

**DECISION ON THE CITY OF EVERETT'S
REQUEST FOR APPROVAL
OF THE
CENTRAL WATERFRONT MUNICIPAL HARBOR PLAN
PURSUANT TO 301 CMR 23.00**

February 10, 2014

**Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Richard K. Sullivan Jr., Secretary**

I. INTRODUCTION

Today, as Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs (EEA), I am approving, subject to the conditions noted below, the City of Everett's Central Waterfront Municipal Harbor Plan ("Plan") dated October 16, 2013. This Decision presents a synopsis of the Plan's content, together with findings on the Plan's compliance with the standards for approval set forth in the Municipal Harbor Planning regulations at 301 CMR 23.00.

Pursuant to the review procedures at 301 CMR 23.00, the Plan was submitted in October 2013. Following a review for completeness, my Office of Coastal Zone Management (CZM) published a notice of public hearing and 30-day opportunity to comment in the *Environmental Monitor* dated October 21, 2013. Oral testimony was accepted during a public hearing held in the City of Everett on November 4, 2013, and ten written comment letters were received. The review and consultation process led by CZM, included consultation between staff of CZM, the Waterways Regulation Program of the Department of Environmental Protection (DEP), and the City of Everett.

I commend the City of Everett for undertaking a harbor planning process that builds on the comprehensive master planning that was recently completed for the Lower Broadway neighborhood. Through these planning processes, the City has demonstrated that the development and activation of the vacant, industrial site is a top goal, and this priority is reflected in the Plan which seeks to link new development with new waterfront access and significant amenities for the public. As described below, the Plan contains two build-out scenarios for the proposed development site. The first is a planning level build-out scenario consistent with the Lower Broadway District Master Plan ("Lower Broadway Scenario"), which consists of mixed use commercial, retail, and residential development. The second scenario is a specific build-out for the proposed Wynn Everett casino ("Wynn Scenario"). In its current state, the large section of the planning area which is the focus of development is closed off, and its legacy industrial uses have rendered it unsuitable for public use and access. The development and cleanup of this site will provide a tremendous public benefit in the form of public access to the Mystic River and its shoreline, waterfront open space, and opportunities for retail and commercial activity. The Plan reflects significant effort on the part of the City and many members of the public who participated in the public process. I would like to recognize and commend the efforts of the members of the

Municipal Harbor Planning Advisory Committee, elected officials, community residents, and all others who volunteered their time and effort over the course of many meetings.

In reaching my approval decision I have taken into account the oral and written testimony submitted by the public during the public comment period. In the consideration of the public comments received, it is important to clarify the scope of Municipal Harbor Plans and how they function as a part of the larger regulatory scheme. The Municipal Harbor Planning Regulations (301 CMR 23.00) establish a voluntary process under which cities and towns may develop and submit Municipal Harbor Plans (MHP) to the EEA Secretary for approval. These plans serve to promote and implement a community's planning vision for their waterfront and to inform and guide state agency decisions necessary to implement such a vision. Specifically, approved MHPs provide licensing guidance to DEP in making decisions pursuant to MGL Chapter 91 and the Waterways Regulations (310 CMR 9.00). Approved MHPs may establish alternative numerical and dimensional requirements (e.g., substitute provisions) to the requirements specified by the Waterways Regulations—such as increased building heights and footprints, modifications to interior and exterior public space requirements, and the location and amount and scale of public and private facilities—provided that adverse effects to public rights along the waterfront are mitigated with appropriate offsetting measures.

During the public comment period, I received comments regarding a range of impacts specific to the proposed Wynn Everett project, including transportation, view-sheds, lighting, environmental mitigation, and others. While MHPs often contain elements of local planning for harbor and port management and waterfront use and development, state approval of MHPs is limited to the formal evaluation and approval of substitutions to specific discretionary standards of the Chapter 91 Waterways Regulations. As such, review and approval of MHPs is not intended to consider all of the potential project impacts associated with a development proposal, nor all of the public benefits associated with a project within a planning area. The characterization and evaluation of the broader range of project specific impacts and measures to minimize and mitigate impacts is the subject and jurisdiction of the Massachusetts Environmental Policy Act (MEPA) and review and administrative processes under 301 CMR 11.00. Through MEPA review, any resulting mitigation or conditions will be formalized as requirements within state and local permitting processes. With respect to the proposed Wynn Everett project, I note that a Draft Environmental Impact Report was filed with MEPA during the consultation period for the City of Everett's Plan.

I also received comments regarding specific substitutions proposed in the Plan. This input was carefully considered in review and analysis of the Plan, and discussion of these comments is contained in the analysis section of this Decision.

II. PLAN CONTENT

The geographic area covered by the Plan includes the waterfront area from Route 99 to Route 16, totaling approximately 155 acres of land and 56 acres of watersheet within the City of Everett. The planning area (see Figure 1) is bounded by the Malden and Mystic Rivers to the west, Route 16 to the north, the MBTA tracks to the east, and the City boundary along Route 99 to the south. The Mystic River Designated Port area is located to the south of the planning area and no portions of the area are included within the planning area. The planning area is comprised of commercial uses at Gateway center, open space at Gateway Park, a vacant former industrial development site, and the MBTA Newburyport/Rockport commuter rail line. Approximately 75 acres of the planning area are filled tidelands subject to Chapter 91 jurisdiction. The filled tidelands within the planning area were historically landward of the low water mark and therefore are considered private tidelands. However, the filled tidelands within the planning area that are owned by public entities are considered Commonwealth tidelands.

The Plan provides a vision and general goals for creating and improving public access to and along the water with new development. The general goals and specific substitutions and offsets proposed in the Plan are derived from past planning efforts for this area of the city, including the 2003 Everett Waterfront Assessment, the 2009 Department of Conservation and Recreation's (DCR) Mystic River Master Plan, and most recently the City of Everett's Lower Broadway District Master Plan. The City's Lower Broadway District Master Plan provided a vision for new mixed-use development on the vacant, former industrial site along the Mystic River that is included in the MHP planning area ("Development Site"). The 32 acre development site is located south of the MBTA rail line and was formerly used for chemical manufacturing. The Development Site is comprised of 8.3 acres of flowed tidelands, 11.8 acres of filled private tidelands and 12.4 acres of non-jurisdictional upland.

The Plan provides a set of requirements that are to be included in any development regardless of whether substitutions are needed. These "baseline" requirements include a public access network that is at least ten feet wide with no obstructions, a multi-purpose public landing, a community gathering space, and amenities such as signage, seating, lighting, and security cameras along the water's edge.

