliant with or consistent with the city's current open space plan (*Open Space Plan 2008-2012*), the open space plan elements of the current regional plan by the Metropolitan Area Planning Council, and the state's current Statewide Comprehensive Outdoor Recreation Plan (SCORP), *Massachusetts Outdoors 2006*?
- Other data gathered in III.B.2., above, including the following: user population profile; types of facilities; the variety of active and passive uses; and factors that may encourage or deter use including but not limited to accessibility of different types of open space (physical location and barriers to access), competing uses, and fee or hour restrictions. Are there a considerable concentration of persons who are more in need of close-to-home recreation resources due to age, mobility, socio-economic status, etc.?
- Such other factors as the availability of any major regional facility (e.g., Charles River Reservation), the predominant housing type, and the availability of publicly accessible unprotected and private open space facilities to serve the existing population.

These questions may be evaluated in context with the study area and the neighborhood.

For actions that would have direct effects on specific facilities, this assessment may be focused on only those open spaces that are comparable to those that would be displaced.

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3. Detailed Assessment – Future No Action Condition

The future no action analysis projects conditions in the study area for the build year without the proposed action, providing a baseline condition against which the impact of the action can be measured. The analysis includes data on projected population as well as recreational facilities/open space facilities that are not associated with the proposed action built or approved to be constructed by the build year. The same level of analysis provided for the assessment of existing conditions is applied here. The analysis will consider any changes to the following factors expected in the future without the project.

- *Study area population.* Based on the development and population projected for the future build year, estimate the projected population profile in the study area. Consider changes in nonresidential population for actions that would increase the nonresidential population.
- *Identify and describe study area open spaces.* Identify any changes to open space anticipated by the future build year. Include new open space and alterations/deletions to existing open space. Also include changes that have been adopted or officially approved by a public agency. This inventory may include publicly accessible protected open space projects under construction, publicly accessible protected open spaces that have been approved as mitigation for other projects, or new open spaces that are committed in the Parks and Recreation Department's capital budget. The same information gathered in III.B.2.b. above will be appropriate for this inventory as well. If the project may have potential significant impacts in certain categories, or alter the accessibility of open space resources, these conditions in the Future No Action Condition should be analyzed and described.
- *Assess the adequacy of open space.* The purpose of this step is to determine the open space conditions in the future no action condition as it relates to the needs of the number and types of users predicted for the future no action condition. This assessment is performed in the same way as the assessment of existing adequacy, described in III.B.2.c., above. This includes calculating the open space ratio for the future no action condition, and qualitatively assessing whether or not the area is sufficiently served by open spaces, given the types of open space and the profile of the study area population.

4. Detailed Assessment – Future Action Condition

The future action assessment analyzes conditions in the study area for the build year with the proposed action/project. Both the quantitative and qualitative factors are considered in the assessment to the extent to which the action may affect the existing open space resources and their capacity to serve the study area population. This assessment typically begins with a brief description of the project, considering how

Open Space Impact Assessment Method

it might affect open space—by displacing or encroaching on open space, introducing a population that would place demands on open space, etc. Then, the analysis is performed using the same methodology as for existing conditions and for future no action conditions, described above. This includes the following.

- *Identify changes to study area population.* This projection will be based on population projections for the proposed action together with future no action conditions determined above. For the project population, provide a breakdown of its projected profile, and a description of the estimated nonresidential population (workers, students, tourists), as appropriate.
- *Identify and describe changes to study area open spaces.* Describe the open space changes from the no action condition, both on site and off site, which would occur as a result of the proposed action. Describe the open space that would be eliminated, altered, created, and/or improved, if any, as a result of the action.
- *Assess the adequacy of open space.* Calculate the ratio of acres of open space per 1,000 population. Indicate the additional users as a result of the proposed action and assess the adequacy of open space resources to accommodate these users. Note whether the project would provide on-site open space resources and whether it is accessible to the public or to the project-related population only.

If the action is likely to have potential significant shadow, air quality/odor, noise, or other effects on open space resources, consider those effects as well. Refer to the appropriate technical analyses elsewhere in the project impact report.

IV. DETERMINING IMPACT SIGNIFICANCE

In this step, the level of significance of an action's effects on an area's open spaces is defined, qualitatively and quantitatively. It is generally appropriate for actions to undergo both the quantitative and qualitative evaluation compared with the future no action condition.

A. Quantitative Impact

The proposed action may result in a significant impact on open space in the following circumstances:

- There would be a direct displacement/alteration of existing open space within the study area that has a significant adverse effect on existing users, unless the proposed action would provide a comparable replacement (size, usability, and quality) within the study area (net loss of publicly accessible protected open space).
- The action would reduce the open space ratio and consequently result in overburdening existing facilities or further exacerbates a deficiency in open space.

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When assessing the effects of a change in the open space ratio, consider the balance of passive and active open space resources appropriate to support the affected population. A larger percent of active space is usually preferred, because the physical space requirements for active open space uses are significantly greater. That is, a greater number of passive open space users, such as those sitting on a park bench to enjoy fresh air, can be accommodated within a smaller space. Active open space users have greater physical space needs for the movement and activity required for active recreation, such as children's play equipment, organized or spontaneous sports such as frisbee or ball playing, hopscotch, or other outdoor exercise.

In assessing the effects of changes in the open space ratio, the active/passive nature of the resources affected should be considered. As noted earlier, for large-scale actions (and for planning purposes), the City seeks to attain a planning goal of a balance of 80 percent active open space and 20 percent passive open space. Although a typical population mix may call for such a goal, it may not be appropriate or attainable for some areas of the city or for certain populations skewed toward certain age groups. Analyzing the breakdown of open space into the categories of passive and active uses often requires judgment, and for any particular case, typical open space resources may be used very differently.

The Parks and Recreation Department will review existing open space norms for the area and the quality of existing open space. Actions that may result in significant quantitative impacts on open space resources are typically further assessed in the qualitative assessment approach (described below) to determine overall significance of the impact.

B. Qualitative Impact

Identify the type (active or passive), capacity, conditions, and distribution of open space. Determine whether the change in open space conditions and/or use results in a substantial change or an adverse effect to open space conditions.

Significance is generally determined according to the following guidelines:

- If the proposed action results in a significant physical impact on existing open space in terms of increasing shadow, noise, air pollutant emissions, odors, etc. compared to the future no action condition, then there is a significant impact requiring mitigation.
- If the proposed action addresses the quantitative open space needs, but causes a qualitative impact compared to the no action condition, then there may be a

Open Space Impact Assessment Method

significant impact on open space, requiring mitigation. This could occur if a specific user group would be affected (such as young children or bocce players), even though the overall open space ratio would be adequate; if certain age groups would be underserved; or there would be conflicts in the use of open space as a result of the action.

V. DEVELOPING MITIGATION

If the proposed action results in significant adverse open space impacts, on site or off site mitigating measures are identified to the greatest extent practicable.

Some ways in which open space impacts may be mitigated are as follows:

- Create new open space on site of the type needed to serve the proposed population and to offset their impact on existing open space in the study area.
- Create new open space elsewhere in the study area of a type needed to serve the needs of the added population.
- Improve existing open spaces in the study area to increase their utility, safety, and capacity to meet identified needs in the study area.
- Mitigation for the removal or conversion of public parkland typically involves the acquisition of replacement parkland of equal or greater size and value servicing the same community of users.

VI. DEVELOPING ALTERNATIVES

Alternatives to the proposed action that would avoid significant impacts on open space resources could include a smaller project (creating less demand for open space) or an alternate site (transferring the open space demand to an area with sufficient supply to accommodate the added demand). If an action may involve the removal or conversion of parklands, the possible use of alternative sites should be given ample consideration as early as possible in the planning process.

Alternatives to the proposed action are analyzed using the methods described under the future build condition and impacts are compared to those of the proposed action.

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Notes:

- 1 The following BRA Planning Districts are inner core urban neighborhoods for purposes of the open space impact assessment: Back Bay/Beacon Hill, Central Boston, Charlestown, East Boston, Fenway/Kenmore, South Boston, and the South End.

Kara, Kristin

From: Giers, Bob
Date: Thursday, July 24, 2008 10:42 AM
To: Kara, Kristin
Cc: Jayasinghe, Para; Leo, Vincent; Banks, Joseph; Spinetto, Stephen; Crasco, Ken - Parks Dept.; McCarthy, Timothy (Public Works)
Subject: Seaport Square

hi Kristen,

Here are PWD comments for the subject project Seaport Square in South Boston bounded by Northern Avenue, Sleeper, Congress, Summer Streets, and Seaport Boulevard, where the developer is estimating the cost of the projects to be approximately \$ 3,000,000,000:

Site Plan:
Developer must provide an engineer's site plan at an appropriate engineering scale, that shows curb functionality on both sides of all streets that abuts the property.

Sidewalks:
Developer is responsible for the reconstruction of the sidewalks including the resetting of the existing curbing abutting the project, and to extend the limits to the nearest intersections. The reconstruction effort must meet current ADA/AAB guidelines, including the installation of new or reconstruction of existing compliant pedestrian ramps at all corners of all intersections, to encourage and compliment pedestrian improvements and travel along all streets within the development limits. This effort also may constitute a License, Maintenance and Indemnification (LM&I) agreement with the Public Improvement Commission (PIC).

Discontinuances:
Any and all discontinuances (sub-surface, surface or above surface) within the Public Right-of-Way (ROW) must be processed through the PIC.

Landscaping:
Developer must seek approval from Ken Crasco, Chief Landscape Architect with the Parks and Recreation Department for all landscape elements. Program must accompany a LM&I with the PIC.

Street Lighting:
Street lighting needs must be consulted with Mr. Joe Banks of the Street Lighting Division with the PWD, and where needed, be installed by the developer, and must be consistent with the area lighting, to provide a consistent urban design.

Roadway:
Based on the extent of construction activity, including utility connections and taps, the Developer will be responsible for the reconstruction of the roadway sections that immediately abuts the property, and where appropriate, extend the limits on re-construction to the nearest intersection and to insure compliance to ADA/AAB guidelines.

Public Trash Receptacles:
Developer to consult with Tim McCarthy of BPWD, and is responsible for purchasing solar powered trash compactors to be used in Public space consistent with City of Boston's plan.

Public Art:
Developer is encouraged to contact the Boston Arts Commission to participate with the City's public arts program, creating notable art pieces in public spaces.

Groundwater:
Developer should install groundwater-monitoring wells in accordance to ISD standards, to monitor groundwater levels during construction, and convey the wells to the Groundwater Trust through the PIC after the completion of the project.

Note: these are the general standard BPWD requirements applicable to every project, more detailed comments will be addressed during the PIC review process;

Any questions please give me a call at 617-635-4966

thank you, Bob Giers

7/24/2008

APPENDIX 2
COMMENTS IAG

July 31, 2008

Kristen Kara

Boston Redevelopment Authority

City Hall

Boston, MA 02210

Seaport Square Comments

Dear Ms. Kara:

I am writing in response to the request for comments on the proposed Seaport Square development in South Boston. I support the developer's request to move forward with review of Parcels A, H, and J while the Article 80 process continues for the other much larger parcels. It is important to continue to involve neighborhood residents in the review of Parcels A, H, and J. In particular, I am concerned about the location and type of affordable housing to be created under the City's Inclusionary Zoning requirements and about the design of the buildings on Parcels A and H.

Affordable Housing:

South Boston residents continue to be displaced because of increased rents and condominium conversions. As a neighborhood resident, as well as Executive Director of South Boston Neighborhood Development Corporation, I see the need for affordable housing in our community every day. Those most in need of housing in the community are families, the elderly, and veterans with incomes below 80% of median income. Creation of condominiums in the Seaport Square area will not address the housing needs of the people we serve because they cannot afford to buy even the affordable units, and they generally prefer to live closer to their families and supportive services such as health care providers and supermarkets. South Boston NDC has been trying to acquire multi-family rental properties in South Boston to preserve affordable rental housing in our neighborhood. As a non-profit, we have found it difficult to compete with private developers. In lieu of on-site affordable units, I encourage the developer to seek off-site locations, closer to the existing residential South Boston neighborhood.

I also encourage the BRA and the developer to assess the affordable housing needs for the Fort Point Channel area to determine if the need is greater for rental or homeownership. Given the proximity of these buildings to the Fort Point residential area and the dramatic impact the larger Seaport Square development will have on this part of the neighborhood, priority should be given to developing these sites in a manner that is sensitive to the needs of the existing residents.

Design:

The proposed designs for Parcels A and H need more review. While the height and massing seem to work with the existing buildings in the neighborhood, the brick buildings in Fort Point and the Moakley Courthouse, the glass exteriors do not. Also, the curve at the corner of the building proposed for Parcel H is not in keeping with the corners of other nearby buildings. I am also concerned that the developer has not included parking in the plans for Parcel H. As discussed at the last meeting at the Condon School, abutters have concerns about the setbacks from existing residences.

Overall, the plan for Seaport Square is an Impressive, high quality urban design concept. The amount of planned open space and its location and design will greatly enhance this new neighborhood in South Boston. The development team has obviously invested significant time and resources to work with the neighborhood to create this plan. Allowing Parcels A, H, and J to move forward as quickly as possible, as long as the community continues to have input into the design of the buildings, is important to the successful and timely completion of the entire Seaport Square plan. I strongly support moving forward on these parcels.

Thank you for your consideration. I look forward to participating in the review process as a member of the IAG.

Sincerely

Donna Brown

Executive Director

South Boston Neighborhood Development

365 West Broadway

South Boston, MA 02127

Rourke, Jay

From: Lukas, Linda [llukas@smma.com]
Sent: Thursday, July 31, 2008 5:15 PM
To: Kara, Kristin; Rourke, Jay
Subject: Seaport Square -- comments

Hi Kristin and Jay:

I am grateful to Mayor Menino for the opportunity to serve on the Impact Advisory Group for the Seaport Square project in South Boston.

In accordance with your Memo of June 2, today is the deadline date for Public Comment.

Relative to the overall project, but particularly to parcels A, H and J, my major concern is in regard to parking.

I understand that Gale International is interested in further discussing with the BRA designating the parcels H & J buildings as 100% affordable housing. These buildings will not provide below-grade parking.

Fortunately, parking is provided for the Parcel A condo building.

As a resident of 15 Sleeper Street for nearly 12 years, on-street, South Boston resident-sticker parking is at a premium.

The availability of resident sticker parking is challenging at best.

Ith 88 units/approx. 175 residents residing at 15 and 33 Sleeper Street...new owners of FP3 condominiums on Congress Street starting to move into their units...the increasing number of programs and activities at the Children's Museum...illegal parking in the resident sticker parking designated areas...metered parking/no overnight parking on Congress Street, Seaport Blvd. and other streets in the neighborhood...and no parking on private streets such as Farnsworth...residents have access to fewer and fewer resident sticker parking spaces.

Even though John Hynes plans thousands of below-grade parking spaces how many (especially affordable housing residents) will be able to afford to pay \$250/\$300++ per month to park one's car in a garage? Plus, I don't believe that we can count on people not driving their cars and using the T and public transportation.

I think it's fair to say that the City of Boston Transportation Department does the best they can to give as many parking tickets to as many cars as possible. However, I suspect that the BTM assigns as many BTM ticketing professionals to the Seaport District as to any other area of the city, which on any given day is not enough. I'm supportive of Mayor Menino's suggestion to increase the parking fines as a deterrent to park illegally in any neighborhood of Boston. But that in itself is not enough either.

Lack of parking for existing residents is at present a critical situation. Imagine the impact on the area when the Parcels H & J buildings and other Seaport Square buildings are completed.

Relative to the Parcels H & J, I agree with the Boston Civic Design Commission to request that architects ADD, Inc. re-think the use of multi-colored glass and eliminate the connector between the two buildings. I agree that the architecture of these 2 buildings need to more

contextual and reflect and respect the warehouse district architecture. I hope that the BRA will also ensure that the architecture of these 2 buildings adequately complement the warehouse district architecture.

I happen to be a big fan of the David Hacin team's Parcel A design!
Congratulations on a wonderful "gem" of a building.

Thank you for this opportunity!

Linda

APPENDIX 3
COMMENTS FROM THE PUBLIC

Kara, Kristin

From: Jamy Madeja [jmadeja@buchananassociates.com]
Sent: Thursday, September 04, 2008 4:02 PM
To: ian.bowles@state.ma.us; Richard.Bourre@state.ma.us
Cc: Kara, Kristin; Shen, Kairos; McGuinness, Richard; Glascock, Bryan; sullivanjp@bwsc.org; Washburn, Bradford (EEA); andrea.langhauser@state.ma.us; csnowdon@Epsilonassociates.com; bruce@bostonharbor.com; foley@savetheharbor.org; vli@tbha.org; Casagrande@bostonkids.org
Subject: ROD Comment Seaport Square

POSEIDON ENTERPRISES

319 A Street
Boston, MA 02210

September 4, 2008

Ian A. Bowles, Secretary
Executive Office of Energy & Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02144

Re: Seaport Square, Boston: EOEEA Project No. 14255

Dear Secretary Bowles,

Thank you for your thorough review of the Seaport Square Expanded Environmental Notification Form and Phase 1 Waiver request, and the opportunity to comment on the Draft Record of Decision ("ROD") for the Waiver.

On behalf of Poseidon Enterprises, thank you particularly for your careful consideration of the comments we submitted, as reflected in the draft decision requiring that the proponents of Seaport Square reflect in their development plans those already long approved for our abutting site, known as the Barking Crab site. **The first full paragraph on page 8 of your decision is strong and appropriate. We respectfully request it remain in your final ROD, particularly the last sentence therein ("The Proponents must also ensure that proposed improvements to Old Sleeper Street do not impede any future uses at the Barking Crab Restaurant and/or Neptune Marine Services as envisioned in the Secretary's Decision on the SBMHP.")**

While Poseidon Enterprises is excited about the opportunities the Seaport Square project could provide the public, we remain concerned about coordination of public benefits and infrastructure in the constrained and prominent location of Block A and Old Sleeper Street and the connections to the Fort Point Channel waterfront area. Block A is entirely jurisdictional tidelands and the public is entitled to sound, successful actualization of their public trust rights. We hope to work with the proponents to assure our site and theirs both develop successfully in this unique location. We wish every success for the project proponent in this endeavor and we feel it is critically important to maintain an open and working dialog with all parties and to develop public infrastructure and amenities in concert with each other and in consultation with appropriate planning and permitting agencies. While we have not heard from the proponent since the Draft Record of Decision was published, we welcome discussion any time and will anticipate working together.

