

The Pinnacle at Central Wharf

Submitted to:

**Executive Office of Energy &
Environmental Affairs**

MEPA Office

100 Cambridge Street, Suite 900
Boston, MA 02114

Submitted by:

RHDC 70 East India LLC

c/o The Chiofaro Company
One International Place
Boston, MA 02110

Prepared by:

Epsilon Associates, Inc.

3 Mill & Main Place, Suite 250
Maynard, MA 01754

In Association with:

Copley Wolff Design Group

Cosentini Associates

DLA Piper LLP (US)

Haley and Aldrich

Howard Stein Hudson

Kohn Pedersen Fox Associates PC

McNamara Salvia

Nitsch Engineering

July 15, 2020



July 15, 2020

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**Subject: The Pinnacle at Central Wharf
Environmental Notification Form
Massachusetts Environmental Policy Act (MEPA)**

Dear Interested Party:

On behalf of the Proponent, RHDC 70 East India LLC, I am pleased to send you the enclosed Environmental Notification Form (ENF) for the redevelopment of the 1.32-acre Boston Harbor Garage site in Boston's Downtown Waterfront District. The project is located at 70 East India Row (a/k/a 270 Atlantic Avenue) in the City of Boston.

The Proponent expects that the ENF will be noticed in the *Environmental Monitor* on July 22, 2020 and that comments will be due by August 11, 2020. Comments can be submitted online at:

<https://eeaonline.eea.state.ma.us/EEA/PublicComment/Landing/>

or sent to:

Secretary Kathleen A. Theoharides
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston MA 02114

If you have any questions about the project, please call me at (978) 461-6241.

Sincerely,

EPSILON ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Erik Rexford'.

Erik Rexford
Senior Planner

3 Mill & Main Place, Suite 250
Maynard, MA 01754
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ENVIRONMENTAL NOTIFICATION FORM

The Pinnacle at Central Wharf

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Executive Office of Energy & Environmental Affairs
MEPA Office
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July 15, 2020

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Environmental Notification Form

Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Massachusetts Environmental Policy Act (MEPA) Office

Environmental Notification Form

For Office Use Only

EEA#: _____

MEPA Analyst: _____

The information requested on this form must be completed in order to submit a document electronically for review under the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: The Pinnacle at Central Wharf		
Street Address: 70 East India Row (a/k/a 270 Atlantic Avenue)		
Municipality: Boston	Watershed: Boston Harbor	
Universal Transverse Mercator Coordinates: Zone 19, 331091.35 Easting, 4691605.9 Northing	Latitude: 42.358395 Longitude: -71.051045	
Estimated commencement date: 2021	Estimated completion date: TBD	
Project Type: Mixed-Use	Status of project design: 20% complete	
Proponent: RHDC 70 East India LLC c/o The Chiofaro Company		
Street Address: One International Place		
Municipality: Boston	State: MA	Zip Code: 02110
Name of Contact Person: Erik Rexford		
Firm/Agency: Epsilon Associates, Inc.	Street Address: 3 Mill & Main Place, Suite 250	
Municipality: Maynard	State: MA	Zip Code: 01754
Phone: (978) 897-7100	Fax: (978) 897-0099	E-mail: erexford@epsilonassociates.com
Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If this is an Expanded Environmental Notification Form (ENF) (see 301 CMR 11.05(7)) or a Notice of Project Change (NPC), are you requesting:		
a Single EIR? (see 301 CMR 11.06(8))	<input type="checkbox"/> Yes	<input type="checkbox"/> No
a Special Review Procedure? (see 301CMR 11.09)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
a Waiver of mandatory EIR? (see 301 CMR 11.11)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
a Phase I Waiver? (see 301 CMR 11.11)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Which MEPA review threshold(s) does the project meet or exceed (see 301 CMR 11.03)?		
CMR 11.03(3)(a)(5): New non-water dependent use or Expansion of an existing non-water dependent structure, provided the use or structure occupies one or more acres of waterways or tidelands.		
CMR 11.03(6)(b)(13) Generation of 2,000 or more new ADT on roadways providing access to a single location.		
Which State Agency Permits will the project require?		
Massachusetts Department of Environmental Protection: Chapter 91 Waterways License , Fossil Fuel Utilization permit (if required); Notice of Demolition/Construction;		
Massachusetts Historical Commission: State Register Review;		

Massachusetts Water Resources Authority: Sewer Use Discharge Permit(s) (if required);
Massachusetts Department of Transportation: State Highway Access Permit (if required), License or other approval
for construction above the Central Artery Tunnel (as applicable).

Identify any financial assistance or land transfer from an Agency of the Commonwealth, including
the Agency name and the amount of funding or land area in acres:

At this time the Proponent does not anticipate using any state funding or to require any type of land transfer from
the Commonwealth. If, however, an appropriate state funding mechanism does become available in the future, the
Proponent may seek such funding as part of the Project's overall financing plan.

Summary of Project Size & Environmental Impacts	Existing	Change	Total
LAND			
Total site acreage ¹ Does not include 15,775 square feet of proposed Harborwalk improvements.	1.32 ¹		
New acres of land altered		0	
Acres of impervious area	1.32	-.16	1.26
Square feet of new bordering vegetated wetlands alteration		0	
Square feet of new other wetland alteration		0	
Acres of new non-water dependent use of tidelands or waterways		0	
STRUCTURES			
Gross square footage ¹ Above grade.	418,646 ¹	+445,954	864,600
Number of housing units	0	+200	200
Maximum height (feet)	80	+505	585 to the highest occupiable floor and no more than 600 feet in total height.
TRANSPORTATION			
Vehicle trips per day Unadjusted Adjusted	1,342 1,342	+8,544 +2,496	9,866 3,838
Parking spaces	1,475	-375	1,100
WASTEWATER			
Water Use (Gallons per day)	6,645	79,133	85,778
Water withdrawal (GPD)	0	0	0
Wastewater generation/treatment (GPD)	6,041	+71,939	77,980
Length of water mains (miles)	0	0	0
Length of sewer mains (miles)	0	0	0

Has this project been filed with MEPA before?

☐ Yes (EEA #) ☒ No

Has any project on this site been filed with MEPA before?

☒ Yes ☐ No An ENF (EEA #14411) for a two tower development at the Project Site was noticed in the *Environmental Monitor* on May 6, 2009 and the Secretary's Certificate determined the project required preparation of an Environmental Impact Report ("EIR"). No EIR was filed by the project's proponent, and notice of the project's withdrawal was sent via letter dated May 31, 2012.

GENERAL PROJECT INFORMATION – all proponents must fill out this section

PROJECT DESCRIPTION:

Describe the existing conditions and land uses on the project site:

The Project Site is currently numbered as 70 East India Row, also known as 270 Atlantic Avenue, in Boston's Downtown Waterfront District, at the intersection of Central Wharf and the Greenway. Consisting of 57,346 square feet ("sf") of land area as depicted on Attachment 1 - Figure 1, the Project Site is bounded by Atlantic Avenue, Milk Street, and East India Row, and is situated between the New England Aquarium ("Aquarium") and the Harbor Towers condominiums. The Harbor's edge is located approximately 90 feet east of the Project Site. Portions of East India Row adjacent to the Project Site are pedestrianized and serve as a segment of the City of Boston's Harborwalk ("Harborwalk"). East India Row, a public way, is not controlled by the Proponent but improvements to the Harborwalk are contemplated as part of the Project.

The entirety of the Project Site is currently occupied by an aging and visually unattractive seven-story 418,626 sf building, with an additional two levels of parking below grade, and there is approximately 29,800 sf of mixed-use space at the ground level (of which approximately 17,300 sf is currently leased by the Aquarium). The Site is currently licensed for 1,475 parking spaces which serve, among other users, the residents of the two Harbor Towers buildings, visitors to the Aquarium, and the general public.

The Project Site is centrally located within the Downtown Waterfront District on Boston's inner harbor, one of the most notable mixed-use communities in the City, including office, residential, hospitality, government, retail, educational and cultural uses. Positioned for exceptional visibility from the Harbor and Logan Airport, the Project Site is also within close proximity to some of the City's most active areas, including the Seaport District to the southeast, Downtown Boston to the west, Faneuil Hall Marketplace to the northwest, and the North End to the north. Both North Station and South Station are located within walking distance of the Project Site, providing convenient access to the MBTA Red, Green, Orange and Silver lines, Commuter Rail, Amtrak, regional bus lines, and multiple Bluebikes stations. There are also several MBTA bus stops in the vicinity of the Project Site and an MBTA Blue Line station (Aquarium) immediately adjacent to the Project Site. Multiple commuter ferries, serving Boston's outer neighborhoods and suburban destinations, are within steps of the Project Site, and Logan Airport is a short subway or water taxi ride across the Harbor. Directly west of the Project Site is the Rose Kennedy Greenway ("Greenway"), including its signature "Rings Fountain," and the Harborwalk traverses the easterly side of the Project Site. Refer to Attachment 1 - Figure 2 to Figure 4 for an aerial locus map and photographs of the surrounding area.

The Project Site's strategic location, fronting on both the Harbor and the Greenway, allows for the proposed active ground levels and public realm to enhance the surrounding neighborhood with new commercial, retail, residential, and cultural uses that will become an integral part of Boston's economy, attract a diverse array of visitors and residents to the Project Site, provide amenities to the community at large, and support the continued year-round activation of the waterfront and Greenway.

Describe the proposed project and its programmatic and physical elements:

The Project includes the construction of a single tower totaling approximately 864,600 sf and associated site improvements and public realm amenities. The tower will be comprised of the following uses:

- ◆ An approximately 284,600 sf residential component with approximately 200 residential units (currently anticipated to be rental);
- ◆ An approximately 538,000 sf office component;
- ◆ Approximately 1,100 parking spaces located within a below-grade garage; and,
- ◆ Approximately 42,000 sf of publicly accessible amenity space (e.g., retail, restaurant, and other uses to activate the streetscape).

The footprint of the tower is positioned to maximize space for pedestrian circulation, both to the north (consistent with the Aquarium's proposed "Blueway" vision), and along the Harborwalk to the East. With 30% of the Site dedicated as open space concentrated on the north, a strong east-west connection between the Greenway and the Harbor is created, with a pedestrian-friendly plaza design that is accessible through steps and ramps at various locations. The new public plaza will function in complimentary fashion to the proposed future Blueway, widening as it approaches the water and wrapping to the east, to form a seamless connection with the reimagined and expanded section of the Harborwalk adjacent to the Project Site, which will serve as the "front porch" to the nearby Boston Harbor. The new plaza, along with the Harborwalk, will be elevated approximately four feet (from 17.0-foot Boston City Base ("BCB") to 21.0-foot BCB) above the current elevation to improve resiliency against climate change and storm surge, not only for the Project Site, but also as the first link in a district-wide approach to addressing these challenges. In addition, the Proponent will coordinate with abutters to explore the incorporation of a "living shoreline" landward of the existing seawall.

The public realm surrounding the proposed tower is carried into the building by means of a public corridor that flows through the ground floor plan and connects the southwest corner of the Project Site, at the office component lobby, to the activity of Central Wharf to the north and east. The interior public areas will be activated with various amenitized spaces that wrap upward to the building's second level, above the garage access ramp, through a series of steps with integrated seating areas. Public interior space continues to the building's second level and the integrated seating areas in the steps also offer elevated views of the Greenway to the West.

Perhaps no development in Boston better illustrates the principle of "addition by subtraction" than this Project, such that the removal of the existing garage may very well be characterized as the Project's single most important public benefit. At present, the Harbor Garage occupies the entirety of its site, representing a visual and physical barrier to the waterfront, the legacy of an antiquated vision of urban renewal that prioritized the automobile over the pedestrian experience. As noted in the Downtown Waterfront Municipal Harbor Plan ("DWMHP"), "[t]he redevelopment of the Harbor Garage project site has certain inherent public benefits, such as a reduction in lot coverage from the existing 100% level to a maximum of 50%." Beyond the creation of nearly 30,000 sf of new publically accessibly open space on some of the most valuable real estate in the densest area of the Commonwealth, the removal of the existing garage will enable the delivery of a Project that exemplifies all of the core goals of the DWMHP, while also eliminating a use that is contrary to every core objective of tidelands use under the Massachusetts Public Waterfront Act, M.G.L c. 91 ("Chapter 91"). Recognizing that, for the foreseeable future, substantial parking demand will exist among Project tenants, residents and visitors, as well as from Aquarium visitors, Harbor Towers residents and the general public, a new garage will be rebuilt below grade and will be sized to accommodate these users with an eye toward future conversion to alternative uses as and when appropriate.

Table 1 Proposed Project Program

Project Element	Approximate Dimension
Residential	284,600 sf
Rental units	200 units
Office	538,000 sf
Public Amenity ¹	42,000 sf
Total Square Footage	864,600 sf
Height	585 feet to the highest occupiable floor and no more than 600 feet in total height
Parking	1,100 spaces
¹ Public amenity space includes, but is not limited to, retail and other uses to activate the streetscape.	

IMPACTS

The sections below describe the Project's anticipated impacts on the environment.

Transportation: To estimate the number of trips expected to be generated by the Project, data published by the Institute of Transportation Engineers ("ITE") in the Trip Generation Manual (Tenth Edition, September 2017) were used. ITE provides data to estimate the total number of unadjusted vehicular trips associated with a project. In an urban setting well-served by transit, adjustments are necessary to account for other travel mode shares such as walking, bicycling, and transit. To estimate the unadjusted number of vehicular trips for the Project, the following ITE land use codes ("LUCs") were used:

Land Use Code 222 – Multifamily Housing High Rise: High-rise multifamily housing includes apartments, townhouses, or condominiums that have more than 10 levels. They are likely to have one or more elevators. Calculations of the number of trips uses ITE's average rate per residential unit.

Land Use Code 710 – General Office Building: A general office building houses multiple tenants and is a location where affairs of businesses, commercial, or industrial organizations are conducted. Calculations of the number of trips uses ITE's average rate per 1,000 sf.

Land Use Code 820 – Shopping Center: The Shopping Center land use code is defined as an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Shopping center trip generation estimates are based on average vehicle rates per square footage of retail space. Calculations of the number of trips use ITE's average rate per 1,000 sf.

Estimated daily vehicle trips to and from the site are expected to increase by a total of 2,496 vehicle trips. During the a.m. Peak Hour, an estimated 147 new vehicle trips will occur (90 in and 57 out), while during the p.m. Peak Hour, 221 new vehicle trips will occur (80 in and 141 out). This results in approximately 1.5 vehicles entering the garage per minute during the morning peak hour and approximately 2 vehicles exiting the garage per minute during the evening peak hour.

The traffic volumes in and out of the existing garage were counted on June 19, 2018 along with the rest of the traffic counts. These volumes were removed from the Project-generated trips.

The Proponent is committed to working with the City of Boston so that the Project efficiently serves vehicle trips, improves the pedestrian environment, and encourages transit and bicycle use.

Parking: In addition to the on-street parking surrounding the Project Site, there are six parking lots and 15 parking garages located within a quarter mile of the Project Site, including the existing parking garage at the Project Site. There are a total of 1,669 private parking spaces and 6,476 public spaces within a quarter-mile radius of the Project Site. Parking for the Project will be located within the approximately 1,100-space garage. The parking resource will be managed under a shared parking arrangement. For a mixed-use development with a common parking garage, the most efficient use of the parking resource is to “share” parking rather than have assigned or dedicated parking for each land use.

The Boston Transportation Department (“BTD”) has established guidelines requiring projects subject to a Transportation Access Plan Agreement (“TAPA”) to provide secure bicycle parking for employees, as well as short-term bicycle racks for visitors. Based on BTD guidelines, the Project will provide secure/covered bicycle parking spaces within the buildings at a rate of 0.3 secure indoor bicycle parking spaces per 1,000 sf of retail and office, and one secure indoor bicycle parking space per residential unit. Additional bicycle storage will be provided by outdoor bicycle racks accessible to visitors to the Project Site in accordance with BTD guidelines.

Wastewater Generation: The Proponent will coordinate with the Boston Water and Sewer Commission (“BWSC”) on the design and capacity of the proposed connections to the sewer system. The Project is expected to generate 77,980 gallons per day (“gpd”) in wastewater flows, an increase of approximately 71,939 gpd. Approval for the increase in sanitary flow will come from BWSC. Sewer services for the existing garage will need to be determined and be evaluated for capacity and condition and will be replaced as necessary. New sewer services for the Project will likely connect to the existing sanitary sewer mains in East India Row. Improvements and connections to BWSC infrastructure will be reviewed as part of the BWSC’s Site Plan Review process for the Project. This process will include a comprehensive design review of the existing and proposed service connections, an assessment of Project demands and system capacity, and the establishment of service accounts.

Water Demand: The Project’s water demand estimate for domestic services is based on the Project’s estimated sewage generation, described above. A conservative factor of 1.1 (10%) is applied to the estimated average daily wastewater flows calculated with 310 CMR 15.00 values to account for consumption, system losses, and other usages to estimate an average daily water demand. The Project’s estimated domestic water demand is 85,778 gpd. The water for the Project will be supplied by the BWSC systems in Atlantic Avenue or East India Row.

The domestic and fire protection water services for the Project will likely connect to the existing BWSC water mains in Atlantic Avenue. The Project’s impacts to the existing water system will be reviewed as part of the BWSC’s Site Plan Review process. The domestic and fire protection water service connections required for the Project will meet the applicable City and State codes and standards, including cross-connection backflow prevention. Compliance with the standards for the domestic water system service connection will be reviewed as part of BWSC’s Site Plan Review process. This review will include sizing of domestic water and fire protection services, calculation of meter sizing, backflow prevention design, and location of hydrants and siamese connections that conform to BWSC and Boston Fire Department requirements. Efforts to reduce water consumption will be made. Aeration fixtures and appliances will be chosen for water conservation qualities. In public areas, sensor operated faucets and toilets will be installed.

Stormwater Flows: The Project Site currently consists of a structured parking garage and is nearly entirely impervious. The Project will meet or reduce the existing peak rates of stormwater discharge and volumes of stormwater runoff from the Project Site and promote runoff recharge/reuse to the maximum extent practicable.

In Atlantic Avenue, there are four catch basins that are routed to an 18-inch BWSC storm drain that flows in the southerly direction. In East India Row, there is an existing 18-inch BWSC storm drain that flows in a westerly direction prior to connecting to the adjacent site that connects to the main in Atlantic Ave. The main in Atlantic Avenue then increases in size to a 30-inch run and continues to flow southerly in Atlantic Avenue, before

entering a 42-inch main that discharges into Fort Point Channel to the south of Rows Wharf. In Milk Street, there is also a 60-inch combined sewer main that flows easterly, before connecting into a 72-inch by 72-inch main that discharges into Boston Harbor to the east of the New England Aquarium.

