



5 December 2007

Secretary Ian A. Bowles, Jr.
Executive Office of Energy and Environmental
Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114
ATT: MEPA Office

RE: EOE #14123- Boston East
East Boston, MA

Dear Secretary Bowles:

The Boston Harbor Association (TBHA), a non-profit, public interest organization founded in 1973 by the League of Women Voters and the Boston Shipping Association, has been a member of the City of Boston's Municipal Harbor Planning Committee since its inception earlier this decade. We have been active participants of the East Boston Municipal Harbor Planning Committee, attending site visits, boat tours, and numerous meetings regarding the East Boston waterfront.

The Boston Harbor Association supports the redevelopment of the East Boston waterfront, recognizing that it will be a mix of Designated Port Area, commercial, residential, and open space uses. The infrastructure and open space improvements have been extremely encouraging, much of it occurring in advance of waterfront development.

For example, the MBTA improvements at Airport Station and the pending completion of improvements at Maverick Station will help foster and complement the new developments in East Boston. Thanks to the advocacy efforts of East Boston residents and groups such as the Boston Natural Areas Network, the renovated Airport Station allows for a seamless transition to Bremen Street Park, built as part of the Central Artery/Tunnel Project's mitigation efforts and now maintained by the Massachusetts Port Authority. The park, with its play areas, community gardens, passive and active spaces, is a significant new addition to the East Boston Greenway.

As part of the Back to the Beaches Program, the Department of Recreation and Conservation's improvements at Constitution Beach, particularly the new

bathhouse and the new playground, are much used by East Boston residents who wish to enjoy a cleaner Boston Harbor.

This summer, the Massachusetts Port Authority completed Navy Fuel Pier Airport Buffer Area, a very attractive new segment for the public to enjoy along Boston Harbor.

In addition, the expected completion of improvements at Maverick Station on the MBTA Blue Line in 2008 will do much to support waterfront revitalization efforts on the East Boston waterfront. Not only will there be interior platform and exterior station improvements (latter includes better traffic circulation, landscaping, and a friendly exterior), but the new headhouse will make the station more convenient for new waterfront residents as well as allow for longer MBTA trains serving residents, workers, and visitors.

As part of the revitalization of the Boston East site, a 14.2 acre site located at 102- 148 Border Street, Trinity Border Street, LLC, on behalf of Trinity Financial, Inc., and the East Boston Community Development Corporation, has submitted an Environmental Notification Form. A Municipal Harbor Plan Amendment will need to be submitted by the Boston Redevelopment Authority before an Environmental Impact Report can be filed.

The project includes two aspects. One area will consist of a residential building with 196 housing units, underground parking, a facility of public accommodation, and open spaces on the west side of the site. The second portion of the site, within the Designated Port Area, will be used for a marine facility, with a marine travel lift if necessary, and with a maritime interpretive area on the south side of the site.

Last week, Trinity Border Street, LLC, met with TBHA's Harbor Use Committee to discuss the project. TBHA voiced strong support for the mix of residential and DPA uses on the property, as well as for the HarborWalk access along the non-DPA portion of the land.

Our comments on the project follow:

Development Consistent with the Designated Port Area (DPA):

I. Truck Access to DPA

At present, the Boston East site includes Designated Port Area (DPA) portions on both the north and south sides. As part of a separate regulatory process, the project proponent is proposing to consolidate the DPA area into the southern portion of the site to allow for better development of the maritime industrial and the residential uses on the site.

Assuming that the consolidation of the DPA area is approved by the Commonwealth, the project proponent is proposing a two-story, 14,000 sq. ft. marine facility for a marine-related business or activity, and an adjacent marine travel lift. The proponent also proposes a public maritime interpretive area at the center of the site within the Designated Port Area as well as full perimeter HarborWalk access, including within the Designated Port Area.

Figure 3-2, Maritime Facility Elevations, may or may not be a realistic depiction of the DPA use which will occur at this site. No depiction is provided of the potential truck access onto the site, in the event that the marine facility requires heavy machinery or construction equipment (not unlikely, for many maritime industrial users). For permitting purposes, we ask that the green open space shown on Figure 3-1 within the DPA be removed, and that that space be depicted as vehicle access for the DPA use.

We ask that the Secretary's Certificate require a more robust transportation analysis of the trucking and servicing needs of a maritime industrial user in the DPA portion of the site. Chapter 5.0 of the Environmental Notification Form only analyzes the employee vehicle trips on the DPA portion of the site, and does not discuss nor acknowledge the truck and other access needs of a maritime industrial user in a Designated Port Area.