As you noted in your Draft Record of Decision, the proponents must meet critical operational standards for Old Sleeper Street through all phases of the project, and must provide public amenities as part of Phase 1 of the

project. This is of paramount importance for the continued success and basic operational capacity of Poseidon Enterprises and its water-dependent businesses on Old Sleeper Street, as well as the popular and iconic restaurant the Barking Crab. The Draft ROD also anticipates the proponents working with the City of Boston to provide "new paving, trees, planters, benches, lighting and outdoor restaurant seating" at Old Sleeper Street, which the proponents proposed to provide in the EENF/Phase I Waiver Request. In addition, however, the street must remain accessible to vehicles servicing our site, during and post construction, and mitigation plans should be in place for operations of the abutting restaurant and businesses, dust, noise, public access and the like, and the need for construction vehicles not to occupy the street. It is a public street, not owned by the proponents, and must be redesigned and used in concert with all users and abutters.

Our ability to implement Harborwalk for the public to use along the Fort Point Channel, as planned in the South Boston Municipal Harbor Plan ("SBMHP"), will depend on sound final planning for the connections to Old Sleeper Street, which in turn requires cooperation of all parties in designing and allocating use and operational responsibilities. The Proponent seems to be expecting Old Sleeper Street to be a permanent Harborwalk, and not for the permanent Harborwalk to be along the Fort Point Channel, as planned in the SBMHP. Clearly more coordination and planning is necessary. We anticipate doing and paying for our share. We respectfully request that Phase 1 of the Seaport Square project include implementation of any of the Proponent's required share of the eventual final plans for these important public trust benefits in this area.

We note that the "Public Benefits Analysis" portion of this Seaport Square review may also be concluded with the final ROD. We urge the Secretary to leave this important conclusion to be made in the future, after the proponent has done a more thorough job analyzing all issues. Simply put, the EENF/PNF just did not address the public's trust rights in the area adequately because it did not address the public benefits in relation to the SBMHP, a longstanding and important planning document. What are the specific Public Benefits of Phase 1 of the proposed project, in that Old Sleeper Street is not where the public Harborwalk is currently planned to be located nor is it planned to be constructed at the expense of the proponent?

In addition to the usual Chapter 91 public access and water dependent use issues, among other public benefit issues, the utilities infrastructure in the area requires more attention. As you may recall, Poseidon Enterprises has made significant investments in the infrastructure serving the Barking Crab site, particularly sewer service, and continues to own and pay for this infrastructure as well as paying the usual BWSC fees on top of these private expenses, in the very area which Seaport Square seems intending to make use of.

We hope that with thoughtful cooperation we can continue to improve the Fort Point Channel waterfront. The investments we made in the Barking Crab site were done, in part, with the foresight and understanding that our parcel would be redeveloped according to the already-approved South Boston Municipal Harbor Plan approved by the Boston Redevelopment Authority and then by your predecessor. We are now at that stage and have submitted a Letter of Intent to the BRA to begin the public permitting process. An ENF/PNF will follow for your review and that of the general public. Coordination of all parties abutting and around both development areas is essential in such a constrained yet prominent area. The MEPA process was designed specifically to handle such needs while helping to realize the optimal economic and public benefits for such sites. We hope to see more planning to result in cooperative and proportional sharing of the expense of necessary utility improvements in this area.

Although we are one step behind the Seaport Square project, which submitted its EENF/PNF this summer, there is no tangible benefit to conclusively segmenting the redevelopment of Old Sleeper Street and the waterfront itself. Cooperative bilateral discussion is critical to avoiding more immediate regulatory conflicts that will incur costly delays and protracted hearings to resolve conflicts that should be dealt with on the front end of the MEPA process. If possible, we urge you to defer the conclusion of the Public Benefits Analysis to such a time as the Proponents have adequately considered the SBMHP in their own planning. We understand the Secretary's office is just beginning to implement the new Public Benefits Analysis process and may be trying to establish a

system of concluding the process along with or soon after MEPA. However, this Phase I Waiver is already an exceptional discretionary benefit for this proponent. If you do conclude it is necessary for the Public Benefits finding for Phase I to be issued before the proponent's planning regarding Old Sleeper Street and the Waterfront is complete, we respectfully request that the Public Benefits finding be expressly conditioned in the same manner as the Phase I Waiver, with reference to the necessary commitments to be fulfilled and enforced through Chapter 91 licensing.

This is an exceptional opportunity for the City of Boston to realize the great potential of the South Boston waterfront and as a long-time neighborhood business we are thrilled at this possibility. We are committed to working toward creating a vibrant community in East Boston and look forward to further discussions regarding this project. Thank you for your time and efforts to ensure that this is a successful endeavor for all interested parties.

Sincerely,

Scott Garvey, on behalf of Poseidon Enterprises

Cc: Richard Bourre, MEPA
Kristin Kara, BRA Project Manager
Kairos Shen, BRA Director of Planning
Richard McGuinness, BRA Waterfront Planner
Bryan Glascock, Boston Environment Department
Public Improvements Commission, City of Boston (via U.S. Mail)
Boston Water and Sewer
Boston Parks Department (via U.S. Mail)
Brad Washburn, CZM Boston Harbor Coordinator
Andrea Lang Houser, DEP Chapter 91 Senior Planner
Gale International, Proponent (via U.S. Mail)
Epsilon, Attention Corinne Snowdon
Susan St. Pierre, Vine Associates
Bruce Berman/Patty Foley, SHSB
Vivien Li, TBHA
Friends of the Fort Point Channel
Children's Museum (Louis Casagrande, PhD., President; JoAnne Baxter, Dir. Public Relations)
Dockside Place Condominium Association (Via U.S. Mail)

Emailed via:

Jamy Buchanan Madeja, Esq.
Buchanan & Associates
33 Mount Vernon Street
Boston, MA 02108
(617) 227-8410 phone
(617) 227-9943 fax

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Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston, MA 02128-2909
Telephone (617) 428-2800
www.massport.com

September 30, 2008

Mr. Jay Rourke
Boston Redevelopment Authority
Boston City Hall, 9th Floor
One City Hall Square
Boston, MA 02201

Re: Seaport Square ENF/PNF

Dear Jay:

Enclosed please find the comment letter that Massport has submitted to MEPA.

As a major landowner adjacent to the project site and owner and operator of facilities in the Port of Boston, Massport staff has had productive discussions with the Seaport Square proponent concerning topics of mutual interest – vehicular / truck circulation, pedestrian circulation and urban design.

In addition to topics contained in our earlier comment letter, we have also attached a sketch diagram to prompt discussion regarding the segment of Seaport Boulevard between B Street and East Service Road. This roadway segment will be vitally important to the proper flow of vehicles, bicycles and pedestrians in the district. As indicated by the diagram, it is important to:

- maintain two travel lanes in each direction with a minimum lane width of 11' to accommodate trucks (Seaport Boulevard will remain a truck route),
- provide the lane adjacent to the curb with sufficient width to accommodate bicycles in a 'share the lane' approach (where a striped bike lane is not possible given the cross-section of the roadway),
- provide a parking lane (on the south side of Seaport Boulevard on Block M) to ensure vehicles to not stop in a travel lane to patronize or service adjoining uses, and,
- implement a parking lane (not shown in diagram) or implement and enforce off-street loading and 'no stopping' curbside on the north side of Seaport Boulevard.

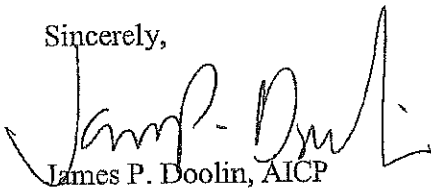
While the last bullet addresses an area that is not part of the Seaport Square project, currently there are many times where curbside delivery to the adjacent restaurants completely blocks one travel lane and backs up traffic or the delivery trucks park on the sidewalk blocking pedestrian movement. There is a double left turn from B Street where this curbside delivery practice creates bottlenecks and unsafe traffic conditions. If a parking lane cannot be implemented due to limited land area, the informal off-street parking areas that exist next to the restaurants should be eliminated in favor of creating an off-street delivery area and the curb should continue to be regulated and enforced as 'no stopping'.

Mr. Jay Rourke
Re: Seaport Square ENF/PNF
Page 2 of 2

Finally, with respect to the existing lane markings and regulatory signs, the eastbound travel lane next to the curb on Seaport Boulevard approaching B Street should be changed to 'through / right' vs. the 'right only' that exists today. This would provide for better traffic flow including the heavily used right turn into the WTC parking that is just to the east of B Street on Seaport Boulevard.

We look forward to coordinating these important issues with the BRA and BTD to ensure that passenger vehicles, trucks, bicycles and pedestrians are properly accommodated for the collective interests in the district. Please feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'James P. Doolin', is written over the typed name.

James P. Doolin, AICP
Deputy Director for Planning and Development
Economic Planning and Development Department
Massachusetts Port Authority

Cc: V. Gupta (BTD), P. Hoey (BTD), D. Carlson (BRA), D. Wamester (Gale Intl.), L. Grymek (Seaport TMA).



Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston, MA 02128-2909
Telephone (617) 428-2800
www.massport.com

August 1, 2008

Secretary Ian A. Bowles
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
Briony Angus, EEA No. 14255
100 Cambridge Street, Suite 900
Boston MA 02114:

Re: Seaport Square Environmental Notification Form (ENF) EEA 14255

The Massachusetts Port Authority (Massport) has reviewed the Seaport Square ENF / PNF. Massport complements the proponent for holding public meetings and for their willingness to meet with us to discuss their project and the interests Massport has as the owner and operator of Logan International Airport, the Port of Boston and as an abutting landowner in the South Boston Waterfront.

We believe the mix of proposed uses is consistent with the overall vision for the South Boston Waterfront. In general, we also believe the proposed street and pedestrian infrastructure are consistent with the overall planning for the area. In addition to the more specific issues described below, Massport's vital interests continue to include protecting important truck routes including Seaport Boulevard, the South Boston Bypass Road, Massport Haul Road, D Street, Summer Street and portions of Congress Street.

There are several areas on which Massport wishes to provide comments to inform the subsequent scope and context for the Environmental Impact Report (EIR) that will define, evaluate and propose mitigation for the Full Build program.

Overall Vehicular Circulation

1. Seaport Boulevard is and will remain an important truck route for the Port of Boston as well as many industrial / freight forwarding businesses located with the South Boston Waterfront. It is and will remain the most direct route to many truck destinations within the waterfront area for trucks coming from points north using I-93 southbound. In addition, it will continue to be a direct route to I-93 northbound from the waterfront area.
 - a. The proposed typical roadway section for Seaport Boulevard incorporates two 11' wide travel lanes, a 5' wide bike lane and an 8' wide parking lane in each travel direction (in addition to a generous median). As a typical section, this can function adequately to meet the multiple demands on the roadway including through truck movements. However, as shown in

Operating

Boston Logan International Airport • Port of Boston general cargo and passenger terminals • Tobin Memorial Bridge • Hanscom Field • Boston Fish Pier • Commonwealth Pier (site of the World Trade Center Boston) • Worcester Regional Airport

RECYCLED PAPER

Figure 2.3 – 27, there is a transition required in the section in the block between B Street and East Service Road where the curb to curb section narrows. Today there are two travel lanes in each direction and a narrow median that does not allow for a parking lane(s). With the proposed uses on Block M1 (retail / entertainment and residential), the proposed uses across Seaport Boulevard at Pier 4 (office) and the existing restaurants that will remain, the Proponent needs to demonstrate that in the Full Build two travel lanes and the bike lane (in each direction) will be able to be maintained without the friction of casual curbside drop-off and curbside loading/ servicing disrupting traffic flow. This problem now occurs regularly at the existing restaurants on the north side of Seaport Boulevard (not part of Seaport Square) blocking one travel lane and causing traffic backups and unsafe left turns from B Street onto Seaport Boulevard westbound.

2. The westbound side of Congress Street, from B Street to Boston Wharf Road, must continue as it does today to include two travel lanes (11' wide minimum) and a parking lane with a median that can accommodate a left turn lane where needed.
3. Massport objects to locating the loading docks for M1 Block on B Street (Figure 2.4 -1). B Street southbound will experience a very high volume of traffic heading towards Congress Street and the ramp to I-93 and it is a relatively short street. The loading docks will be busy as they are proposed to serve retail and grocery store type uses and could be problematic along this street. In addition, the main pedestrian entry door and outdoor plaza to the West Office Building is directly opposite the proposed loading dock location which would create an incompatible situation with an existing condition. East Service Road would be a better alternative as an 'internal' street to the proposal.
4. Intersection LOS Assessment – Full Build
 - a. The West Service Road / South Boston Bypass Road (Massport Haul Road) intersection needs to be added to study area intersections (Figure 3-1.2). This is important as the SBBR and MHR provide a vital truck route between the working port and other industrial uses and the interstate highway system.
 - b. The Saturday midday traffic analysis needs to be included in the Full Build assessment, especially given the amount of retail and other program elements that may have a high level of activity on Saturdays.
 - c. The No-Build background projects should include Waterside Place, CFDA Parcels A2, H, K and D3 in the background growth assumption.
 - d. The traffic operations analysis should account for the projected increase in pedestrian activity.
 - e. Forecasting assumptions such as background growth rates and seasonal adjustments to count data should be stated in the narrative with justification in the Appendix.
5. Figures 2.4-1 and 2.4-5 appear to show curb extensions and a drop-off loop on Seaport Boulevard in front of Block K. Figure 2.3-27 does not show this

treatment. The Proponent should clarify the intent on this block: a drop-off loop on Seaport Boulevard is not recommended.

6. The parking access for Block L at Congress Street, between Boston Wharf Road and East Service Road should be re-evaluated given the short span of this section of Congress Street and the proposed elevated Harbor Street directly above.
7. The Transportation Demand Management (TDM) measures outlined in the ENF in section 3.1.4.3, include membership of the proponent of the 'local TMA'. This commitment should be clarified to require membership by all subsequent business tenants within the development. The TMA should be specifically identified as the Seaport TMA, an existing organization that has effectively coordinated commuter / employee transportation needs for many years in the South Boston Waterfront area.

Trip Generation

The Proponent should provide more detailed methodology and assumptions on the trip generation analysis for the Full Build. Details were not provided in the Appendix for the Full Build trip generation estimate. For Phase 1 trip generation:

- a 29 percent reduction was credited for internal trips from residential to retail uses that presumably do not spill onto adjacent streets;
- a 25 percent pass-by rate was credited for retail trips, which assumes that these are impulse trips that are already on the street system; and
- Mode shares do not appear to be consistent with BTM splits for the area (Zone 13), nor do they match CFDA mode share assumptions. Table 3.1-9 shows different mode splits for entering vs. exiting trips for the same use, same period.

Reasonable justification for these methods and assumptions should be provided in the narrative or in the appendix of the EIR.

Trip Distribution

The Proponent proposes not to rely solely in Central Artery TranPlan model for trip distribution, rather a blend of TranPlan and count data. The methods used should be clearly explained in the EIR.

Parking

Do the Proponent's mode share goals match with their parking supply? How is the project constraining parking in order to achieve mode share targets? These questions should be addressed in the EIR.

Pedestrian Circulation

Massport agrees in principle that a through block pedestrian connection to the proposed 'Autumn Lane' is desirable for the M1 / M2 block. This will facilitate pedestrian flows between the Seaport Square retail / destinations, Commonwealth Flats including the

proposed Waterside Place mixed-use retail center, and the Boston Convention and Exhibition Center via World Trade Center Avenue and Congress Street. However, Massport believes other options should be studied for the this pedestrian connection and the M1 / M2 block that consider;

- the larger urban design relationships with buildings to the east along Congress Street (notably the West Office Building, Renaissance Boston Waterfront hotel, John Hancock office building and the future World Trade Center South office building);
- the need to contain the Congress and B Street intersection with building edges; and
- providing a cover over the pedestrian way to make it more functional and environmentally friendly in a variety of weather / wind conditions.

Airspace

Massport as the owner and operator of Logan International Airport has previously provided the proponent with a map that we have prepared that identifies the maximum height for obstructions that will not impact the safe and efficient operation of the airport. While there are no specific building heights provided other than a 'maximum building height of 240 feet (as defined by the Boston Zoning Code), from discussions with the proponent Massport understands it is their intention to have building heights (inclusive of all penthouses and mechanical equipment, etc.) that are in compliance with our map. It is important to note that each building will need to apply and obtain a 'no hazard' determination from the Federal Aviation Administration (Part 7460) and Massport's mapped information in no way is intended to replace or reduce the scope of the FAA's permitting authority.

Wastewater Planning and Capacity

We are pleased that the proponent has had initial coordination with the Boston Water and Sewer Commission and that they have been directed not to send the vast bulk of the wastewater generated to the existing Seaport Boulevard sewer line. Massport has made significant investments in wastewater capacity, including the Seaport Boulevard / Northern Avenue sewer line (from B Street to Congress Street) to meet the existing and planned development needs on its property in the Commonwealth Flats Development Area. As such, Massport has a direct interest in ensuring that the intentions for wastewater flow described in the ENF are implemented along with a flow monitoring program.

Base Map Information

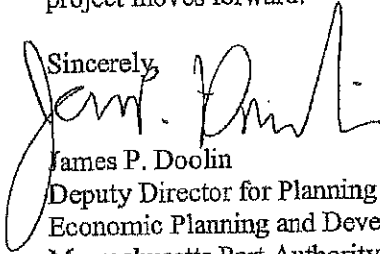
The proponent's base map shows out-of-date information for the area east of D Street on Massport property (see Figure 3-1.2) for streets (Congress Street extends and curves to return to Northern Avenue, Silver Line Way, Harborview Lane, Port Lane and Starboard Lane) and three significant existing developments (John Hancock, Renaissance Boston

Waterfront, Seaport Park Lane Apartments). Massport will coordinate providing updated information to the proponent.

As the owner / operator of Logan International Airport, the Port of Boston and an abutting landowner, Massport would appreciate being placed on the Circulation List for all subsequent documents and notifications.

We look forward to continuing coordination and discussions with the proponent as the project moves forward.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Doolin", is written over the typed name and title.

