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January 29, 2018

Via email to: [Ben.Lynch@state.ma.us](mailto:Ben.Lynch@state.ma.us)

Ben Lynch  
DEP Waterways Regulation Program  
One Winter Street, 5th Floor  
Boston, MA 02108

Re: ICA Draft Management Plan, License #9951

Dear Mr. Lynch,

On behalf of Boston Harbor Now, thank you for the opportunity to comment on the Draft Management Plan for the Institute of Contemporary Art (ICA) submitted December 28, 2017.

Since its opening in 2006, the ICA has attracted over two million patrons and helped make the waterfront a destination for visitors and residents alike. Offering free public admission every Thursday evening, for over a decade the ICA has worked to attract a broad audience. As a result of the Institute's success in the Seaport, it was recently granted a Chapter 91 license to expand seasonal art exhibits across the Harbor to the East Boston Shipyard and Marina.

Last October, as part of a waterfront property managers forum led by Boston Harbor Now, the ICA and five other properties pledged to take concrete steps to promote public access, adhere to Chapter 91 regulations, and help advance the goal of increasing public access for residents and visitors from every neighborhood to Boston Harbor. We commend the ICA for developing a current Chapter 91 management plan to ensure that there are clear and consistent practices around public access, including the temporary closures of portions of the Harborwalk and other public spaces for events.

In accordance with Special Condition 5 of Waterways License #9951, the management and maintenance plan is intended to address all of the publicly accessible interior space, publicly accessible exterior areas, and amenities to be maintained by the ICA. Our comments follow.

### **Public Access & Programming**

As indicated in Section 8.4 of the draft management plan, throughout the year, the ICA anticipates hosting, at least six public programs, eleven ticketed public events, and twenty-five private events.

With a few exceptions, the calendar of special ICA events include recurring weekly, monthly, and quarterly programs. Similar to properties along the waterfront that host numerous special events on or along the Harborwalk (The Boston Harbor Hotel, Intercontinental, Atlantic Wharf, and Fan Pier), the ICA should, at a minimum, submit an annual programming calendar to MassDEP for approval and public comment. We recommend including the following:

- A list all free, ticketed, and private events proposed for the calendar year,
- The time, date, and duration of all events (including tentative dates),
- A diagram (similar to Fig. 1) that depicts the Harborwalk and other public areas that will remain open during scheduled special events, and
- The creation of a communication outreach system to inform the public of any temporary closures (clear signage, social media alert, mailing list, etc).

### **Public Events**

A brief review of the free public events listed on Page 9 of the draft management plan confirms the ICA's commitment to free public programming and activation of the waterfront. We applaud the Institute for its continued efforts to promote and increase activity and programming along Boston Harbor.

As proposed, the schedule of special events divides the ICA's public programming between free public events and ticketed events that are open to the public. We note that while free public events occur throughout the calendar year, the ticketed events listed are limited to peak summer months. If approved as is, every Friday during the summer months would be reserved for events open only to ticketed patrons and an implication of temporary closures of Chapter 91-defined public areas at those times.

As public access to the waterfront and Chapter 91 tidelands is a priority for the ICA, an appropriate next step would be to create a calendar of events that offers a better balance of free public programming and income-generating events while also minimizing obstructions to the Harborwalk—during peak summer months when the public is most likely to visit and enjoy the waterfront.

### **Private rentals**

According to Special Condition No. 8 of the existing Chapter 91 license, it is understood that the licensee may adopt reasonable rules for the use of interior and exterior public spaces for private functions. The schedule of special events in section 8.4 of the draft management plan states that the ICA proposes to host up to 25 private events (approximately 150 hours) during which some or all of the exterior public areas would not be open to the public.

The number of proposed private events is only one of several factors DEP should consider when approving the final management plan. The frequency of these events, the time of year, weekend vs weekday, and the size of the proposed party all affect the public's use of the Harborwalk and exterior spaces. Limiting the number of private events per month is a good initial step to ensure these events are reasonably spaced out throughout the year. This will also create a balance between public and private activities during peak summer months and ensure that public access continues to be a priority for the ICA.

## **General Maintenance**

Table 1 of the draft Plan lists the location and schedule of site maintenance for the public open space areas. We applaud the ICAs commitment to keeping the public areas free of trash and debris and maintenance of lighting, signs, and walkways.

Table 1 states that sweeping of paved areas will occur in the spring and fall. It is unclear from the description if the sweeping of paved areas will occur as needed or once during each of the listed seasons (the table does not address sweeping during summer months). If the intention is the latter, we do not believe the frequency is sufficient for the public walkways, particularly during the late spring to early fall periods when significant visitors are expected along the waterfront. During peak season, at a minimum, the ICA should consider sweeping the paved walkways daily or weekly to ensure public areas are free of debris and remain accessible.

The draft management plan also states that trash will be cleared and removed at least twice weekly and trash receptacles will be made available to help control loose trash as needed. Given the expected level of foot traffic, proponents should commit to removing trash as needed, (e.g., at least daily from Memorial Day to Labor Day, and at least weekly from Labor Day to Memorial Day) to prevent debris from blowing into Boston Harbor.

## **Signage**

Chapter 91 requires clear, prominent Harborwalk signage that indicates it is a public walkway and highlights associated facilities of public accommodation, public restrooms, and other public amenities. Our interpretation of Figure 1 suggests there are two Harborwalk signs on the ICA site. We recommend updating the language on page 8 under signage to reflect that there will be at least two standard blue Harborwalk signs on the East and West edges of the property.

Before a final management plan is approved, we also request that the proponent include the following items:

- Images of all Harborwalk, wayfinding, and interpretative signage currently found on the property, and
- Images of all proposed "temporary" signage that will be used during temporary closures for all special events.

Finally, the ICA may want to consider including stated, meaningful wayfinding and interpretive signs that help visitors locate nearby attractions and provide a sense of history and place. The Friends of the Boston Harborwalk, a group of volunteers dedicated to enhancing the enjoyment of Boston's Harborwalk, works with property managers to install and update interpretive and wayfinding signage. The Friends would be glad to work with the ICA to develop additional wayfinding signage on site and explore interpretative signage opportunities.

## **Water taxi connection**

The draft management plan, as submitted, does not reference the anticipated water taxi connection to the ICA Watershed location in East Boston. The final management plan might include the proposed location of the water taxi as well as potential frequency and schedule of trips to and from East Boston. This as an excellent opportunity to expand public access across Boston Harbor by boat and we look forward to working with the ICA as the water transportation plan is developed.

We appreciate the ICA's continued cooperation in keeping the public waterfront land clean, accessible, and inviting for the enjoyment of the public. We look forward to continuing to work with the ICA to promote public access along the waterfront. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Valdes Horwood". The signature is written in a cursive, flowing style with a horizontal line crossing through the middle of the letters.

Jill Valdes Horwood  
Director of Policy