

**Compliance Review and Decision on the City Of Boston's
Charlestown Navy Yard
Waterfront Activation Network Plan and
Water-Dependent Use Management Plan**

**Pursuant to:
Requirements 7 & 8 of the
*1991 Decision on City of Boston Request for Approval of the Boston Harborpark Plan***

April 4, 2008

**Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Phillip Griffiths, Undersecretary**

Today, on behalf of Secretary Ian A. Bowles,¹ I am approving, subject to the conditions discussed below, the Waterfront Activation Network Plan ("Network Plan") and the Water-Dependent Use Management Plan ("Management Plan") for the Charlestown Navy Yard submitted by the City of Boston ("City"), dated May 25, 2007. My approval decision is generally governed by Requirements 7 and 8 of the Secretary's 1991 *Decision on City of Boston Request for Approval of the Boston Harborpark Plan* ("1991 Decision") within the context of the Municipal Harbor Planning regulations at 301 CMR 23.00.

Pursuant to the procedures set forth in Requirements 7 and 8 of the Secretary's 1991 Decision, the Network Plan and the Management Plan were submitted to the Executive Office of Energy and Environmental Affairs (EEA) on May 25, 2007. Written comments were accepted during an extended, 60-day comment period ending August 10, 2007.² During this comment period, a public hearing was held in the City of Boston on June 27, 2007, and oral comments were accepted. Forty-nine written comment letters were received during the comment period. These included comments from neighborhood residents, elected officials, state agencies, and waterfront advocacy organizations. In addition, the review process included an extended consultation session with staff of EEA, the Massachusetts Office of Coastal Zone Management (CZM), and the Waterways Regulation Program of the Department of Environmental Protection (MassDEP). In response to public comments and input received during the consultation session, the Boston Redevelopment Authority (BRA) submitted revised and updated information on the proposed offsetting measures. A summary of these offsetting measures was publicly noticed in the Environmental Monitor on February 20, 2008.

¹ Secretary Ian A. Bowles recused himself from the process as he is a resident of Charlestown.

² The public comment prescribed by rules at 301 CMR 23.04(3) is 30 days. The public comment period was extended at the request of the Friends of the Charlestown Navy Yard to ensure sufficient time for review and comment.

Background

The Municipal Harbor Planning Regulations (301 CMR 23.00) establish a voluntary process under which cities and towns may develop and submit Municipal Harbor Plans to the EEA Secretary for approval. These plans serve to promote and implement a community's planning vision for their waterfront and to inform and guide state agency decisions necessary to implement such a vision. Approved Municipal Harbor Plans provide licensing guidance to MassDEP in making decisions pursuant to MGL c. 91 and the Waterways Regulations (310 CMR 9.00). Approved harbor plans may establish alternative numerical and dimensional requirements (e.g., substitute provisions) to the requirements specified by the Waterways Regulations—such as increased building heights and footprints, modifications to interior and exterior public space requirements, and the location and amount of privatization—provided that adverse effects to public rights along the waterfront are mitigated with appropriate offsetting measures.

In 1991, the Secretary of Environmental Affairs approved the City's Municipal Harbor Plan ("Boston Harborpark Plan"), the Commonwealth's first state-approved Municipal Harbor Plan. In addition to substitute provisions related to open space, setbacks, facilities of public accommodation, and building height, the Secretary's 1991 Decision approved a substitute provision allowing facilities of private tenancy over flowed tidelands at Battery Wharf in the North End, and Tudor Wharf and Pier 5 in the Charlestown Navy Yard.

My decision today is focused on the 1991 Decision requirements triggered by the waterfront development at Pier 5. The proposed development is not seeking waivers for open space, ground floor facilities of public accommodation, setback distances, or height limits. The siting of facilities of private tenancy over flowed tidelands at Pier 5 is the only deviation from Chapter 91 standards, and a waiver allowing this deviation was approved in the 1991 Decision, subject to certain conditions to preserve and promote public use of the project site, as set out in Requirements 7 and 8. Requirement 7 of the 1991 Decision created specific requirements for facilities of private tenancy, including height limits, minimum setbacks, restrictions for siting such facilities on ground-floors, and limitations on parking in order to set guidelines that avoid conflict and minimize incompatibility with the operation of nearby water-dependent uses and/or public activities. Requirement 8 established baseline offsetting measures for facilities of private tenancy over flowed tidelands, requiring a network of well-distributed special public destination

facilities to preserve public access to the waterfront, to attract the public to the waterfront, and to provide links to other waterfront locations along the harbor.

