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Via email: [frank.taormina@state.ma.us](mailto:frank.taormina@state.ma.us)

Ben Lynch, Waterways Program Chief  
Department of Environmental Protection  
One Winter Street  
Boston, Massachusetts 02108  
Attn: Frank Taormina, Application # W16-9800-N

Subject: Chapter 91 License Application for General Electric ("GE") Headquarters Project at 244-284 A Street – Application # W16-9800-N

Dear Mr. Lynch:

Thank you for the opportunity to comment on the above-referenced license application for the General Electric ("GE") Headquarters Project. The Conservation Law Foundation (CLF) has extensively reviewed this application and actively participated in the public process for this project and found the proponents to be very responsive to our comments and suggestions.

In particular, we are encouraged that GE and MassDevelopment have agreed to protect the site's open space and public realm with a conservation restriction that will outlast the requested Chapter 91 license. CLF believes that GE also sets an excellent example for other projects on the Boston waterfront by requesting a Chapter 91 license term that aligns with the time horizon of the climate impact analyses that informed the project's climate resilient design. We strongly advise MassDEP to hold other Chapter 91 applicants to this standard; any project that requests an extended term license should be able to demonstrate that it can withstand future climate conditions during that term. We also commend the proponent for their responsiveness to community concerns and their decision to preserve the Necco Court ("green") bridge.

CLF welcomes GE to Boston and looks forward to the positive corporate example this project will set for future climate resilient waterfront development. With that being said, the comments below identify several areas of the Draft Management Plan that require more information and detail. We have discussed most of these areas with the proponent and understand that they are in the process of refining the content. We look forward to seeing how the management plan has evolved since the application was filed in December.

## **Public realm and Harborwalk improvements**

The proponent has added approximately 250 square feet of Harborwalk adjacent to the originally boundaries of the project site. CLF believes this will be a great addition to the campus that will help facilitate further build out of the 100 Acres Master Plan. However, it is unclear from Figures 6 and 9 whether this additional Harborwalk area will have the same landscaping, waterfront features, and programming that are described for the rest of the Harborwalk. In particular, we are interested in whether this portion of the Harborwalk will have seating areas and waterfront overlooks consistent with the rest of the site. We request that the proponent clarify this and, if possible, present revised renderings that demonstrate a comprehensive vision.

The proponent has indicated that the Harborwalk will be slightly raised to address the nuisance flooding the area now experiences; flooding that will be exacerbated by climate change and future sea level rise. It is our understanding that to address Americans with Disabilities Act (ADA) requirements, the elevation of the Harborwalk will gradually slope down approaching the boundaries of the site. We commend this foresight but encourage the proponent to initiate dialogue with neighboring property owners to ensure that as adjacent properties are developed, the elevation of Harborwalk connections can be consistent and contiguous.

Watersheet activation and programming is a core consideration of any nonwater-dependent use project on Commonwealth tidelands. CLF believes there is ample opportunity on the GE Headquarters site to encourage walking, cycling, boating, and other recreational activities. In particular, the area of the public realm referred to in the application as central seating area/open lawn can accommodate significant programming. We request that the proponent break this area out as a separate area of consideration given the unique opportunities it presents. For instance, it would be an ideal location for scheduling seasonal or year-round events like yoga, outdoor movie screenings, small concerts, and other group activities. We request that they indicate the approximate size of this area, as it was not included in their application as a standalone. The proponent should provide more detail for how they will solicit partnership from third party organizations and vendors to carry out this programming and specify how they will contribute to long-term funding. In particular, the Friends of Fort Point Channel currently curate a range of short-term art installations and has indicated their desire to continue current programming. The proponent should pay special attention to local organizations and nonprofits when reaching out to third party partners.

## **Public Dock**

Although the public dock will be a significant asset to the watersheet activation and programming described above, it is broken out as its own section here to emphasize its importance. As identified by CLF, the Impact Advisory Group, Boston Harbor Now, and several other organizations in comments on the project, the existing public landing license calls for four parking spaces near the dock. The existing license was issued by MassDEP to the previous property owner, The Gillette Company, in 2011 for a thirty-year term. The license requires the licensee to, “reserve four parking spaces in the parking lot on the project site near the public landing for the public that wish to use the public landing” and that the parking spaces shall be, “available free of charge during the hours from 7 pm to Midnight on weekdays and 6 am to

Midnight weekends and holidays". The condition also requires the licensee to post signs at the head of each of the public parking spaces.

