



Charles River Watershed Association

December 9, 2011

Alex Strysky
DEP Waterways Program
One Winter St., 5th Floor
Boston, MA 02108

***RE: Chapter 91 license application for EFEKTA House, Inc., Office Building,
Cambridge, MA,***

Dear Mr. Strysky:

Charles River Watershed Association (CRWA) has reviewed the Chapter 91 Waterways License Application (application) for the above referenced project and comments as follows on public benefit, issues related to public access through the site, and drainage/stormwater management. We appreciate that The Congress Group recently met with CRWA to discuss MEPA, Article 97 and Chapter 91 issues.

Pursuant to Chapter 88 of the Acts of 2011, Chapter 91 review may proceed concurrently with MEPA review; however, a final Chapter 91 license may not issue prior to the conclusion of the MEPA process (and the Secretary's public benefit determination pursuant to 301 CMR 13.00). While the public benefit determination becomes part of the record of the Chapter 91 proceeding, the "public benefit determination shall not supersede, eliminate, or in any way impair the Department's exercise of its powers under chapter 91." 301 CMR 13.05.

We do not believe at this point based on the benefits being proffered, that this non-water dependent project's public benefits outweigh the public detriment to the rights of the public in tidelands.

A. Public Benefits

Given the location of the project adjacent to North Point Park, the fact that the park greatly enhances EF's site and the 3,885 s.f. of Article 97 land directly in front of the applicant's site "contiguous with North Point Park" (application at p. 6), the project should contribute to a dedicated fund to support parkland maintenance. Due to the cuts to DCR's budget and lack of identified funds within the agency's budget for this park's continued maintenance, this would be a valuable public benefit and ensure that

the public will use this park in many ways. DCR is requesting instead that EF enter into an Agreement “to assist” in park maintenance. Because we do not know what that agreement would encompass, either spatially or substantively, it is impossible to assess the benefit at this time.¹

Because there will be public restrooms on the ground floor of the EF building, we agree that bathrooms at the future skate park site are not necessary. Nor do we support the Charles River Conservancy’s request for \$250,000 for lighting and security cameras at the skate park. CWRA feels that this is inappropriate because the skate park is only at conceptual design and dependent on a) future fundraising for both construction and upkeep, b) provision of the necessary infrastructure, and c) environmental reviews.

More detail should be provided on the public meeting space being proposed on the ground floor of the building. This space should be available for public meetings and events at no charge. The space on the second floor should also be available free, or at discounted rates, for public purposes. This should be included and discussed in the SEIR.

An observation area or deck on an upper floor of the building would provide panoramic views of this section of the Charles. This should be incorporated as a public benefit. There is ample precedent for this, see e.g., Rowes Wharf and Atlantic Avenue building.

We are concerned that the Article 97 land in front of the building not simply look or feel like part of the EF building. Instead, in consultation with DCR, it should be part of the parkland and serve as an access point into the park. Signage informing the public that this is public parkland should be included.²

B. Public Access and Site Design

While the application claims that “the project has been designed to provide direct connections from the existing shared use paths in North Point Park and Education Street to the proposed FPA at the site,”³ none of the mixed use paths traverse the project site and actually draw the public through the site. Significantly, the current proposed layout of the pathways do not maximize the opportunities and links provided by the new North Bank Bridge for bicycle and pedestrian commuters crossing the Charles River to Boston. Pathways should also enable direct access from North Point Extension to the North Bank Bridge.

¹ We suggest that if a Maintenance Agreement is the selected route, that a draft be submitted in the SEIR in order to allow the public to review and comment. Similarly, the Open Space Plan and draft conservation restriction should be included in the SEIR.

² The applicant correctly is not citing payments to Cambridge as public benefit under Chapter 91. We note that cash payments to the City do not fit within the Standards: Application of Criteria set forth in 301 CMR 13.04(3).

³ Pg. 6, Table 1-2.

As previously mentioned, the proposed landscape design for the front of the site is not designed to not act as a continuation of the North Point Park and it should be. While outdoor seating is proposed for the restaurant use, it won't draw the public to use the open area in the same way as a public park would. Instead, as evidenced in Figure 9 of the application, the massing of the building dominates the waterfront and already distracts from the serene nature of North Point Park. We encourage the applicant to rethink the design of the outdoor space so it lends itself to being used more as public parkland and the building massing so it enhances the experience of users both of the river and North Point Park. Publicly-accessible terrace areas with seating on the upper floor(s) of the building, or an observation area, should be provided so the general public can experience expansive views of the river.

C. Drainage /Stormwater Management

Drainage is a significant issue in the development of filled tide lands and the applicant should to address drainage issues not only at the site level, but also at a larger sub-watershed level. Since the filling of the tidelands and the historic Millers River (see fig. 1 below), the original subwatershed of the Millers encompassing parts of East Cambridge, Somerville and Charlestown has suffered from serious flooding and other stormwater related issues.