James P. Doolin
Deputy Director for Planning and Development
Economic Planning and Development Department
Massachusetts Port Authority

Kara, Kristin

From: Patty Hurley [phurley@gis.net]

t: Tuesday, July 29, 2008 4:03 PM

To: Kara, Kristin

I write in strong support of the proposed Seaport Development in South Boston. I have attended several community meetings regarding this project. As a third-generation South Bostonian, I am excited at the prospect of this wonderful addition to our community. As someone whose husband and son derive their livelihood from the construction industry, I know I speak for a lot of families who are similarly situated. But it is the aesthetic upgrade that it will bring to this area that most motivates me to write. I strongly urge that we get underway with this now. Given the awful economic conditions that prevail, we need this as an engine to propel us out of the mess we are in and into a brighter future. Thank you for your consideration.

Respectfully,
/s/ Patty Hurley
3 Hart Place
South Boston, MA 02127
617-269-3858

Kara, Kristin

From: Ellen Cunniff [emcunniff@yahoo.com]
Date: Tuesday, July 29, 2008 3:50 PM
To: Kara, Kristin
Subject: Seaport Square

Dear Ms. Kara,

I am sending this message in support of the Seaport Square Development. This development offers great benefits to both the South Boston community and the City of Boston with the creation of construction and permanent jobs, housing, retail space and schools.

It's wonderful to see something finally being developed in this area after so many years of waiting.

As a South Boston resident, I respectfully urge the BRA to green light this project.

Sincerely,

Ellen Cunniff

Kara, Kristin

From: Allen, Anne C. [Anne.Allen@ropesgray.com]
nt: Tuesday, July 29, 2008 3:19 PM
to: Kara, Kristin
Subject: Seaport Square Development

Good Afternoon,

I am a lifelong resident of South Boston I want to voice my opinion of how excited I am that **finally** something is going to be done to the South Boston Waterfront area of South Boston. This development will benefit the community in all aspects, jobs, housing, retail, schools etc, I just hope this gets underway sooner than later so we can all enjoy the benefits of such a beautiful sight.

Thank you,
Anne Allen

Anne C. Allen

Legal Secretary

ROPES & GRAY LLP

T 617-854-2078 | F 617-235-0389

One International Place

Boston, MA 02110-2624

Anne.Allen@ropesgray.com

www.ropesgray.com

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Kara, Kristin

From: Maryquigley9@aol.com
Date: Sunday, July 27, 2008 7:09 AM
To: Kara, Kristin
Subject: Fwd: Seaport Square Development

From: Maryquigley9
To: Kristin.Kara@bra@cityofboston.gov
Sent: 7/24/2008 1:34:02 P.M. Eastern Daylight Time
Subj: Seaport Square Development

The Seaport Square Development would be a great addition to the City. The addition of residential units, restaurants and businesses will bring the sense of community that the area is currently lacking. It is a fantastic new project that would be enjoyed by not only residents of Boston, but the many visitors to the BCEC and the City of Boston. The Seaport area will soon be the new Downtown. It will bring employment and tourism in a time when the economy can use a boost like this. I see it as a win-win situation.

Mary E. Quigley
South Boston

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Get fantasy football with free live scoring. [Sign up for FanHouse Fantasy Football today.](#)

7/28/2008

GOODWIN PROCTER

R. Jeffrey Lyman
617.570.1987
rlyman@
goodwinprocter.com

Goodwin Procter LLP
Counselors at Law
Exchange Place
Boston, MA 02109
T: 617.570.1000
F: 617.523.1231

July 31, 2008

BY HAND AND VIA E-MAIL

Jay Rourke
Kristin Kara
Boston Redevelopment Authority
One City Hall Square
9th Floor
Boston, MA 02201-1007

Re: Seaport Square, South Boston Project/Environmental Notification Form and Phase I Waiver Request

Dear Mr. Rourke and Ms. Kara:

I am writing regarding the Seaport Square project (the "Project") on behalf of our client Brickman Real Estate Fund II, L.P. ("Brickman"), which is the owner of several buildings adjacent to or in the immediate vicinity of the Project area. Brickman is a real estate private investment firm that owns and operates several properties in the City of Boston as well as nationally.

As a substantial investor in the community, Brickman looks forward to the redevelopment and vitalization of the so-called Seaport Square area. Out of concern for the area generally, and as a potentially affected neighbor, Brickman seeks to ensure that the Project undergoes sufficient review so as to adequately measure and mitigate Project impacts and to integrate it with existing infrastructure and buildings. In particular, our client is concerned that the requested waiver for the so-called Phase I of the Project is inappropriately broad. Our client therefore respectfully suggests that you grant in part, and deny in part, the requested Phase I Waiver.

As described in the Project/Environmental Notification Form and Phase I Waiver Request (collectively, the "Filing"), the Project Proponents are seeking a Scoping Determination from the Boston Redevelopment Authority (the "Authority") waiving further review for Blocks A, H and J of the Project. According to the Filing, the "timely development" of these blocks will "facilitate development of the remainder of the project," in part by allowing the Proponent to relocate the Our Lady of Good Voyage Chapel, creating a "gateway" to the Fort Point Channel and South Boston waterfront, providing early public benefits and open space and facilitating

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Jay Rourke
Kristin Kara
July 31, 2008
Page 2

construction of the remainder of the site. *See e.g.*, Filing, pg. 2-2 & 2-62. However, these objectives and projected benefits of Phase I of the Project can be achieved with a waiver of narrower scope than is requested.

Specifically, a waiver allowing development of Blocks A and J before full review pursuant to Article 80 of the Boston Zoning Code, including the preparation and consideration of at least a Draft Project Impact Report ("DPIR"), would meet the Proponent's stated objectives, while ensuring that the Authority's consideration of development on Block H appropriately takes into account the potentially irreversible impacts of such development on surrounding properties, as contemplated by the requirements of Article 80. Thus, Brickman respectfully requests that the extent of the scoping determination waiving further review for the Project, if any, be limited to Blocks A and J. The remainder of this letter briefly outlines the rationale for this request, which Brickman and I are available to discuss further with you if it will assist in your review.

In brief, a request for a scoping determination waiving further review under Large Project Review is not to be granted unless the Project Notification Form for a project, together with any additional materials and comments received by the Authority prior to the issuance of the Scoping Determination, adequately describes the impacts of the proposed project. *See* Boston Zoning Code, § 80B-5.3(d). Such impacts include, but are not limited to, those relating to transportation, environmental protection, urban design, historic resources, infrastructure systems, site plans and tidelands. *See id.* at § 80B-3.¹

A brief description of the development proposed for Blocks J and A illustrates the difference in applying this waiver standard to the work at these blocks in contrast to the proposed redevelopment of Block H.

The requested waiver for Block J would permit the relocation of Our Lady of Good Voyage Chapel, which allows for the future removal of the existing Chapel on Block D, which itself is proposed as a site of underground parking and an above-grade structure. Avoiding significant interruption of the church's function is a compelling objective, and relocating an existing, low-impact use, for which information already exists regarding its impacts on the neighborhood, a

¹ The Project is not eligible for a waiver from further review pursuant to either Section 80B-2.4, as the proposed Project does not include industrial development, or Section 80B-2.5, which is applicable only to proposed projects that will rehabilitate or construct Affordable Housing units and will be subject to the Authority's review as part of a Planned Development Area, Urban Renewal Area or pursuant to M.G.L. ch. 121A. According to the Filing, if the Phase I waiver is granted, the Project Proponents intend to pursue development at Blocks J, A and H *outside* the bounds of a Planned Development Area, instead seeking any required zoning relief from the Boston Board of Appeal on a site-specific basis.

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Jay Rourke
Kristin Kara
July 31, 2008
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short distance is the type of activity that falls within the Article 80 standard for waiving further review. Notably, religious institutions are commonly subject to different, less onerous review standards than commercial or residential developments. *See e.g.*, Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000(ccc)(a)(1) (land use regulations substantially burdening religious exercise, assembly or institution must further a compelling government interest by the least restrictive means).

While it is less clear that the Filing includes sufficient information to support a waiver from further review for Block A, the negative impacts of early development of Block A are mitigated by the location of Block A, its physical relationship to existing buildings and the building design. Block A abuts only two existing buildings, the Barking Crab and the Moakley Federal Courthouse; the latter of which will be separated from Block A by at least the full width of Northern Avenue and the yards for each structure. Moreover, the building proposed for Block A is characterized as a low-rise building containing parking for the building's occupants. *See* Filing, Figure 2.3-13. According to the Filing, it appears that zoning relief will not be required with respect to either the height or mass of the building proposed for Block A, implicitly suggesting that its scale and design are unlikely to lead to significant impacts.

The proposed development at Block H is different in kind and impact from that on Blocks A and J in several ways. Several examples of these differences that warrant withholding a waiver from further review from the proposed work at Block H include the following:

- The building proposed for Block H will abut two existing buildings that will be separated only by the yards of those existing buildings. We understand that the Project Proponents are considering at least some minimal setbacks at the rear of the buildings, as opposed to building nearly out to the lot lines as shown in the Filing, however, it is not clear that such a change will alleviate the negative impacts of the development on Block H on neighboring properties. Unlike Block A, Block H extends the existing fabric of an already established area. *See* Filing, Figure 2-3.2. Consequently, environmental impacts associated with Block H, including shadow, wind, daylight and solar glare, which will not be fully evaluated until the DPIR is prepared, will have impacts of a different magnitude than those arising from the development of Block A. These types of impacts generally cannot be reduced or mitigated after construction, so full review, which require the availability and consideration of adequate information, is necessary before development begins.
- According to the Filing, the building proposed for Block H is a medium-rise building that will have a height between 85-116 feet, which exceeds the height permitted by the applicable zoning (which is the same as that to which Block A is subject). Also

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Jay Rourke
Kristin Kara
July 31, 2008
Page 4

according to the Filing, the building proposed for Block H will have a gross floor area of 92,100 square feet (on a parcel apparently containing 13,826 square feet), so the floor area ratio ("FAR") for the Block H building will be approximately 6.7, i.e., above the 5.0 permitted at the site. Block H will thus require zoning relief from the Boston Zoning Code for height and FAR, which suggests that the urban design impacts of development at Block H, which have not been sufficiently delineated in the Filing, will exceed those that the urban planning underlying the zoning has anticipated.

Excluding Block H from any scoping determination waiving further review also accords with the permitting and review schedule pursuant to the Boston Zoning Code for the overall project. For instance, the Project Proponents are proposing to develop the majority of the Project (i.e., all but the areas subject to the waiver from further review) as a Planned Development Area. In that context, the height, massing and other configuration-related factors of all of the proposed development will be considered jointly, assuring that the area is developed with consistency, both within the Seaport Square and as relates to the surrounding area. While there is some basis for seeking to evaluate Block J separately, and less so for Block A, given the proximity of Block H to, and its needed integration with, both proposed and existing structures, review of Block H should be considered in the context of the remaining development along Seaport Boulevard.

Excluding Block H from the requested waiver from further review will not significantly deter the Project Proponent's ability to move forward, nor materially limit the early development of benefits for the City and its residents. But, so limiting the scope of any waiver issued for the Project will accord with the Article 80 standards for waivers from further review and will assure an opportunity for sufficient review to comply with the Boston Zoning Code.

Brickman appreciates both this opportunity to provide comments on the Project and being added to the distribution list for the Project. Our client and I are available if you have any questions. Thank you for your attention to this matter.

Very truly yours,


R. Jeffrey Lyman

cc: Mr. Michael J. Bernstein

**T H E
BARKING CRAB
RESTAURANT**

617.426.CRAB
NORTHERN AVENUE BRIDGE
88 SLEEPER STREET
BOSTON, MA 02210



July 30, 2008

Boston Redevelopment Authority
Director, John F. Palmieri
Attention: Jay Rourke
One City Hall Square
Boston, MA 02201-1007

Ian A. Bowles, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02144

Re: Seaport Square, South Boston Project/Environmental Notification Form and
Phase I Waiver Request (EEA No. 14255)

Dear Boston Redevelopment Authority and Secretary Bowles:

This letter comments on the specific aspects of the above-referenced Seaport Square project (the "Project") on behalf of Poseidon Enterprises, Inc. dba The Barking Crab Restaurant; 2) Neptune Marine Services LLC, which provides marine services and marina management and 3) Neptune Seafood and Lobster, which lands and retails fish and lobster as physical access and market conditions allow. We respectfully address our comments to both the City and the State, because a combined discussion of waterfront public amenities and requirements will be most efficient in resolving the heart of our concerns so development can progress efficiently.

We wish the developers well in their ambitious plans, and hope they will speak with us and the City of Boston's several agencies to work out mutually acceptable operational and development details, and if necessary mitigation for unavoidable noise, pollution and construction impacts to our ongoing businesses on site. However, we also write to request

explicit governmental conditions requiring that the Seaport Square project not impair basic public infrastructure functionality for our ongoing operations, particularly the water-dependent aspects of our businesses, and that the public amenities planned for the area, particularly Harborwalk, respect the existing planning documents long approved and in place.

For 20 years, our businesses or their predecessors (e.g. Venus Seafood in the Rough and docks for the annual in-water boat show) have operated at this site on the Fort Point Channel just inside the Old Northern Avenue Bridge and immediately adjacent to Old Sleeper Street. Our site has also been planned and approved as a separate development site in 2000 by the board of the Boston Redevelopment Authority and the Secretary of Environmental Affairs, as detailed in the South Boston Municipal Harbor Plan (most relevant pages attached). These entities worked hard to treat the site fairly, especially in relation to the abutting site on the other side of shared Old Sleeper Street. Hence, the Barking Crab site was approved for the same height as the building on the abutting site, although the Crab site would bear responsibility for a Harborwalk *along the water*. See attached excerpt of extant South Boston Municipal Harbor Plan

When the BRA and then-EOEA were planning the "South Boston Seaport District", one major property owner (Frank McCourt) was seeking to develop millions of square feet on one side of the Old Northern Avenue Bridge. At the same time plans were being developed for the Fan Pier and Pier Four properties on the other, harbor side of Old Northern Avenue. The "Barking Crab" site was then and today continues to be a small but vibrant parcel creatively hosting a variety of enlivening and public activities; including family-friendly waterfront seating indoors and outdoors, fishermen landing their catch, mariners coming directly from the docks to the restaurant, seafood sales and a water taxi facility open to the general public. Seafood landings and vessel operations vary with the tides and the availability of the Old Northern Avenue Bridge. We understand improvements are to be made to the bridge through the proposed Seaport Square project. Over the years, we are proud to have contributed to the vibrancy of the Fort Point Channel and the viability of a new neighborhood for Boston, as evidenced by the general popularity of our location for local residents and visitors alike.

The Barking Crab owners have also invested significant funds associated with the infrastructure improvements to the new neighborhood long in the making. Specifically, Poseidon Enterprises had to pay for the installation of over 300 linear feet of new sewer line extending from the property under Old Sleeper Street and along Northern Avenue in front of the Moakley Courthouse towards what is now the Institute of Contemporary Art after someone was discovered to have cut the longstanding sewer service line for our site and imbedded it in concrete in the footings for the new Northern Avenue Bridge. This expense was incurred by us partly based on the approval of the site for future development, to assure its continued viability and environmental integrity. In further meetings, we would be happy to discuss the history and documentation of the problems we were faced with and overcame in that time period, in order to remain a public attraction on the Fort Point Channel.

Regarding Old Sleeper Street, and its use for pedestrian access, the ongoing functionality of this public infrastructure should be very much manageable with government and developer cooperative communication. One can look throughout the city for other successful models. All that is required for Old Sleeper Street is respect for the ongoing businesses and water-dependent needs, as well as those of the usual delivery access required for a restaurant. Today, we make extensive use of the street for deliveries, for access to our docks, for patron parking and for access to the Harborwalk by all of the citizens and visitors to Boston. We have attached a letter from Kairos Shen of the BRA, indicating how this functionality was to be maintained in the past. We believe the function of Old Sleeper Street can be updated to reflect new development needs on both sides of Old Sleeper Street.

We also note that the Public Trust Rights statute of Chapter 91 generally protects pre-existing water dependent uses from non-water dependent development impairment and the accompanying Chapter 91 regulations specifically prohibit non-water dependent developments in need of Chapter 91 licenses, such as Seaport Square, from impairing water dependent activities. See 310 CMR 9.36, 9.52, 9.53. Our water dependent businesses of Neptune Marine Services LLC and Neptune Seafood and Lobster require some basic vehicular access to exist, and these needs have not been respected or even acknowledged in the Seaport Square ENF/PNF and associated waiver demand. We respectfully request that agreement regarding sustained functionality of this unique public infrastructure and the public amenities we already provide (e.g. public bathrooms, water taxi access and water dependent businesses as well as a facility of public accommodation) be a requirement for the project. We also note that the new statutory requirements of a "public benefits analysis" for this type of project on tidelands requires attention to negative impacts to these existing public benefits.

With respect to a true Harborwalk it is not clear to us why the Seaport Square project cites to itself as providing a "new civic contribution of the long-missing Harborwalk link" when this link has been in place on the bed of Old Sleeper Street on an unpolished but fully operational basis for eight years. It has been our pleasure and our contribution to keep the area open and available to the public for easy passage. However, it should be noted that our current development plans include our respect for the existing city and state planning documents which expect a permanent Harborwalk along the entire waterside of the Fort Point Channel property line of our site. The Public Improvements Commission of the City of Boston and the Boston Water and Sewer Commission and the Boston Environment Department and the Boston Redevelopment Authority and the Boston Parks Department all worked hard to put together a viable temporary plan for Old Sleeper Street while development was stalled. Now that it has renewed focus, we can work together to maximize public benefit in the area. Many non-profit groups also participated in this extensive planning.

To publicly facilitate a sensible resolution of what might otherwise be use and design conflicts, we are submitting an ENF/PNF proposal for our modest development site. Our Notice of Intent for our site development goes first to the BRA, followed by an ENF/PNF for public comment. We will offer Harborwalk on the water, the restaurant on the same

ground floor level with public bathrooms and water activation and access, and private tenancy added above the restaurant to pay for the additional improvements. We expect to be in conformance with the existing approved City and State plans for the area.

We hope the Seaport Square development proponents can work with us to achieve optimal public and economic benefit and aesthetic improvements in this location. However, we feel strongly that the requested Waiver is at odds with all parties best interests for the Old Sleeper Street site. The Waiver would create future conflicts by forcing discussions into Chapter 91 and other licensing processes, usually conducted as hearings rather than working sessions. There will surely be conflicting regulatory processing requiring just the sort of coordination which MEPA was designed to handle.

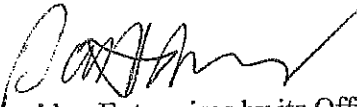
Rather than allowing a segmentation of the Old Sleeper Street aspect of the Seaport Square project, we could all be addressing it cooperatively and simultaneously with a waterfront Harborwalk.

