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April 9, 2018

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs (EEA)
100 Cambridge Street, Suite 900
Boston, MA 02114

Via email: Matthew.Beaton@state.ma.us

Re: Downtown Waterfront District Municipal Harbor Plan

Dear Secretary Beaton,

The Boston Preservation Alliance is Boston's primary, non-profit advocacy organization that protects and promotes the use of historic buildings and landscapes in all of the city's neighborhoods. With 36 Organizational Members, 103 Corporate Members, and a reach of 35,000 friends and supporters we represent a diverse constituency advocating for the thoughtful evolution of the city and celebration of its unique character. We appreciate the opportunity to offer comments on projects that impact the historic character of the city.

Massachusetts General Law Chapter 91, the waterways licensing program, was formally established in 1866 and was based on Colonial Ordinances of 1641-1647. These ordinances codified the "public trust doctrine" that date back nearly 2000 years and affirm that the air, the sea, and the shore belong to the public and not just one person, or, as we infer, one developer, one administration, or one generation. After reviewing the Boston Planning and Development Agency's (BPDA) Downtown Waterfront Municipal Harbor Plan and supplemental materials, we feel that these centuries-old rights would be violated with the proposed modifications.

Boston's downtown waterfront district is one of the city's most historic urban features. The first wharves were developed in 1634 with Long Wharf becoming the most prominent after its construction in the early 1700s. Throughout most of Boston's past, the ability to access the harbor has been considered a basic right. Now, as private developments continue to obstruct access to the water, both visually and physically, the BPDA requests an exception to both state and local regulations which limit the height of buildings for the benefit and wellbeing of the city.

Residents, neighborhood associations, and other nonprofit and advocacy organizations have spent years partnering with each other and both state and City agencies to define acceptable development patterns for this district, keeping Chapter 91 in mind. These decisions were based not on the pro forma of one or two particular developers but the best interests of the district as a whole. They were intended not to prohibit development, growth, or commercial enterprises, but sought an appropriate balance that prioritized the long-term benefits to the community. Guidelines, zoning,

and plans that have been carefully vetted and supported by the broad public and your state agency in accordance with Chapter 91 should be adhered to until, collectively, the citizens of Boston determine they are outdated and should be revised through another extensive public process examining the whole. Instead, the current modifications to the Downtown MHP feel far more like spot-zoning to primarily facilitate redevelopment of particular sites rather than planning with the larger context in mind.

Therefore we feel that this proposed MHP modification is inappropriate and should not be allowed. We will provide feedback on the recommendations made by the BPDA for the Harbor Garage and Hook Wharf sites.

Harbor Garage

Where a highway once divided historic downtown Boston from its historic waterfront - after much time and expense – a beautiful public park was created. The Big Dig reopened view corridors to the harbor, reconnecting parts of the city and welcoming sun, sky, and sea breezes to the Greenway. A 600' tower, and future towers that will be inspired by it, builds that wall right back, disconnecting the city once more from the very shoreline protected by Chapter 91 and creating a new barrier, particularly impacting the Greenway itself, a major piece of public accommodation that would be negatively impacted.

The proposed concept of the Blueway is positive and should be further developed, but not at the cost of 600' of new tower adjacent to the harbor. Open space and view corridors to the harbor should be the requirement for any project in this district, not the mitigation. This open space should be mandated to be public at all times, never fenced off for private functions or uses, or landscaped in such a way to appear private and deter public use, as has been the case with other public spaces along the Harborwalk.

Though we feel that a massive 600' tower at this location would negatively impact the character and sense of place throughout this historic neighborhood and harbor, we are particularly concerned about views of the Custom House Tower. This building is truly iconic- among the most unique elements on Boston's skyline. Prominent urban planner Ed Logue believed years ago, and we agree today, that no building waterside of the Custom House Tower should be taller. Preserving its presence on the skyline, especially from the water, preserves Boston's identity as a historic harbor city. If the unique qualities of Boston are literally and figuratively overshadowed by contemporary glass towers, we lose our individuality and our presence. Many other coastal cities have embraced the idea that buildings should step up in height from the water and the water should not be walled off by buildings. This principle has already been violated by a few waterfront buildings and allowing future, faceless buildings to block Boston from the harbor is the wrong choice.

Hook Wharf

As with all waterfront development, a building on this site should not be of such height that it blocks view corridors of the city from the harbor, or of the harbor from the city, or creates a perceived wall between the two. Any building on this site should be no taller than 155' in accordance with current zoning and should adhere to the principles of the Greenway District Guidelines. Permitting additional height and forms undermines those two authorities and weakens the public process that produced these reasonable limits.

The offsets suggested for this site are inadequate. Because of its proximity to and engagement with the historic Northern Avenue Bridge, any development on the Hook site should provide funding for the rehabilitation of the bridge. A fully functioning, historic bridge at this site is an enormous asset and it is the responsibility of the private entities who will directly benefit from its rehabilitation to partner with the City to fund it.

With the Northern Avenue Bridge restored with generous pedestrian access, the Harborwalk can be connected to this unique, historic waterfront feature. Since the Hook Wharf site sits directly at the bridge's western end there is perfect opportunity for development that integrates, rather than overwhelms, this historic waterfront site.

Boston's waterfront is an essential and iconic public asset protected by Chapter 91, and decisions regarding the use, redevelopment, and public-private arrangements for its near future must consider its long-term future as well. We must remember that we are mere stewards of this asset that cannot be taken back for the public once it is traded away to private development for offsets and mitigation. We urge you to be cautious as you consider the long-term, multi-generational impacts of modifications proposed by the City of Boston to accommodate redevelopment of these sites. Is it truly in the long-term interest of the Commonwealth? Does the mitigation truly compensate for the loss of harbor access, use, visibility, and integration with the larger city once these buildings are complete? We urge you to agree with the conclusion we and many other knowledgeable organizations have made, that the losses and violations of existing limits far exceed the offsets proposed. There are better solutions here and they should be demanded and additional Chapter 91 relief not be allowed.

The Alliance looks forward to further discussions and welcomes any questions.

Thank you,



Greg Galer
Executive Director

CC:

Governor Charlie Baker
Daniel Sieger, Executive Office of Energy and Environmental Affairs
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