
Summer 2023

RECREATIONAL BOATING

Opportunities for Recreational Boating on Boston Harbor:
An Assessment of Chapter 91 Compliance

clf
Conservation
Law Foundation



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EXECUTIVE SUMMARY

Introduction

The Public Waterfront Act is a Massachusetts law that guarantees the public access to the land along Boston's waterfront and other waterways state-wide.¹ One way the state protects this public right is by requiring anyone building along the waterfront to get a "Chapter 91" license from the Massachusetts Department of Environmental Protection ("DEP"). This license explains how the public is allowed to use the site and often contains extra steps (called "special conditions" or "standard conditions") that the developer must take in order to "activate" the site and make the project more welcoming to the public—for example, creating features that make it possible for members of the public to use the site for recreational boating, which is the subject of this report. In fact, there are a number of ways in which the Chapter 91 regulations enforce public rights related to navigation of waterways, including by boat, and give preference to water-based recreation as a public amenity.

Once a developer has a waterfront license, it is up to DEP to make sure that the site is complying with the license's special conditions. DEP has many sites to monitor, though, and sometimes waterfront developments stop complying with their public access requirements without anyone noticing. Noncompliance may also occur when a property is sold to a new owner and the obligations of the original Chapter 91 license are not adequately

conveyed during or after the sale. This report looks at how well sites along Boston's waterfront are complying with the requirement to provide recreational boating access. The report first shows compliance trends by area of the city, then by site.

Key Terms

Transient, short-term, or touch-and-go use: When a member of the public docks their boat for a short period of time before departing in the boat. Licenses often define how long this period of time can be; many licenses require it to be no longer than 10 or 15 minutes, while others allow for longer periods of time (e.g., up to two hours).

Rules of use: Restrictions that licensees place on their sites' public amenities. These restrictions may include hours of operation, the length of time that transient boaters can berth their boats, which type of boats can be launched (e.g., hand-launched or motorized), fees for service, etc. Rules-of-use signage refers to signs that list all rules of use.

Management plan: A document that is sometimes required by a license, and is subject to approval by DEP, that outlines rules of use, maintenance of the site, landscaping, and other details of site management.

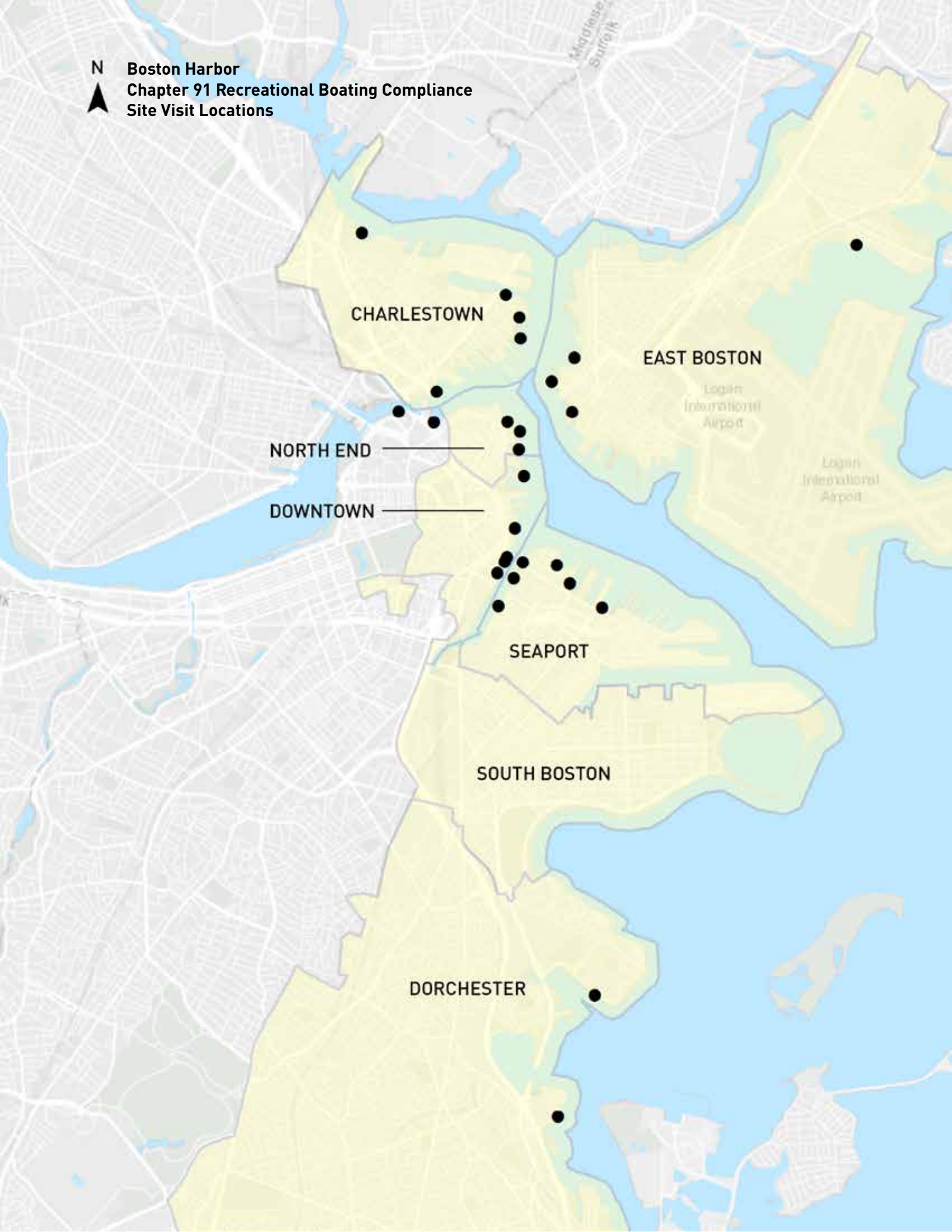
¹ To learn more about the Public Waterfront Act, you can read CLF's People's Guide to the Public Waterfront Act (Chapter 91), which you can access at [CLF-Peoples-Guide-Public-Waterfront-Act-Dec28.pdf](#).

Methodology

This section explains how CLF assessed waterfront sites' compliance with their license conditions related to recreational boating, and how CLF determined compliance trends across areas of the city.

- CLF searched all waterfront licenses in its databases for key terms like public dock, public access to navigable waters, or any other form of public pier.
- CLF documented all license conditions related to recreational boating features, and conditions about posting signs and rules about how and when the public is allowed to use the site for recreational boating.
- CLF visited each site twice: first between February and March of 2021, then a second time between August and September of 2022. CLF compared the recreational boating conditions they found at each site against what the sites' licenses required. CLF photographed these conditions in addition to the general amenities at each site.
- Based on those site visits, CLF categorized each relevant license condition as compliant (if the site complied with the condition in question), partially compliant (if the site did not completely comply with the condition but did comply with the condition to an extent), or not compliant (if the site did not comply with the condition at all).
- After tallying the number of conditions with which the site complied for each site, we categorized the sites as compliant, partially compliant, or noncompliant. CLF organized the data by neighborhood: Charlestown/Cambridge; Downtown (including the North End and West End); the Seaport; Dorchester; and East Boston. This report uses a bar graph to show the compliance rates for each region. See Figure 1. This graph shows two categories of compliance: (1) conditions with full compliance and (2) conditions with anything less than full compliance (i.e., noncompliance or partial compliance).
- CLF also broke the various types of license conditions into four categories: access, infrastructure, transient use, and signage. CLF assigned each recreational boating-related condition in the report a category. For conditions that fall under more than one category, that condition is listed once for each category that applies. The report uses a stacked bar graph to show which types of conditions sites complied with most.
- This report's site-by-site analysis breaks down each site's license compliance by special condition (using the numbering, if any, contained in the site's license), along with photographs and a summary of the actual condition of the site as observed by CLF staff during in-person site visit(s). Each site entry also includes the site's license number, the date the license was issued and will expire, excerpts from the license relating to the recreational boating-related conditions, and the date(s) CLF visited the site. If a site had relevant features that did not correspond to a specific license condition, the report lists those features under a "Notes" heading.

N Boston Harbor
▲ Chapter 91 Recreational Boating Compliance
Site Visit Locations



Analysis of Compliance

Across all licenses examined, there were 84 conditions related to recreational boating. Of these 84 conditions, licensees comply with 35, do not comply with 23, and partially comply with 26. In other words, licensees comply with about 42% of recreational boating conditions and do not fully comply with 58% (35 conditions in full compliance and 49 conditions either completely out of compliance or in partial compliance).

CLF's databases include sites in five neighborhoods of Boston: Charlestown/Cambridge; Downtown (including the

North End and West End); the Seaport; Dorchester; and East Boston. Of these regions, the Seaport has the lowest proportion of fully compliant conditions, with only 22% of the conditions in full compliance (4 out of 18). Conversely, East Boston has the highest proportion of fully compliant conditions, with 79% of the conditions in full compliance (11 out of 14). Charlestown/Cambridge sites fully comply with 35% of its conditions (7 out of 20), Downtown sites fully comply with 41% of its conditions (12 out of 29), and Dorchester sites fully comply with 33% of its conditions (1 in 3).