II. HarborWalk and Public Access

Depending upon the type of maritime industrial user in the DPA, current and proposed regulations of the U.S. Department of Homeland Security, under which the U.S. Coast Guard operates, may or may not permit public access to the DPA portion of the site. In addition, because of potential safety factors, such as truck access to and from a maritime industrial site, only point access, not full perimeter access, is required in the DPA.

In the interest of public safety, and to ensure that the greatest number and mix of maritime industrial tenants will consider this site, we ask that only HarborWalk point access be permitted within the DPA portion of the site. Full perimeter access is not needed at this time, given the nature of DPA activities which may occur at this site and given point access at other DPA locations within Boston Harbor.

Likewise, any maritime industrial education program which attracts the public (a use which The Boston Harbor Association strongly supports) should be moved to the non-DPA portion of the site, for public safety reasons as outlined above.

III. Public Notification of DPA

In instances where new residential uses are proposed next to an existing Designated Port Area, The Boston Harbor Association has strongly recommended that notice be given to the new tenants and/or owners. When necessary, both the Massachusetts Port Authority and the Boston Redevelopment Authority have required that notice be given to residents about adjacent uses.

TBHA recommends that language such as the following be included in all deeds recorded with the Registry of Deeds as well as in all rental leases:

"The operation of water-dependent and/or maritime industrial uses in the adjacent Designated Port Area (DPA) of this site will generate noise, including but not limited to noise from trucking activities, operation of a travel lift and other material handling equipment, vessel and equipment repairs and maintenance, and all other activities which support the Working Port.

"Such operations will also generate odors from the products handled and/or processed, as well as emissions from machinery, equipment, and trucks. The residential unit has been designed in anticipation of these adjacent conditions, but no representation is made that truck traffic, odors, emissions, heavy equipment noise, and other environmental conditions related to maritime industrial and/or water-dependent industrial activities will not be experienced by unit residents and/or owners.

"Unit residents and/or owners shall not engage in prohibiting the above stated and/or future maritime industrial and/or water-dependent industrial activities or conditions in the East Boston Designated Port Area.

"The management entity, or if relevant, condominium association, shall not use any management entity funds, or if relevant, condominium association funds, to restrict the above stated and/or future maritime industrial and/or water-dependent industrial activities in the East Boston Designated Port Area."

IV. Seaport Bond Funds

The City of Boston's Department of Neighborhood Development will continue to own the Boston East site. Because the site is owned by a public entity, it is potentially eligible for the Commonwealth's Seaport Bond funds.

We urge the City of Boston to explore funding opportunities for infrastructure improvements which can further enhance DPA activities on this site.

Chapter 91 Issues:

The project proponent is requesting relief from three of the dimensional requirements under the Chapter 91 regulations governing height, water dependent use zone, and facilities of public accommodation.

I. Height

Under Chapter 91 regulations, building heights of 55 feet or less within 100 feet of the high water mark and 105 feet or less within 200 feet of the high water mark are allowed. The proponent is seeking a substitution provision which will allow for a uniform height of 85 feet across the non-DPA portion of the site. According to the proponent, "This layout allows for more efficient and economical use of the land as well as an increase (sic) the total amount of open space on the site to more than 57%" (page 4-6 of filing).

More detailed wind and shadow analysis is needed in the Environmental Impact Report to determine the ground level impacts of such a substitution measure on pedestrian and water dependent users.

If only point access is provided in the DPA portion of the site and the remainder of the DPA area is used for DPA activities, the project proponent should re-calculate the amount of open space on site (it will be less than the 57% presently calculated).

II. Water Dependent Use Zone

Under Chapter 91 regulations, new or expanded non-water dependent uses are set back from the waterfront. The setback extends landward from the project shoreline 25% of the depth of the lot, with a minimum of 25 feet and a maximum of 100 feet.

Under the proposed project, the buildings are 53 feet from the project shoreline and two parts of the residential buildings are within the Water Dependent Use Zone covering 3,292 sq. ft. The proponent proposes a substitution to reconfigure the Water Dependent Use Zone to allow a minimum setback of 25 feet while maintaining the Water Dependent Use Zone in a different area of the site.

At TBHA's Harbor Use Committee meeting, it was suggested that the project proponent look not only at the view corridors towards Boston Harbor, but also parallel to the shoreline. Rather than extending the two buildings outward towards the Harbor away from Border Street, it was suggested that the EIR analyze the option of pulling the buildings back to create a horizontal view corridor in line with existing adjacent buildings.

Regarding activities in the Water Dependent Use Zone, we anticipate that during the Chapter 91 licensing process, the proponent will develop a fuller discussion of activities in the WDUZ, such as a fish cleaning station, interpretive signage, and other measures.

