



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

OFFICE OF COASTAL ZONE MANAGEMENT

251 Causeway Street, Suite 800, Boston, MA 02114-2136

(617) 626-1200 FAX: (617) 626-1240

Notice of Request to Review the Chelsea Creek Designated Port Area (DPA) Boundary

In accordance with applicable regulations at 301 CMR 25.00, public notice is hereby given of the request by 605 Chelsea LLC, Horizon/McClellan LLC, 440 McClellan LLC, CV 310 McClellan LLC, CV 290 McClellan LLC, CV 370 McClellan LLC, South Terminal Trust, Park Shuttle & Fly Inc., and Auto City Inc. for the Massachusetts Office of Coastal Zone Management (CZM) to initiate a review of the Chelsea Creek DPA boundary. CZM will consider the boundary review request and respond within 45 days.

Copies of the state regulation under which a DPA Boundary review is conducted (301 CMR 25.00) can be obtained at the State Bookstore, State House, Room 116, Boston, MA 02133 or electronically at: <https://www.mass.gov/files/documents/2016/08/wl/301-cmr-25.pdf>.

A translation of this notice is available upon request.

Notification Date: April 7, 2021



March 22, 2021

Ms. Lisa Berry Engler, Director
Massachusetts Office of Coastal Zone Management
251 Causeway Street, Suite 800
Boston, MA 02114

Re: Request for Chelsea Creek Designated Port Area Boundary Review, East Boston, Boston, MA

Dear Ms. Engler:

Landowners 605 Chelsea LLC, Horizon/McClellan LLC, 440 McClellan LLC, CV 310 McClellan LLC, CV 290 McClellan LLC, CV 370 McClellan LLC, South Terminal Trust, Park Shuttle & Fly Inc, and Auto City Inc (collectively the "Applicants") respectfully request that Massachusetts Office of Coastal Zone Management ("CZM") initiate a boundary review for a portion of the Chelsea Creek Designated Port Area ("DPA") pursuant to 301 CMR 25.03.

We are seeking a boundary review of the upland portion of the DPA between the Massachusetts Bay Transportation Authority ("MBTA") rail line and McClellan Highway on the East Boston side of Chelsea Creek, from approximately the Boston/Revere border south to Chelsea Street, as shown on Attachment A, Boundary Review Plan. This section of the DPA does not function as a DPA, has no deep-water access, and is devoid of any bona fide maritime industrial uses. Pursuant to 301 CMR 25.03(1), also attached is a list of parcel information for the affected review area, including the mailing addresses for all persons owning property in the area to be reviewed (see Attachment B, Parcel List).

The area within the Chelsea Creek DPA was designated as such in 1978, following CZM's establishment of the DPA program. DPAs are intended to protect coastal areas with the physical and operational features needed for water-dependent industrial businesses. While the Applicant recognizes the critical nature of the Chelsea Creek waterway for the regional petroleum distribution business and the economic and environmental significance of DPAs for the city and the region, based on the conditions present in 1978, we believe the parcels between the rail line and McClellan Highway should not have been included within the DPA. It is timely to reevaluate the boundaries of the DPA given that these specific properties have not been used for active transfer of cargo between ship and shore since the late 1950s, were not in maritime industrial use at the time of designation in 1978, and are physically and legally separated from the water with no access rights.

Further, recent and ongoing planning initiatives including Climate Ready East Boston and Vision Chelsea Creek have identified the land between Chelsea Creek and McClellan Highway as an opportunity to increase public access along the waterfront and address current and future coastal flood resilience and transportation problems affecting the community. However, the development needed to drive investment in such improvements is precluded by Chapter 91 DPA use limitations. Such use limitations are discouraging the development of market-based uses compatible with the surrounding area and thus limiting economic activity and job creation in the area.

No site within the DPA boundary review area has been used to transfer cargo between ship and shore in the last 60 years. The most recent water-dependent industrial use within the review area was the U.S. Naval Fuel Annex between 1942 and 1964. The U.S. Navy began construction of pipelines and tanks, which were connected to a fueling pier in Chelsea Creek, in 1942 and operated the site between 1943

and the late 1950s. The property was then decommissioned, declared surplus, and ultimately sold in 1964.

