



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

October 17, 2008

PUBLIC BENEFITS DETERMINATION
OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS

PROJECT NAME: Seaport Square – Phase 1
PROJECT MUNICIPALITY: Boston
PROJECT WATERSHED: Boston Harbor
EEA NUMBER: 14255
PROJECT PROPONENT: **Gale International**, Morgan Stanley and W/S Development Associates, LLC
DATE NOTICED IN MONITOR: June 11, 2008

Consistent with the provisions of *An Act Relative to Licensing Requirements for Certain Tidelands*, I hereby determine that the above-referenced project will have a public benefit.

Project Description

As described in the Expanded Environmental Notification Form (EENF), the Seaport Square project will establish 20 new urban blocks in South Boston's waterfront district. The Proponents propose to construct 19 new buildings on approximately 23 acres of land. The project site is generally defined by Northern Avenue, Seaport Boulevard, Congress Street and Summer Street. The building program includes approximately 6.5 million square feet (sf), consisting of 2.75 million sf of residential space, 1.25 million sf of retail space, 1.4 million sf of office and research space, 500,000 sf of hotel space, and 600,000 sf of educational, civic and cultural uses. The project is proposed as a partnership between Gale International, Morgan Stanley and W/S Development Associates, LLC (the Proponents). The project is intended to be constructed continuously over seven to ten years.

The Proponents have designated a first phase of the project, as outlined in the Phase 1 Waiver request. In Phase 1, the Proponents propose to develop three blocks of the project area - Blocks A, H and J. Block A will include 54,400 sf of residential space and 27,200 sf of retail/restaurant space for a total of 81,600 sf. Block H will include 72,700 sf of residential space

and 19,400 sf of retail/restaurant space, for a total of 92,100 sf. Block J is the proposed new site of the Catholic Archdiocese of Boston's Our Lady of Good Voyage Chapel, which is currently located at 65 Northern Avenue. The relocated Chapel will be approximately 25,000 sf. The total gross floor area for the three blocks is 198,700 sf, or approximately 3 percent of the total project.

The project is envisioned as a transit-oriented development which will provide significant improvements to the public realm, including new public open spaces, new streets, extensive streetscaping and bicycle- and pedestrian-friendly areas. The proposed uses will be organized around two open spaces, Seaport Square and Seaport Hill, while Seaport Boulevard itself will become an extensively landscaped urban space. The Proponents have committed to working toward Leadership in Energy and Environmental Design – Neighborhood Development (LEED-ND) Silver for the overall project. In addition, the Proponents are targeting a LEED – New Construction (NC) Silver standard on Blocks A and H. Because construction on Block J will be directed by the Archdiocese, the final design parameters of the building have not been finalized.

The project site currently consists of public for-fee parking lots, which hold City of Boston Air Pollution Control Commission permits for 3,647 commercial spaces. The Proponents propose to provide commercial parking spaces for 4,500 vehicles and 2,000 residential parking spaces in five new underground parking garages. The balance of the project after Phase 1 will be built on a series of large “bathtubs” with floor plates containing efficient below-grade parking and loading. Each of these bathtubs will provide platforms upon which multiple buildings will then be constructed. According to the Proponents, considerable construction efficiencies will be realized by constructing these bathtubs in a continuous sequence.

Phase 1 Project Description

As outlined in the EENF, Block A is proposed to include an approximately 81,600 sf building that will contain one level of underground parking for residents, two floors of commercial and retail space, and condominium residences on the upper four floors. The building is conceived as a gateway to South Boston, and is situated along Fort Point Channel between the Evelyn Moakley and Northern Avenue bridges. The design of Block A anticipates the reconstruction of Old Sleeper Street, with ground level retail spaces facing Fort Point Channel, and will create an active public plaza between Block A and the existing Barking Crab restaurant.

Block H is the first building site along the south side of Seaport Boulevard. Currently the site contains a parking lot at the elevation of the neighboring Fort Point Wharf area buildings, two to three feet below the new sidewalk of Seaport Boulevard. Building H will contain approximately 92,100 sf of space, including approximately 19,400 sf of retail in the first two floors and 72,200 sf of residential in the floors above. From the Evelyn Moakley bridge, Blocks A and H form a pair of new buildings that frame the gateway to the Seaport Square development.

