



City of Everett
Department of Planning and Development
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James Errickson, Executive Director

February 28, 2013

Mr. Bruce K. Carlisle
Director
Massachusetts Office of Coastal Zone Management
251 Causeway Street, Suite 800
Boston, MA 02114

**Re: Request for Notice to Proceed
Everett Central Waterfront Municipal Harbor Plan**

Dear Mr. Carlisle:

We are pleased to submit this Request for Notice to Proceed for an Everett Central Waterfront Municipal Harbor Plan in accordance with 310 CMR 23.00. We very much look forward to working with you and your staff on this exciting opportunity for the City of Everett as is described on the following pages.

Purpose of Everett Central Waterfront Municipal Harbor Plan

Everett's waterfront is largely characterized by a combination of active maritime industrial uses and former industrial sites, resulting in a lack of public access and degraded environmental conditions that generally prohibit the public from use and enjoyment of the waterfront. While the City's waterfront includes a significant portion of the Mystic River Designated Port Area (DPA), which is critical to the local and regional economy, the central portion of the waterfront, between the Route 16 Bridge over the Malden River and the Route 99 Bridge over the Mystic River, contains primarily inactive former industrial property and underutilized parkland. In comparison to neighboring cities, Everett is severely lacking in recreational boating facilities, public landings, and public access along the waterfront. While efforts such as remediation of contaminated sites and storm water discharge quality improvements have been a major goal of the City for some time, the up-front expense of these measures makes them cost prohibitive. As a result, much of the Everett waterfront is unsafe and inaccessible. While Everett's central waterfront has been prioritized for redevelopment by the community through planning efforts over the past decade, making this vision a reality has proven to be a tremendous challenge due to the area's poor environmental conditions, barriers to access, and underdeveloped context.

The City of Everett is now proposing a Municipal Harbor Plan for its central waterfront. The Municipal Harbor Plan presents an unprecedented opportunity to encourage catalytic new development with public access and amenities that will dramatically change this neglected area in order to fulfill—and exceed—the objectives of the State Waterways regulations. Specifically, through modifications to the use and dimensional standards of Chapter 91, a Municipal Harbor Plan can stimulate private development that will activate water's edge in places that for decades have been fenced off to the public or provided very

little to draw the public. It can facilitate access to the river by boat, which is greatly desired by the community. And it can shape new development to allow public enjoyment of the area's waterfront for the first time in the City's history. The potential development of the Horizon Way Brownfields site provides an opportunity never before known to completely transform this part of Everett's waterfront. The creation of a Municipal Harbor Plan will allow the site and the waterfront area to be shaped in such a way as to maximize both the site's redevelopment feasibility and its potential to substantially improve the public's ability to use and enjoy the waterfront and the river.

A Municipal Harbor Plan is necessary in order to take full advantage of the unique character of this portion of the Everett waterfront. Specifically, with respect to open space, while there is a significant amount of public parkland within the planning area, it is currently not contiguous, and provides only passive space that lacks amenities that might make it more of a draw. A Municipal Harbor Plan could allow for substitutions in the total amount of open space, or for lot coverage on a site-by-site basis, and instead require higher quality space with enhanced amenities to dramatically increase its use by the public. Likewise, in order to promote density in certain locations, which would help to achieve greater activation, alternative height standards at certain locations could be provided for in the Municipal Harbor Plan with offsets to mitigate or compensate for any adverse effects on water-related interests. Additionally, a Municipal Harbor Plan could allow for flexibility in the delineation of the water-dependent use zone (WDUZ) so as to encourage water-dependent uses, such as boating access or water transportation services, in locations that make the most sense due to existing natural and built conditions. Finally, it will provide the opportunity to specify the locations and configurations of Facilities of Public Accommodation (FPAs) that will be most effective in activating the waterfront for the public's use and enjoyment.

Description of the Harbor Planning Area

The Municipal Harbor Plan Area has been defined to include approximately 155 acres of land area, in addition to watersheet, within Everett City limits, roughly bounded by the Malden and Mystic Rivers to the west, Route 16 to the north, the MBTA Commuter Rail tracks to the east, and the City boundary to the south. (See attached Map of Proposed Municipal Harbor Plan Area.) The Area is limited to property within City of Everett limits and excludes a small "finger" of land that is part of the City of Boston.