Figure 1. Condition Compliance by Region

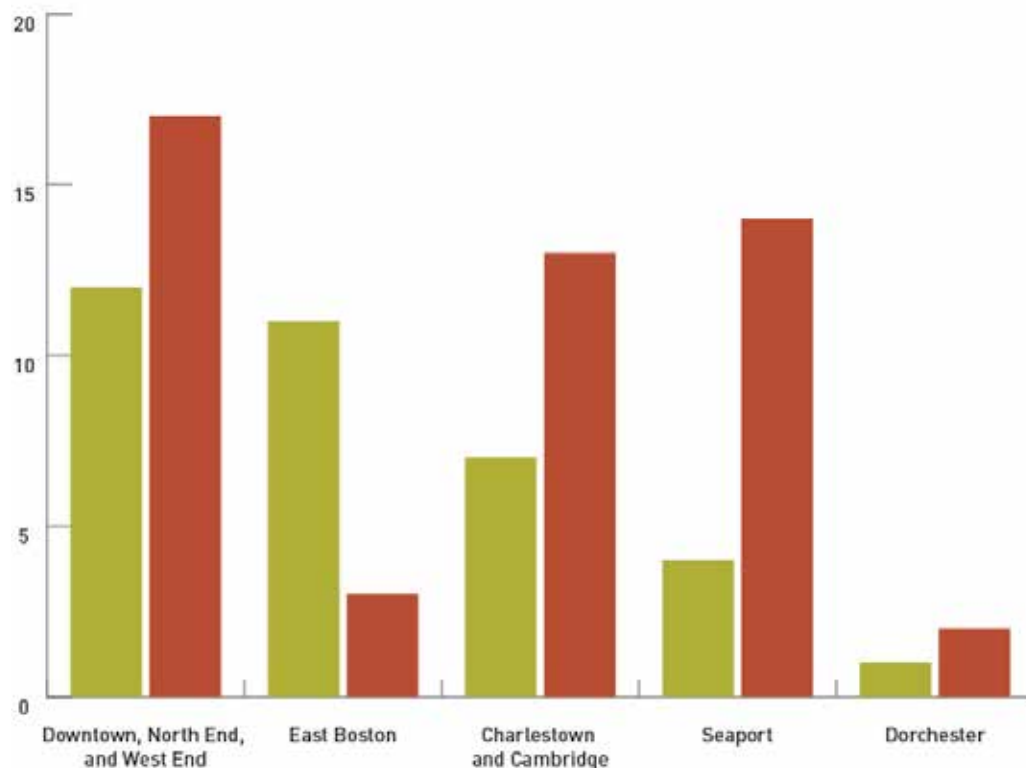
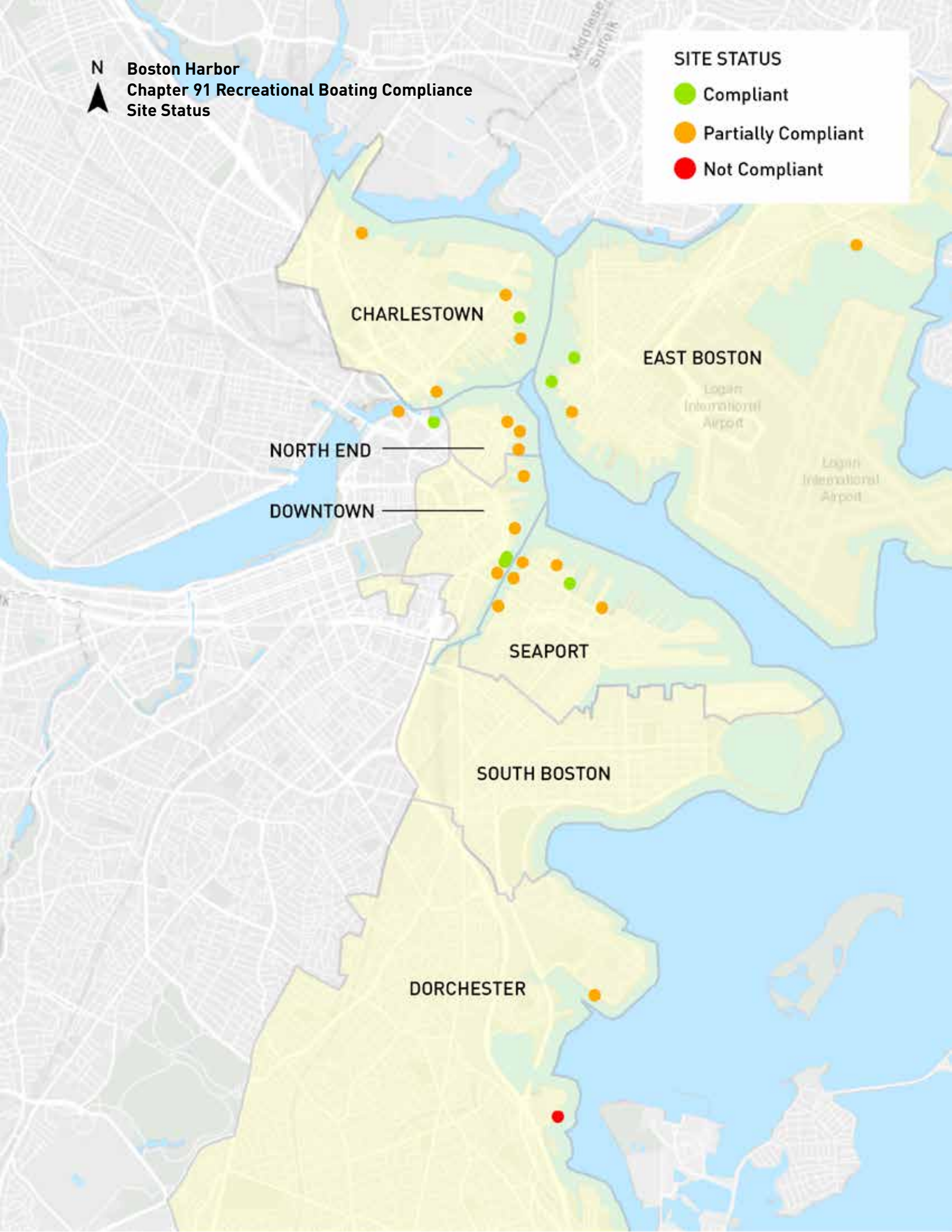


Figure 1. 31 Boston sites' compliance with 98 conditions categorized by five neighborhoods. "Conditions in Compliance" refers to all conditions fully complied with. "Conditions out of Compliance" refers to anything less than full compliance.

N Boston Harbor
Chapter 91 Recreational Boating Compliance
Site Status

SITE STATUS

- Compliant
- Partially Compliant
- Not Compliant



The 84 license conditions across Boston pertain to recreational boating in four main ways: boating infrastructure, public access, transient use provisions, and signage at the site. Some of these categories overlap with each other (e.g., a lack of public access would also inhibit transient use). Sites are largely

compliant with conditions requiring boating infrastructure and public access, with 68% and 64% compliance for these categories, respectively. Sites are largely out of compliance with transient use and signage conditions, with only 37.5% and 26% compliance in these categories, respectively.

Figure 2. Compliance by Condition Type

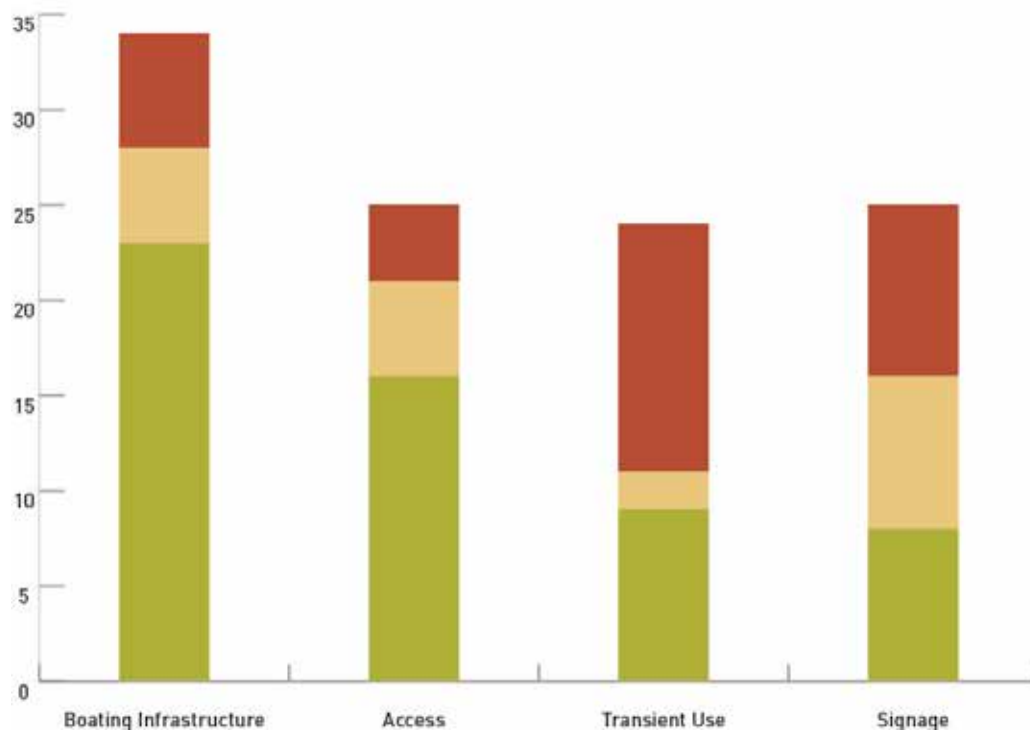


Figure 2. 31 Boston sites' compliance with all conditions categorized by condition category. Some conditions are complex in scope and fall under multiple categories. In these cases, CLF counted the condition for each category that applied. This graph displays only five of the eight total condition categories, as four of these categories contained fewer than five conditions each.

Key Takeaways

Across the 31 sites CLF visited, Boston sites failed to comply with the majority of conditions—54 conditions out of compliance versus 44 conditions in compliance. The Seaport has a much lower ratio of compliance than Boston's other neighborhoods, with only 4 out of 20 conditions fully satisfied. The categories of conditions the Seaport sites fail to comply with most often are transient use and signage. Sites city-wide frequently fail to comply with transient use and signage conditions. Across Boston, sites fail to fully comply with conditions related to transient use and signage 62.5% and 74% of the time, respectively.

Failure to comply with waterfront license conditions has a major impact on public access. For example, signage serves a particularly important role for members of the public looking to use these sites. Without proper signage, would-be visitors may not know they're allowed to use a site for walking, short-term berthing, or any other purpose. Similarly, when physical facilities needed for boating – like docks

– are in disrepair, recreational boaters may opt not to use the site for fear of property damage or personal injury. These examples are just two of the ways that failure to comply with waterfront license conditions can deter members of the public from using facilities that they have a right to enjoy. What's worse, this sort of deterrence can build on itself – when a property manager fails to comply with license conditions, it deters the public from using a site. And when the public doesn't use a site, the property manager doesn't feel the public pressure to maintain the site that it otherwise might have.

The information in this report is intended as a resource for local advocacy organizations and the public alike. Local advocacy organizations may use this report as the springboard for strengthening public access on the waterfront and holding property owners accountable to the terms of their waterfront licenses. Members of the public can refer to this report when they wish to enjoy recreational boating and to understand their rights to the waterfront.

ANALYSIS

Charlestown

The Schrafft Center

Site Visits on 2/8/2021 and 8/19/2022



License No.	1729	10352
Date of License Issuance	12/16/1987	8/9/2005
Date of License Expiration	Not stated	8/9/2035



License No. 1729

Special Condition 1: Waterfront Park Specifications

Condition Text:	<p>“...the Licensee shall construct and maintain a public waterfront park at the Site consisting of a treated timber boardwalk along the Site’s waterfront area, a pile-supported pier with floats . . . a boat launching ramp and a vehicle parking area reserved for public users...”</p>	Partially Compliant
Site Description:	<p>The boardwalk and pier with floats are well-maintained. The boat launching ramp is present and usable, but the cement is cracked, and there was litter in the area at the time of CLF’s site visit. The parking lot had empty spots along the waterfront area during the site visits, but there were no signs reserving those spots for public use.</p>	

Special Condition 2: Public Access

Condition Text:	<p>“Said waterfront park [comprising boardwalk, pier, and boating ramp] shall be open to the general public twenty-four hours a day seven days a week for public access, use and enjoyment of the Site’s waterfront area. Twenty-four-hour public access to the Site’s waterfront shall be made available through the main gate area to the waterfront park...”</p>	Partially Compliant
Site Description:	<p>Most of the waterfront park is publicly accessible. However, a locked barrier gate prevents the public from accessing the boat ramp by vehicle. Members of the public may still access the site on foot, but with the barrier gate locked, boaters cannot drive their vessels down the boat ramp for launching.</p>	

Special Condition 3: Signage		
Condition Text:	“The Licensee shall place and maintain appropriate visible signage at all public entrances, walkways and access points leading to and along the Site’s waterfront area. These signs shall direct and invite public access and use of the public waterfront facilities and indicate hours of access and reasonable rules and regulations of public use of the facilities.”	Partially Compliant
Site Description:	There are no signs onsite advertising public use or describing the rules of use. There are, however, Harborwalk signs, wayfinding signs, and “no swimming” signs. There are also signs at the security guardhouse stating that visitors must check in with security and that unauthorized vehicles will be towed.	
Special Condition 6: Sailing Club		
Condition Text:	“...the Licensee shall construct and maintain the pile-supported access pier and floating dock system along the northwest side of said pier... for the purpose of operating a community sailing club available for public use. The Licensee shall provide adequate resources for proper training facilities, staffing, operation and maintenance of the sailing club and shall provide and maintain a minimum of eight sailboats and associated equipment necessary for safe operation.”	Not Compliant
Site Description:	The sailboats are not on public display. Courageous Sailing, a community sailing club, has a location 1.5 miles away from the project site, but still within Charlestown. The Licensee does not indicate that they maintain any of Courageous Sailing’s sailboats, or that they reserve the northwest side of the pier for sailboats.	
Special Condition 8: Free of Charge		
Condition Text:	“The boat launching facility authorized herein shall be available for use free of charge by the general boating public on holidays, weekends and after normal working hours on weekdays. Ample boat trailer parking and turnaround area shall be provided at the Site on the surface parking area near the launching facility during these times of use.”	Partially Compliant
Site Description:	There is no indication that the public is being charged for use of the available space or services. The Licensee has not explicitly reserved parking for boat trailers but does provide general public parking.	