These parking spaces are currently provided by The Gillette Company in the parking lot adjacent to the GE Headquarters Campus. It is our understanding that the proponent intends to fold the existing public landing license into a new Chapter 91 license and that the new license would cover the entire site, including the brick buildings that are currently under an amnesty license, and supersede all existing conditions. These parking spaces are not discussed in the current Chapter 91 license, which means the requirement to provide them would effectively dissolve. In conversations with the proponent, it was made clear to us that maintaining public parking for the dock is a priority but it is unclear to us how this requirement will be codified. We request the MassDEP ensure that this requirement is included in this Chapter 91 license in some format. For example, requiring an MOU between The Gillette Company and the proponent stating that Gillette will continue to provide the current spaces for public use and at such time as they are no longer willing or able to provide the spaces, the proponent will take on the responsibility.

It is vitally important to the community that these spaces be preserved. The dock is frequently used to launch small crafts and kayaks for recreational activities. Visitors rely on these spaces to be in close proximity of the dock to allow small boats, such as kayaks, to be transported a short distance with an easy launch onto the Channel. We are pleased that the proponent will be partnering with a kayak vendor onsite but we do not believe this alleviates the need for public parking spaces.

### **Public Restroom**

The proponent has indicated they will provide a public restroom onsite that will be available to the site users including Harborwalk and dock users for bathroom and changing facilities. This is a much-needed and welcome addition to the site. However, it is unclear (1) where the facilities will be located, (2) how Harborwalk and dock users will know that the facilities are available to them, and (3) what the hours of operation will be.

These may seem like needlessly intricate details but they are important to consider when evaluating how the facilities will be used and how accessible they will be to the public. In terms of location, it is essential that if the facilities are located near the Coffee Bar or Bistro that signage makes clear that the restroom is public and that users do not have to be customers of adjacent operators. In terms of signage, the proponent indicates that signage will be located adjacent to or within GE Plaza. However, it is reasonable to assume that some visitors to the site will utilize the Harborwalk and public dock without entering GE Plaza. We strongly encourage the proponent to include signage for the public restroom on the public realm portion of the site near the open lawn, Harborwalk, and/or public dock areas to ensure that those users are aware of the facilities. In terms of operation hours, we request that the proponent provide specific hours rather than tie the hours to the operation of the Bistro and Coffee Bar (which has yet to be determined). To truly and adequately serve the public, the proponent should commit to operating the public restrooms seven days a week for a significant and reasonable portion of the day. We understand that the proponent may not want to offer 24-hour access for security reasons but we recommend that they consider hours similar to those required for the public parking spaces in the existing license for the public landing (6 am to Midnight).

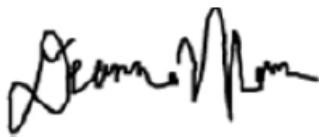
## Headquarters Site Activity Leader

We are encouraged that GE has created an internal staff position to oversee and manage this site. This person will be integral to the successful implementation of the site's watershed activation and programming goals. As such, we request that the Chapter 91 license for the project indicate the name and contact information for this person. Further, we request that GE make this person's name and contact information available to the public – whether by posting it on site, providing it online, or some other mechanism. It is important that third party vendors, local organizations and nonprofits, and Boston residents can contact this person concerning operation and maintenance of the site.

CLF understands that GE will be responsible for all management functions as long as they are the lessee of the site but it is unclear whether there is a contingency plan in place in the event that GE is no longer the lessee. Because of the unique ownership of this site, we request that MassDEP include a clause in the Chapter 91 license that requires the license to be amended in the event that GE is no longer the lessee of the site. At such time, an amendment would require the new lessee (or lack thereof) to be identified and require updated contact information for a maintenance and operations person – whether it be a MassDevelopment staff person or a staff person of the new lessee. Having this contingency plan in place will make MassDEP enforcement easier at such time as enforcement action is needed.

Overall, we are very excited to see this project move forward. CLF believes that GE will be a great addition to the Fort Point neighborhood and the greater Boston community. We are confident that GE's commitment to the community and to activating this site will make their campus a vibrant, accessible, and resilient part of the waterfront.

Sincerely,



Deanna Moran  
Director, Environmental Planning  
Conservation Law Foundation