The Project will comply with BWSC requirements and detain the first 1.25-inches of stormwater runoff from site impervious areas. The proposed management system will collect site runoff and 1.25-inches of rainfall over the Project's impervious area per BWSC's requirements. The Project's storm drainage system will discharge to the BWSC storm drain in Milk Street and/ or East India Row, and will be coordinated during the BWSC review process.

As noted above, improvements and connections to BWSC infrastructure will be reviewed as part of the BWSC's Site Plan Review process. The process will include a comprehensive design review of the proposed service connections, and assessment of Project demands and system capacity.

Groundwater: The Boston Planning and Development Agency ("BPDA") oversees proposed projects within the Groundwater Conservation Overlay District under Article 32 of the Boston Zoning Code ("Code"). The Site is not located within the City of Boston's Groundwater Conservation Overlay District and therefore does not fall under Article 32.

Furthermore, the BPDA also oversees the Smart Utilities Policy ("SUP") for Article 80 Development Review. Since the Project is above the threshold criteria of having at or above 100,000 square feet of floor area, the Project is required under the SUP to retain the 1.25 inches of rainfall across the portion of the impervious area on-site.

Historic Resources: The Project Site encompasses an existing parking structure and contains no historic resources. However, the Project Site is in the vicinity of several properties and districts included in State and National Registers of Historic Places. Historic districts in the vicinity of the Project Site include the Long Wharf District, located to the north, and which is listed on the National Register of Historic Places. To the west of the Project Site are other National Register properties, including the Custom House District and Quincy Market.

The Project requires state permits, and therefore is subject to review by the Massachusetts Historical Commission ("MHC") in accordance with M.G.L., Chapter 9, Sec. 26-27c, as amended by Chapter 254 of the Acts of 1988 (950 CMR 71.00). This ENF has been submitted to the MHC to initiate the Chapter 254 review process. As the Project progresses, the Proponent will meet with the MHC and the Boston Landmarks Commission (if required by the respective agencies) to review the indirect impacts that the Project may have on historic resources, primarily in the areas of visual and shadow impacts. During the development review process, the Proponent will identify, map, and describe historic resources in the vicinity of the Project and will discuss potential impacts to these resources.

Designing for Resilience: The Project design will provide resiliency now and in the future, adapting to both storm surge and sea level rise. Consistent with the anticipated recommendations of the *Climate Ready Downtown and North End* plan, the Project Site will be raised from elevation 17.0-feet BCB to elevation 21.0-feet BCB in order to improve resiliency in light of sea level rise and coastal storms. The Proponent is also evaluating resiliency solutions along the adjacent Harborwalk to provide a catalytic contribution toward a district-wide approach to protection. Near the water's edge, the elevation will be 21.5-feet BCB to provide additional protection against storm surge and create a more resilient harbor's edge. The Proponent will coordinate with abutters to explore measures to install a "living shoreline" landward of the existing seawall.

Estimates of sea level rise within the City of Boston anticipate 40-inches of sea level rise through calendar year 2070. The BPDA's Sea Level Rise – Flood Hazard Map, which models a 1% annual chance flood event with 40 inches of sea level rise, establishes a Sea Level Rise - Base Flood Elevation ("SLR-BFE") for the Project Site of 19.5-feet BCB. The tower will exceed BPDA's guidelines by incorporating 18 inches of freeboard at the ground level, resulting in a first-floor elevation of 21.0-feet BCB.

The Project will also include significant new landscaped area to infiltrate rainfall and to help mitigate the heat island effect on the Project Site. Planting materials for the Project are a high priority, as they provide innumerable benefits over and above their contribution to an iconic sense of place. While plants will be selected for drought tolerance, there will likely be periods of drought that stress even the hardiest native species. An efficient permanent irrigation system will help plantings survive these periods and ensure the many benefits they provide.

The Site design will help mitigate extreme heat events by using trees and planting to reduce impervious ground cover and provide shade for key use and travel areas. Hardscape materials will be selected with solar reflectance in mind, aiming to reduce glare and minimize contributions to heat island effect.

Wetlands: Much of the site is located just beyond the 100-year flood zone (Zone AE) but is within the 500-year flood zone (Zone X) based on the Flood Insurance Rate Map ("FIRM") (March 2016) developed by Federal Emergency Management Agency ("FEMA"). Although only 20 sf of the Project Site is within Zone AE, approximately 3,350 sf of the adjacent Harborwalk is located within Zone AE and 3,410 sf is located within Zone VE.

As such, portions of the Project Site are within Land Subject to Coastal Storm Flowage, as defined by the Massachusetts Wetlands Protection Act and associated regulations, 310 CMR 10.00 et seq. The Project Site also includes Coastal Bank, Coastal Bank buffer zone, "Waterfront Area," and "Coastal Flood Resilience Zone," as defined by the City of Boston Wetlands Ordinance ("Ordinance"). Accordingly, the Project will be designed in compliance with the performance standards of the Wetlands Protection Act and the applicable performance standards of the Ordinance at the time the Proponent files a Notice of Intent with the Boston Conservation Commission.

As described below, the Project Site, the adjacent Harborwalk, and top of the adjacent seawall will be elevated above the SLR-BFE. Because the Ordinance includes seawall and bulkheads in its definition of Coastal Bank, it is understood the Project will be subject to the Coastal Bank performance standards described at 310 CMR 10.30(6) through 10.30(8). According to the Ordinance, existing seawalls and bulkheads are presumed significant to the purpose of the Wetlands Protection Act and Regulations as Coastal Bank because they are designed to serve as vertical buffers to storms.

Activities conducted within a non-eroding coastal bank, as is the case with the Project, will contribute to the protection of the interests identified in the Wetlands Protection Act by complying with the following general performance standards:

§10.30(6) *"Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank."*

The Project includes elevating approximately 273 linear feet ("lf") of seawall, defined as Coastal Bank under the Ordinance, and all of it is associated upland buffer zone. These activities are not expected to adversely affect the stability of the sea wall and, in fact, the Project will create a Coastal Bank, as defined by the Ordinance, which provides enhanced storm damage prevention and flood control at the Project Site. Thus, this performance standard is satisfied.

§10.30(7) *"Bulkheads, revetments, seawalls, groins or other coastal engineering structures may be permitted on such a coastal bank except when such bank is significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes, and barrier beaches."*

This performance standard is not applicable because the existing seawall does not supply sediment to coastal beaches, coastal dunes, or barrier beaches.

§10.30(8) “Notwithstanding the provisions of 310 CMR 10.30(3) through (7), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.”

The Project Site is not located in Natural Heritage & Endangered Species Program (“NHESP”) mapped habitat for rare species and thus it will not have an adverse effect on specified habitat of rare vertebrate or invertebrate species. Therefore, the Project satisfies this performance standard.

Tidelands: Chapter 91 provides for the protection of the public’s right of waterway navigation and access to the Massachusetts shoreline. Chapter 91 is implemented through 310 CMR 9.00 et seq. (“Waterways Regulations”), promulgated and administered by the Massachusetts Department of Environmental Protection (“MassDEP”) Waterways Regulation Program. Along the Massachusetts coastline, Chapter 91 jurisdiction includes both existing flowed tidelands and former tidelands that are now filled. Development activities within Chapter 91 jurisdiction generally require a license, permit, or other approval from MassDEP.

The Project Site is located on filled private tidelands. As such, work within these formerly flowed tidelands will require a Chapter 91 license. Consistent with the requirements of Chapter 91 and the DWMHP, the Proponent will obtain approval for the Project’s proposed building, its uses, and the public realm improvements described herein. The Proponent will submit a Chapter 91 License application seeking approval for the Project in conformance with the applicable Chapter 91 regulatory standards and the provisions of the DWMHP, as described below. The Project is nonwater-dependent.

§9.32 Categorical Restrictions on Fill and Structures. Section 9.32 of the Waterways Regulations identify certain uses as categorically not allowed on tidelands of the Commonwealth. None of the proposed site uses or improvements is categorically restricted in previously filled tidelands.

§9.33 Environmental Protection Standards. The Chapter 91 regulations at 310 CMR 9.33 state that all projects must comply with the applicable environmental regulatory programs of the Commonwealth. As set forth in this ENF, the Project will comply with the regulatory programs specifically applicable to this Project, including without limitation, the *Massachusetts Environmental Policy Act (MEPA)*, the *Massachusetts Wetlands Protection Act (WPA)*, the *Massachusetts Historical Commission Act*, and the *Massachusetts Coastal Zone Management Act*. A final *Coastal Zone Management Consistency Statement* will be included with the Chapter 91 license application to be submitted by the Proponent.

§9.34 Conformance with Municipal Zoning and Harbor Plans. The Project is being reviewed by the BPDA pursuant to Article 80, Section 80B, Large Project Review. The Project Site is also subject to the DWMHP.

§9.35 Standards to Preserve Water-Related Public Rights. The Chapter 91 Waterways regulations at §9.35 are designed to preserve the public’s rights to navigation along, and free passage over and through, the water, and access to Town Landings, and are also designed to ensure that jurisdictional public waterfront open spaces are properly managed and maintained.

The Project does not include any development directly on the water. However, the Project will create new programmable public open spaces that will be integrated into existing public sidewalks and the Downtown Waterfront District’s public realm network, positively contributing to, and expanding upon, the established amenities in the area. It is anticipated that any future waterways license for the Project will require the Licensee to develop a management plan for all on-site facilities offering water-related benefits to the public to ensure that the quantity and quality of such benefits will be effectively sustained.

§9.36 Standards to Protect Water-Dependent Uses. The Chapter 91 regulations at §9.36 are designed to protect any water-dependent uses occurring at or proximate to a project site. There are currently no water-dependent uses within the Project Site, which has been a structured parking garage since the early 1960s. However,

pursuant to the DWMHP, the Project will make substantial contributions (as further described below) for the near- and long-term benefit of the neighboring New England Aquarium, a water-dependent use and district's primary Special Public Destination Facility.

§9.37 Engineering Construction Standards. All Project structures will be designed and constructed in a manner that is structurally sound and will be certified by a Registered Professional Engineer. The DWMHP established an amplification to this standard that recommends appropriate increases in elevation for public open spaces. In accordance with this amplification, as noted above, the Project Site will be elevated approximately four feet above the current FEMA Base Flood Elevation and 1.5 feet above the City of Boston's project SLR-BFE. As noted above, much of the site is located just beyond the 100-year flood zone (Zone AE) but approximately 3,350 sf of the adjacent Harborwalk is located within Zone AE and 3,410 sf is located within Zone VE. In addition to elevating the Project Site, the building will incorporate additional measures to ensure resiliency to any future flooding event.

§9.51 Conservation of Capacity for Water-Dependent Use. In accordance with §9.51, nonwater-dependent projects that include fill or structures on any tidelands (filled or flowed) shall not unreasonably diminish the capacity of the tidelands to accommodate future water-dependent uses. To meet this standard, §9.51 establishes specific standards and conditions regarding private tenancy, building setbacks and heights, and open space. A review of the Project's compliance with the standards of §9.51 is provided below.

- ◆ ***Facilities of Private Tenancy.*** The Chapter 91 regulations at §9.51(3)(b) prohibit facilities of private tenancy (FPTs) on any pile-supported structure on flowed tidelands, or on the ground floor of any filled tidelands within 100 feet of a project shoreline (Mean High Water). There are no pile-supported structures on the Project site, and only a small area of the Site is within 100 feet of the Mean High Water. The first and second floor of the tower will be programmed with Facilities of Public Accommodation.
- ◆ ***Setback.*** The Chapter 91 regulations at §9.51(3)(c) require certain building and use setbacks from the water for those properties that include a project shoreline and Water Dependent Use Zone. The Project Site does not have a project shoreline and, therefore, does not include a Water-Dependent Use Zone. Thus, there are no associated setback restrictions on the Project Site. To the extent that a Water Dependent Use Zone is located on the abutting parcel, not controlled by the Proponent, the Water Dependent Use Zone extends 25-feet landward from Mean High Water. The Water Dependent Use Zone is entirely occupied by Harborwalk, itself a water-dependent use.
- ◆ ***Height.*** The Chapter 91 regulations at §9.51(3)(e) limit the height of new or expanded buildings on filled tidelands to 55 feet if located within 100 feet of the current high water mark. At greater landward distances, the height of such buildings within filled tidelands is limited to 55 feet plus one-half foot for every additional foot of separation from the existing high water mark. The DWMHP established substitute provisions for building height at the Project Site allowing for the construction of the tower not to exceed 600 feet. The tower will be 585 feet to the highest occupiable floor and no more than 600 feet in total height. The tower has also been oriented to minimize net new shadow and avoid net new shadow on Long Wharf seaward of the Marriott, as required by the DWMHP.
- ◆ ***Open Space.*** The Chapter 91 regulations at §9.51(3)(d) require at least one square foot of open space for every square foot of building footprint. The net effect of the regulation is that at least 50% of the filled tidelands area must be preserved as open space. For Private Tidelands the open space need not be public open space, but must be open to the sky, without building overhangs, awnings, or other obstructions. 50% of the Project Site will be constructed as open space, as defined above. Additionally, as noted below, the DWMHP established an amplification to the standard of the Activation of Commonwealth Tidelands for Public Use at 310 CMR 9.53(2)(b) that requires all

exterior Private Tideland areas that are planned for public access be held to the public activation standard for Commonwealth Tidelands. In compliance with the Chapter 91 requirements for open space the Project will retain and enrich the Site's status as an important hub of the Harborwalk, not only linking the Harborwalk on the Aquarium site to the Harborwalk on the Harbor Towers site but also providing a vastly improved connection to the Greenway. While the public realm condition is tailored to each unique edge condition, three goals remain consistent throughout: prioritizing the pedestrian experience, maximizing outdoor programming opportunities, and connecting people from the Greenway to the water. Adjacent to the Project Site, the Harborwalk will be transformed into a fitting "front porch" that is fully accessible and welcoming and will realize its true potential as a public promenade and a gathering place. All open space on the Project Site will be accessible to the public.

§9.52 Utilization of Shoreline for Water-Dependent Purposes. In accordance with §9.52 of the Chapter 91 regulations, any nonwater-dependent activity or use shall devote a reasonable amount of space to water-dependent uses and public access. Such uses are defined to include waterfront boardwalks and esplanades for public recreation. Projects that include use of the Water Dependent Use Zone are also required to provide appropriate public walkway access for the entire length of the Water Dependent Use Zone.

There are no water-dependent uses on the Project Site, nor does the Site include a Water Dependent Use Zone. To the extent that a Water Dependent Use Zone is located on the abutting parcel, not controlled by the Proponent, the Water Dependent Use Zone extends 25-feet landward from Mean High Water. The Water Dependent Use Zone is entirely occupied by Harborwalk, itself a water-dependent use. Nonetheless, the Project proposes to activate 50% of the Site with public open space and other public amenities and will provide public benefits through the proposed improvements to the abutting segment of Harborwalk, subject to City and State approvals and abutter cooperation.

§9.53 Commonwealth Tidelands. Nonwater-dependent use projects that include fill or structures on Commonwealth Tidelands, except in Designated Port Areas, must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes. Although the Project Site is Private Tidelands, the DWMHP established an amplification to this standard that requires, to the extent possible, exterior areas located on Private Tidelands within the DWMHP planning area that are planned for public access shall be considered as if they are on Commonwealth Tidelands and be required to conform to the exterior public activation requirements under 310 CMR 9.53(2)(b). In accordance with 310 CMR 9.53(2)(b) and with the design and use standards described in the DWMHP, the Project will establish nearly 30,000 new public open space and other amenities at the Project Site that prioritize the pedestrian experience, maximize outdoor programming opportunities, and connect people from the Greenway to the water. The DWMHP's amplification also clarifies that the Aquarium is the primary Special Public Destination Facility and water-dependent use in the planning area and is therefore afforded additional protection against displacement by nonwater-dependent uses. Therefore, the Proponent commits to ensure the viability of the Aquarium during construction of the proposed development in a manner consistent with the Secretary's decision, which details a \$30,000,000 indemnification framework over the estimated three-year construction period as further described in the Wetlands, Waterways and Tidelands Section below.

§9.54 Consistency with Coastal Zone Management Policies. The Project is located within the boundaries of the coastal zone as determined by the regulations of the Massachusetts Coastal Zone Management ("CZM") Program. Per the Waterways Regulations, nonwater-dependent use projects located in the coastal zone must be consistent with all policies of the Massachusetts Coastal Zone Management Program.

As described below, the Project complies with the applicable policies of the CZM Program and will be constructed and operated in a manner consistent with the CZM Program.

Air Quality: Potential long-term air quality impacts will be limited to emissions from Project-related mechanical equipment and pollutant emissions from vehicular traffic generated by the Project.

The Project team is evaluating a number of measures to reduce energy demand and the potential emissions from the Project's mechanical equipment. It is expected that the majority of stationary sources (boilers, engines, etc.) may be subject to MassDEP's Environmental Results Program. The Proponent will complete the required applications and submittals for the equipment, as necessary.

The Proponent is evaluating Transportation Demand Management ("TDM") measures to minimize vehicle use by site residents, tenants, and visitors. The Project Site is located within walking distance of both North Station and South Station, providing convenient access to the MBTA Red, Green, Orange and Silver lines, Commuter Rail, Amtrak, regional bus lines, and multiple Bluebikes stations. There are also several MBTA bus stops in the vicinity of the Project Site and an MBTA Blue Line station (Aquarium) immediately adjacent to the Project Site. Multiple commuter ferries, serving Boston's outer neighborhoods and suburban destinations, are within steps of the Project Site, and Logan Airport is a short subway or water taxi ride across the Harbor. . The Project will include bicycle racks and facilities to encourage bicycling. In addition, the new public open spaces will include pedestrian pathways through and around the Project Site to allow for safe and convenient use by pedestrians.

Construction: Existing public and private infrastructure located within nearby public rights-of-way will be protected during construction. The installation of proposed utility connections within public ways will be undertaken in accordance with BWSC, Boston Public Works Department, the Dig-Safe Program, and applicable utility company requirements. Specific methods for constructing proposed utilities where they are near to, or connect with, existing water, sewer, and drain facilities will be reviewed by the BWSC as part of BWSC's Site Plan Review process. All necessary permits will be obtained before the commencement of work. The Proponent will continue to work and coordinate with the BWSC and the utility companies to ensure safe and coordinated utility operations in connection with the Project.

Conservation of Resources: The State Building Code requires the use of water-conserving fixtures. Water conservation measures such as low-flow toilets and restricted flow faucets will help reduce the domestic water demand on the existing distribution system. The installation of sensor-operated sinks with water conserving aerators and sensor-operated toilets in all non-residential restrooms will be incorporated into the design plans for the Project.