Special Condition 9: Public Parking

Condition Text:	“The Licensee shall provide a minimum of 20 parking spaces close to the waterfront park and boardwalk area which shall be reserved for users of the park, water transportation service and sailing club free of charge. The entire row of parking spaces adjacent to the waterfront boardwalk shall remain unassigned and available by the general public free of charge on a first come first served basis.”	Partially Compliant
Site Description:	The parking lot has at least twenty parking spaces behind the Schrafft Center, including a row of unassigned spaces directly abutting the boardwalk. There are no signs specifically reserving these spaces for public use. Signs in the security guardhouse read that visitors must check in with security and that unauthorized vehicles will be towed.	

License No. 10352

Special Condition: Additional Signage

Condition Text:	“The Licensee shall also provide and maintain the following public amenities:... one (1) dedicated handicapped parking spot adjacent to the public boat launch...”	Compliant
Site Description:	There is a handicapped parking spot adjacent to the boat ramp.	

Charlestown Navy Yard

Site Visits on 2/10/2021 and 8/19/2022



License No.	13332
Date of License Issuance	9/17/2020
Date of License Expiration	1/5/2031



License No. 13332

Special Condition 6: Dock Uses

Condition Text: “The Licensee shall reserve the easternmost thirty (30) feet on the seaward side of the floating dock for use as a commercial water transportation. This area shall also be available for transient public recreational boating access, transient berthing of hand held boats, and the adaptive sports program operated by the Spaulding Hospital or its agent or assignee on an equal basis when the space is available and when it would not interfere with the water transportation operations. The Licensee may use the remaining thirty (30) feet of dock frontage and the additional twenty (20) feet along the sloped, small craft launch float for the adaptive sports program. When the adaptive sports program is not actively using the dock, the full berthing area shall be available as a public landing for transient vessels as described above... ‘Transient’ shall be defined as touch and go berthing of recreational vessels for a time period not to exceed two (2) hours in duration unless the Department approves an alternative time period... The Licensee shall post at least one sign clearly visible from the water to inform the boating public of the times the dock is available, contact information and the time limits for layover, and that advises all facility users that the dock abuts an active marine industrial port and alert them to potential safety issues.”

Site Description: The eastern end of the dock slopes down into the water. At the time of CLF’s site visit, a number of kayaks, two non-motorized craft branded as property of Spaulding Rehabilitation hospital, and one motorized boat were on the dock—this left little space for transient boaters to use the space. No signage informing the public about their right to access the area is visible from the water, but there is a sign at each gate labeling the facility as a “Public Access Pier” and listing hours of operation (from dawn till dusk).

Not Compliant

Special Condition 10: Additional Signage		
Condition Text:	“The Licensee shall post at least one additional sign in the waterfront plaza... to identify and encourage public use of all interior and exterior facilities of public accommodation...”	Not Compliant
Site Description:	There are several signs onsite: a Harborwalk sign notifying visitors about public access; a sign points users to the docking facility using arrows and images of stick figures in boats; signs at each entrance that label the facility as “Spaulding Adaptive Sports Center” and a “Public Access Pier,” and list the site’s operation hours (dawn till dusk); and a sign on the building window that reads, “24 hour waterfront access.” These signs do not encourage public use or fully explain the rules of use for the available amenities.	
Special Condition 13.d: Public Access		
Condition Text:	“The floating dock and walkway shall be available for public use at least one half hour before sunrise and one half hour after sunset seven days a week, 365 days a year, except when public safety considerations (such as extreme weather conditions) necessitate temporary closure. Gates located at either end of the waterfront public walkway and gangways shall remain open during the hours of public access.”	Partially Compliant
Site Description:	CLF visited this site once in the boating offseason (February 2022), and once during regular boating season (August 2022). During the August visit, the site complied with all of its public access license requirements. During the February visit, the gates were locked during visiting hours.	

1st Street Harborview Park

Site Visits on 2/10/2021 and 8/30/2022



License No.	10286
Date of License Issuance	6/11/2001
Date of License Expiration	6/11/2100



License No. 10286

Special Condition 2: Open Space Facilities

Condition Text: “The Licensee shall construct and maintain the publicly accessible exterior open space facilities listed below... A public pathway of at least ten feet clear of any obstructions shall be maintained within this corridor. The pathways shall include Harborwalk signage, and a directional sign indicating the location of the water . . . public landing posted in a manner visible to pedestrians on the First Avenue sidewalk.”

Site Description: The site has many Harborwalk signs with directional arrows and pictures of boating indicating the direction to nearby public landings—including the dock at this site.

Compliant

Special Condition 4: Water Transportation Dock

Condition Text: “The Licensee shall construct and maintain a public water transportation dock... Maintenance, management, and use of the dock, including its use... as a public landing, shall be in accordance with Special Condition 5 [Public Water Transportation Management Plan]” (emphasis added).

Site Description: The dock is in good condition. The rules-of-use sign clarifies that the dock shall be available for use by recreational boaters for passenger pick-up and drop-off.

Compliant

Special Condition 7: Public Access

Condition Text: “All publicly accessible exterior areas, including the . . . public landing, shall be open to the public, free of charge, twenty-four (24) hours a day.”

Site Description: The dock area is clear of barriers, and there is no indication that the property owner charges the public to use the site.

Compliant

Notes

Note 1: In addition to the signs that the license required, another sign onsite details the rules of use.

Charlestown Marina

Site Visits on 2/10/2021 and 8/30/2022



License No.	10873	14240
Date of License Issuance	3/13/2006	10/27/2016
Date of License Expiration	3/13/2036	3/13/2036



License No. 10873

Special Condition 4: Transient Boater Accommodations

Condition Text:	"Reasonable arrangements shall be made to accommodate transient boaters, including, at a minimum, a procedure for making any berth available for transient use during periods of vacancy in excess of 24 hours."	Not Compliant
Site Description:	There is no signage indicating that berths vacant for 24 hours are available to transient boaters. Further, because the gates to these berths are locked, the public cannot enter to use vacant berths on their own.	

Special Condition 8: Public Access

Condition Text:	"All exterior pedestrian facilities on the project site shall be open to the general public, except where access restrictions are necessary in order to avoid significant interference with the operation of the facility or to maintain security at slips, ramps, floats, and other docking facilities."	Compliant
Site Description:	The public has access to the pier.	

Special Condition 11: Marina Maintenance

Condition Text:	"The Licensee shall maintain the structural integrity of all elements of the marina."	Compliant
Site Description:	The marina is in good condition.	

License No. 14240

Special Condition 8: Parking

Condition Text:

"...the Licensee [is required to] manage the parking spaces on Pier 8 (excepting the eliminated parallel parking spaces) as transient public parking intended primarily for members of the public seeking to use, enjoy, and/or access the waterfront, including the Harborwalk. The Licensee shall install... a sign near the entrance of Pier 8 indicating that the available parking on the pier is public parking for waterfront users and maintain the sign in good repair for the full term of the license. The Licensee shall clearly delineate up to five (5) parking spaces as short-term parking for drop-off/pick-up by the Marina users, to be defined as a maximum of 15 minutes free of charge." Brackets added.

Site Description:

A sign onsite labels Pier 8 as "public parking for waterfront users," and at least five signs reserve an equal number of parking spots for short-term parking. The short-term pickup signs state: "Marina Drop Off and Pick Up Only," "15 Minute Parking," and "Violators will be towed." These parking spots are near a sign labeling the lot as paid parking, though this same sign also posted a number to call for access to 15-minute drop-off spots should the lot be full.

Compliant

Residence Inn on Tudor Wharf

Site Visits on 2/10/2021 and 8/30/2022



License No.	8987
Date of License Issuance	9/25/2001
Date of License Expiration	9/25/2076



License No. 8987

Special Condition 1: Public Access and Maintenance

Condition Text:	<p>“The Licensee shall maintain in good repair all exterior areas for public pedestrian access, free of charge, twenty-four (24) hours per day. Said exterior areas shall be constructed in conformance with the plans [attached to the license]...”</p>	Partially Compliant
Site Description:	<p>The boating infrastructure and exterior areas match the project plans attached to the license. The floating docks appear to be owned and managed by the abutting Constitution Marina. Though the water taxi pick-up sign onsite suggests the public should be able to access the waterfront, the pier gate is locked, excluding the public.</p>	

Special Condition 7: Signage

Condition Text:	<p>“The Licensee shall place and maintain in good repair appropriate public access and directional signage... Signs shall be placed as to be clearly visible to pedestrians on Water Street on east side of the structure, the entrance to the Harborwalk from the Constitution Marina property, the entrance to the walkway connecting the property with the Charles River Basin Park and at the end of Charles River Avenue. Additional signage shall be placed in the public, pile-supported open space seaward of the structure.”</p>	Partially Compliant
Site Description:	<p>Harborwalk signs visible from Water Street advertise public access, but these signs do not direct the public to the public access area, and the public plaza is difficult to locate from the street.</p>	

Notes

Note 1:

Special Condition 1 suggests that the Licensee drew up 16 pages of sketches, but the license attaches only seven pages of sketches/written notes, and the attached plans' titles do not match the names given in Special Condition 1: Site Plan A.0.1, Waterfront Related Amenities, etc.

West End

Mass General Hospital Dock

Site Visits on 2/17/2021 and 8/8/2022



License No.	9147
Date of License Issuance	1/9/2002
Date of License Expiration	1/9/2032



License No. 9147

Special Condition 1: Pier Area Construction and Access

Condition Text:	“The Licensee shall construct and maintain in good repair a handicap accessible pile-supported pier area and associated accessways and ramps for public pedestrian access, free of charge, twenty-four (24) hours a day.”	Partially Compliant
Site Description:	The pier area is well-maintained and includes ramps at a gentle slope to accommodate handicap access. However, the pier gate is locked, and a sign instructs the public to call hospital security for access and that the pier is open for public use only from dawn until dusk (as opposed to the 24 hours a day the license requires).	

Special Condition 3: Signage

Condition Text:	“The Licensee shall place and maintain public access signs... at all public entrances to the site and along the public pile-supported pier and walkway system...”	Partially Compliant
Site Description:	One sign on the gate states the hours of operation (dawn to dusk) and the number to call to unlock the gate. The pier is hard to find, however, and there are no signs to orient the public.	

Special Condition 4: Transient Docking		
Condition Text:	“The Licensee shall allow transient docking of vessels, not to exceed four (4) hours, to the general public, free of charge from dawn to dusk everyday... A well-marked, unlocked gate shall be provided to allow access for boaters from the loading area to the main portions of the pier.”	Not Compliant
Site Description:	The gate to the site is locked, and a sign on the gate instructs users to call hospital security for access to the pier. No signs advertise the availability of transient docking. A transient boater could access the pier from the water, but because there are no signs seaward of the gate, they would not be able to exit the dock unless they already knew to call security.	
Notes		
Note 1:	When CLF called the listed number, the security department answered but did not immediately understand the request, and CLF needed to explain the location of the gate. A potential user would likely need to call and explain their request in order to use the dock.	

North End

Lovejoy Wharf Redevelopment

Site Visits on 2/17/2021 and 8/8/2022



License No.	13396
Date of License Issuance	12/28/2012
Date of License Expiration	12/28/2097



License No. 13396

Special Condition 7.f: Open Space Components—Signage

Condition Text: “The public open space shall include... way-finding signage...”	Compliant
Site Description: The site included wayfinding signs in four places, though only one location included a map. The other three locations had directional arrows.	