The Plan describes two build-out scenarios for the Development Site, one being a general planning level build-out scenario that would be consistent with the Lower Broadway District Master Plan (“Lower Broadway Scenario”), and the other being a specific build-out for the proposed Wynn Everett casino (“Wynn Scenario”). The Plan seeks to provide substitutions and offsets for the Development Site whether or not the Wynn Everett project moves forward and receives a gaming license from the Gaming Commission. The Plan clearly states that the substitutions provided to the Wynn Scenario would only be applicable to a licensed gaming facility on the Development Site, and should the Wynn Everett project not move forward, the build-out on the Development Site will have to comply with the Lower Broadway Scenario.

The Plan proposes several substitute provisions and offsetting measures specific to each of the two build-out scenarios that modify specific requirements of the Waterways regulations in a way that the City believes is appropriate for this area of the waterfront. The Plan seeks flexibility from the Chapter 91 standards to reconfigure the Water-Dependent Use Zone (WDUZ), allow additional building height, allow additional lot coverage, and to allow facilities of private tenancy within 100 feet of the project shoreline.



Figure 1. City of Everett Harbor Planning Area

III. STANDARDS FOR APPROVAL

As noted previously, my approval today is bounded by the authority and standards as contained in 301 CMR 23.00 et seq. (Review and Approval of Municipal Harbor Plans) and is applicable only to those discretionary elements of the Chapter 91 Waterways regulations that are specifically noted in this Decision. This Decision does not supersede separate regulatory review requirements for any activity.

A. Consistency with CZM Program Policies and Management Principles

The federally-approved CZM Program Plan establishes 20 enforceable program policies and nine management principles which embody coastal policy for the Commonwealth of Massachusetts. The following is a brief summary of the Policies and Management Principles applicable to the Plan area:

- Water Quality Policy #1 – Ensure that point-source discharges in or affecting the coastal zone are consistent with federally approved state effluent limitations and water quality standards.
- Water Quality Policy #2 – Ensure that non-point pollution controls promote the attainment of state surface water quality standards in the coastal zone.
- Habitat Policy #2 – Restore degraded or former wetland resources in coastal areas and ensure that activities in coastal areas do not further wetland degradation but instead take advantage of opportunities to engage in wetland restoration.
- Protected Areas Policy #3 – Ensure that proposed developments in or near designated or registered historic districts or sites respect the preservation intent of the designation and that potential adverse effects are minimized.
- Coastal Hazards Policy #1 – Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.
- Coastal Hazards Policy #2 – Ensure construction in water bodies and contiguous land area will minimize interference with water circulation and sediment transport. Approve permits for flood or erosion control projects only when it has been determined that there will be no significant adverse effects on the project site or adjacent or downcoast areas.
- Ports Management Principle #1 – Encourage, through technical and financial assistance, expansion of water dependent uses in designated ports and developed harbors, re-development of urban waterfronts, and expansion of visual access.

- Public Access Policy #1 – Ensure that developments proposed near existing public recreation sites minimize their adverse effects.
- Public Access Management Principal #1 – Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation. Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers, and equestrians, and via rivers for boaters.
- Public Access Management Principal #2 – Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance, and public support facilities. Resolve conflicting uses whenever possible through improved management rather than through exclusion of uses.
- Public Access Management Principal #3 – Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline.
- Public Access Management Principal #4 – Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities. Give highest priority to expansions or new acquisitions in regions of high need or limited site availability. Assure that both transportation access and the recreational facilities are compatible with social and environmental characteristics of surrounding communities.
- Energy Management Principle #1 – Encourage energy conservation and the use of alternative sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.

The Plan included an assessment of how it is consistent with CZM Program Policies and Management Principles, and based on review of the documentation provided by the City and the assessment of CZM, I conclude that it meets the intent of each relevant policy and, as required by 301 CMR 23.05(1), I find the Plan consistent with CZM policies.

B. Consistency with Tidelands Policy Objectives

As required by 301 CMR 23.05(2), I must also find that the Plan is consistent with state tidelands policy objectives and associated regulatory principles set forth in the state Chapter 91 Waterways regulations of DEP (310 CMR 9.00). As promulgated, the Waterways regulations provide a uniform statewide framework for regulating tidelands projects. Municipal Harbor Plans and associated amendments present communities with an opportunity to propose modifications to these uniform standards through the amplification of the discretionary requirements of the Waterways regulations or through the adoption of provisions that, if approved, are intended to substitute for the minimum use limitations or numerical standards of 310 CMR 9.00. The substitute provisions of Municipal Harbor Plans, in effect, can serve as the basis for a DEP waiver of specific use limitations and numerical standards affecting nonwater-dependent use projects, and thereby

reflect local planning goals in decisions involving the complex balancing of public rights in and private uses of tidelands.

The Plan contains clear guidance that will have a direct bearing on DEP licensing decisions within the harbor planning area. Included in this guidance are provisions that are intended to substitute for certain minimum use limitation and numerical standards in the regulations. These provisions are each subject to the approval criteria under 301 CMR 23.05(2)(b)-(e), and as explained below, I find that all such criteria have been met.

Evaluation of Requested Substitute Provisions

The general framework for evaluating all proposed substitute provisions to the Waterways requirements is established in the Municipal Harbor Plan regulations at 301 CMR 23.05(2)(c) and 301 CMR 23.05(2)(d). The regulations, in effect, set forth a two part standard that must be applied individually to each proposed substitution in order to ensure that the intent of the Waterways requirements with respect to public rights in tidelands is preserved.

For the first part, in accordance with 301 CMR 23.05(2)(c), there can be no waiver of a Waterways requirement unless the Secretary determines that the requested alternative requirements or limitations ensure that certain conditions—specifically applicable to each minimum use limitation or numerical standard—have been met. The second standard, as specified in 301 CMR 23.05(2)(d), requires that the municipality demonstrate that a proposed substitute provision will promote, with comparable or greater effectiveness, the appropriate state tidelands policy objective.

A municipality may propose alternative use limitations or numerical standards that are less restrictive than the Waterways requirements as applied in individual cases, provided that the plan includes other requirements that, considering the balance of effects on an area-wide basis, will mitigate, compensate for, or otherwise offset adverse effects on water-related public interests.

For substitute provisions relative to the minimum use and numerical standards of 310 CMR 9.51(3)(a)–(e), any proposal must ensure that nonwater-dependent uses do not unreasonably diminish the capacity of tidelands to accommodate water-dependent uses.