Since the DPA designation in 1978, the parcels within the DPA boundary review area have not had any uses requiring the transfer of cargo between ship and shore. In fact, several parcels have never had any such use at any time in the past, in part due to the lack of access to the water resulting from the Boston & Maine (“B&M”) Railroad right-of-way along the shoreline. Service along the B&M East Boston Branch rail corridor was discontinued in approximately 1972. The MBTA bought the B&M commuter rail assets in 1976, including this unused branch line.

In addition to a lack of direct water access and infrastructure necessary for navigation or direct use of the water, unlike other portions of the DPA, the parcels within the boundary review area are generally small. The smaller parcel size creates a situation where it is difficult to site water-dependent industrial facilities and operations given the backland area’s small physical space and character.

The only parcel with direct water access is the former Massachusetts Water Resource Authority (“MWRA”) East Boston Pumping Station at 605 Chelsea Street. First constructed in 1894 and rebuilt following the Great Chelsea Fire of 1908, the historically significant station was taken out of active service in 1990. The building meets the criteria for listing on the National Register of Historic Places. Water-dependent industrial use at the site would require demolition of the historic structure and create significant navigational hazard due to the proximity to the Chelsea Street Bridge, the narrow width of the channel, and size of vessels using the Chelsea Creek Channel.

Chapter 91 regulations provide for the review and approval of structures and uses in DPAs, with specific focus given toward protecting water-dependent industrial uses. The implementation of DPA policies within the boundary review area is difficult as a large amount of land is not subject to Chapter 91 jurisdiction (see Attachment C, Chapter 91 Licenses within the Chelsea Creek DPA Boundary Review Area). The disconnect between the area within Chapter 91 jurisdiction and present DPA boundary is reflected in Attachment C.

This request for a boundary review for a portion of the Chelsea Creek DPA pursuant to 301 CMR 25.03 is brought forward by the landowners of specific parcels within the boundary review study area and supported by members of the East Boston elected state and city delegation (see Attachment D, Letter from Elected Officials).

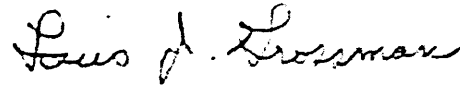
The Applicant recognizes that the boundary review will determine whether areas now included in the DPA are substantially in conformance with the criteria that govern suitability of the land to accommodate water-dependent industrial use. The Applicant understands the boundary review will follow a public process as specified at 301 CMR 25. The public process will include opportunities for the public to participate in the information gathering process and to provide comments on CZM’s draft designation report.

We appreciate your willingness to undertake this review and look forward to working cooperatively with you to engage the public in this issue. We are happy to answer any questions you may have about the parcels in question.

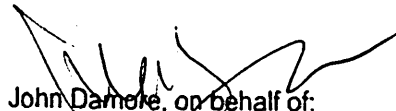
Sincerely,



Jake Citrin, on behalf of:
605 Chelsea LLC, Horizon/McClellan LLC,
440 McClellan LLC, CV 310 McClellan LLC,
CV 290 McClellan LLC, and
CV 370 McClellan LLC



Louis Grossman, on behalf of:
South Terminal Trust



John Damore, on behalf of:
Park Shuttle & Fly Inc and Auto City Inc.

cc: Martin Suuberg, Commissioner, Department of Environmental Protection (DEP)
Daniel Padien, Waterways Program Chief, DEP
Erikk Hokenson, Boston Harbor Regional Coordinator, CZM
Brian Golden, Director, Boston Planning & Development Agency (BPDA)
Richard McGuinness, Deputy Director for Climate Change & Environmental Planning, BPDA

Enclosures: Attachment A – Boundary Review Plan
Attachment B – Parcel List
Attachment C – Chapter 91 Licenses within the Chelsea Creek DPA Boundary Review
Area
Attachment D – Letter from Elected Officials



