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15 State Street, Suite 1100  
Boston, MA 02109  
617 223 8104  
[bostonharbornow.org](http://bostonharbornow.org)

via email to [frank.taormina@state.ma.us](mailto:frank.taormina@state.ma.us)

Frank Taormina  
Massachusetts Department of Environmental Protection  
Waterways Regulation Program  
One Winter Street, 5th Floor  
Boston, MA 02108

July 27, 2016

Re: Request for Determination of Applicability for 660 Summer Street--Parcel A in the Raymond Flynn Marine Industrial Park, No. JD16-4701

Dear Mr. Taormina,

Thank you for the opportunity to comment on the 660 Summer Street--Parcel A in the Raymond Flynn Marine Industrial Park (MIP), request for determination of applicability pursuant to Chapter 91 Waterways Application.

In this Request for Determination of Applicability (RDA), the project proponent is asking the Department of Environmental Protection (the Department) to issue a determination that rebuts the Department's presumptive C.91 jurisdictional line and to determine the extent of landlocked tidelands on the site.

**Site Description and Jurisdiction**

The site in question is a 50,933 SF triangular-shaped parcel located at 660 Summer Street (Parcel A within the Marine Industrial Park). It is a small parcel that sits within the much larger 191 acre Marine Industrial Park. There are currently no Chapter 91 licenses issued for this site.

After conducting its own survey, the applicant discovered that the Chapter 91 jurisdiction line as presented during the City's Request for Proposals process for Parcel A differs from the DEP presumptive landlocked tidelands boundary. Before relying on the MIP jurisdictional line for future development, the proponent is asking the Department to determine which C.91 boundary is the most accurate jurisdictional line.

Landlocked tidelands are any filled tidelands which are entirely separated from the Mean High Water line by a public way (in existence prior to January 1, 1984) and are located more than 250 feet from Mean High Water. 310 CMR 9.02. A public way is a road, street, or highway for vehicular use open to the public at large. Id. It is our understanding that the boundary line should be based on the location of roadways in the MIP in 1984, which differ from those which exist today and not part of CZM's presumptive jurisdictional line.

### **Future Development**

Because the parcel is not within a Designated Port Area or adjacent to Reserved Channel, Parcel A is one of only two sites within the Marine Industrial Park that is not restricted to a maritime or industrial use. This parcel through its development plans has the opportunity to provide much needed supporting uses to the nearby marine and industrial area.

Although still in the early planning stages, the site will include a 400-key hotel, ground floor facilities of public accommodation, improvements to the nearby park, and a connection from the site through the park and to the Thompson Island Ferry dock. The planned development is a welcome change from the existing parking lot. Development of this site has the potential to benefit adjacent parcels, the maritime industry, residents, and the public at large by creating a much more welcoming and publicly accessible area.

Due to the present day change in the public ways connected to the site and the MIP Chapter 91 jurisdictional line being used for the City's RFP process for Parcel A, we respectfully submit that the Chapter 91 jurisdictional line should remain as shown in the Final MIP Master Plan of 1999 and the 2000 draft MIP Master License drawings.

Sincerely,

Julie Wormser  
VP of Policy

Jill Valdes Horwood  
Waterfront Policy Analyst