The Pier 5 project, as currently proposed, includes the construction of a five-story building with upper floor residential facilities of private tenancy over flowed tidelands, commercial uses on the ground floor, and interior and exterior public spaces. The public open space on that parcel will include approximately 1,400 linear feet of new walkway to the Harborwalk, along which the public will be provided with benches and other pedestrian amenities. The park at the end of Pier 5 will incorporate special features such as seasonal planters, art/sculptures, an expanded public space, and seating. In response to the Requirements of the 1991 Decision, the Network and Management Plans have been developed in the context of the proposed Pier 5 project. My findings relative to the compliance of these Plans and their subsequent modifications are set forth below.

As of the date of this decision, the Pier 5 project has been reviewed through the City of Boston's Article 80 process and the state's Massachusetts Environmental Policy Act (MEPA) process, and the design of the project has been modified to reflect both community and public agency comments. Additionally, many helpful comments were received during the public hearing and comment period on the Network and Management Plans, and these are reflected in this decision. I would like to thank the Municipal Harbor Planning Advisory Committee and the Charlestown community, as well as organizations such as The Boston Harbor Association, the Charlestown Waterfront Coalition, the Friends of the Charlestown Navy Yard, and the Conservation Law Foundation for their input during this process. I would also like to commend the efforts of BRA staff who have worked closely with EEA staff during this process. As a result of their valuable contributions, I am satisfied that the Plans have been modified to enhance public access and public amenities on and near the project site in such a way that complies with the requirements of the 1991 Decision.

Compliance Review

This decision presents my findings on how the Network Plan and Management Plan, dated May 25, 2007, and updated during the consultation session, satisfy the Secretary's 1991 Decision Requirements 7 and 8 for the City's Municipal Harbor Plan.

As set forth in these requirements, I must determine that these Plans implement necessary measures to (a) limit the density of facilities of private tenancy over flowed tidelands, (b) expand the presence of facilities of public accommodation as a means of offsetting the increase in private usage that would otherwise be excluded from the waterfront, and (c) minimize conflict and incompatibility with the operation of nearby water-dependent uses.

As further explained below, I believe that the Management and Network Plans provide appropriate measures to effectively minimize the potential for conflict between water-dependent and nonwater-dependent uses, limit facilities of private tenancy, and ensure public use and enjoyment that offset the increase in private usage.

The Management Plan provides implementation measures to limit the density of private tenancy over flowed tidelands by establishing height limits and minimum setback distances, and by placing restrictions on ground-floor uses in order to avoid conflict and minimize incompatibility with the operation of nearby water-dependent uses and/or public activities. The measures discussed in the Management Plan also include construction techniques to lessen noise impacts and management and operational instruments, such as lease and deed disclosure statements, that will inform potential tenants of the presence of adjacent water-dependent uses.

The Network Plan includes new public destination facilities that are linked through the use of contextual themes and are accessible from the existing sections of the Harborwalk. The plan also integrates existing destinations, such as the National Park Service Area, into a wider framework of new open spaces and special destinations. The plan proposes a distributed public destination facility network that includes the following: 10,500 square feet of interior public destination facility space at Pier 5; 3,500 square feet of interior public destination facility space at Building 114; 4,000 square feet of interior public destination facility space at Parcel 7; 6,000 square feet of interior public destination facility space at Parcel 5; and a 10,000 square foot exterior public destination facility with a year-round pavilion, new seating amenities, new landscaping, new lighting, and a new interpretive exhibit and signage for a special park and visitor gathering place at the end of Pier 4. The plan also includes various open space and public

access improvements including: gateway improvements to enhance access to the Charlestown neighborhood; use of the exterior of the historic Pumphouse at Drydock #2 as the center of the Story Loop network; historic and interpretive exhibits and signage; and additional Harborwalk signage, wayfinding elements, and improved lighting.

