

LYNN WATERFRONT MHP

Request for Notice to Proceed – Proposed Planning Program

Purpose and Need for the Municipal Harbor Plan

A Municipal Harbor Plan (MHP) is a document which sets forth a municipality's goals and objectives for the use of a specific harbor area together with an implementation strategy designed to focus legal, institutional, and financial resources on the achievement of those goals and objectives. The MHP is developed by a municipality through a process of public dialogue. An MHP serves three primary functions:

- 1) it enhances the responsiveness of state agency actions to local land use goals and objectives, harbor conditions, and circumstances;
- 2) it ensures that tidelands licensing actions pursuant to the provisions of M.G.L. c. 91 on individual properties are taken in the context of the objectives and goals for the development of the larger waterfront planning area; and
- 3) it provides a mechanism for the establishment of harbor-specific development/design standards as substitutes for the general, state-wide standards specified at 310 CMR 9.00 (the Waterways Regulations).

The City of Lynn is proposing to prepare an MHP for the development of waterfront properties located between the mouth of the Saugus River on the south and the Lynnway/Nahant Road/Lynn Shore Drive rotary on the north and east of Route 1A (the Lynnway) so as to secure the benefits to be derived from each of these primary functions. With regard to the establishment of substitute development/design standards, the City of Lynn will seek to substitute an alternative height standard to that specified at 310 CMR 9.51(3)(e). Specifically, the proposed substitute would allow the height of structures at a distance greater than 100 feet inland from the high water mark of the harbor to rise at a rate greater than one-half foot vertical to one foot horizontal. Offsets designed to mitigate or compensate for any adverse effects of the substitute standard on water-related public interests will be defined in the MHP.

Identification of Harbor Planning Group and Consultants

The Lynn Waterfront Master Plan Advisory Committee will serve as the Harbor Planning Group tasked with overseeing the development of the MHP. The Lynn Waterfront Master Plan Advisory Committee includes the following individuals and representatives.

Peter Capano
Ward 6 Councilor
City of Lynn

Jim Perry
Harbormaster
City of Lynn

Michael Conlon
Chief of Staff
City of Lynn

Paul Robertson
Member
Friends of Lynn/Nahant Beaches

Brendan Crighton
Senator McGee's Office
State of Massachusetts

Andrea Scalise
Mayoral Aide
City of Lynn

James Marsh
Community Development
City of Lynn

Ted Smith
Boardmember
EDIC

Thomas McEnaney
Council Member
Seaport Advisory Council

Robert Stilian
Chairperson
Lynn Planning Board

Tom McGee
Senator
State of Massachusetts

John Walsh
Fisherman

John C. Moberger
Director of Public Facilities
Office of Economic & Community
Development

Steve Walsh
Representative
State of Massachusetts

Leslie Gould
Lynn Area Chamber of Commerce

The City of Lynn, through the Economic Development and Industrial Corporation of Lynn (EDIC), has retained the services of the following consultants to assist the City in the preparation of the MHP.