We also believe that the Seaport Square project's potential impacts on traffic and existing water dependent uses should be further evaluated in a Project Impact Report/Environmental Impact Report. We see, however, that a Phase I waiver has been requested under the MEPA regulations specifically for the area of concern to our businesses (Parcel A and Old Sleeper Street). A request for a Phase I Waiver is usually not to be granted unless the environmental impacts of the activity are insignificant, ample infrastructure exists to support it, the project is severable from other project phases and relevant agency action will ensure due compliance with MEPA for subsequent phases. See 301 CMR 11.11. And, even if all four parts of these tests are met, the Proponent must demonstrate that requiring the usual full MEPA review process would constitute an undue hardship.

These required MEPA waiver tests have not been met regarding Parcel A where there is no plan provided at all in the ENF/PNF for maintaining the ongoing businesses at our site while turning Old Sleeper Street into a pedestrian walkway and the document does not recognize all of the previously approved planning documents of the South Boston Municipal Harbor Plan and the subsequent Fort Point Channel Activation Plan for a Harborwalk along the waterside of this site. Nor has "hardship", as required under 301 CMR 11.11, been established. Unfortunately, Poseidon Enterprises has been left out of much of the planning process by the project proponent until this point, other than reading in the newspaper that the proponent intended to take our operating restaurant and move it to the second story of their own project (no mention of what would happen to our other water-dependent businesses). We were not informed by the project proponent regarding the filing of the PNF and to date the proponent has specifically refused our request to meet in order to facilitate an open dialog about their plans.

Thank you for your consideration of our concerns. We look forward to meeting, if desired, and participating as needed in the ongoing public processes. Please contact Scott Garvey at 617-593-3723 or spgmd@earthlink.net to arrange a meeting or discussion.

Sincerely,



Poseidon Enterprises by its Officers and Directors:
Scott Garvey, President
Lee Kennedy
Stuart Vidockler

Cc: Kristin Kara, BRA Project Manager
Briiony Angus, MEPA
Kairos Shen, BRA Director of Planning
Richard McGuinness, BRA Waterfront Planner
Bryan Glascock, Boston Environment Department
Public Improvements Commission, City of Boston
Boston Water and Sewer
Boston Parks Department
Brad Washburn, CZM Boston Harbor Coordinator
Andrea Langahouser, DEP Chapter 91 Senior Planner
Gale International, Proponent
Epsilon, Attention Corinne Snowdon
Susan St. Pierre, Vine Associates Bruce Berman/Patty Foley, SHSB
Vivien Li, TBHA
Friends of the Fort Point Channel
Children's Museum (Louis Casagrande, PhD., President; JoAnne Baxter, Dir.
Public Relations)

10/1/2000

Boston Redevelopment Authority

Boston's Planning & Economic
Development Office

Thomas H. Menino, Mayor
Charles I. Acers, Chairman
Mark Maloney, Director

One City Hall Square
Boston, MA 02201-1007
Tel: 617-777-4300
Fax: 617-748-1737

15 August, 2000

Douglas Lemle
President
The Barking Crab Restaurant
88 Sleeper Street
Boston, MA 02210

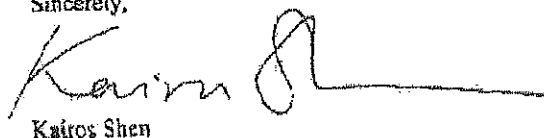
Dear Mr. Lemle,

I am responding to your letter dated 3 August, 2000 expressing your concerns regarding the BRA's draft layout of the temporary Harborwalk for Sleeper Street.

1. The proposed temporary Harborwalk layout will have no impact on vehicular circulation on Sleeper Street.
2. The proposed temporary Harborwalk work will not require the relocation of any existing utilities.
3. The design and construction of the temporary Harborwalk will be the responsibility of the BRA.
4. Sleeper Street will remain a public right of way and roadway maintenance will be the responsibility of the City.
5. The proposed temporary Harborwalk will not affect the City's ownership and control of Sleeper Street.
6. The proposed temporary Harborwalk will not affect the ownership and control of either Northern Avenue or the Old Northern Avenue Bridge.
7. The proposed temporary Harborwalk layout will widen the sidewalk in front of the Barking Crab Restaurant while maintaining the size of the vehicular travel way of Sleeper Street. The enlarged area of sidewalk will give additional dimension for both pedestrians and service activities.
8. The BRA expects the operation of Sleeper Street to remain substantially unchanged and continue to service the parking lot, the restaurant as well as the water dependent businesses.
9. The proposed temporary Harborwalk layout will reduce the number of City controlled public parking spaces along Sleeper Street. The City has no obligation to replace any of these spaces.
10. Vehicular access to and from businesses along Sleeper Street will not be impacted by the implementation of the temporary Harborwalk.
11. The proposed layout of temporary Harborwalk is being prepared for the review of Boston's Public Improvement Commission (PIC).

The BRA is in the process of refining the layout of temporary Harborwalk on Sleeper Street and scheduling PIC review by August 30, 2000. If you have additional questions and concerns please do not hesitate to contact me.

Sincerely,



Kairos Shen

cc. Thomas Tinlin, Boston Transportation Department
Para Jayasinghe, Boston Public Works Department

Offsets for Impacts of Parcel D Height Substitution. Height substitutions are permitted in a Municipal Harbor Plan provided the plan specifies "alternative height limits and other requirements which ensure that, in general, such buildings for nonwater-dependent use will be relatively modest in size, in order that wind, shadow, and other conditions of the ground level environment will be conducive to water-dependent activity and public access associated therewith." 310 CMR 9.51(3)(e). As discussed in greater detail above, the massing analysis indicates that the full Chapter 91 build-out (including a lot coverage substitution) and the full MHP build-out are similar. The wind analysis identified no wind impacts on waterfront areas on account of the substitute heights for Parcel D. The shadow analysis identified no shadow impacts caused by the MHP build-out on Parcel D. Because our massing, wind and shadow analyses have indicated that this height substitution will not negatively impact the pedestrian level environment, no offsets are required.

10.7 THE BARKING CRAB PARCEL: SUBSTITUTIONS AND OFFSETS (Substitutions: Water-Dependent Use Zone, Lot Coverage, Facilities of Private Tenancy and Building Height)

The Barking Crab site, shown in Figure 10-6, is a small, slender parcel of waterfront property, 33 feet by 200 feet, with a total lot area of approximately 6,800 square feet. The site, approximately two-thirds of which is located on pilings, is located directly on Fort Point Channel between the old Northern Avenue Bridge and the Evelyn W. Moakley Bridge. The parcel is one of the few sites in the Inner Harbor MHP Area where the existing use is not surface parking. The site is home to a popular restaurant, a marina facility, Neptune Lobster & Seafood Co. and Neptune Marine Services.

In addition to its existing uses, the Barking Crab parcel can play an important role in providing public access to the City's waterfront. With the Central Artery/Tunnel Project completing Harborwalk along much of Fort Point Channel and the Children's Museum and MBTA completing Harborwalk in the area adjacent to the Barking Crab, this parcel is a critical link in the City's Harborwalk chain and will connect the Federal Courthouse with the Children's Museum. The City is exploring options for incorporating a temporary Harborwalk on the bed of old Sleeper Street along the landside of the existing structure.

Future redevelopment of the site could accommodate a small hotel, office or residential building, each of which would complement other uses planned for the Inner Harbor Subdistrict and the adjacent Fort Point Historic Subdistrict. The City would encourage the maintenance of the first floor restaurant, a popular destination with residents and visitors alike. It is also possible that the site may be used for expanded water-dependent uses, or some combination of nonwater-dependent and water-dependent uses. Given the physical restrictions of the site, it is important that the owner be provided with as much flexibility as possible so that any redevelopment will be economically viable. In order to permit redevelopment of this site for additional nonwater-dependent uses, or mixed water-

dependent and nonwater-dependent uses, a set of substitutions from the Waterways Regulations, discussed below, is required.

The Barking Crab is unique throughout the South Boston Waterfront because of its size, configuration and the fact that two-thirds of the site is located on piles. Also, unlike most of the parcels in the District with substitute provisions, there are existing uses on the site besides surface parking. At other sites in the District, we compared the impacts of the substitute provisions with a hypothetical Chapter 91 build-out because the existing condition is undeveloped parcels. Because the Barking Crab site includes existing uses and structures, we compare the impacts of the substitute provisions with the existing condition.

The program of substitutions and offsets developed for this site is based upon the small size and unique characteristics of this site, both of which limit the extent to which this site can be redeveloped, and the extent to which the site can provide offsets. The goal of these substitutions is to provide the owner with viable redevelopment options that either maintain the status quo or improve the extent to which the site promotes the public's rights in the tidelands. Without substitutions for several provisions of the Waterways Regulations, redevelopment for additional nonwater-dependent uses cannot occur. Without redevelopment, the City's goals for the Harborwalk and better public access at this site will remain unfulfilled.

Not only is the program of substitutions and offsets developed for the Barking Crab unique to the Barking Crab, but the manner in which we address substitutions and offsets for the site is as well. Generally, notwithstanding the number of substitutions we have included for this site, the negative impact of each of these substitute provisions is minimal when compared with the existing condition. It is only the combined impacts of the substitute provisions that rise to a level such that an offsetting measure is required. Accordingly, we treat all of the substitutions together for the purpose of developing appropriate offset options for the site.

Because it is the combination of substitutions that will make redevelopment of the site possible, which in turn will provide the Harborwalk link, in a very real sense, each substitute provision will play a role in increasing public waterfront access at this site. We view each of the substitute provisions as a necessary component of the "whole", and we view offsets for the site in the same way. We have included a menu of offsets for the Barking Crab which were carefully chosen to promote the public's rights in the tidelands within the confines of the site.

We recognize that it is possible that the Barking Crab parcel may be combined with one or more adjacent parcels for redevelopment. As discussed below, in some instances, these different development scenarios result in different substitute provisions.

10.7.1 Water-Dependent Use Zone – 310 CMR 9.51(3)(c)

The City's primary goal for this site is to provide public access along the edge Fort Point Channel. To that end, should redevelopment of the Barking Crab parcel for additional nonwater-dependent uses occur, the property owner will be required to incorporate a 12-foot wide Harborwalk on the site along the Channel on existing piles. Although this site is not designated as a primary or secondary water transit site in the City's Water Transportation Plan, all private landowners are encouraged to incorporate water transit uses into their development plans.

Barking Crab Water-Dependent Use Zone Substitution. The water-dependent use zone for the Barking Crab, shown in Figure 10-6, is 25 feet from the existing pier edge, the minimum depth permitted under the Waterways Regulations without a substitution, for a total setback area of approximately 5000 square feet. Because the site, as it now exists, is only 33 feet deep, no redevelopment of the site is possible for additional nonwater-dependent uses without a substitution for this provision. Different substitutions for this provision are proposed for this site, depending on whether it is redeveloped as a single parcel or combined with adjacent parcels.

If this site is developed as a single parcel, or combined with all or any portion of the adjacent City-owned parcel, the water-dependent use zone will be reduced to 0, provided that the first floor of any new structure incorporate a 12-foot wide Harborwalk along the Channel. See Figure 10-7. In view of the narrowness of the site, the owner will be permitted to provide Harborwalk in an arcade, similar to that which is permitted on Pier 4 and which already is in place at 303 Congress Street. The site's development program may be incorporated above the Harborwalk. If, however, the Barking Crab parcel is combined with Parcel D for redevelopment, no substitution applies. Any such reconfigured parcel would be required to meet the requirements of the Waterways Regulations for the water-dependent use zone, which would result in a water-dependent use zone of 25 feet.

Barking Crab Water-Dependent Use Zone Substitution Analysis. The Waterways Regulations permit a municipal harbor plan to specify alternative setback distances and other requirements which ensure that new buildings for nonwater-dependent use are not constructed immediately adjacent to a project shoreline, in order that sufficient space along the water's edge will be devoted exclusively to water-dependent activity and public access associated therewith, as appropriate for the harbor in question. 310 CMR 9.51(3)(c). As demonstrated below, the substitute configuration of the Barking Crab's water-dependent use zone, meets this standard.

The Barking Crab site is one of only two sites in the entire MHP Area for which a reduction in the size of the water-dependent use zone is proposed. The substitute water-dependent use zone is permitted only to the extent it is absolutely necessary – if the parcel remains "as is" or is combined with the adjacent City-owned parcel. The MHP

configuration is superior to the regulatory configuration in that it makes redevelopment of the site for additional nonwater-dependent uses, or some combination of water-dependent and nonwater-dependent uses, possible. By making such redevelopment possible, we obtain a very important Harborwalk link.

The Waterways Regulations take the position that buildings for nonwater-dependent use should not be constructed immediately adjacent to a project shoreline, in order that sufficient space be maintained along the water's edge for water-dependent activity, *as appropriate for the harbor in question*. One of the defining features of the Fort Point Channel is the way the buildings are constructed right up to the Channel's edge, a condition that already exists at this site. Continuing this unique condition at the Barking Crab location will help to maintain the historic condition without significant reduction in the amount of waterfront space available for water-dependent activity.

By permitting redevelopment, the substitute provision will improve the site's ability to promote water-dependent uses, particularly public access. Although reduction of the water-dependent use zone will result in a new structure being constructed immediately adjacent to the project shoreline, this will merely continue the existing condition at the site. The substitute water-dependent use zone, together with the requirement to provide Harborwalk, meets the regulatory approval standard.

10.7.2 Lot Coverage and Open Space – 310 CMR 9.51(3)(d)/310 CMR 9.53(2)(b)

The footprint of the existing structure is approximately 2,700 square feet, with the remainder of the site covered by timber wharf decking and accessory structures related to the restaurant and marine services. The City's primary open space and public access strategy for this site is completing the critical Harborwalk link between the courthouse and Children's Wharf. Accordingly, if there is any redevelopment of this parcel incorporating nonwater-dependent uses, the property owner will be required to complete Harborwalk along the edge of Fort Point Channel as described in Section 10.6.1.

Barking Crab Lot Coverage Substitution. The Waterways Regulation limit the lot coverage ratio of new structures for nonwater-dependent uses to 50%. For the Barking Crab site, similar to the infill parcels in Fort Point Historic Subdistrict, a lot coverage ratio greater than 50% will be permitted. No specific alternate lot coverage ratio is established. The property owner will be permitted the flexibility to establish an appropriate lot coverage ratio for the specific building parcel in consultation with the BRA design review staff during the Article 80 review process. If, however, this parcel is combined with Parcel D for redevelopment, no lot coverage substitution applies.

Barking Crab Lot Coverage Substitution Analysis. The Waterways Regulation require that, with respect to private as well as Commonwealth tidelands, structures for nonwater-dependent uses not exceed a 50% lot coverage ratio. Lot area used for water-dependent purposes is not subject to the 50% limitation. The DEP shall waive this numerical standard if the project conforms to an approved Municipal Harbor Plan which specifies alternative

site coverage ratios and other requirements which ensure that, in general, buildings for nonwater-dependent purposes will be relatively condensed in footprint, in order that an amount of open space commensurate with that occupied by such buildings will be available to accommodate water-dependent activity and public access associated therewith, as appropriate for the harbor in question. 310 CMR 9.51(3)(d).

The Barking Crab site contains approximately 6,800 square feet of land area. Applying a lot coverage ratio would yield approximately 3,400 square feet of open space. Given the size and unique configuration of the parcel, redevelopment incorporating nonwater-dependent uses is not possible without a substitution for this provision. The Barking Crab's close proximity to the historic wharf structures in the Fort Point Historic Subdistrict suggests that a similar approach to open space is appropriate for this site. Many of the wharf buildings cover their entire lot with no open space to speak of, and often little or no setback from either the sidewalk or the water's edge.

As with the infill parcels in the Fort Point Historic Subdistrict, because this lot is so small, any new structures necessarily will remain condensed in footprint, even if the lot coverage ratio is increased to 85%, similar to 303 Congress Street. While an additional small park in this area would, of course, add to public waterfront access at this location, it is extremely unlikely that the Barking Crab site would be built out without a lot coverage substitution. By permitting a viable mixed-use redevelopment option at this location, we can provide better public access, connecting the Harborwalks of the Fort Point Historic Subdistrict and the Inner Harbor Subdistrict.

One of the City's goals is to provide a variety of experiences along its waterfront. The Fort Point Channel has an intimate character that is not found elsewhere along the South Boston Waterfront. Larger sites in the Inner Harbor Subdistrict and throughout the South Boston Waterfront can provide the public with open spaces for gathering and recreation. This site can complete a Harborwalk link that is unique in its design and in the pedestrian experience that it provides. It is important that this Municipal Harbor Plan provide this type of flexibility for a site that is so unique.

As discussed above, this substitution complies with the regulatory standard for lot coverage ratio substitutions. Notwithstanding the new lot coverage ratio, given the size of the parcel, any new building on the site will be relatively condensed in footprint. Since redevelopment is unlikely to occur without this substitution, there is, in reality, no net loss of open space since the existing condition provides none. What we gain with this substitution is Harborwalk. This substitute provision ensures that an amount of open space commensurate with that occupied by nonwater-dependent buildings remains available to accommodate water-dependent activity and public access associated therewith, as appropriate for the harbor in question, with comparable or greater effectiveness than the provisions of the Waterways Regulations.

The Barking Crab Open Space Substitution. For nonwater-dependent use projects located on Commonwealth tidelands, the Waterways Regulations require that the portion

of the site not located in the building footprint must include exterior open spaces for active or passive public recreation, such as parks, plazas and observation areas. Substitutions for the lot coverage ratio necessarily result in a reduction in the amount of open space available for public recreation. As with other small parcels in the MHP Area, we not specified a specific substitute lot coverage ratio for the Barking Crab. Nonetheless, we know that a lot coverage ratio in excess of 50% will result in a corresponding loss of open space for public recreation on the site. The substitute provision for this requirement is to permit the Barking Crab site to provide less space for public recreation facilities than required under the Waterways Regulations, provided that the this substitute provision may be used only in connection with the lot coverage substitution.