Although public comments were received on issues such as vehicular and pedestrian traffic, it is important to clarify that my review here is concerned with the Network and Management Plans' conformance to the Requirements of the 1991 Decision that allow the location of facilities of private tenancy over flowed tidelands. As with similar decisions related to harbor planning, I will look to the MEPA and Chapter 91 licensing processes to ensure that concerns raised regarding project-level details, such as the sizing of rooftop mechanicals, the interior layout of ground-floor uses, the landscape design of exterior public spaces, and air quality and traffic, are resolved in a satisfactory manner. I am aware that many commenters—especially residents of the Flagship and Constellation Wharf condominiums—raised concerns regarding the relocation of the water transportation facility (e.g., water shuttle dock) to Pier 3 from its existing site at Pier 4. While this shift in location was referenced in the Management Plan, I must reaffirm that my review extends only to the two Plans' conformance with the 1991 Decision as they pertain to the limitations and offsets for the approved substitute provision for facilities of private tenancy over flowed tidelands. Requirement 1(c) of the 1991 Decision calls for the City to develop a public water-transportation system master plan for the harbor, but it did not contemplate nor provide for my consent with regard to specific water transportation elements as a condition of the Pier 5 compliance. I understand that the project to locate the water transportation facilities at Pier 3 is currently being reviewed by MassDEP under a Chapter 91 license application, and I direct MassDEP to consider the comments raised on this issue.

Requirement 7(a)

Requirement 7(a) of the 1991 Decision limits all buildings containing nonwater-dependent facilities of private tenancy over flowed tidelands to a height of 55 feet, to the setback requirements of Requirement 5(a)-(c), and to the site coverage limitations set forth in 310 CMR 9.51(3)(d).

Compliance with Requirement 7(a)

The proposed development on Pier 5 satisfies this requirement by limiting building heights to 55 feet, providing building setbacks of approximately 19 feet from the sides of the pier

and 100 feet from the end of the pier, and by maintaining more than 50% of the site as publicly accessible open space.

Requirement 7(b)

Requirement 7(b) limits the amount of ground floor space that may be occupied by facilities of private tenancy to no more than 50%, including upper-floor accessory services, and also states that no parking is permitted seaward of the high water mark.

Compliance with Requirement 7(b)

The Pier 5 project will devote the majority of the ground floor to public uses, with a small portion dedicated to upper floor accessory services, such as lobbies, elevator shafts, and stairwells. The ground floor program will consist of both facilities of public accommodation and special public destination facilities, and no parking will be located seaward of the high water mark.

Requirement 7(c)

Requirement 7(c) further conditions the provision in Requirement 7(b), which allows up to 50% of the ground floor to be facilities of private tenancy, by instructing that such facilities of private tenancy cannot be residential. Further, any residential use on the second floor shall be accompanied by a commensurate increase in one, or a combination of, the following: public open space, building setbacks, interior facilities of public accommodation, and/or water-based public activities.

Compliance with Requirement 7(c)

While the Pier 5 project does propose residential uses on the second floor, it excludes all facilities of private tenancy on the ground floor, thereby providing as a commensurate increase the entire floor as interior facilities of public accommodation and special public destination facilities (minus small percentage of upper floor accessory services). Therefore, the project complies with 7(c).

Requirement 7(d)

Requirement 7(d) seeks to ensure that facilities of private tenancy over flowed tidelands are subject to specific guidelines to avoid conflict and minimize incompatibility with the operation of nearby water-dependent and/or public activities.

Compliance with Requirement 7(d)

The Management Plan, prepared in response to Requirement 7(d), provides guidelines that will ensure that facilities of private tenancy over flowed tidelands will not conflict with the operation of nearby water-dependent and/or public activities. The mixed-use environment within the Charlestown Navy Yard, absent pro-active management measures, may produce conflicts between water-dependent activities and nonwater-dependent uses. The Management Plan describes a comprehensive set of dimensional and use limitations, and operational practices, guidelines, and measures developed to avoid conflict and minimize incompatibility between uses. The list of management measures that DEP should carefully consider in the Chapter 91 licensing of Pier 5 include:

- Watersheet limitations, such as the restriction of structures or floats seaward of the state harbor line or into or over navigational channels;
- Construction techniques and use of materials such as window sound treatments, wall treatments, and door treatments to lessen various impacts often associated with water-dependent uses; and
- Management and operational instruments such as inclusion of disclosure statements in all sales, ownership, or leasing documents specifying commitments to: public access and active programming of public spaces (including year-round day and evening events throughout the project's indoor and outdoor public spaces), the presence of existing and nearby water-dependent uses and activities, the regulatory protection granted to such uses, the hours of operation, and the associated noise and activity levels.

I am encouraged by the City's commitment to implement the measures proposed in the Management Plan.