Special Condition 11: Floating Dock

Condition Text: “The Licensee shall install a floating wooden dock parallel to the wharf accessed by gangways providing universal access... The dock shall provide pedestrian access and provide navigational access via a boat with a maximum 24” freeboard height for water taxis, charter services and a public landing for transient berthing. For purposes of this condition, ‘transient’ shall be defined as berthing of recreational for touch and go purposes with a maximum layover of 2 hours... the floating dock may be used as layover docking during the evening hours by water taxis, charter craft, recreational boaters, and watercraft associated with special events.”	Compliant
Site Description: The site has a dock as described by the license, and it is clear of barriers. There are no on-site indications that the dock is available for transient berthing or overnight layover, but it does not discourage such use, and the license does not require signs to advertise transient use.	

Notes

Note 1:	The site does not have any additional signs advertising transient use. Although the license does not require such signage, it does require the site be available for transient use. The lack of signage advertising transient use makes it unclear whether transient boating is permitted at the dock (especially where there is clear signage allowing other uses).
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Battery Wharf

Site Visits on 2/25/2021 and 8/8/2022



License No.	7740
Date of License Issuance	9/29/1999
Date of License Expiration	9/29/2079



License No. 7740

Special Condition 11: Water Transportation Docking Facility

Condition Text:	<p>“The Licensee shall construct and maintain in good repair a public water transportation docking facility... Said facility shall reserve no less than forty (40) linear feet of dockage and shall be available for passenger pick-up and drop-off by any water transportation provider servicing Boston Harbor and the general boating public.”</p>	Partially Compliant
Site Description:	<p>The site has a docking facility in good repair and allows free public access to the first 40 linear feet of the dock. During a second site visit, someone had docked a boat in the first 40 linear feet of the dock, obstructing public access.</p>	

Special Condition 13: Transient Dockage

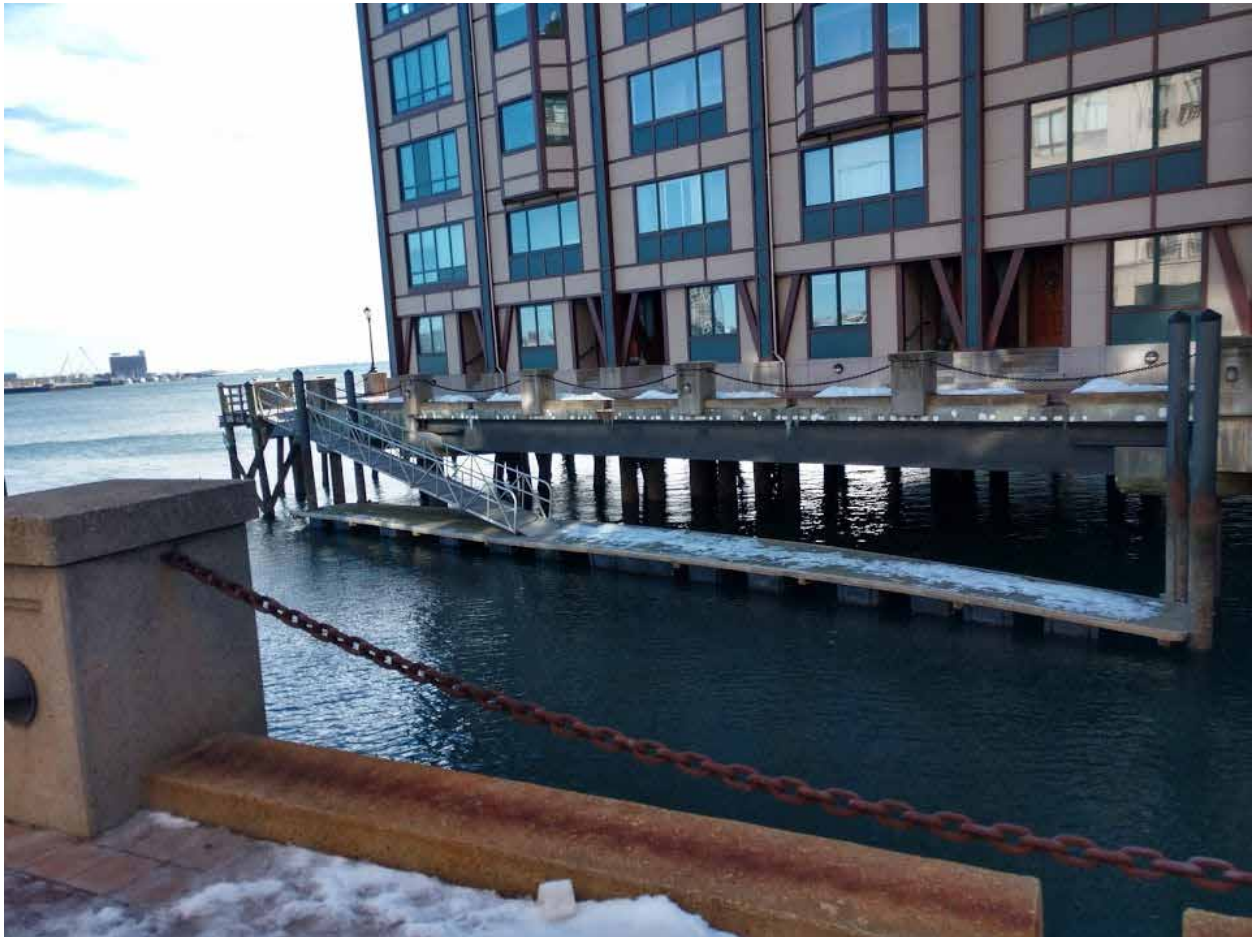
Condition Text:	<p>“The Licensee shall construct and maintain no less than sixty (60) [linear feet] of transient dockage on the northern end of the north pier, extending from the Water Transportation Docking Facility described in Special Condition #11. Said transient dockage shall be made available to the general public on a first-come, first-served basis during the recreational boating season. The Licensee shall provide and maintain water and utility hook-ups for members of the public utilizing these facilities... For the purposes of this condition, transient shall be defined as dockage of any recreational boat for a period of time to be described in the Management Plan... The Licensee may charge a fee for the use of said transient slips.”</p>	Not Compliant
Site Description:	<p>Sixty feet of dockage are separated from the 40 feet of the dock reserved for pick-up and drop-off, but the 60 feet are gated and locked, excluding the public.</p>	

Special Condition 14: Signage

Condition Text:	"The Licensee shall place and maintain in good repair, signage indicating the availability of transient boat dockage and public landing... Said signage shall be of reasonable size and be visible to passing boaters. Said signage shall also state the maximum length of stay; the fee to be charged, if any; the availability of services that are to be provided, such as public restrooms; include any reasonable rules governing the slips; and the availability and locations of the nearest boat sewage pump- out facilities for public use."	Not Compliant
Site Description:	None of the four signs on the dock convey the required information. One sign includes a phone number for docking inquiries, but the sign is on the side of the dock near the surface of the water and is not readily visible. None of the signs instruct the public on transient boat dockage, other amenities, or rules of use. There do not appear to be any signs past the locked gate, though it was not possible to closely examine the restricted area.	

Burrough's Wharf

Site Visits on 2/17/2021 and 8/8/2022



License No.	1841
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Date of License Issuance	7/28/1988
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Date of License Expiration	Not stated
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License No. 1841

Special Condition 3: Signage

Condition Text:	“The Licensee shall place and maintain appropriate signage... at all entrances and along all walkways and roadways providing public access to the site. These signs shall encourage public access and use of the waterfront facilities and shall indicate the hours of access and reasonable rules and regulations of their use.”	Partially Compliant
Site Description:	A sign at the entrance of the public landing clearly outlines the rules of use and the hours of operation. However, there are no signs on nearby walkways or roadways as required.	

Special Condition 7: Landings and Access

Condition Text:	“...[The] Licensee shall construct and maintain the Dinghy Landing and Public Landing licensed herein. Said landing facilities shall be open to non-commercial boats of the general public on a first-come first-served basis. Reasonable restrictions may be placed on the size of boats and on time limits for tie up at the landings so that the facilities will be available to a maximum number of users.”	Partially Compliant
Site Description:	There is no dinghy landing onsite, but there is a well-maintained public landing. The public landing is clear of all barriers to public use and is open for transient use.	

Notes

Note 1:	The site also contains a small docking facility (shown in the license plans but not described in the license text) at the southernmost edge of the wharf.
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Sargent's Wharf

Site Visits on 2/17/2021 and 8/8/2022



License No.	7450
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Date of License Issuance	3/3/1999
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Date of License Expiration	Unlimited
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License No. 7450

Special Condition 2: Signage

Condition Text:	“A sign shall be placed on the dock indicating that the dock is for public short term, pick-up and drop-off dockage only... .”	Not Compliant
Site Description:	There is no signage onsite besides standard Harborwalk signage.	

Special Condition 3: Accessibility

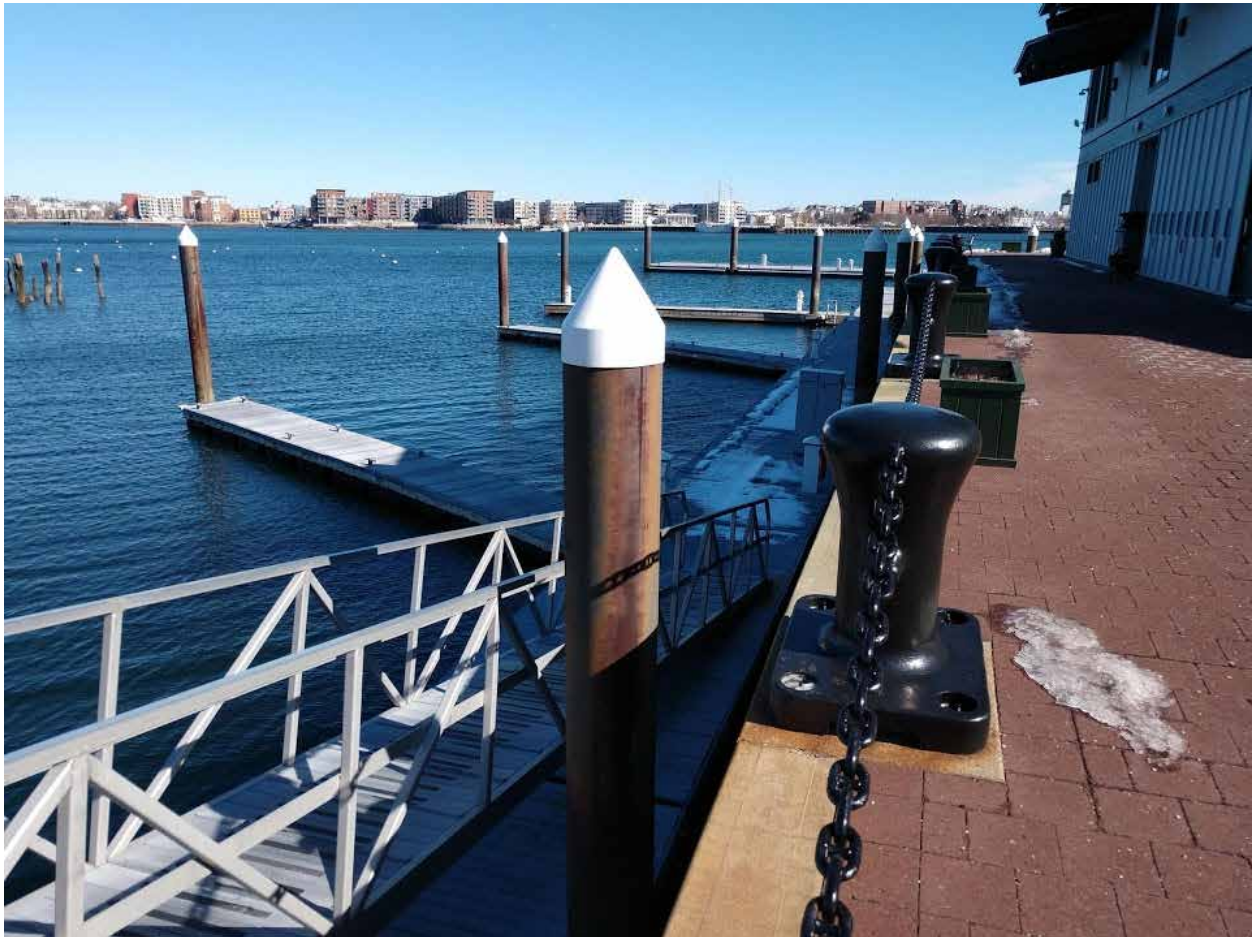
Condition Text:	“A gate of no more than four feet in height shall be erected at the entrance to the ramp which may be locked no earlier than sundown and unlocked no later than sun-up. These hours may be revisited depending on the public demand for use of the dock. The licensee shall inform the Department in writing of any changes to the hours that the gate will be open.”	Partially Compliant
Site Description:	There is no gate at the ramp entrance, so public access is unencumbered.	