The Municipal Harbor Plan Area contains sites owned by four different property owners. Approximately 51 acres of parkland and roadways along the river and Route 16 is owned by the Massachusetts Department of Conservation and Recreation (DCR). Gateway Plaza, owned by Diversified Realty, is an approximately 73 acre site that includes the Gateway Mall buildings and a surface parking lot. FBT Everett Realty LLC, c/o the Denunzio Group LLC, owns the approximately 30 acre property southeast of the Commuter Rail Line. An MBTA Commuter Rail Line also runs through the planning area and crosses over the Malden River.

Approximately 75 acres of the Municipal Harbor Plan Area are filled tidelands subject to jurisdiction under Chapter 91 of the Massachusetts General Laws. The upland portions of properties are included in the Area as they are functionally related to the Chapter 91 jurisdictional lands, the waterfront, and the river. The Municipal Harbor Plan Area does not extend to two other sections of the Everett waterfront, the portion along the Malden River north of Route 16 and the portion along the Mystic River east of Route 99. The Everett waterfront north of Route 16 is characterized by a combination of open space, industrial uses, and a staging area for an electrical repair facility in Malden. These uses are expected to remain as they are for the foreseeable future. The waterfront east of Route 99 is comprised of industrial uses, and is entirely within the Mystic River DPA. The DPA provides maritime industrial uses that are vital to the energy supply for the region, including Exxon, Prolerized New England, and Distrigas. These uses are also expected to remain largely as they are for the foreseeable future.

Planning Group

The following individuals have been identified as potential members of the Harbor Planning Group:

State Senator Sal DiDomenico or designee

Nancy Koury
Resident and Planning Board Member

Resident (to be determined)

City Councilor/Board of Alderman Member (to be determined)

Melissa Murphy
Chief of Staff, Mayor's Office

Colleen Mejia
City Solicitor

Patrick Johnston
Everett Police

Director (soon to be hired)
Energize Everett

Jon Norton or designee
Administrator of Conservation Commission

David Butler
Fire Chief/Harbormaster

Everett Chamber of Commerce representative (to be determined)

City Services designee (to be determined)
Mystic River Watershed Association (MyRWA) Representative (to be determined)

Joe Orfant or designee
Department of Conservation and Recreation

The harbor planning effort will be led by the City of Everett Department of Planning and Development (DPD) executive director, Jamie Errickson, and his staff. The DPD will be supported by two technical consultants. Sasaki Associates, Inc. has been engaged by the City of Everett to provide urban design support for the Municipal Harbor Plan process. In addition, Fort Point Associates, Inc. has been engaged by Wynn Resorts as part of a public/private partnership to provide analysis relative to Chapter 91 and Municipal Harbor planning in support of the City's effort.

Historical Narrative

Everett was first settled in 1630 and was incorporated as a city in 1892. The city's waterfront extends over an approximately 3.5 mile area and has undergone significant physical changes over the past one hundred years due to filling and land reclamation to create land for industrial purposes. The Malden River

and the Mystic River were once tidal rivers with large salt marsh areas but by 1946 much of these areas had been filled and a portion of the Malden River had been straightened and deepened for improved navigation and access for large ships. The filled land along the Malden River was primarily occupied by industrial uses, including chemical and manufacturing facilities. By the latter part of the twentieth century, however, a number of the large-scale facilities had closed, leaving open giant swaths of contaminated land sprinkled with dilapidated structures. The high cost of remediation and close proximity to existing maritime industrial uses has made it extremely difficult to redevelop these properties, which has caused them to languish for many years. A significant portion of the Mystic River has remained active for maritime industrial use and is protected by a Designated Port Area.

Within the proposed Planning Area, in the mid-1990s, the Gateway Mall (within a site that is now known as Gateway Plaza) was permitted for construction on a portion of the site formally occupied by the Monsanto chemical manufacturing plant. At the time of its permitting, the Gateway Mall was the largest urban retail brownfield redevelopment project in the Commonwealth. A portion of the former Monsanto site was improved as a park with a bike path in 1991 and incorporated with the existing parkland which is owned by the Department of Conservation and Recreation. On the south side of the MBTA Commuter Rail tracks is the remainder of the Monsanto site, which is currently owned by FBT Everett Realty LLC. Over the past two decades this site has been used for construction staging and materials handling associated with public infrastructure projects. In the past several years, the City of Everett has been formulating redevelopment plans in association with the Lower Broadway District Plan which includes this potential development site. In late 2012, Wynn Resorts announced that it was exploring the potential for redevelopment of this site for an entertainment complex/casino with retail and considerable public amenities.

Relevant Past Planning

Over the past decade, a number of planning efforts have laid important groundwork for the proposed Municipal Harbor Plan.

