



Secretary of Energy and Environmental Affairs  
Executive Office of Energy and Environmental Affairs (EEA)  
Attn: MEPA Office  
Alex Strysky, EEA No. 15908  
100 Cambridge Street, Suite 900  
Boston MA 02114

September 25, 2018

RE: ENF for 1005 Broadway: EEA#15908

Dear Secretary Beaton,

We are writing to comment on the Environmental Notification Form filed by the proponents of the development at 1005 Broadway in Chelsea, 1005 Broadway MM LLC.

The Mystic River Watershed Association was founded in 1972 “to protect and restore the Mystic River, its tributaries and watershed lands for the benefit of present and future generations and to celebrate the value, importance and great beauty of these natural resources.” We recently launched the Mystic Greenways Initiative, a multi-year, multi-stakeholder effort to renew and stimulate more active use in waterfront lands and are supportive of environmentally sustainable development proposals that enrich public access to these spaces.

It is one of the Commonwealth’s stated purposes, as steward of public trust lands, to “support public and private efforts to revitalize unproductive property along urban waterfronts, in a manner that promotes public use and enjoyment of the water....” 310 CMR 9.01(2)(d). MyRWA shares this laudable goal and works tirelessly to promote responsible urban development of public trust lands in our watershed.

The proponent has proposed a residential and commercial development without a water dependent use on a vacant site that includes filled tidelands. The location of this development is near to historically underserved environmental justice communities and alongside a Mill Creek waterfront that has had historically limited public access for these communities. We understand that the only state agency permit that is required for this project to proceed is a license for nonwater-dependent use under M.G.L. c. 91, § 18. *We applaud the proponent’s stated intention to include public green space and pedestrian access to the waterfront and look forward to commenting on these plans during the Chapter 91 licensing process.*

In view of the well-defined issues involved in that permitting process, agency expertise, and the opportunity for public participation, we believe that proceedings conducted by the Department of



Environmental Protection (DEP) under 310 CMR 9.00 will be adequate to address the technical issues arising thereunder. We defer to DEP's assessment as to whether an Environmental Impact Report would be helpful to provide additional description or analysis, or to facilitate coordination with agencies providing financial assistance or other agency action. See 301 CMR 11.06(4)(b).

However, we respectfully request that the Secretary make a public benefit determination for this project under M.G.L. c. 91, § 18B(b) and 301 CMR 13.00. Public benefit review is appropriate whenever "circumstances relating to the nature of the project, the nature of the tidelands in question, the project location, or other similar factors" make it necessary to protect public trust rights in tidelands. Although the 1005 Broadway project is modest in scale, it pushes the limits of tidelands development standards in relation to public pedestrian access and facilities of public accommodation and raises other environmental concerns. The implicit justification for this use of public trust lands is that the construction of additional affordable and market-rate housing, together with *extensive tenant and neighborhood parking facilities*, confers a large social benefit consistent with the the public's water-related rights in tidelands. The policy trade-offs are such that we think it would be helpful for EEA to collect and evaluate relevant information from the proponent and public comments rather than leave the matter entirely to DEP.

Specifically, we observe that the project includes: a surface level parking lot, between the apartment building and coastal bank, the size of which makes it impossible to provide lateral pedestrian access wider than 4 or 5 feet; a pinch point at the corner of the building, leaving just 3½ feet between the building and the abutting waterfront lot; and a long stretch where the proposed access path is a mere 2 feet wide. We would like to hear from the proponent whether alternative designs were considered which eliminate or reduce the size of the northern surface lot, widen the pinch point, and/or enlarge the stone-dust path and thereby more effectively activate public use of the site for purposes other than parking. Because so much of the neighborhood value of this project appears to depend on ground-level parking, made available for public use for a portion of each day, we would like more information on anticipated usage by tenants, commercial patrons, neighborhood residents, and visitors to the public pedestrian access facilities and the potential for conflict among these groups. We question whether so much emphasis should be placed on supplying residential and commercial parking facilities, as opposed to facilities that directly encourage water-dependent public use.

We also believe that the proponent's stormwater management plans will be critical to the evaluation of the public benefit of this proposal. The development is sited on filled tidelands that have already, with the current magnitude of climate change, exhibited a propensity to flood much more frequently than historical rainfall patterns and FEMA FIRM maps would have suggested. The development's proximity to a narrow strip of unprotected coastal bank, abandoned by its owner, and the possible consequences of storm surge erosion should be considered. Although the proponent's current plans appear to meet minimum standards, we believe that the development could have substantial stormwater impacts. We urge the proponents to develop a stormwater management plan that



substantially exceeds legal requirements to ensure that residents of this development as well as neighbors in the watershed are not overburdened by stormwater inundation in the future.

Thank you for the opportunity to comment on this proposal.

Sincerely,

A handwritten signature in black ink that reads "Patrick Herron". The signature is written in a cursive, flowing style.

Patrick Herron  
Mystic River Watershed Association