



NORTH END / WATERFRONT RESIDENTS ASSOCIATION

By email: [Alexander.Stryisky@mass.gov](mailto:Alexander.Stryisky@mass.gov)

October 2, 2020

Secretary Kathleen A. Theoharides  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Subject: ENF for The Pinnacle at Central Wharf (Harbor Garage Redevelopment)  
EEA# 16247

Dear Secretary Theoharides:

The North End Waterfront Residents Association (NEWRA) appreciates this opportunity to submit comments on the Environmental Notification Form for The Pinnacle at Central Wharf (the “Project”) and to provide input to the MEPA process and scoping for the Project. NEWRA is a membership organization of North End/Waterfront residents that regularly provides community input to City and State public review processes and decision-making that can affect the quality of residential life in our community.

NEWRA has a keen interest in the Project for several reasons. As an abutting neighborhood, our residents are regular users of the Downtown Waterfront District’s (the “District”) public amenities and accommodations, including but not limited to public parks, cultural, recreational and water-based resources, and the Harborwalk. And we share a harborfront that is critically important to the residents of the District and our neighborhood. We also shared with the District one municipal harbor plan that was approved by Secretary Tierney in 1991, the “Harborpark Plan,” and have experienced similar types of development - mostly private development - that have been constructed or proposed since that time. We therefore take careful note of the changes that have been approved in the new Downtown Waterfront District Municipal Harbor Plan (the “MHP”) approved by Secretary Beaton with conditions in 2018, as well as the projects that may be approved in accordance with that new plan. While we support, generally, redevelopment of the Harbor Garage, we have the following comments and concerns.

### **Public Process Lacks Required MHP Design and Use Standards**

The MHP was approved as a whole, all of the various pieces including private developments, public amenities, and offsets for approved substitutions to the Chapter 91 regulations. No one piece should move forward without an understanding and assurance of the whole, and each piece should inform the designs and uses of the others. The 2018 decision

approving, “in part,” the Boston Planning and Development Agency’s (“BPDA”) MHP states, on page 53, “The BPDA shall develop the Design and Use Standards for the entire downtown planning area to coincide with and inform the MEPA and Article 80 processes for the proposed projects at the Harbor Garage site and the Hook Wharf site, whichever process is initiated first.”

The MEPA process for the Harbor Garage site has commenced with issuance of the ENF, and we understand that the MEPA Office is scheduled to issue a scope for the Draft Environmental Impact Report (“DEIR”) on October 16, 2020, though the BPDA has not developed Design and Use Standards. We question why the MEPA Office is allowing the MEPA process to move forward contrary to the requirement in Secretary Beaton’s MHP approval. The absence of the Standards already compromises public review of the ENF (and the Article 80 Project Notification Form) and public input to the scope of the DEIR.

The BPDA only recently (August 2020) issued a request for proposals to develop the Design and Use Standards (the “RFP”). The RFP calls for completing the Standards six months following the execution of a contract. Six months puts a serious restriction on the public process for development of standards for the many MHP pieces that need to be implemented on many individual public and private parcels. In the meantime, the MEPA process for the Project and Article 80 review are moving forward expeditiously.

If you must now issue a decision on the ENF and a scope for the DEIR pursuant to state regulations, we request that the decision include 1) the background and purpose of the Design and Use Standards as expressed and as intended by Secretary Beaton in the MHP approval, 2) a scope framework and minimum scope requirements necessary to achieve the intended purpose, 3) a requirement that the full scope of the Standards be developed by the BPDA within the public process at the outset of Standards development, 4) rules for the BPDA’s public process to ensure that the deficiencies in the MHP public process are not repeated, 5) a requirement that the DEIR incorporate the Standards and therefore not be filed until the Standards are completed, and 6) a requirement that the DEIR comprehensively evaluate the Project and its related public amenities and Chapter 91 substitution offsets for conformance with the Standards.