Describe the on-site project alternatives (and alternative off-site locations, if applicable), considered by the proponent, including at least one feasible alternative that is allowed under current zoning, and the reasons(s) that they were not selected as the preferred alternative:

In accordance with 301 CMR 11.07(6)(f), this section provides a summary of site development alternatives considered, including a No-Build Alternative, the Proposed Alternative, and a "Standard Chapter 91 Alternative". A tabular summary of the alternative development programs is provided in Table 2, below.

The Project alternatives evaluated include:

Proposed Alternative – Downtown Waterfront Municipal Harbor Plan Alternative

The Proposed Alternative, its impacts, and proposed mitigation are described in this ENF. The design for The Pinnacle at Central Wharf has been shaped by and has evolved in response to multiple factors, including existing site constraints, coordination and collaboration with neighboring properties, pedestrian and vehicular circulation in and around the Project Site, environmental concerns (such as wind and shadow), sustainability initiatives, climate resiliency, and various DWMHP provisions. The resulting massing represents a successful balance between satisfying all of these forces and creating meaningful architectural expression for a prominent site on Boston's waterfront.

In addition to extensive new public open space, consisting of nearly 30,000 sf of open space on the Project Site and significant improvements to the adjacent Harborwalk, the Project features the construction of a single tower totaling approximately 864,600 sf and comprised of the following uses:

- ◆ An approximately 284,600 sf residential component with approximately 200 residential units (currently anticipated to be rental);
- ◆ An approximately 538,000 sf office component; and
- ◆ Approximately 42,000 sf of publicly accessible amenity space (e.g., retail, restaurant, and other uses to activate the streetscape).

Standard Chapter 91 Alternative

The Standard Chapter 91 Alternative would result in a single building constructed as-of-right under the Waterways Regulations. The Waterways Regulations prescribe specific dimensional and use standards for buildings located within Chapter 91 jurisdiction, including building height, lot coverage, and other requirements intended to ensure projects subject to the Waterways regulations provide a greater benefit than detriment to the rights of the public Chapter 91 jurisdictional lands. The Standard Chapter 91 Alternative would include approximately 297,550 sf of building program consisting of a new building compliant with dimensional and use standards of the Waterways Regulations, without the benefit of the DWMHP.

Under the Standard Chapter 91 Development Alternative, 50% of the Project Site would remain open space, with the building footprint likely located on the landward portions of the Project Site. Building height would range from 105-feet to 145-feet with the highest section of the building located adjacent to Atlantic Avenue. Because the building would be located on Private Tidelands and more than 100-feet from the water, no ground-floor Facilities of Public Accommodation are required, therefore this development alternative assumes only ground floor office or laboratory uses. It is anticipated that this alternative would be constructed over a below-grade parking garage, retaining approximately 300 parking spaces in total.

Although the Standard Chapter 91 Alternative would result in new stormwater management facilities and modestly fewer vehicle trips than the Proposed Alternative, it fails to provide the extraordinary public benefits of the Proposed Alternative. Notably, the many improvements to the public realm, including improved connectivity between the Greenway and Harborwalk, would be substantially reduced or eliminated by the building footprint of the Standard Chapter 91 Alternative. In addition, the \$10 million contribution toward the Blueway would not be realized.

No-Build

The No-Build Alternative would leave the Project Site as it currently exists. Although the No-Build may have fewer localized environmental impacts, the significant improvements to the Site and surrounding neighborhood would not be realized, including the \$10 million contribution toward the Blueway.

The No-Build Alternative does not meet the Proponent's or the City's objectives and is inconsistent with the City's economic and redevelopment goals for the Downtown Waterfront District. Specifically, the No-Build Alternative would not improve the environmental conditions of the Project Site, including improved stormwater management facilities and improved resiliency with regard to sea level rise, or realize the extraordinary public benefits described above. The No-Build Alternative would not create the proposed public amenities, and similarly would neither activate the Site nor would it promote public use or enjoyment of the Downtown Waterfront District.

Table 2 –Comparison of Building Programs Alternatives (approximate dimensions)

	Proposed Alternative	Standard Chapter 91 Alternative	No-Build Alternative
Total Square Footage	864,600	297,550	418,626
Primary Ground Floor Use	Public Amenity (1 st and 2 nd Level)	Office/Lab	Office and Retail
Primary Upper Floor Use	Residential and Office	Office/Lab	Parking
Facilities of Public Accommodation ¹	42,000 sf on 1 st and 2 nd Floors	N/A	12,500 sf on ground floor
Parking	1,100	300	1,475
Offsets	\$10.3 Million	\$0	\$0
¹ Facilities of Public Accommodation are defined at 310 CMR 9.02			

A summary of the environmental impacts of the alternatives are provided in Table 3, below.

Table 3 – Environmental Impacts of Alternatives

	Proposed Alternative	Standard Chapter 91 Alternative	No-Build Alternative
Impervious Area (sf)	23,900 sf	23,900	57,346
Open Space (sf)	28,673 sf	28,673	0
Project-Generated Trips/Day	3,838	2,898	1,342
Water Usage (gpd)	85,778	24,548	6,645
Wastewater Gen. (gpd)	77,980	22,316	6,041

The Project Site has been subject to a comprehensive and inclusive planning effort to encourage thoughtful development that maintains the goals of the City. As such, the design of the Preferred Alternative carefully considers central goals of the DWMHP and other planning documents. The Proponent is working with the City, its neighbors, and other stakeholders to ensure that the Project exceeds the goals of the DWMHP in providing substantial public benefits, amenities, and area-wide activation of the Downtown Waterfront District. The Preferred Alternative is consistent with all applicable planning efforts and endeavors to exceed the expectations for activation of the waterfront and connectivity of public spaces.

The Standard Chapter 91 Alternative is not consistent with local planning with regard to waterfront activation and use. Similarly, the No-Build Alternative maintains the existing conditions as a parking garage and other uses and fails to create the envisioned public spaces and active public uses. Consequently, neither the Standard Chapter 91 Alternative nor the No-Build Alternative are viable projects at this Site.

Summarize the mitigation measures proposed to offset the impacts of the preferred alternative:

Improving the Public Realm: The Project includes nearly 30,000 sf of publicly accessible open space, 50% of the overall Project Site. The open space meets East India Row to the south, Atlantic Avenue to the west, Milk Street to the north, and the Harborwalk to the east, beyond which are the Aquarium to the northeast, the Harbor to the east, and the Harbor Towers property to the southeast.

While the public realm condition is tailored to each unique edge condition, three goals remain consistent throughout: prioritizing the pedestrian experience, maximizing outdoor programming opportunities, and connecting people from the Greenway to the water.

The Project will retain and enrich the Site's status as an important hub of the Boston Harborwalk, not only linking the Harborwalk on the Aquarium site to the Harborwalk on the Harbor Towers site but also providing a vastly improved connection to the Greenway. Adjacent to the Project Site, the Harborwalk will be transformed into a fitting "front porch" that is fully accessible, welcoming and well-illuminated, and will realize its true potential as a public promenade and a gathering place. The Project's public realm space comprises of a variety of outdoor rooms, strategically laid out to establish view corridors along the Harborwalk and to the Aquarium. The public realm programming and design will maximize the water-related public benefits available at this Site and attract and maintain substantial public activity on the Site on a year-round basis.

The footprint of the tower was positioned to maximize space for pedestrian circulation along the Central Wharf plaza to the north and along the Harborwalk to the east. With 30% of the Site dedicated as open space concentrated on the north, a strong East-West connection between the Greenway and the Harbor is created, with a pedestrian-friendly plaza design that is accessible through steps and ramps at various locations. In addition, a public corridor flows through the ground floor plan of the tower connecting the southwest corner of the site to Central Wharf to the North and East. This will be activated with various retail spaces, dining options, and other public amenity space. The interior public circulation wraps up to the tower's second level, above the vehicular ramp, through series of steps with integrated seating areas which will also offer elevated views of the Greenway to the West.

Site improvements will include interpretive and wayfinding elements to enhance user experience and honor the things that contribute to the Boston Waterfront's sense of place. Interpretation will be both environmental and historical, building on efforts like the Norman B. Leventhal Walk to the Sea, and speaking to both the history of the land use and the ecology of the Harbor.

Transportation Mitigation: The Proponent is committed to implementing TDM measures to minimize automobile usage and Project related traffic impacts. TDM will be facilitated by the nature of the Project (which does not generate significant new peak hour trips) and its proximity to numerous public transit alternatives. The Proponent will work with the City to develop a TDM program appropriate to the Project and consistent with its level of impact.

The Proponent is prepared to take advantage of exceptional transit access in marketing the Project to future tenants, patrons and customers by implementing the following TDM measures to encourage the use of non-vehicular modes of travel.

Potential TDM measures for the Project include but are not limited to the following:

Transportation Coordinator: The Proponent will cause the property manager and/or representatives of individual lessees to designate a full-time, on-site employee as the transportation coordinator. The transportation coordinator will oversee all transportation issues. This includes managing vehicular and valet operations, service and loading, valet parking, and TDM programs.

Transit Pass Programs: The Proponent will encourage the property manager and/or individual lessees to foster employee use of transit by offering on-site transit pass sales and MBTA pass subsidies to employees.

Project Website: Project websites will include transportation-related information for visitors and employees.

Information and Promotion of Travel Alternatives: The Proponent will cause the property manager and/or lessee's transportation coordinator to provide employees, tenants and visitors with public transit system maps, schedules, and other information on transit services in the area; provide an annual (or more frequent) newsletter or bulletin summarizing transit, ridesharing, bicycling, alternative work schedules, and other travel options; provide information on travel alternatives for employees and visitors via the Internet and in the building lobbies; and provide information on travel alternatives to new employees.

The Proponent will continue to work with the City of Boston to create a Project that efficiently serves vehicle trips, improves the pedestrian environment, and encourages transit and bicycle use. In addition to the improvements that have previously been discussed, including signal timing and public realm improvements, the Proponent will fund the installation of a Bluebikes station to be placed in an area in accordance with BTG guidelines.

The Proponent is responsible for preparation of the Transportation Access Plan Agreement ("TAPA"), a formal legal agreement between the Proponent and the BTG. The TAPA formalizes the findings of the Project's transportation study, mitigation commitments, elements of access and physical design, travel demand management measures, and any other responsibilities that are agreed to by both the Proponent and the BTG. Because the TAPA must incorporate the results of the technical analysis, it must be executed after these other processes have been completed. The proposed measures listed above and any additional transportation improvements to be undertaken as part of this Project will be defined and documented in the TAPA.

Smart Growth/Transit-Oriented Development: The Project is consistent with smart-growth and transit-oriented development principles. The Project Site is well served by existing public transportation, including major regional rapid transit, commuter rail, and bus lines that provide easy access to the Project Site from the Greater Boston region. The Project design will promote bicycle access to the Site. The addition of the mixed-use Project will complement the surrounding, more active neighboring uses and will support the expansion of a vibrant mixed-use community with a diversity of uses.

Affordable Housing: The Project will comply with the applicable City of Boston Inclusionary Development Policy by providing a to-be-determined combination of on-site affordable units, off-site affordable units and/or a monetary contribution to an affordable housing fund.

Neighborhood and Site Resiliency: The design of the open spaces aim to create a diverse program mix to meet City and local needs while developing a model for integrated resiliency and sustainability.

The Project design will provide resiliency now and in the future, adapting to both storm surge and sea level rise. Consistent with the anticipated recommendations of the City of Boston *Climate Ready Downtown and North End* plan, The Project Site will be raised from elevation 17.0-feet BCB to elevation 21.0-feet BCB in order to improve the Site resiliency in light of sea level rise and coastal storms. The Proponent is also evaluating resiliency solutions along the adjacent Harborwalk to provide a catalytic contribution toward a district-wide approach to protection. Near the water's edge, the elevation will be 21.5-feet BCB to provide additional protection against storm surge and create a more resilient harbor's edge.

Sustainable Design/Green Building: Optimum building performance and environmental responsibility are fundamental components of the Project. To those ends, the Project will make use of the many benefits of the Site and the most up-to-date knowledge and experience will be utilized to design a building that minimizes energy use, conserves natural resources, and supports the health and wellbeing of building occupants. Consistent with Article 37 of the Code, the Project team will use the Leadership in Energy and Environmental Design ("LEED") rating system – LEED v4 Core and Shell ("LEED CS") to track sustainability. Based on the current target credits, a LEED Gold rating is anticipated for the Project.

The Project's design team includes several LEED Accredited Professionals and they will continue to evaluate and incorporate sustainable design and energy conservation measures as the design process proceeds. The Project team is also evaluating utility and state energy efficiency program opportunities and will engage with representatives of the utility to determine how best to maximize building performance.

Increased Employment and New Property Tax: The Project will create approximately 2,000 construction jobs and approximately 3,000 permanent jobs upon stabilization. The Project will result in significantly increased tax revenues compared to the existing condition. In addition to the substantial income tax revenues generated as a

result of the aforementioned job creation, the Project will also generate tens of millions of dollars in sales and employment taxes for the Commonwealth and significantly greater property tax revenues compared to the existing condition, which, in turn, will result in a substantial increase in City of Boston borrowing capacity.

If the project is proposed to be constructed in phases, please describe each phase:

The Project will be constructed in a single phase.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN:

Is the project within or adjacent to an Area of Critical Environmental Concern?

☐ Yes (Specify _____)
☒ No

If yes, does the ACEC have an approved Resource Management Plan? ____ Yes ____ No;

If yes, describe how the project complies with this plan.

Will there be stormwater runoff or discharge to the designated ACEC? ____ Yes ____ No;

If yes, describe and assess the potential impacts of such stormwater runoff/discharge to the designated ACEC.

RARE SPECIES:

Does the project site include Estimated and/or Priority Habitat of State-Listed Rare Species? (see http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/priority_habitat/priority_habitat_home.htm)

☐ Yes (Specify _____) ☒ No

HISTORICAL / ARCHAEOLOGICAL RESOURCES:

Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

☐ Yes (Specify _____) ☒ No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? ☐ Yes (Specify: _____) ☐ No

WATER RESOURCES:

Is there an Outstanding Resource Water (ORW) on or within a half-mile radius of the project site? ____ Yes
X No; if yes, identify the ORW and its location.

(NOTE: Outstanding Resource Waters include Class A public water supplies, their tributaries, and bordering wetlands; active and inactive reservoirs approved by MassDEP; certain waters within Areas of Critical Environmental Concern, and certified vernal pools. Outstanding resource waters are listed in the Surface Water Quality Standards, 314 CMR 4.00.)

Are there any impaired water bodies on or within a half-mile radius of the project site? X Yes ____ No; if yes,

identify the water body and pollutant(s) causing the impairment:

Boston Harbor: Pathogen impairment (e.g., fecal coliform, E. coli, and enterococcus bacteria).

Is the project within a medium or high stress basin, as established by the Massachusetts Water Resources Commission? ____ Yes X No

STORMWATER MANAGEMENT:

Generally describe the project's stormwater impacts and measures that the project will take to comply with the standards found in MassDEP's Stormwater Management Regulations:

The Project Site currently contains a structured parking garage and will be replaced by a new building and a significant amount of publicly accessible open space, some of which will be landscaped and pervious. The Project will comply with BWSC requirements and detain the first 1.25-inch of stormwater runoff from site impervious areas. Different approaches to stormwater management will be assessed and the Project will be designed to comply with MassDEP Stormwater Standards in accordance with the Wetlands Protection Act.

Improvements and connections to BWSC infrastructure will be reviewed as part of the BWSC's Site Plan Review process. The process will include a comprehensive design review of the proposed service connections, and assessment of Project demands and system capacity.

MASSACHUSETTS CONTINGENCY PLAN:

Has the project site been, or is it currently being, regulated under M.G.L.c.21E or the Massachusetts Contingency Plan? Yes ____ No **X** ; if yes, please describe the current status of the site (including Release Tracking Number (RTN), cleanup phase, and Response Action Outcome classification):

Is there an Activity and Use Limitation (AUL) on any portion of the project site? Yes ____ No **X** ; if yes, describe which portion of the site and how the project will be consistent with the AUL:

Are you aware of any Reportable Conditions at the property that have not yet been assigned an RTN? Yes ____ No **X** ; if yes, please describe:

SOLID AND HAZARDOUS WASTE:

If the project will generate solid waste during demolition or construction, describe alternatives considered for re-use, recycling, and disposal of, e.g., asphalt, brick, concrete, gypsum, metal, wood:

A Construction Waste Management Plan will be implemented for the Project and the construction contractor(s) will seek to recycle leftover materials to the extent practicable and limit the amount of waste sent to landfills. For those materials that cannot be recycled, solid waste will be transported in covered trucks to an approved solid waste facility, per 301 CMR 16.00 et seq. Construction will be conducted so that materials that may be recycled are segregated from those materials not recyclable to enable disposal at an approved solid waste facility.

Will your project disturb asbestos containing materials? Yes **X** No ____ ; if yes, please consult state asbestos requirements at <http://mass.gov/MassDEP/air/asbhom01.htm>

Although an asbestos inspection has not yet be performed, given the age of the existing garage, it is possible that asbestos containing materials may be present (caulking and pipe insulation). Demolition contractors, plumbing and heating contractors, and others, as necessary, will be required to determine if asbestos containing materials are present at the Project Site and, prior to conducting any demolition activity, licensed asbestos abatement contractors and consultants will be engaged and asbestos containing materials will be handled and disposed of in accordance with all applicable local, state, and federal requirements.

Describe anti-idling and other measures to limit emissions from construction equipment:

The Proponent will follow City of Boston and MassDEP guidelines, which will direct the evaluation and mitigation of construction impacts. To the extent feasible, the Proponent will require the construction contractor(s) to use after-engine emission controls such as diesel oxidation catalysts or diesel particulate filters on construction vehicles and to use Ultra Low Sulfur Diesel fuel in off-road engines. "No Idle" signs will be installed at appropriate locations on the Project Site.

DESIGNATED WILD AND SCENIC RIVER:

Is this project site located wholly or partially within a defined river corridor of a federally designated Wild and Scenic River or a state designated Scenic River? Yes ___ No **X**;
if yes, specify name of river and designation:

If yes, does the project have the potential to impact any of the "outstandingly remarkable" resources of a federally Wild and Scenic River or the stated purpose of a state designated Scenic River?

Yes ___ No ___; if yes, specify name of river and designation: _____;

if yes, will the project will result in any impacts to any of the designated "outstandingly remarkable" resources of the Wild and Scenic River or the stated purposes of a Scenic River.

Yes ___ No ___; if yes, describe the potential impacts to one or more of the "outstandingly remarkable" resources or stated purposes and mitigation measures proposed.