Sasaki Associates, Inc.
64 Pleasant Street
Watertown, MA 02472

Fort Point Associates, Inc.
33 Union Street, 3rd Floor
Boston, MA 02108

Master Planner
Contact: Brad Saunders

Tidelands Boundary Mapping
Contact: Jamie Fay

Description of the Harbor Planning Area

The Harbor Planning Area (HPA) which is to be the focus of the Lynn Harbor MHP consists of approximately 257 acres, encompassing all properties located to the east of the Lynnway and between the mouth of the Saugus River on the south to the Lynnway/Nahant Road/Lynn Shore Drive rotary on the north (see Figure 1). This HPA includes a total of 122 individual land parcels. Existing private land uses in the HPA include large-footprint discount retail buildings, an automobile dealership, a dairy bottling and distribution center, a power-generating facility, an LNG storage tank, a historic mill building retrofitted as office space, and a free-standing restaurant. Existing public facilities in the HPA include both recreational and infrastructure land uses, including the Lynn Heritage State Park and Seaport Marina, a public fishing pier at the mouth of the Saugus River owned by the Massachusetts Department of Conservation and Recreation, a pier owned by EDIC and used for the docking of a casino cruise ship, a former municipal landfill (capped in 1986), and a wastewater treatment plant with on-site sludge treatment and disposal facilities. The existing waterfront edge, approximately 13,000 feet in length, consists of a variety of edge treatments ranging from vertical wooden bulkheads (in various states of disrepair) to heavy stone rip rap. Electrical power lines (115kV) currently run within an easement along the southern portion of the waterfront, terminating at a power plant located off Marine Boulevard. The City of Lynn has received a grant to help pay for the relocation of these power lines to the northwest of the Lynnway.

Approximately 147 acres of the HPA are filled tidelands, the use of which is subject to the issuance of licenses by the Massachusetts Department of Environmental Protection (DEP) pursuant to the provisions of M.G.L. c. 91 and its implementing regulations. In 1978, a portion of the Lynn waterfront was designated a Designated Port Area by the Massachusetts Office of Coastal Zone Management. The original area so designated was reduced by the Massachusetts legislature to approximately 49.0 acres by statute dated August 1, 1994. The current extent of the Designated Port Area for the City of Lynn is

depicted in Figure 2. Current land uses within the Designated Port Area include the LNG storage tank, the EDIC-owned pier, much of the capped municipal landfill, and five light-industrial/warehouse buildings.

A review of the DEP's online contaminated sites database has revealed that there are 38 reported releases of oil and/or hazardous materials located on 21 properties within the HPA (see Figure 3). Two additional properties that could be considered "contaminated" but are not reported as releases under the DEP Bureau of Waste Site Cleanup program include the Lynn municipal landfill and the Lynn Wastewater Treatment landfill. Although a number of these sites have been "closed" under the Massachusetts Contingency Plan, their future use remains subject to various deed restrictions designed to protect future land-users from harmful exposure.

Discussion of the History of Use and Identification of Issues

The Lynn waterfront area is an area which developed somewhat late in the history of the community. Throughout the colonial period and well into the twentieth century, the City was known as home to a major tannery and shoemaking industry. During most of this period, the waterfront area consisted of high and low marsh and mud flats. The 1859 Coastal Survey of the United States indicates that, at that time, only the area south and southeast of Broad Street and Market Street had been developed as wharves. This was the center of the City's industrial shoemaking activities.

Beginning in 1853, a gas manufacturing business (gas manufactured from coal) operated on filled lands immediately to the southwest of the wharf area. This operation continued until 1972, leaving behind a residue of coal tar, oil, and cyanide. In addition to the gas manufacturing business, the late nineteenth and early twentieth centuries saw the arrival of a variety of industrial activities on the waterfront. These included dairy, textile, and electrical manufacturing businesses. During the later half of the twentieth century, the waterfront area was appropriated for the siting of a municipal landfill and a wastewater treatment plant and became the home of such land uses as automobile dealerships, discount retail establishments, scrap iron storage, auto body shops, and fast food restaurants.

The City believes that its waterfront area is significantly underutilized relative to its inherent real estate and public amenity values. City leaders now recognize that given its location within ten miles of downtown Boston, its accessibility via a substantial existing public transportation infrastructure, and the natural beauty of its coastal environment, the Lynn waterfront area is a highly valuable asset, the use of which requires careful planning and implementation.

While recognizing the many assets of the waterfront area, the City has not ignored the existing constraints to its future development. The LNG storage tank, a reserve tank, the National Grid power plant located along Marine Boulevard, and the wastewater treatment plant represent industrial-type land uses which are likely to continue to exist within the HPA for the foreseeable future. Further, the capped municipal landfill is likely to continue to exist, though possibly with some modification through removal/relocation of material, into the future. Lastly, development in the area of existing soil contamination will incur costs for both identification and remediation. These costs, in turn, will dictate to a large extent the scale of development required to generate a sufficient return on investment.

