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November 12, 2021

Via email: [erikk.hokenson@mass.gov](mailto: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: East Boston 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 East Boston Designated Port Area boundary. The review was requested on January 30, 2020 by the Boston Planning and Development Agency, and the process was formally initiated in February 2021 due to the ongoing COVID-19 pandemic and the inability to hold public meetings in person. Though the original request for review only encompassed a part of the Designated Port Area (DPA), the Office of Coastal Zone Management (CZM) has determined that review of the entire DPA is appropriate.

Boston Harbor Now previously submitted comments at the beginning of the consultation period by way of a letter dated March 12, 2021. We now respectfully submit these comments as a follow-up to that letter.

#### 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 port-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 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.

This policy implies that CZM should, other than in exceptional cases, keep properties and waters within the DPA. Even where water-dependent industrial use is infeasible today, future industries may emerge that could use these areas. In the case of East Boston, there are parts of the current DPA where land uses are not consistent with the DPA regulations (the grocery store in Central Square, for example, or the residences in Jeffries Point). Some of these areas, however, do have a functional connection to the water which could support water-dependent industrial uses in the future. In these cases, we believe it is important, even if some land-side properties are removed from the DPA, that access to the waterfront be maintained through such properties as a condition of their removal. Where there is no such water access (the residences in Jeffries Point, for example) the properties can properly be removed from the DPA.

Further, it is clear from the regulations that though resilience is a laudable goal for all waterfront areas, it is not currently a consideration in drawing or redrawing DPA boundaries. In order to address coastal resilience needs at the appropriate scale, we must leverage both public and private funding. Attracting public funding to Designated Port Areas was part of the initial goal of the DPA program. We should advocate for more public funding of resiliency improvements to fulfill this early goal, while continuing to leverage private dollars to meet the high costs of coastal resilience infrastructure improvements.

The above-listed criteria are applied to each area of the DPA as part of this review. The East Boston Designated Port area is divided into four geographically distinct sections. For purposes of this letter, each of these separate sections of the DPA will be evaluated distinctly (we have numbered them counterclockwise along the shoreline). Our recommendations are as follows:

**Section 1** – This section of the DPA runs from 404 Border Street to 334-336 Border Street and contains seven parcels. All parcels in this section are owned by Reinauer or a subsidiary thereof, and there is active water-dependent use occurring on all of the properties. We believe that this section straightforwardly meets the criteria set out in CZM regulations and should remain in the DPA.

**Section 2** - This section of the DPA is comprised of nine parcels running from 282 Border Street (adjacent to the Umana Barnes school) to 170 Border Street. It includes properties—notably Shaw’s and Liberty Plaza—that are not in active maritime industrial use and do not currently meet the criteria for remaining in the DPA. Central Square serves as the commercial center of a residential area, and its conversion to active water-dependent industrial use is difficult to imagine.

This section, however, also includes C. White Marine (276 Border Street) on the water-side, an active water-dependent industrial use. This area would benefit from the planning recommendations that will likely emerge from the PLAN: East Boston process to propose a consistent and coordinated strategy for the area. Though not part of the DPA designation criteria and boundary review, this area is in particular need of planning and implementation of more climate resilient infrastructure. If any changes are made to the existing boundary in this section, we recommend keeping the active water-dependent uses on the water side within the DPA, and requiring the preservation of truck access to the waterfront through the Shaw's and Liberty Plaza site to support water-dependent uses in the future.

**Section 3** – This section runs from 102-124 Border Street to 60 Border Street/New Street. It begins with land owned by the City of Boston (East Boston Community Development Corporation Wellness Garden is on the open space here next to Boston East) and runs to the Boston Towing and Transportation parcel (34-36 New Street). Some of these uses (the wellness garden and a daycare center) are not consistent with the existing DPA regulations. Both the land-side and the water-side access to this area are constrained. The water here is shallow (the site was previously served by a marine railway which extended a fair way into the water). Truck access is challenging due to the road network and recent residential development. One of the property owners (BTT Marine Construction) has requested that their property at 34-36 New Street be removed from the DPA at this location; as an active maritime industrial business, they have consolidated their operations into Section 1 of the DPA and have stated that they have been unable to find a marine tenant for this property. These conditions all support removing the property from the DPA.

Within this section, however, there does exist some functional connection to the water as well as piers that could be rehabilitated to become functional again. Though the land uses noted above are in some cases incompatible with the existing regulations, continued access to the water is important to maintain if any newer marine industries emerge that can use this space. We therefore recommend that if some of these properties are removed from the DPA because of their non-compliance with the regulations as noted above, that such access be preserved, similar to what we recommended in Section 2. If these properties are removed, the decision should make clear that even on non-DPA properties, the normal operation of Chapter 91 favors water-dependent uses and strongly discourages the displacement of water-dependent uses, the loss of a property's capacity to accommodate them, or the impedance of navigation to surrounding properties.

**Section 4** – This section includes several residences, two marinas, a basketball court owned by the City of Boston, and the East Boston Shipyard (owned by Massport). Pursuant to the DPA criteria, and because a roadway separates them from the waterfront, we believe that the residences and the basketball court should be removed from the DPA. The two marinas provide an active and economically vibrant water-dependent recreational use of long standing; as such, they should be allowed under City zoning but removed from the DPA, where marinas are not a conforming use. The remainder of the East Boston Shipyard, including the buffer parks at the edge of the site, should remain in the DPA, with the parks acknowledged as temporary uses.

As a final note, we acknowledge that much of this shoreline, like others, will need significant investment to support coastal resilience infrastructure in the near future. We fully support the Office of Coastal Zone Management in its efforts to identify what resilience measures can be implemented within the context of an existing Designated Port Area. The pilot research project currently being undertaken by CZM in the Gloucester and Chelsea DPAs is likely to create new

options for resilience in these important economic areas. We look forward to learning the results of this pilot project and building on it to incorporate resilience in working ports throughout the Commonwealth.

Many comparisons have been drawn between safeguarding these port areas and efforts made by the Commonwealth to protect farmland from similar development pressures and being diverted to other uses. It is worth noting that the latter classification comes with public support to maintain these lands, specifically in the form of the Agricultural Preservation Restriction Program. A similar program of public investment in or subsidies for the needed infrastructure for maritime uses and in coastal resilience may be required for Designated Port Areas to withstand economic fluctuations and development pressures.

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