

# Building Boom in Boston Casts Shadows on History and Public Space

Laws that restrict new construction from creating shadows on two of the city's cherished public parks may be changed for a proposed 775-foot tower.

By KATHARINE Q. SEELYE JULY 11, 2017

BOSTON — Children splashed in a shallow pool in Boston Common as a guide in a tricorner hat led a tour last week, pointing out Revolutionary War sites. Yet here, in the nation's oldest park, some people worry that this city is closing in around its open spaces, with skyscrapers blanketing its parks in shadow.

“It's going to be hidden, buried within the buildings,” Sonuschka Pierre-Mike, 38, said of the beloved Common, as she strolled through it the other day.

Boston is riding the crest of what city officials say is the biggest building boom in its history, with cranes lifting glassy towers into place and raising the city's unassuming profile.

The surge of construction is also plunging some of its most cherished sites into deepening shadow, testing state laws that have long balanced economic development with protection of sunlight and open space.

The concern is not merely about preserving a glimpse of sky in the increasingly vertical downtown or about the risks of darkness to plants, historic buildings and even humans. It is also about whether the city is going down a road of no return by

trading away, one piece at a time, its intangible assets, like sunlight on its signature parks and public access to its gleaming waterfront.

“A booming economy is always hard on heritage and heritage values,” said Jean Carroon, a preservation architect at the firm Goody Clancy, who is helping to restore the historic Trinity Church in Copley Square.

Boston has been transforming itself through bursts of construction since colonial days. By the 1970s, as the city became denser and buildings rose higher, residents opposed a proposed downtown skyscraper that would have thrown long shadows across the Common and the adjacent and equally beloved Public Garden. That protest led to the state’s passage of laws in the 1990s that restricted new buildings, outside one downtown district, from casting shadows on the two parks for more than one hour a day.

For a quarter-century, those laws worked, allowing development while limiting shadow creep.

But now, as part of the city’s latest rush of construction, the developer Millennium Partners has proposed a \$1 billion skyscraper that could soar 775 feet — and cast new shadows lasting 90 minutes or more on the Common and the Public Garden.

The tower, to be built in the financial district due east of the Common, would violate the shadow laws for 264 days of the year on the Common and 120 days on the Public Garden, according to the Friends of the Public Garden, which oversees both parks.

So the developer, in concert with Mayor Martin J. Walsh, a Democrat, is trying to change the shadow laws.

The city stands to benefit because it owns the tower site, a condemned garage in Winthrop Square, and would receive \$153 million for it.

The mayor says he will plow that money back into the Common and other parks, and into needed renovations to public housing throughout the city. In addition, Millennium Partners has promised to build about 100 new housing units in

Chinatown, which faces a severe shortage. These pledges have helped create a diverse coalition that supports changing the shadow laws.

“Opponents have expressed concern over shadows, but in Chinatown, more and more people can’t find places to live,” Angie Liou, executive director of the Asian Community Development Corporation, told state legislators last month.

In exchange for allowing the tower to cast additional shadows on the parks, the city said it would block future developments from bringing new, prolonged midday shadows to the parks and add new shadow protection for Copley Square Park, a popular plaza surrounded by landmark buildings.

The City Council overwhelmingly approved the change to the shadow laws in April. The matter is now before the state legislature, which could vote later this month.

The decision to upend the laws for a single tower — while Boston has 100 projects worth \$9.2 billion under construction — has made the Winthrop Square development perhaps the most contentious on the rapidly changing skyline.

Preservationists say the city is being blinded by the financial rewards, and warn that more darkness can do long-term harm to the parks by inhibiting photosynthesis and keeping soil too cold for germination.

“The ultrarich will get great views, but there will be permanent damage to the people’s parks,” said Elizabeth Vizza, the executive director of the Friends of the Public Garden, which recently removed eight cherry trees that did poorly in the shade.

The Common and the Public Garden are almost sacred sites in Boston, lush oases in the urban landscape that unfurl beneath the gold dome of the State House on Beacon Hill. The more formal Public Garden, the first public botanical garden in the country, is known for its sculpture that pays tribute to the children’s book “Make Way for Ducklings” and has served as the backdrop in the wedding photos for generations of families here. The Common has long been a central gathering place

for civic activity — events like public hangings for witchcraft in Puritan days and, in January, the women's march that drew 175,000 people.

In the Common last week, Gail and Dave Wick, retirees from Acton, Mass., were watching their grandchildren totter around the park's Frog Pond. They said they worried about how the flood of development might change the city.

“If buildings are encroaching on the Freedom Trail, that's really a problem,” said Ms. Wick, 72, referring to the two-and-a-half-mile path that leads to 16 Revolutionary-era sites.

Shadow can promote mold on historical structures and hasten deterioration. That is evident, experts say, at landmarks like the Old South Meeting House, where the Boston Tea Party was hatched, and Trinity Church, built in the 1870s and considered one of the nation's architectural treasures.

But others here said shadows were a small price to pay for all that would be gained — including new funds for several parks — for a booming city. “You have to allow new development,” said Lee Bell, 63, who lives just off the Common and was pushing her aging dachshund Lilly in a stroller on the way to the veterinarian. Besides, others here said, on days of intense sunshine on the Common, new shadows might actually create welcome respite.

The latest flood of construction is unlike anything Boston has seen in its nearly 400-year history, said Brian P. Golden, director of the Boston Planning and Development Agency.

The rush is filling city coffers with tax revenue, creating jobs and drawing new businesses to the thriving technology and biomedical industries. The decision last year by General Electric to move its world headquarters here is the crowning example (though the city and the state gave G.E. \$150 million in tax breaks to do so).

But in the midst of this growth, critics say, questions about shadows and waterfront access are often put aside in favor of piecemeal zoning for new development.

“We are seeing the public being walled off,” said Bradley Campbell, the president of the Conservation Law Foundation, an environmental advocacy group.

Much of the construction is for high-end luxury condos, a situation critics say will widen the gap here between the rich and the poor. A study last year found that income inequality was greater here than in any other major American city (partly because of Boston’s high concentration of students).

The mayor, who is up for re-election this year, says the whirlwind of construction will benefit everyone. To have their projects approved, for example, developers must support housing for moderate income and middle-income households.

As the shadow issue moved to the State House last month, a change in the laws appeared likely.

But opponents found an unexpected ally in William F. Galvin, the Massachusetts secretary of the commonwealth. At a recent hearing, he surprised state lawmakers by asking them to delay a vote to allow more scrutiny of the idea. They agreed.

Mr. Galvin warned that changing the shadow laws would set a dangerous precedent. “We can’t say that because someone is going to make a buck, we should look the other way,” he said.

Other opponents asked what it would take for Boston to say no to a developer at this point. Greg Galer, the executive director of the Boston Preservation Alliance, wondered if the city would turn down \$1 billion if a developer wanted to build on the Common itself.

“To support this petition is to say that Boston’s rules are up for sale,” he said. “More offers will be made — offers that yes, have benefits, but at what cost?”

Jess Bidgood contributed reporting from Boston.

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