Similarly, substitute provisions for nonwater-dependent projects on Commonwealth Tidelands must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes, as provided in 310 CMR 9.53.

Table 1 at the end of this section contains a summary of the substitute provisions contained in the Plan and subject to this Decision.

Analysis of Requested Substitute Provisions

Building Height

To approve any substitute provision to the height standard at 310 CMR 9.51(3)(e), I must first determine that the Plan specifies alternative height limits and other requirements that ensure that, in general, new or expanded buildings for nonwater-dependent use will be relatively modest in size, in order that wind, shadow, and other conditions of the ground-level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the applicable location. The approval regulations focus on how a building's mass will be experienced at the public open spaces on the project site, especially along the waterfront and key pathways leading thereto. Within this context, I must apply the "comparable or greater effectiveness" test to determine whether the proposed substitution and offsetting measures will assure that the above objective is met. My determination relative to whether or not these provisions promote this tideland policy with comparable or greater effectiveness was conducted in accordance with the Municipal Harbor Plan regulatory guidance discussed in detail below.

The Waterways regulations allow heights up to 55 feet within 100 feet of the shoreline, stepping up one foot for every two feet landward of the project shoreline. The resulting heights allowed within jurisdiction on the development site range from 55 feet up to 245 feet in the northeast corner of the site. The Plan requests a substitution of the Waterways requirements at 310 CMR 9.51(3)(e) for each of the build-out scenarios, both having two height zones, A and B as shown in Figure 2 below. Proposed heights in both scenarios are lower in Zone A, which is closer to the water, and higher in Zone B, which is set back from the Mystic River. The substitution for the Lower Broadway Scenario would allow for up to 105 feet in Zone A and up to 150 feet in Zone B, providing more consistent

heights across the development site. The substitution for the Wynn Scenario, which the plan clearly states applies only to an approved gaming facility licensed by the State Gaming Commission, would allow up to 55 feet in Zone A and up to 400 feet in Zone B. In this scenario, the Zone A heights are largely below what would be allowed by adherence to the Waterways regulations, with additional height and build-out volume shifted to the rear of the site in Zone B.

The City's Lower Broadway Master Plan envisions large scale mixed-use development on the development site that will provide the opportunity to provide public access to and along the Mystic River and cleanup the former industrial site. I understand the need for development at a scale necessary to redevelop the site as a mixed-use, publicly accessible project. However, in my review, I need to find that the proposed buildings are modest in size.

The majority of public comments that I received during the comment period were focused on the heights proposed in the Plan for the Wynn scenario. The comments specifically questioned the heights proposed in Zone B of the Wynn scenario at 400 feet. In reviewing the Plan and the follow-up materials submitted during the consultation session, I am convinced that even though the proposed building heights are greater in some areas than what would generally be allowed, the overall volume of the Wynn Project as designed is comparable to the volume of what would be allowed under the Waterways regulations. The proposed substitution for the Wynn Scenario limits heights in Zone A so that they would be significantly lower than what would be allowed under the Waterways regulations, and transfers that volume to Zone B, where heights are greater than what would be allowed under the Waterways regulations. In my analysis of the Lower Broadway scenario, the overall volume of the proposed buildable envelope is somewhat greater than that of the baseline Waterways requirements, due to a more even distribution of heights across the development site. Even so, I believe that it remains modest in size and I am confident that as detailed below, the proposed offsets described for the Lower Broadway height substitution adequately offset any increases in height.

Impacts from additional height are assessed at the pedestrian level with special attention to whether the ground level environment will be conducive to water-dependent activity and associated public access. Shadow studies are conducted to measure any changes

to the ground level conditions. Shadow impacts caused by increased building height, effecting the ground level environment, are mitigated with appropriate offsetting measures. Impacts to views from height are not considered here since the focus of the Waterways regulations and MHPs are impacts to the public enjoyment of tidelands. Impacts associated with specific project proposals are considered during the MEPA process and subsequent permitting processes.

Shadow studies, included as a part of the Plan, provided an analysis of how each Scenario would compare to baseline Chapter 91 compliant shadows. The specific shadow studies that I am most interested in are those completed for September comparing the maximum allowed shadows pursuant to the Waterways regulations with the Wynn Scenario and the Lower Broadway Scenario's maximum envelope (Figures 6-19 and 6-20 in the Plan). The orientation of the site and the placement of greater heights toward the rear of the site, away from the water results in no net new shadow on tidelands for the Wynn Scenario. The shadow studies completed for the Lower Broadway Scenario consisted of a comparison between the maximum build envelope since there is no specific development proposal contemplated at this time. The comparison resulted in some net new shadow since the heights proposed in the Lower Broadway Scenario are more consistent across the two height zones as opposed to varying with distance from the water's edge. Actual shadow will depend on a specific development proposal and will be quantified during any required MEPA process and reflected in state permitting. In response to comments received on the Plan, CZM requested that the City conduct additional shadow studies for October. While the October shadow studies showed an increase in overall shadows for both scenarios due to the lower angle of the sun, there was no net new shadow that resulted from comparing the Wynn scenario to the Chapter 91 compliant shadow. The October comparison of the Lower Broadway scenario to the Chapter 91 compliant shadow did show an increase in net new shadow, but again, actual net new shadow will depend on a specific development proposal. For the purpose of Waterways licensing, the October date should be used to quantify net new shadow. This date represents the shoulder season when open space is still actively used and shadows are larger due to solar orientation, potentially having more of an effect on the pedestrian experience on the waterfront.

Based on my review of the Plan, it appears that there will not be any net new shadow from the Wynn Scenario that would impact ground-level conditions or impair public use and enjoyment of the waterfront. According to the shadow studies for the Lower Broadway scenario, there may be the potential for net new shadow depending on the specific configuration of a future project. The Plan indicates that any resulting net new shadow will be offset at a 1:1 ratio, with 1 square foot of public open space being provided for every 1 square foot of net new shadow. I commend the City for providing a 1:1 ratio, which is greater than typically seen in other MHPs that often propose a 1:2 ratio. My approval requires that any offset pursuant to this substitution be located in the Harbor Planning area, within or immediately adjacent to Chapter 91 Waterways jurisdiction, and should be new/additional public open space beyond what is required by the Waterways regulations. Wind impacts will be mitigated through building design review to ensure there are no negative impacts on ground-level conditions. I believe that these substitute provisions, coupled with the proposed offsetting measures, will not impair water-dependent activity and public access to the waterfront, and will appropriately serve to meet the objectives of 310 CMR 9.51(3)(e).