Special Condition 4: Maintenance

Condition Text:	“In accordance with the Standard Waterways Condition #5 on page 3 of this license, the licensee is responsible for maintaining all structures in good working order for the term of the license. The Department received a letter... from the Boston Redevelopment Authority stating they have an agreement with the Pilot House to provide the maintenance and security at the dock, including trash collection.”	Not Compliant
Site Description:	The bottom of the dock is rusted over. However, between CLF’s site visits, the Licensee/BPDA repaired a fist-sized hole and other weak points.	

Commercial Wharf Marina

Site Visits on 2/17/2021 and 8/8/2022



License No.	5775
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Date of License Issuance	10/9/1997
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Date of License Expiration	10/9/2029
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License No. 5775

Special Condition 3: Access and Signage

Condition Text:

“... the Licensee shall allow the public to pass on foot, for any purpose and for 24 hours per day, on the proposed pier... and subject to the terms of, the BRA [Boston Redevelopment Agency]... if the public access terms of the said BRA Agreement are determined judicially to have expired prior to the term of this license and public access across Commercial Wharf to the proposed pier is denied, the Licensee shall use reasonable efforts to provide public access across Commercial Wharf to its proposed pier... In no event shall the Department require the Licensee to provide access across Commercial Wharf if the Licensee does not have the legal right to provide such access.

This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the area(s) intended for public passage, including but not limited to trespassing on adjacent private areas...Accordingly, the Licensee shall place and maintain, in good repair, at least one public access sign consistent with the provisions of this special condition #3 along the Atlantic Avenue sidewalk...and on the western side of the proposed pier.”

Site Description:

The public can easily access the pier from Atlantic Avenue, up and around the marina building. The slips and floats are locked, but this is consistent with the license, which allows the property owner to limit public access to adjacent private areas.

Compliant

Special Condition 6: Transient Use		
Condition Text:	"Any berth authorized herein shall be made available for transient use during any period of vacancy in excess of 24 hours."	Not Compliant
Site Description:	The site does not indicate a procedure to make berths vacant for 24 hours available to transient boaters, and the gates to these berths are locked, preventing access.	
Standard Condition 5: Maintenance		
Condition Text:	"The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans."	Compliant
Site Description:	The floats at the site match the configuration on the site plans, and the site is well-maintained.	

Downtown

Rowes Wharf Marina

Site Visits on 2/25/2021 and 8/8/2022



License No.	1181	6551
Date of License Issuance	2/11/1985	6/18/1999
Date of License Expiration	Not stated	6/18/2029



License No. 1181		
Pile-Supported Wharf and Maritime Structures		
Condition Text:	<p>“North Wharf Maritime Structures... These finger floats will create 15 recreational boat slips at this location... These finger floats will create 8 recreational boat slips...</p> <p>Central Wharf Maritime Structures... these finger floats shall provide 7 recreational boat slips which shall be used for public transient boaters...”</p>	Not Compliant
Site Description:	The site does not have the 30 slips described above. There are about 19 slips at the north wharf and there are no slips the central wharf.	
Condition 1: Maritime Facilities		
Condition Text:	“These facilities shall include: ... 30 marina slips for recreational use of which at least 50% (15 slips) will be dedicated to public transient boat use, and a public dinghy dock.”	Not Compliant
Site Description:	The facilities at the site include about 19 marina slips and the dinghy dock. There is no indication that these slips are available for transient use, as there is no signage describing transient use and the slips and dinghy dock are behind a locked and unmarked gate.	
Condition 2: Maintenance		
Condition Text:	“The Licensee shall maintain in good repair the public maritime facilities described in Condition 1 and the continuous pedestrian walkways and certain plaza areas accessible to the general public.”	Partially Compliant
Site Description:	Not all the slips outlined in the license are present; however, the slips that are present along with the walkways and plazas have been maintained in good condition.	

Condition 3: Access

Condition Text:	"The Licensee shall make the public maritime facilities, the continuous pedestrian walkways and those plaza areas dedicated for public use accessible to the general public, including handicapped persons, under such reasonable rules and regulations as the owner... may establish."	Not Compliant
Site Description:	While the commercial boating piers are accessible to the public, the individual slips (at least 15 of which should be available for transient use) are inaccessible to the general public behind a locked and unmarked gate.	

Independence Wharf

Site Visits on 2/25/2021 and 8/9/2022



License No.	13110
Date of License Issuance	10/14/2011
Date of License Expiration	10/14/2031

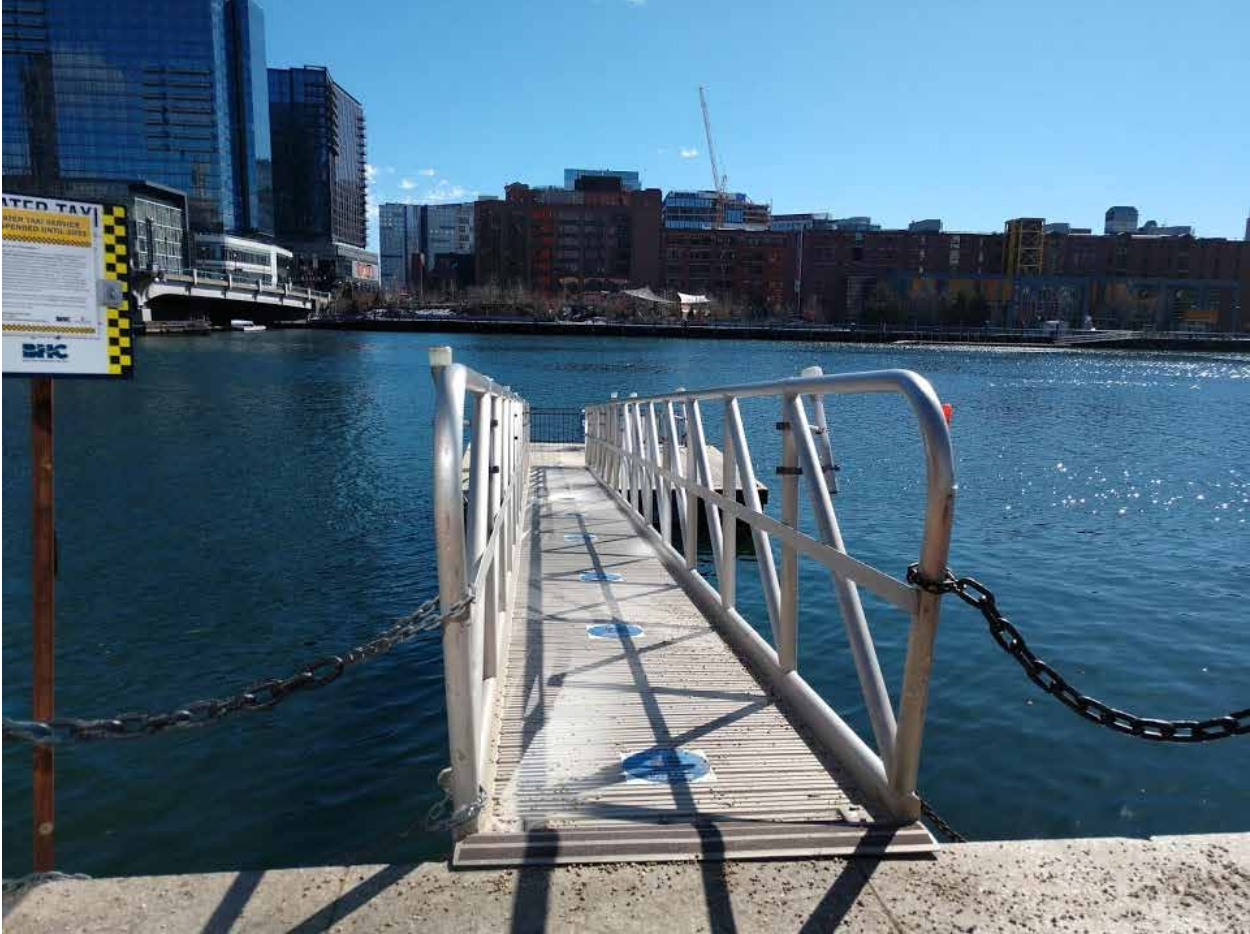


License No. 13110		
Special Condition 1: Maintenance and Use		
Condition Text:	“The Licensee shall install and maintain the public landing authorized in this license primarily for the launching small, hand launched vessels (including, but not limited to kayaks, canoes, and dinghies) to activate the watersheet.”	Compliant
Site Description:	The public landing is consistent with the license conditions and project plans.	
Special Condition 2: Access		
Condition Text:	“Access to the fixed pier platform, ramp and floating dock shall be available to the public between the hours of dawn and dusk each day except during adverse weather conditions. A gate may be installed on the platform... for safety and security concerns. Clear signage shall be designed in accordance with city of Boston Harborwalk standards and be posted and maintained in a prominent location indicating such availability. Use of said facility shall be free of charge. The Licensee shall be responsible for all maintenance and upkeep of the facility for the term of the License in accordance with the updated maintenance plan...”	Compliant
Site Description:	CLF visited this site twice. During one visit, the gates were unlocked and the pier platform was accessible to the public. During the other, however, the platform gate was locked. There was no indication that the public was being charged to use the pier.	

Special Condition 3: Signage		
Condition Text:	<p>“...the Licensee shall place and maintain in good repair signage, located on the fixed pier and of an adequate size to be clearly visible to pedestrians on the Harborwalk and to boaters in the Channel... Signs shall encourage public patronage of the Channelwalk and public landing, state the hours of public access, and any rules for their use...”</p>	Compliant
Site Description:	<p>Signs onsite clearly outline the rules of use and advertise public use. The signs are at the entrance to the dock and are readily visible. The signage states the hours of operation (dawn to dusk). The signage does not explain why the gate was locked for CLF’s first visit.</p>	
Special Condition 8: Free of Charge		
Condition Text:	<p>“The public landing shall be free of charge for recreational vessels. If a commercial boat rental operation utilizes the dock, it shall be managed to not conflict with the primary use as a public landing and shall not obstruct public pedestrian access on the site.”</p>	Compliant
Site Description:	<p>There was no indication onsite that the public would be charged for use of the pier or that commercial rental operations conflict with normal public use.</p>	

Intercontinental Hotel

Site Visits on 2/25/2021 and 8/9/2022



License No.	9825
Date of License Issuance	11/3/2003
Date of License Expiration	11/3/2102



License No. 9825

Special Condition 2: Maintenance and Access

<p>Condition Text:</p>	<p>“... the Licensee shall maintain in good repair the exterior public facilities and accessory amenities, listed below, that are to be, or have been, constructed by others... Unless otherwise specified in this License, these exterior public facilities shall be open to the public, free of charge, twenty-four (24) hours per day... public landing, including docks, floats, ramps, and other accessory elements... Priority use of this terminal shall be reserved for public water transportation passenger service.”</p>	<p>Compliant</p>
<p>Site Description:</p>	<p>The public landing onsite is consistent with the license conditions and project plans. The ramp leading down to the dock is freely accessible.</p>	
<p>Notes</p>		
<p>Note 1:</p>	<p>Recreational boaters looking to use this public landing would not know if they could use this dock since the signage does not clarify rules or allowances for transient berthing or pick-up.</p>	

Russia Wharf

Site Visits on 2/25/2021 and 8/9/2022



License No.	11419
Date of License Issuance	8/7/2006
Date of License Expiration	8/7/2105



License No. 11419

Special Condition 5: Maintenance

Condition Text:	“The Licensee shall construct and maintain a small boat docking facility and cause to be installed and maintain a floating walkway connection to the water Transportation Terminal at 500 Atlantic Avenue for public use and access as shown on the License Plans...”	Compliant
Site Description:	The floating infrastructure is consistent with the license conditions and project plans.	