The 2003 Everett Waterfront Assessment, commissioned by the City of Everett Mayor's Office of Community and Economic Development and prepared by Fort Point Associates, Inc., evaluated the existing condition of Everett's waterfront, defined its special places, identified opportunities for achieving a community vision, and provided tools to implement the recommendations of the plan. On the waterside, the plan showed that there are very few berthing facilities located along the Everett waterfront and that there are no berthing facilities within the proposed Municipal Harbor Plan Area apart from the Amelia Earhart dam, which is restricted. The Waterfront Assessment identified opportunities such as a private marina fronting the FBT Everett Realty LLC property, a public boat ramp between the MBTA Commuter Rail and the dam, and a public mooring field offshore from then-proposed Gateway Mall site. The plan indicates that the area that would be defined as the Municipal Harbor Plan Area is below the dam, is tidal, contains deep water, and has good access to the regional transportation, all of which could support significant waterside facilities.

On the landside, the Waterfront Assessment recognized the potential for enhanced recreational amenities along the water's edge at the then-proposed Gateway Mall site and Gateway Park. The plan acknowledged that due to high levels of contamination, the level of public access had been restricted to passive use in certain areas of Gateway Mall site prior to its redevelopment. Between the MBTA Commuter Rail Line and Route 16, the plan also identified landside opportunities for mixed-use development, along with a Harborwalk and bicycle path.

The 2004 City of Everett Waterways Ordinances & Access Policies was a field project of the Department of Urban & Environmental Policy & Planning at Tufts University. It provided a proposed waterways ordinance governing boating safety, operations, and procedures for the proposed city mooring field that

would position the city to better capitalize on its waterfront and encourage recreational boating in its waterways. This study aimed in part to respond to the Waterfront Assessment's findings that Everett's waterfront has a "notable absence" of boating facilities, public landings, and public access to the waterfront. It identified programs and policies that would encourage increased boating activities along the Everett waterfront. Along with water quality studies and testing, it recommends exploration of a number of amenities to encourage boating, most notably the establishment of a mooring field with associated landside facilities such as parking and a dinghy dock.

In 2007, the U.S. Army Corps of Engineers, in partnership with the Mystic Valley Development Commission, conducted a Malden River Ecosystem Restoration Feasibility Study. This study recommended a \$7 million federally funded habitat restoration project for the river that identified the "common goal of restoring this long neglected Malden River corridor through the construction of public parkland, employment and residential opportunities" among a range of relevant stakeholders. Following from this study, the Army Corps will soon be undertaking a major restoration effort in the Malden River.

The 2010, the City of Everett Open Space and Recreation Plan was undertaken by the Metropolitan Area Planning Council (MAPC) and was funded under a grant provided by the Executive Office of Energy and Environmental Affairs (EOEEA) through the Gateway City Parks Initiative. This plan analyzed existing open space in the City and put forth recommendations for its improvement. Of direct relevance to the proposed Municipal Harbor Plan Area, one of its "high priority" open space initiatives was to develop public boat access at Gateway Park. In addition, the plan identified private development as a key potential funding source for improvements to Everett's parks, particularly in the City's waterfront areas. The plan also states that many parks are irregular in shape and that the existing parkland configuration does not always maximize opportunities for public use and enjoyment and calls out the creation of walking routes to the river as key to the community's ability to enjoy waterfront recreational resources.

Following a planning process that took place in 2012, a Lower Broadway District Master Plan was formulated; this Plan will be formally adopted by the City of Everett in early 2013. The Plan lays out a vision for land use planning, street networks, open space and recreation, pedestrian realm improvements, and other opportunities in the district, including the redevelopment of a portion of waterfront along the river that is within the proposed Municipal Harbor Plan Area. In the Municipal Harbor Plan Area, the plan is anticipated to call for improved waterfront access via pedestrian and bicycle connections by way of a waterfront pathway and more hospitable pedestrian environment along Broadway.

Description of the Study Program

The City of Everett proposes to undertake a Municipal Harbor Plan that will include text, plans, and supporting materials necessary to analyze current conditions, potential and preferred alternatives, and implementation strategies to achieve the goals of the state Waterways Regulations. Specifically, the Municipal Harbor Plan will include the following components:

- A survey of existing conditions in the Municipal Harbor Planning Area involving a combination of GIS maps, data tables, existing conditions photos, and brief narratives that will describe and graphically present Chapter 91 jurisdictional lines (including a delineation of Commonwealth vs. private tidelands), open spaces, public amenities, Facilities of Public Accommodation (FPAs), watersheet uses, and other relevant information;
- An analysis of past planning activities and development in the Municipal Harbor Planning Area, and a description of the relationship of the Area to the broader community, city, and regional context;

