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June 9, 2023

Via email: frank.taormina@mass.gov

MassDEP Waterways Regulation Program

Attn: Frank Taormina
100 Cambridge Street, 9th Floor
Boston, MA 02114

Re: Raymond L. Flynn Marine Park Chapter 91 Consolidated Written Determination

Dear Mr. Taormina,

Boston Harbor Now respectfully submits the following comments on the *License Application for a Consolidated Written Determination* prepared by the Economic Development & Industrial Corporation of Boston d/b/a Boston Planning & Development Agency (BPDA). Our organization has followed and submitted comments on the Raymond L. Flynn Marine Park (RLFMP) Masterplan Update drafts as well as on individual developments within the area, such as 24 Drydock Avenue, 22 Drydock Avenue, and 310 Northern Avenue.

Boston Harbor Now (BHN) has continuously supported efforts by the City of Boston and the Commonwealth to create and maintain a vibrant working port around the Harbor in order to contribute to the region's economy and provide high-quality jobs in the maritime sector. Although most of this area does not have the traditional waterfront public access the Harborwalk provides, we believe our Harborwalk 2.0 framework of improving the climate preparedness, accessibility, and inclusiveness of harbor-adjacent properties still applies. We recognize that the need for major investments in both maritime facilities and adaptation measures designed to address the coastal impacts of climate change, combined with development pressures from the burgeoning adjacent Seaport district, have prompted a reimagining of the RLFMP. The Master Plan Update calls for increased square footage allocated to general industrial uses in the marine park. The update would allow general industrial uses to be built as stand-alone buildings or on upper floors above new maritime and supporting uses, which would be located on the ground floor.

Even with these formal policy changes, this district and other Designated Port Areas (DPAs) around the Commonwealth must support the existing and future marine industries that strengthen our region while preparing for the challenges climate change will bring. We also expect that robust working port areas will work in tandem with their surrounding communities to



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provide local residents with job and educational opportunities that allow both to flourish.

The Consolidated Written Determination (CWD) will allow non-water dependent uses in the RLFMP to pursue and eventually obtain their Chapter 91 licenses after completing their own Chapter 91 license applications. The CWD license application contains the BPDA's expectations for several incoming developments, including the expected balance and location of marine industrial uses and the expectation that each project will contribute to the RLFMP Climate Resiliency Infrastructure Fund. In addition to these requirements, Boston Harbor Now also expects incoming general industrial developments within this Chapter 91 jurisdiction area to provide thoughtful public amenities that enhance the marine park for maritime industrial workers who use the space. Our goal is not to turn the area into a destination or hinder the operations of the existing tenants who use the space for marine activities; however, we believe amenities like bathrooms, lobbies, and open space required elsewhere on filled tidelands can be designed to add value to the marine industrial tenants and serve the influx of workers to the area. We also expect that in addition to contributing to district-scale climate resilience strategies, individual developments will be prepared to address coastal flooding threats. As the continued build-out of the RLFMP moves forward, we hope that the BPDA will appropriately phase transportation and climate adaptation infrastructure with incoming development to ensure that marine tenants, particularly fish processing and ship repair, can continue their operations successfully.

Facilities of Public Accommodation and Amenities

After reviewing multiple development proposals listed in the Consolidated Written Determination (CWD), we have become increasingly concerned by the lack of access to public amenities we would typically expect from non-water-dependent uses in other areas subject to Chapter 91. While protecting the marine industrial businesses in the RLFMP is essential, we believe there are numerous Facilities of Public Accommodation (FPAs) that will benefit, not hinder, the maritime industry. If designed with marine industrial workers' needs in mind, FPAs can add value to the marine park.

The inclusion of public restrooms, green spaces with shade and outdoor seating, lobby space with public wifi, and restaurants serving food at price points accessible to the marine and industrial workers would all be assets that would improve the RLFMP area. FPAs, especially restrooms, public meeting rooms, or spaces for nonprofits, can also be placed above the ground floor in buildings that house both marine and general industrial uses to preserve



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valuable ground floor space for maritime uses. Developments located in the RLFMP, especially those without marine uses, should not be exempt or excused from providing public amenities because they may interfere with the workings of the marine industrial tenants in the park; instead, they should be expected to design their amenities to fit the needs of the marine park.

Resilience and Transportation Infrastructure

As the CWD outlines, future developments and projects underway should be prepared to contribute to the RLFMP Climate Resiliency Infrastructure Fund. Money from this fund will go towards protecting the district as a whole and the shared infrastructure, like the roads. However, in addition to protecting the district infrastructure, we expect individual developments to be prepared for coastal flooding and contribute to mitigating other climate change impacts including heat and stormwater. Buildings should, at minimum, follow the Coastal Flood Resilience Overlay District design guidelines established by the BPDA. They should also design any open space for a hotter, wetter future with plants and surface materials that offer cooling and permeability. Ideally, landscaping should incorporate native or salt-tolerant plantings that can recover in case of flooding from rainwater or saltwater and reduce the heat island effect.

Transportation investments are also critical. Although the BPDA has implemented a Transportation Advisory Committee to oversee the implementation of transportation infrastructure projects, we are still concerned by the pace of new development. New non-maritime growth in the district may be limited until the transportation infrastructure upgrades have been made to ensure that the maritime tenants are able to move goods in a timely manner, which is critical to the longevity and economic vitality of this inherently marine-industrial district. Expanded ferry service should also be linked to the district.

We appreciate the opportunity to comment and look forward to reviewing each individual Chapter 91 license outlined in the CWD. We would be happy to speak with you further if there are additional questions.

Sincerely,

A handwritten signature in black ink that reads "Kathy Abbott".

Kathy Abbott
President and CEO
Boston Harbor Now