Figure 2. Height Zones on the Development Site

Lot Coverage

To approve any substitute provision to the lot coverage standard at 310 CMR 9.51(3)(d), I must first determine that the Plan specifies alternative site coverage ratios and other requirements that ensure that, in general, buildings for nonwater-dependent use will be relatively condensed in footprint, in order that an amount of open space commensurate with that occupied by such buildings will be available to accommodate water-dependent activity and public access associated therewith, as appropriate for the area. My determination relative to whether or not this substitute provision promotes this tidelands policy with comparable

or greater effectiveness is conducted in accordance with the regulatory guidance discussed below.

The Waterways regulations require at least one square foot of the project site be preserved as open space for every square foot of building containing nonwater-dependent uses on the project site. The Plan proposes a substitution to allow for lot coverage of up to 60 percent of the site, resulting in at least 40 percent of the site being preserved as open space. The offset for this substitution reflects a community and regional goal of creating a connected network of open space along the water's edge. The Plan outlines the offset as a two track option with the first priority being the creation and maintenance of a landscaped pedestrian/bicycle connection under the MBTA commuter rail tracks between the development site and Gateway Park, with a minimum of 50,000 square feet of open space as shown on Figure 4-5 of the Plan. The proposed priority offset would be employed if the lot coverage substitution is utilized and would provide a comparable amount of open space off-site connecting the development site with the existing open space network along the Mystic and Malden Rivers as envisioned in the City of Everett's planning and DCR's regional planning efforts.

Should the proposed priority offset not be available, after all reasonable and feasible efforts have been exhausted to implement the priority offset, the Plan provides an alternate menu of offsets for the lot coverage substitution. The second tier of offsets includes prioritized amenities that must be provided as offsets that correspond with the amount of lot coverage, in square feet, exceeding 50 percent of the site, up to 60 percent of the site:

- For the first 10,000 square feet, provide and maintain a facility to provide river access by boat in Gateway Park (such as a canoe/kayak launch);
- For the next 20,000 square feet, provide and maintain a fishing platform or pier with associated amenities;
- For the next 10,000 square feet, provide and maintain 3,000 linear feet of improved walking and/or bicycle paths in Gateway Park, widened to a minimum of ten feet clear; and/or

- For every remaining one square foot, provide 25 square feet of ongoing maintenance of DCR facilities and/or property (such as trash removal and landscaping upkeep) of property in Gateway Park, which is not already maintained by Gateway Center.

Since the Plan was submitted to my office, the Wynn Everett Project design has been refined to include more than the required amount of open space to meet the Waterways regulations. The increase in open space is described in the Wynn Everett Draft Environmental Impact Report (DEIR) that was submitted to the MEPA office in December 2013. The DEIR describes the project as having approximately 59 percent open space, and includes a commitment to construct a pedestrian/bicycle connection from the project site, under the MBTA rail tracks, to the existing park space at Gateway Park. These project updates are also clarified in correspondence from the City of Everett during the Plan consultation session, in which the City requests the approval of the lot coverage substitution for both scenarios as development “envelopes”. The City’s request relies on the possibility of subsequent project refinement during the permitting process and the possibility of a future Wynn build-out scenario that would require a lot coverage substitution.

As a result of my review, I agree that connecting the new and existing open space along the water’s edge will provide comparable and arguably greater public benefit than incremental, unconnected open space on the development site. The proposed offset will provide an equal amount of open space as a connection from the development site to the existing parkland to the north. For the Lower Broadway scenario, all reasonable and feasible efforts should be made to implementing the priority pedestrian/bicycle connection to Gateway Park offset before consideration of the secondary set of offsets. The priority connection will add an invaluable link to the regional open space network along the water. Only when and if all reasonable and feasible efforts have been exhausted to implement the priority offset, then I am satisfied that the secondary set of proposed offsets will provide amenities and benefits that have been outlined in past local and regional planning efforts and will serve to provide water access and activate the open space network in the planning area. Therefore, I approve this substitution and corresponding offsets for the Lower Broadway scenario.

I commend the Wynn Everett Project proponents for providing additional open space on the development site, taking advantage of this unique opportunity to increase waterfront open space along the Mystic River. I note that as currently designed and depicted in the DEIR, the Wynn Scenario will not need a lot coverage substitution. Even so the Wynn Everett Project proponents and the City have committed to providing an open space connection from the development site under the MBTA commuter rail tracks connecting to the existing parkland to the north of the site. I expect that this open space connection will be reflected in subsequent state permitting processes. While not being pursued at this time, the City of Everett has asked that I approve the lot coverage substitution for the Wynn scenario in case there are unforeseen project modifications that would result in a project footprint that would exceed the required 50 percent open space. I understand that the City has used its harbor planning process to reflect a planning approach that seeks to establish development “envelopes” as opposed to very specific development project allowances. I believe that this strategy is a worthwhile one, as MHPs are meant to be long-term guidance documents that can accommodate various development scenarios over the term of the plan, while assuring that project specific impacts are mitigated so as to meet the objectives of the Waterways regulations. As with the Broadway scenario, I believe that improvements to the open space network, including the amenities described in the alternative menu of offsets, are comparably more beneficial to the overall activation of the waterfront than incremental open space on the development site. Therefore, I approve this substitution for the Wynn scenario as a development envelope, and should the lot coverage substitution be necessary, the applicable lot coverage offsetting measures should be drawn from the secondary, or alternate, set since the priority pedestrian/bicycle connection to Gateway Park lot coverage offset described in Table 1 will be completed as a project component with or without the use of a lot coverage substitution.

Water-Dependent Use Zone

To approve any substitute provision to the standard at 310 CMR 9.51(3)(c), I must first determine that the Plan specifies alternate distances and other requirements that ensure new or expanded buildings for nonwater-dependent use are not constructed immediately adjacent to a project shoreline, in order that sufficient space along the water’s edge will be devoted exclusively to water-dependent use and public access associated therewith as appropriate for the area. Second, within the context of its Plan, the City must demonstrate

that the substitute provision will meet this standard with comparable or greater effectiveness. My determination relative to whether or not these provisions promote this tideland policy with comparable or greater effectiveness is conducted in accordance with the Municipal Harbor Plan regulatory guidance discussed in detail below.

