



Are you on board?

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March 12, 2021

Via email: DEP.Waterways@mass.gov

MassDEP Waterways Program
One Winter Street, 5th Floor
Boston, MA 02108

Re: Massport South Boston MOU Amendment

To Whom It May Concern,

On behalf of Boston Harbor Now, thank you for the opportunity to comment on the Massport South Boston Memorandum of Understanding (MOU) Amendment which would designate the property at 88 Black Falcon Avenue in South Boston as a new Special Planning Area and would make the site eligible to be subject to a Waterfront Development Plan to be prepared under the MOU.

The project site is currently occupied by a three-story building owned in fee by Massport and subject to a long-term ground lease with the Davis Companies. It is bounded by the Reserved Channel to the south, Boston Harbor to the east, land of the Boston Economic Development and Industrial Corporation and Boston Harbor to the north, and a roadway owned by EDIC to the west. Because of Boston Harbor Now' historic support for maritime industry and the working port, we are particularly interested in this project and its impact on the future of the port. We also see this as an opportunity to introduce cruise-ship visitors to the city and the Harborwalk, sparking their interest in exploring more of this treasure along Boston's shoreline.

Members of the Boston Harbor Now team attended the public meeting held by the Boston Planning and Development Agency on March 4, 2021. We now respectfully submit these comments on the proposed amendment to the MOU.

Project Plan

The project involves the construction of a vertical addition of four new floors and approximately 327,600 sf of gross floor area directly atop the existing building. It will also include the demolition of the existing parking ramp and its reconstruction adjacent to the existing building,

and additional decking for parking to accommodate 174 new parking spaces on the north side of the building. Following completion, the Project Site is proposed to accommodate up to 729 parking spaces.

The project also includes improvements to the public realm, including the reconstruction of the intersection of Drydock Avenue, Black Falcon Avenue, and the site to create a safer and more efficient four-way intersection for vehicular users, MBTA buses, and people traveling by bike and on foot (including cruise ship passengers).

Open Space/Public Access

The site currently has a five-foot wide pedestrian path, delineated by painted pavement, along its south side which is available as a part of Boston's Harborwalk system. The existing walkway leads to a public viewing area at the southeast corner of the building where the public may fish and view the harbor. This portion of the Harborwalk and the associated amenities are required by existing License No. 13408. We note that the standard minimum width for Harborwalk in the City of Boston is ten feet. We expect the proponent to meet or exceed this minimum standard at this site moving forward. We also suggest that the Harborwalk be separated from the parking adjacent to the south side of the building to the extent possible while maintaining the ability to accommodate the cruise ships that use the berths on this side. Such separation could be temporary in nature so that it does not interfere with passengers disembarking from the cruise ships on the relatively small number of days that this happens.

License No. 13408 further requires signage, binoculars, lighting, and benches to be provided for the public, as well as access to bathroom facilities that are available to the public during normal business hours inside the building. We have been unable to confirm that these amenities are currently available and that the signage is appropriate due to the pandemic. The Project Notification Form (PNF) filed with the Boston Planning and Development Agency for this project indicates that this project is not going to appreciably add to the public realm on the south side of the project, instead saying that it is "anticipated to maintain the existing or comparable public facilities, which include: a public access walkway along the south side of the pier, a viewing area and other amenities at the end of the pier, and public restrooms." (PNF 3-28) Given that this is the first introduction to Harborwalk for many thousands of cruise ship patrons each year, and that the project will add a significant amount of gross floor area to the building, the proponent should aspire to greater design and marketing of this amenity. There is an opportunity to expand this area from blue and white painted asphalt to a well-signed walkway, separated in a meaningful way from the parking along the south side of the building, and one that encourages visitors to travel out to eastern end for a view of the islands and the terminal, where amenities could be further improved to encourage people to make it a stop on their waterfront exploration. Additional signage to welcome those disembarking from cruise ships could encourage people to seek out the rest of this almost 43-mile path along the Boston shoreline. With some additional design work as well as some interior space devoted to advertising the Harborwalk, this first impression could incentivize visitors to explore the rest of this waterfront treasure. We will continue to work with the proponent, the Massachusetts Department of Environmental Protection, and Massport through the Waterfront Development Plan process to improve the Harborwalk and its associated amenities on site.

Further, the design drawings indicate a public pathway on the second level of the building adjacent to the expanded parking that leads to an overlook at the east end of the site. While we are supportive of providing such a space, it needs to be clear that it is available to the public

with appropriate signage along the Harborwalk directing the public to this location and encouraging its use by more than just the building residents. We urge the proponent to work with the Friends of the Boston Harborwalk to develop appropriate signage that supports public use of this space.

The PNF also commits \$500,000 toward initial feasibility studies, design and related engineering to support the potential creation of water transportation services near Pier Ten Park in the Flynn Marine Industrial Park. As long-time advocates of improved water transportation, we support and appreciate this use of funds. Given that this project will result in a significant addition of floor area, we are concerned that this amount is not adequate. There are other areas where investment might be appropriate, in addition to the water transportation study, such as improved transportation in the Seaport, ongoing payments for water transportation, or contributions to district-level resilience.

Support for Water-Dependent Uses

The site is within the South Boston Designated Port Area, and, as such, water-dependent industrial uses are encouraged. The PNF explains that “[T]he existing building hosts water-dependent and other industrial and commercial uses that provide direct economic and operational support for water-dependent industrial uses at the Project Site, and more generally, in the DPA. Those existing uses, authorized by MassDEP License No. 13408, and other water-dependent industrial uses at the Project Site will continue to operate during construction and after completion of the Project. The Proponent will work with Massport and MassDEP to ensure that the Project complies with the applicable provisions of the Waterways Regulations as modified by the upcoming Final Waterfront Development Plan (which will include the Project Site as part of the MOU-defined Special Planning Area), including the future licensing of the existing and proposed uses...”

Subsidizing the water-dependent industrial uses on the ground floor of the building is an important way to promote the continued viability of the marine industry, and one which we support. We would therefore ask that this commitment to below-market rents for water-dependent uses be memorialized in a license that will last for the duration of the project’s life and not expire when the current leases end. Additionally, if and when a current nonwater-dependent user vacates the ground floor, this vacant space should be marketed to attract a water-dependent use to take its place. There is limited waterfront space available for water-dependent uses currently, and all efforts must be made at this site to take advantage of its location. This unique waterfront site with deep water berthing provides unique opportunities for a small set of businesses that play a vital role in the present and future of our harbor and the regional economy but who may not be able to compete with other uses on the open market. Every effort should be made to avoid creating conflicts with the use of this unique resource by water dependent users.

Climate Preparedness/Resilience

The PNF notes that the majority of the project site is located in a flood zone identified as Zone AE and the seaward portion of the pier aprons are located in Zone VE. We are encouraged that the existing building first floor elevation of 22.8 feet BCB is above the FEMA Base Flood Elevation and also the target elevation from the Coastal Resilience Solutions report for South Boston (21.98 BCB). We would note, however, that it is still below the longer term modular elevation of 23.48 BCB.

Work is also being done by Massport and the BPDA to develop district scale resilience solutions for nearby parcels. Mitigation funding or a commitment to participate in the design process would ensure that the site is not cut off from the mainland in the event of future flood events since the surrounding roadways and other properties are not all at the same elevation.

Thank you for your consideration of these comments. We plan to remain involved throughout this development and permitting process to ensure that the project's waterfront meets the needs of the general public and of water dependent uses.

Sincerely,

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

Aaron Toffler
Director of Policy
Boston Harbor Now