The Our Lady of Good Voyage Chapel will be located in a new building on Block J, which will include new worship space and a residence for the Chapel's pastor. Block J is located next to the Silver Line station on the corner of Seaport Boulevard and Farnsworth Street. The proposed building program on Block J is approximately 25,000 sf.

A total of 43 new parking spaces are proposed below-grade at Block A to serve the residential units. This reflects a decrease from the 68 spaces currently located on the site. No parking spaces are proposed for the retail/restaurant use on Block A, or for the proposed uses on Blocks H and J. During the construction of Phase 1, users of Blocks A, H and J will utilize nearby surface parking lots which can be accessed from Sleeper Street or Northern Avenue. Upon completion of the full project, users of the Phase 1 blocks will also be able to park in newly constructed underground parking garages and surrounding on street parking.

Landlocked Tidelands

Consistent with the provisions of *An Act Relative to Licensing Requirements for Certain Tidelands* (2007 Massachusetts Acts Chapter 168, Section 8) (the Act), which was enacted on November 15, 2007, I *must* conduct a Public Benefits Review for projects in tidelands that are required to file an Environmental Impact Report.

The legislation states the following regarding the Public Benefits Determination:

“In making said public benefit determination, the secretary shall consider the purpose and effect of the development; the impact on abutters and the surrounding community; enhancement to the property; benefits to the public trust rights in tidelands or other associated rights, including, but not limited to, benefits provided through previously obtained municipal permits; community activities on the development site; environmental protection and preservation; public health and safety; and the general welfare; provided further, that the secretary shall also consider the differences between tidelands, landlocked tidelands and great pond lands when assessing the public benefit and shall consider the practical impact of the public benefit on the development.”

To support the Public Benefits Determination, I have reviewed the EENF and comments received on the project. The following addresses each of the considerations identified in the legislation.

1. purpose and effect of the development

The purpose and effect of the Phase 1 development will provide year-round activation of Commonwealth tidelands by creating a locus of activity and public amenities and by providing a safe and enjoyable walking route to the South Boston waterfront. The purpose and effect of Phase 1 is consistent with the City of Boston's Seaport Public Realm Plan and the South Boston Municipal Harbor Plan (SBMHP).

Pursuant to the SBMHP, the Proponents are required to provide 9,742 sf of public open space in conjunction with the Phase 1 development. The Proponents have identified the SBMHP Parcel E as a potential location for the required open space. Parcel E consists of approximately 8,075 sf of open space that was “banked” in the SBMHP as open space offsets for future Seaport Square development projects. In addition, the Proponents have proposed improvements to Old Sleeper Street that would include an active open space area with art

installations, landscaping and potential restaurant seating, as well as serving as a link between the Harborwalk at the Children's Museum and the Old Northern Avenue Bridge. Of the approximately 8,096 sf of open space on Old Sleeper Street, at least 50 percent is proposed to be publicly accessible. Parcel E, in combination with open space on Old Sleeper Street would provide approximately 16,981 sf of open space, which is greater than what is required for Phase 1 in accordance with the Chapter 91 regulations. MassDEP and the Office of Coastal Zone Management (CZM) have expressed support for the proposal to count Old Sleeper Street towards the open space requirement for Phase 1. Additionally, improvements to Old Sleeper Street will require approvals from the City of Boston's Public Works Department and Public Improvements Commission.

2. impact on abutters and the surrounding community

I note concerns submitted in comments regarding the height and impact of the proposed building on Block H. The portion of the Block H building within Chapter 91 jurisdiction is 85 feet tall, pursuant to limits set forth in the SBMHP. The taller portion of the building outside of Chapter 91 jurisdiction reaches to a maximum height of 116 feet. The proposed building will undergo additional review through the City of Boston's design and review process to ensure that impacts to the ground-level environment are minimized as well as any wind and shadow impacts to adjacent buildings, and I encourage the Proponent to address abutters' concerns during the local review process.

