



Are you on board?

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September 26, 2017

Via email to: Ben.Lynch@state.ma.us

Ben Lynch
Director, Waterways Regulation Program
Massachusetts Department of Environmental Protection
One Winter Street, 5th Floor
Boston, MA 02108

Re: 150 Seaport Boulevard, License Application Number W17-5032-N

Dear Mr. Lynch,

On behalf of Boston Harbor Now, thank you for the opportunity to comment on the Chapter 91 Waterways License Application for the 150 Seaport Boulevard project.

Boston Harbor Now has been an interested and active participant since the early stages of the project. We hosted the project team at our monthly Harbor Use Public Forum meeting on February 11, 2016. We were an active member of the advisory group for the South Boston Municipal Harbor Plan amendment process. We submitted comments on the Project Notification Form, the Municipal Harbor Plan amendment and the Notice of Supplemental Information. This year, we attended the MEPA site visit held on January 20, 2017 and most recently attended and made a public statement at the September 6, 2017 Chapter 91 public hearing.

In our view, the following outstanding concerns must be resolved before a Chapter 91 license is issued for this project:

- Clear ownership and control by the proponent of all parcels comprising the project site,
- A truly public and well-programmed 500 SF ground floor interior public space,
- Clear plans for the use of the Seaport Wharf and Massport Wharf areas, and
- Additional details of the benefits being offered to local arts and culture organizations.

Project Description

In its current configuration, the proposed project consists of lots 146, 148, & 150 Northern Avenue and is home to the Whiskey Priest and Atlantic Beer Garden restaurants. As proposed the project includes a new 250-foot, 22-story mixed-used building with 10,680 SF of commercial space on the ground/second floor, 124 high-end condominium units, approximately 124 bike storage spaces, and 179 underground parking spaces accessible by car elevator.

Parcel Assemblage

From the start and through the ENF, the June 2016 Municipal Harbor Plan amendment, and the November 2016 Notice of Supplemental Information, parcel ownership and control has continued to evolve and change. To date, we continue to have questions about the areas currently owned and controlled by Cronin. For clarity and consistency, a parcel chart and site diagram like that found on pages 19 and 47 of the South Boston Municipal Harbor Plan should be included with all permit and license application documents.

As we have mentioned on several occasions and during the Chapter 91 public hearing, we remain concerned that this project has moved through the permitting process without the final agreements needed to assemble the 25,358 SF parcel.

Page 26, Section V, item 1 of the June 2016 Decision on the City of Boston's Request for Approval of the South Boston Municipal Harbor Plan Renewal and Amendment states that:

The application of the substitutions and amplification in the Plan are contingent on properly and legally securing the rights to construct or improve the various parcels and area comprising the 150 Seaport Boulevard project site through fee interest, easement, lease, or other lawful agreement.

By the proponent's own admission on page 18 and 27 of the Waterways License Application, the "Cronin" parcel, a 7,013 SF triangular area now or formerly owned by the Boston Planning and Development Agency remains to be acquired by the proponent. During the public hearing, our staff requested written clarification of all parcels currently in the project proponent's possession. To our knowledge, no documents were submitted to MassDEP or distributed to the public.

Interior and Exterior Public Areas

As stated in the July 2016 amendment to the South Boston Municipal Harbor Plan, the proponent must provide substitute provisions and offsets for:

- Proposing to build up to 250 feet instead of 55 feet,
- Increasing lot coverage to 75%, and
- Not meeting the required water-dependent use zone standard.

The substitute provisions and offset approved by the July 2016 amendment include:

- Construction of Seaport Wharf, an enhanced observation area and Harborwalk
- Construction of Massport Wharf, a pile-supported area along Seaport Boulevard to improve existing vessel operations and rider queuing,
- A 500 SF interior ground floor public area,
- A \$1.5 million contribution to the Martin Richard Park,
- A \$250,000 contribution to the Fort Point Arts Council space at the Envoy Hotel, and
- An outdoor space for exhibits and promotions for the Society of Arts and Crafts.

Interior Public Area

As presented, the project includes a combined 500 SF public interior waiting area and restaurant lobby on the ground floor of the development. Section 5.2.3 on page 34 of the Waterways License Application states the interior space is proposed as a waiting area intended for use by both restaurants patrons and members of the public on a first come, first served basis.

The space, open from 11am until after midnight, will be equipped with a public restroom, seating, tables, Wi-Fi, artistic displays, and water transportation information. It is offered by the proponent as the late night water transportation waiting area for this section of the waterfront. While we would typically champion areas that support increased public use of water transportation, we feel the proposed use duplicates nearby existing areas and is poorly sited for a water transportation waiting room. It is our position that project resources would be best used to create a space that provides a different public benefit, is entirely open to the public, and is separate and distinct from a restaurant lobby.

