Designation Decision for the Lynn Designated Port Area
Lynn, MA

Executive Office of Energy and Environmental Affairs
Office of Coastal Zone Management
April 26, 2022

I. INTRODUCTION

Pursuant to the Designated Port Area (DPA) regulations at 301 CMR 25.00, today as Director of the Office of Coastal Zone Management (CZM), I hereby issue this designation decision for the boundary review of the Lynn DPA. This decision affirms the findings and proposed DPA boundary modifications in CZM's January 7, 2022 designation report, *Boundary Review of the Lynn Designated Port Area, Lynn, MA* ("boundary designation report"), and its issuance concludes the boundary review process, as described below.

In March of 2021, the City of Lynn Planning Department requested that CZM initiate a review of the entire boundary of the Lynn DPA, as well as the adjacent municipal and federal navigation channels. CZM accepted the request in April 2021. The review area consists of DPA lands including all parcels, roads, rights-of-way, and parcels within the DPA boundary review area as well as the federal entrance channel, federal turnaround basin, and municipal channel adjacent to the DPA lands.

CZM issued a notice of intent to review which was published in the Environmental Monitor on May 10, 2021, in the *Lynn Item* on May 7, 2021 and in *La Voz* on May 13, 2021. A public meeting was held virtually on May 19, 2021, and the formal public 30-day comment period closed on June 9, 2021.

To inform the DPA boundary review process, CZM conducted the consultation process required by 301 CMR 25.03(4). CZM reviewed comments submitted and met with property owners, City officials, and state agency partners. CZM also conducted site visits and reviewed available plans, permits, and licenses applicable to the DPA review area. Throughout the course of the review, CZM received formal and informal comments from DPA property owners, the public, local organizations and City and state agencies. This information included substantive information regarding history, uses, constraints, impacts, and other features of the existing DPA. Input was considered in the context of the policy and regulatory framework that guided the review.

A detailed boundary review designation report was issued on January 7, 2022. The report concluded with the finding that the DPA boundary should be modified. Pursuant to 301 CMR 25.03(4), the commencement of a 30-day comment period on the boundary review designation report was noticed in the January 26, 2022 *Environmental Monitor*, January 19, 2022 *Daily Item*, and January 27, 2022 in *La Voz,* and a public hearing was held on February 9, 2022. CZM did not receive oral or written comments on the designation report during the public hearing or comment period, which ended on February 26, 2022.

As noted in the boundary review designation report, because the legislature amended the boundary of the Lynn DPA to the current configuration via special legislation (Acts 1994 c. 75), CZM does not have the authority to modify the boundaries of the Lynn DPA through the designation standards at 301 CMR 25.04. However, the CZM boundary review process is nonetheless valuable to assess the extent to which the current DPA boundaries are suitable for water-dependent industrial use and consistent with the criteria for establishment of those boundaries and to determine the boundaries

of the Lynn DPA pursuant to 301 CMR 25.00. As such, following careful consideration and analysis, this designation decision modifies the existing boundary of the Lynn DPA on the condition that these modifications shall not occur until the legislature authorizes modification of the Lynn DPA boundary in accordance with the process set forth at 301 CMR 25.00. On behalf of CZM, I want to thank everyone who participated in the boundary review process and acknowledge your valuable input.

II. SUMMARY OF BOUNDARY DESIGNATION REPORT

As detailed in the January 7, 2022 boundary designation report, CZM defined three planning units within the Lynn DPA review area that formed coherent areas comprised of groups of parcels that are delineated by shared physical, geographical, and land use characteristics. These planning units were sized and configured in a manner that allowed for consideration of all relevant factors affecting overall suitability to accommodate water-dependent industrial use.

Pursuant to 301 CMR 25.00, CZM employs a two-step review process when evaluating planning units for inclusion within a DPA boundary. The first step assesses whether planning units meet the eligibility for review criteria according to 301 CMR 25.03(2). If a planning unit meets any of the criteria, the area is not eligible for further review and the second step of the review process is not applied. For the ineligible planning units, the DPA boundary does not change. If a planning unit is not disqualified from review by any of the review criteria standards, it is eligible for review and proceeds to the second step of the review process.

The second step of the review process evaluates planning units with respect to their compliance with the designation standards for waters (301 CMR 25.04(1)) and for lands (301 CMR 25.04(2)). The designation standards for water includes two criteria governing physical suitability to accommodate water-dependent industrial use. The water area adjacent to a planning unit must exhibit both criteria to remain in or be included within the DPA. The designation standards for lands include four criteria governing physical suitability to accommodate water-dependent industrial use. A planning unit must exhibit all four of the criteria to remain in or be included within the DPA. If a planning unit exhibits all four of the physical suitability criteria, the DPA boundary does not change in that area. If a planning unit lacks one or more of the physical suitability criteria, it is removed from the DPA and the DPA boundary would change in that area. For areas under review that are currently outside a DPA boundary, if a planning unit exhibits all four of the physical suitability criteria, the DPA boundary would change to include the area.

Based on the eligibility criteria at 301 CMR 25.03(2), none of the planning units within the Lynn DPA were found to be ineligible for review and therefore all three were further analyzed for substantial conformance with the criteria governing suitability to accommodate water-dependent industrial use.

