



Are you on board?

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July 7, 2017

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

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

Re: ICA Watershed, 256 Marginal Street, Waterways License Application #W17-4977-N

Dear Mr. Lynch,

On behalf of Boston Harbor Now, thank you for the opportunity to comment on the Institute of Contemporary Art (ICA) Watershed project's Waterways License Application. Boston Harbor Now staff has reviewed the accompanying project plans, submitted comments during the MEPA review process, and was present at the June 13th MA Department of Environmental Protection's (DEP) public meeting.

We continue to be supportive of the ICA's project and are excited by the proposal to connect two waterfront neighborhoods via free public access to seasonal art exhibits. We strongly support the ICA's significant infrastructure investment and the economic benefits that will filter down to existing Boston Harbor Shipyard marine-industrial tenants and the local community. Our comments follow.

Project Description

Located at 256 Marginal Street, the ICA is proposing to extend its Seaport District location to a vacant building in the Boston Harbor Shipyard and Marina. The proposed site sits on filled Commonwealth tidelands and is within the East Boston Designated Port Area (DPA) and Chapter 91 jurisdiction. It is owned by Massport and under lease to the Boston Harbor Shipyard.

In total, the project parcel is 18,108 SF and includes a 50-foot by 300-foot long building and parking area. As proposed, the project will renovate Building 23/33 for use as seasonal artist installation space. It will be open to the public and includes:

- A gallery focused on East Boston's maritime history,
- Flexible art and programming space,

- An 859 SF south-facing terrace, and
- Eight on-site parking spaces exclusively for staff and ADA accessibility.

Designated Port Areas

The Massachusetts Office of Coastal Zone Management (CZM) has established four Designated Port Areas within Boston Harbor: South Boston, Chelsea Creek, Mystic River, and East Boston. According to CZM’s Policy Guide, the two central principles of the State’s DPA policy are to promote water-dependent industries as an important sector of the State’s economy and to prevent the loss of areas that have key characteristics:

- Access to a commercially-navigable waterway and associated developed waterfront;
- Backland space for industrial facilities and operations; and
- Land-based transportation and utilities intended for general industrial purposes (Policy Guide p. 68).

The following uses are allowed within a DPA boundary: water-dependent industrial uses, supporting DPA uses, accessory uses, and temporary uses. Section 7 of the Waterways License Application proposes to classify the ICA Watershed public waterfront art space as a supporting commercial use within the East Boston DPA.

Supporting uses can be industrial or commercial and must provide direct economic or operational support to water-dependent industrial businesses in DPAs. 310 CMR 9.02. The regulations consider commercial use compatible with DPAs unless the use conflicts with port operations or calls for excessive consumption of port space. We note that the ICA Watershed project does not fit squarely within the traditional definition of a commercial use. However, the unique circumstances surrounding this proposal coupled with existing commercial uses in the Boston Harbor Shipyard could provide direct economic support to the Shipyard and its water-dependent industrial tenants.

As longtime advocates of the working port, Boston Harbor Now recognizes the importance of continued investment in working port infrastructure. We also understand that maritime industrial businesses often lack the capital to invest in and improve existing infrastructure. The ICA extension project is a unique opportunity for much-needed economic investment in the Boston Harbor Shipyard. Building 23/33 has sat vacant and condemned for fifteen years. The rough condition of the structure and necessary costly repairs makes it difficult to find a maritime-industrial tenant. The proposed \$4 million investment by the ICA Watershed project has the potential to provide short and long term benefits in support of the overall purpose of DPAs—to promote and maintain marine water-dependent industrial uses.

The ICA Watershed gallery project is able to absorb the high cost of improving existing infrastructure where a traditional maritime-industrial business is not. For this reason, we are supportive of the project and the related economic benefits to the Boston Harbor Shipyard. Before the license is granted, we request that additional Special Conditions that address the following:

- Established mechanisms to minimize conflicts with existing maritime businesses (painted Harborwalk, rumble strips on pedestrian zones, signage, and gates) and,
- A set review date (15 years from the granting of this license) to determine when the parcel can/should revert back to traditional water-dependent maritime industrial use, and
- A Draft Management Plan that ensures public safety hazards are minimized to the extent possible.

