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July 3, 2024

Via email: frank.taormina@mass.gov

MassDEP/BWR
Waterways Regulation Program
Attn: Frank Taormina
100 Cambridge Street
Suite 900
Boston, MA 02114

Re: 253 Summer Street and Necco Court Chapter 91 Waterways License Amendments

Dear Mr. Taormina,

Boston Harbor Now respectfully submits the following comments on the 253 Summer Street, Boston and Necco Court, Boston Chapter 91 Waterways License Amendments submitted by LCTB Fort Point, LLC. Our organization has been following this project and commented on the prior license amendment in 2017.

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.

Narrowing Pathways

According to the proposed 253 Summer Street and Necco Court Boston Chapter 91 Waterways License Amendments, the proponent “installed, as an expansion of an existing open-air dining area, an approximately 488 square foot (sf) patio (the “Patio”) and, at the same time, installed approximately 365 sf of pervious pavers in an area adjacent to the Patio at the rear of 253 Summer Street.” As advocates of waterfront activation, Boston Harbor Now has been supportive of the proponent’s prior license amendment, which initially contemplated the patio. The original patio design provided an opportunity to activate the Harborwalk with a new amenity that created a park-like space along the waterfront. The expanded patio similarly had the potential to provide improved Harborwalk activation, but its impingement upon free publicly accessible areas, like the Harborwalk and paths leading to it, may impede activation of the channel.

The installation of wooden grade beams between the patio and the public access passageway at the end of Necco Court has narrowed the path from Necco Court to the Harborwalk. The pedestrian accessway, which ranges in width from approximately 15.5’ to 19.7’, is now, at its narrowest point, not wide enough to launch public art into the Fort Point Channel, according to local Fort Point



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Channel artists, who stated that at least 18'-20' is needed. This passageway was the only pathway capable of accommodating floating structures in the entire Fort Point Channel. As advocates for an activated waterfront and watersheet, we are concerned about this narrowing. The waterfront along the Fort Point Channel is a destination, and floating art creates and helps contribute to this along the channel. The loss of floating art, an amenity the community has strongly identified as highly desirable within the Fort Point Channel area during Boston Harbor Now's Fort Point Channel Community Workshops, would weaken Fort Point Channel's art identity. We echo the suggestions raised during the Second Chapter 91 Waterways Public Hearing by Raber Umpehnour and ask that the proponent make the furniture and beams movable to allow floating art to continue to be launched into the channel. If this is not possible, we expect that, at minimum, the width of the pathway will be maintained to ensure that non-motorized boaters can easily maneuver their boat to launch the nearby dock located at 15 Necco.

We appreciate that the proponent has not expanded their operations onto the Harborwalk. The proposed planters and new signage will help create a clear delineation between the restaurant patio space and Harborwalk. The Harborwalk should continue to exist at the width it currently stands and the planters along the waterfront should reside entirely within the project site. Additional signage should communicate the location of the Harborwalk so that members of the public continue to feel welcome along this part of the waterfront.

Retroactive Permitting

It is unclear to Boston Harbor Now why Chapter 91 permitting is taking place after the construction of the patio expansion. We want to ensure that this permitting timeline is not precedent-setting. Construction should not precede permitting, and there should be disincentives for those who proceed without express permission from the permitting agency. Without permission from DEP to construct and operate this portion of the patio we believe the proponent should be required to make a payment to the Fort Point Operations Board, as they've generated revenue from its operation during unlicensed time.

Although we applaud some design features, like the use of planters to delineate space and pervious materials used to replace impervious bituminous concrete, the patio expansion could have been improved with community involvement earlier in the process. Even with the patio built, Boston Harbor Now hopes that the Department of Environmental Protection will review the proposal and enforce their decisions as they would for any other project.

We appreciate the opportunity to comment on this project and would be happy to speak with you further if you have additional questions.

Sincerely,

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

Kathy Abbott
President and CEO
Boston Harbor Now