ATTACHMENTS:

1. List of all attachments to this document.
Attachment A Figures
Attachment B Site Survey
Attachment C Circulation List
Attachment D Anticipated Federal and Local Permits
2. U.S.G.S. map (good quality color copy, 8-½ x 11 inches or larger, at a scale of 1:24,000) indicating the project location and boundaries. **See Attachment A – Figure 1**
- 3.. Plan, at an appropriate scale, of existing conditions on the project site and its immediate environs, showing all known structures, roadways and parking lots, railroad rights-of-way, wetlands and water bodies, wooded areas, farmland, steep slopes, public open spaces, and major utilities. **See Attachment A – Figure 2; Attachment B**
- 4 Plan, at an appropriate scale, depicting environmental constraints on or adjacent to the project site such as Priority and/or Estimated Habitat of state-listed rare species, Areas of Critical Environmental Concern, Chapter 91 jurisdictional areas, Article 97 lands, wetland resource area delineations, water supply protection areas, and historic resources and/or districts. **See Attachment A – Figure 5 and Figure 6**
5. Plan, at an appropriate scale, of proposed conditions upon completion of project (if construction of the project is proposed to be phased, there should be a site plan showing conditions upon the completion of each phase). **See Attachment A – Figures 7, 8, 9, 10, 11, 12, 13**
6. List of all agencies and persons to whom the proponent circulated the ENF, in accordance with 301 CMR 11.16(2). **See Attachment C**
7. List of municipal and federal permits and reviews required by the project, as applicable. **See Attachment D**

LAND SECTION – all proponents must fill out this section

I. Thresholds / Permits

- A. Does the project meet or exceed any review thresholds related to **land** (see 301 CMR 11.03(1))
___ Yes **X** No; if yes, specify each threshold:

II. Impacts and Permits

- A. Describe, in acres, the current and proposed character of the project site, as follows:

	Existing	Change	Total
Footprint of buildings	1.32	-0.66	0.66
Internal roadways	0	0	0
Parking and other paved areas¹	0	+0.55	+0.55
Other altered areas	0	+0.11	+0.11
Undeveloped areas	0	0	0
Total: Project Site Acreage²	1.32	1.32	1.32

¹ Consists of driveways and sidewalks, portions of which may be constructed of pervious materials

² Does not include the approximately 15,775 sf of the adjacent Harborwalk.

- B. Has any part of the project site been in active agricultural use in the last five years?
___ Yes **X** No; if yes, how many acres of land in agricultural use (with prime state or locally important agricultural soils) will be converted to nonagricultural use?
- C. Is any part of the project site currently or proposed to be in active forestry use?
___ Yes **X** No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a forest management plan approved by the Department of Conservation and Recreation:
- D. Does any part of the project involve conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97? ___ Yes **X** No; if yes, describe:
- E. Is any part of the project site currently subject to a conservation restriction, preservation restriction, agricultural preservation restriction or watershed preservation restriction?
___ Yes **X** No; if yes, does the project involve the release or modification of such restriction? ___ Yes ___ No; if yes, describe:
- F. Does the project require approval of a new urban redevelopment project or a fundamental change in an existing urban redevelopment project under M.G.L.c.121A? ___ Yes **X** No; if yes, describe:
- G. Does the project require approval of a new urban renewal plan or a major modification of an existing urban renewal plan under M.G.L.c.121B? Yes ___ No **X**; if yes, describe:

III. Consistency

- A. Identify the current municipal comprehensive land use plan:
Title: **Imagine Boston 2030** Date: **July 2017**

B. Describe the project's consistency with that plan with regard to:

a. Economic development:

Imagine Boston 2030 calls for significant new mixed-use housing and encouragement of job growth in transit-accessible areas at the edges of existing neighborhoods. The Project is supporting growth in the area by providing substantial housing and employment opportunities in proximity to multiple MBTA stations, the commuter boat network, and several bus routes. Additionally, the Project will provide temporary construction jobs and permanent jobs for future employees.

b. Adequacy of infrastructure:

Imagine Boston 2030 calls for the investment in transportation and infrastructure. Both North Station and South Station are located within walking distance of the Project Site, providing convenient access to the MBTA Red, Green, Orange and Silver lines, Commuter Rail, Amtrak, regional bus lines, and multiple Bluebikes stations. There are also several MBTA bus stops in the vicinity of the Project Site and an MBTA Blue Line station (Aquarium) immediately adjacent to the Project Site. Multiple commuter ferries, serving Boston's outer neighborhoods and suburban destinations, are within steps of the Project Site, and Logan Airport is a short subway or water taxi ride across the Harbor. The Project Site is also located within walking distance from numerous services and amenities. The Project is not anticipated to adversely affect water, sewer, gas, electrical or communications systems in the area. The Proponent will meet with the relevant utility authorities to confirm adequacy of service and coordinate development of the Project.

c. Open space impacts:

A stated goal of Imagine Boston 2030 is to create a waterfront for all Bostonians that is climate-resilient and has the stewardship needed to thrive for coming generations. Boston 2030 also envisions a vibrant open space network that enhances paths and greenways, connecting neighborhoods to open spaces and to the waterfront while preserving the public's investment in those open spaces, as further described in the Greenway District Use and Development Guidelines. A key component of the Project is the creation of significant new public open space and elevating the Project Site, which will integrate with other resilience measures in the Downtown Waterfront District that are anticipated to prevent flooding related to sea level rise from Boston Harbor. Furthermore, the Project's improvements to pedestrian connectivity through the Site create a more cohesive design theme and integrated public realm. The distinctive tower element will instantly become a Boston landmark, serving a wayfinding function that will signal, even at a distance, the location of a revitalized Central Wharf area. The new public plaza, widening as it approaches the water and wraps to the east, will form a seamless connection with the Harborwalk and will function in complimentary fashion to the New England Aquarium's proposed future Blueway, thereby enhancing the public realm for the entire Downtown Waterfront District. These improvements in pedestrian circulation, combined with significant investments in district-wide and building-specific climate change resiliency, will create a more "user friendly" waterfront that will bring to life the Wharf District planning goals as originally outlined in the Greenway District Use and Development Guidelines in 2010.

d. Compatibility with adjacent land uses:

Imagine Boston 2020 encourages dense, walkable mixed-use development, and public realm improvements to foster a core where more people live, work, and gather. The Project team assembled a site plan and development program that creates a vibrant mix of uses, connections through the site, and significant public open space, all of which will create a front porch for the

City and the region to honor the Site's location at Boston's "front door to the world." The Project has also been designed to be compatible with the development of the proposed future Blueway vision, with active uses oriented toward the commercially-oriented northern side of the Project Site. The Project will provide additional residential opportunities in the Downtown Waterfront District, with residential uses oriented toward the neighboring Harbor Towers and Rows Wharf communities.

- e. Identify the current Regional Policy Plan of the applicable Regional Planning Agency (RPA)

RPA: **Metropolitan Area Planning Council**

Title: **MetroFuture** Date: **June 2009**

- f.. Describe the project's consistency with that plan with regard to:

- 1) economic development:

The MetroFuture Plan predicts moderate economic growth across the region in the coming years. The Project is supporting growth in the area by providing substantial housing and employment opportunities in proximity to the existing Downtown core and the MBTA stations and bus routes that serve it. Additionally, the Project will provide temporary construction jobs and permanent jobs for future employees.

- 2) adequacy of infrastructure:

The Plan predicts that population growth will be concentrated in municipalities already well served by infrastructure, with slower growth in less developed areas where infrastructure is limited. The Project Site is near several bus routes and is within walking distance of both North Station and South Station and approximately 500 feet from the MBTA Aquarium Blue Line Station. The Project Site is also convenient to numerous services and amenities. The Project is not anticipated to adversely affect water, sewer, gas, electrical or communication systems in the area. The Proponent will meet with the relevant utility authorities to confirm adequacy of service and coordinate development of the Project.

- 3) open space impacts:

The Plan directs over 60% of commercial and housing growth to previously developed areas to minimize loss of open space. The Project is located on a previously developed site that currently is completely covered by a structured parking garage. The Project will improve the Site with public realm improvements including new public open space as further described above and enhancement of the Harborwalk along the Project Site. A key component of the Project is elevating the Project Site, a measure which will integrate with other resilience efforts in the Downtown Waterfront District to prevent flooding related to sea level rise from Boston Harbor into Downtown Boston.

RARE SPECIES SECTION

I. Thresholds / Permits

- A. Will the project meet or exceed any review thresholds related to **rare species or habitat** (see 301 CMR 11.03(2))? ____ Yes **X** No; if yes, specify, in quantitative terms:

(NOTE: If you are uncertain, it is recommended that you consult with the Natural Heritage and Endangered Species Program (NHESP) prior to submitting the ENF.)

- B. Does the project require any state permits related to **rare species or habitat**? ____ Yes **X** No
- C. Does the project site fall within mapped rare species habitat (Priority or Estimated Habitat?) in the current Massachusetts Natural Heritage Atlas (attach relevant page)? ____ Yes **X** No.
- D. If you answered "No" to all questions A, B and C, proceed to the **Wetlands, Waterways, and Tidelands Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Rare Species section below.

II. Impacts and Permits

- A. Does the project site fall within Priority or Estimated Habitat in the current Massachusetts Natural Heritage Atlas (attach relevant page)? ____ Yes ____ No. If yes,
1. Have you consulted with the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP)? ____ Yes ____ No; if yes, have you received a determination as to whether the project will result in the "take" of a rare species? ____ Yes ____ No; if yes, attach the letter of determination to this submission.
 2. Will the project "take" an endangered, threatened, and/or species of special concern in accordance with M.G.L. c.131A (see also 321 CMR 10.04)? ____ Yes ____ No; if yes, provide a summary of proposed measures to minimize and mitigate rare species impacts
 3. Which rare species are known to occur within the Priority or Estimated Habitat?
 4. Has the site been surveyed for rare species in accordance with the Massachusetts Endangered Species Act? ____ Yes ____ No
 4. If your project is within Estimated Habitat, have you filed a Notice of Intent or received an Order of Conditions for this project? ____ Yes ____ No; if yes, did you send a copy of the Notice of Intent to the Natural Heritage and Endangered Species Program, in accordance with the Wetlands Protection Act regulations? ____ Yes ____ No
- B. Will the project "take" an endangered, threatened, and/or species of special concern in accordance with M.G.L. c.131A (see also 321 CMR 10.04)? ____ Yes ____ No; if yes, provide a summary of proposed measures to minimize and mitigate impacts to significant habitat:

WETLANDS, WATERWAYS, AND TIDELANDS SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **wetlands, waterways, and tidelands** (see 301 CMR 11.03(3))? **X** Yes No; if yes, specify, in quantitative terms:

301 CMR 11.03(3)(a)(5) – New non-water dependent use or Expansion of an existing non-water dependent structure, provided the use or structure occupies one or more acres of waterways or tidelands.

B. Does the project require any state permits (or a local Order of Conditions) related to **wetlands, waterways, or tidelands**? ☒ Yes No; if yes, specify which permit:

**MassDEP Waterways Program Chapter 91 License
City of Boston Wetlands Protection Act Order of Conditions**

C. If you answered "No" to both questions A and B, proceed to the **Water Supply Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Wetlands, Waterways, and Tidelands Section below.

II. Wetlands Impacts and Permits

A. Does the project require a new or amended Order of Conditions under the Wetlands Protection Act (M.G.L. c.131A)? **X** Yes ___ No; if yes, has a Notice of Intent been filed? ___ Yes **X** No; if yes, list the date and MassDEP file number: _____; if yes, has a local Order of Conditions been issued? ___ Yes ___ No; Was the Order of Conditions appealed? ___ Yes ___ No. Will the project require a Variance from the Wetlands regulations? Yes **X** No.

B. Describe any proposed permanent or temporary impacts to wetland resource areas located on the project site:

Portions of the Project Site are within Land Subject to Coastal Storm Flowage, as defined by the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00 et seq., as well as resources areas defined by the City of Boston Wetlands Ordinance. Accordingly, the Project will be designed in compliance with the performance standards of the Wetlands Protection Act and the applicable performance standards of the Ordinance at the time the Proponent files a Notice of Intent with the Boston Conservation Commission.

To improve resiliency with regard to sea level rise and coastal storms impacts, much of the Site will be elevated to 21.0-feet BCB, approximately four feet above the current Zone AE flood elevation (16.46-feet BCB), and the tower's ground level will be at 21.0-feet BCB.

C. Estimate the extent and type of impact that the project will have on wetland resources, and indicate whether the impacts are temporary or permanent:

<u>Coastal Wetlands</u>	<u>Area (square feet) or Length (linear feet)</u>	<u>Temporary or Permanent Impact?</u>
Land Under the Ocean		
Designated Port Areas		
Coastal Beaches		
Coastal Dunes		
Barrier Beaches		
Coastal Banks		
Rocky Intertidal Shores		

Salt Marshes	_____	_____
Land Under Salt Ponds	_____	_____
Land Containing Shellfish	_____	_____
Fish Runs	_____	_____
Land Subject to Coastal Storm Flowage	_____	Project Site: 20 sf - Permanent
		Harborwalk: 3,350 - Permanent
<u>Inland Wetlands</u>		
Bank (lf)	_____	_____
Bordering Vegetated Wetlands	_____	_____
Isolated Vegetated Wetlands	_____	_____
Land under Water	_____	_____
Isolated Land Subject to Flooding	_____	_____
Bordering Land Subject to Flooding	_____	_____
Riverfront Area	_____	_____

D. Is any part of the project:

1. proposed as a **limited project**? ___ Yes **X** No; if yes, what is the area (in sf)? _____
2. the construction or alteration of a **dam**? ___ Yes **X** No; if yes, describe: _____
3. fill or structure in a **velocity zone** or **regulatory floodway**? **X** Yes ___ No
4. dredging or disposal of dredged material? ___ Yes **X** No; if yes, describe the volume of dredged material and the proposed disposal site: _____
5. a discharge to an **Outstanding Resource Water (ORW)** or an **Area of Critical Environmental Concern (ACEC)**? ___ Yes **X** No
6. subject to a wetlands restriction order? ___ Yes **X** No; if yes, identify the area (in sf): _____
7. located in buffer zones? ___ Yes **X** No; if yes, how much (in sf) _____

E. Will the project:

1. be subject to a local wetlands ordinance or bylaw? **X** Yes ___ No
2. alter any federally protected wetlands not regulated under state law? ___ Yes **X** No; if yes, what is the area (sf)? _____

III. Waterways and Tidelands Impacts and Permits

A. Does the project site contain waterways or tidelands (including filled former tidelands) that are subject to the Waterways Act, M.G.L.c.91? **X** Yes ___ No; if yes, is there a current Chapter 91 License or Permit affecting the project site? **X** Yes ___ No; if yes, list the date and license or permit number and provide a copy of the historic map used to determine extent of filled tidelands:

The extent of filled tidelands is shown on Attachment A – Figure 5 and Figure 14 as determined by MassDEP’s Chapter 91 Tidelands Jurisdiction data available from Massachusetts Bureau of Geographic Information (“MassGIS”).

Licenses affecting the Project Site:

Department of Public Works, License No. 5297, Issued November 1, 1967

- B. Does the project require a new or modified license or permit under M.G.L.c.91? **X** Yes ___ No; if yes, how many acres of the project site subject to M.G.L.c.91 will be for non-water-dependent use? Current **1.32** Change **0** Total **1.32**
If yes, how many square feet of solid fill or pile-supported structures (in sf)? _____

All proposed activities will occur within filled tidelands.

C. For non-water-dependent use projects, indicate the following:

Area of filled tidelands on the site: 57,346 sf

Area of filled tidelands covered by buildings: 28,673 sf

For portions of site on filled tidelands, list ground floor uses and area of each use:

Facilities of Public Accommodation: ~21,505 sf

Upper Floor Accessory Uses: ~7,168 sf

Does the project include new non-water-dependent uses located over flowed tidelands?

Yes ___ No X

Height of building on filled tidelands:

585' to the highest occupiable floor and no more than 600 feet in total height

Also show the following on a site plan: Mean High Water, Mean Low Water, Water-dependent Use Zone, location of uses within buildings on tidelands, and interior and exterior areas and facilities dedicated for public use, and historic high and historic low water marks.

See Attachment 1 – Figure 7, Figure 7, Figure 9, and Figure 14.

The Project Site does not have a Water Dependent Use Zone. To the extent that a Water Dependent Use Zone is located on the abutting parcel, not controlled by the Proponent, the Water Dependent Use Zone extends 25-feet landward from Mean High Water per 310 CMR 9.51(c)(3)1. The Water Dependent Use Zone is entirely occupied by Harborwalk, itself a water-dependent use.

All exterior open space is dedicated for public use.

D. Is the project located on landlocked tidelands? ___ Yes X No; if yes, describe the project's impact on the public's right to access, use and enjoy jurisdictional tidelands and describe measures the project will implement to avoid, minimize or mitigate any adverse impact:

E. Is the project located in an area where low groundwater levels have been identified by a municipality or by a state or federal agency as a threat to building foundations? ___ Yes X No; if yes, describe the project's impact on groundwater levels and describe measures the project will implement to avoid, minimize or mitigate any adverse impact:

F. Is the project non-water-dependent **and** located on landlocked tidelands **or** waterways or tidelands subject to the Waterways Act **and** subject to a mandatory EIR? X Yes ___ No;
(NOTE: If yes, then the project will be subject to Public Benefit Review and Determination.)

G. Does the project include dredging? ___ Yes X No; if yes, answer the following questions:

What type of dredging? Improvement ___ Maintenance ___ Both ___

What is the proposed dredge volume, in cubic yards (cys) _____

What is the proposed dredge footprint ___ length (ft) ___ width (ft) ___ depth (ft);

Will dredging impact the following resource areas?

Intertidal Yes ___ No ___; if yes, ___ sq ft

Outstanding Resource Waters Yes ___ No ___; if yes, ___ sq ft

Other resource area (i.e. shellfish beds, eel grass beds) Yes ___ No ___; if yes ___ sq ft

If yes to any of the above, have you evaluated appropriate and practicable steps to: 1) avoidance; 2) if avoidance is not possible, minimization; 3) if either avoidance or minimize is not possible, mitigation?

If no to any of the above, what information or documentation was used to support this determination?

Provide a comprehensive analysis of practicable alternatives for improvement dredging in accordance with 314 CMR 9.07(1)(b). Physical and chemical data of the sediment shall be included in the comprehensive analysis.

Sediment Characterization

Existing gradation analysis results? ☐ Yes ☐ No; if yes, provide results.

Existing chemical results for parameters listed in 314 CMR 9.07(2)(b)6? ☐ Yes ☐ No; if yes, provide results.

Do you have sufficient information to evaluate feasibility of the following management options for dredged sediment? If yes, check the appropriate option.