Requirement 8(a)

Requirement 8(a) established the definition of "special public destination facilities" as "facilities [of public accommodation] that enhance the destination value of the waterfront by serving significant community needs, attracting a broad range of people, or providing innovative amenities for public use."

Compliance with Requirement 8(a)

The introduction to Requirement 8 of the 1991 Decision calls for the development of "a network of 'special public destination facilities' within interior spaces along the Harborwalk" to

activate the waterfront throughout the Navy Yard and to promote and provide for year-round activities and enjoyment at distributed public destination facilities.

I find that the Network Plan, with its subsequent modifications in response to public comment, implements a well-conceived public facilities program that is distributed along the waterfront of the historic Charlestown Navy Yard. The proposed network of special public destination facilities has been developed within the context of coherent and integrated contextual themes, fostering new connections and strengthening existing links to the Harborwalk. Further, the plan integrates important existing destinations, including the National Park Service Area and the Historic Bunker Hill Monument Area, into a framework of new open spaces and special destinations of the Navy Yard development parcels and piers along the waters edge. I am convinced that this combination of historical interpretation, creative programming, open space design, and Harborwalk improvements will result in a network of engaging and interesting year-round destinations for multiple and diverse audiences, including the residents and workers of the Charlestown community, visitors to Boston, and the greater public.

The City has developed a Network Plan that uses thematic Story Loops as an organizing theme to encourage pedestrians to explore and learn about the history of the Charlestown Navy Yard. The Story Loops will capitalize on existing and planned interior and exterior public destinations, organized spatially into the following distinct themes: (1) commerce and trade, (2) national historic sites, (3) seamanship, (4) maritime technology, and (5) the environment. I am pleased to note that each loop is accessible from the existing Harborwalk system.

The Network Plan also identifies existing, underutilized public resources that are not effectively programmed or obvious to waterfront visitors. The plan identifies strategies that will be used to improve and utilize these resources including the Flagship Wharf ground floor space, the Harborwalk, open space areas of Constellation Wharf, and the vacant public space in Building 114.

As defined in Requirement 8(a), "special public destination facilities" are "facilities [of public accommodation] that enhance the destination value of the waterfront by serving significant community needs, attracting a broad range of people, or providing innovative amenities for public use." Pursuant to the Waterways Regulation at 310 CMR 9.02, a facility of public accommodation is defined as one at which:

“...goods or services are made available directly to the transient public on a regular basis, or at which advantages of use are otherwise open on essentially equal terms to the public at large, rather than restricted to a relatively limited group of specified individuals. Facilities of public accommodation may be either water-dependent, accessory to water-dependent, or nonwater-dependent, and shall include but are not limited to: public restaurants or entertainment; theatres, performance halls, art galleries, or other establishments dedicated to public presentation of the fine arts; hotels, motels, or other lodging facilities of transient occupancy; educational, historical, or other cultural institutions open to the public; interior spaces dedicated to the programming of community meetings, informational displays, special recreational events, or other public activities; sports or physical fitness facilities open to the public; open spaces, pedestrian walkways, or outdoor recreation facilities open to the public; retail sales or service facilities; ferry terminals, transit stations, and other public transportation facilities; marina berths for transient use; and vehicular ways open to the public or parking facilities open to the public, including users of facilities of public accommodation.”

While 310 CMR 9.53(2)(c) emphasizes interior facility of public accommodation space goals, 310 CMR 9.53(2)(c)(2) gives the Secretary discretion to specify alternative requirements for interior space as long as this requirement “establish[es] the project site as a year-round locus of public activity in a comparable and highly effective manner.” Facilities of public accommodation, therefore, can be interior or exterior space, or a combination thereof, provided that in accordance with 310 CMR 9.53(2) the measures implemented to activate Commonwealth tidelands for public use will “attract and maintain substantial public activity on the site on a year-round basis, through the provision of water-related public benefits of a kind and to a degree that is appropriate for the site, given the nature of the project, conditions of the waterbody on which it is located, and other relevant circumstances.”