Exterior Public Area, Seaport Wharf

During the 2016 Plan amendment, the proponent requested and was granted an amplification of a 5,000 SF pile-supported structure seaward of the existing project shoreline. As presented in the license application, this amplification will serve as a waterfront plaza.

During a MEPA site visit earlier this year, the proponent stated that they hoped to use this area as possible restaurant seating. The current license application does little to clarify the intended use of the 5,000 SF space. Page 22 of the Secretary's decision makes clear that Seaport Wharf will be licensed solely as a water-dependent use and to ensure public access is maintained along the shore. Per Chapter 91, restaurant seating is not considered a water-dependent use.

We feel strongly that the Seaport Wharf extension, overly flowed tidelands, should not include outdoor restaurant seating that is reserved solely for paying customers. Instead, the space should deliver on the proponent's promise to improve and expand the Harborwalk pedestrian experience along the perimeter of the property. If any outdoors seating is considered, it should be open public seating like that found along the waterfronts of the New England Aquarium, Atlantic Wharf and the Boston Children's Museum. We maintain, that the second-floor balcony is the more appropriate outdoor seating area for paying restaurant customers.

Exterior Public Area, Massport Wharf

As presented by the consulting team during the MEPA site visit, the water transportation passenger waiting space is proposed to the southeast of the site between 150 Seaport and the World Trade Center.

The 2,000SF Massport Wharf proposed as an offset for the 1,760 SF water-dependent use zone deficit will replace the existing kiosk and waiting area for vessel operations at Commonwealth Pier. We are glad to see the proponent make efforts to improve the existing ferry operations. Enhancing the pedestrian experience along this stretch of Seaport Boulevard is an excellent idea. On busy summer days, the narrow sidewalk forces ferry riders to extend the queue into the street, putting pedestrians, cyclists and motorists at risk.

Page 34 of the license application indicates that Massport Wharf will continue to be managed and maintained by Massport. The particulars of this relationship should be carefully considered and included as a special condition in the Chapter 91 license. Additionally, a clearly defined memorandum of agreement between Massport and Cronin should be included with the final project license documents.

Public Benefits: Arts & Culture

Part of the proposed public benefits for the project includes contributions and space to local arts organizations including:

- A permanent exterior exhibit and promotional two-story space for exhibits and promotions for the Society of Arts and Crafts,
- A \$250,000 contribution to the Fort Point Arts Community buildout at the Envoy Hotel, and
- Sponsorship for Artist for Humanity at 150 Seaport Boulevard

Although we are pleased to learn that the proponent will contribute to the local arts, we are puzzled by the limited details offered for each proposed benefit. Well programmed, adequately funded, and free public spaces are critical to the success of these public areas and ensure Boston's waterfront is welcoming to all.

It has been our experience that poorly articulated public benefits can lead to inadequate ongoing maintenance, poor public use, and limited activation of the space. We ask that the proponent submit a draft management plan prior to the issuance of a Chapter 91 license. The plan should address the following:

- The amount and schedule of contributions towards ongoing maintenance of the exterior mural space granted to the Society of Arts and Crafts,
- The amount and frequency of monetary contributions proposed to each named arts organization: FPAC, Artists for Humanity, and Society of Arts and Crafts,
- Clarification of the proposed sponsorship for Artist for Humanity, and
- Identify a selection process, in the event one of the organizations is unable to participate.

The draft management plan should be made available for review by all interested stakeholders.

Climate Resilient Design

We appreciate the project team's responsiveness to our initial suggestions about climate preparedness throughout the municipal harbor planning process in early 2016. Some of the modifications they made to their proposal after discussions include extending the height of the first floor so that the floor can be elevated over time to prevent coastal flooding and elevating mechanicals to the second floor out of harm's way.

While the previous environmental notification form referenced CZM's report on sea level rise and the City of Boston's Climate Ready Boston, the current waterways license application does little to address climate change and resilient design. We strongly recommend incorporating the latest climate data into the proposed building design.

Climate projections are continuing to evolve and improve, generally suggesting more significant risk with each iteration. Last month, the NOAA's National Center for Environmental Information released an updated Global Climate Report¹. The State of Massachusetts is also putting together statewide projection data for sea level rise that will be available to the public in December.

To build on its Climate Ready work, the City of Boston recently launched a study to discuss solutions to Seaport flood vulnerabilities. The goal of the study is to devise a plan to deal with area flooding, identify main flood pathways, produce a set of solutions to plug these pathways and generate substantial benefits. As this study evolves over the next 8-10 months, it would be prudent for the project proponent to keep fully apprised of the project's recommendations and be prepared to accommodate aspects pertinent to the 150 Seaport Blvd site.

Thank you for your consideration of our comments.

Sincerely,



Jill Valdes Horwood
Policy Director

¹ <https://www.ncdc.noaa.gov/sotc/global/201708>