CZM analyzed the three planning units in the Lynn DPA (North Mixed Industrial, Central Mixed Industrial, and South Industrial) to determine whether they were to be included or remain in

the DPA pursuant to 301 CMR 25.04(2). The DPA regulations direct that an area of land shall be included or remain in a DPA *if and only if* CZM finds that the area is in substantial conformance with each of the criteria governing suitability to accommodate water-dependent industrial use. As detailed in the designation report, CZM determined that the North and Central Mixed Industrial planning units are in substantial conformance with each of the four criteria governing suitability to accommodate water-dependent industrial use. Therefore, CZM concluded that the North Mixed Industrial and Central Mixed Industrial planning units should be included in the Lynn DPA.

After its analysis, CZM determined that the South Industrial planning unit is in substantial conformance with the criteria for a location in reasonable proximity to established road links and water and sewer facilities supportive of industrial use (301 CMR 25.04(2)(b)), and a use character that is predominately industrial or reasonably capable of becoming so (301 CMR 25.04(2)(d)). However, CZM found that the planning unit does not have a developed shoreline and functional connection to water within a DPA (301 CMR 25.04(2)(a)), or a topography conducive to industrial use (301 CMR 25.04(2)(c)). Rather, the shoreline is extensively eroded both landward and vertically, and the land area exhibits a steep topography that is not conducive to industrial use. As a result, CZM concluded that the South Industrial planning unit should be removed from the Lynn DPA.

As detailed in the report, the federal channel, federal turning basin, and municipal channel in Lynn Harbor, and the water between these channels and the DPA lands, provides the access and turnaround areas that serve the North Mixed Industrial and Central Mixed Industrial DPA planning units and meet the criteria of 301 CMR 35.04(1)(b). Therefore, these areas must be included in the DPA boundary.

III. RESPONSE TO COMMENTS ON THE BOUNDARY REVIEW DESIGNATION REPORT

CZM did not receive any oral or written comments on the Lynn DPA Boundary Review Designation report during the comment period but did consult with City and EDIC staff and representatives of National Grid, which controls several parcels in the Lynn DPA. No substantial issues were raised during these consultations. CZM will continue to provide technical assistance to the City to ensure that local zoning adequately supports the City's goals for a buffer zone outside of the DPA boundary.

IV. DESIGNATION RECOMMENDATION

In conclusion, effective today, I affirm the findings and proposed boundary modifications of the January 7, 2022 *Boundary Review of the Lynn Designated Port Area, Lynn, MA* designation report and hereby determine that, pursuant to 301 CMR 25.03(6), the Lynn DPA boundary shall be modified, such that the South Industrial planning unit would be excluded, and the Lynn municipal navigation channel, federal entrance channel, and federal turning basin would be included, on the condition that these modifications shall not occur until the legislature authorizes modification of the Lynn DPA boundary in accordance with the process set forth at 301 CMR 25.00. Upon satisfaction of this condition, the resulting total area of the Lynn DPA subject to this review will increase from 48.97 acres to 165.66 acres. The modified boundary of the Lynn DPA upon satisfaction of this condition is depicted on the attached map. Copies of this document and map are available in electronic format from CZM.



Lisa Berry Engler, Director


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Lynn Harbor
Designated Port Area (DPA)
For planning purposes only. In the event of conflict between this map and the accompanying written description, CZM shall issue a written clarification pursuant to the Designated Port Area (DPA) regulations at 301 CMR 25.00.
Point of Beginning
Point of Ending
Designated Port Area Boundary
Chapter 91 Presumptive Line
Municipal Boundary
Assessor's Parcel
N
Base map: MassGIS 2021 Aerial Imagery.
Map coordinate system: North American Datum of 1983, Massachusetts State Plane Coordinate System, Mainland Zone (FIPS zone 2001), meters.
0 500 1,000 Feet
April 2022

Lynn Designated Port Area

An area of land and water within Lynn Harbor and located in the municipality of Lynn in the Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the terminus of the landward border of the municipal navigation channel (shown as "11½ FT 1979 - 1981" on National Oceanographic and Atmospheric Administration [NOAA] Chart #13275[i]) at approximate coordinates N42°26'59.0" W70°57'14.0", NAD83 in the municipality of Lynn;

Thence by a straight line to the southernmost corner of Parcel 050-752-064[ii];

Thence northerly along the westerly line of Parcel 050-752-064 [ii] to the southernmost corner of Parcel 050-752-020 [ii];

Thence southwesterly along the northwesterly line of Parcel 033-752-065 [ii] to the easternmost corner of Parcel 034-752-074[ii];

Thence northwesterly along the northeasterly line of Parcel 033-752-065[ii] to the northernmost corner of said parcel;

Thence northerly by a straight line across the Riley Way Extension to the tangent of the southeasterly arc of Parcel 050-752-056[ii] at approximate coordinates N42°27'3.5" W70°57'14.1", NAD83;

