



The Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs  
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July 13, 2009

Richard McGuinness, Deputy Director for Waterfront Planning  
Boston Redevelopment Authority  
1 City Hall Square  
Boston, MA 02201

Dear Mr. McGuinness:

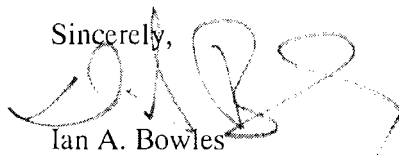
The Executive Office of Energy and Environmental Affairs has received the Boston Redevelopment Authority's (BRA) request for a clarification on the open space substitution granted for the Fort Point Historic North Subdistrict. The request was noticed in the *Environmental Monitor* on May 20, 2009 with a 30-day public comment period that ended on June 19, 2009. The open space substitution was approved in the Secretary's 2000 South Boston Municipal Harbor Plan (MHP) decision and allowed less than 50% of the project site to be reserved as open space for water-dependent activity and public access on vacant infill development parcels. The proposed clarification requests that the approved substitution be extended to include both the north and south subdistricts of the Fort Point Historic District, and that it apply to infill parcels with existing development as well as vacant infill parcels.

The Secretary's 2000 South Boston MHP decision approved the open space substitution for the Fort Point Historic North Subdistrict, acknowledging that it would provide more meaningful open space and would more effectively promote the public's interest than a strict application of the 50% lot coverage standard in the Waterways Regulations. For the remaining subdistricts, including the Fort Point Historic South and Fort Point Industrial Subdistricts, the MHP proposed an open space aggregation program as the land was under common ownership at the time. As you have indicated in your request, the area south of Summer Street, which is located in the Fort Point Historic South Subdistrict, is characterized by similar historic structures as those located north of Summer Street. Additionally, as you have noted, many of the historic structures are no longer under common ownership. Therefore, I believe it is appropriate that the open space substitution also apply to historic structures within this subdistrict, except for those parcels that remain under the control of the Gillette Company which will continue to utilize the approved open space aggregation program. Furthermore, I believe that the rationale for applying the open space substitution to infill parcels with existing development is consistent with my approval to allow such development on vacant infill parcels. If provided onsite, as currently required by the Waterways Regulations, I feel that the amount and location of open space required by this type of infill development would not result in a meaningful benefit to the public.

In consideration of the existing planning context I believe it is necessary to distinguish infill development in the Historic North and South Subdistricts. I am requiring that all infill development in the Historic North Subdistrict contribute to the previously approved City Open Space Fund pursuant to the conditions described in the Secretary's 2000 decision. Furthermore, I am requiring that infill development in the Historic South Subdistrict contribute to the open space funding mechanism described in the 100 Acres Memorandum of Agreement (MOA). I believe that the MOA provides sufficient assurances, with oversight by the BRA, to ensure the provision, protection, and long term maintenance of quality public open spaces. Contributions to this fund should be dedicated to the design, construction, and maintenance of open space located within the 100 Acres Master Plan Area which is subject to Planned Development Area No. 69. Contribution amounts would be based on the area of open space that would be required under Chapter 91, and computed as follows: a one-time assessment of \$100 per square foot for the open space design and construction; and an annual assessment of \$2 per square foot for maintenance. The actual off-site open space areas may be identified at a later date prior to Chapter 91 licensing. Such funding commitments shall be provided concurrent with the individual projects; however, overall project work may be phased. The final design and construction of open space provided to meet these requirements shall satisfy the Chapter 91 standards for open space located on Commonwealth Tidelands.

This decision will be noticed in the July 15, 2009 *Environmental Monitor*. If you have any questions please do not hesitate to contact my staff at 617-626-1064.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian A. Bowles', written over a faint, illegible stamp or background.

Ian A. Bowles

cc: Deerin Babb-Brott, Director, CZM  
Brad Washburn, CZM  
Ben Lynch, MassDEP