### **MEPA and Article 80 Reviews Should Correct MHP Process Inadequacies**

Environmental review under MEPA is always critically important, but even more so with redevelopment of the Harbor Garage. In his decision approving the MHP, Secretary Beaton expressed (on pages 2 and 3) concerns with stakeholder interactions during the MHP planning process, encouraged the BPDA “to evaluate how the role of and interaction with the Advisory Committee and the incorporation of stakeholder input can be improved in future (MHP) processes,” and urged the BPDA “to engage stakeholders as part of upcoming Article 80 and other regulatory procedures.” We request that the scope of the DEIR include specific direction to provide an assurance of a robust, transparent and responsive stakeholder engagement in the development of the BPDA’s Design and Use Standards and the Project proponent’s DEIR. Secretary Beaton’s concerns raised in the MHP approval suggest inadequacies in the MHP planning process that need to be corrected in the MEPA process.

## **Impacts of Building Height Must Be Reassessed**

Secretary Beaton's approval of offsets for substitution of Chapter 91 height limits at the Harbor Garage site relies on and directs an agreement to be signed by the developer, the New England Aquarium and the City. We understand that the Aquarium has serious objections to the Project, and we believe such objections put into question whether the height substitution is appropriate and will be adequately offset to mitigate impacts. The Project height, at 600 feet (compared to the Chapter 91 limit of up to 155 feet on this site), is hundreds of feet higher than any other building in the District. While the BPDA's MHP and Secretary's Beaton's MHP approval cited nearby buildings of similar height in deeming 600 feet as appropriate, none was located on Tidelands. The highest buildings in the Downtown Waterfront District, Harbor Towers, are 200 feet shorter, and they were constructed at a different time, in a different environment, to satisfy different societal needs.

In the MHP approval (on page 7), Secretary Beaton stated, "The standard for additional building height holds that I must find that the proposed size be relative and modest in order that conditions of the ground level environment will be conducive to water-dependent activity and public access." The potential for building height to have adverse impacts on the public realm and public realm experience is evident in the MHP approval, where the Secretary, while allowing 600 feet at the Harbor Garage site and 305 feet at Hook Wharf, greatly restricted the increase in height of any other buildings in the District, expressly to avoid impacts to the public realm and experience. We request that your scoping determination require a description and discussion of how building height can adversely impact the public realm experience so that the public can understand the potential impacts and determine whether the Project will cause or mitigate these impacts.

## **Development Should Conform to All Relevant Planning Initiatives**

The Introduction to the MHP approval (on page 1) states, "The (MHP) builds on prior planning initiatives that cover the area, including the Harborpark Plan: City of Boston Municipal Harbor Plan (1991), the Inner Harbor Passenger Water Transportation Plan (2000), the Fort Point Channel Watersheet Activation Plan (2002), the City of Boston Open Space Plan 2015-2021, the Greenway District Planning Study Use and Development Guidelines and Overlay District Zoning Code, and the ongoing work under the Climate Ready Boston initiative." We request that the DEIR include a thorough review of these prior plans and any other plans, such as plans to connect North and South stations, insofar as they relate to development within the MHP District, and include explanations of the Project's conformance with, and promotion of, these plans.

## **Development in the District Should Achieve Equity**

A key initiative and goal of the 1991 Harborpark Plan for the Downtown Waterfront District and the North End/Waterfront was inclusivity; specifically, that the waterfronts should not be privatized in a manner that would foreclose or limit opportunities for those not wealthy enough to enjoy access and ownership. Since 1991, uses and developments along the North End/Waterfront have not achieved this goal. High-priced private housing, offices and

hotels abound, the North End Harborwalk and public spaces in development parcels do not adequately promote public use, and the City/BPDA has not moved forward with affordable housing it designated for Sargents Wharf in the Harborpark Plan.

The DEIR should explain, with details, how the Project will grow economic and environmental equity in part by providing for and encouraging diversity in access, enjoyment and ownership for people of all economic levels and races. Everyone paid for the expensive public works projects, including Boston Harbor Cleanup, the Central Artery Tunnel and the Rose Fitzgerald Kennedy Greenway, that have provided access to and enjoyment of the waterfront, the harbor's edge, and water-based uses, and have stimulated waterfront development.