Within this context, I have carefully evaluated the component of the proposed Network Plan that calls for a special public destination facility at Pier 4. The proposal calls for a 10,000 square foot area at the end of Pier 4. This area will be programmed to highlight the Pier's unique characteristics as a deep-water dockage site for visiting naval vessels and tall ships and as one of the largest public spaces at the head of Boston Harbor with a vista that encompasses the Navy Yard, East Boston, the North End, the Seaport, and out to Spectacle and Long Islands. The Pier hosts about six visiting ships a year, including recent visits from such ships as the *USS Doyle* and *USS Nashville*, the *HMCS Iroquois* and *HMCS Fredericton* (Canadian), the *HS Prometheus* (Greek), the *JNS Yamagiri* and *JNS Amagiri* (Japanese), and the *Liberty Ship John Brown*. The City is proposing improvements and enhancements to the Pier that will activate it, improve its

destination value, provide community functions, and attract a broad range of people. Enhancements and improvements to this site include a \$0.5 million dredging project that will allow visiting ships with drafts of up to 30 feet to tie up along the westerly side of the pier, the construction of an architecturally significant pavilion, new seating amenities, new landscaping, new lighting, and a new interpretive exhibit and signage. These enhancements and improvements will result in a sheltered waiting and viewing area for the public to observe visiting maritime vessels. Similar to the popular park in downtown Boston's Post Office Square, Pier 4 would serve as a destination for residents, local workers, or visitors to sit and relax or take a break from a walk around the Navy Yard's Harborwalk and watch harbor activities. It will also serve as a location for special community programming and events, such as cultural celebrations, music, and other performances. The shelter provided by the pavilion will offer relief from the sun on hot days and protection from precipitation, and with several outdoor space heaters, will provide warmth and allow for use in all seasons. Special interpretive exhibits, like the iron cut-outs of ship profiles currently installed at the Moakley Federal Courthouse in South Boston and the etched relief maps to be installed at Long Wharf, will integrate with the seamanship theme and the Pier's contribution to the maritime history of the Navy Yard by displaying pictures of the various types of maritime vessels or historic vessels that have docked alongside.

Based on this review, and in response to public comments seeking more and enhanced space on the Navy Yard piers, I am convinced that the special area now proposed for the Pier 4 site will become a year-round locus of public activity, and as an exterior public destination facility, attract significantly more people to the site by encouraging greater interaction with and appreciation of the waterfront than would occur under current conditions.

Requirement 8(b)

Regarding the choice of public destination facilities, Requirement 8(b) requires that special consideration be given to those that encourage diversity in the pattern of uses and population of users at the waterfront, and that special efforts shall be made to solicit creative use concepts from the planning and advocacy communities in the choice of facility operators, with special consideration given to public or non-profit organizations that otherwise would be unable to afford market rates for waterfront space.

Compliance with Requirement 8(b)

In the development of the Plans over the past several years, the City has reached out to local and regional non-profit organizations and civic organizations to develop a strategy for developing new special destinations and maximizing links and connections to existing ones. The City held two meetings with the Municipal Harbor Plan Advisory Committee, three community meetings in coordination with the Charlestown Neighborhood Council, and a special community workshop/charrette. Findings were presented to the Municipal Harbor Plan Advisory Committee, the Boston Harbor Association Harbor Use Committee, the National Park Service, the Courageous Sailing Program, and Navy Yard residents and businesses.

To assist with the ongoing implementation of the Network Plan, the City has recommended the formation of the Charlestown Navy Yard Partnership ("Partnership"), composed of various stakeholder groups responsible for assisting the City with coordinating programming, use, interpretation, and access to the waterfront. In the interest of activating the waterfront in the Navy Yard, the Network Plan recommends that the Partnership be set up as soon as possible. I concur with this recommendation and, as detailed below, am making the development of the Partnership a condition of my approval. In this condition, I am encouraging the Partnership in their role in identifying programming for special public destination facilities to give special consideration to public or non-profit organizations that are challenged to afford market rates for waterfront spaces.

Requirement 8(c)

Requirement 8(c) sets forth a principle for allocating special public destination facility space based on the size of facilities of private tenancy. The goal of this provision is to ensure that the qualities and attributes of the public benefits provided are proportional to and offset the extent of development proposed.

Compliance with Requirement 8(c)

In the absence of a single, large, high-profile special public destination facility like the New England Aquarium or the Children's Museum, the proposal to distribute a number of smaller, interconnected facilities throughout the Navy Yard is meritorious. Recognizing the many historical opportunities offered throughout the Navy Yard, the 1991 Secretary's Decision expressly stated that the development of a well-defined pedestrian network would enhance the destination value of the local waterfront and serve significant community needs. Indeed, this

decision specifically identified the Navy Yard, with its rich mix of existing, historic resources (such as the *USS Constitution*, historic piers, and drydock), supplemented by new public spaces and programming, as an ideal location for such a distributed approach.

