



Are you on board?

15 State Street Suite 1100
Boston, MA 02109
617 223 8667
bostonharbornow.org

Grace Macomber Bird
Kevin Clarke
Robert Delhome
Jamie M. Fay
Robert Gollodge
Greg Herrema
Ann Lagasse
Malia Lazu
Mary Kay Leonard
Shelagh Mahoney
Andrew McElwee
James Miner
Martin O'Neill
Elaine Richardson
Bud Ris
Demetriouse Russell
Nalini Sharma
Cathy Douglas Stone
Kishore Varanasi
Richard Walker
Betsy Wall

Ex-Officio Members

Katherine F. Abbott
Rev. Mariama White-Hammond
Michael Creasey
Fred Laskey
Rebecca Tepper
Andrew Hargens

Lifetime Trustees

Governor Michael Dukakis
Governor William Weld

President & CEO

Katherine F. Abbott

June 24, 2023

Via email: purvi.patel@state.ma.us

MEPA Office
Attn: Purvi Patel
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Barking Crab Expanded Environmental Notification Form

Dear Ms. Patel,

Boston Harbor Now (BHN) respectfully submits the following comments on the Barking Crab Expanded Environmental Notification Form submitted by Poseidon Enterprises. Our staff has followed this project since it was announced and have met with the proponent individually to discuss the project. Most recently, we attended the remote site visit on June 6, 2023, and the in-person site visit on June 7, 2023.

As longtime stewards of the Boston Harborwalk, Boston Harbor Now is committed to ensuring that the waterfront we build today is designed for a more resilient and inclusive future. We use the term “Harborwalk 2.0” to capture the aspirations of this work to ensure the waterfront is accessible and welcoming; is prepared for the coastal impacts of climate change; and centers equity and inclusion in the development of its design, construction, and programming. An accessible waterfront should have both linear and lateral connections between the city and the water, as well as numerous activation strategies to serve all Bostonians. A resilient waterfront includes a variety of climate adaptation strategies to protect and serve Boston at a district scale. To center equity in waterfront design is to focus on strategies that make the waterfront feel safe and inclusive through lighting, signage (preferably multi-lingual), full ADA accommodations, and the elimination of features that make users feel unwelcome or excluded.

The operational expansion of Barking Crab to the marina below represents a form of waterfront activation that is new for Boston and not fully anticipated by Chapter 91. The proponent plans to bring floating open air dining to the private marina adjacent to their existing restaurant to create additional seating and a new waterfront destination. Although we recognize that this particular project may not meet the permitting thresholds of MassDEP, we believe that barges may serve an important purpose in activating the watershed and supporting a range of public benefits, including programming and learning opportunities in the arts and sciences. The wave protection offered by the Fort Point Channel makes it a potentially ideal location for the creative use of



Are you on board?

15 State Street Suite 1100
Boston, MA 02109
617 223 8667
bostonharbornow.org

barges though it is not the only area with these conditions along the urban waterfronts of Massachusetts.

An Opportunity to Activate the Watersheet

The Barking Crab’s proposed expansion leverages a private marina to provide a public use and activation. The restaurant currently sits along the shoreline of the Fort Point Channel diverting the Harborwalk inland for the length of the restaurant. The fully enclosed kitchen blocks views of the watersheet, and the adjacent private marina, owned by the proponent, is fully open to the public for water taxi service and free “touch-and-go” docking. Since most landside visitors are unaware of the public access available to them, we appreciate that the proposal would replace the existing solid door with a more standard marina entry gate. This will ameliorate the public perception of lack of access, and we recommend new signage at the entrance enumerating the public’s rights and the available amenities. With its current uses and configuration, signage alone would be insufficient to attract new users down to the water. The proposed Barking Crab seating expansion invites the public onto the water and into a space that has been historically unwelcoming. Creating access to the water here feels especially valuable because the Barking Crab is currently non-compliant with today’s standard Chapter 91 dimensional waterfront setbacks.

Like The Tall Ship in East Boston, the proponent has put forward a floating dining opportunity designed to draw people to the waterfront. The proposal includes a 1,900 square foot barge that would provide additional open-air dining to supplement the Barking Crab’s existing operations. Whether on land, on piers, or on a boat, we know that water dining serves as a magnet to bring people to the Harbor and creates destinations in areas that have historically been inaccessible or underutilized. The success of the Barking Crab’s current restaurant and the appeal of eating along the water suggests that the proposed floating dining in the marina would be successful at introducing the public to a piece of the water that is often overlooked today.