Attachment B: Parcel List

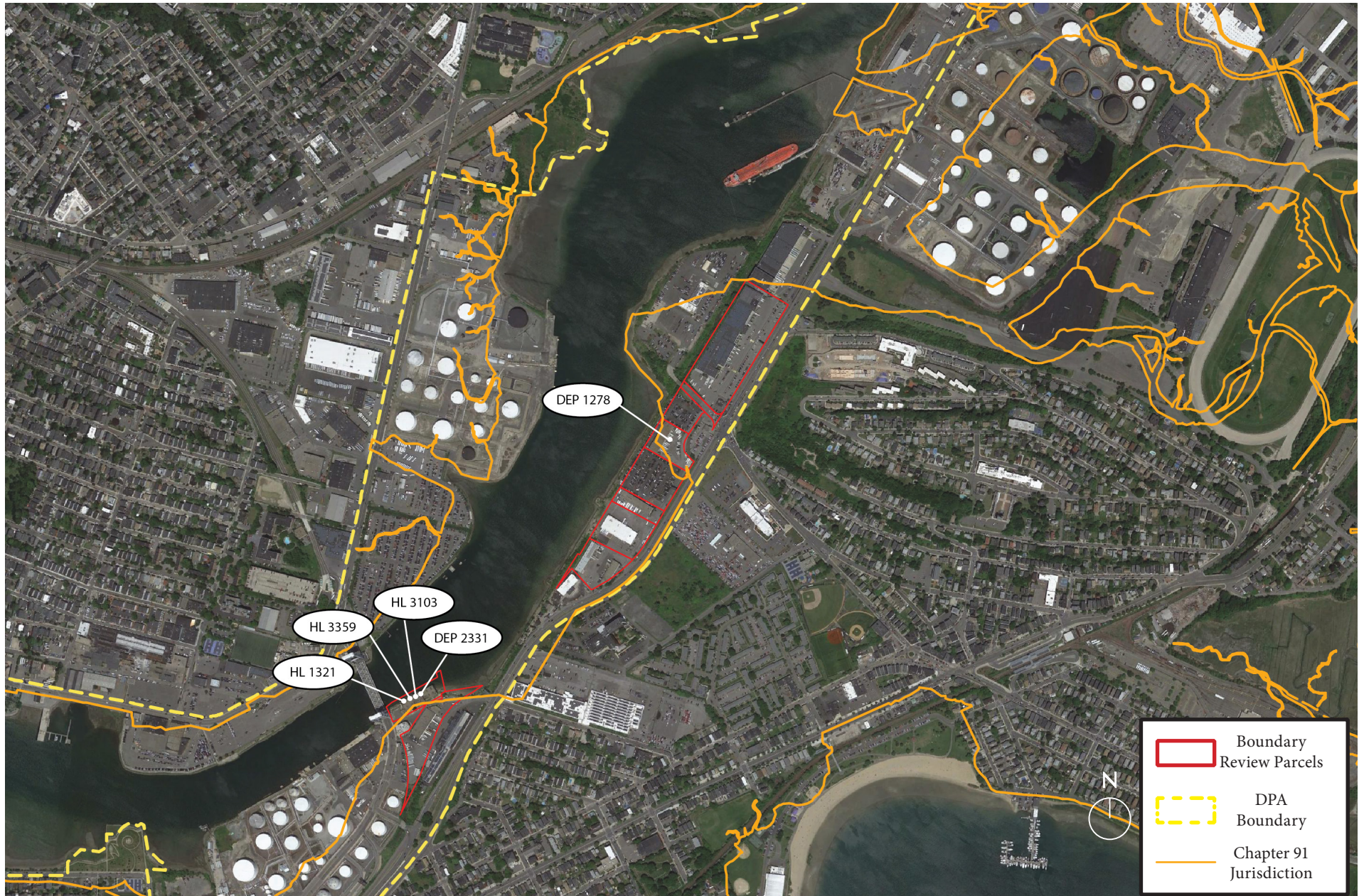
Parcel ID	Street Address	Owner	Owner Mailing Address	Area (Acres)
100440010	605 Chelsea Street, East Boston, MA 02128	605 Chelsea LLC	c/o Cargo Ventures LLC, 1441 Brickell Avenue, Suite 1012, Miami, FL 33131	1.42
100438010	160 McClellan Highway, East Boston, MA 02128	Horizon/McClellan LLC	c/o Cargo Ventures LLC, 1441 Brickell Avenue, Suite 1012, Miami, FL 33131	2.85
101666020	240 McClellan Highway, East Boston, MA 02128	South Terminal Trust	c/o Grossman Company, One Adams Place, 859 Willard Street, Suite 501, Quincy, MA 02169	2.28
101666015	290 McClellan Highway, East Boston, MA 02128	CV 290 McClellan LLC	c/o Cargo Ventures LLC, 1441 Brickell Avenue, Suite 1012, Miami, FL 33131	2.82
101666010	310 McClellan Highway, East Boston, MA 02128	CV 310 McClellan LLC*	c/o Cargo Ventures LLC, 1441 Brickell Avenue, Suite 1012, Miami, FL 33131	1.07
101666005	William F McClellan Highway, East Boston, MA 02128	Park Shuttle & Fly Inc.	320 McClellan Highway, Boston, MA 02128	2.98
101666000	370 McClellan Highway, East Boston, MA 02128	CV 370 McClellan LLC*	c/o Cargo Ventures LLC, 1441 Brickell Avenue, Suite 1012, Miami, FL 33131	1.76