Beach Nourishment ☐

Unconfined Ocean Disposal ☐

Confined Disposal:

Confined Aquatic Disposal (CAD) ☐

Confined Disposal Facility (CDF) ☐

Landfill Reuse in accordance with COMM-97-001 ☐

Shoreline Placement ☐

Upland Material Reuse ☐

In-State landfill disposal ☐

Out-of-state landfill disposal ☐

(NOTE: This information is required for a 401 Water Quality Certification.)

IV. Consistency:

A. Does the project have effects on the coastal resources or uses, and/or is the project located within the Coastal Zone? ☒ Yes ☐ No; if yes, describe these effects and the projects consistency with the policies of the Office of Coastal Zone Management:

The Project complies with the applicable policies of the CZM Program and will be operated in a manner consistent with the CZM Program.

The entire Project Site is located within the limits of the Massachusetts Coastal Zone as defined at 301 CMR 21.99. The Project complies with the enforceable policies of the CZM Program and will be conducted in a manner consistent with those policies. A summary of the regulatory and non-regulatory CZM Program policies and the consistency of the specific improvements proposed in association with the Project with those policies is presented below.

Water Quality

Water Quality Policy #1 - Ensure that point-source discharges in or affecting the coastal zone are consistent with federally approved state effluent limitations and water quality standards.

The Project does not propose new point source discharges. The existing stormwater management system will be upgraded so as to comply with the MassDEP Stormwater Management Policy and will satisfy regulatory requirements set forth by MassDEP under the Massachusetts Wetland Protection Act and by the USEPA under the US Clean Water Act (33 U.S.C. 1341 et seq.). Implementation of the stormwater management system, in conjunction with the implementation of best management practices ("BMPs") and observance of the MassDEP Policy, is anticipated to result in an improvement to existing Site conditions.

Water Quality Policy #2 - Ensure that nonpoint pollution controls promote the attainment of state surface water quality standards in the coastal zone.

The nonpoint discharge associated with the Project Site is stormwater runoff. Currently, the Project Site consists of either impervious pavement used primarily for site access, pedestrian sidewalks, or is occupied by the existing structure. Site landscaping will result in a decrease in impervious surface area in the proposed condition as compared to existing conditions, while the proposed use should result in an

improvement in runoff water quality. The post-development volume and rate of stormwater runoff will be less than existing conditions. In addition, a Stormwater Pollution Prevention Plan ("SWPPP") will be implemented in accordance with the NPDES Stormwater Construction General Permit. These measures will ensure compliance with this Policy.

Water Quality Policy #3 – *Ensure that activities in or affecting the coastal zone, conform to applicable state and federal requirements governing subsurface waste discharges.*

This policy is not applicable. No subsurface waste discharge is proposed. The Project will be serviced by sanitary sewer with regional treatment provided by the Massachusetts Water Resource Authority.

Habitat

Habitat Policy #1 – *Protect wetland areas including salt marshes, shellfish beds, dunes, beaches, barrier beaches, salt ponds, ell grass beds, and freshwater wetlands for their role as natural habitats.*

The Project Site does not include and is not proximate to these coastal wetland resource areas. Site work will include the installation of a stormwater management system that is compliant with the MassDEP Stormwater Management Policy. The net result of the site activities will be an improvement in stormwater quality.

Habitat Policy #2 – *Restore degraded or former wetland resources in coastal areas and ensure that activities in coastal areas do no further wetland degradation but instead take advantage of opportunities to engage in wetland restoration.*

No work is proposed on, in or proximate to a wetland resource area under the Massachusetts Wetlands Protection Act; therefore, this policy does not apply

Protected Areas

Protected Areas Policy #1 – *Preserve, restore and enhance complexes of coastal resources of regional or statewide significance through the Areas of Critical Environmental Concern program.*

The Project Site is not located within an Area of Critical Environmental Concern; therefore, this policy does not apply.

Protected Areas Policy #2 – *Protect state and locally designated scenic rivers and state classified scenic rivers in the coastal zone.*

The Project Site is not located within any state or locally designated scenic river; therefore, this policy does not apply.

Protected Areas Policy #3 – *Ensure that proposed developments in or near designated or registered historic districts or sites respect the preservation intent of the designation and that potential adverse effects are minimized.*

The Project is subject to review by the MHC in compliance with State Register Review regulations. MHC review will be initiated with the filing of this ENF.

Coastal Hazards

***Coastal Hazard Policy #1** – Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.*

There are no natural coastal landforms on or adjacent to the Project Site. The proposed Project completely avoids impacts to these landforms and any such nearby resources will therefore maintain their beneficial functions of storm damage prevention and flood control.

***Coastal Hazard Policy #2** – Ensure construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Approve permits for flood or erosion control projects only when it has been determined that there will be no significant adverse effects on the project site or adjacent or downcoast areas.*

No work is proposed in the nearby waters of the Boston Harbor; therefore, no negative impacts to water circulation and sediment transport are anticipated.

***Coastal Hazard Policy #3** – Ensure that state and federally funded public works projects proposed for location within the coastal zone will: (1) not exacerbate existing hazards or damage natural buffers or other natural resources, (2) be reasonably safe from flood and erosion related damage, (3) not promote growth and development in hazard-prone or buffer areas, especially in velocity zones and ACECs, and (4) not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structures in a manner inconsistent with the Coastal Barrier Resource/Improvements Acts.*

The Project is not a state or federally funded public works project; therefore, this policy does not apply.

***Coastal Hazard Policy #4** – Prioritize public funds for acquisition of hazardous coastal areas for conservation or recreation use, and relocation of structures out of coastal high hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and manageability of the area.*

The Project does not involve the use of public funds; therefore, this policy does not apply.

Port and Harbor Infrastructure

***Ports Policy #1** – Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity and public health.*

Dredging is not proposed as part of the Project; therefore, this policy does not apply.

***Ports Policy #2** – Obtain the widest possible public benefit from channel dredging, ensuring that designated ports and developed harbors are given highest priority in the allocation of federal and state dredging funds. Ensure that this dredging is consistent with marine environment policies.*

Dredging is not proposed as part of the Project; therefore, this policy does not apply.

***Ports Policy #3** – Preserve and enhance the capacity of Designated Port Areas (DPAs) to accommodate water-dependent industrial uses, and prevent the exclusion of such uses from tidelands and any other DPA lands over which a state agency exerts control by virtue of ownership, regulatory authority, or other legal jurisdiction.*

The Project Site is not located within a DPA and does not involve water-dependent industrial uses; therefore, this policy does not apply.

Ports Management Principal #1 – *Encourage, through technical and financial assistance, expansion of water dependent uses in designated ports and developed harbors, re-development of urban waterfronts, and expansion of visual access.*

The Project site has been occupied by a structured parking garage since the early 1960s. As such, the Project is not displacing any water-dependent uses. The Project Site will be developed in compliance with the City of Boston Zoning Code, the Waterways Regulations, and the DWMHP and will provide substantial benefits to the New England Aquarium in accordance therewith. The Project is a redevelopment of an urban waterfront site and includes public realm improvements that will significantly improve the overall visual appearance of the Site and improve both the physical and visual accessibility through the Site to the waterfront.

Public Access

Public Access Management Principle #1 – *Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation. Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers, and equestrians, and via rivers for boaters.*

The Project will activate an underutilized site with enhanced streetscapes that include landscaped sidewalks, programmed public open space, and improved pedestrian access and view corridors to Boston Harbor. The Site and tower design also prioritize pedestrian access through the Project Site in order to provide new connections between the Greenway and the Harbor that do not currently exist because of the massing of the existing parking garage. The Project also promotes access to the water by improving the adjacent segment of Harborwalk and by providing additional bicycle parking facilities.

Public Access Management Principle #2 - *Increase capacity of existing recreation areas by facilitating multiple uses and by improving management, maintenance, and public support facilities. Resolve conflicting uses whenever possible through improved management rather than through exclusion of uses.*

As per Public Access Management Principle #1, the Project will result in considerable improvements to the local pedestrian network. The Proponent will continue to work with the City of Boston to create a Project that vastly improves the pedestrian environment, and encourages transit and bicycle use. As part of the Project, the Proponent will reconstruct and widen the sidewalks where possible, install new, accessible ramps, improve street lighting where necessary, plant street trees, and provide bicycle storage facilities at appropriate locations at and around the Site.

Public Access Management Principle #3 – *Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline.*

The Project does not include a private recreational facility but will entail improvements to the public realm as described in Public Access Management Principles #1 and #2, above.

Public Access Management Principle #4 – *Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities. Give highest priority to expansions or new acquisitions in regions of high need or limited site availability. Assure that both transportation access and the recreational facilities are compatible with social and environmental characteristics of surrounding communities.*

The Project does not directly involve a coastal recreation facility but will result in considerable expansion of public open space, as identified in Public Access Management Principles #1 and #2, above, and is expected to spur the improvement and/or expansion of the adjacent India Wharf Marina.

Energy

Energy Policy #1 – For coastally dependent energy facilities, consider siting in alternative coastal locations. For non-coastally dependent energy facilities, consider siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites.

The Project is not an energy facility; therefore, this policy does not apply.

Energy Management Principle #1 – Encourage energy conservation and the use of alternative sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.

The Proponent believes that optimum building performance and environmental responsibility are fundamental components of the Project. The Project's sustainability goals seek to leverage the many benefits of the Project Site while using the most up-to-date knowledge and experience to design a building that minimizes energy use, conserves water, conserves natural resources, and supports the health and wellbeing of building occupants. To track sustainability, and consistent with Article 37 of the Code, the Project team will use the Leadership in Energy and Environmental Design ("LEED") rating system – LEED v4 Core and Shell ("LEED CS").

The Project team is currently evaluating utility and state energy efficiency program opportunities and will engage with representatives of the relevant utilities to determine how best to maximize building performance.

Ocean Resources Policy #1 – Support the development of environmentally sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects ecologically significant resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse impacts upon the coastal and marine environment.

The Project does not include development of aquaculture; therefore, this policy does not apply.

Ocean Resources Policy #2 – Extraction of marine minerals will be considered in areas of state jurisdiction, except where prohibited by the MA Ocean Sanctuaries Act, where and when the protection of fisheries, air and marine water quality, marine resources, navigation and recreation can be assured.

The Project will not involve the extraction of marine minerals; therefore, this policy does not apply.

Ocean Resources Policy #3 – Accommodate offshore sand and gravel mining needs in areas and in ways that will not adversely affect shoreline areas due to alteration of wave direction and dynamics, marine resources and navigation. Mining of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment.

The Project does not entail either offshore sand and gravel mining or beach nourishment; therefore, this policy does not apply.

Growth Management

Growth Management Principle #1 – Encourage, through technical assistance and review of publicly funded development, compatibility of proposed development with local community character and scenic resources. The Project has been designed in consideration of the local environment and, more specifically, the City of Boston "Imagine Boston 2030", the 2009 Metropolitan Area Planning Council 2009 "MetroFuture" plan and the DWMHP.

The Project will help support Boston's and the region's economy by creating construction and permanent jobs and by providing additional space for commercial and office uses. The Project will introduce new public amenity spaces to the neighborhood and the planned public realm improvements advance the DWMHP objectives and guiding principles. To this end, the Project will expand publicly accessible open space and will provide extensive public realm improvements.

The Project Site is served by existing infrastructure and is not anticipated to adversely affect water, sewer, natural gas, electrical, or communications systems. The Project site has excellent access to regional roadways and public transportation, and the Project's TDM program will help reduce dependency on single occupancy vehicles accessing the Project site.

Finally, the Project's programming, selection of materials, and massing have been thoughtfully implemented so that the Project better integrates with its surroundings. The Project's improvements to the public realm, and expansion of publicly accessible open space respect adjacent land uses and ensure that the Project is compatible with and complimentary to those on-going uses.

Growth Management Principle #2 – Ensure that state and federally funded transportation and wastewater projects primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers.

The Project is not a state or federally funded infrastructure project; therefore, this policy does not apply.

Growth Management Principle #3 – Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and federal and state financial support for residential, commercial and industrial development.

As per above, the Project has been designed in consideration of both the City of Boston "Imagine Boston 2030", the 2009 Metropolitan Area Planning Council 2009 "MetroFuture" plan, and the DWMHP and thereby is in support of the surrounding community.

B. Is the project located within an area subject to a Municipal Harbor Plan? ☒ Yes ☐ No; if yes, identify the Municipal Harbor Plan and describe the project's consistency with that plan:

The Project is subject to the DWMHP.

The DWMHP planning process commenced in March 2013; the DWMHP was published in April 2017 and supplemented by the BPDA in February 2018; and the associated Secretary of Energy and Environmental Affairs ("Secretary") decision approving the plan was issued April 30, 2018. Six goals served as guiding principles for, and form the basis of the DWMHP and, in turn, have driven Proponent's Project design:

1. Continue to develop the District as an Active, Mixed Use Area that is an Integral Part of Boston's Economy.
2. Promote Access to Boston Harbor, the Harbor Islands and Water Transportation.
3. Improve Waterfront Wayfinding and Open Space Connections.
4. Enhance Open Space Resources and the Public Realm.
5. Create a Climate Resilient Waterfront.
6. Implement the Greenway District Planning Study Wharf District Guidelines (e.g., access to waterfront and Seaport; reinforce openness; facilitate accessibility; further diversify abutting uses).

Together, the DWMHP and the Secretary's decision established a number of amplifications and substitute provisions for the Chapter 91 standards at 310 CMR 9.00 et seq. Amplifications include:

- ◆ Elevating exterior areas, as feasible, as a non-structural alternative to increase coastal resiliency;
- ◆ Exterior private tideland areas planned for public access shall be held to the public activation standard used for Commonwealth Tidelands; and
- ◆ Clarification of the Aquarium as the primary Special Public Destination Facility in the DWMHP planning area, the protection and promotion of which is to be implemented by means of a Memorandum of Understanding by and among the City of Boston, the Aquarium and the Proponent.

Substitute provisions created by a Municipal Harbor Plan may, in some cases, require implementation of additional public benefits beyond the standard provisions, known as "offsetting provisions." Specific to the Project Site, the DWMHP and the Secretary's decision established a single substitution, authorizing a maximum building height of 585 feet to the highest occupiable floor and no more than 600 feet in total, as well as related offsets and other provisions as described in greater detail below.

The Proponent is working with the City, its neighbors, and other stakeholders to ensure that the Project exceeds the goals of the DWMHP in providing substantial public benefits, amenities, and area-wide activation of the Downtown Waterfront District.

As noted above, the BPDA articulated six goals which form the basis of the DWMHP. In light of those goals and in the context of the Project Site, the Project has been specifically designed and programmed to foster activity, access, connectivity, climate resiliency, an enhanced public realm, and consistency with the planning goals for the Wharf District.

The Project Site's strategic location, fronting on both the Harbor and the Greenway, allows for an active public realm that enhances the surrounding neighborhood with new commercial, retail, residential, and cultural uses that will become an integral part of Boston's economy, attract a diverse array of visitors and residents to the Project Site, provide amenities to the community at large, and support the continued year-round activation of the waterfront and Greenway.

The Project's improvements to pedestrian connectivity through the Site and building also create a more cohesive design theme and integrated public realm. The distinctive tower element will instantly become a Boston landmark, serving a wayfinding function that will signal, even at a distance, the location of a revitalized Central Wharf. The new public plaza, widening as it approaches the water and wraps to the east, will form a seamless connection with the Harborwalk and will function in complimentary fashion to the proposed future Blueway, thereby enhancing the public realm for the entire Downtown Waterfront District. These improvements in pedestrian circulation, combined with significant investments in district-wide and building-specific climate change resiliency, will create a more "user friendly" waterfront that will bring to life the Wharf District planning goals as originally outlined in the Greenway District Use and Development Guidelines in 2010.

Project Offsets

The DWMHP offsets specific to the Project Site, as designed, are \$10 million in funding to be provided by the Proponent for the design and construction of the public realm improvements associated with the Aquarium's proposed "Blueway" vision and \$300,000 for planning, feasibility assessment, design, engineering and permitting for a signature waterfront park and water transportation gateway at the BPDA-owned Chart House parking lot. Per the Secretary's decision, the \$10 million contribution toward the Blueway would represent the largest value of an MHP offsetting measure anywhere in the Commonwealth to date.

The application of the amplifications in the DWMHP for the Project Site requires that a legally binding agreement (“MOU”) be signed by the Proponent, the Aquarium, and the City. The MOU will include provisions that address the following principles:

- ◆ *Interim Parking.* During construction, the Proponent shall commit to provide parking within reasonable proximity to the Aquarium on weekends (500 spaces) and weekdays (250 spaces) and at a price point consistent with the existing program;
- ◆ *Future Parking.* The developer of the Harbor Garage site shall commit to providing parking in the same amounts and timing for the Aquarium in the proposed development; and,
- ◆ *Indemnification.* The developer of the Harbor Garage site shall commit to ensure the viability of the Aquarium during construction of the proposed development in a manner consistent with the Secretary’s decision, which details a \$30,000,000 indemnification framework over the estimated three-year construction period.

The design of The Pinnacle at Central Wharf has been shaped by and has evolved in response to multiple factors, including existing site constraints, coordination and collaboration with neighboring properties, pedestrian and vehicular circulation in and around the Site, environmental concerns, such as wind and shadow, sustainable initiatives, climate resiliency, as well as various DWMHP provisions. The resulting massing represents a successful balance between satisfying all of these forces and creating meaningful architectural expression for a prominent site on Boston’s waterfront.

The placement and footprint of the tower has been driven primarily by the open space requirements and guidelines of the DWMHP, most particularly the mandate to preserve 50% of the Project Site as open space. A large public plaza was created along Milk Street by allocating 30% of the Project Site as open space to the north. This grand plaza along historic Central Wharf will create a new East-West pedestrian connection between the Greenway and the water, and is a key component for the full realization of the proposed Blueway vision. The tower footprint was limited to 50% of the Site and designed to maximize public spaces along Central Wharf to the north and along the Harborwalk to the east, while dedicating 10% of the Project Site as open space on the Project’s south side for additional separation from the adjacent Harbor Towers residences for privacy and views. Careful thought was given to the placement of ground floor lobbies and ramps to best meet the needs of building occupants, respect concerns of the City and neighboring properties, and enhance the public experience. Retail frontage has been maximized to create a vibrant street wall along three sides of the Site.

The tower design has been developed with consideration of shadow impacts on the surrounding area and, per the DWMHP, avoids casting new shadow of more than one hour on the Long Wharf shadow prohibition zone (i.e., seaward of the Marriott Long Wharf) during the shoulder seasons. Additionally, the Project minimizes, to the extent reasonably practicable, net new shadow on other areas of the waterfront, including dedicated public parkland and publicly accessible open space in the DWMHP planning area.