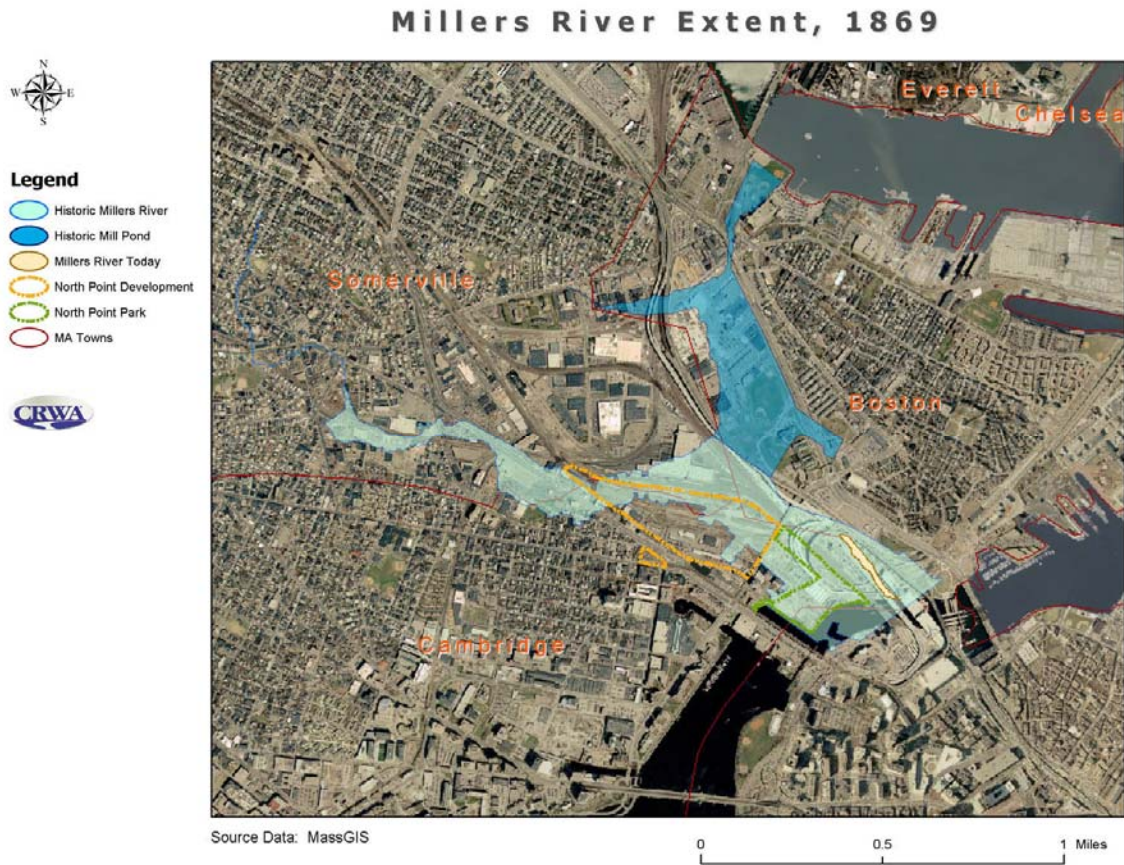


Figure 1. Historic extent of the Millers River overlaid on present conditions

The inadequacy of the drainage infrastructure put in place during the filling has created a situation that conventional engineering approaches have only worsened. Consequently, any redevelopment that is undertaken in this area (especially in the downstream section of the drain shed) cannot be planned /designed without addressing the drainage impacts at the sub-watershed scale.

It is not clear whether the section of the site that drains to the existing infrastructure owned by the City of Cambridge and MassDOT discharges to the Charles River or the Cambridge or MWRA sewer system. This should be clarified in the SEIR. It is certain, however, that any new flows in the MWRA system have the potential to increase treated CSO discharges to the Inner Harbor and possibly also increase untreated CSO discharges at hydraulically related CSO outfalls. It is therefore critical that every attempt be made to keep any stormwater discharges from the site and its adjoining area from going into the combined system.

On the site scale, especially because the open space is so limited on the site, stormwater management objectives should drive the landscape design. While the current landscape design consisting of “water feature, rock formations, ornamental trees, and plantings”⁴ provides aesthetic appeal, it needs to be tied more intrinsically to the stormwater engineering of the site. The project landscape design should incorporate to the maximum extent possible above ground, vegetated and soil based BMP’s. Lawn areas should be minimized, ponds or water features should use and treat stormwater runoff, and landscaped areas should function as rain gardens, stormwater planters and stormwater tree pits. Paved areas should be porous wherever possible. The easement area A (Fig. 3 in the application) along North Point Boulevard Extension could be used as a site for a stormwater wetland, or to treat runoff from the roadway and sidewalk such that the Boulevard could function as a Green Street.⁵

Because discharge from the site must comply with both the pathogen and nutrient TMDLs for the Charles River, treatment and pre-treatment systems should be selected for their documented efficiency at removing pathogens and nutrients, rather than simply TSS.

Stormwater management design for the site should aim to maximize infiltration, slow runoff, maximize the use of vegetation, capture rooftop runoff for irrigation, and minimize off-site stormwater flows. To reduce off-site runoff and minimize drainage impacts, the project design should maximize the tree canopy and vegetated areas, including green roofs, to reduce the heat island effect, improve air quality and increase evapotranspiration. If a green roof is not feasible, the proponent should consider a blue roof for the building. We encourage the proponents to include a broader discussion of

⁴ Pg. 12

⁵ According to the “Green Streets” manual published by Metro OR, a “green” street is designed to incorporate a system of stormwater treatment within its right of way so as to minimize the quantity of water that is piped directly to streams or rivers.

and planning for drainage as it is related to the design of the open space in and around the project. The design of any streetscape improvements along North Point Boulevard Extension as well as Education Way offers the opportunity to incorporate a variety of stormwater landscape features. Through retrofitting the entire site area with LID strategies, the proponent can reduce the impacts of drainage from the site and contribute to a more functional drainage system for this area where the natural drainage function has largely been lost due to historic filling and development

We appreciate the opportunity to provide comment on this project. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Pallavi Kalia Mande". The signature is written in a cursive, flowing style.

Pallavi Kalia Mande
Director of Blue Cities™

CC:

Karl Haglund, DCR

Holly Johnson, MEPA

Martha Doyle, EF

Dean F. Stratouly, The Congress Group