Thence northerly along the easterly line of Parcel 050-752-056 [ii] crossing the Riley Way Extension to along a southerly projection of the generally north-south line of Parcel 050-752-055[ii] along the right-of-way at approximate coordinates N42°27'6.2" W70°57'14.0", NAD83;

Thence easterly and northerly along the northerly and westerly line of Marine Boulevard to a westerly extension of the northerly line of Parcel 050-752-040[ii];

Thence northerly along the easterly line of Parcel 051-752-062[ii] to the intersection of said line and a westerly projection of the northerly border of Parcel 050-752-040[ii];

Thence crossing Marine Boulevard and continuing easterly along the northerly line of Parcel 050-752-040[ii] to the intersection of said line and Parcel 050-752-002[ii];

Thence easterly, northwesterly, and easterly along the line of Parcel 050-752-002[ii] to the intersection of said parcel and a straight-line crossing Blossom Street Extension to the westernmost corner of parcel 067-751-021[ii];

Thence easterly, southeasterly, and easterly, and southeasterly along the northeasterly line of Parcel 067-751-021[ii] to the easternmost corner of said parcel;

Thence southeasterly along the northeasterly line of Parcel 066-751-019[ii] to the intersection of the southeasterly projection of said border and the northern line of the federal navigation channel (shown as "11½ FT 1979 - 1981" on NOAA Chart #13275[i]);

Thence easterly along the northerly line of the federal navigation channel (shown as "11½ FT 1979 - 1981" on NOAA Chart #13275[i]) to the intersection of the federal navigation channel (shown as "9½ FT 2017" on NOAA Chart #13275[i]);

Thence northerly, easterly, and southerly along the line of the federal turning basin (shown as "9½ FT 2017" on NOAA Chart #13275[i]) to the southeasterly corner of said federal navigation channel at approximate coordinates N42°27'13.2" W70°56'34.2", NAD83;

Thence southerly along the easterly line of the federal navigation channel (shown as "16½ FT FOR MID-WIDTH 150 FT 2017" on NOAA Chart #13275[i]) to the easterly line of the federal navigation channel (shown as "15 FT FOR MID-WIDTH 150 FT 2017" on NOAA Chart #13275[i]) at approximate coordinates N42°26'1.0" W70°56'45.9", NAD83;

Thence southwesterly and southerly along the southeasterly and easterly line of the federal navigation channel (shown as "15 FT FOR MID-WIDTH 150 FT 2017" on NOAA Chart #13275[i]) to the terminus of said channel proximate to Navigation Buoy 2[i] (R "2" Fl R 2.5s BELL) at approximate coordinates N42°25'12.3" W70°57'11.2", NAD83;

Thence westerly by a straight line to the southerly terminus of the federal navigation channel (shown as "15 FT FOR MID-WIDTH 150 FT 2017" on NOAA Chart #13275[i]) at approximate coordinates N42°25'12.5" W70°57'14.9", NAD83;

Thence northerly and northeasterly along the westerly and northwesterly line of the federal navigation channel (shown as "15 FT FOR MID-WIDTH 150 FT 2017" on NOAA Chart #13275[i]) to the terminus of said channel at approximate coordinates N42°26'02.4" W70°56'49.5", NAD83;

Thence northeasterly and northerly along the northwesterly and westerly line of the federal navigation channel (shown as "16½ FT FOR MID-WIDTH 150 FT 2017" on NOAA Chart #13275[i]) to the terminus of said navigation channel proximate to Navigation Buoy 17[i] (G "17" Fl G 2.5s) at approximate coordinates N42°27'14.3" W70°56'39.1", NAD83;

Thence westerly and southwesterly along the southwesterly line of the municipal navigation channel (shown as "11½ FT 1979 - 1981" on NOAA Chart #13275[i]) to the terminus of said channel at approximate coordinates N42°26'57.8" W70°57'12.7", NAD83;

Thence northeasterly by a straight line to the point of beginning in the municipality of Lynn.

The above described Lynn Designated Port Area is shown generally on a plan entitled: "Lynn Harbor Designated Port Area (DPA)," Scale: 1" = 12,000' +/-, Prepared by: Massachusetts Office of Coastal Zone Management, 251 Causeway Street, Suite 800, Boston, MA 02114, Date: April 2022.

Please note: In the event of conflict between this written description and the accompanying map, CZM shall issue a written clarification pursuant to the Designated Port Area (DPA) regulations at 301 CMR 25.00.

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[i] U.S. Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Office of Coast Survey (OCS). *Salem and Lynn Harbors; Manchester Harbor* [nautical chart]. 15th ed. 1:25,000. Chart #13275. Washington, D.C.: DOC, NOAA, NOS, OCS, Nov. 2013.

[ii] The City of Lynn's Assessor's parcel data were extracted from the Massachusetts Office of Geographic Information (MassGIS) Level 3 Assessors' Parcels Mapping data layer. The data were last updated for Lynn in Feb., 2022 and were accessed April 19, 2022, from the MassGIS website (https://www.mass.gov/info-details/massgis-data-property-tax-parcels). Please note: These data were used for planning purposes only and should not be used for, and are not intended for, survey and engineering purposes. The data do not take the place of a legal survey or other primary source documentation.