WATER SUPPLY SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **water supply** (see 301 CMR 11.03(4))? ____ Yes **X** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **water supply**? ____ Yes **X** No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Wastewater Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Water Supply Section below.

II. Impacts and Permits

A. Describe, in gallons per day (gpd), the volume and source of water use for existing and proposed activities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Municipal or regional water supply	_____	_____	_____
Withdrawal from groundwater	_____	_____	_____
Withdrawal from surface water	_____	_____	_____
Interbasin transfer	_____	_____	_____

(NOTE: Interbasin Transfer approval will be required if the basin and community where the proposed water supply source is located is different from the basin and community where the wastewater from the source will be discharged.)

B. If the source is a municipal or regional supply, has the municipality or region indicated that there is adequate capacity in the system to accommodate the project? ____ Yes ____ No

C. If the project involves a new or expanded withdrawal from a groundwater or surface water source, has a pumping test been conducted? ____ Yes ____ No; if yes, attach a map of the drilling sites and a summary of the alternatives considered and the results. _____

D. What is the currently permitted withdrawal at the proposed water supply source (in gallons per day)? _____ Will the project require an increase in that withdrawal? ____ Yes ____ No; if yes, then how much of an increase (gpd)? _____

E. Does the project site currently contain a water supply well, a drinking water treatment facility, water main, or other water supply facility, or will the project involve construction of a new facility? ____ Yes ____ No. If yes, describe existing and proposed water supply facilities at the project site:

	<u>Permitted Flow</u>	<u>Existing Avg Daily Flow</u>	<u>Project Flow</u>	<u>Total</u>
Capacity of water supply well(s) (gpd)	_____	_____	_____	_____
Capacity of water treatment plant (gpd)	_____	_____	_____	_____

F. If the project involves a new interbasin transfer of water, which basins are involved, what is the direction of the transfer, and is the interbasin transfer existing or proposed?

G. Does the project involve:

1. new water service by the Massachusetts Water Resources Authority or other agency of the Commonwealth to a municipality or water district? ☐ Yes ☐ No
2. a Watershed Protection Act variance? ☐ Yes ☐ No; if yes, how many acres of alteration?
3. a non-bridged stream crossing 1,000 or less feet upstream of a public surface drinking water supply for purpose of forest harvesting activities? ☐ Yes ☐ No

III. Consistency

Describe the project's consistency with water conservation plans or other plans to enhance water resources, quality, facilities and services:

WASTEWATER SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **wastewater** (see 301 CMR 11.03(5))? ___ Yes **X** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **wastewater**? **X** Yes ___ No; if yes, specify which permit:

Massachusetts Water Resources Authority – Sewer Use Discharge Permit (if applicable)

C. If you answered "No" to both questions A and B, proceed to the **Transportation -- Traffic Generation Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Wastewater Section below.

II. Impacts and Permits

A. Describe the volume (in gallons per day) and type of disposal of wastewater generation for existing and proposed activities at the project site (calculate according to 310 CMR 15.00 for septic systems or 314 CMR 7.00 for sewer systems):

	Existing	Change	Total
Discharge of sanitary wastewater	6,041	+71,939	77,980
Discharge of industrial wastewater	N/A	N/A	N/A
TOTAL	6,041	71,939	77,980

	Existing	Change	Total
Discharge to groundwater	N/A	N/A	N/A
Discharge to outstanding resource water	N/A	N/A	N/A
Discharge to surface water	N/A	N/A	N/A
Discharge to municipal or regional wastewater facility	6,041	71,939	77,980
TOTAL	6,041	71,939	77,980

B. Is the existing collection system at or near its capacity? ___ Yes **X** No; if yes, then describe the measures to be undertaken to accommodate the project's wastewater flows:

C. Is the existing wastewater disposal facility at or near its permitted capacity? ___ Yes **X** No; if yes, then describe the measures to be undertaken to accommodate the project's wastewater flows:

D. Does the project site currently contain a wastewater treatment facility, sewer main, or other wastewater disposal facility, or will the project involve construction of a new facility? ___ Yes **X** No; if yes, describe as follows:

	Permitted	Existing Avg Daily Flow	Project Flow	Total
Wastewater treatment plant capacity (in gallons per day)	_____	_____	_____	_____

E. If the project requires an interbasin transfer of wastewater, which basins are involved, what is the direction of the transfer, and is the interbasin transfer existing or new?

The Project does not require an interbasin transfer of wastewater.

F. Does the project involve new sewer service by the Massachusetts Water Resources Authority (MWRA) or other Agency of the Commonwealth to a municipality or sewer district? ____ Yes **X** No

G. Is there an existing facility, or is a new facility proposed at the project site for the storage, treatment, processing, combustion or disposal of sewage sludge, sludge ash, grit, screenings, wastewater reuse (gray water) or other sewage residual materials? ____ Yes **X** No; if yes, what is the capacity (tons per day):

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Treatment	_____	_____	_____
Processing	_____	_____	_____
Combustion	_____	_____	_____
Disposal	_____	_____	_____

H. Describe the water conservation measures to be undertaken by the project, and other wastewater mitigation, such as infiltration and inflow removal.

The State Building Code requires the use of water-conserving fixtures. Water conservation measures such as low-flow toilets and restricted flow faucets will help reduce the domestic water demand on the existing distribution system. The installation of sensor-operated sinks with water conserving aerators and sensor-operated toilets in all non-residential restrooms will be incorporated into the design plans for the Proposed Project.

III. Consistency

A. Describe measures that the proponent will take to comply with applicable state, regional, and local plans and policies related to wastewater management:

The Proponent will seek all permits and registrations from the Massachusetts Water Resources Authority and BWSC to comply with applicable state, regional, and local plans and policies related to wastewater management. The Project will contribute to the BWSC Commission 4:1 Inflow and Infiltration reduction program as applicable.

B. If the project requires a sewer extension permit, is that extension included in a comprehensive wastewater management plan? ____ Yes **X** No; if yes, indicate the EEA number for the plan and whether the project site is within a sewer service area recommended or approved in that plan:

TRANSPORTATION SECTION (TRAFFIC GENERATION)

I. Thresholds / Permit

A. Will the project meet or exceed any review thresholds related to **traffic generation** (see 301 CMR 11.03(6))? **X** Yes ___ No; if yes, specify, in quantitative terms:

301 CMR 11.03(6)(b)(13) – Generation of 2,000 or more new adt on roadways providing access to a single location.

B. Does the project require any state permits related to **state-controlled roadways**? **X** Yes ___ No; if yes, specify which permit:

Massachusetts Department of Transportation Highway Access Permit (if applicable), License or other approval for construction above the Central Artery Tunnel (as applicable)

C. If you answered "No" to both questions A and B, proceed to the **Roadways and Other Transportation Facilities Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Traffic Generation Section below.

II. Traffic Impacts and Permits

A. Describe existing and proposed vehicular traffic generated by activities at the project site:

	Existing	Change	Total
Number of parking spaces	1,475	-375	1,100
Number of ITE vehicle trips per day	1,342	+8,544	9,866
Number of ITE adjusted trips per day	1,342	+2,496	3,838

ITE Land Use Code(s):

LUC 222 – Multifamily Housing High-Rise

LUC 710 – General Office Building

LUC 820 – Shopping Center

B. What is the estimated average daily traffic on roadways serving the site?

Roadway	Existing ¹	Change	Total
3. Atlantic Avenue	9,000	2,496	11,496

¹ The existing traffic volume data shown is a weekday average of traffic count data at the site conducted on June 19, 2018.

² There may be only a small increase from service and delivery vehicles.

C. If applicable, describe proposed mitigation measures on state-controlled roadways that the project proponent will implement:

Atlantic Avenue is maintained by the City of Boston. Mitigation may include retiming of certain signals in the vicinity of the Project.

D. How will the project implement and/or promote the use of transit, pedestrian and bicycle facilities and services to provide access to and from the project site?

The Proponent is committed to implementing TDM measures to minimize automobile usage and Project related traffic impacts. TDM will be facilitated by the nature of the Project (which does not generate significant new peak hour trips) and its proximity to numerous public transit alternatives.

On-site management will keep a supply of transit information (schedules, maps, and fare information) to be made available to the tenants, employees, residents and guests of the Project. The Proponent will work with the City to develop a TDM program appropriate for the Project and consistent with its level of impact. The Proponent is prepared to take advantage of exceptional transit access in marketing the Project to

future tenants, patrons and customers by implementing the following TDM measures to encourage the use of non-vehicular modes of travel.

Potential TDM measures for the Project include but are not limited to the following:

- ◆ **Transportation Coordinator:** The Proponent will cause the property manager and/or representatives of individual lessees to designate a full-time, on-site employee as the transportation coordinator. The transportation coordinator will oversee all transportation issues. This includes managing vehicular and valet operations, service and loading, valet parking, and TDM programs.
- ◆ **Transit Pass Programs:** The Proponent will encourage the property manager and/or individual lessees to foster employee use of transit by offering on-site transit pass sales and MBTA pass subsidies to employees.
- ◆ **Project Website:** Project websites will include transportation-related information for visitors and employees.
- ◆ **Information and Promotion of Travel Alternatives:** The Proponent will cause the property manager and/or lessee's transportation coordinator to provide employees, tenants and visitors with public transit system maps, schedules, and other information on transit services in the area; provide an annual (or more frequent) newsletter or bulleting summarizing transit, ridesharing, bicycling, alternative work schedules, and other travel options; provide information on travel alternatives for employees and visitors via the Internet and in the building lobbies; and provide information on travel alternatives to new employees.

E. Is there a Transportation Management Association (TMA) that provides transportation demand management (TDM) services in the area of the project site? X Yes ___ No; if yes, describe if and how will the project will participate in the TMA:

The Project will join A Better City's Transportation Management Association ("ABC TMA") on behalf of commercial tenants and residents and will participate in one or more of ABC TMA's commuter programs.

F. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation facilities? X Yes ___ No; if yes, generally describe:

Both North Station and South Station are located within walking distance of the Project Site, providing convenient access to the MBTA Red, Green, Orange and Silver lines, Commuter Rail, Amtrak, regional bus lines, and multiple Bluebikes stations. There are also several MBTA bus stops in the vicinity of the Project Site and an MBTA Blue Line station (Aquarium) immediately adjacent to the Project Site. Multiple commuter ferries, serving Boston's outer neighborhoods and suburban destinations, are within steps of the Project Site, and Logan Airport is a short subway or water taxi ride across the Harbor.

G. If the project will penetrate approach airspace of a nearby airport, has the proponent filed a Massachusetts Aeronautics Commission Airspace Review Form (780 CMR 111.7) and a Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA) (CFR Title 14 Part 77.13, forms 7460-1 and 7460-2)?

The Project will not penetrate the approach airspace of Logan International Airport. A larger Project at the Site received a No Hazard Determination from the Federal Aviation Administration ("FAA"). An FAA Form 7460 will be prepared and submitted for the Project.

III. Consistency

Describe measures that the proponent will take to comply with municipal, regional, state, and federal plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services:

The Project has been designed to be consistent with municipal, regional, state, and federal plans and policies related to traffic, transit, pedestrian, and bicycle transportation facilities and services. The Project has been specifically designed to promote pedestrian and bicycle travel in order to reduce the traffic and parking demands of the Project. The Project is subject to the City of Boston's Article 80 Large Project Review Process to ensure that it complies with all local requirements related to traffic, transit, pedestrian, and bicycle transportation facilities and services.

TRANSPORTATION SECTION (ROADWAYS AND OTHER TRANSPORTATION FACILITIES)

I. Thresholds

A. Will the project meet or exceed any review thresholds related to **roadways or other transportation facilities** (see 301 CMR 11.03(6))? ___ Yes **X** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **roadways or other transportation facilities**? ___ Yes **X** No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Energy Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Roadways Section below.

II. Transportation Facility Impacts

A. Describe existing and proposed transportation facilities in the immediate vicinity of the project site:

B. Will the project involve any

1. Alteration of bank or terrain (in linear feet)? _____

2. Cutting of living public shade trees (number)? _____

3. Elimination of stone wall (in linear feet)? _____

III. Consistency -- Describe the project's consistency with other federal, state, regional, and local plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services, including consistency with the applicable regional transportation plan and the Transportation Improvements Plan (TIP), the State Bicycle Plan, and the State Pedestrian Plan:

ENERGY SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **energy** (see 301 CMR 11.03(7))?
___ Yes **X** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **energy**? ___ Yes **X** No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Air Quality Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Energy Section below.

II. Impacts and Permits

A. Describe existing and proposed energy generation and transmission facilities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Capacity of electric generating facility (megawatts)	_____	_____	_____
Length of fuel line (in miles)	_____	_____	_____
Length of transmission lines (in miles)	_____	_____	_____
Capacity of transmission lines (in kilovolts)	_____	_____	_____

B. If the project involves construction or expansion of an electric generating facility, what are:

1. the facility's current and proposed fuel source(s)?
2. the facility's current and proposed cooling source(s)?

C. If the project involves construction of an electrical transmission line, will it be located on a new, unused, or abandoned right of way? ___ Yes ___ No; if yes, please describe:

D. Describe the project's other impacts on energy facilities and services:

III. Consistency

Describe the project's consistency with state, municipal, regional, and federal plans and policies for enhancing energy facilities and services:

AIR QUALITY SECTION

I. Thresholds

A. Will the project meet or exceed any review thresholds related to **air quality** (see 301 CMR 11.03(8))? ____ Yes **X** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **air quality**? ____ Yes **X** No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Solid and Hazardous Waste Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Air Quality Section below.

II. Impacts and Permits

A. Does the project involve construction or modification of a major stationary source (see 310 CMR 7.00, Appendix A)? ____ Yes ____ No; if yes, describe existing and proposed emissions (in tons per day) of:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Particulate matter	_____	_____	_____
Carbon monoxide	_____	_____	_____
Sulfur dioxide	_____	_____	_____
Volatile organic compounds	_____	_____	_____
Oxides of nitrogen	_____	_____	_____
Lead	_____	_____	_____
Any hazardous air pollutant	_____	_____	_____
Carbon dioxide	_____	_____	_____

B. Describe the project's other impacts on air resources and air quality, including noise impacts:

III. Consistency

A. Describe the project's consistency with the State Implementation Plan:

B. Describe measures that the proponent will take to comply with other federal, state, regional, and local plans and policies related to air resources and air quality:

SOLID AND HAZARDOUS WASTE SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **solid or hazardous waste** (see 301 CMR 11.03(9))? ___ Yes **X** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **solid and hazardous waste**?

___ Yes **X** No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Historical and Archaeological Resources Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Solid and Hazardous Waste Section below.

II. Impacts and Permits

A. Is there any current or proposed facility at the project site for the storage, treatment, processing, combustion or disposal of solid waste? ___ Yes ___ No; if yes, what is the volume (in tons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Treatment, processing	_____	_____	_____
Combustion	_____	_____	_____
Disposal	_____	_____	_____

B. Is there any current or proposed facility at the project site for the storage, recycling, treatment or disposal of hazardous waste? ___ Yes ___ No; if yes, what is the volume (in tons or gallons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Recycling	_____	_____	_____
Treatment	_____	_____	_____
Disposal	_____	_____	_____

C. If the project will generate solid waste (for example, during demolition or construction), describe alternatives considered for re-use, recycling, and disposal:

D. If the project involves demolition, do any buildings to be demolished contain asbestos?
___ Yes ___ No

E. Describe the project's other solid and hazardous waste impacts (including indirect impacts):

III. Consistency

Describe measures that the proponent will take to comply with the State Solid Waste Master Plan:

HISTORICAL AND ARCHAEOLOGICAL RESOURCES SECTION

I. Thresholds / Impacts

A. Have you consulted with the Massachusetts Historical Commission? ____ Yes **X** No; if yes, attach correspondence. For project sites involving lands under water, have you consulted with the Massachusetts Board of Underwater Archaeological Resources? ____ Yes ____ No; if yes, attach correspondence

B. Is any part of the project site a historic structure, or a structure within a historic district, in either case listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth? ____ Yes **X** No; if yes, does the project involve the demolition of all or any exterior part of such historic structure? ____ Yes ____ No; if yes, please describe:

C. Is any part of the project site an archaeological site listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth? ____ Yes **X** No; if yes, does the project involve the destruction of all or any part of such archaeological site? ____ Yes ____ No; if yes, please describe:

D. If you answered "No" to all parts of both questions A, B and C, proceed to the **Attachments and Certifications** Sections. If you answered "Yes" to any part of either question A or question B, fill out the remainder of the Historical and Archaeological Resources Section below.