The Plan proposes a substitution to the Water-Dependent Use Zone requirement at 310 CMR 9.51(3)(c). The City proposes to allow the reconfiguration of the Water-Dependent Use Zone (WDUZ) as long as a minimum width of 25 feet is maintained along the project shoreline, as long as the reconfiguration results in no net loss of WDUZ area, and as long as facilities of public accommodation are provided within any portion of a building within 50 feet of the shoreline. The Plan states that allowing the reconfiguration of the WDUZ will provide opportunities that might better balance the protection of the waterfront for water-dependent uses with the specifics of a development project.

During the public comment period, I received comments questioning the need for a reconfiguration of the WDUZ for the Lower Broadway scenario. The City's approach to this Plan was to provide flexibility with development "envelopes" that allow for a range of project designs that meet waterfront activation objectives. During the planning process, Advisory Committee members and members of the public expressed strong support for the flexibility of having facilities of public accommodation such as restaurants closer to the water, activating the shoreline. The proposed reconfiguration will allow for certain public uses to be closer to the water and allow for flexibility in designing a project that meets community goals while still protecting the shoreline for water-dependent uses by maintaining the same WDUZ area as required by the regulations.

As a result of my review, I find that the City has demonstrated that the proposed substitute provision ensures that sufficient space along the water's edge will be devoted exclusively to water-dependent use and public access, and I therefore approve this substitute provision and associated offsetting measure. My approval of this substitution is conditioned with the requirement that under no circumstances will there be a net loss of WDUZ area as a result of reconfiguration.

Setbacks for Non-Water-Dependent Facilities of Private Tenancy

To approve any substitute provision to the standard at 310 CMR 9.51(3)(b), I must first determine that alternative limitations and other requirements ensure that no significant privatization of the waterfront areas immediately adjacent to the Water-Dependent Use Zone will occur for non-water-dependent purposes, in order that such areas will be generally free of uses that conflict with, preempt, or otherwise discourage water-dependent activity or public use and enjoyment of the water-dependent use zone as appropriate for the area.

The Plan proposes a substitution to the standard for setbacks for non-water-dependent facilities of private tenancy on the ground floor, which requires a setback of 100 feet from the project shoreline. The Plan proposes to allow facilities of private tenancy (FPTs) within 100 feet of the shoreline, where facilities of public accommodation (FPAs) would otherwise be required, as long as at least an equivalent area of FPAs is provided elsewhere on the site in appropriate locations that will effectively promote the public use and enjoyment of the project site.

In the Wynn Scenario, the ground floor consists entirely of FPAs and public uses. The Plan states that this scenario would not require a substitution to allow FPTs within 100 feet of the project shoreline. Additionally, the DEIR indicates that the project as designed will comply with the FPA standard in the Waterways regulations. Therefore, I have determined that this FPT substitution does not apply to the Wynn Scenario.

During the public comment period, I received comments questioning the need for flexibility in the location of FPAs and allowing FPTs within 100 feet of the shoreline. The proposed relocation of FPAs will allow for the aggregation of these public interior spaces on the site to locations that may more effectively enhance the public's use, enjoyment, and destination value of the site. Allowing for the relocation of FPAs will provide the opportunity for these public uses to be aggregated in a way that better draws people to the site and the water, and activates the tidelands than a strict application of the regulations.

As a result of my review, I find that the City has demonstrated that the proposed substitute provision will not result in significant privatization of the waterfront area and will provide an opportunity to enhance the destination value of the waterfront, and I therefore approve this substitute provision and the associated offsetting measure for the Lower

Broadway Scenario. My approval of this substitution is conditioned with the requirement that under no circumstances will there be a net loss of FPA space and corresponding with the WDUZ substitution, FPTs are not permitted within 50 feet of the project shoreline.

Table 1 — Summary of Substitute Provisions

Regulatory Provision	Chapter 91 Standard	Substitution	Offsetting Measures
310 CMR 9.51(3)(c): Water-Dependent Use Zone (WDUZ) setbacks	<p>“New or expanded buildings for nonwater-dependent use, and parking facilities at or above grade for any use, shall not be located within a water-dependent use zone”.</p> <p>On the Development Site, the required WDUZ would be 100 feet from the southernmost shoreline along the Mystic River, 85 feet along the embayment, and 100 feet from the northern portion of the shoreline along the embayment.</p>	<p>The required WDUZ dimensions may be modified as long as a minimum width of 25 feet is maintained along the project shoreline and as long as the modification results in no net loss of WDUZ area.</p>	<p>The reconfigured WDUZ will provide at least the same land area as would occur under the standard provisions. A minimum of 25 feet will be maintained along the project shoreline and only Facilities of Public Accommodation will be allowed on the ground floor of any portions of buildings that are located within 50 feet of the project shoreline. No net loss of WDUZ will occur.</p>
310 CMR 9.51(3)(b): Setbacks for Nonwater-dependent Facilities of Private Tenancy (FPTs)	<p>“...nonwater-dependent Facilities of Private Tenancy shall not be located on any pile-supported structures on flowed tidelands, nor at the ground level of any filled tidelands within 100 feet of the project shoreline...”</p>	<p>Lower Broadway: FPTs may be allowed within 100 feet of the shoreline.</p>	<p>At least an equivalent area of Facilities of Public Accommodation as required by the regulations will be provided elsewhere on the site in appropriate locations to effectively promote the public use and enjoyment of the project site. FPTs are not allowed within 50 feet of the project shoreline.</p>
310 CMR 9.51(3)(e): Height Standards and Related Impacts on Public Use or Access	<p>For new or expanded non water-dependent use buildings, the height shall not exceed 55 feet within 100 feet of the high water mark nor increase by more than one-half foot for every additional foot beyond 100 feet.</p>	<p>Wynn Everett: Allow heights up to 55 feet in Area A and up to 400 feet in Area B, as shown in Figure 2.</p> <p>Lower Broadway: Allow heights up to 105 feet in Area A and up to 150 feet in Area B, as shown in Figure 2.</p>	<p>No offset is required if there are no net new shadow impacts on jurisdictional tidelands.</p> <p>Where increased heights result in net new shadow, one square foot of new/additional open space beyond what is required in the Waterways regulations will be provided in the Harbor Planning area within or immediately adjacent to jurisdiction for every one square foot of net new shadow.</p>

