



Martin Suuberg
Commissioner
Department of Environmental Protection
Commonwealth of Massachusetts
One Winter Street
Boston, Massachusetts 02108
(delivered via email)

August 6, 2021

Subject: Comments on Proposed Amendments to 310 CMR 9.00

Dear Commissioner Suuberg,

We are writing to provide comments on the proposed amendments to 310 CMR 9.00:
Waterways

We do not believe this approach is in the best interest of our neighbors or fellow citizens of the Commonwealth.

We recognize that the ruling from Judge Armstrong impacts a number of high priority development projects underway within the City of Boston. It in fact directly impacts two projects along the Fort Point Channel, the Hook site within the Downtown Waterfront Municipal Harbor Plan (DMHP) and the Channelside site (244 -284 A Street) under jurisdiction of the South Boston Municipal Harbor Plan (SBMHP).

We disagree with the urgency and public outreach efforts MassDEP has elected to follow to re-establish the legitimacy of the sixteen Municipal Harbor Plans (MHP) in the State. The initial public Zoom meeting did not allow for our neighborhood to participate, the limit was apparently reached. MassDEP did not notify registered neighbors of the following Zoom public meeting thus ultimately blocking full public input from the residents of the South Boston Waterfront.

It also is not clear how specific legal nuances that matter to us are addressed, of particular concern are: a clear comprehensive presentation of individual MHP substitutions and offsets along with how the proposed amendments will impact MHP expirations and the renewal process itself.

Because these changes are being rushed we are unable to ascertain how these will be sufficiently rectified.

The FPNA is dedicated to enhancing and preserving the quality of life in our community, to broadening citizen awareness and participation within our growing neighborhood, and to building a socially interactive civic life.

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We also are concerned with what we have seen as a “pay to play” trend with development in our neighborhood. We have seen very few water-dependent licenses issued in the over 20 development projects completed in the South Boston Waterfront with the trend towards non-water dependent retail with limited cultural and civic public benefit. This trend is compounded with developers’ desire to provide payments to the City of Boston in lieu of satisfying their Chapter 91 obligations thus severely limiting meaningful access and amenities to the Seaport and Fort Point waterfront. Once the City receives the money there is not sufficient requirements or procedures for the allocation of funds if designated purposes or recipients are unable to implement the promised community benefit.

Now is a rare opportunity to update the MHP planning process to include standards of climate resilience, environmental justice and equity, broaden the range of stakeholders and require municipalities to follow defined best standards of engagement and transparency in determining what the community wants rather than municipalities using the MHP planning process as an alternative to provide spot zoning.

We urge you to take this advantage and put in place a MHP program with community input that exemplifies excellence from the residents and the Commonwealth and provides answers to the challenges of the 21st Century.

Thank you for your consideration.

Tom Ready

cc:

Daniel Padien - Waterways Program Chief, MassDEP
Nick Collins - Massachusetts State Senate, 1st Suffolk District
David Biele - Massachusetts House of Representatives, 4th Suffolk District
Ed Flynn - District 2 Boston City Councilor
Michael Flaherty - At large Boston City Councilor
Michelle Wu - At large Boston City Councilor
Annissa Essaibi George - At large Boston City Councilor
Julia Mejia - At large Boston City Councilor

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