III. Facilities of Public Accommodation

Under Chapter 91 regulations governing this project, 75% of the ground floor shall be for facilities of public accommodation (27,640 sq. ft.), and 25% (9,160 sq. ft.) for upper floor accessory services.

The project proponent proposes 14% of the ground floor for facilities of public accommodation (5,290 sq. ft.), of which 1,840 sq. ft. is for the Donald McKay Community Gallery and of which 3,450 sq. ft. is open area within the archway of the building between Border Street and the terraced open space on the waterfront.

It is not clear whether the open space within the archway of the building would satisfy the Chapter 91 requirements for ground floor facilities of public accommodation. The project proponent will no doubt provide additional information during the Municipal Harbor Planning process about options for a bait and tackle shop to support recreational fishing at this site, as well as information about public rest rooms for the general public using the HarborWalk along the non-DPA portion of the site.

The Boston Redevelopment Authority's 2000 East Boston Master Plan called for the creation of a permanent museum in East Boston that "could include exhibits that interpret East Boston's history and development summarized in four basic themes" of American Revolution, Maritime, Immigration, and Transportation (page 29 of Master Plan), and the Plan indicates Boston East as an optional location for the historic and interpretive museum. At one time, the Boston East site was also proposed as a possible location for the Shining Sea Shipyard Museum. We urge the project proponent to work with community leaders, cultural institutions, and others in the development of a maritime interpretive museum or facility within the FPA spaces, given the prominence of this site in the maritime history of Border Street and East Boston.

At last week's East Boston Municipal Harbor Planning Committee meeting, TBHA asked that the City of Boston's Public Facilities Department provide information on needed public facilities to support the extensive new development projects and new residents anticipated along the East Boston waterfront. Community centers, library branch, senior citizen centers, day care facilities, intergenerational facilities, public safety (police and/or fire)

facilities, schools, religious facilities, health facilities, and similar facilities are no doubt needed along the East Boston waterfront, and may be appropriate for ground floor FPA usage at this site. We anticipate a fuller, more detailed analysis as part of the Municipal Harbor Planning process.

Also, more up-to-date information beyond 2004 and 2005 market data may be provided during the Municipal Harbor Planning process to ascertain current and future retail uses along the East Boston waterfront, taking into account that subsequent to 2005, the enhanced MBTA station improvements at Maverick and Airport stations, the new segments of the East Boston Greenway, Massport's newly-opened Navy Fuel Pier Airport Buffer area, and the anticipated Piers Park II (hopefully completed when the Boston East project opens) will bring more workers, residents, and visitors to the area.

Navigational Clearance:

In the event that future floats, piers, or other structures are built on the watersheet, there needs to be sufficient clearance to avoid tankers and ships using the navigational channel. At present, the U.S. Army Corps of Engineers requires 30% of navigational draft. For Boston Harbor, any structure on the watersheet needs to be configured to have a clearance of 120 feet from the edge of the navigational channel.

Sustainable Development:

The project proponent proposes to provide 165 parking spaces on site, with 139 spaces below the residential building for residents (0.7 parking spaces per residential unit).

Given the proximity of MBTA service available to residents at this site and the proximity to planned water transportation at Lewis Mall (to be supported by development at Pier One and at Clippership Wharf), we urge the project proponent to work to further encourage public transportation and water transportation usage at this site, and to decrease the amount of on-site parking.

We highly commend the project proponent for seeking Platinum LEED certification for this project.

Water Quality:

Following construction of the project, we urge best management practices in the on-going maintenance of the site. We assume that the project proponent will file with the City of Boston and relevant state agencies a snow removal plan to ensure that snow is not disposed into Boston Harbor.

According to the project proponent, an existing Boston Water and Sewer Commission combined sewer system is located directly in front of the site on Border Street which connects to a 15-inch MWRA sewer also located on Border Street.

A new 60-inch stormwater outlet from the Border Street separated stormwater system is to be constructed by Boston Water and Sewer Commission. We urge the project proponent to work closely with the Commission and with the MWRA regarding the timing of construction activities to minimize construction disruptions to the community, and anticipate that the City of Boston will provide a permanent easement to the Boston Water and Sewer Commission to allow for maintenance and repair of the outlet.

Any new sewers constructed as part of this project should connect to the Boston Water and Sewer Commission system, not to the MWRA interceptor.

Regarding wastewater flows, the project proponent should offset any new flows to the system with I/I removal or sewer separation to ensure that the benefits of the MWRA's combined sewer overflows (CSO) control plan will be realized.

Thank you for your consideration.

Sincerely,

Vivien Li
Executive Director
The Boston Harbor Association