The Barking Crab Open Space Substitution Analysis. The amount of exterior open space for public recreation shall be at least equal to the square footage of all Commonwealth tidelands on the project site landward of the project shoreline and not within the footprint of any buildings, less any space deemed necessary by the DEP to accommodate other water-dependent uses. The Waterways Regulations permit a portion of the open space located on Commonwealth tidelands to be used for public ways and above-ground parking facilities, provided that below ground facilities are not a reasonable alternative, and provided that the amount of space devoted to public vehicular use does not exceed the amount devoted to public pedestrian use. The DEP shall waive this requirement if the project conforms to an approved Municipal Harbor Plan that specifies alternative requirements for public outdoor recreation facilities that will establish the project site as a year-round locus of public activity in a comparable and highly effective manner. 310 CMR 9.53(2)(b).

The site currently offers no open space for public recreation. Redevelopment will provide space for public recreation in the form of Harborwalk. The substitute open space provision is an alternative requirement that will establish the site as a year-round locus of public activity in a comparable and highly effective manner, thereby meeting the regulatory standard for approval.

10.7.3 Facilities of Private Tenancy – 310 CMR 9.51(3)(b)

As with other parcels located in the Inner Harbor, the entire ground floor of the Barking Crab site must be devoted either to facilities of public accommodation or water-dependent uses. The existing restaurant on the site is popular with residents and visitors alike, and draws people to this section of the waterfront year round. If redevelopment of the site were to occur, we encourage the owner to maintain or even expand the restaurant so that it can continue to draw people across the Channel into the South Boston Waterfront throughout the year.

Barking Crab Substitution for Facilities of Private Tenancy. Residential uses are encouraged throughout the Inner Harbor in order to ensure that this new area becomes a true neighborhood as it is built out over the next several decades. The Barking Crab is not an exception, and likewise residential uses also will be encouraged for this site. Offices

and a small hotel are other possible uses for this site. As with other properties located in the Inner Harbor Subdistrict, however, offices and residential uses are permitted on the upper floors only.

Barking Crab Analysis of Substitution for Facilities of Private Tenancy. The Waterways Regulations prohibit locating nonwater-dependent facilities of private tenancy on pile-supported structures on flowed tidelands, or at the ground level of any filled tidelands within 100 feet of a project shoreline. The DEP shall waive this use limitation if the project conforms to an approved Municipal Harbor Plan which specifies alternative limitations and other requirements which ensure that no significant privatization of waterfront areas immediately adjacent to the water-dependent use zone will occur for nonwater-dependent purposes, in order that such areas will be generally free of uses that conflict with, preempt, or otherwise discourage water-dependent activity or public use and enjoyment of the water-dependent use zone, as appropriate for the harbor in question. 310 CMR 9.51(3)(b).

This substitute provision meets the regulatory standard of approval. The Barking Crab site is the only parcel in the MHP Area for which the City is seeking a waiver of this provision. The site has long been developed with pile-supported structures at the water's edge, so allowing substitution provisions on second and subsequent floors will not result in any net loss of open water. Given the small size of this site in the context of the entire MHP Area, permitting facilities of private tenancy on pile-supported structures over water at this location will not result in significant privatization of this waterfront area, particularly when compared to the existing condition.

By permitting a viable redevelopment option for this site, we increase the site's ability to support water-dependent uses because we make it possible to complete the Harborwalk link at this location, increasing public access opportunities beyond what currently exist at the site. We can provide the Barking Crab site with the same flexibility as other property owners in the subdistrict, and further the goal of the Public Realm Plan to create a highly active, mixed-use district, by permitting office and residential uses on the upper floors of the structure, without impacting the site's ability to promote water-dependent activity at the site.

10.7.4 Building Height – 310 CMR 9.51(3)(e)

Immediately to the south in the Fort Point Historic District, wharf structures that are 75 or 80 feet high are built right on the edge of the Channel. The goal of the Barking Crab height substitution is to permit similar heights on this parcel. Permitting a similar condition on the Barking Crab site will enhance, rather than diminish, the pedestrian experience along this portion of the waterfront.

Barking Crab Height Substitution. The Waterways Regulations permit heights of up to 55 feet within 100 feet of the mean high water mark. See Figure 10-6. As with Parcel D, above, the proximity of this parcel to the wharf district to the south offers a solution to the

issue of what height may be appropriate. Nearby wharf structures range in height from 75 feet to 125 feet. Consistent with the historic context of the nearby wharf buildings, a height of 75 feet will be permitted for any redevelopment of this site. See Figure 10-7. This height also is consistent with heights proposed in the Public Realm Plan.

Barking Crab Height Substitution Analysis. A Municipal Harbor Plan may specify alternative height limits and other requirements which ensure that, in general, such buildings for nonwater-dependent use will be relatively modest in size, in order that wind, shadow, and other conditions of the ground level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor in question.

The height substitution for this site creates an alternative height that is in keeping with the historic context and with the parcel's immediate surroundings. The massing, wind and shadow analyses, below, indicate little in the way of impacts on account of the substitute height.

Massing Analysis. A height substitution at this site serves several purposes. First, it will permit a height at this location that is consistent with historic wharf structures to the south. Second, the substitute height is designed to be sufficient to support the construction off the Harborwalk link at this site. Third, the 75-foot height is consistent with the height parameters established in the Public Realm Plan. When compared to the site's nearest neighbor, the federal courthouse, which is a much more massive structure, a 75-foot structure at this location is relatively modest in size.

Wind Analysis. The Durgin Wind Study compared pedestrian level winds for representative Chapter 91 and MHP build-outs on the Harborwalk and in major public open space areas. The anticipated uses at each of these locations are various forms of passive recreation, including sitting, standing and walking.

The Durgin Wind Study indicates that the difference in pedestrian level winds along the Inner Harbor between the Chapter 91 build-out and the Municipal Harbor Plan build-out are negligible. Both build-outs show minor improvements over the existing condition. For each of the five wind directions included in the study, three locations (6-8) will be most directly affected by build-out at this site. Of these 15 coordinates studied, the MHP build scenario causes a deterioration of pedestrian level winds over the Chapter 91 build scenario at one coordinate.

For northwest winds, which are predominant in spring, fall and winter months, wind conditions are Category 1 (Comfortable for Long Periods of Standing or Sitting) and Category 2 (Comfortable for Short Periods of Standing or Sitting) under the Chapter 91 and MHP build-outs. All locations remain the same for the existing, Chapter 91 build and MHP build scenarios.

For southwest winds, which are predominant in the summer months, wind conditions are primarily Category 2 and Category 3 (Comfortable for Walking) under the Chapter 91 and MHP build-outs. At location 7, pedestrian level winds deteriorate under the MHP build scenario from Category 2 under the Chapter 91 build to Category 3. All other locations remain the same for Chapter 91 build and MHP build scenarios.

Easterly winds occur approximately one-third of the time, primarily just before a storm, or in the summer as a light breeze. Northeast winds, which are primarily storm winds, are the most common of the easterly winds. Pedestrian level winds are Category 2 at location 6, Category 3 at location 7 and Category 4 (Uncomfortable for Walking) at location 8 for Chapter 91 build and MHP build conditions.

For easterly storm winds, pedestrian level winds are Category 1 and Category 2. All locations are the same for Chapter 91 build and MHP build scenarios.

For southeasterly winds, pedestrian level wind conditions are Category 1 and Category 2. All locations are the same for Chapter 91 build and MHP build scenarios.

At one coordinate (SW/7), the MHP build scenario is predicted to create a deterioration of the wind environment from Category 2 to 3. This increase does not cause the area to be unsuitable for the likely uses of the location. As demonstrated above, the wind impacts of the MHP build scenario compared to the Chapter 91 build scenario are negligible.

Shadow Analysis. The shadow impacts from the MHP build scenario are depicted in Figure 8-10. At the Barking Crab along Fort Point Channel, at 9:00 a.m., much of the Harborwalk and immediately adjacent watersheet is in shadow. By 10:00 a.m., the watersheet is largely free from shadow impacts. From 11:00 a.m. on, the watersheet and Harborwalk are largely free from any shadow impacts. Beginning at 2:00 p.m., the Barking Crab starts to cast shadows on the pedestrian space behind it, and continues to do so for the remainder of the afternoon. For the most part, with the exception of the earlier morning hours, most of the shadow protection zone areas along Fort Point Channel are in sunlight most of the day.

Figure 8-12 depicts net new shadow impacts for the substitute height. From 9:00 a.m. until 2:00 p.m., because of the way the Barking Crab structure is built right up to the edge of the Channel, a condition that is continued under the MHP build-out, net new shadow is cast on the Channel watersheet only. Beginning at 2:00 p.m., net new shadow attributable to the site is cast on old Northern Avenue, then begins to move around to the back of the site. Because of the small size of the structure in the MHP build scenario, and the relationship of the building to the edge of the Channel, the net new shadow will have little impact on the pedestrian-level environment.

10.7.5 Offsets for Impacts of the Barking Crab Substitutions

The program of offsets developed for the Barking Crab are specifically designed to offset negative impacts of the substitute provisions on water-related rights that are in excess of the negative impacts of the existing condition. Most of the substitute provisions do not generate impacts greater than the existing condition, particularly when weighed against the role each substitution provision will provide in improving public access to the site by making Harborwalk a possibility.

Determining the appropriate level of offsets for the Barking Crab is necessarily a qualitative determination. It is not possible to offset impacts with in-kind offsets, nor do the size, configuration and make-up of the site lend themselves to the application of performance standards as a mechanism for evaluating the appropriate level of offset.

Below is a list of offsetting measures that are designed to offset the combined negative impacts of the Barking Crab substitution provisions. The size and configuration of the site also limit the level of offset that redevelopment can support. The menu of offsets below were carefully chosen to promote the public's rights in the tidelands within the confines of the site. During the Article 80 review process, the most appropriate offset in light of the owners' development program will be determined.

Roof-top Viewing Area and Four-Season Room. The Barking Crab is an ideal location for a combined rooftop viewing area and four-season room. To offset negative impacts to public-water related rights caused by the combined effects of the substitution provisions increased shadow, less open space and facilities of private tenancy at the site, a rooftop viewing area/four-season room would provide people with a unique perspective on the Channel as well as the Inner Harbor. Public seating and other amenities must be available. The owner may include either an open roof deck, or provide a canopy-type roof to create a space that is available year-round. If the owner decides to incorporate the roof into the site's development program, a portion of the roof must be free and open to the public in accordance with the requirements of Section 8.9.

Upper Floor "Active" Facilities of Public Accommodation. Another possible offset is the inclusion of upper floor facilities of public accommodation. In order to qualify as an offset, upper level facilities of public accommodation must be "active" facilities, such as a restaurant or retail facility.

Water Transit Subsidy or Service. The owner of the Barking Crab has expressed interest in incorporating a water transportation service into this site. Such service can be used to offset impacts of the site's substitution provisions provided it does not conflict with the City's Water Transportation Plan.

Public Water-Related Facilities. Other possible offsets are public water-related facilities in excess of the Chapter 91 requirements for the site.



Berkeley Investments, Inc.

DELIVERY BY HAND

July 11, 2008

Mr. Kairos Shen
Director of Planning
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

Mr. Jay Rourke
Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

RE: Seaport Square, PNF/ENF Phase 1 Waiver Request dated June 2, 2008

Dear Kairos and Jay:

We are writing on behalf of CFS Seaport LLC (CFS), a limited liability company of which Berkeley Investments, Inc. (Berkeley) is the managing partner. As you know, CFS owns property abutting the proposed Seaport Square development. The CFS properties closest to Seaport Square include 381 Congress Street, 368 Congress Street, 348-354 Congress Street, and 22 Boston Wharf Road.

The purpose of this letter is to comment on the PNF/ENF Phase 1 Waiver Request for Seaport Square dated June 2, 2008 (the PNF). While we want to commend Gale International, Morgan Stanley and WS Development for all of their work to date necessary to formally launch this extensive, complicated project, we also believe that this proposal critically misses the mark with respect to the Congress Street portion of the Seaport Square project. Specifically, CFS and Berkeley object to the uses assigned to Seaport Square Parcel N and Parcel P for the reasons outlined in this letter.

Over the past four years of CFS ownership of various properties in the Fort Point Channel Wharf District, Berkeley has diligently and cooperatively worked with the City of Boston and the Fort Point Channel community to envision, adopt and implement a strategy for the transformation of Congress Street in Fort Point Channel, recognizing that Congress Street is a key connector with Boston's downtown Financial District and a principal gateway to South Boston. This transformation strategy is founded on the essential urban principal that this neighborhood be a walkable, engaging, diverse mixed-use "24/7" neighborhood.

To date, CFS has implemented their strategy by redeveloping and upgrading existing buildings to enhance the experience of the occupants and visitors and draw new tenants to



the area, adding exciting new retail and restaurant uses at grade to promote a more diverse and engaging pedestrian experience, and increasing existing housing opportunities, including artists live-work studios, at the FP3 condominium redevelopment and infill project to attract more residents to the neighborhood. We will shortly also complete the first segment of the Crossroads Initiative in the City of Boston, which will be installed in front of the FP3 Condominiums at 348-354 Congress Street and also in front of 368 Congress Street which is currently under construction.

Berkeley and CFS strongly believe that the current use designations for Parcels N and P at Seaport Square do not meet the stated urban design goals of even the Seaport Square PNF, and are in complete conflict with the urban benefits already created on Congress Street and intended for the Fort Point Channel neighborhood and environs.

Section 2.3 of the PNF describes the Urban Design Goals, Principles and Strategies for Seaport Square as follows:

“The primary urban design goals of Seaport Square are:

- to forge the desired connections between all the communities at its edges, and
- to fill the center with a program of synergistic uses and open spaces that can thrive beside the existing and proposed developments.”

PNF Section 2.3 goes on to set forth the design principles and strategies for Seaport Square, including:

“Masterplan Principles:

1. Extend Existing Fabrics: the new Block Pattern
2. Make Connections: Street & Pedestrian Ways”

Regrettably, these essential principles are ignored in the PNF vis-à-vis Congress Street. **PNF Section 2.3.1, Extend Existing Fabric**, states:

“Each area bordering the [Seaport Square] Project site has a unique character defined by scale, material, street width, and use, which are related to the dimensions of its blocks as well as the era of its construction. The Fort Point Wharf District, for example, located to the south of the [Seaport Square] Project site, has a cohesive and recognizable identity due to its small block pattern. This area is characterized by buildings of similar height and rhythm, of window openings, constructed of masonry material. The Fort Point District has a clear directional grain of buildings with minor variations in height, primarily organized along narrow streets and alley.”



"The Seaport Square plan is generated by extending traditional existing block patterns from the surrounding urban fabric into the site, as illustrated in Figure 2.3-2. This strategy accomplishes two very important objectives: first, it links the Seaport Square development to the scale and grain of its neighbors at all the edges where they meet, and second, it produces a mixture of traditional block sizes within itself, which in turn supports a diversity of programs and massing options."

Regrettably, we see no attempt made to "link the Seaport Square development to the scale and grain" of the neighborhood along Congress Street; the typically 50,000 – 100,000 square foot buildings of the Fort Point District would be entirely dwarfed by the proposed international school at 315,000 square feet. In addition, the street widths and uses change dramatically upon entering the Seaport Square project area. No retail uses of any kind are anticipated in the school building, as clearly stated in **PNF Section 2.3.4, 24/7 Mix of Uses, Retail section**, and **PNF Section 2.4 Distribution of Land Uses, Ground Floor section**.

Similarly, in **PNF Section 2.3.2, Make Connections**, the existing established Congress Street and Summer Street east/west connections are virtually ignored. Instead, the Proponent states:

"The newly proposed Autumn Lane, partly vehicular and partly pedestrian, will be lined with retail uses connecting the Fort Point District with Congress Street, the World Trade Center, and Waterside Place."

This proposed path would divert foot traffic from the intersection of Congress Street and Boston Wharf Road, north along Boston Wharf Road to Autumn Lane, which is nearly to Seaport Boulevard, rather than reinforcing the naturally curving Congress Street to the World Trade Center buildings and beyond. It is difficult to imagine how the circuitous path proposed in the PNF is intended to integrate the most established part of the Fort Point District with the new Seaport Square district and beyond. **Figure 2.3-2** clearly demonstrates that there is no intended "link" at the Congress Street and Summer Street edges. The links shown on Figure 2.3-2 instead cover virtually *every other* edge of the Seaport Square development.

The Congress Street plan being implemented by the CFS team in cooperation with the City is in part intended to draw users and visitors from Boston's Financial District into Fort Point Channel, thus integrating and invigorating these two very different, yet complementary, portions of the City. By siting a school on Parcel N, the pedestrian experience, for a pedestrian moving southeasterly along Congress Street, would end abruptly at Boston Wharf Road. The pedestrian would enjoy Channel vistas while crossing the Congress Street Bridge, would move past the Children's Museum and Fire Museum, past housing, restaurants and retail uses, and then all urban interest would abruptly end when they cross Boston Wharf Road.



Berkeley Investments, Inc.

*Mssrs. Kairos Shen and Jay Rourke
Boston Redevelopment Authority
July 11, 2008
Page 4*

At this point, the pedestrian would lose any incentive to continue to walk eastward, as the double-loaded retail and restaurant uses would end (or be artificially diverted to the north), the street experience would change to a larger, busier boulevard with a median akin to Seaport Boulevard, and the pedestrian would have to compete with drop-off lanes for school buses and cars. Thus, under the proposed Seaport Square plan, the desired connection between the Seaport Square community and the existing Fort Point District neighborhood is completely cut off at Boston Wharf Road.

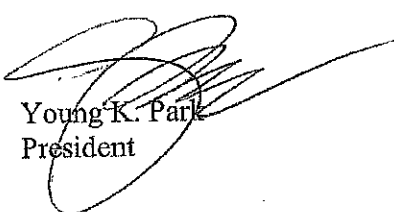
Conversely, if the Hotel shown on Parcel P was moved to Parcel N, Congress Street pedestrians would be drawn along Congress Street across the intersection at Boston Wharf Road and into the Seaport Square district, making the key link to Seaport Hill. In turn, Hotel customers could spill out onto Congress Street or into Seaport Hill to visit restaurants, cafes and stores, rather than being isolated in the more remote "big block" location nearer the vent building.

Correlatively, moving the school to Parcel P, closer to the vent building, would significantly reduce bus and other drop-off/pick-up traffic conflicts with pedestrians and visitors, while offering more privacy and creating an area of greater calm for the students and their families.

As stated above, CFS and Berkeley object to the current use designations for Parcel N and Parcel P. Based on the points outlined in this letter, we propose that the school be sited on Parcel P and the Hotel on Parcel N.

We appreciate the opportunity to make our objections known. Please contact me with any questions or comments.