* Not yet reflected in current assessors data.

Attachment B: Parcel List

Parcel ID	Street Address	Owner	Owner Mailing Address	Area (Acres)
101665000	William F McClellan Highway, East Boston, MA 02128	Auto City Inc	c/o Park Shuttle & Fly Inc., 320 McClellan Highway, Boston, MA 02128	1.26
101663000	William F McClellan Highway, East Boston, MA 02128	Auto City Inc	c/o Park Shuttle & Fly Inc., 320 McClellan Highway, Boston, MA 02128	0.48
101662000	440 McClellan Highway, East Boston, MA 02128	440 McClellan LLC	c/o Cargo Ventures LLC, 1441 Brickell Avenue, Suite 1012, Miami, FL 33131	7.75

* Not yet reflected in current assessors data.



Attachment C: Chapter 91 Licenses within the Chelsea Creek DPA Boundary Review Area

Parcel ID	Address	Owner	License #	Date of License	Overview of Licensed Work
100440010	605 Chelsea Street, East Boston, MA 02128	605 Chelsea LLC	HNL 1321	February 19, 1891	fill and building
			HNL 3103	September 12, 1906	pipe
			HNL 3359	April 9, 1909	wharf and building addition
			DEP 2231	May 16, 1990	remove portion of wharf and construct pile-supported walkway
101666000	370 McClellan Highway, East Boston, MA 02128	370 McClellan Highway Realty Trust	DEP 1278	July 8, 1985	outfall pipe

Attachment D: Letter from Elected Officials



THE GENERAL COURT OF MASSACHUSETTS
STATE HOUSE, BOSTON, 02133-1053

March 11th, 2021

Director Lisa Berry Engler
Office of Coastal Zone Management
251 Causeway St., Suite 800
Boston, MA 02114

Re: East Boston Harbor and Chelsea Creek Designated Port Area Review

Director Engler:

We write to the Massachusetts Office of Coastal Zone Management (CZM) as members of the East Boston elected state and city delegation in support of a modification of the East Boston Designated Port Area (DPA). In addition, we urge CZM to include the Chelsea Creek DPA in the existing review process given the numerous benefits of an interconnected shoreline for current and future East Boston residents.

East Boston has a rich and deeply-rooted maritime history. Waterfront dependent uses date back to the early 1700's and our neighborhood was home to famed clippership builder Donald McKay in the late 19th century. The East Boston shoreline welcomed generations of new immigrants on passenger vessels for decades as they first made landfall in America. In subsequent years, the East Boston waterfront remained a hub for industrial activity even as some lots were modified for recreational use or redevelopment purposes.