While the authors of the present Chapter 91 regulations may not have anticipated the use of a new barge to activate a modernized waterfront that has limited traces of its gritty maritime past, we believe that creating facilities of public accommodation (FPAs) on the watersheet follows the spirit of the public trust doctrine. By expanding operations into the marina, the proponent is creating a welcoming FPA space in an area typically reserved for boaters who rent dock space in the marina or those coming to the restaurant by boat. Creating this restaurant space can help to democratize the marina and invites new visitors down to the watersheet to see it from a new perspective.



Are you on board?

15 State Street Suite 1100
Boston, MA 02109
617 223 8667
bostonharbornow.org

Site Design Considerations

Key to getting visitors to the water, however, is ensuring that the paths ramping down to the marina are fully accessible. As the proponent moves forward in their design, they will need to ensure that their path to the new seating area meets ADA guidelines regardless of the tide, which has an average range of approximately 9.5 feet. To ensure that the marina is safe for everyone, we also recommend that railings or brightly colored warning strips be installed along the edges of the marina and barge to ensure that people with limited sight can safely navigate the area.

From an experiential standpoint, we suggest the proponent consider how to best optimize views when determining the final location of the restrooms. These facilities will inevitably obscure views of parts of the Fort Point Channel, James Hook Lobster, or the Northern Ave Bridge. We suggest the proponent place the restrooms on the side of the barge with the least visually exciting view to preserve the others. Conversely, the seating area and restrooms will be visible from the Moakley Bridge and future Northern Ave Bridge and James Hook Lobster site. Given its prominent location, the barge should be designed to be aesthetically engaging from various angles.

This proposal is not expected to disrupt any of the existing water-dependent activity in the marina — the barge will be located within an existing docking facility where it will not impact navigation and free passage over and through the water. The proponent has also stated the current water taxi and “touch-and-go” docking will be maintained and remain free of charge, and no existing boaters using the marina will be displaced. However, since the barge will occupy two slips, two replacement slips should be provided on-site in future iterations of this project, even if they are not currently being leased.

New Precedents and Expectations

As we think about the future of floating FPA space and the precedent this project may set, it is important to understand both when barge activation is an appropriate use and when it is not. In this location, and potentially other in other urban harbors, floating vessels and barges moored along the waterfront have the potential to activate the watersheet, connect people more closely with the tides, and expand the range of available FPA uses. The Fort Point Channel is an especially ideal location for this new type of activation. The water in the channel is relatively calm, not subject to the wave action seen in other places around Boston Harbor, and stakeholders and community members have specifically called for floating activation in this area in proposals ranging from arts activation to science education.



Are you on board?

15 State Street Suite 1100
Boston, MA 02109
617 223 8667
bostonharbornow.org

However, no activation strategy can be universally applied. The success of floating activation is highly specific to the location where it is sited. Barges and vessels in an urban environment can add to the vitality of the surrounding city, bringing additional or unique amenities to an already bustling area. In more natural settings, a new floating vessel or barge, especially one moored permanently, could detract from or damage an area already enriched by natural features. Even within an urban setting, floating activation should be placed in areas that are subject to minimal wave action, able to accommodate ADA accessibility, and that will not significantly disrupt site lines from existing FPAs on land. Floating barges, in particular, should ideally be moored in such a way that they can be moved in the event of a major storm and so that they minimize disruptions to marine life.

While floating barges may not be appropriate in every situation, we believe there should be a permitting mechanism to allow for floating activation opportunities to provide creative waterfront uses along urban harbors, like the Fort Point Channel in Boston. It is important that floating FPA spaces do not hinder the navigable channel nor disrupt other water-dependent activities and uses. Additionally, floating barges and vessels used for activation should not be used to circumvent open space requirements or requisite FPA calculations for non-water-dependent uses. Yet, their potential remains compelling.

Floating facilities can bring new life to the water, and they have been requested by community members in the Fort Point neighborhood through numerous public processes. As proponents of a more welcoming waterfront, Boston Harbor Now would like to ensure that there is a way to permit and regulate floating barges and vessels to provide meaningful public activation. We recognize this is not without challenge and offer our services should regulators request input.

We appreciate the opportunity to comment on this project and look forward to following its progress toward implementation. 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 "Kathy Abbott".

Kathy Abbott
President and CEO
Boston Harbor Now