Regards,


Young K. Park
President

Boston

Groundwater Trust

234 Clarendon St., Third Floor, Boston, MA 02116
617.859.8439 voice • 617.266.8750 fax
bostongroundwater.org

June 20, 2008

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Elliott Laffer

Ms. Kristin Kara, Senior Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

Subject: Seaport Square

Dear Ms. Kara:

Thank you for the opportunity to comment on the Project Notification Form for this significant development. The Boston Groundwater Trust was established by the Boston City Council to monitor groundwater levels in sections of the City where the integrity of building foundations is threatened by low groundwater levels and to make recommendations for solving the problem. Therefore, my comments are limited to groundwater related issues.

I am pleased that the proponent has acknowledged in the PNF that Parcels H, J, K, and Q within the overall plan are included in the Groundwater Conservation Overlay District. As stated in the PNF, within this section of the GCOD there is no requirement for groundwater recharge, but there is a requirement to demonstrate that the project cannot cause a reduction of groundwater levels on the site or on abutting lots. These sections of the project immediately abut the Fort Point Channel area of South Boston, where the majority of the buildings are supported on vulnerable wood piling foundations.

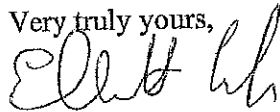
On Parcels H and J, which are included in the request to waive further Article 80 review, there is a small underground construction planned. The proponent did state at the scoping session that there would be a partial basement on Parcel H that would likely not extend below Elevation 7 BCB, but also confirmed that there are no planned underdrains and that any underground sections would be waterproofed. I am pleased with their positive statements of support and compliance with GCOD requirements.

The buildings planned for Parcels K and Q will include a substantial underground garage. I am again pleased with the proponent's pledge that the buildings will comply with the GCOD. At this location it will be important to understand how the standards will be met. This should be addressed in the DPIR covering these parcels.

The PNF states that groundwater monitoring wells will be installed during planned future subsurface explorations. If possible, these wells should be installed in locations that will be accessible in the future and should be made available to the Trust to incorporate into our observation well network when no longer needed for construction. Groundwater levels should be monitored before construction to establish a baseline and then during to construction to assure that they are not being drawn down. Results should be made available to the Authority and to the Trust shortly after they are gathered.

The attitude expressed by the proponent toward groundwater issues both in the PNF and during the scoping session has been very positive. I look forward to working with them and the Authority to assure that this project cannot have a negative effect on groundwater levels.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Elliott Laffer', written over the typed name.

Elliott Laffer
Executive Director

Cc: Jay Rourke, BRA
Kathleen Pedersen, BRA
Maura Zlody, BED



July 31, 2008

Kristin Kara
Boston Redevelopment Authority
One City Hall Square, 9th Fl
Boston, MA 02201

Kristin.Kara.BRA@cityofboston.gov

Dear Ms. Kara:

The South Boston Seaport Transportation Management Association (Seaport TMA), a non-profit association of 28 employers, businesses and developers in the South Boston Waterfront dedicated to reducing traffic congestion, easing commutes and promoting alternative transportation, is pleased to submit our comments regarding the Seaport Square Project being developed by Gale International.

Gale International joined the Seaport TMA in March 2007 and remains an active organizational member. The developer's commitment to transportation demand management (TDM) aspects related to Seaport Square is evidenced by their membership in the Seaport TMA and they have, on several occasions, participated in our membership meetings and events in order to directly dialogue with the business community that already exists in the South Boston Waterfront.

The Seaport TMA supports the proposed mixed uses of Seaport Square which will help to activate the South Boston's Waterfront and will complement other projects in the area. We strongly support the Project Proponent's plans, bearing in mind that they will remain committed to the following TDM measures:

TMA Participation: The Proponent is currently a member of the Seaport Transportation Management Association (TMA) and will remain active in the Seaport TMA, which is the only TMA that serves the South Boston Waterfront, throughout the duration of the project.

Car-Sharing Service: The Proponent is considering providing spaces in one or more of its garages for car-sharing services. The Seaport TMA applauds the Proponent's efforts to work with a car-sharing company but recommends the Proponent consider "clustering" car-sharing vehicles in more than one of the garages in order to make the more vehicles easily accessible to a greater amount of both residents and employees in the area.

200 Seaport Boulevard, Z1A, Boston, MA 02210
617-385-5510
www.seaporttma.org



Car Pool/Van Pool Parking: The Proponent is considering providing preferential parking spaces. Providing preferential parking that is easily accessible to all tenants is a critical component to encourage ridesharing. The Seaport TMA strongly urges the proponent to not only ensure that preferential parking exists, but to also consider spreading out these spaces over multiple garages. The Seaport TMA is willing to work with the Proponent to determine the demand for such spaces in each parking facility.

Transit Passes: The Proponent is considering participating in a transit pass program for tenants' employees and residents through the TMA and will encourage commercial tenants to subsidize transit passes for their employees.

Orientation Packets: The Proponent will provide orientation packets to new residents containing information on the available transportation choices, including transit routes and schedules.

Transportation Coordinator: The Proponent will designate a transportation coordinator to manage loading and service activities and to provide alternative transportation materials to residents. This person will also work directly with the Seaport TMA staff to promote transportation alternatives.

Bicycle Amenities: The Proponent will provide bicycle racks in secure, sheltered areas for residents and tenants' employees. Additional bicycle parking will be provided on the sidewalks within the Project proximate to main building entrances. The Seaport TMA recommends that the Proponent remain open to increasing bicycle parking on an as-needed basis as bicycle commuting will continue to be a mode of alternative transportation that increases over the years.

The Seaport TMA recognizes that many of the TDM measures above, as well as other efforts, will be outlined in detail in the Transportation Access Plan Agreement that the Proponent will have to commit to and we look forward to providing our support to see that those measures are met accordingly.

Sincerely,

A handwritten signature in cursive script that reads "Lauren Grymek".

Lauren Grymek
Executive Director

200 Seaport Boulevard, Z1A, Boston, MA 02210
617-385-5510
www.seaporttma.org

BOSTON PRESERVATION ALLIANCE

July 28, 2008

Ms. Kristen Kara
Boston Redevelopment Authority
One City Hall Square, Floor 9
Boston, MA 02118

Ms. Briony Angus
MEPA Office
Executive Office of Energy and Environmental Affairs
100 Cambridge Street
Boston, MA 02114

RE: Seaport Square ENF/PNF

Dear Ms. Kara and Ms. Angus:

The Boston Preservation Alliance has reviewed the Environmental Notification Form (ENF) and Project Notification Form (PNF) for Seaport Square in South Boston. The Alliance believes that this ambitious project offers enormous potential to integrate the historic Fort Point Channel neighborhood into the South Boston waterfront. While few historic structures will be impacted directly by the project, the Alliance believes the project will enliven and activate the adjacent historic district of the Fort Point Channel and will provide an opportunity for the preservation of key nearby historic structures, such as the Old Northern Avenue Bridge. The Alliance commends Gale International for its proposal, which promises to enhance Boston's existing built environment while creating a new neighborhood of the highest quality design for the benefit of future generations of Bostonians.

Adjacency to Historic Fort Point Channel District

The proposed project includes a transition zone of 5-6 story buildings that steps down to the historic Fort Point Channel neighborhood. Because of this, shadow impacts are minimized on the low-scale 19th century warehouse buildings. The stepping down of building heights also assists in creating a visual transition between the two neighborhoods, which successfully bridges to the taller heights toward the Harbor.

Blocks H and J of Seaport Square are located within the proposed Seaport Blvd./Boston Wharf Road protection area of the pending Fort Point Channel Landmark District. The Alliance appreciates the proponents' recognition of the purpose of this protection area—to protect view corridors to and from the historic district and ensure that the massing, land coverage, and height of new construction on adjacent lots is compatible with that of

Ms. Kristen Kara
Ms. Briony Angus
July 28, 2008
Page 2

the proposed Landmark District. As noted in the ENF/PNF, proposed development in this area will be subject to ongoing review by the Boston Landmarks Commission staff.

The Alliance supports the great variety of building materials proposed for the buildings in Seaport Square which draw from some of the commonly found materials of the historic district, like brick and terracotta, while integrating new materials, such as steel and glass. In addition, Seaport Square provides a successful transition in street grid patterns from the intimacy of the historic district to the more massive scale of proposed new building on Fan Pier and closer to the harbor.

Old Northern Avenue Bridge

The Alliance commends the project proponent for committing \$5 million to infrastructure improvements for the Old Northern Avenue Bridge. The Alliance has strongly advocated for the preservation, stabilization and restoration of the Old Northern Avenue bridge for many years. One of the area's most iconic structures, the bridge was constructed in 1908 and is one of only three surviving swing bridges built by the City of Boston in the late 19th and early 20th century.

The Alliance requests being involved in ongoing plans for the Old Northern Avenue bridge, including proposals to paint, repave, or relight the structure. The Alliance believes that seasonal kiosks and public art, as proposed, have the potential to contribute positively to the public's experience at the bridge and appreciation for it. We look forward to commenting on more detailed plans for these amenities as they evolve.

Chapel of Our Lady of Good Voyage

The Chapel of Our Lady of Good Voyage is proposed for demolition as part of the Seaport Square development. Demolition during Phase I of the project is cited as critical to the ability of the entire project to move forward. The Chapel was constructed in 1952 and is a one story, flat roofed, brick building with little ornamentation. Its simplicity in design and modesty in scale reflect its function as a "workers chapel" in an industrial area that was built for use by seamen and waterfront workers.

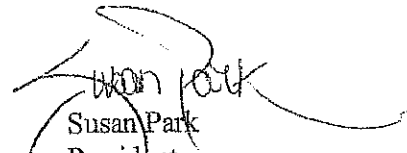
The Chapel is not listed on the State or National Registers of Historic Places and is not located in the pending Fort Point Channel Landmark District. The building is included in the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth. The Chapel was also part of the Boston Preservation Alliance's 2003 survey of properties owned by the Boston Archdiocese and was recommended for listing on the National Register in that Survey.

Ms. Kristen Kara
Ms. Briony Angus
July 28, 2008
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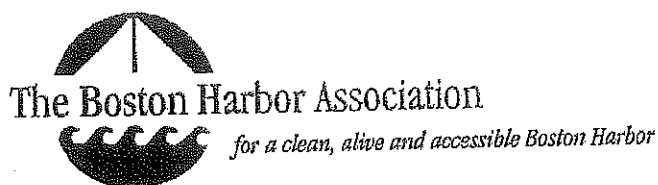
The project proponent will be required to consult with the Massachusetts Historical Commission in accordance with the Chapter 254 process and will undertake the Article 85 Demolition Delay process with the Boston Landmarks Commission. During the Article 85 processes, the proponent will be required to demonstrate that there is no feasible alternative to demolition. Should it be demonstrated that the chapel cannot be feasibly preserved, the Alliance recommends that the proponent work with the MHC and the BLC to determine suitable ways to commemorate the history of this chapel.

Sincerely,


Sarah D. Kelly
Executive Director


Susan Park
President

cc: Senator Jack Hart
Representative Brian Wallace
City Council President Maureen Feeney
City Councilor Bill Linehan
City Councilor Michael Flaherty
Brona Simon, Massachusetts Historical Commission
Ellen Lipsey, Boston Landmarks Commission



4 August 2008

Mr. John Palmieri
Director
Boston Redevelopment Authority
City Hall
Boston, MA 02201
ATT: Kristin Kara

RE: Project Notification Form
Seaport Square, South Boston

Dear Mr. Palmieri:

The Boston Harbor Association (TBHA) is a non-profit, public interest organization founded in 1973 by the League of Women Voters and the Boston Shipping Association to promote a clean, alive, and accessible Boston Harbor. For the past few months, The Boston Harbor Association has attended a series of meetings convened by the Boston Redevelopment Authority to discuss the proposed 23-acre development known as Seaport Square in the South Boston Seaport district. We commend the BRA for initiating these meetings, and Gale International and its president, John Hynes, for their thoughtful participation and responses during each of the meetings.

Gale International proposes 6.5 million sq. ft. of development on twenty new blocks, the largest proposed development near Boston's waterfront, and

one of the largest in Boston. 2500 residential units, approximately 1.4 million sq. ft. of office and research space, 1.25 million sq. ft. of retail uses, 700 hotel rooms in three hotels, public pilot school, international private school, gallery space, community facility such as a library branch, relocated church, gallery space, and 6,500 parking spaces are proposed. The project proponent will provide six acres of open space for public enjoyment and recreation, comprising approximately 25% of the site.

We commend the project proponent for actively promoting a lively 24/7 neighborhood which recognizes not only the need for a mix of residential units but also provides for a grocery, community, and cultural facilities. In addition, two larger public spaces are integrated into the project, a 1.25 acre "Seaport Square" envisioned as a "grand civic lawn large enough to support active recreation and concerts" (page 2-34 of PNF) and the 0.75 acre "Seaport Hill" grassy area with a playground, flower garden, dog park, and seating areas.

We further commend the project proponent for supporting Mayor Thomas Menino's and Governor Deval Patrick's efforts to make Boston and Massachusetts the "greenest" city and state in the country by making the Seaport Square project one of the largest sustainable neighborhoods in the United States through at least LEED-ND standard at the Silver Level.

As the Seaport Square project continues through state and municipal environmental review, we ask that the following issues be thoroughly addressed:

Massing along Northern Avenue: as proposed, Buildings B, C, and D on Northern Avenue will each have a maximum height of 250 ft., the limit set by the FAA. Both the project model and Figures 2.3-13 and 2.3-14 of the PNF clearly show that the proposed heights of the new buildings together with the buildings across the street create a canyon-like effect for pedestrians and park users on Northern Avenue. The Project Environmental Impact Report needs to clearly model the wind and shadow impacts of the proposed buildings upon the pedestrian experience on Northern Avenue and adjacent side streets. Particular attention should also be given to the wind and shadow impacts of these three buildings to park users utilizing the project's "Seaport Square" park and the adjacent Fan Pier "Public Green." Alternative massing schemes which re-distribute the height and eliminate the canyon-like effect should be included in the alternatives analysis in the Draft PIR.

Transit-oriented development: The project proponent proposes 6,500 parking spaces in five new underground parking garages to replace the existing 3,647 parking spaces on surface lots. The project proposes to secure 853 additional parking spaces from the City of Boston's parking bank administered by the Air Pollution Control Commission, and to build 2,000 additional residential parking spaces

(latter not subject to the regulations of the Air Pollution Control Commission).

We encourage the project proponent to incorporate additional steps to become a transit-oriented project. We support the project's stated intention of working with the MBTA to develop a new head house connection between "Seaport Square" open space and the MBTA Silver Line waterfront route, although it is not clear from the ENF whether the project proponent will pay for the construction of the new head house. We strongly support the project proponent's innovative "Park and Bike" program at its existing parking lots in the Seaport District, where parking customers get free use of a bicycle, while others can rent a bike for only \$11 a day. To further support the city's "Boston Bikes" initiative, we are hopeful that some of the project's ground floor spaces will have reasonably-priced shower facilities for bikers and bike repair services, similar to the amenities at Chicago's Millennium Park.

The PNF does not specifically identify water transportation as a transit option for workers, residents, or visitors. The Draft and Final PIR should provide descriptions of water taxi and water ferry service in the project catchment area (e.g., World Trade Center, Fan Pier, Moakley Courthouse, InterContinental Boston, Barking Crab Restaurant), and outline how the project proponent will promote water transit usage, such as possible service subsidies for water transportation and employee discount coupons for water transit.

Transportation Planning: The Project Notification Form makes a number of assumptions about existing roadways and proposes a number of new roads within the project site. As a more complete, comprehensive transportation analysis is prepared for the Draft and Final Project Impact Reports, the following should be incorporated:

In considering background conditions of other projects in the project area, the traffic analysis of "No Build Background Conditions" (pages 3-21 and 3-22 of PNF) appears to under count the scale of other, already permitted projects. For example, only 493,000 sq. ft. of office space is included for the Fan Pier, with no mention of the hotel, residential, civic/cultural or retail components; only 225 hotel rooms are considered for Pier 4, with no mention of the residential, office, civic, or retail uses; and only 3,000 sq. ft. of retail space is included for the FP3 project on Congress Street when there is actually 17,000 sq. ft. of retail uses on the ground floor with 92 residential units. To adequately assess the environmental impacts of the proposed project, the traffic analysis in the Draft and Final PIR should consider "worst case" scenario, i.e., background conditions should assume full build-out of all other permitted projects in the immediate area.

With regards to the existing roadway system, better descriptions should be included of the major east-west roadways which provide access to the Seaport District: Seaport Boulevard, Northern Avenue,

Congress Street. There also needs to be a recognition that Northern Avenue/ Seaport Boulevard and A Street, among others, are truck routes which serve the South Boston Designated Port Area, and which provide access to and from the Boston Marine Industrial Park. While we support making Seaport Boulevard an attractive street, the description in the PNF cites a boulevard type that is a "retail promenade, favoring the pedestrian experience", with discussion of gracious sidewalks, double-row trees to accommodate outdoor seating and sidewalk entertainment. The Draft and Final Project Impact Reports should include better narrative and maps of the truck routes and the Designated Port Area, and indicate what, if any, impacts will occur to the truck routes from the proposed project.

Besides including a more detailed inventory of water transportation options (e.g., water taxi services; \$2 Seaport Express weekday service between the Seaport World Trade Center and Central Wharf; Massport's plans for an expanded water transportation facility at Commonwealth Pier), we ask that a more thorough analysis be included of existing and future mass transit options for residents, workers, and visitors to Seaport Square. The PNF does not include any Silver Line Waterfront ridership information in the modal split analysis (page 3-34). The Draft and Final PIR should include this information as part of the mass transit analysis regarding existing and future demand.

Additional information should be provided in the Draft and Final Project Impact Reports regarding the new Harbor Street Bridge, proposed over Congress Street to connect Summer Street to Seaport Boulevard. Additional analysis is needed about the impacts of such a bridge over a major east-west corridor, including any impacts or implications for truck and pedestrian usage of the street. As presented, we assume that Harbor Street Bridge will be privately funded: please indicate the timetable for permitting and funding of the proposed infrastructure.

Open Space: The PNF provides good detail of the mix of open spaces which comprise slightly more than 25% of the site area (35% if one includes streets and sidewalks). "Seaport Square", a 1.25 acre open space area, is envisioned as a "grand civic lawn large enough to support active recreation and concerts" (page 2-34 of PNF), while a 0.75 acre "Seaport Hill" is envisioned for a playground, dog park, and passive recreation, with landscaped areas serving as a buffer for ground floor residences at the sidewalk.