Special Condition 5.a: Uses

Condition Text:	“The small boat docking facility shall provide nine slips dedicated to the following uses – a water taxi pick-up and drop-off; a public landing for transient recreational vessels; transient tie up area for dinghies; and berthing for up to six recreational vessels, charter boats or craft associated with special events, displays or celebrations. The northernmost slip shall be used as the water taxi landing [and pick-up and drop-off]... The slip closest to Congress street may be used for short-term dinghy tie up...”	Compliant
Site Description:	The site contains nine slips, and signs at each slip inform visitors to reserve them for one of the above-mentioned types of uses (including pick-up and drop-off and transient boaters).	

Special Condition 5.b: Transient Use		
Condition Text:	“Three slips shall remain available for the transient public use for the term of the license. For purposes of the license, <i>transient</i> shall be defined at the water taxi as “touch and go”, at the public landing as no longer than thirty (30) minutes, and at the dinghy tie up as no longer than four (4) hours unless otherwise modified by an approved Management Plan.”	Partially Compliant
Site Description:	Signs onsite reserve the three slips for water taxi use, pick-up and drop-off, public landing use and public dinghy tie-ups. The signs include time limits for tie-ups, but the sign at the water taxi slip reserves the space for “water taxi only” and does not reserve the space for public touch and go use as the license requires.	
Special Condition 5.d: Fees for Use		
Condition Text:	“The water taxi [and touch-and-go] docking and public landing shall be provided free of charge. The dinghy dock may include a courtesy fee to limit extended use and encourage turnover.”	Compliant
Site Description:	There is no indication that the site charges the public for transient boat use.	
Notes		
Note 1:	The license does not require signage for the small boating facility, but the Licensee nevertheless posted clear and visible signage at the site outlining rules of use and hours of operation. They also posted smaller signs on each slip reserving them for public use (as well as private and water taxi use). The signage onsite also listed the hours of operation and the months of the boating season (May through October).	

Seaport

5 & 6 Necco Court Public Landing

Site Visits on 2/25/2021 and 8/9/2022



License No.	9342a	12906
Date of License Issuance	5/29/2003	3/11/2011
Date of License Expiration	5/29/2102	3/11/2041



License No. 9342a

Special Condition 4: Kayak Launch

<p>Condition Text:</p>	<p>“The Licensee shall cause to be installed and maintain a ramp and float system suitable for launching small, hand launched vessels (including, but not limited to kayaks, canoes, dinghies) to activate the watershed... Said facility shall be available to the public twenty-four (24) hours per day, seven days per week and include clear signage in a prominent location indicating such availability.”</p>	<p>Partially Compliant</p>
<p>Site Description:</p>	<p>The kayak launch is well-maintained, and the site includes the required signage prohibiting motorized craft and clarifying that the dock is open to the public. However, the signs are not visible to passersby and do not list hours of operation. There are no barriers to public use of the dock in any way.</p>	

Special Condition 5: Accessibility

<p>Condition Text:</p>	<p>“The Licensee shall make the Interim Harborwalk and ramp and float facility, as described in Special Condition #4 herein, available to the general public, free of charge, for passive and active recreational purposes. These facilities shall be accessible to the general public 24 hours per day, seven days a week, unless DEP approves other hours of operation...”</p>	<p>Compliant</p>
<p>Site Description:</p>	<p>The approach is clear of any barriers that would prevent the public from making full use of the facility 24 hours a day, seven days a week.</p>	

License No. 12906

Special Condition 2: Signage

Condition Text:	<p>“...upon completion of the public landing, the Licensee shall place and maintain in good repair signage, of an adequate size which shall be clearly visible to pedestrians, located at each entrance to the parking lot on the project site, next to the fixed platform of the public landing, and at the head of each public parking space... Signs shall encourage public patronage of the Harborwalk and public landing, state the hours of public access, and any rules for their use....”</p>	Partially Compliant
Site Description:	<p>There is one sign onsite that prohibits motorized craft and establishes public use free of charge. The sign is not readily visible to pedestrians entering the site. Instead, the small sign is on the floating dock, so users would need to walk onto the dock to read it.</p>	

Special Condition 3: Public parking spaces

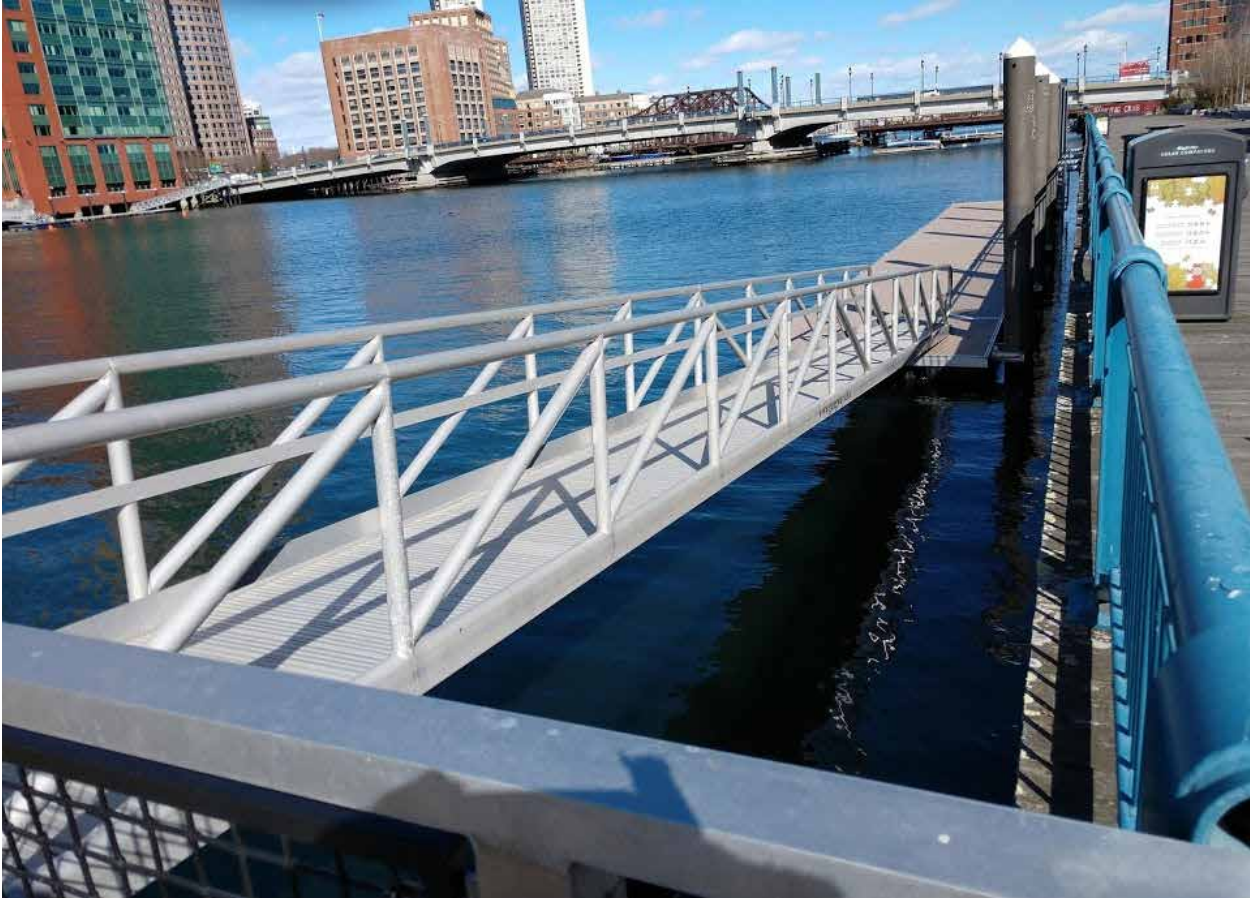
Condition Text:	<p>“The Licensee shall reserve four (4) parking spaces in the parking lot on the project site near the public landing for the public that wish to use the public landing... The designated spaces shall be available free of charge during the hours from 7 PM to Midnight on weekdays and 6 AM to Midnight on weekends and holidays, unless other hours are approved by the Department, in order to accommodate employee use during the normal business hours. Signs shall be posted at the head of each of the four spaces at completion of the public landing.”</p>	Compliant
Site Description:	<p>The site reserves eight spaces for public use of the landing by placing signs at each of these spaces. These signs read, “Reserved for Public Dock,” and indicate that this reservation applies to the spots from 7:00 PM to midnight on weekdays and 6:00 AM to midnight on weekends and holidays.</p>	

Notes

Note 1:	<p>Additional signage at the kayak storage rack details its availability for monthly rental on a first come, first served basis.</p>
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Boston Children's Museum

Site Visits on 2/25/2021 and 8/9/2022



License No.	3339
Date of License Issuance	7/20/1993
Date of License Expiration	7/20/2023



License No. 3339

Special Condition 7: Transient Use

<p>Condition Text:</p>	<p>“The Licensee shall make the proposed floats available to the general boating public for transient dockage on a first-come, first-served basis, from dawn to dusk, and on a year round basis. For purposes of this condition, ‘transient’ shall be defined as dockage of any recreational or commercial boat for a period of not more than four hours. The Licensee shall not charge a fee for use of the dock... Preference shall be given to public water transportation boats and services in need of docking space.”</p>	<p>Not Compliant</p>
<p>Site Description:</p>	<p>There are two gates between the public corridor and the dock. One or both gates were locked on both occasions CLF visited the site. The lack of access prevents public users from using the dock for transient berthage. A sign on the gates labels the floats as a private docking facility and prohibits public use.</p>	

Special Condition 8: Signage

<p>Condition Text:</p>	<p>“The Licensee shall place and maintain in good repair, signage indicating the availability of the floats for the use specified in Special Condition 7. Said signage shall be of reasonable size and shall be reasonable visible to transient boaters. Said signage shall also state the maximum length of stay; the availability and locations of the nearest boat sewage pump-out facility; and include any reasonable rules governing the use of the floats.”</p>	<p>Not Compliant</p>
<p>Site Description:</p>	<p>A sign onsite labels the space as Boston Children’s Museum Private Docking facility, states that the museum is not responsible for lost property, and displays a museum phone number to call for inquiries. The sign also states, “No Trespassing,” though those words are partially obscured by tape. Another sign advertises a paddling tour. Neither sign explains rules of use or encourages public use.</p>	

Introduction: Floats and Maintenance

Condition Text:	“Whereas Museum Wharf, Incorporated... has applied to the Department of Environmental Protection for license to... place and maintain a pile-held, 40’ x 120’ barge... and a pile held float system, consisting of 263 linear feet of 8 foot wide, pile-held floats and two 8’ x 90’ finger floats.”	Partially Compliant
Site Description:	There is only one floating dock with no additional floats and no boating slips. The floating dock is in good condition.	