Discussion of Prior Planning Efforts

In June of 2006, the City of Lynn commissioned the development of a vision and master plan for the future use of the City's waterfront. The results of the master planning effort were to identify development parameters and guidelines, define community waterfront access, recommend transportation improvements, and establish a strategy for implementation. The goal was to transform the underutilized

and, in some cases, industrial brownfield land into a vibrant mixed-use district. Through a process managed by the Lynn Economic Development and Industrial Commission, guided by a steering committee composed of both city officials and private stakeholders, and infused by contributions derived from several public presentations, a plan emerged which repositions the waterfront area from a neglected "back forty" to a prominent component of the City's future (see Figure 4).

The development goals espoused by the resulting Lynn Waterfront Master Plan include:

- connection of the City with its waterfront;
- creation of a unified series of public spaces along a waterfront promenade;
- creation of a landmark open space for celebrations;
- transformation of the Lynnway into a pedestrian-friendly, yet fully operative transportation route;
- creation of a mixed-use neighborhood that takes advantage of views and connections;
- development of the waterfront as an extension of the existing urban fabric;
- configuration of buildings on the site so as to minimize energy use by exploiting the benefits natural ventilation, daylighting, and shading from vegetation; and
- promotion of a range of diverse transportation options.

In light of these goals, the master plan envisions the waterfront area as consisting of three zones: a gateway zone, a marine park industry center zone, and a downtown waterfront zone. The vision for the gateway zone, extending from the General Edwards Bridge to the Carolyn Road/Lynnway intersection, features a variety of housing types, block configurations, and price ranges, with supporting retail, restaurants, and some office space. The majority of the office space would be located along the Lynnway, with residential buildings making up the rest of the district. Ground floor retail would be encouraged along the Lynnway, the waterfront, and other primary streets within the district. Restaurants would be oriented towards the water to capitalize on views of the ocean and Nahant. A typical block within the gateway district would have lower-rise residential along the waterfront, transitioning to high-rise in the middle of the district to maximize waterfront views for each development. Structured parking would be internal to the block and could be created with a green roof or encouraged to support activities to lessen the heat island effect and create a more pleasing view for the residents.

The marine park industry center zone is envisioned to be a working waterfront, extending from Carolyn Road to Blossom Street and including the Designated Port Area. This zone would support a range of future marine industrial activities including a commercial fishing marina, boat building and boat repair, a marine terminal and a passenger terminal for a commuter ferry, and a public boat ramp. Existing industrial-type uses, including the regional Water & Sewer Treatment Plant, the liquid natural gas (LNG) reserve tank, and the power plant would continue to be accommodated in this zone. Surface parking, or creative multipurpose paving, could be used for a fish and farmer's market or festivals to celebrate the marine history of Lynn. A portion of the landfill could be relocated to create the commercial fishing marina, again reclaiming the filled tidelands and creating a lasting environment that brings these water dependent uses back to the waterfront. Along the Lynnway, office buildings would vary from approximately six to ten stories in height, so as not to create a canyon effect along the Lynnway. Residential uses would not be encouraged in this district, but could be acceptable provided sufficient buffers are retained between the light industrial uses and the residential buildings.

The vision for the downtown waterfront zone is to build upon its proximity to the downtown and such existing assets as the renovated Clocktower and Seaport Landing. The creation of a signature park where the downtown meets the waterfront is envisioned as the main focus of this zone. While a realignment of the Lynnway into a tighter, more urban type of roadway significantly enhances the size and capability of this signature open space, the vitality of this district does not hinge upon it. The plan

incorporates a waterfront promenade to capitalize on the magnificent views of the harbor, adjacent Nahant and distant Boston skyline. Mixed-use buildings would be encouraged so as to establish a dense urban neighborhood, with residences, offices, retail establishments, and a much needed hotel. Buildings would be designed with ample glass to capitalize on the views of the water and to light up the area in the evenings. With both the commuter rail and the commuter ferry in close proximity, this district could be a classic transit-oriented development with shared parking and a real pedestrian feel. The signature open space could be a focus for community gatherings and festivals. An amphitheater, trellis structures, a play ground, and fountains would make the park a place to enjoy throughout the year, regardless of scheduled events.