- The goals for the Municipal Harbor Plan as will be determined by the City in collaboration with the Harbor Planning Group and the public (See Public Participation Program);
- A site-by-site analysis of potential substitutions and offsets that can be pursued in order to achieve the goals of the Municipal Harbor Plan, including recommended alternatives;
- A discussion of how the plan complies with the standards for approval set forth in 301 CMR 23.05, specifically:
 - 1) Consistency with the Massachusetts Office of Coastal Zone Management (CZM) policies, as applicable;
 - 2) Consistency with state tidelands objectives and associated regulatory principles;
 - 3) Inclusion of all feasible measures to achieve compatibility with the plans or planned activities of all state agencies owning real property or otherwise responsible for the implementation or development of plans or projects within the Municipal Harbor Plan Area;
 - 4) Inclusion of enforceable implementation commitments to ensure that, among other things, all measures will be taken in a timely and coordinated matter to offset the effect of any plan requirement less restrictive than contained in 310 CMR 9.00.
- An implementation strategy that includes, for every recommendation in the plan:
 - 1) the specific action that is required;
 - 2) the entity with lead responsibility and those with a supporting role;
 - 3) an indication of priority;
 - 4) a timeframe for completion;
 - 5) potential sources of funding or other needed resources.

In recognition of the existing conditions of the Municipal Harbor Plan Area and the previously described opportunities to improve public landside and waterside access and amenities, it is anticipated that substitutions or amplifications may be pursued for the following standards:

- Building Height (310 CMR 9.51(3)(e))
- Water Dependent Use Zone (310 CMR 9.51(3)(c))
- Open Space (310 CMR 9.51(3)(d) and 310 CMR 9.53(2)(b))
- Facilities of Public Accommodation (310 CMR 9.51(3)(b) and 310 CMR 9.53(2)(c))

Public Participation Program

The public participation program for the Municipal Harbor Plan will include a range of measures to ensure that the process for developing the plan is open and inclusive to relevant public agencies, property owners, advocacy organizations, residents, and other stakeholders. The process will build upon the recent Lower Broadway District Master Plan, which has already engaged a broad spectrum of interested parties in a productive and inclusive dialogue about an overlapping planning area.

The Harbor Planning Group will meet regularly over the course of the process, and all meetings will be open to the public. Presentations from the meetings will be posted on a website along with notes and other presentation materials. Most meetings will consist of a presentation by the City and relevant consultants, followed by a discussion by the Harbor Planning Group and an opportunity for comments from attending members of the public. The Municipal Harbor Plan Area is in a community with a significant transient residential population. It will be important that the Planning Group includes individuals who can commit the time and energy required to ensure a successful process. At the same time, an extra effort will be

made to encourage others to participate, including local businesses, property owners, and relevant public sector stakeholders, including the MBTA.

Three advertised public meetings will be held throughout the process. The first public meeting will be held at the commencement of the planning process, and will explain the process and the applicable regulations that will guide it, describe the existing conditions of the Municipal Harbor Plan Area, and lay out proposed goals for the Municipal Harbor Plan. A second public meeting will be held approximately halfway through the planning process at which the City and the consultant team will present the preliminary site-by-site analysis of possible substitutions and offsets for comment and discussion. A third public meeting will be held toward the end of the process, when the Municipal Harbor Plan's recommendations have been drafted but not yet finalized, and will present the draft recommendations. Email, posting on websites, and publication in local newspapers will be the primary means for advertising the public meetings. An email distribution list will be created from information collected off of attendance sheets at the meetings and supplemented with contacts from other sources, such as attendance sheets collected during the Lower Broadway District Master Plan process. In addition to public comments that will be taken at meetings, people will be encouraged to submit comments to the Harbor Planning Group in writing or by email through a designated team member.

Paralleling this public outreach, the City will keep CZM and Department of Environmental Protection (DEP) Waterways Program staff informed about the development of the Municipal Harbor Plan and the schedule of public meetings. The City will ensure that the agencies are kept up to date with respect to any changes in the timeframe or other unanticipated events and will notify them in advance of filing the Municipal Harbor Plan with the Secretary.

