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August 29, 2023

Via email: jennifer.hughes@mass.gov

MEPA Office

Attn: Jennifer Hughes
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Harborview Notice of Project Change

Dear Ms. Hughes,

Boston Harbor Now (BHN) respectfully submits the following comments on the Harborview Project of Notice Change submitted by John Hancock Life Insurance Company (U.S.A.). Members of our organization have reviewed the supplied filing and recently completed a site walk to evaluate existing conditions.

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.

Setting a Precedent

Although no physical changes are being made to the existing Harborview building or the surrounding Harborwalk, the proponent has requested to convert 28,623 sf of Facility of Public Accommodation (FPA) space required by Chapter 91 to a Facility of Limited Accommodation (FLA) space in an attempt to activate the currently vacant and unfinished ground floor. According to the filing, since 2016, “more than 60% of the available ground floor interior FPA space, or 17,204 sf, has remained vacant. These conditions have persisted for over 15 years despite the active marketing of



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the FPA space and continued listing with several commercial real estate brokers.”

Although Boston Harbor Now appreciates the challenges of marketing this site given its somewhat remote location within the Charlestown Navy Yard, the loss of FPA space and the precedent that would be set by allowing this project to convert uses is concerning. FPA space is a valuable community asset, providing goods and services that are regularly available to the public on equal terms. When designed and programmed correctly, these spaces can activate the waterfront and help create a welcoming environment that implicitly signals the waterfront is open to the public. Although some of the FPA space at Harborview is not presently occupied, it is important to maintain it for its value to the public and its irreplaceability. Once converted to FLA space, it will be nearly impossible to convert it back to FPA space. Given the challenges of leasing ground floor spaces in the current real estate market, we are concerned that this will set a bad precedent for other parts of the waterfront. Allowing FLAs at this location may encourage other property owners to follow suit, further privatizing the waterfront, which is at odds with our goal of creating a more equitable and welcoming Boston Harbor.

Creative Activation Strategies

According to the filing, despite the proponent’s best efforts to market this space through national retail and commercial brokerage firms and “discussions with the City of Boston’s Office of Economic Development and the Boston Planning and Development Agency over the past three years regarding potential small businesses that could utilize the space for FPA or FLA,” they have been unsuccessful in securing a tenant to fill the space.

If the proponent chooses to continue pursuing the commercial pathway, there may be some creative solutions to attract potential tenants. At present, the space is unfinished, which may be a financial barrier for small or local businesses hoping to use the space. From discussions with other waterfront tenants in Boston, we have found that building out retail space can be a substantial hurdle for some small businesses. We have also started to see a recent trend of developments holding RFP processes to find tenants for their FPA space. Projects along the Fort Point Channel, like Channelside (244-284 A Street,) have employed consultants to help them develop an RFP model that lowers barriers for small businesses and M/WBEs who may want to utilize the space but have difficulty doing so.



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The proponent may wish to discuss best practices and lessons learned with some of these other developers, as a similar RFP model may be beneficial here.

To activate the space, the proponent may also want to consider courting cultural or civic uses. Some examples of this might be an art gallery showcasing local artists, or a museum centered on Charlestown history, which we have seen interest in from other public meetings. If the proponent were to create a Special Public Destination Facilities (SPDFs), designed to activate the waterfront by drawing the public to a special attraction, it may drive additional foot traffic to the area and make adjacent commercial/retail use more viable.

While we are sympathetic to the challenges this site presents, converting all of the ground floor FPA square footage to FLA is a bad precedent that may be unfruitful and result in the privatization of the waterfront. The FPA requirements should not be revoked unilaterally on this site, because they will not be reinstated in a different economic climate. Finishing the space, holding an RFP process, or pursuing a cultural use are all worth exploring if the proponent has not yet attempted them whether they look for an FPA or FLA tenant. We welcome further conversations with state regulators and the proponent on this topic.

Sincerely,

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

Kathy Abbott
President and CEO
Boston Harbor Now