Specifically, Requirement 8(c) required that one square foot of special public destination facility space be provided for every four square feet of non-water dependent facilities of private tenancy space licensed over flowed tidelands. The application of this numeric ratio to the proposed development on Pier 5 requires that approximately 34,000 square feet of special public destination facility space that encourages year-round enjoyment of the waterfront be distributed throughout the Charlestown harbor planning area. With this in mind, the Network Plan I am approving today contains 24,000 square feet of interior special public destination facility space at sites at Pier 5, Building 114, and Parcels 5 and 7, and 10,000 square feet of exterior special public destination facility space at Pier 4. The spaces, preliminary concepts for programming, and locations are described in further detail under Requirement 8(d).

Summary of Proposed Special Public Destination Facilities

<i>Location</i>	<i>Size of Public Facility (square feet)</i>
Pier 5	10,500
Building 114	3,500
Parcel 5	6,000
Parcel 7	4,000
Pier 4	10,000
Total	34,000

Requirement 8(d)

Requirement 8(d) seeks to distribute special public destination facility space along the waterfront, creating a network of waterfront public spaces. This requirement encouraged the City to provide such space on pile-supported structures [in conjunction with new facilities of private tenancy], and elsewhere in the surrounding area, particularly at the waterfront, in locations that have traditionally played a significant role in the maritime culture of the subdistrict.

Compliance with Requirement 8(d)

I believe that the public space proposed by the Network Plan represents a comprehensive approach to providing such facilities at prominent waterfront locations throughout the district in addition to Pier 5.

A minimum of 10,500 square feet of special public destination facility space will be provided on the ground floor of Pier 5. This space will be rent-free for the term of the Chapter 91 license and furnished in a basic build-out finish. I note that during the public comment period, there was broad and consistent support for the local Courageous Sailing Center and its successful efforts to provide educational sailing and related maritime, navigational, and environmental programs to both youths and adults. Currently located and operating at Pier 4, Courageous Sailing Center has been involved in a campaign to expand and improve its facilities. As a potential tenant for special destination facility space at Pier 5, Courageous would provide programming that would be consistent with and greatly build upon the Story Loop theme of seamanship, offering members of the Charlestown and greater-Boston areas, as well as the general public, access to the waterfront and waters of Boston Harbor. Working with and through the Partnership, robust communication and outreach efforts should be implemented to make programming opportunities at Pier 5 known to the general public through signage, websites, and local ads.

A minimum of 10,000 square feet of special public destination facility space will be provided on Parcels 5 and 7 to improve public use of the proposed open spaces and Harborwalk in the Yards End section. This space will be rent-free for the term of the Chapter 91 license and furnished in a basic build-out finish. If possible, in the selection of programming at these spaces, the Partnership should seek to develop upon the story loop theme of "environment and harbor" for Parcels 5 and 7, or possibly "maritime technology" for Parcel 5 (being on the edge of the two "Story Loops"). Programming suggested in the Network Plan includes: an environment and Boston Harbor exhibit, a maritime interactive park, a university continuing education facility or extension school, a trade school, or a boat restoration school/facility. This amount of special public destination facility space will be required for the Chapter 91 licensing of any project on these parcels owned by the City.

At Building 114, the City will work with Partners/MGH to convert 3,500 square feet of facilities of public accommodation space to a special public destination facility. This space will be rent-free for the term of the Chapter 91 license and furnished in a basic build-out finish. The City and Partners/MGH will file a Chapter 91 license amendment for Building 114 to secure a license condition requiring use of 3,500 square feet of the ground floor by a special public destination facility. If possible, in the selection of programming at these spaces, the Partnership

should seek to develop upon the story loop theme of “environment and harbor” for Building 114, including programming for a museum or other civic, cultural, or non-profit uses.

At Pier 4, the City shall provide a minimum 10,000 square foot open space enhancement and staging area. The programming at this location should highlight the Pier's unique characteristics as a tie-up site for visiting naval vessels and tall ships, and also as one of the largest public spaces at the head of Boston Harbor. Enhancements and improvements to this site include a \$0.5 million dredging project that will allow visiting ships with drafts of up to 30 feet to tie up along the westerly side of the pier, the construction of an architecturally significant pavilion, new seating amenities, new landscaping, new lighting, and a new interpretive exhibit and signage. This public destination facility will draw the public to the waterfront and will serve to highlight the historic and contemporary resources of the Charlestown Navy Yard.