Notes

Note 1:	Judging by the significant differences between the license requirements and the site, it is possible that DEP issued another license more recently than 1993.
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Barking Crab and Rowing Center

Site Visits on 2/25/2021 and 8/9/2022



License No.	14105
Date of License Issuance	6/8/2016
Date of License Expiration	6/8/2046



License No. 14105

Special Condition 5: Water-Taxi Landing Area

Condition Text:	"The existing water taxi landing area... at the docking facility shall remain free of charge for public 'touch-and-go' and water-taxi service."	Partially Compliant
Site Description:	During CLF's second visit (during the boating season), the site was publicly accessible and free of charge, but the dock was locked during CLF's first site visit (during the boating offseason). The site had conflicting signage during both visits. A sign near the entrance read: "Water-Taxi Entrance" (suggesting public access) while a sign on the gate read "no admittance" (prohibiting public access). The Licensee reserved a portion of the dock for water taxi services and public pick-up and drop-off.	

Special Condition 7: Transient Use

Condition Text:	"The face of the float at the northern end of the docking facility (parallel to the Northern Avenue Bridge) shall be made available to the public for transient boat docking on a first-come, first-serve basis. Reasonable arrangements shall be made to accommodate transient boaters, including, at a minimum, a procedure for making any berth available for transient use during periods of vacancy over twenty-four (24) hours."	Not Compliant
Site Description:	The site does not indicate a procedure to make berths vacant for 24 hours available to transient boaters. The License specifies that the northern float must be reserved for transient use; however, it appears that berths on the south-facing side of this float are reserved for private users.	

Standard Condition 5: Maintenance

Condition Text:	“The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.”	Compliant
Site Description:	The site contains boating infrastructure consistent with the license and project plans.	

Fan Pier Marina

Site Visits on 3/4/2021 and 8/9/2022



License No.	11907
Date of License Issuance	9/25/2007
Date of License Expiration	9/25/2103



License No. 11907

Special Condition 12: Marina Infrastructure

Condition Text:	“The Licensee shall construct and maintain a marina, pump[-]out facility, touch and go dock, and accessory facilities... the marina shall include a total of approximately 80 slips.”	Partially Compliant
Site Description:	The site contained adequate boating infrastructure as required by the terms of its license and project plans. However, the touch-and-go dock did not have the four small floats that the project plans displayed.	

Special Condition 13: Northwest Pier and Access

Condition Text:	“The pile-held floating pier along the northwest side of Fan Pier Cove shall be publicly accessible twenty-four (24) hours a day. No gates, fences or other structures may be placed in any area open to public access that impedes or discourages the free flow of pedestrian movement. Reasonable measures may be taken to restrict public access to gangways and finger piers serving recreational boats.”	Partially Compliant
Site Description:	While there are no significant physical barriers to accessing the northwest pier at the site, a string was tied across the entrance to obstruct access during one of CLF’s site visits. There are no signs to indicate the public is allowed to access the pier.	

Special Condition 14: Management Plan and Transient Use

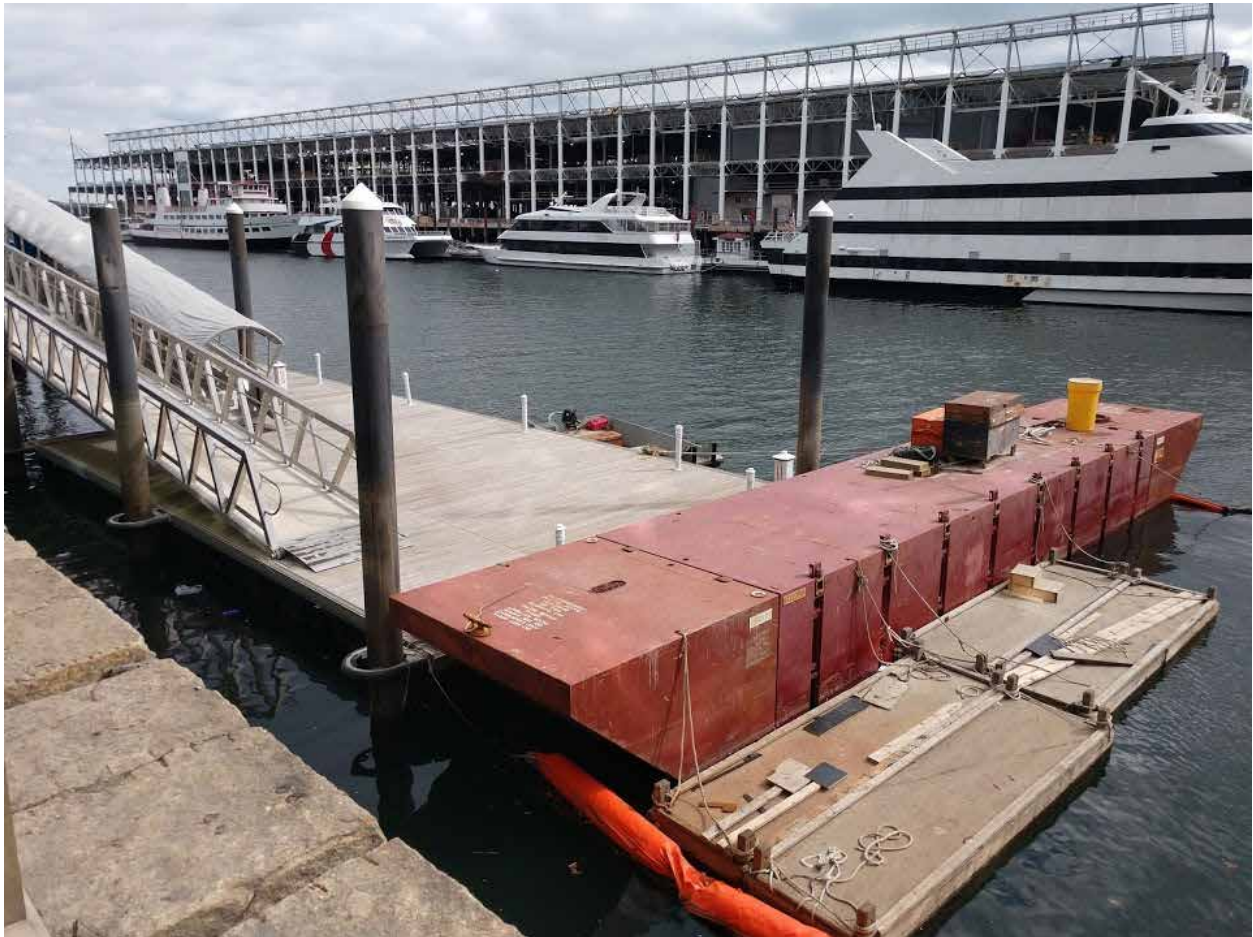
Condition Text:	"...the Management Plan shall: include procedures for managing transient berths and the touch and go dock... detail procedures for recreational boaters to ensure that priority within the Cove is given to water transportation vessels; provide details regarding the number, location, and content of signage; and establish fees for long-term and transient berths, pump-out facilities, and any other necessary fees... A touch-and-go dock with adequate space for temporary tie ups (15-20 minutes) by at least two medium sized boats shall be provided for use by non-commercial recreational boaters at no charge. The required signage shall note the availability of the transient slips, touch-and-go dock, and pump[-]out, provide directions for their use, and be located, and of a suitable size, so that the signs are visible to passing vessels."	Partially Compliant
Site Description:	There are no signs noting the availability of transient slips or the touch-and-go dock. While there are no barriers to access the touch-and-go dock, the rules of public use are not posted, nor is pump-out information.	

Special Condition 17: Transient Berthing

Condition Text:	"Every berth in the marina shall be made available for transient use during periods of vacancy in excess of 24 hours. The dockmaster shall maintain a listing of available transient docks on a daily or weekly basis, and shall provide the Boston Harbormaster with an updated list on at least a weekly basis between the months of March to November. A sign at the entrance to the cove shall state the availability of transient and touch & go docks, and provide phone numbers for the dockmaster and Boston Harbormaster."	Not Compliant
Site Description:	There is no procedure indicated for making berths vacant for 24 hours available to transient boaters. The northwest pier and touch-and-go-dock were freely accessible, but because the rest of the docking facility is locked, the public cannot enter to use any other vacant berths on their own.	

Pier 4 Fishing Dock

Site Visits on 3/4/2021 and 8/9/2022



License No.	13204
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Date of License Issuance	3/2/2012
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Date of License Expiration	3/2/2102
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License No. 13204

Special Condition 3: Water Commons Infrastructure

<p>Condition Text:</p>	<p>“The Licensee shall construct and maintain a docking facility, known as the Water Commons... The Water Commons shall be constructed and available for public use by the date of issuance of the First Residential Certificate of Occupancy... The Water Commons shall include the following components. A canopy... seating; viewing devices; a trash receptacle; a shop/kiosk for ticketing, bait and tackle, and fishing equipment rental... Two ramps – including a handicapped access ramp... shall lead down to a public landing, with a minimum of 145 linear feet to berth commercial water transportation vessels and public recreational boats. An exterior fish cleaning station will be located along the pier edge adjacent to the Water Commons... For purposes of this license <i>transient</i> shall be defined at the public landing as no longer than thirty (30) minutes. The fish cleaning station and viewing devices shall be publicly available free of charge. The... public landing shall be available for use free of charge.”</p>	<p>Compliant</p>
<p>Site Description:</p>	<p>The site contains boating infrastructure consistent with its license and project plans. The Licensee does not indicate that they would charge users of the public landing for transient use.</p>	
<p>Notes</p>		
<p>Note 2:</p>	<p>The site does not have any signs advertising transient use. Although the License does not require such signs, it does require the dock to be available for transient use. The lack of signage advertising transient use makes it unclear whether transient boating is permitted at the dock in contrast to the clear signage allowing other uses on the site.</p>	

Northern Avenue Restaurants

Site Visits on 3/4/2021 and 8/9/2022



License No.	12205
Date of License Issuance	10/24/2008
Date of License Expiration	10/24/2073



License No. 12205

Special Condition 6: Public Landing

<p>Condition Text:</p>	<p>“The Licensee shall construct and maintain a public docking facility and a public landing, which is at least 35 feet long... The 12-slip docking facility shall provide berthing for water transportation vessels, commercial charter and excursion boats or craft associated with special events, displays or celebrations. A maximum of 9 slips shall be available to public transient recreational vessels at any one time.”</p>	<p>Partially Compliant</p>
<p>Site Description:</p>	<p>The site contains boating infrastructure consistent with its license and project plans—approximately 35 feet of landing and 12 slips. The Licensee does not indicate availability for transient vessels or any other non-private craft. The gate is unlocked, but a sign prohibits the public from trespassing.</p>	

Special Condition 6.a: Transient use and Signage		
Condition Text:	“For Purposes of this license ‘ <i>Transient</i> ’ shall be defined as not to exceed 12 hours in duration unless a lesser period of time... is recommended in an approved Management Plan. The Licensee shall post a sign clearly visible from the water to inform the boating public of the times the dock is available, contact information, the time limits for layover, and the location of the nearest pump-out facility.”	Not Compliant
Site Description:	<p>A single sign on the gate reads: “Rules & Regulations No smoking, soliciting, swimming, music, trespassing (for Liberty Wharf tenants & guests only), generators after 11AM, alcoholic beverages, idling, boat cleaning, 12 hours max stay, hours of operation 10AM – 10PM.”</p> <p>The “No Trespassing” sign closes the dock to all members of the boating public who are not Liberty Wharf tenants or their guests. There is no sign visible from the water advertising public use of the dock.</p>	
Special Condition 6.e: Management Plan		
Condition Text:	“The use allocation, operation and management of the docking facility shall be described in a Management Plan approved and periodically updated in accordance with Special Condition #9 to ensure that the docking facility does not interfere with the use and operations of any adjacent existing or proposed water-dependent industrial use. In addition, the public docking facility shall be managed to ensure water transportation operations are not impeded... to encourage use by commercial charter and excursion boats, and to stimulate turnover of recreational vessels.”	Not Compliant
Site Description:	CLF does not have the Management Plan for this property. However, by posting a sign prohibiting trespassing, the Licensee has not managed the dock as to avoid impeding water transportation operations and stimulate turnover of recreational vessels.	