"Seaport Square" Park is directly across from Fan Pier "Public Green", and close coordination should occur between the two property owners to maximize public use of these open space areas. During the Chapter 91 process, additional information should be provided regarding the programming of both "Seaport Square" Park and "Seaport Hill", as well as the coordination with Fan Pier "Public Green." Outstanding free waterfront programming to emulate

include the Boston Harbor Hotel's ten weeks of free summer concerts, dance, and movies along the HarborWalk; the Institute of Contemporary Art's free Thursday night HarborWalk Sounds series in conjunction with Berklee College of Music; Boston Children's Museum's Summer Outdoor Music Series Fridays at noon in conjunction with the Friends of Fort Point Channel and Passim Folk Music and Cultural Center; City of Boston's free Waterfront Performing Arts Series on Thursdays at Christopher Columbus Waterfront Park; Boston Natural Areas Network's free weekly Greenway Festival Family Movies Series at Pope John Paul II Park in Dorchester; and the John F. Kennedy Library and Museum's free year-round Kennedy Library Forums.

It is not clear from the PNF submission whether the required open space offsets for the entire project (versus only Phase I offset) are satisfied with the conveyance of Parcel E. As part of the Phase I Waiver Request approval, we strongly urge that the open space requirement be satisfied at the start of the project, similar to the timing of public amenities for the adjacent Fan Pier project.

Consistent with the Secretary's Decision on the South Boston Municipal Harbor Plan Amendment, the City of Boston is required "to develop a system that accounts for the status of aggregation program, maintain a running balance tracking the amount of open space, where it has been provided, and which McCourt Parcel it shall be credited to. Using this open space accounting system, the City shall include a certification of open status to DEP

as part of its Section 18 recommendation on Waterways licenses" (page 49, 8 December 2000 Decision).

We ask that the City begin this process as soon as possible to allow for sufficient public involvement and comment, so that the required Section 18 certification by the City does not hold up the project proponent's Phase I Chapter 91 License, if the waiver request is granted.

Planning for Community Facilities: Earlier this year, Boston Mayor Thomas Menino appointed the able Kairos Shen to be the City's Chief Planner. In that capacity, we hope that Mr. Shen will begin to work with city agencies to determine the appropriate mix of community facilities such as schools, libraries, public safety facilities including police and fire stations, health clinics, community centers, and civic facilities in the Seaport District. We highly commend the project proponent for setting aside sites for two schools, library branch, and performance center in anticipation of the need for such facilities to support a lively new neighborhood.

PHASE 1 WAIVER REQUEST

As part of this filing, the project proponent is requesting a Phase I Waiver Request to construct three buildings prior to the preparation of a project-wide Environmental/Project Impact Report. Ninety-three residential units, 46,600 sq. ft. of retail, 25,000 sq. ft. for the relocation of Our

Lady of Good Voyage Chapel, and 31 parking spaces comprise the Phase I Waiver Request.

Subsequent to the filing of the Environmental/Project Notification Form and in response to concerns raised by The Boston Harbor Association and others, the project proponent has scaled back the Phase I Waiver Request. Block A will now house 34 one, two and three bedroom units rather than 51 units as described in the ENF, with 31 below-grade parking spaces rather than the 43 spaces outlined in the ENF/PNF. We strongly support these changes to minimize environmental impacts from Phase I of the project.

Traffic Issues: Block A, located on Old Sleeper Street between Seaport Boulevard and the Old Northern Avenue Bridge, is proposed to be a six-story residential building, with ground floor restaurant/retail uses and parking beneath the building.

Because the Block A building is built to the property line and because of its proximity to the Old Northern Avenue Bridge, future plans for the Bridge are particularly relevant. It is our understanding that the City's redevelopment plans for the bridge call for one lane of vehicular traffic, one lane for pedestrian use, and one lane for commercial activity.

If vehicular traffic is permitted on the bridge in the future, safe pedestrian connections to the HarborWalk between the Evelyn Moakley Bridge and

the John Joseph Moakley Federal Courthouse are necessary; and access for deliveries, trash removal, and emergency response at the nearby Barking Crab Restaurant and the water-dependent Neptune Marine Services LLC need to be provided.

At the same time, the project proponent should continue to examine ways to avoid queuing of vehicles entering the single-lane below-ground parking facility, thereby causing back-ups onto the Old Northern Avenue Bridge and at locations where pedestrians will be trying to access different segments of the HarborWalk. The proposed below-ground parking facility will only hold 31 vehicles, which with proper attention by the management entity should not experience queuing on to public streets even at rush hour.

HarborWalk: The ENF/PNF incorrectly indicates that one of the Public Benefit Determination factors of this project is the creation of a missing HarborWalk segment or link as part of Block A development. Because Block A is not on the water's edge, the proponent can not construct the missing HarborWalk segment unless he acquires the waterfront parcel next to Block A, which is not proposed in the ENF/PNF (see discussion below regarding Public Walkway). Furthermore, the ENF/PNF attributes an existing HarborWalk segment to the Boston Children's Museum, when in actuality the segment nearest to Block A was built by the Mass. Highway Department as part of the Evelyn Moakley Bridge project using taxpayer's funds.

In conversations subsequent to the filing of the ENF/PNF, the project proponent has expressed a willingness to construct a new public segment from the Evelyn Moakley Bridge HarborWalk to the proposed public walkway along the alignment of Old Sleeper Street between the Barking Crab Restaurant and the property line of Block A. Currently, the temporary segment is not in good condition and awkward to access. We support the construction of this missing segment by the project proponent as part of the Chapter 91 License requirement, and as a factor in the Public Benefit Determination, assuming that the property owner of the segment is amenable to the construction of a new segment by Gale International.

Public walkway along Old Sleeper Street: The alignment of Old Sleeper Street, which runs between the Barking Crab Restaurant and the property line of Block A, is owned by the City of Boston. Currently, the alignment is used for drop-off and pick up and deliveries and for emergency access to the Barking Crab Restaurant and to Neptune Marine Services LLC, and by pedestrians going between the Evelyn Moakley Bridge HarborWalk segment and the Old Northern Avenue Bridge and/or to the HarborWalk at the John Joseph Moakley Federal Courthouse. The alignment is not pedestrian-friendly and in poor condition along some sections.

The project proponent proposes to activate the City-owned alignment through physical improvements which will make it more user-friendly including new landscaping, outdoor dining as well as free tables

for the general public, and rotating outdoor public art. We support these measures to make the public alignment more functional and safer for pedestrians and families, consistent with plans by the City of Boston.

At the same time, these improvements must be implemented in such a way as to not adversely impact the existing water-dependent use (Neptune Marine Services LLC) nor the existing facility of public accommodation (Barking Crab Restaurant). By working together with the City, the project proponent, Neptune Marine Services LLC, and the Barking Crab Restaurant can all benefit from a more attractive, better-designed alignment. As a condition of any Phase I Waiver Request approval, an agreement regarding Old Sleeper Street alignment and its uses should be executed between the project proponent, the abutters Neptune Marine Services LLC and the Barking Crab Restaurant, and the City of Boston.

South Boston Municipal Harbor Plan Amendment:

Under the South Boston Municipal Harbor Plan Amendment approved by the Environmental Secretary on 6 December 2000, Block A of the project has a maximum height envelope of 75 feet.

The Amendment also approved a maximum height of 75 feet on the Barking Crab Restaurant site. As part of the substitution provision, the Secretary required that the Barking Crab Restaurant site must provide a minimum 12-foot wide water dependent use zone concurrent with any new or expanded non-water-

dependent use building construction, and that if a combined boat access and waterside walkway is not feasible to accommodate ADA requirements, then the Barking Crab site may satisfy any ADA requirement with a harborwalk walkway along the existing Sleeper Street sidewalk, in addition to the 12-foot wide HarborWalk waterside access (page 52, 6 December 2000 Decision).

If a Phase I Waiver Request is granted to the proponent, we ask that the proposed project be permitted in such a way so as to not impede the operations of the existing or expanded Neptune Marine Services and/or Barking Crab Restaurant, consistent with the Secretary's 6 December 2000 Decision.

Open Space Requirement: Under the Secretary's 6 December 2000 Decision, a substitution provision allowed for 100% lot coverage and therefore 0% open space for Block A. The proposed offset would be an equal area of open space provided somewhere on the project site.

In the 23 June 2006 Written Determination of the Boston Children's Museum's Chapter 91 License, the donation of Parcel E to the Museum by the prior property owner was allowed to be banked as part of the offset for the future development of Block A and the project site. The Secretary's Decision further required that, "At a minimum, the final design and construction of open space provided to meet these requirements shall satisfy the Chapter

91 standards for open space located on Commonwealth tidelands" (page 57, 6 December 2000 Decision).

Parcel E, as conveyed, does not meet the open space standard for Commonwealth tidelands, and it is not clear from the filing how the project proponent will meet the standard. To put any future improvements for Parcel E into context, the Boston Children's Museum has for the last 18 months engaged a landscape architectural firm with the assistance of a planning committee chaired by the president of Legal Sea Foods and the executive director of The Boston Harbor Association to develop plans for a signature waterfront park. Two community meetings have been held to solicit community input on the plans. Construction costs are estimated to be between \$7 to \$9 million.

Public Benefit Determination/ Phase I Waiver Request Requirements: As part of the landlocked tidelands legislation signed by Governor Deval Patrick on 15 November 2007, the Energy and Environmental Secretary is designated as the "administrator of tidelands", must conduct a "public benefit review" for projects on tidelands, and must issue a written determination for any proposed project located on tidelands or on landlocked tidelands that requires an Environmental Impact Report.

As part of the public benefit determination and the Phase I Waiver Request review, the ENF/PNF filing was mistaken regarding the project proponent's ability to effectuate a new HarborWalk segment and

to enliven the water's edge since the project is not located on the water's edge. It appears that the remaining major benefit which the project proponent had identified in the Phase I Waiver Request is the proposed improvement of the city's Old Sleeper Street alignment with landscaping, outdoor seating, and public art, and a commitment to work with community groups and institutions to provide year-round events and programming in existing and new open spaces and in the facilities of public accommodation. The Phase I Waiver Request does not demonstrate any undue hardship from strict compliance with the MEPA regulations requiring an EIR.

While The Boston Harbor Association does not generally support segmentation of a project, we are supportive of this Waiver Request, given the reduction in the size of the Block A building since the ENF submission, and with appropriate conditions. If a Waiver Request is granted, we ask that your office incorporate the following conditions to meet the public benefit determination, satisfy Phase I Waiver requirements, and meet the open space offset for the entire project, not just the Phase I parcels:

1. Block A, located completely on Commonwealth tidelands, will be reduced from 51 residential units as stated in the Environmental/Project Notification Form to no more than 34 units and will have no more than 31 below-ground parking spaces, rather than 43 parking spaces as stated in the Environmental/Project Notification Form;

2. The project proponent, with the concurrence of the property owner, will construct and maintain a public, ADA accessible segment connecting the HarborWalk segment beneath the Evelyn Moakley Bridge to the public way on the Old Sleeper Street alignment;

3. The project proponent will provide free space for a visitor information facility or kiosk on the ground floor of the Block A "gateway" building, with access to a public restroom for the general public;

4. That portion of Block H within Commonwealth tidelands and closest to the Parcel E open space donated to the Boston Children's Museum shall have a public restroom available for use by park users;

5. At the time of the granting of an extended term Chapter 91 License for buildings in the Phase I Waiver Request, the project proponent shall provide funds to the Boston Children's Museum to ensure that Parcel E/ Children's Wharf Park meet Chapter 91 standards for open spaces located on Commonwealth tidelands. Because Parcel E currently does not meet Chapter 91 open space standards for tidelands, because additional open space offsets may be required for the entire project, and because the City of Boston may decline the \$5 million contribution the project proponent has offered to help repair the Old Northern Avenue Bridge, we ask that the project proponent provide funding which will make the open space a significant destination

and resource for the new workers, residents, and visitors of the 6.5 million sq. ft. development within the Seaport District. Up to \$5 million shall be provided by the project proponent to the Boston Children's Museum to construct a park to the standards required for open space on Commonwealth tidelands if the City of Boston decides not to accept the proponent's \$5 million contribution for repairs to the Old Northern Avenue Bridge. A smaller amount of funding to meet the standards required for open space on Commonwealth tidelands will be provided by the project proponent if the City of Boston accepts the \$5 million for improvements to the Old Northern Avenue Bridge.

Thank you for your consideration. We look forward to continuing to work together with the project proponent as he finalizes plans for Seaport Square.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Li' with a stylized flourish at the end.

Vivien Li
Executive Director
The Boston Harbor Association

Kara, Kristin

From: Richie Neville [rneville@local33.org]
Date: Wednesday, July 30, 2008 10:54 AM
To: Kara, Kristin
Subject: The Seaport Square Project in South Boston

July 30, 2008

Kristen Kara
3RA

Dear Kristen:

I have attended all the meetings for the Seaport Square Project and truly believe that this project will be in the best interest for the area and the community of South Boston. This project will provide employment for many residents of the area during construction and as well as full time employees upon completion.

If I can be of any assistance please feel free to contact me at (617) 350-0014

Sincerely,

Richard Neville
3rd Class Agent
Carpenter Union Local 33

7/30/2008

July 30, 2008

To Whom It May Concern:

I represent all of our South Boston residents.

The proposed development looks amazing. Obviously a lot of work has gone into keeping it in line with what already works in the City while adding a new and exciting feel. The fact that the developer is willing and able to complete this development all at once is very reassuring. Now there will definitely be something developed on the South Boston Waterfront, after 20 years in waiting. **This project alone will create thousands of construction and permanent jobs.** With the uncertainty in the financial markets worldwide, this project should get approved asap and get the work started.

Ed Marenburg
Organizer
Sheet Metal Workers Local 17
1157 Adams Street
Boston, MA 02124

July 30, 2008

To Whom It May Concern:

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Neal Kelleher
Sheet Metal Workers Local 17
1157 Adams Street
Boston, MA 02124

July 30, 2008

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Richard Keogh
Business Agent
Sheet Metal Workers Local 17
1157 Adams Street
Boston, MA 02124

July 30, 2008

To Whom It May Concern:

I represent all of our South Boston residents.

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Russell Bartash
Business Agent
Sheet Metal Workers Local 17
1157 Adams Street
Boston, MA 02124

July 30, 2008

To Whom It May Concern:

I represent all of our South Boston residents.

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James Wool
Business Manager
Sheet Metal Workers Local 17
1157 Adams Street
Boston, MA 02124

July 30, 2008

To Whom It May Concern:

I represent all of our South Boston residents.

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Robert Butler
Business Agent
Sheet Metal Workers Local 17
1157 Adams Street
Boston, MA 02124

Kara, Kristin

From: Stephen Buckley [sbuckley4@gmail.com]
At: Wednesday, July 30, 2008 6:16 AM
To: Kara, Kristin
Subject: Seaport Development

Hi Kristin,

I just wanted to take a minute and let you know how important the Seaport development is to the neighbors of South Boston. In a depressed real estate market and an uncertain economy, I think that the development of the Seaport area will provide countless jobs for construction industries as well as add to the property values to many homes in South Boston. Being within a mile of the development, I expect to use the pending construction as a salespoint if I ever decide to move. Though I've only lived in South Boston for two years, I strongly feel that the development will be a positive for the entire Southie community.

Thank you,

Steve Buckley
25 Dorchester St.

7/30/2008

Kara, Kristin

From: John Hurley [mrjohnhurley@yahoo.com]
Sent: Tuesday, July 29, 2008 7:24 PM
To: Kara, Kristin
Subject: Re: Seaport Square

--- On Tue, 7/29/08, John Hurley <mrjohnhurley@yahoo.com> wrote:

> From: John Hurley <mrjohnhurley@yahoo.com>
> Subject: Seaport Square
> To: krisitn.kara.bra@cityofboston.gov
> Date: Tuesday, July 29, 2008, 7:22 PM
> Kristin:
>
> I just wanted to write a quick note to you to express my support of
> the proposed Seaport Square project. As the son of a union ironworker,
> I am excited to know that his members, as well as members from the
> other building trades will have ample amount of work for the
> foreseeable future, especially in light of our current economic
> situation.
>
> From a long term perspective, I am glad that many permanent jobs will
> come as a result. Additionally, as the South Boston neighborhood is
> expanded, it will become an even better transition area into the
> financial district and fanueil hall.
>
> As a fourth generation South Bostonian, I am confident that this
project will create a positive atmosphere in our neighborhood, and
will make the City of Boston an overall better place as well.
>
> Thank you for your time, Kristin.
>
> Take care,
> John Hurley

Kara, Kristin

From: AAALLENS@aol.com
Date: Tuesday, July 29, 2008 7:19 PM
To: Kara, Kristin
Subject: Seaport Square Development Project

I am writing to you in support of the Seaport Square Development Project in South Boston. I have lived in South Boston my entire life as have my parents and grandparents. I love South Boston and it is exciting to see all the changes, especially in and around the seaport area. With the proposed Seaport Square Development on the table, during these tough economic times, it gives our families and this city a brighter future.

Both my father and I work construction -- I am a Local 7 Iron Worker and my father is a Local 537 Pipefitter. Our livelihood depends on projects such as these and so does the livelihood of all the apprentice programs in all union trades across the city. Please consider investing in the future of this great City of (South) Boston.

Thank you,
Tom Allen
712 E. 6th Street
South Boston, MA 02127
617-269-9821

Get fantasy football with free live scoring. [Sign up for FanHouse Fantasy Football today.](#)

7/30/2008

Kara, Kristin

From: Anne-Marie Joyce [annemarie.joyce@jud.state.ma.us]

Date: Thursday, July 24, 2008 1:07 PM

To: Kara, Kristin

Cc: Maryellen.Malcolm

Subject: seaport square developement

Kristin, I just wanted to write and let you know how excited I am about the proposed Seaport Square Developement. I live in South Boston and I am happy that something is finally being done to spruce up the waterfront area. The additional taxes from this developement will also be a boost to our economy. I am also encouraged by the fact that so many new construction jobs will be created especially in these financially trying times.

7/24/2008

Kara, Kristin

From: Donna Crosby [donna_crosby2002@yahoo.com]
t: Thursday, July 24, 2008 12:17 PM
To: Kara, Kristin
Subject: Seaport Square Development

To: Seaport Square

Subject: Seaport Square Development

The development that is being proposed is something that is needed and wanted in the waterfront area. Living in south Boston my entire life I have seen many changes and the waterfront is one of them. This proposed development is exciting and I am hoping that it gets done quickly so that my children and future generations will be able to enjoy the benefits of such a great development.

