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January 13, 2023

Via email: [frank.taormina@mass.gov](mailto:frank.taormina@mass.gov)

MassDEP Waterways Regulation Program  
Attn: Frank Taormina  
One Winter Street, 5th Floor  
Boston, MA 02108

Re: 88 Black Falcon

Dear Mr. Taormina,

Boston Harbor Now respectfully submits the following comments on the *88 Black Falcon Avenue Waterways License Application* prepared by The Davis Companies. Since its inception, our organization has followed this project and previously submitted two comment letters in 2021. Most recently, members of our organization attended the Chapter 91 License Application Public Hearing held by the Massachusetts Department of Environmental Protection on December 1, 2022.

Boston Harbor Now, and previously The Boston Harbor Association, have continuously supported efforts by the City and the Commonwealth to create and maintain a vibrant working port in Boston to contribute to the region's economy and provide high-quality jobs in the maritime sector. We recognize that developmental pressures, combined with the need for significant investments in maritime facilities and adaptation measures designed to address the coastal impacts of climate change, have prompted a reimagining of the South Boston Designated Port Area (DPA) to allow for an increase in supporting uses, primarily on upper floors. Even with these changes, we envision that this area and other DPAs around the Commonwealth will support the existing and future marine industries that strengthen our region while preparing for the challenges climate change will bring. Additionally, we expect robust working port areas to work in tandem with their neighboring communities and provide local residents with job and educational opportunities that allow both to flourish.

We are excited to see this project move forward and deliver the public and maritime benefits outlined in their Waterways License Application. Boston Harbor Now is pleased to see Water Dependent Industrial Use (WDIU) space being provided at a reduced rent and looks forward to seeing additional marine industrial tenants in the area. This project will bring more people to the waterfront for a variety of purposes from those water dependent jobs to



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office jobs with waterfront views and from cruise ship arrivals to Harborwalk exploring. We hope that all of these workers and visitors are able to take full advantage of the new viewing area and other public amenities created by this project.

### **Support for Water Dependent Industrial Uses (WDIUs)**

The South Boston Designated Port Area (DPA) is one of a limited number of state-protected districts in Boston dedicated to maritime industrial uses. New development that builds supporting uses in the DPA should demonstrate how the additional value generated from their allowance supports the continuation of WDIUs. 88 Black Falcon models this principle through the project's commitment to attract new maritime uses to the lower floors of the building. With the money generated by the market rate rent of the new supporting uses, the proponent has stated they will be able to provide at least a 10% discount in rents (relative to the market rate for maritime uses) for maritime projects and WDIUs—a benefit we hope to see codified in similar projects. The proponent has also guaranteed that water dependent uses will be given priority to 175,000 square feet of space on the building's ground, second, and third floors. The proponents have agreed to market the space solely to water dependent and maritime businesses for 12 months. If their endeavor fails after this period of advertising, only then can they lease the space to non-water dependent companies, and then only for a limited period of time.

Their commitment to preserving maritime industrial uses also extends to maintaining and improving infrastructure needed by the existing marine industrial tenants of the DPA. Notably, the proponent has committed to redesigning and reconstructing the Drydock Avenue/Black Falcon Avenue intersection, which is used by Coastal Cement, and expanding ground transportation facilities at the project site, which is used by Flynn Cruiseport. For the existing WDIU tenants at 88 Black Falcon, the proponent has stated that they will work closely with their construction management team to ensure that construction activities will not significantly disrupt any Maritime Projects or WDIUs presently in operation.

### **Updates to the Public Realm and Transit**

In addition to their commitments to WDIUs, Boston Harbor Now is pleased with the evolution of 88 Black Falcon's public realm improvements—most notably the parking deck public space and improved pedestrian access to it. The proponent has agreed to construct a public viewing area on the east side of the parking deck equipped with tables and chairs as well as implementing wayfinding and interpretive signage, additional landscaping, and new gender-inclusive restrooms. At the end of the pier, the proponent has also agreed to upgrade the existing fish cleaning station, which will have running water and waste receptacles. The upper viewing area and the fish cleaning station will be



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key attractions for the site, and as such, we believe that they be better connected, especially since the Harborwalk may sometimes be closed during cruise ship docking. As proposed, a visitor must walk around the building to get from the fish cleaning station to the viewing area, even though the two locations are located at the eastern end of the site. We recommend that an elevator, ramps, or stairs be provided on the east side of the building to allow people to get between the two amenities more easily. If building access is required, it can be limited to standard building operating hours.

Pedestrian access to the site and up to the parking deck viewing area will be improved significantly by this project. However, the design of the Harborwalk along the edge of the pier is currently only 5 feet wide. We have been told that this width is constrained by turning movement of trucks, but we do not want a new precedent set for narrowing from the standard 12-foot width. We recommend a paving pattern or buffer area that balances safety and flexibility for people on foot and riding bikes along the waterfront edge of the site. Additionally, we recommend that the edge be equipped with safety features like life preservers and ladders should anyone fall into the water along the unprotected edge.

We also wish to acknowledge the proponent's commitment to improving transit infrastructure in the area, a critical step for improving safety and reducing traffic congestion. The proponent has stated that they will construct a new bus shelter at the MBTA Silver Line bus stop at Drydock Avenue and a new bus lane adjacent to the Silver Line stop to encourage public transit usage in the area. Similarly, the proponent has allocated \$500,000 toward planning, design, and engineering efforts to improve water transportation at Pier 10, which will provide ferry service to the Ray L. Flynn Marine Park. The financial assistance to push this new service forward is commendable and something we hope will be continued once the ferry service is running.

We appreciate the opportunity to comment on this project and look forward to following its progress toward your management plan. We would be happy to speak with you or the proponent further if there are additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine F. Abbott".

Katherine F. Abbott  
President and CEO  
Boston Harbor Now