In addition to these destination facilities, the City will make the following capital improvements to the Navy Yard “network”: \$100,000 for renovated “gateways” (accessways) over/under/across Chelsea Street and US Route 1 at Warren Street, Mt. Vernon Street, Tremont Street, and Medford Street/Barry Playground; the installation of interpretive signage and historic exhibits along the waterfront; and the use of the exterior of the Pumphouse at Drydock #2 as the “network's” center and wayfinding station.

Although use of the Ropewalk and Chainforge Buildings was included in the original Network Plan, through the consultation session, it became apparent that the extremely poor and potentially unsafe condition of the buildings precludes their use as special public destination facilities for the Network Plan at this time. I am encouraged by the City's commitment to keep these historic buildings as a focus of its long-term planning, and look forward to their incorporation in future harbor planning efforts for the Charlestown Navy Yard. I ask the Partnership to pay careful attention to these sites and to make special efforts to promote their renovation and rehabilitation.

Requirement 8(e)

Requirement 8(e) indicates that special facilities shall be of a condition, size, and type that is appropriate to meet needs identified in any relevant subdistrict plan and shall be consistent with any guidelines developed for the Harborwalk and other networks for pedestrian circulation along the waterfront.

Compliance with Requirement 8(e)

As described above, the Network Plan presents a framework of a series of pedestrian loops that link special programming sites, open spaces, historic elements, the Harborwalk, and other destinations of the Navy Yard, connecting them spatially in logical geographical groups. I am satisfied that the special destination facilities proposed in the Network Plan are located at intervals that provide logical and visual continuity from one public destination to the next, creating a network that actively supports the Story Loops. To further support pedestrian movement to, within, and through, the “network” includes public restrooms, seating and dining amenities, way-finding and interpretive signage, exhibits and public art, both land and water shuttle stop services, and gateway markings.

Requirement 8(f)

Requirement 8(f) states that the development of special facilities shall be concurrent with the relevant facilities of private tenancy, where “development” means all aspects of design, permitting, and environmental review process. Further, this requirement states that concurrent means “concurrent progress on such general aspects, and as may be more specifically defined in the special facilities plan to be included in the amended Harborpark Plan.”

Compliance with Requirement 8(f)

The special destination facilities defined in the Network Plan, with the subsequent modifications described above, set forth an integrated program of well-distributed destinations that I believe will proceed in a manner that is generally commensurate with the progress of planned development in the Navy Yard. Facilities at the sites of Pier 5, Pier 4, and Building 114, along with the other “network” capital improvement discussed above, are synchronized with the proposed Pier 5 development and will be implemented and become publicly available concomitantly. As noted in my conditions of approval, these special public destination facilities and improvements must be completed and open to the public prior to the City's issuance of a Certificate of Occupancy for the Pier 5 building

I am encouraged to see the commitment for special destination facility space at Parcels 5 and 7 at Yard's End. Since development plans for this area are not mature, I am requiring that the development of the special public destination facility space and programming be fully integrated and coordinated into the developments of future projects as a whole. I believe allowing geographically distributed special public destination facilities, tied to future projects

and with appropriate assurances, follows reasonably from the Secretary's 1991 Decision. While Municipal Harbor Plan amendments for the Yard's End district may be submitted in the future, in order to comply with this decision, special public destination facilities totaling 10,000 square feet must be incorporated into Chapter 91 licenses for these properties at such time as plans are ready to move forward.

Requirement 8(g)

Requirement 8(g) allows the City to incorporate additional terms and conditions into the Network Plan similar to the specification of public benefit criteria provided in other City zoning articles.

Compliance with Requirement 8(g)

I find that the terms and conditions of the Network Plan are analogous to the public benefit criteria that would be found in the City's zoning, including the creation of new cultural facilities, rehabilitation of historic buildings and landmarks, and guidelines for maintenance programming of new open space. I also note that in the Network Plan, the City has provided excellent guidance for MassDEP on options and opportunities for public benefits and programming to be considered as part of possible extended term limit requests during Chapter 91 licensing.