II. Impacts

Describe and assess the project's impacts, direct and indirect, on listed or inventoried historical and archaeological resources:

III. Consistency

Describe measures that the proponent will take to comply with federal, state, regional, and local plans and policies related to preserving historical and archaeological resources:

CERTIFICATIONS:

1. The Public Notice of Environmental Review has been/will be published in the following newspapers in accordance with 301 CMR 11.15(1):

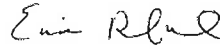
Boston Herald

July 22, 2020

2. This form has been circulated to Agencies and Persons in accordance with 301 CMR 11.16(2).

Signatures:


7/15/2020
Date Signature of Responsible Officer
or Proponent



7/15/2020
Date Signature of person preparing
ENF (if different from above)

Donald J. Chiofaro

Name (print or type)

Erik Rexford

Name (print or type)

RHDC 70 East India LLC c/o The Chiofaro Company

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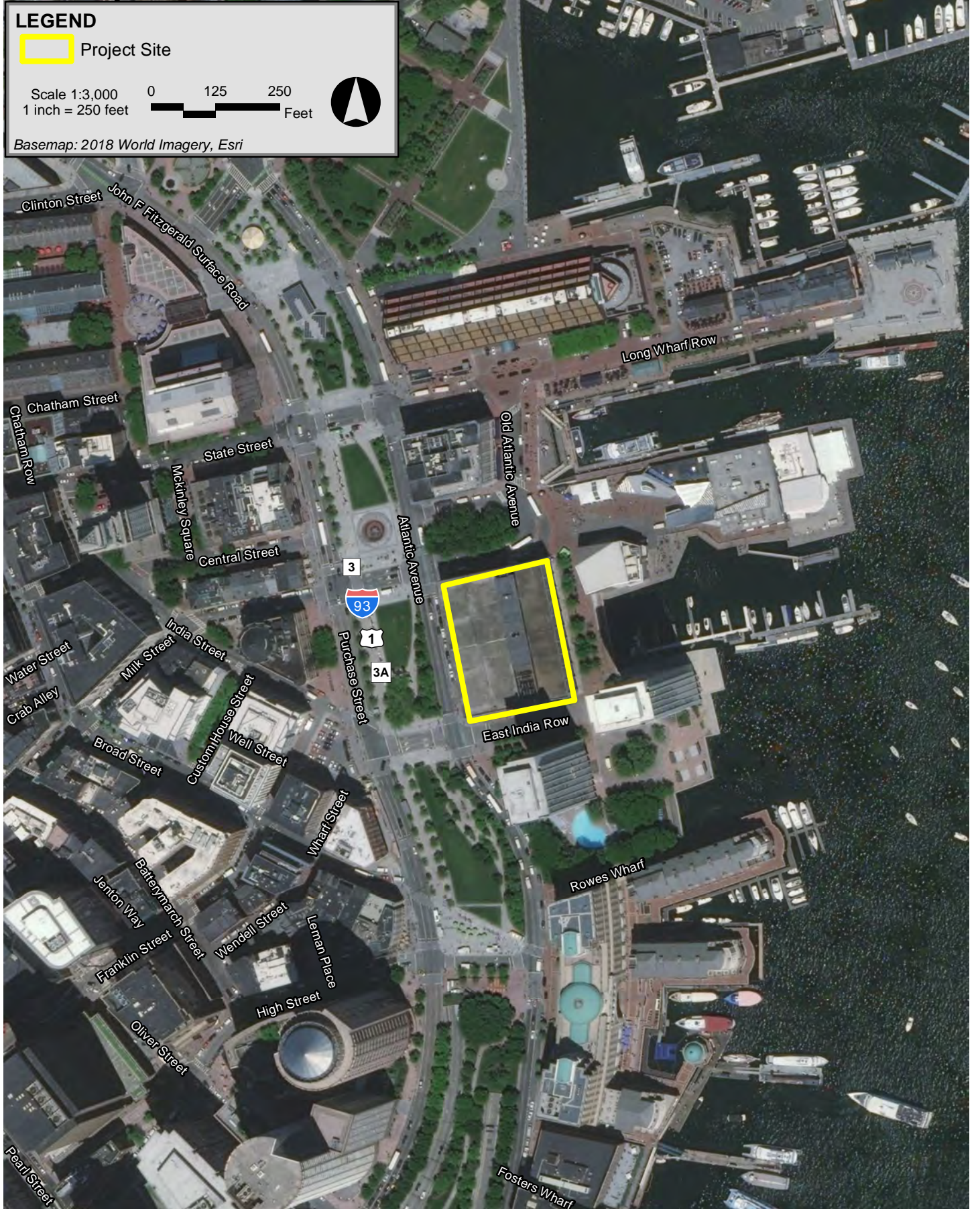
Phone

Attachment A

Figures



The Pinnacle at Central Wharf Boston, Massachusetts



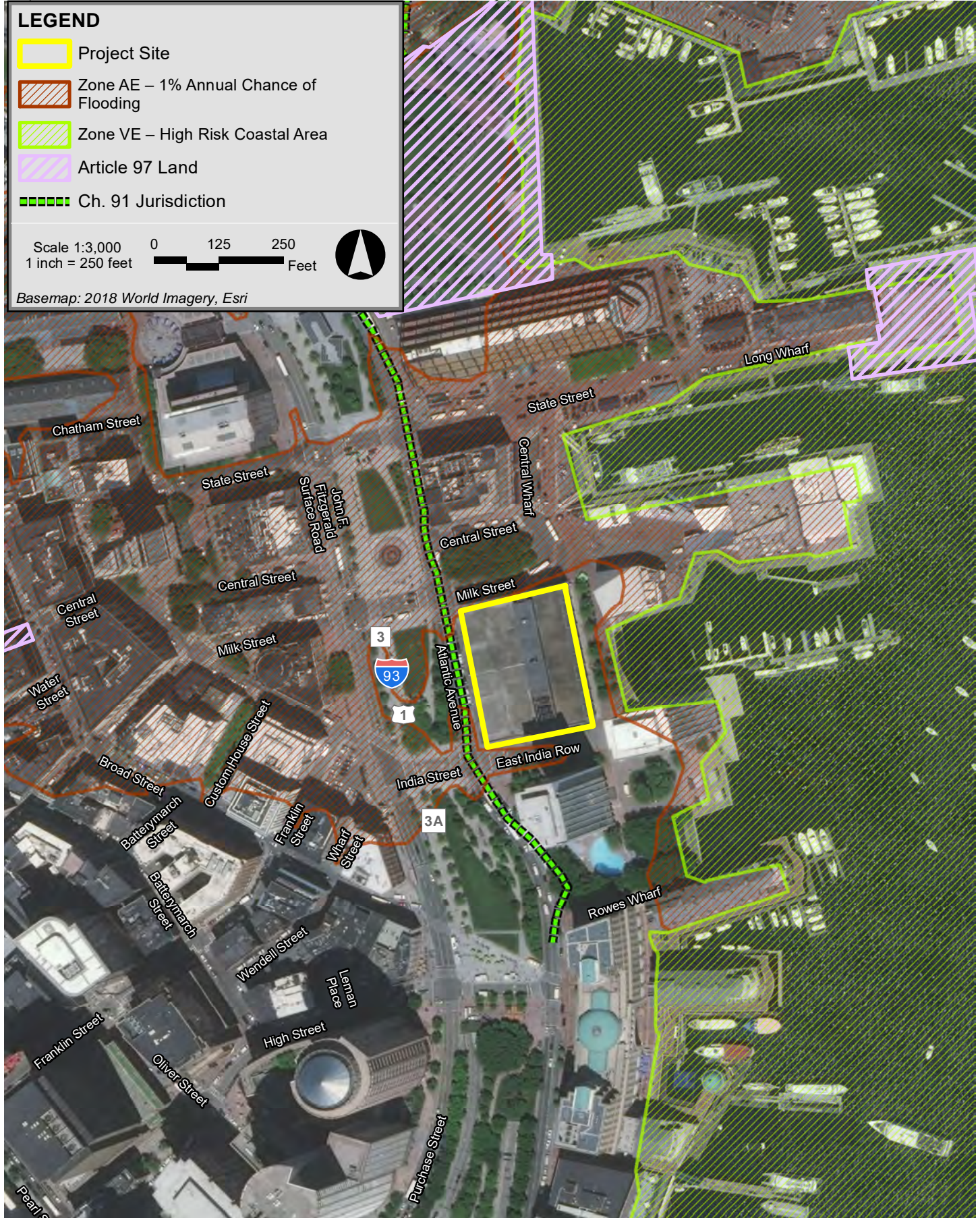
The Pinnacle at Central Wharf Boston, Massachusetts



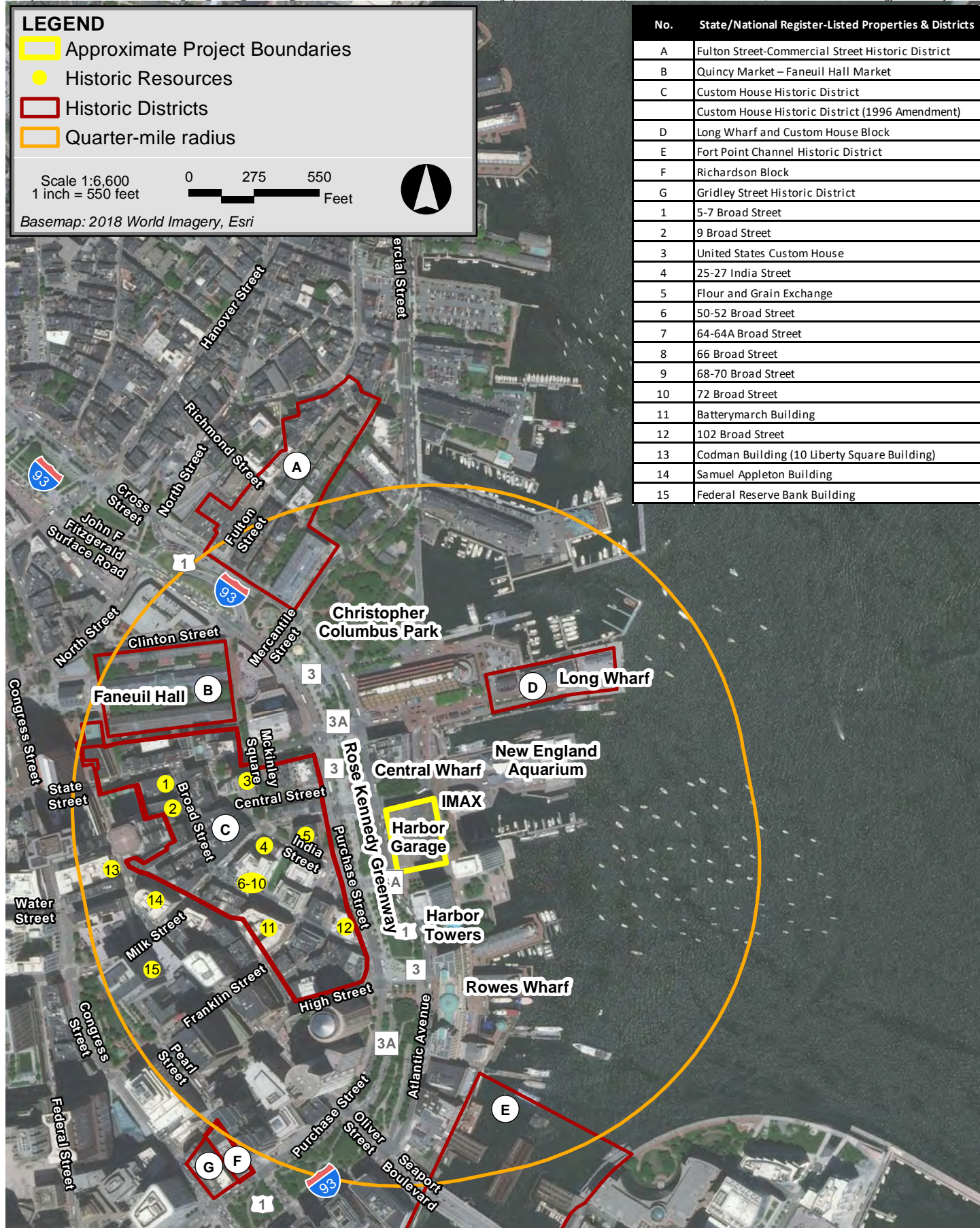
The Pinnacle at Central Wharf Boston, Massachusetts



The Pinnacle at Central Wharf Boston, Massachusetts



The Pinnacle at Central Wharf Boston, Massachusetts



The Pinnacle at Central Wharf Boston, Massachusetts

Site Plan EXISTING NEAQ CAMPUS

8% ADA ramp at
curvilinear steps

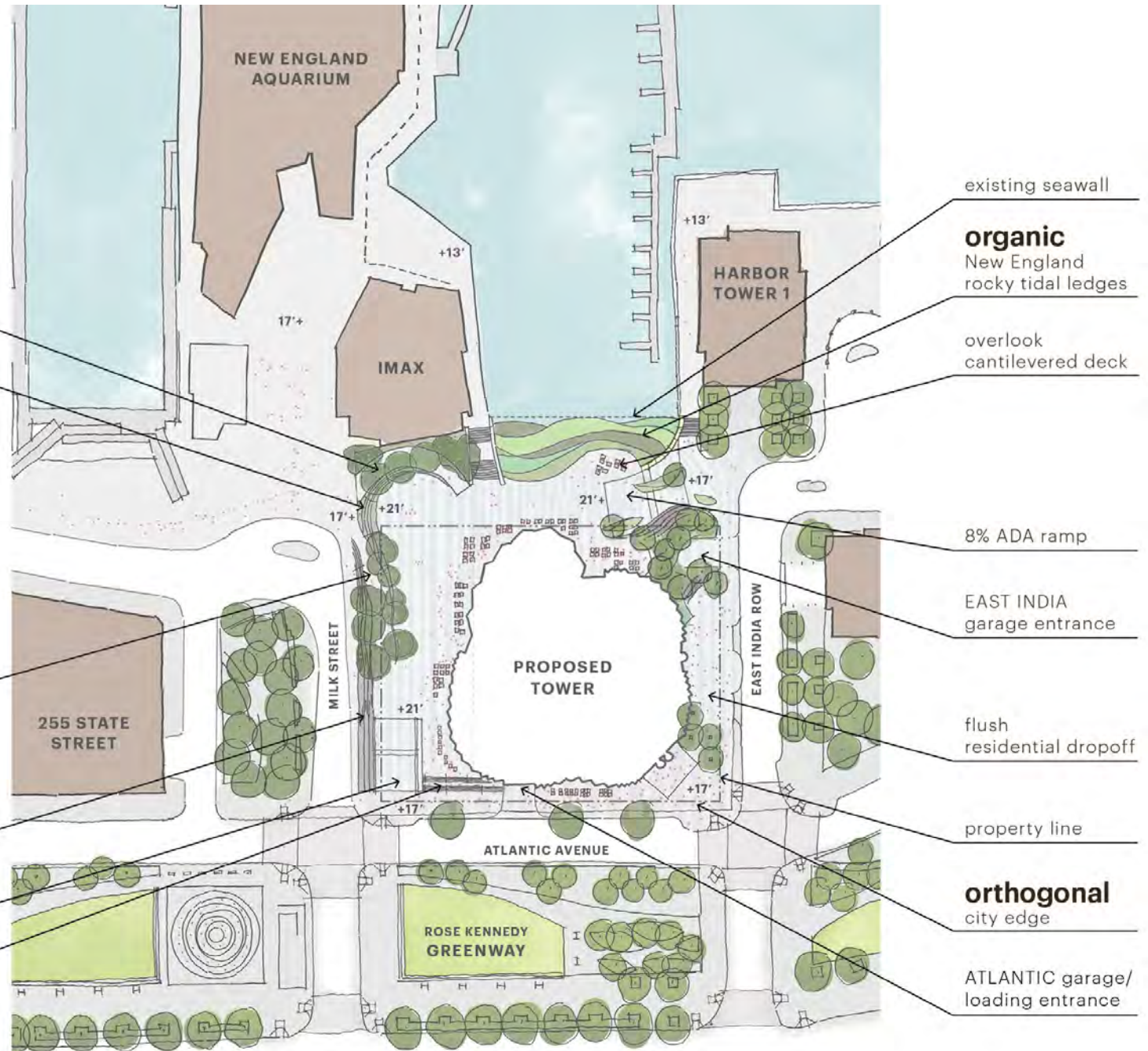
elevate grade from
17' to 21' for resiliency