### **Development Must Not Compromise the Public Realm Experience**

The Project as proposed in the ENF will transform the Downtown Waterfront with a tower rising hundreds of feet higher than any other on Tidelands and greatly increasing private, non-water dependent uses, including offices and housing. The project will expand privatization of the Downtown Waterfront vertically. While existing mixed uses support a 24-hour, full-year human presence and enjoyment, the DEIR should explain how the Project will affect the numerical balance of uses, increase public presence and activity (a BPDA goal), and provide enough public accommodations to support the additional private and public users. The DEIR should also explain the appropriateness of siting a significant increase in private uses in an area predominantly meant and used for public enjoyment and accommodation. The DEIR should explain why the Project, non-water dependent, is an appropriate use in this waterfront area that is predominated to great City and State benefit by public open space, public accommodations and water-based uses.

In the MHP approval (on page 47), Secretary Beaton stated, "Through the MEPA review process, project proponents will be required to evaluate alternatives, assess environmental impacts associated with proposed projects, and demonstrate how potential impacts are to be avoided, minimized and mitigated." The alternatives section of the DEIR for the Project takes on greater significance given the Project location on Tidelands and the surrounding public realm and waterfront environment. The scope of the DEIR should require consideration not only of project size alternatives (height and footprint), but also of the Project's proposed uses, proposed as primarily private and non-water dependent, compared to alternatives that may have a greater public benefit.

We question whether the Project is the best use or even an appropriate use of Tidelands at this location. Also, if the primary benefit of the project to the City is to remove the obstructive Harbor Garage and open public view and access to the harbor, why can't the City manage and negotiate a property swap that would allow the developer to remove the Harbor Garage and develop a profitable project on a different parcel where public benefits can be maximized and public realm impacts would be minimized, and allow a different development on the Garage site more in keeping with existing uses.

The Project will result in a "drastic parking reduction," according to the Project team during a BPDA public meeting held on September 9, 2020. The DEIR should identify the current

number and allocation of parking spaces to various private and public uses and the proposed number and allocation of spaces in the Project. The DEIR should describe the current level of use of the public spaces, and how public parking needs, especially public parking associated with waterfront and water-based uses, will be otherwise accommodated if the number of public spaces will be drastically reduced. The DEIR should also explain how bicycle stands will effectively reduce auto parking demand and need at this site.

### **The Project Must Not Harm the Waterfront District or the Harbor**

With respect to Climate Change, we are concerned that the Project and its climate resiliency improvements, including raising the site grade, may be implemented in the absence of a comprehensive Climate Resiliency Plan for the entire district. The DEIR should explain how the Project's climate resiliency improvements conform to improvements that will be made on all other private and public parcels in the District, and also explain how the Project's improvements will not worsen climate related impacts, even temporarily, to other District parcels.

Boston Harbor water quality is degraded by stormwater and combined sewer overflows ("CSO"). We expect that the DEIR will extensively cover proposed stormwater management and stormwater pollution control. Often overlooked or given short shrift is attention to mitigating the potential impact of a project's wastewater flow on the municipal sewer system's performance in wet weather and on CSOs. CSO discharges to Boston Harbor exist in close proximity to the project, and they relieve the same municipal sewer that will collect the Project's wastewater. The DEIR should explain in detail the current performance of the municipal sewer system in wet weather, the current condition of CSOs to Boston Harbor in the vicinity of the Project, and how the Project will mitigate impacts in compliance with Massachusetts Department of Environmental Protection regulations.

NEWRA looks forward to participating in the development of Design and Use Standards for the Downtown Waterfront District and the review of forthcoming regulatory documents and decisions for redevelopment of the Harbor Garage.

Yours truly,



Cheryl Delgreco  
President, NEWRA

cc: Mayor Martin J. Walsh  
Senator Joseph Boncore  
Representative Aaron Michlewitz  
City Councilor Lydia Edwards  
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At-Large City Councilors Annissa Essaibi George, Michael Flaherty,  
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