Regulatory Provision	Chapter 91 Standard	Substitution	Offsetting Measures
310 CMR 9.51(3)(d): Lot Coverage	<p>“...at least one square foot of the project site at ground level, exclusive of areas lying seaward of a project shoreline, shall be preserved as open space for every square foot of tideland area within the combined footprint of buildings containing nonwater-dependent use on the project site ...”</p>	<p>Up to 60% lot coverage (resulting in 40% open space) may be permitted.</p>	<p>For Lower Broadway scenario development exceeding 50% lot coverage, one or more of the following open space improvements or public amenities must be provided:</p> <p>As a first priority, and to be pursued before alternative offsets below unless proven unfeasible due to property ownership or other restrictions, construct and maintain a continuous landscaped pedestrian/bicycle connection between on-site riverfront pathways and DCR open space at Gateway Park including a minimum of 50,000 square feet of off-site open space located on the MBTA-owned peninsula along and underneath the commuter rail line and/or other portions of the Gateway Center property.</p> <p>For Wynn scenario development, and if the priority offset above is not feasible for the Lower Broadway scenario, one or more of the following should be provided (in prioritized order) to equal at least the amount of lot coverage in excess of the 50% baseline:</p> <ul style="list-style-type: none"> • For the first 10,000 square feet, provide and maintain a facility to provide river access by boat in Gateway Park (such as a canoe/kayak launch); • For the next 20,000 square feet, provide and maintain a fishing platform or pier with associated amenities; • For the next 10,000 square feet, provide and maintain 3,000 linear feet of improved walking and/or bicycle paths in Gateway Park, widened to a minimum of ten feet clear; and • For every remaining one square foot, provide 25 square feet of ongoing maintenance of DCR facilities and/or property in the planning area which is not already maintained by Gateway Center.

Baseline Requirements of the MHP

The Plan provides a set of requirements that are to be included in any development regardless of whether substitutions are needed. These requirements include a public access network that is at least ten feet wide with no obstructions, a multi-purpose public landing, a community gathering space, and amenities such as signage, seating, lighting, and security cameras along the water's edge.

Extended License Terms

The Plan includes a recommendation for additional public benefits that may be required if a project requests an extended license term from DEP. The Plan recommends that DEP consider items from the list of proposed offsets for the lot coverage substitution. I concur with this recommendation, and advise DEP to look to these public benefits during the licensing process. I recommend that DEP also consider water transportation funding and subsidies as additional public benefits. During the licensing process, DEP should closely coordinate with the City of Everett on the appropriateness of public benefits associated with a request for any extended term license.

C. Relationship To State Agency Plans

As a property owner of significant land along the Mystic River, DCR has completed regional planning efforts for the waterfront areas along the river. Within the harbor planning area, DCR owns a portion of Gateway Park, which leads to DCR's Amelia Earhart Dam, north of the development site. In 2009, DCR completed the Mystic River Master Plan, a regional plan focused on needs and opportunities to improve the ecological health of the river, provide river access, and strengthen open space networks. The Plan proposes several open space improvements as offsets for the lot coverage substitution, which are drawn from DCR's past planning efforts. A support letter from DCR is attached to this Decision which confirms that the Plan is consistent with and implements elements of DCR's regional planning efforts.

The Massachusetts Bay Transportation Authority (MBTA) owns a parcel of land that runs through the planning area and contains commuter rail tracks. The City has been in discussions with the MBTA regarding a connection under the tracks that would connect the existing open space network to the future open space at the development site. A support letter from the MBTA is

attached to this Decision regarding the conceptual connection and is supportive of working out the specifics of a pedestrian/bicycle connection under the commuter rail tracks.

D. Implementation Strategies

Pursuant to 301 CMR 23.05(4), the Plan must include enforceable implementation commitments to ensure that, among other things, all measures will be taken in a timely and coordinated manner to offset the effect of any plan requirement less restrictive than that contained in 310 CMR 9.00. The provisions of this Plan will be implemented through the recently adopted amendments to the City of Everett Zoning Ordinance to include a Lower Broadway Economic Development District with a Resort Casino Overlay District. These zoning changes permit the uses contemplated for the area and will allow building heights, setbacks, and open spaces that are consistent with the approved substitute provisions and offsetting measures described in the Plan. Based on the information provided in the Plan and as discussed above, I believe that no further implementation commitments on the part of the City are necessary, and I find that this approval standard has been met.

IV. EFFECTIVE DATE AND TERM OF APPROVAL

This Decision shall take effect immediately upon issuance on February 10, 2014. As requested by the City of Everett, the Decision shall expire 20 years from this effective date unless a renewal request is filed prior to that date in accordance with the procedural provisions of 301 CMR 23.06 (recognizing that the term of approval is now 20 years). No later than 6 months prior to such expiration date, in addition to the notice from the Secretary to the City required under 301 CMR 23.06(2)(b), the City shall notify the Secretary in writing of its intent to request a renewal and shall submit therewith a review of implementation experience relative to the promotion of state tidelands policy objectives.

V. STATEMENT OF APPROVAL

Based on the planning information and public comment submitted to me pursuant to 301 CMR 23.04 and evaluated herein pursuant to the standards set forth in 301 CMR 23.05, I hereby approve the City of Everett Central Waterfront Municipal Harbor Plan subject to the following conditions:

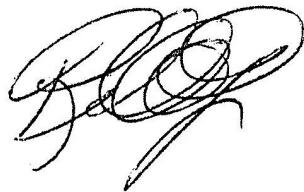
1. DEP shall require reasonable arrangements to assure that off-site open space improvements and/or amenities proceed concurrent with the associated development on tidelands.
2. Wynn Scenario applies only to a gaming facility licensed by the Massachusetts Gaming Commission.
3. In the application of substitutions DEP shall refer to Section III(B), Table 1, and the following conditions:
 - In the application of the lot coverage substitution for the Chapter 91 standards at 310 CMR 9.51(3)(d), DEP shall use all reasonable effort to secure the first priority offset for the Lower Broadway scenario: the open space connection under the MBTA commuter rail tracks connecting the development site with Gateway Park.
 - In the application of the building height substitution for the Chapter 91 standards at 310 CMR 9.51(3)(e), DEP shall require a net new shadow calculation based on the October date, and require new/additional public open space beyond what is required by the Waterways regulations within or immediately adjacent to jurisdiction within the harbor planning area to offset net new shadow.
 - In the application of the water-dependent use zone substitution for the Chapter 91 standards at 310 CMR 9.51(3)(c), DEP shall not allow FPTs within 50 feet of the project shoreline and ensure that the reconfiguration of the WDUZ promotes the public use and enjoyment of the waterfront.
 - In the application of the setbacks for facilities of private tenancy substitution for the Chapter 91 standards at 310 CMR 9.51(3)(b), DEP shall: apply this substitution to Lower Broadway scenario only; not allow FPTs within 50 feet of the shoreline; ensure that there is no net loss of FPA space; and ensure that the aggregation or reconfiguration of facilities of public accommodation serve to activate and promote public use of the waterfront.
4. The City shall prepare a final, approved City of Everett Central Waterfront Municipal Harbor Plan (“Approved Plan”) to include:
 - The plan dated October 16, 2013;
 - Materials submitted during the consultation session; and
 - This Approval Decision.