8% ADA ramp at
curvilinear steps

public art
opportunities

8% ADA ramp

monumental stairs

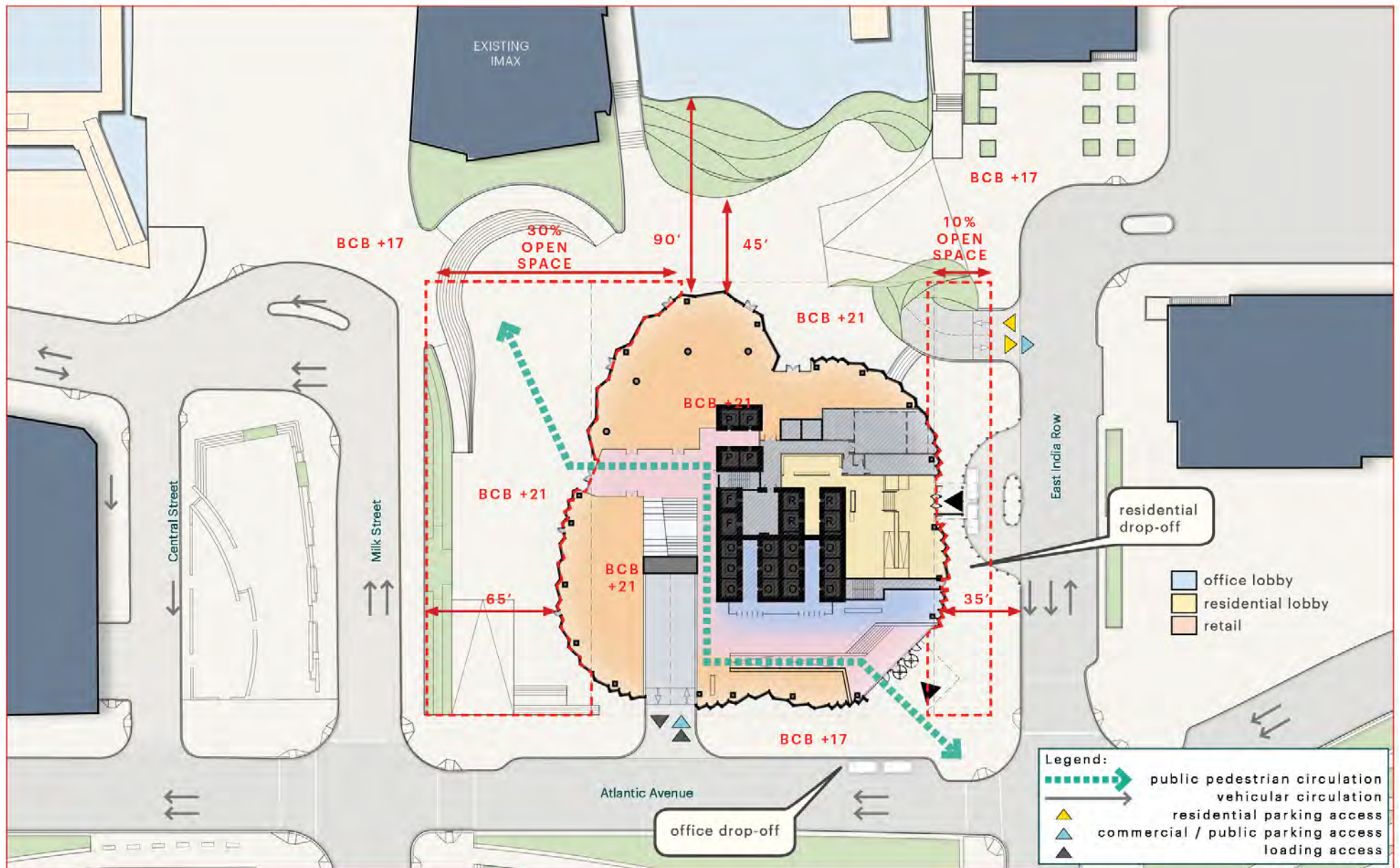


The Pinnacle at Central Wharf Boston, Massachusetts

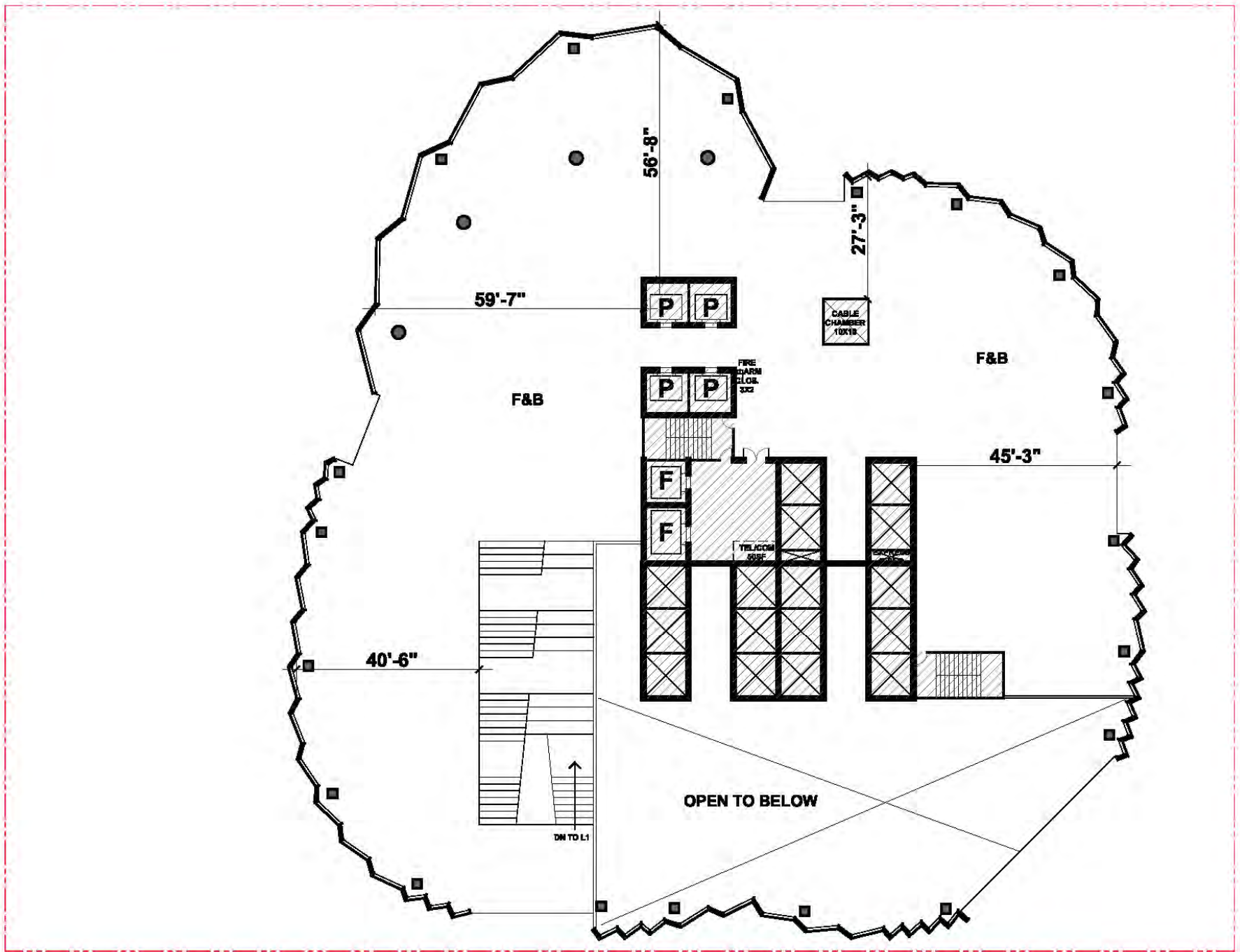


Copley Wolff Design Group
Landscape Architects & Planners

Figure 7
Proposed Conditions - Site Plan

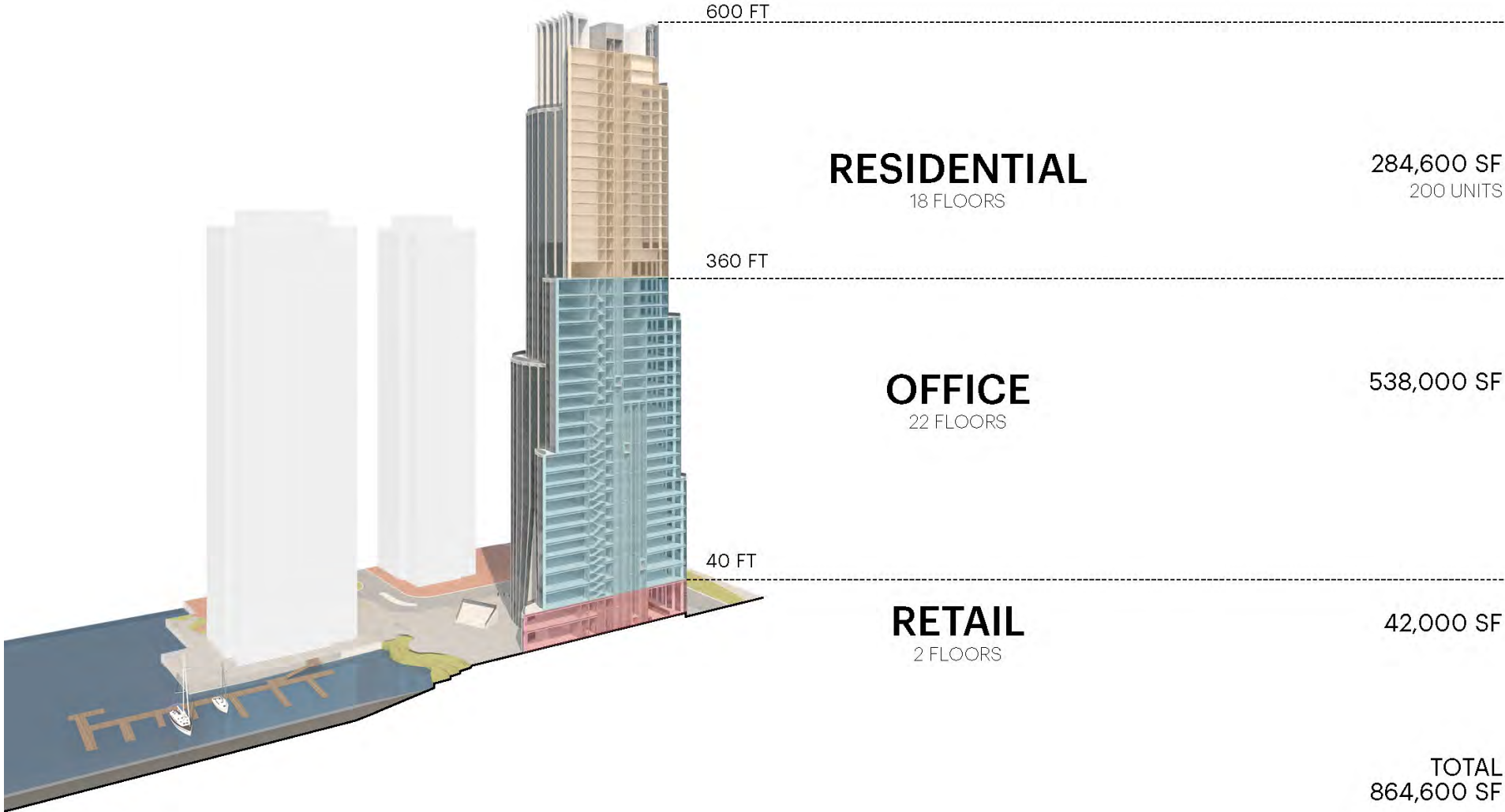


The Pinnacle at Central Wharf Boston, Massachusetts



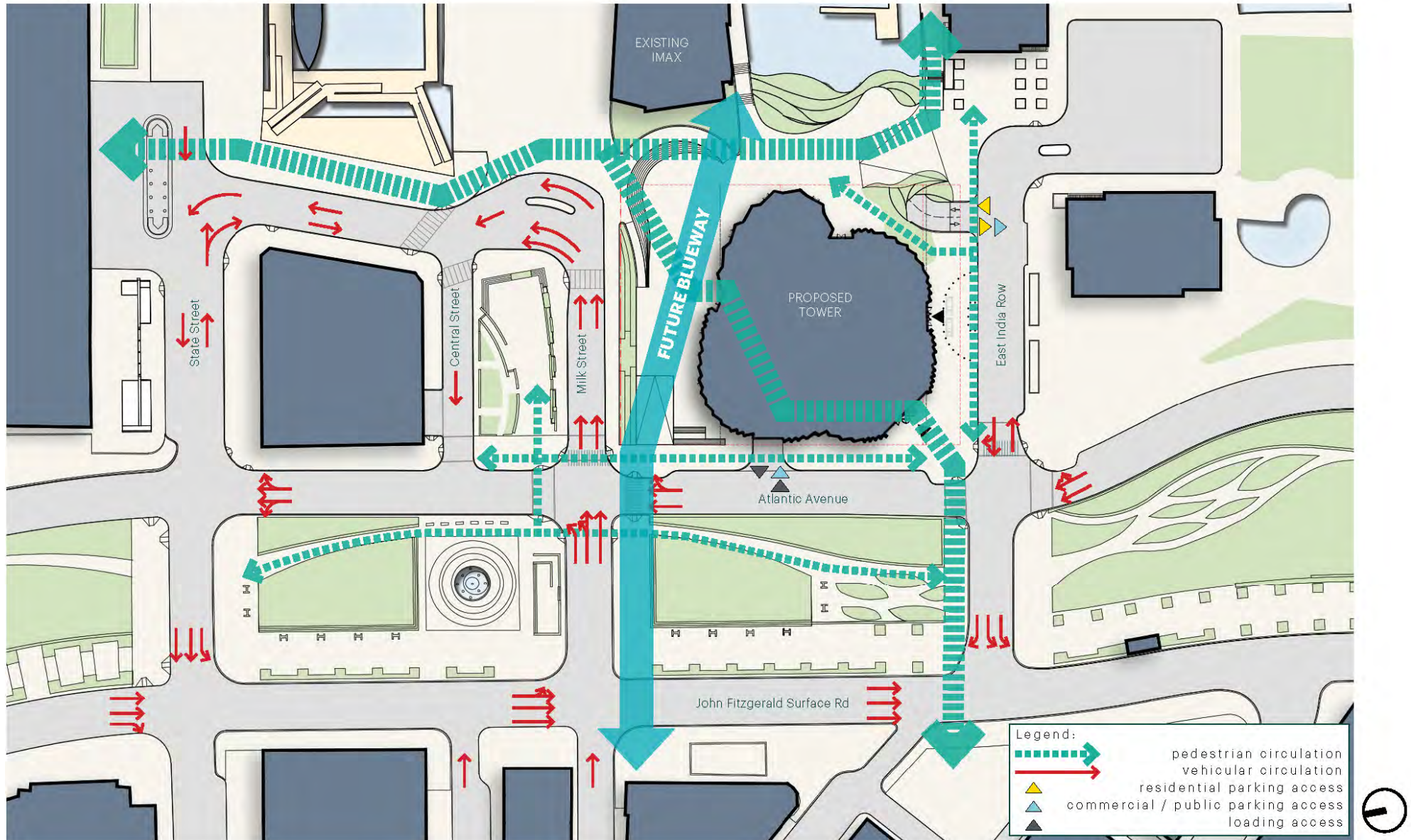
The Pinnacle at Central Wharf Boston, Massachusetts

Program



The Pinnacle at Central Wharf Boston, Massachusetts

Proposed Circulation



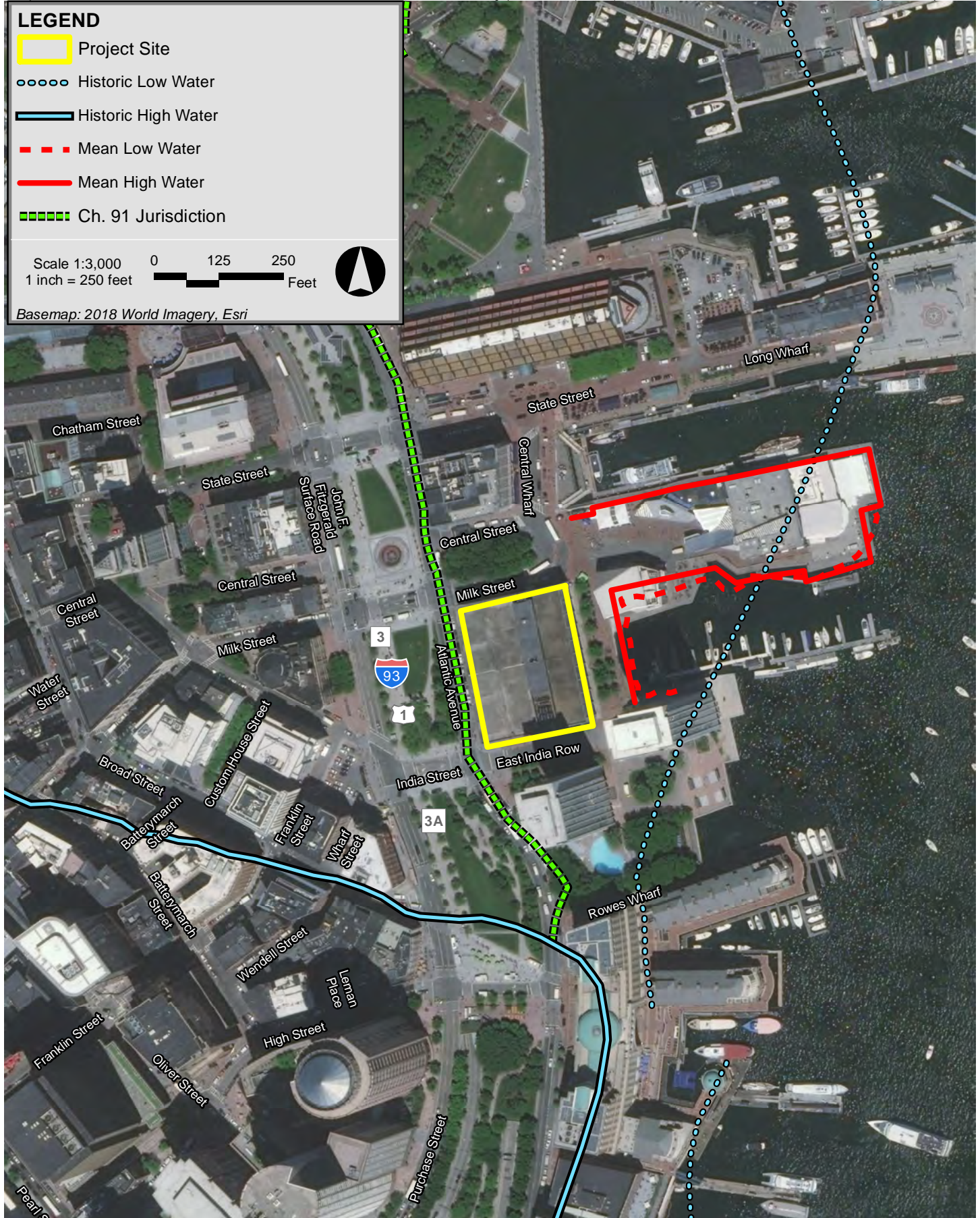
The Pinnacle at Central Wharf Boston, Massachusetts



The Pinnacle at Central Wharf Boston, Massachusetts



The Pinnacle at Central Wharf Boston, Massachusetts



The Pinnacle at Central Wharf Boston, Massachusetts

Attachment B

Existing Conditions Plan

Attachment C

ENF Circulation List

ATTACHMENT C CIRCULATION LIST

Kathleen A. Theoharides, Secretary
Executive Office of Energy and
Environmental Affairs
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Department of Environmental Protection
Attn: Commissioner's Office/
MEPA Coordinator
One Winter Street
Boston, MA 02108
helena.boccardo@mass.gov

Massachusetts Department of Transportation
Public/Private Development Unit
10 Park Plaza
Boston, MA 02116
lionel.lucien@dot.state.ma.us

Massachusetts Department of Transportation
District #6
Attn: MEPA Coordinator
185 Kneeland Street
Boston, MA 02111
amitai.lipton@dot.state.ma.us

Massachusetts Historical Commission
The MA Archives Building
220 Morrissey Boulevard
Boston, MA 02125

Metropolitan Area Planning Council
60 Temple Place, 6th Floor
Boston, MA 02111

Boston City Council
Attn: Kim Janey, Council President
One City Hall Plaza, Suite 550
Boston, MA 02201

Boston Planning & Development Agency
Attn: Brian Golden, Director
One City Hall Plaza, 9th Floor
Boston, MA 02201

Boston Conservation Commission
Boston Environment Department
One City Hall Plaza, Room 805
Boston, MA 02201

Department of Public Health
Director of Environmental Health
250 Washington Street
Boston, MA 02115

Office of Coastal Zone Management
Attn: Project Review Coordinator
251 Causeway Street, Suite 800
Boston, MA 02114
robert.boeri@mass.gov
patrice.bordonaro@mass.gov

Division of Marine Fisheries
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
DMF.EnvReview-North@mass.gov

Department of Energy Resources
Attn: NEPA Coordinator
100 Cambridge Street
Boston, MA 02110
paul.ormond@mass.gov
brendan.place@mass.gov

Massachusetts Water Resource Authority
Attn: MEPA Coordinator
100 First Avenue
Charlestown Navy Yard
Boston, MA 02129
katherine.ronan@mwra.com

Attachment D

Potential Federal and Local Permits and Approvals

ATTACHMENT D**POTENTIAL FEDERAL AND LOCAL PERMITS AND APPROVALS**

Agency Name	Permit / Approval
Federal	
Environmental Protection Agency	NPDES Construction General Permit NPDES Dewatering General Permit
Federal Aviation Administration	Determination of No Hazard to Air Navigation
Local	
Boston Redevelopment Authority	Article 80 Review; PDA Development Plan Approval
Boston Conservation Commission	Order of Conditions
Boston Zoning Commission	PDA Designation
Boston Civic Design Commission	Design Review
Boston Air Pollution Control Commission	Modification Permit
Boston Water and Sewer Commission	Sewer Use Discharge Permit; Site Plan Approval; Dewatering Discharge Permit; Sewer Connection Permit; Stormwater Connection Cross Connection/Backflow Prevention Permit; Hydrant Meter Permit
Boston Inspectional Services Department	Building and Occupancy Permits
Boston Interagency Green Building Committee	Determination of Article 37 Compliance
Boston Inspectional Services Department, Committee on Licenses	Amendment of Fuel Storage License; Garage Permit
Boston Transportation Department	Construction Management Plan; Transportation Access Plan
Boston Fire Department	Fuel Storage Tank Removal Permit; Fuel Storage Tank Permit (to the extent required for fuel serving boilers and generators, if any)
Boston Public Improvement Commission	Street Opening Permit(s); Street Discontinuance; Street, Sidewalk Repair; Projection Permit (all as applicable)
Boston Parks and Recreation Commission	Project Approval
Boston Department of Public Works	Curb cut permit(s), as applicable
Boston Landmarks Commission	Determination of no significance