Conflicts with Existing Maritime Industrial Uses

Our previous comments submitted during MEPA review requested details about existing marine industrial uses in the Shipyard and potential points of conflict with the visiting public. It is our understanding that the applicant is in the process of collecting truck traffic data to confirm the projection that Watershed activity will not create peak use conflicts for maritime-industrial businesses at the Shipyard. We request that the traffic data be made available to the public and look forward to reviewing the final report.

Finally, we are glad to learn the applicant is requesting a shorter 15-year license term. The shorter license term will allow more frequent evaluation of when and if the parcel should revert back to a traditional water-dependent maritime industrial use.

Public Access

We appreciate the proponent and the Shipyard's efforts to maintain the existing Harborwalk through the DPA site, though recognize why DPAs do not legally require this access. Water-dependent industrial uses have the potential to create real public safety hazards for pedestrians on the Harborwalk. As presented in the license application, the proponent plans to minimize potential interferences with the working shipyard by:

- Limiting gallery ingress/egress to the Marginal Street side of the building,
- Separating pedestrians from active marine industrial uses with barriers and gates,
- Directing visitors to use the sidewalk on the northern side of Marginal Street,
- Signage to direct visitors from both Harborwalk entrances to the Shipyard,
- Signage to direct visitors to the Watershed from the water taxi dock and Shipyard entrance, and
- Creation of a pedestrian management plan.

It is clear from the license application that the proponent and Shipyard management have given additional thought to visitor access and safety. We commend the team for their efforts and would be interested in reviewing a final copy of the pedestrian management plan.

The ICA Watershed is not the first art/artist-focused installation in East Boston's DPA. Atlantic Works located at 80 Border Street is an artist work-only space that hosts several exhibits throughout the year. The Watershed will offer a similar experience but the proposed gallery extension and its affiliation with the ICA is a new experience unlike any other in Boston Harbor. While Atlantic Works is a good example of an existing art gallery in East Boston, the ICA Watershed will attract larger groups of local residents, regional residents, and seasonal visitors.

During a previous site visit, our team was encouraged to learn that the Shipyard actively regulates the time of day, area, and crowd size for all public events hosted at the Shipyard. Presently, the Shipyard handles weekend tour groups and visitors to the Downeast Cider Brewery and KO pies restaurant. While today's visitors to Downeast and KO Pies have little effect on Shipyard operations, the total number of visitors will increase with the opening of the ICA Watershed. As the gallery grows in popularity and visitors, the ICA and Shipyard team will need to actively monitor visitor numbers and adjust visitor management strategies to ensure the public use and activation of the DPA areas have little to no effect on existing maritime industrial businesses.

Water Taxi

One of the highlights of the ICA's proposal is the water taxi route from its Seaport location to the Boston Harbor Shipyard. The proponent anticipates that access to the project will be primarily by water taxi from the Seaport District location. Boston Harbor Now is working on a comprehensive Boston Harbor Water Transportation Study. We are particularly interested in the ICA's proposal to connect Seaport visitors with East Boston's waterfront. Section 7.4 of the license application indicates the proponent together with Boston Harbor Cruises is exploring options for water transportation between the Seaport facility and the East Boston watershed. The final water transportation plan should be incorporated into the draft management plan for the site as part of the Chapter 91 license for the project.

Other Transportation Alternatives

As stated in the transportation section 7 of the license application, the Watershed can be accessed by water taxi, public transit and nearby Hubway stations. We applaud the proponent's efforts to encourage alternative modes of transportation. We are especially supportive of the no public parking option as this will help minimize potential conflicts with existing maritime uses and businesses.

Climate Change

According to the license application, the project site is within the 100-year FEMA flood zone. The floor elevation of the existing and proposed building is 16.5 BCB. During a previous site visit, the proponent clarified that the proposed building is structurally connected to and part of a network of existing buildings. As constructed, raising the ground floor of the building would be a challenging and costly retrofit that the ICA is not prepared to absorb. Despite this challenge the ICA intends to take the following actions to address sea level rise:

- Wet flood proofing the space by moving essential mechanicals one foot above the BFE
- Using water-resistant construction materials below the BFE, and
- Installing flood openings to allow floodwaters to exit quickly

Taking into account the structural constraints of the existing building, the proposed techniques would allow the ICA to temporarily shut down operations, allow floodwaters to recede, and be back online quickly and efficiently.

We look forward to the completion of the ICA Watershed. Thank you for your consideration of our comments.

Sincerely,



Jill Valdes Horwood
Director of Policy