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15 State Street, Suite 1100
Boston, MA 02109
617.223.8671
bostonharbornow.org

October 22, 2021

Via email: erikk.hokenson@mass.gov

Office of Coastal Zone Management
Attention: Erik Hokenson, Boston Harbor Regional Coordinator
251 Causeway Street, Suite 800
Boston, MA 02114

Re: Chelsea Creek Designated Port Area (DPA) Boundary Review

Dear Mr. Hokenson,

On behalf of Boston Harbor Now, thank you for the opportunity to comment on the review of the Chelsea Creek Designated Port Area boundary. The review was requested on March 22, 2021 by nine property owners—605 Chelsea LLC, Horizon/McLellan LLC, 440 McLellan LLC, CV 310 McLellan LLC, CV 290 McLellan LLC, CV 370 McLellan LLC, South Terminal Trust, Park Shuttle & Fly Inc. and Auto City Inc. The original request for review encompassed only the upland portion of the DPA between the Massachusetts Bay Transportation Authority (MBTA) rail line and McClellan Highway on the East Boston side of Chelsea Creek, from approximately the Boston/Revere border south to Chelsea Street. On September 22, 2021, the Office of Coastal Zone Management (CZM) accepted the request and expanded the review to include a broader area.

Boston Harbor Now attended the public information session on October 13th, and we now respectfully submit these comments for consideration.

DPA Purpose/Evaluation Criteria

We begin by noting that the analysis that CZM will undertake to evaluate the boundaries of the DPA is strictly prescribed by the regulations at 301 CMR 25.00. The primary purpose of the DPA program is to ensure that the Commonwealth's ports-related policy objectives are promoted actively within those geographic areas that support water-dependent industrial uses. These uses contribute to the maritime economy of the state and the region and require infrastructure comprised of three "essential components": a waterway and associated developed waterfront;

backland area capable of supporting industrial facilities and operations; and transportation and public utilities similarly capable of supporting industrial operations. 301 CMR 25.01(2).

Because these attributes are “found in a very limited and diminishing portion of the coastal zone...”

[a]s a matter of state policy, it is not desirable to allow these scarce and non-renewable resources of the maritime economy to be irretrievably committed to, or otherwise significantly impaired by, non-industrial or nonwater-dependent types of development that enjoy far greater range of locational options. 301 CMR 25.01(2).

It is against this policy backdrop that the boundary review takes place. The DPA boundary regulations stipulate that an area shall remain in a DPA if CZM finds that the area is in substantial conformance with the specific criteria governing its suitability to accommodate water-dependent industrial use, as appropriate to the harbor in question. If the land or water being evaluated meets the designation criteria, it must remain in the DPA.

Specifically, the regulations provide:

In the case of a land area, the designation criteria are as follows:

- (a) the land area must include, or be contiguous with other DPA lands that include a shoreline that has been substantially developed with piers, wharves, bulkheads, or other structures that establish a functional connection with a water area meeting the criteria set forth in the regulations [at 301 CMR 25.04(1)];*
- (b) the land area must lie in reasonable proximity to:*
 - 1. established road or rail links leading to major trunk or arterial routes;*
 - and*
 - 2. water and sewer facilities capable of supporting general industrial use;*
- (c) the land area must exhibit a topography that is generally conducive to industrial use, or reasonably capable of becoming so in terms of technology, cost, and other appropriate factors governing engineering feasibility; and*
- (d) the land area must exhibit a use character that is predominantly industrial, or reasonably capable of becoming so because it does not contain a dense concentration of:*
 - 1. non-industrial buildings that cannot be removed or converted, with relative ease, to industrial use; or*
 - 2. residential, commercial, recreational, or other uses that unavoidably would be destabilized if commingled with industrial activity.*

For a water area, the designation criteria are as follows:

- (a) the water area must include, or be contiguous with other DPA waters that include:*
 - 1. a navigable entrance or main channel with a design depth of at least 20 feet; and*
 - 2. a shoreline that has been substantially developed with piers, wharves, bulkheads, or other structures that establish a functional connection with a land area meeting the criteria in the regulations [at 301 CMR 25.04(2)].*
- (b) the water area must be of a configuration, size, and location that is appropriate for the maneuvering or berthing of vessels, the placement of*

intake/outfall structures, or other activities involving direct utilization of the water. At a minimum, the DPA shall include:

- 1. all channels (including sloped sides necessary to create actual depth), and mooring and turnaround areas within or serving as access channels to land or water areas meeting the designation standards in the regulations [at 301 CMR 25.04]; and*
- 2. any water area lying between an entrance or main channel and any land or water areas meeting the designation standards in the regulations [at 301 CMR 25.04] that extend channelward from such areas.*

These criteria are applied to each area of the DPA. In the instant case, we note that the areas in question are located between a largely industrial waterway and a major transportation artery, have or could reasonably establish a functional connection to the waterfront, and have a topography that is suitable for industrial use. There are limited exceptions which dictate that some areas are not subject to review, such as those that have been used for a water-dependent industrial use within the previous five years (301 CMR 25.02(2)(b)). Otherwise, this is the full extent of the review that is to take place.

Planning

This area has been the subject of several recent/current planning initiatives that should be taken into account during the boundary review. One of these initiatives, Vision Chelsea Creek, is a community-led planning initiative managed by Harborkeepers, an East Boston-based environmental justice advocacy organization. The Vision Chelsea Creek study identified open space and public access opportunities along this stretch of the Chelsea Creek, as well as opportunities to connect the creek to the neighborhoods of East Boston.

In addition, the Massachusetts Department of Transportation is currently conducting a planning study of the Route 1A corridor. The purpose of this study is to “improve connections to the local and regional roadway network, enhance transit, improve bicycle and pedestrian connections, and mitigate climate change impacts.” Scope of Work: Route 1A East Boston Corridor Study, MassDOT, (https://www.ebindustrial.com/wp-content/uploads/2020/12/2020RT1A_Scope.pdf). Any change to the use of this rail corridor will have impacts on the functional connection of these sites to the creek. The boundary review should coordinate with the Department of Transportation to ensure that the results of this planning study and the designation report ensure a vibrant working waterfront with appropriate public access and transportation connections for the community.

Finally, the Chelsea Creek DPA, along with other port areas in the Inner Harbor, create a maritime ecosystem that is mutually reinforcing and interdependent. In order to get a full view of the potential for the future of each of these DPAs, it would be important to do a port study that includes all of the DPAs together. Maintaining these areas to serve the evolving needs of the port is important to the future functioning of the system as a whole. The marine industry is evolving, and the needs of the future (land and water-side) may differ from what is currently required. A holistic, forward-looking plan, such as the one that was completed in 1996 by what was then the Boston Redevelopment Authority (now the BPDA) and Massport would take into account changes in the maritime industries and future land use needs in each of these areas around the harbor as well as ways to ensure their long-term viability as contributors to the local

and regional economy. Boston Harbor Now produced a forward-looking report in 2019 that identified opportunities for growth in DPAs around the harbor (<https://www.bostonharbornow.org/wp-content/uploads/2019/02/Recommendations-for-the-Future-of-Bostons-Working-Waterfront-2019.pdf>) that could serve as a basis for such a study. We look forward to participating in the ongoing discussion of port needs in order to maintain a healthy, vibrant port for the future.

Thank you for your consideration of these comments.

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