Copies of the final Approved Plan shall be provided to CZM and DEP's Waterways Program, kept on file at the City of Everett, and made available to the public through City's website and/or copies at the public library. For Chapter 91 Waterways licensing purposes pursuant to 310 CMR 9.34(2), the Approved Plan shall not be construed to include any of the following:

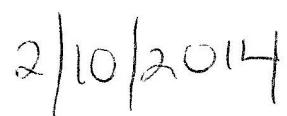
1. Any subsequent addition, deletion, or other revision to the final Approved Plan, except as may be authorized in writing by the Secretary as a modification unrelated to the approval standards of 301 CMR 23.05 or as a plan amendment in accordance with 301 CMR 23.06(1);
2. Any provision which, as applied to the project-specific circumstances of an individual license application, is determined by DEP to be inconsistent with the waterways regulations at 310 CMR 9.00 or with any qualification, limitation, or condition stated in this Approval Decision.

This Decision and the Approved Plan do not supersede separate regulatory review requirements for any activity.

In a letter dated January 31, 2014, the DEP Waterways Program Chief has expressed support for approval of the Plan and stated that in accordance with the provisions of 310 CMR 9.34(2) the Department will require conformance with any applicable provisions of the approved Plan in the case of all waterways license applications submitted subsequent to the Plan's effective date. It will apply as well to all pending applications for which no public hearing has occurred or where the required public comment period has not expired by the effective date of the approved Plan.



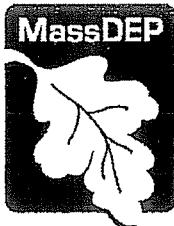
Richard K. Sullivan Jr.
Secretary of Energy and Environmental Affairs



Date

Decision on the City of Everett Central Waterfront MHP Attachments:

- Letter from DEP
- Letter from the City of Everett
- Letter from DCR
- Letter from MBTA



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

January 31, 2014

Richard K. Sullivan Jr., Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street
Boston, MA 02114

**RE: DEP Recommendation for the Approval of the City of Everett's Central Waterfront
Municipal Harbor Plan, dated October 16, 2013.**

Dear Secretary Sullivan:

The Department of Environmental Protection, Waterways Regulation Program (“the Department”) has reviewed the City of Everett’s Central Waterfront Municipal Harbor Plan (“Plan”), dated October 16, 2013. The Department’s staff members have worked closely with the Massachusetts Office of Coastal Zone Management (CZM) and representatives of the City of Everett throughout the planning process and our comments have been adequately addressed and incorporated into the final Plan. The WRP, therefore, recommends that you approve the Plan and make a finding that it is consistent with state tidelands policy objectives, as required by 301 CMR 23.05(3).

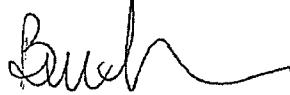
The Department will adopt as binding guidance in all License application review any Substitute Provisions contained in the Approved Plan. There are two build-out scenarios contemplated by the City, the Lower Broadway District Master Plan (“Lower Broadway Scenario”), and the other for the build-out of the Wynn Everett casino (“Wynn Scenario”). The Plan is carefully structured to ensure that each scenario, which may slightly differ in their applicable Substitutions and Offsets, will adequately meet or exceed the protected interests pursuant to 310 CMR 9.00. The Substitutions contained in the Plan will modify the standards pursuant to: 310 CMR 9.51(3)(b), which governs setback dimensions from the high water mark on the project site for Facilities of Private Tenancy (FPT); 310 CMR 9.51(3)(c), which governs allowable uses and setbacks in the Water-Dependent Use Zone (WDUZ); 310 CMR 9.51(3)(d), which governs the amount of pedestrian level open space on the Project Site; and, 310 CMR 9.51(3)(e), which governs the allowable heights of nonwater-dependent buildings based on their distance from the high water mark on the Project Site. The Department has determined that the Plan establishes appropriate Offsets for each of the Substitutions.

In accordance with the provisions of 310 CMR 9.34(2), the Department will require conformance with any applicable provisions of the approved Plan in the case of all waterways license applications submitted subsequent to the Plan’s effective date. It will apply as well to all pending applications for which no public hearing has occurred or where

the required public comment period has not expired by the effective date of the approved Plan.

The Department looks forward to continuing its work with CZM and the representatives of the City of Everett in the implementation of this important planning effort. Should you have any questions in regard to the foregoing, please contact me at (617)292-5615. Thank you for your consideration.

Sincerely,



Ben Lynch
Program Chief
Waterways Regulation Program

Cc: Mayor Carlo DeMaria, City of Everett

James Erickson, Executive Director, City of Everett Dep't. of Planning & Development

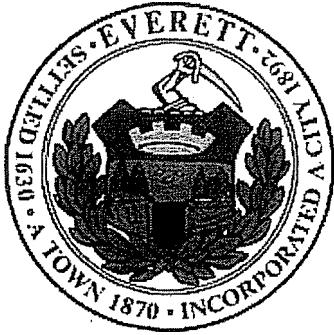
David Butler, City of Everett Harbormaster

Bruce Carlisle, Director, CZM

Brad Washburn, Assistant Director, CZM

Valerie Gingrich, Boston Harbor Regional Coordinator, CZM

WRP MHP files



City of Everett
Department of Planning and Development
484 Broadway, Room 25
Everett, Massachusetts 02149
(P)617-394-2245 (F)617-394-5002

James Erickson, Executive Director

January 23, 2014

Mr. Richard K. Sullivan Jr., Secretary
Executive Office of Energy & Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02114

Dear Secretary Sullivan:

In October 2013, the City of Everett submitted for your review and approval the City of Everett's Central Waterfront Municipal Harbor Plan (MHP) dated October 2013. The creation of this plan marks a major milestone in Everett's waterfront history, as the City continues its goal of re-establishing the waterfront as a resource for Everett citizens. Throughout the entire MHP process, which began in February 2013, the City worked to incorporate what were, at the time, the most up-to-date project/schematic plans for the proposed Wynn MA, LLC development, as well as proposed redevelopment of the area as envisioned within the City's award winning Lower Broadway Master Plan. This letter is to provide a brief update on what has transpired since the time of submission of the MHP in October, specifically in relation to the Wynn MA, LLC project.