Dorchester

Fox Point Landing

Site Visits on 3/10/2021 and 8/15/2022



License No.	9664
Date of License Issuance	7/1/2003
Date of License Expiration	Unlimited



License No. 9664

Special Condition: Signage

Condition Text:	<p>"...the Licensee shall place and maintain, in good repair, a public access sign on the easterly/westerly sides of the existing security gate on the gangway... Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structures or property not intended for lateral passage."</p>	Not Compliant
Site Description:	<p>There are no signs indicating public access is allowed.</p>	

Special Condition: Accessibility

Condition Text:	<p>"In partial compensation for private use of structures on Commonwealth tidelands, which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the area intended for public passage, including but not limited to trespassing on adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore."</p>	Compliant
Site Description:	<p>The door was inconsistently unlocked. It was locked during the site visit that took place outside of the boating season and unlocked during the site visit that took place within boating season.</p>	

Standard Condition 5: Maintenance	
Condition Text:	“The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.”
Site Description:	The dock at the site match the configuration on the site plans, and the site is well-maintained.
Notes	
Note 1:	This review centers License No. 9664 from 2003, but the DEP issued at least four licenses for this property, including at least two more recent licenses: License No. 13187, approved in 2012, and License No. 1401, approved in 2016. License No. 9664, approved in 2003, has the strongest language regarding public access, and neither of the two more recent licenses contradict the 2003 license’s requirements.
Note 2:	License No. 9664 does not label or differentiate its special conditions. CLF took the quotations above from the special condition section of the license.

Compliant

Old Colony Yacht Club

Site Visits on 3/10/2021 and 8/15/2022



License No.	9959
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Date of License Issuance	8/4/2004
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Date of License Expiration	8/4/2034
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License No. 9959

Special Condition 4: Transient Use

Condition Text:	"Reasonable arrangements shall be made to accommodate transient boaters, including, at a minimum, a procedure for making any berth available for transient use during periods of vacancy in excess of 24 hours."	Not Compliant
Site Description:	The site does not indicate that berths vacant for 24 hours are available to transient boaters. Further, because the docking facility is locked, the public cannot enter to use vacant berths on their own.	

Standard Condition 5: Maintenance

Condition Text:	"The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans."	Compliant
Site Description:	The floats at the site match the license requirements, and the site is well-maintained.	

East Boston

126 Border Street

Site Visits on 3/25/2021 and 9/2/2022



License No.	13905
Date of License Issuance	1/13/2016
Date of License Expiration	1/13/2081



License No. 13905

Special Condition 9: Accessibility

<p>Condition Text:</p>	<p>“All open space shall be accessible 24 hours a day with no gate or other barriers installed to impede pedestrian circulation. The final landscape design shall not include features that significantly diminish the amount of public open space, nor have the effect of privatizing or otherwise discouraging public use of such open spaces...”</p>	<p>Compliant</p>
<p>Site Description:</p>	<p>The Licensee does not obstruct public use to any portion of the outdoor space.</p>	

Special Condition 9.f: Signage

<p>Condition Text:</p>	<p>“A unified signage program shall be designed and installed for the requisite way-finding and interpretive signs located and designed to encourage public access and patronage of the interior and exterior <i>Facilities of Public Accommodation</i> and state the hours of public access of each public facility. The management plan shall describe a signage program that includes, but is not limited to, signs of a sufficient size and material to be visible to passing pedestrians.”</p>	<p>Compliant</p>
<p>Site Description:</p>	<p>A sign marking the boat launch area describes the rules of use and the hours of operation (dawn to dusk daily). The site also includes wayfinding signs directing visitors to public pathways, and interpretive signs. However, the wayfinding signs are small, and no other signs encourage public access.</p>	

Special Condition 12: Boat Launch	
Condition Text:	<p>“The Licensee shall prepare a Management Plan for all interior and exterior publicly accessible space... including but not limited to the open space, hand-carried boat launch...No fee shall be charged for the use of the hand-carried boat launch”</p>
Site Description	<p>The shore of the property is open so that the public can use it as a hand-carried-boat launch, and a sign labels a portion of the shore as the “Kayak Launch.” There does not appear to be a fee for use of the boat launch.</p>
Notes	
Note 1:	<p>There is also a kayak storage rack onsite, though there is no signage outlining rules of use.</p>

Compliant

Eddy Street Apartments

Site Visits on 3/25/2021 and 9/2/2022



License No.	13033
Date of License Issuance	7/29/2011
Date of License Expiration	7/29/2076



License No. 13033

Special Condition 5: Accessibility

Condition Text:	"All public open space shall be accessible 24 hours a day with no gates or other barriers installed to impede pedestrian circulation."	Compliant
Site Description:	The Licensee did not obstruct public access to any of the outdoor amenities.	

Special Condition 5.d: Parking

Condition Text:	"Eleven (11) parking spaces shall be designated as off-street parking for the public to use, free of charge, and is anticipated to include usage for access LoPresti Park, the Harborwalk and onsite Facilities of Public Accommodation. At least two (2) signs shall be posted adjacent to the parking area that acknowledges the free public use. Reasonable time limits may be imposed..."	Compliant
Site Description:	The Licensee has reserved 12 standard parking spots, plus two handicap spaces, for the public. The Licensee posted signs explicitly reserving these spots as public parking, though a tree obstructed view of one of these signs.	

Special Condition 5.e: Signage

Condition Text:	"At least two (2) Harborwalk signs... shall be posted on the project site. One shall be located along the sidewalk at the intersection of Sumner and New Street and another shall be located along the Harborwalk adjacent to LoPresti Park. At least one sign on the property shall state the hours of public access, any rules for their use in accordance with Special Condition #11."	Compliant
Site Description:	The site contains Harborwalk signs, interpretive signs, and rules-of-use signs. The rules of use include information on how long boats can dock at the facility and how much it costs to dock there.	

Special Condition 7: Boat Landing	
Condition Text:	<p>“The Licensee shall install a timber platform, aluminum ramp, and pile-moored steel float on the non-Designated Port Area side of the watershed... Recreational vessels are allowed to use the landing for short-term dockage as long as there is no interference with the commercial water taxi usage. A sign shall be posted at the top of the ramp with contact information for the water transportation operator and information about the service.”</p>
Site Description:	<p>The site contains boating infrastructure consistent with its license and project plans. There are signs describing short-term public boating use for a fee.</p>
Notes	
Note 1:	<p>Depending on the size of their vessel, the Licensee charges recreational boaters between \$10 and \$20 per hour to dock at their pier. The license does not explicitly allow or prohibit such a fee.</p>

Compliant

Clippership Wharf

Site Visits on 3/25/2021 and 9/2/2022



License No.	14043
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Date of License Issuance	3/25/2016
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Date of License Expiration	3/25/2076
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License No. 14043

Special Condition 12.a: Main Dock

Condition Text:	"The Main Dock (on the western side of the site) shall be available as a public landing to drop-off and pick-up of passengers for... private recreational boats."	Compliant
Site Description:	The Licensee does not obstruct public use of the dock.	

Special Condition 12.b: Transient Boating

Condition Text:	"Transient berthing shall be defined as no longer than 4-hours unless the dock master approves overnight stays. At no time shall recreational vessels berth at the Main Dock for longer than 7-nights in a row without prior review and approval by the Department."	Compliant
Site Description:	The Licensee does not obstruct access of the dock. Posted signage reads: "Temporary docking only, no overnight docking allowed" (punctuation added).	

Special Condition 12.c: Maintenance

Condition Text:	"The dock master shall inspect the Main Dock and the Small Boat Dock regularly to ensure they are maintained in good repair and securely anchored prior to severe weather events. The Small Boat Dock, if used seasonally, shall be securely stored in an upland location during the offseason."	Compliant
Site Description:	The main dock and small boat dock are consistent with the project plans and are in good repair.	

Special Condition 13.e: Canoe and Kayak Center		
Condition Text:	"A Canoe and Kayak Center at the seaward end of Building 3... which shall provide safety instruction, education, guided tours, boat rental and storage, and membership... Hours of operation for the exterior facilities shall be dawn to dusk for boating, with the opportunity to extend hours for events and education programs."	Not Compliant
Site Description:	At the time of CLF's site visits, the Licensee had not established a canoe and kayak center in the seaward end of building 3 and had left the allocated space vacant.	
Special Condition 17: Signage		
Condition Text:	"The Revised Draft Management Plan shall describe a unified program for the requisite way-finding and interpretive signs located and designed to orient the public, and encourage public access and patronage of all interior and exterior facilities of public accommodation... The Canoe and Kayak Center operator shall provide informational signage in both the cove and Main Dock with free handouts regarding safe boat handling and rules of the sea in a commercial harbor. The way-finding signs shall state the hours of public access."	Partially Compliant
Site Description:	There is wayfinding and interpretive signage throughout the site. There are also signs at the main dock allowing the public to use the space for temporary dockage, though they do not state the hours of public access. There are no informational signs or handouts at the cove or main dock.	
Notes		
Note 1:	In addition to the main dock, the site includes a secondary dock in the cove and a boat ramp in the cove. The license does not detail the use of either of these amenities. Wayfinding signage elsewhere on the site indicates that the secondary dock and boat ramp are available for use as canoe/kayak launches, but signage at the secondary dock indicates that it is not available for public docking. There is no signage at the boat ramp.	

Orient Heights Yacht Club

Site Visits on 3/25/2021 and 9/9/2022



License No.	9315
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Date of License Issuance	8/30/2002
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Date of License Expiration	8/30/2032
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License No. 9315

Special Condition 5: Transient Boater Accommodations

Condition Text:	“Reasonable arrangements shall be made to accommodate transient boaters, including, at a minimum, a procedure for making any berth available for transient use during periods of vacancy in excess of 24 hours.”	Not Compliant
Site Description:	There is no procedure indicated for making berths vacant for 24 hours available to transient boaters. Further, because the docking facility is inaccessible, the public cannot enter to use vacant berths on their own.	

Standard Condition 5: Maintenance

Condition Text:	“The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.”	Compliant
Site Description:	The site contains boating infrastructure consistent with its license and project plans.	

Notes

Note 1:	The facility is locked. Beach access is unobstructed, but there are signs on the beach prohibiting trespassing.
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CONCLUSION

Though the Massachusetts Public Waterfront Act guarantees public access to the land along Boston's waterfront and other waterways state-wide, in practice this access is not guaranteed. Many sites fail to comply with their Chapter 91 licenses, creating near-term and long-term threats to this right. To ensure public access to the waterfront is protected for years to come, we must be good stewards of that public access today. As public use of the Boston Harbor waterfront wanes due to insufficient signage and infrastructure, we run the risk that compliance with Chapter 91 licenses will decline further, which will only continue to discourage public use of one of Boston's greatest amenities.

We can all be advocates of the Boston Harbor waterfront and our public access rights. While there are many opportunities to visit and interact with the water, few are as impactful as getting out on to the water itself. Infrastructure and signage are critical to recreational boating access on the harbor and ensuring that properties maintain these amenities as required by their Chapter 91 licenses starts with individual observations and actions.

If you visit one of the sites listed above and find the property owner is not complying with one of the terms of their license, please contact CLF at e-info@clf.org. Similarly, if you see waterfront sites on Boston Harbor that could support new recreational boating infrastructure and opportunities, we want to hear from you!

To learn more, visit www.clf.org.