Sincerely,

Donna Crosby
141 L Street
South Boston, MA 02127
Tel: (617) 523-8771

7/24/2008

Kara, Kristin

From: denise nagle [denise_nagle2003@yahoo.com]
t: Thursday, July 24, 2008 11:21 AM
To: Kara, Kristin
Subject: seaport square development project

Just a little note to let you know that I hope the above project can get started soon. The idea of building the waterfront up and the prospect of future jobs during construction as well as when the job is complete is very reassuring.

The idea that we will have a beautiful modern waterfront is a long time in the making. Let's get the project started.

Denise Nagle

South Boston resident

7/24/2008

Kara, Kristin

From: Paula Ferris [Paula_Ferris@aubonpain.com]

t: Thursday, July 24, 2008 10:59 AM

To: Kara, Kristin

Subject: Seaport Square Development Project

My name is Paula Ferris and I am a lifelong resident of South Boston. I have been to the community meetings and have seen the development plans for Seaport Square. I think that this project will be a great asset to South Boston and am glad to finally see something done with the area. Not only will this project provide much needed jobs during the construction, it will also provide housing, schools and jobs once the project is complete. I hope that this project approved.



Selected as one of America's Healthiest Restaurants by *Health Magazine*

7/24/2008

Kara, Kristin

From: Carter, Jean [jmcarter@lehman.com]
Sent: Wednesday, July 23, 2008 4:00 PM
To: Kara, Kristin
Subject: Seaport Square.....

> To Whom It May Concern:

>
> Boston is becoming more and more of an amazing city each day.
>
> The proposed development of Seaport Square is exciting and will only
> add to the beauty of this city. As a South Boston resident, all of my
> life, it is wonderful to see the growth and construction all
> around...the neighborhood looks more beautiful, each day, as well.
>
> Let's keep this going and create more jobs.....times are tough right
> now.....let's be part of getting things rolling and letting people
> get ahead once again.

>
> Sincerely,
>
> Jean M. Carter

This message is intended only for the personal and confidential use of the designated recipient(s) named above. If you are not the intended recipient of this message you are hereby notified that any review, dissemination, distribution or copying of this message is strictly prohibited. This communication is for information purposes only and should not be regarded as an offer to sell or as a solicitation of an offer to buy any financial product, an official confirmation of any transaction, or as an official statement of Lehman Brothers. Email transmission cannot be guaranteed to be secure or error-free. Therefore, we do not represent that this information is complete or accurate and it should not be relied upon as such. All information is subject to change without notice.

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Kara, Kristin

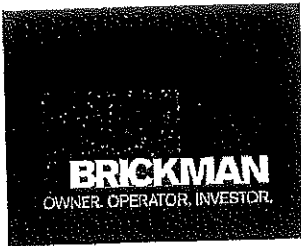
From: Malcolm, Maryellen [Maryellen.Malcolm@bostongen.com]
t: Wednesday, July 23, 2008 3:57 PM
To: Kara, Kristin
Subject: FW: Seaport Square Development

From: Malcolm, Maryellen
Sent: Wednesday, July 23, 2008 3:01 PM
To: 'Kristen.Karabra@cityofboston.gov'
Subject: Seaport Square Development

Hi
My name is Maryellen Malcolm and I am a lifelong resident of South Boston, I have been at quite a few of the community meeting in which the topic was Seaport Square Development. I just wanted to voice my opinion of how excited I am that finally something is going to be done in that district of South Boston which will benefit the community in all aspects, jobs, housing, retail, schools etc, I just hope this gets underway sooner than later so we could all enjoy the benefits of such a beautiful sight.
Let's get this started
Thanks
Maryellen

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7/23/2008



July 23, 2008

Mr. Kairos Shen
Chief Planner, City of Boston
c/o Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

Re: Seaport Square Project Comments

Dear Kairos:

Brickman is the owner 313 Congress Street, 330 Congress Street, 300 A Street and 51 Sleeper in the Fort Point Channel area. Because of our investments, we are closely following the progress of the proposed Seaport Square project. We have attended the public hearings and have met directly with Morgan Stanley to voice our specific concerns about the portion of the project referred to as Parcel H located along Seaport Boulevard.

Brickman is generally in support of Seaport Square and believes the project will become a vibrant destination within the City of Boston. Specifically, we are very excited about the retail component of the project as it will increase pedestrian traffic to the area. However, we are concerned that Parcel H will greatly contrast with the current character and historic nature of the Fort Point Channel neighborhood.

The majority of the existing buildings in the Fort Point Channel area are brick and beam in nature. Tenants clearly value the historic, low-rise nature of the neighborhood as confirmed by strong absorption figures and low vacancy rates. Much of the attraction to the area is due to the light and air characteristics as well as the waterfront views achieved from many of the structures. Brickman believes that the proposed design and massing of Parcel H will significantly alter the character of the Fort Point Channel area, which is very unique. We are also concerned about the effect of Parcel H on wind and shadow characteristics of adjacent buildings such as 51 Sleeper. We are confident our neighbors at 44 Farnsworth share the same concerns.

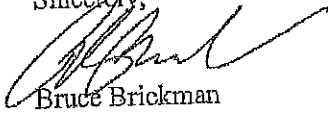
Brickman encourages the BRA to consider reducing the height of Parcel H and increasing density in a portion of the project that is not directly adjacent to the historic Fort Point Channel area. We are supportive of a low-rise retail structure at the intersection of Seaport Boulevard and Sleeper Street. In addition, we believe that the alleyways and pedestrian pathways behind Parcel H should be integrated with the Harbor Walk.

Brickman is a real estate owner, operator and developer and strongly believes that Seaport Square will greatly benefit the City of Boston. Our concerns are primarily with

the current design of Parcel H and its impact on abutting properties and the overall Fort Point Channel area. We are hopeful that our comments herein, as well as the comments of our neighbors, will result in the reconfiguration of Parcel H.

Michael Bernstein in my office is responsible for our Boston Portfolio. Please do not hesitate to contact him with any further questions.

Sincerely,



Bruce Brickman

Cc: Kristin Kara, BRA
Michael Bernstein, Brickman

Kara, Kristin

From: Kelly Collins [Kelly.Collins@newbalance.com]
Sent: Wednesday, July 23, 2008 3:00 PM
to: Kara, Kristin
Subject: Seaport Square

I attended a meet in regards to the Seaport Square development. I think this project will definitely be a great asset to Boston. I'm a resident of South Boston and have lived here my entire life, I'm also a new mother of a six month old. And see this project as something great for my child's future. This project has something for everyone which is great. Seaport Square will be another great for South Boston. Lets look at what is there now and compare to what we could have. Young professionals will be able to walk to work and have access to local stores, movies or great dinning. Families have the same benefits plus they will be able to go and relax at a great park. All in all I see this as huge win for South Boston residents.

Thank you,
Kelly Collins

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Thank you.

Kara, Kristin

From: Donna Casper [dmc1015@hotmail.com]
it: Wednesday, July 23, 2008 1:49 PM
To: Kara, Kristin
Subject: Seaport Square

A week ago Monday I attended my second meeting in regards to the Seaport Square development. I think Seaport Square will be a great asset to Boston. I have lived in South Boston my entire life and have seen numerous projects be developed.. What I like about this project is there is something for everyone. People will be able to walk to work, families will have the ability to walk to local stores, attend church and also be able to go to a movie, have dinner or relax at a park. Seaport Square will be another great neighborhood in South Boston. My husband and I chose to remain in the city and raise our three children because of all the greast things the City of Boston has to offer and Seaport Square will be another one of those great assets.

Donna M. Casper

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7/23/2008

Kara, Kristin

From: renee bothwell [rbothwell2@yahoo.com]

t: Wednesday, July 23, 2008 1:42 PM

To: Kara, Kristin

To: Seaport Square

Subject: Seaport Square Development

I have been to a few meetings and have heard great things re this project. I am in favor of the project and feel it should be approved asap.

renee bothwell

7/23/2008

Kara, Kristin

From: Jody Cullinan [jodycullinan@gmail.com]
Date: Wednesday, July 23, 2008 9:41 AM
To: Kara, Kristin
Subject: Seaport Square

Hello,

I am writing in support of the Seaport Square Development on the South Boston waterfront and wondering when construction will start. It sounds like the developers will do right in creating a vibrant, new neighborhood on under-utilized, prime waterfront space. There is also the bonus of new jobs created in the construction phase and on going with all of the new shops and restaurants planned.

Thank you,
Jody Cullinan

7/23/2008

Kara, Kristin

From: tdsbbsr@aol.com
Date: Tuesday, July 22, 2008 5:09 PM
To: Kara, Kristin
Subject: Sea Port Square

Dear BRA Board Members,

I am writing to offer my support of the Seaport Square development in South Boston. Out of curiosity I attended the meeting held last week at the Condon School. WOW, I was impressed with the presentation. I am the father of four children and have resided in South Boston for over 46 years. I see great opportunity for employment for our children. I can't wait to have a book store that we can walk to. Please put the development on the fast track so that we all can enjoy the benefits in our lifetime. Mr. Hynes came across as an honorable man, the last owner wasted the community's time.

Two thumbs up for Seaport Square.

Sincerely,

Thomas Downs

41 East Seventh Street
South Boston, MA
02127

7/23/2008

Kara, Kristin

From: Nd831@aol.com
Date: Tuesday, July 22, 2008 3:54 PM
To: Kara, Kristin
Subject: Seaport Square

July 22, 2008

Dear BRA Board members:

My name is Nicole DiMaggio and I am a lifelong South Boston resident. I have been following the progress of the Seaport Square project for the past year. I am quite impressed with the changes and progression. I attended a presentation along with many others at the Condon School. I must say that 99 percent of the attendees were in support following the presentation.

I like many others, was a bit skeptical of all the new developments down the waterfront. I must say I am singing a different tune after seeing the excitement of the businesses and restaurants. I know many people who work at the law firms, businesses, Convention Center, and the restaurants.

As a Boston Public School teacher I am thrilled that there will be educational and scholarship opportunities for the children of Boston. I truly believe that the only impact will be positive.

Sincerely,

Nicole DiMaggio
527 East Sixth Street
South Boston, MA

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7/22/2008

Kara, Kristin

From: Michael Panagako [mpanagako@yahoo.com]
Date: Friday, July 18, 2008 5:04 PM
To: Kara, Kristin
Subject: Seaport Square Public Commentary Period

Dear Kristin,

I am writing to voice my strong support for the planned Seaport Square project.

I'd like to see more height and density in this area to help make it a truly world-class development.

My hope is that the development will help mitigate the "superblock" problem that the whole area has, and a neighborhood feel will emerge. I think the Gale team has done an excellent job with imaging the area as a "neighborhood" and not just a collection of mega-blocks.

I am a resident of Dorchester, near the South Boston line. I will be impacted by the increased traffic in South Boston that this project (and others) may bring, however I do feel that we should be planning cities for the future and not making decisions based on automobile traffic. The central location and Silver Line stops make the site ideal for dense, urban development.

Thanks,
Mike Panagako
17 Morrill Street,
Boston MA

7/22/2008

Kara, Kristin

From: Gill, Rita (DET) [RGill@detma.org]
Date: Tuesday, July 22, 2008 11:49 AM
To: Kara, Kristin
Subject: Seaport Square Development

Dear Kristin:

Please accept this letter on my behalf for the proposed waterfront development, it looks like it will be amazing. Obviously a lot of work has gone in to keeping it in line with what already works in the City while adding a new and exciting feel. The fact that the developer is willing and able to complete this development all at once is very reassuring. Now there will definitely be something developed on the South Boston Waterfront, after 20 years in waiting. This project alone will create thousands of construction and permanent jobs. With the uncertainty in the financial markets worldwide, this project should get approved ASAP and get the work started. It will keep people working as well as improving the city.

Thank you,

Rita McCarthy
26 Owencroft Road
Dorchester, MA 02124

7/22/2008

Kara, Kristin

From: Elizabeth Murphy [emurphy@smw17boston.org]
Date: Wednesday, July 30, 2008 10:04 AM
To: Kara, Kristin
Subject: Seaport Square Development

The proposed development looks amazing. Obviously a lot of work has gone in to keeping it in line with what already works in the City while adding a new and exciting feel. The fact that the developer is willing and able to complete this development all at once is very reassuring. Now there will definitely be something developed on the South Boston Waterfront, after 20 years in waiting. **This project alone will create thousands of construction and permanent jobs.** With the uncertainty in the financial markets worldwide, this project should get approved ASAP and get the work started.

Elizabeth J. Murphy, 6 Brewster Street, South Boston, Ma. 02127

7/30/2008

Kara, Kristin

From: Flabbok7@aol.com

nt: Thursday, July 31, 2008 3:15 PM

to: Kara, Kristin

Subject: (no subject)

Hi, I went to the Community meeting on the Seaport Square and I came away thinking that the project was great and I cannot wait for the project to get going, very exciting. Thank You very Much.

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7/31/2008

Kara, Kristin

From: Kim McDermott [kimcdermott@verizon.net]
nt: Thursday, July 31, 2008 1:22 AM
to: Kara, Kristin
Subject: Gale International Project-Fan Pier

Hello- As a resident of South Boston I attended the meeting held at the Condon Community School and I would like to say I am in full support of this project. Sincerely, Kim McDermott

7/31/2008

Kara, Kristin

From: JEANETTE GREELEY [paulgreeley@verizon.net]

Date: Thursday, July 31, 2008 1:35 AM

To: Kara, Kristin

Subject: Gale International Fan Pier Project

This is to inform you as a resident of South Boston that I attended the meeting at the Condon School and I am in full support of this project. Sincerely, Paul Greeley

7/31/2008

Kara, Kristin

From: Laborers223@verizon.net
Sent: Wednesday, July 30, 2008 1:06 PM
To: Kara, Kristin
Subject: Hynes Project-Seaport Square Development

Currently work in the Boston area is pretty decent, but with the addition of the Hynes Project on the Waterfront it would help our members who are residents and taxpayers of the City of Boston with continued employment in the foreseeable future. I myself have been to the community meetings with the BRA and the Gale Company. They have put on a tremendous program and outline of this project. Currently they spend 2 million a year on taxes to the City of Boston. When this project is complete it would bring in 50 million dollars of taxes for the City of Boston. This would not include the trickle down effect it would have onto other businesses within the community, not only during construction but also after completion.

This project must go forward now. We need this project for jobs and the economic benefits to the City of Boston. With the Hynes Project and the Fallon project going on at the same time, it would move Boston further up on the Convention scene to help put Boston on target as one of the major cities to bring people to for both Business and Pleasure.

Kristin Thank you for listening to me and please help us on this project for both our members and the City of Boston and its taxpayers.

Sincerely,

Martin F. Walsh
Business Manager
Laborers' Local 223

APPENDIX 4
EXAMPLES OF PUBLIC NOTICE

SAMPLE

PUBLIC NOTICE

The Boston Redevelopment Authority (BRA), acting pursuant to Article 80 of the Boston Zoning Code, hereby gives notice that a Draft Project Impact Report (DPIR) for Large Project Review has been received from _____

(Name of Applicant)

for _____
(Brief Description of Project)

proposed at _____
(Location of Project)

The DPIR may be reviewed or obtained at the Office of the Secretary of the BRA Boston City Hall, Room 910, between 9:00 A.M. and 5:00 P.M., Monday through Friday, except legal holidays. Public comments on the DPIR, including the comments of public agencies, should be transmitted to Jay Rourke, Senior Project Manager, Boston Redevelopment Authority, Boston City Hall, Boston, MA 02201, within sixty (60) days of this notice or by _____. Approvals are requested of the BRA pursuant to Article 80 for _____.

The BRA in the Preliminary Adequacy Determination regarding the DPIR may waive further review requirements pursuant to Section 80B-5.4(c)(iv), if after reviewing public comments, the BRA finds that the _____ adequately describes the Proposed Project's impacts.

BOSTON REDEVELOPMENT AUTHORITY
Secretary

APPENDIX 5
SUBMISSION REQUIREMENTS FOR DESIGN DEVELOPMENT
AND CONTRACT DOCUMENTS SUBMISSIONS

Phase II Submission: Design Development

1. Written description of the Proposed Project.
2. Site sections.
3. Site plan showing:
 - a. Relationship of the proposed building and open space and existing adjacent buildings, open spaces, streets, and buildings and open spaces across streets.
 - b. Proposed site improvements and amenities including paving, landscaping, and street furniture.
 - c. Building and site dimensions, including setbacks and other dimensions subject to zoning requirements.
4. Dimensional drawings at an appropriate scale (e.g., 1" = 8') developed from approved schematic design drawings which reflect the impact of proposed structural and mechanical systems on the appearance of exterior facades, interior public spaces, and roofscape including:
 - a. Building plans
 - b. Preliminary structural drawings
 - c. Preliminary mechanical drawings
 - d. Sections
 - e. Elevations showing the Proposed Project in the context of the surrounding area as required by the Authority to illustrate relationships or character, scale and materials.
5. Large-scale (e.g., 3/4" = 1'-10") typical exterior wall sections, elevations and details sufficient to describe specific architectural components and methods of their assembly.
6. Outline specifications of all materials for site improvements, exterior facades, roofscape, and interior public spaces.

7. Eye-level perspective drawings showing the Proposed Project in the context of the surrounding area.
8. Samples of all proposed exterior materials.
9. Complete photo documentation (35 mm color slides) of above components including major changes from initial submission to the Proposed Project approval.

Phase III Submission: Contract Documents

1. Final written description of the Proposed Project.
2. A site plan showing all site development and landscape details for lighting, paving, planting, street furniture, utilities, grading, drainage, access, service, and parking.
3. Complete architectural and engineering drawings and specifications.
4. Full-size assemblies (at the project site) of exterior materials and details of construction.
5. Eye-level perspective drawings or presentation model that accurately represents the Proposed Project, and a rendered site plan showing all adjacent existing and proposed structures, streets and site improvements.
6. Site and building plan at 1" = 100' for Authority's use in updating its 1" = 100" photogrammetric map sheets.

Phase IV Submission: Construction Inspection

1. All contract addenda, proposed change orders, and other modifications and revisions of approved contract documents, which affect site improvements, exterior facades, roofscape, and interior public spaces shall be submitted to the BRA prior to taking effect.
2. Shop drawings of architectural components, which differ from or were not fully described in contract documents.