The proposed Wynn MA, LLC project, as outlined in the MHP, includes the development of a high-rise tower up to 400 feet tall, a 2-story gaming floor, and a one-story retail component of approximately 250,000 square feet of space. The entirety of the retail space, a small portion of the gaming floor and approximately half of the hotel tower is located within Chapter 91 jurisdiction. To accommodate this proposed development, the MHP proposes a series of substitutions and offsets for this project, including allowing modifications to the WDUZ, as well as an allowance for additional height and lot coverage of up to 60 percent within jurisdiction to accommodate a more economically viable project. For developments exceeding the 50 percent lot coverage requirement within Chapter 91 jurisdiction, a series of open space improvements and amenities are proposed that must be provided to offset the loss of open space. These include:

As a first priority:

- Construction and maintenance of a connection between the Wynn MA, LLC site and the existing Department of Conservation and Recreation (DCR) park land to the north of the property

If the option above is not possible:

- Construction and maintenance of a canoe/kayak boat launch

- Construction and maintenance of a fishing platform or pier with associated amenities
- Construction and maintenance of new or improved walking/bicycle accommodations within the Gateway Park pathway

At the time of the City's submission of the MHP to EEA, the draft Wynn MA, LLC development plan as well as the Lower Broadway development scenario, included project design concepts that were likely to impact the open space requirements under Chapter 91, to varying degrees. As such, it was presumed that both scenarios would require one or more offsets to be provided, consistent with the MHP, as noted above. However, since the time of the initial submission, the proposed Wynn MA LLC project has undergone continued design refinement, and the project was modified in preparation for their Draft Environmental Impact Report (DEIR) submission to MEPA. The proposed Wynn MA, LLC project now includes, among other minor modifications, a downsized project that appears to no longer impact the open space requirement of Chapter 91.

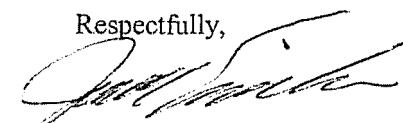
Understanding that the Wynn MA, LLC project may continue to experience refinements, and must also seek review and approvals by local and state boards/commissions/agencies, which may have impacts on site design, the City wishes to keep the open space provisions, and therefore the envelope within which Wynn MA, LLC can develop the site, as originally outlined in the MHP document. Please note, however, that regardless of the final design of the Wynn MA, LLC, the City and Wynn are committed to constructing the connection to the Department of Conservation and Recreation (DCR) park land to the north of the property, as outlined as a priority offset to the open space provisions. This commitment is outlined within the City's Host Community Agreement (HCA) with Wynn, negotiated under the state's Gaming Legislation. Further, Wynn presented this connection as an aspect of the project they intend to complete within their DEIR submission to MEPA.

Regarding the remainder of the plan, please note the following:

- The Lower Broadway build-out scenario has not changed. As such, the City seeks to keep all components of the MHP relating to the Lower Broadway scenario unchanged.
- Within Appendix A: List of Advisory Committee Members, please add Representative Sal DeDomenico to the list. He was a valuable member of the committee, attending several of the MHP advisory committee meetings and providing comments on the final MHP document.
- As noted in Section 7.4 Extended License Terms, the MHP document recommends consideration of items from among the list of proposed offsets under the open space offsets for any license requesting extended terms. The City respectfully requests that DEP consult with the City when determining which offset(s) to consider for an extended term, should one be requested by a developer.

If you have any questions regarding these updates to the City of Everett's Central Waterfront Municipal Harbor Plan, please do not hesitate to contact me at 617-394-2245 or jamie.errickson@ci.everett.ma.us.

Respectfully,


James Erickson



January 23, 2014

Richard K. Sullivan, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: City of Everett Municipal Harbor Plan

Dear Secretary Sullivan,

I am writing to express the Department of Conservation and Recreation's (DCR) support for the City of Everett's Central Waterfront Municipal Harbor Plan (MHP). DCR participated in the harbor planning process as a member of the City's Advisory Committee and as a property owner within the harbor planning area.

The City of Everett's MHP incorporates several public benefits or offsets for future developments that pertain to open space within the planning area, including an open space connection between the development site and Gateway Park to the north as well as a catalogue of open space improvements by developments. These proposed improvements are consistent with DCR's regional planning and vision for this area of the waterfront, specifically outlined in the 2009 Mystic River Master Plan. The proposed open space connection would link existing and new open space, adding to the network of public spaces along the Mystic River, an important goal of DCR's planning efforts. The other proposed amenities, a kayak launch, fishing pier, and improved pathways are open space elements envisioned to activate the waterfront in DCR's planning efforts and correspond with the needs of the Everett community.

DCR supports the proposed improvements and looks forward to working with the City of Everett to implement the vision that is outlined in the MHP.

Should you have any questions, please contact Joe Orfant, Chief of the DCR Planning and Resource Protection at 617-626-4933.

Sincerely,

A handwritten signature in black ink, appearing to read 'John P. Murray'.

John P. Murray, Commissioner

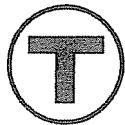
COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston MA 02114-2119
617-626-1250 617-626-1351 Fax
www.mass.gov/dcr



Deval L. Patrick
Governor

Richard K. Sullivan Jr., Secretary
Executive Office of Energy & Environmental Affairs
John P. Murray, Commissioner
Department of Conservation & Recreation



Deval L. Patrick, Governor
Richard A. Davey, MassDOT Secretary & CEO
Beverly A. Scott, Ph.D., General Manager
and Rail & Transit Administrator



January 29, 2014

Richard K. Sullivan, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: City of Everett Municipal Harbor Plan

Dear Secretary Sullivan:

I am writing to express the Massachusetts Bay Transportation Authority's (MBTA) support for the City of Everett's Central Waterfront Municipal Harbor Plan (MHP). As a property owner in the harbor planning area, the MBTA has been following the process and meeting with the City of Everett on a regular basis.

The City of Everett's MHP proposes a connection from the development site to Gateway Park over MBTA property. We are generally supportive of this pedestrian/bicycle connection, and we look forward to working with the City and the Wynn development team on the details necessary to implement the connection under the commuter rail tracks.

Should you have any questions, please contact me at 617-222-3126.

Sincerely,

A handwritten signature in black ink that reads "Andrew D. Brennan" followed by a small, stylized "JUL" below it.

Andrew D. Brennan
Director of Energy and Environment

O:\EVERETT\Everett MHP.docx