As you know, the existing [East Boston DPA](#) was established by the CZM in 1978, reviewed and subsequently modified in 2002, and modified again in 2008. The DPA designation provided protection for water dependent industrial (WDI) uses and fostered economic growth in the community. The recent modification in 2008 provided the opportunity to revitalize vacant lots of the post-industrial era to meet the growing demands for residential housing, commercial space, and invaluable water adjacent parks.

Today, the City of Boston, guided by [Imagine Boston 2030](#), seeks to achieve “[A Waterfront for Future Generations](#)” by preserving key areas for vital water-dependent industries while enhancing and expanding the public’s access to the waterfront. The assessment and vision contemplates actions in specific neighborhoods that include, but are not limited to: forming networks of connected open space, growing the diversity of experiences along stretches of the waterfront, expanding connections between neighborhoods and the waterfront; strengthening and expanding waterfront housing and job centers; and, deploying proactive zoning to create predictable permitting processes for greater public benefits. Imagine Boston 2030 has identified the East Boston harborfront, as well as the Chelsea Creek, as areas of opportunity to meet these principles in order to create a resilient, inclusive, and sustainable waterfront for all.

We are pleased with CZM’s decision to accept the request of the Boston Planning and Development Agency (BPDA) and expand the scope of review to include the entire East Boston DPA. The review of the entire DPA, in tandem with [Climate Ready Boston](#) and [PLAN: East Boston](#), offers another opportunity to imagine what is possible for the future of East Boston and how to respond boldly to the challenges it faces today. A modernized shoreline will protect our neighborhood from the threat posed by climate change, allow for the creation of much-needed affordable and family housing, spur economic growth for local businesses, and meet a growing demand from residents for greater stewardship of the waterfront. Therefore, we support the modification of the DPA to exclude specific lots that will allow for such uses and align with the core principles of the Imagine Boston 2030 waterfront assessment.

We also urge the CZM to consider the [Chelsea Creek DPA](#) during this review to remain consistent with the City’s existing planning initiatives. Imagine Boston 2030 specifically identifies the Chelsea Creek corridor as part of a neighborhood wide collective waterfront revisioning. There are existing review or planning processes already underway on behalf of the City and by advocacy organizations. [Climate Ready Phase II East Boston](#) is in the process of providing recommendations for climate resilient measures of the Creek that both adapts the shoreline and protects residents who live within the 100 year flood zone. The Harborkeepers, a local environmental justice non-profit, recently launched and completed [Vision Chelsea Creek](#) to re-imagine an abandoned railway site along the industrial shoreline as a future extension of the East Boston harborwalk.

Moreover, the shoreline along the creek has potential to connect residential areas and provide better waterfront access to those who live nearby. A major component of PLAN: East Boston is to increase interconnectivity between neighborhood destinations via multi-modal transit and open space networks. If modifications are allowed, the Chelsea Creek can transform into a vibrant community hub with passive and active recreational opportunities enjoyed by residents and visitors for future generations.

The East Boston waterfront remains a treasured asset from the East Boston Shipyard & Marina to Piers Park, the Condor Street Urban Wild all the way to Constitution Beach in Orient Heights. The advantages of de-designating the existing East Boston and Chelsea Creek DPAs are immeasurable and allow uses that can address modern challenges such as the regional housing crisis, lack of commercial space for local businesses, and climate change. In addition, an extended harborwalk to Chelsea Creek would provide an interconnected, non-motorized corridor and an opportunity for waterfront stewardship with equitable access to water for all residents. It is for these reasons that we support both the modification of the East Boston DPA and consideration to include modification of the Chelsea Creek DPA within the current review. We appreciate your consideration on this matter and look forward to working in partnership with the Executive Office of Energy and Environmental Affairs, the CZM, the City of Boston, and the BPDA.

Sincerely,



Lydia Edwards
Boston City Councilor
District One



Joseph Boncore
State Senator
First Suffolk and Middlesex District



Adrian Madaro
State Representative
First Suffolk District

CC: Erik Hokenson, Boston Harbor Regional Coordinator, Coastal Zone Management
Tyler Soleau, Coastal Zone Management