Because Old Sleeper Street is a public way, the use proposed in the EENF requires approval from the City of Boston. This Determination is accordingly conditioned on the Proponents providing MassDEP with written evidence of the support of the BRA, the City of Boston's Municipal Harbor Planning body, for the use of Old Sleeper Street in a manner that does not adversely affect access to and the operations of the various businesses located on Old Sleeper Street, which include water-dependent uses, both during the construction period and post-construction. The Proponents must ensure that existing service functions for these businesses are maintained and/or improved through the proposed improvements to Old Sleeper Street. The Proponents must also ensure that proposed improvements to Old Sleeper Street do not impede any future uses at the Barking Crab Restaurant and/or Neptune Marine Services, including the future provision of a section of the Harborwalk, as envisioned in the Secretary's Decision on the SBMHP.

3. enhancement to the property

Currently, project site is comprised of impervious surface parking lots. Phase 1 of the project will provide civic uses and create a sense of place where none exists now by providing buildings, sidewalks and landscaped areas.

4. benefits to the public trust rights in tidelands or other associated rights

Blocks A, H and J will create a gateway to the South Boston Waterfront from Boston's central business district and will substantially increase public access, use and enjoyment of flowed and filled tidelands protected under Chapter 91 through the following measures:

- creation of a new public open space on the Fort Point Channel waterfront;
- creation of a new pedestrian connection for the Harborwalk;
- provision of open space on Parcel E in accordance with the 2000 South Boston Municipal Harbor Plan;
provision of an open space improvements fund if offsets are not fulfilled on Parcel E and/or Old Sleeper Street;
- provision of seasonal programming for community events;
- provision of new Facilities of Public Accommodation on the ground floors of buildings to be constructed on Blocks A and H in accordance with Chapter 91; and
- protection of adjacent open spaces through restrictions on building heights in accordance with the 2000 SBMHP (75 feet for Block A and 85 feet for that portion of Block H under Chapter 91 jurisdiction).

5. community activities on the development site

Phase 1 of the project will provide approximately 110 residential units and ground-level retail, commercial and restaurant uses, thereby providing year-round activation. The restaurant will provide outdoor seating. Old Sleeper Street will be improved to provide a missing link of the Harborwalk, connecting the Children's Museum to the Old Northern Avenue Bridge, which can provide the setting for a range of community activities and events.

6. environmental protection and preservation

Blocks A, H and J are currently used for surface parking, a use that generates oil, grease, pollutants and sediments. The proposed new uses on these parcels will improve water quality runoff from the site through the provision of an improved stormwater management system. Additionally, the proposed open spaces will likely result in a significant increase in permeable ground.

Blocks H and J are located in the City of Boston's Groundwater Conservation Overlay District. There will be no potential adverse impacts to groundwater at Blocks H and J because no below-grade basement space is proposed. The one-level basement at Block A will be excavated at or just below groundwater levels. The design and construction techniques at this parcel will mitigate potential impacts to groundwater levels. The Proponents will ensure compliance with the requirements of the Boston Groundwater Conservation Overlay District and must coordinate with the Massachusetts Water Resources Authority (MWRA) and the Boston Water and Sewer Commission (BWSC) regarding construction dewatering for the Block A site. Pursuant to Article 32, Section 6 of the Boston Zoning Code, the proponent will certify that the project will not negatively impact groundwater levels on the site or on adjacent lots.

7. *public health and safety*

The replacement of parking lots with active residential, retail, commercial and civic uses will promote public safety. Additionally, proposed streetscape improvements, including lighting, landscaping and curbing will encourage walking.

Conclusion

The proposed public benefits of Phase 1 of the Seaport Square project appear to be appropriate for the project's impacts on landlocked tidelands. Based on the foregoing, I hereby determine that the project will have a positive public benefit. To meet the public publication requirements of the Act, this Determination will be published in the next edition of the Environmental Monitor on October 22, 2008.

October 17, 2008

Date



Ian A. Bowles

IAB/RB/rb