Statement of Approval

Based on the planning information and public comments submitted to me pursuant to 310 CMR 23.00 and Requirements 7 and 8 of the Secretary's 1991 Decision, I hereby determine that the Network Plan and Management Plan comply with the conditions set forth in Requirements 7 and 8 of the Secretary's Approval Decision, entitled "Decision on City of Boston Request for Approval of the Boston Harborpark Plan Pursuant to CMR 23.00," dated May 22, 1991, subject to the following conditions:

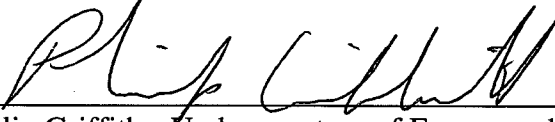
1. Prior to the initiation of Chapter 91 licensing for the Pier 5 project, the City shall:
 - A. Update the Network Plan to reflect the elements and provisions resulting from the consultation session and outlined in the February 16, 2008, letter from the BRA to Secretary Bowles and submit the plan for final review and approval. Once approved, this updated Network Plan is formally adopted as an amendment to the City's Municipal Harbor Plan. Copies of the approved plan shall be provided to the MassDEP Waterways Program and CZM, and placed on the city's website.
 - B. Work with the current license holder for Building 114 (Partners/MGH) to file an application for an amended Chapter 91 license and, using their best efforts, obtain an amendment to the Chapter 91 license securing a condition requiring the use of 3,500 square feet of the ground floor by a special public destination facility, built-out and rent-free. I encourage MassDEP to give careful consideration to revising the license to include this requirement.
 - C. Establish and empanel the "Charlestown Navy Yard Partnership." This Partnership is a critical component in the implementation of the Network Plan. It will be responsible for coordinating the programming and use of the Network Plan's special public destination facilities, and overseeing the gateway improvements and historic/interpretive exhibits and signage and the development and installation of the story loop network center at the Pumphouse. Membership shall include, at a minimum: a representative from EEA, a representative from the City, a representative from the Charlestown community, a representative from the National Park Service, a representative from a waterfront advocacy organization, and a representative from a business located in the Navy Yard. As the Partnership considers and approves the programming for the special public

destination facilities, I encourage them to give special consideration to public or non-profit organizations that are challenged to afford market rates for waterfront spaces.

2. The City shall not issue a Certificate of Occupancy for any portion of the Pier 5 project until the public facilities, improvements, and enhancements listed in sections (A) through (F) below have been completed and are open/accessible to the public. Further, I encourage MassDEP to give special consideration of these terms and conditions in the Chapter 91 licensing of Pier 5.
 - A. A minimum of 10,500 square feet of special public destination facility space on the ground floor of Pier 5. This space will be rent-free for the term of the Chapter 91 license and furnished in a basic build-out finish;
 - B. "Gateway" improvements providing physical connections from adjacent Charlestown neighborhoods to the Navy Yard through renovated accessways over/under/across Chelsea Street and US Route 1 at Warren Street, Mt. Vernon Street, Tremont Street, and Medford Street/Barry Playground;
 - C. Use of the exterior of the historic Pumphouse at Drydock #2 for signage, interpretive, and wayfinding elements related to the Story Loop network;
 - D. Historic and interpretive exhibits and signage, such as a seamanship exhibit and interactive maritime park at Pier 5, a visiting vessel display at Pier 4, and an environment/harbor exhibit at Building 114;
 - E. Harborwalk signage, markings, wayfinding, and lighting improvements throughout the network; and
 - F. Improvements and enhancements for a special destination facility at Pier 4, including a pavilion, benches, plantings/landscaping, and interpretive exhibits and programming.
3. The City shall certify that Requirements 7 and 8 of the 1991 Decision, and as discussed above, have been met as part of its Section 18 recommendation to MassDEP on the Pier 5 Chapter 91 license application.
4. Special public destination facilities—as that term has been defined and used in this document and the Secretary's 1991 Decision—totaling 10,000 square feet, must be incorporated into Chapter 91 licenses for Parcels 5 and 7 at such time as plans are ready to move forward.

Compliance Review and Decision on the City Of Boston's Charlestown Navy Yard
Waterfront Activation Network Plan and Water-Dependent Use Management Plan

Copies of the Approved Plan, which shall include this Decision as a final attachment, shall be kept on file with the Boston Redevelopment Authority, MassDEP Waterways Program, and CZM offices in Boston. This Decision shall take effect immediately upon issuance.



April 3, 2008

Phillip Griffiths, Undersecretary of Energy and Environmental Affairs

Date

for

Ian A. Bowles, Secretary of Energy and Environmental Affairs