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January 8, 2025

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

Frank Taormina, Regional Planner  
MassDEP Waterways Regulation Program  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: *Parcel H (One Harbor Shore Drive) Chapter 91 Waterways License Application*  
Dear Mr. Taormina,

Boston Harbor Now respectfully submits the following comments on the *Parcel H (One Harbor Shore Drive) Waterways License Application* submitted by One Harbor Shore LLC on behalf of The Fallon Company. Our organization has been following the development of Fan Pier, and has commented on various developments, including Parcel E and the Fan Pier Marina.

Boston Harbor Now's mission is to ensure that Boston's Waterfront, Harbor, and Islands are accessible, inclusive, and adapted to the risks of climate change. We advocate for climate resiliency measures that contribute to district-scale flood protection and improve ecosystem services, as well as waterfront activation that welcomes everyone, especially those who have been historically excluded. We do this to realize our [Harborwalk 2.0 vision](#) of a vibrant, welcoming, and resilient Boston coastline.

*Civic Cultural Space*

In compliance with their previously granted Consolidated Written Determination (CWD) "civic/cultural space, 23,557 s.f., will be provided as part of the Parcel H building and will be located on a portion of the ground floor and all of floor 2" according to their filing. We appreciate the amount of civic/cultural Facility of Public Accommodation (FPA) space being created through this process but have concerns about much of the space being located on the second floor. The general public is largely unaware of the myriad of public amenities available under Chapter 91, especially those located within the interior space of buildings. Although FPAs are not always well understood, they are typically more successful at welcoming public use when they are located on the ground floor. When FPAs are readily seen from the public realm and easily accessible, they are more likely to be used. With the majority of the civic/cultural space being located on the second floor, where it will be less easy to find and less visible to the public, the proponent and future operator of the space will need to actively take steps to encourage the public to utilize this wonderful amenity.

We strongly suggest the proponent selects an operator who can activate both the ground and second-floor spaces. The primary access for the second-floor FPA space requires visitors to use the elevator or stairs. Different operators using the first and second-floor FPA space at the same time would complicate the public's navigation to the second floor. If the proponent selects two different operators, we highly suggest that the proponent find a way for the second floor to be



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accessible from the lobby (if it is not already), to train lobby staff on the public's rights to the FPA spaces in the building, and provide wayfinding signage and maps around the entrances of the building to help people navigate and access the public amenities of the building, especially those that are harder to find. These are all best practices we suggest that proponents and property managers implement, but this will be especially important given the difficulty of getting to the second-floor FPA space.

The chosen civic/cultural space operator should also provide activation and programming for the public at low- and no-cost to ensure the space is welcoming to all. Similarly, we hope vendors and operators in the other FPA spaces in the building provide goods and services at various price points to appeal to a broad audience. Most importantly, we hope the proponent will select operators who can provide activation and public programming that attracts a diverse audience to the site.

#### *Open Space*

According to the filing, "The Applicant anticipates the use of portions of the exterior Public Realm space (including publicly accessible sidewalk space) which are adjacent to indoor restaurant and retail spaces and the civic/cultural space for seasonal outdoor uses such as: civic/cultural use, restaurant/café use, charging patrons and customers for food and beverage served therefrom, the reservation of such portions for patrons and customers of the restaurant/café only, and the enclosure of such portions of the exterior Public Realm space, during the period of seasonal operation..." We appreciate that the presence of restaurants/café in the building will help activate the public realm. However, we want to ensure they do not privatize spaces meant for the public. We request that furnishing and seating affiliated with the park and civic/cultural space be clearly distinguishable from seating affiliated with the restaurants/café so members of the public feel welcome to sit in these areas regardless of their patronage of the restaurants/café on site.

#### *Restrooms*

As the proponent has noted, the initially proposed "ticket booth with waiting area" is now obsolete thanks to technological advancements in ticket distribution. With this in mind, we agree that the booth and waiting area would serve the public better if used for other purposes. As this space is adjacent to the proposed restrooms, we recommend the proponent use this opportunity to create additional public accessible restrooms. With the additional space, the proponent could streamline and reconfigure the restrooms to add additional toilets and create entries from both the Public Green and the interior FPA spaces. The restrooms should be ADA-compliant, have gender-inclusive options, and include changing stations and water fountains.

#### *Resilience*

Despite not touching the waterfront, this project is located in an area expected to flood in the 1% annual chance flood event with 40 inches of sea level rise. According to their filing, the proponent will elevate their critical infrastructure and



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lobby to 21.5 ft BCB. The ground floor FPA space is at 17.91 ft BCB, which is lower than the 2070 project base flood elevation of 19.5 BCB. To address the discrepancy, the proponent has elected to wet-floodproof the retail, cultural, loading dock, and lobby vestibules and has purchased an aquafence. Boston Harbor Now is appreciative that the proponent has taken steps to protect their ground floor through the use of deployables, but we are concerned about the long-term impacts of choosing not to elevate the publicly accessible areas. With coastal flooding becoming more frequent and intense in the future, the longevity and resilience of these spaces need to be considered, as they are meant for the public's enjoyment well into the future. We ask the proponent to explore more permanent ways to protect the FPA space, just as they have done for their private lobby, which has been elevated to 21.5 ft BCB despite also being on the ground floor. The proponents should also regularly test and practice deploying their aquafence so they will be ready in the case of an emergency.

*In conclusion*, we are grateful for the amount of FPA space being created by this project. With most of this space being located on the second floor, the proponent and selected operators of the whole building should be prepared to make extra efforts to ensure that the second-floor FPA space is welcoming to the public. The proponent should also further explore ways to ensure that the FPA spaces remain accessible in the future, with increased flooding expected. Regular testing of the deployable flood barriers in the short term should be paired with solutions to create passive flood protection at this site in the longer term.

We are grateful for the opportunity to comment on this project and will continue to follow its progress toward implementation. We would be happy to speak with you or the proponent if you have additional questions and look forward to reviewing the forthcoming management plan.

Sincerely,

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

Kathy Abbott  
President & CEO