Conclusion

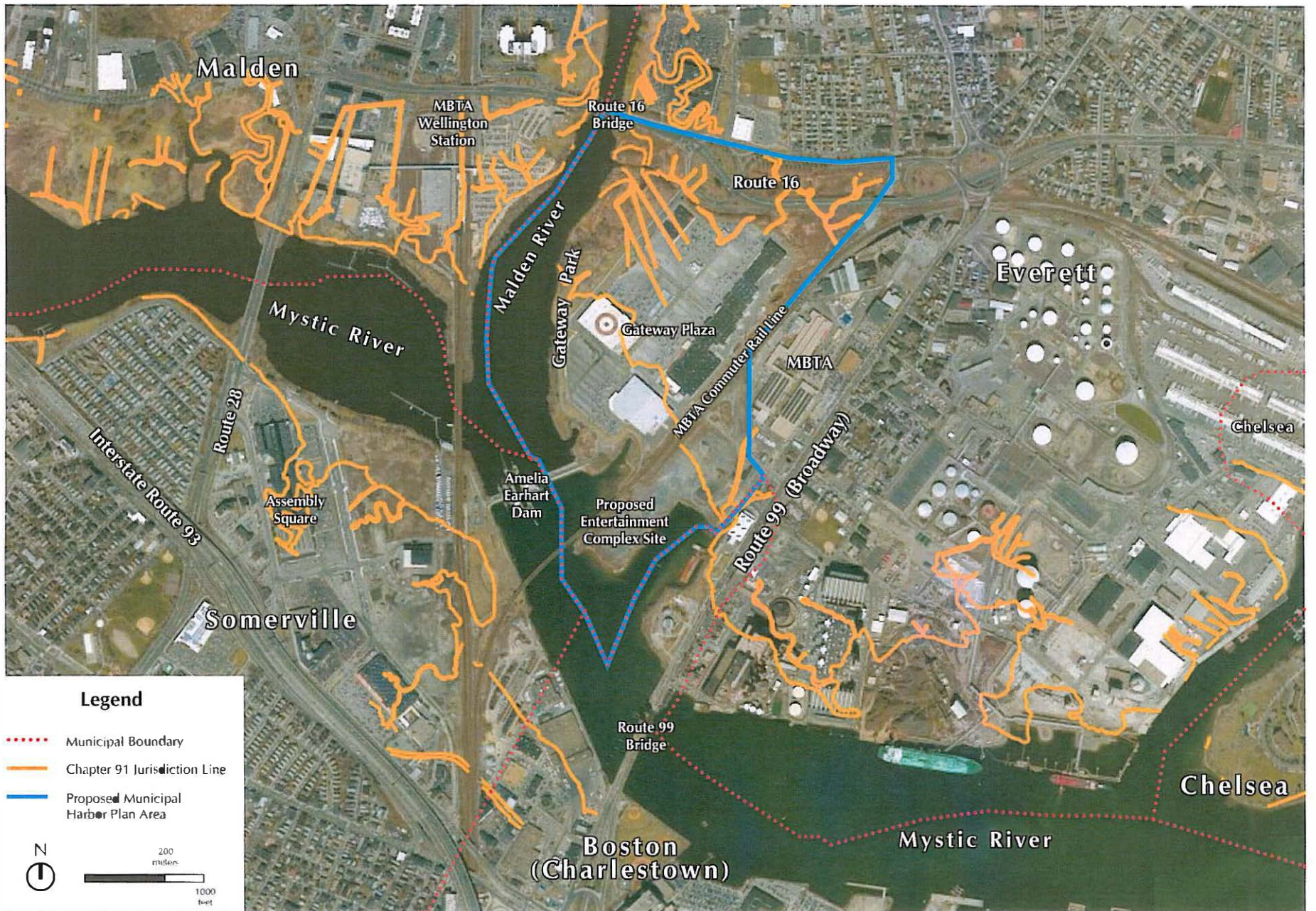
Everett's central waterfront is severely lacking in public access and amenities that allow it to serve as a meaningful resource for public enjoyment of filled tidelands and the river. Past planning efforts have primed the Everett waterfront for the creation of a Municipal Harbor Plan that will improve environmental conditions, promote unprecedented public access to the water's edge, and generate opportunities to engage with the watersheet. In light of recent development interest and outlined in the Lower Broadway District Master Plan, the provision of appropriate substitutions and offsets to Chapter 91 use and dimensional requirements through Municipal Harbor Plan will allow for the realization of the planning objectives that have been desired by the City and the community for over a decade. The end result will be a waterfront that not only generates significant new revenue for the City but for the first time actively promotes public use and enjoyment of this long neglected portion of the waterfront.

Sincerely,



James Errickson
Executive Director
Department of Planning and Development

Attachment: Map of Proposed Municipal Harbor Plan Area



Proposed Municipal Harbor Plan Area