Drawing on the findings of a long-term market assessment, the master plan was designed to incorporate the following specific development program.

- mix of residential types - 4,177,000 Sq. Ft.
- commercial / retail - up to 1,100,000 Sq. Ft.
- office space - 400,000 Sq. Ft.
- hotel - up to 305,000 Sq. Ft.
- light industry - up to 230,000 Sq. Ft.
- water-dependant industrial use - 45 acres
- mixed-use marina for recreational and commercial boats
- mix of publicly accessible recreational open spaces

The Lynn Waterfront Master Plan was accepted by the city council on September 11, 2007 and a zoning ordinance designed to create the necessary legal framework for its implementation was adopted by the city council in March 2008. The Lynn Waterfront Master Plan represents the foundation vision upon which the MHP will be built.

Description of the Proposed Study Program

The City of Lynn proposes to develop and submit an MHP in full compliance with the provisions of 301 CMR 23.04(1) – Municipal Harbor Plan Submission Requirements. Specific elements to be included in this submission include text, plans, and other supporting documentation addressing:

- 1) the City's goals and objectives for the HPA and the policies which have been or will be established to guide development and other human activity in the area in terms of its desired sequence, patterns, limits, and other characteristics;
- 2) an implementation program specifying the legal and institutional arrangements, financial strategies, and other measures – including, as appropriate, phasing of the redevelopment - that will govern public and private utilization of the waterfront in a manner which is consistent with the City's established policies;
- 3) the date on which the City proposes to submit the plan for renewal in accordance with the requirements of 310 CMR 23.06(2);
- 4) the planning analysis undertaken to accumulate and synthesize the technical data, community input, and other information used as the basis for evaluating tradeoffs among alternatives and choosing the proposed course(s) of action; and

- 5) specifically, how the proposed MHP complies with the standards for approval specified at 301 CMR 23.05.

The standards for MHP approval specified at 301 CMR 23.05 are as follows.

- 1) The plan must be consistent with all policies, as applicable, of the Massachusetts Office of Coastal Zone Management.
- 2) The plan must be consistent with Massachusetts state tidelands policy objectives and associated Department of Environmental Protection regulatory principles, as set forth in 310 CMR 9.00, including, but not limited to, compliance with the provisions regarding uses in the DPA, as further specified at 301 CMR 23.05(2)(e).
- 3) The plan must include 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 HPA.
- 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.

As the City of Lynn proposes to substitute an alternative height standard to that specified at 310 CMR 9.51(3)(e), the plan must specify an alternative standard which will 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. To assist in assessing the alternative standard's compliance with this charge, the plan will include a conceptual analysis comparing a Chapter 91-compliant alternative to an alternative incorporating the proposed height substitute. This comparison will focus on massing, pedestrian-level winds, and shadows and will be presented in a manner that is easy to read and clearly identifies the differences between the two conditions. The plan will include a massing analysis comparing the gross volume associated with the proposed building heights to that achievable under the Chapter 91 Waterways Regulations. Based on the results of this analysis, a mitigation approach will be defined to address any adverse effects of the substitute height standard through the use of offsets. Offsets are required in the MHP Regulations to mitigate or compensate on both a parcel-by-parcel and area-wide basis for the adverse effects of substitute provisions on water-related public interests. The development of offsets will be commensurate with the degree of adversity to public access, pedestrian level activities, and water-dependent use, employing an approach that is either quantitative, such as one unit of replacement for one unit lost, or qualitative, such as a package of varying types of improvements that address the quality of the water-related public interests. The latter strategy can provide greater opportunity to develop a package of offsets either on-site, or in close proximity thereto when the site where the impacts are felt cannot accommodate corresponding offsets, taking into consideration opportunities along the waterfront that will promote the destination value of the waterfront or open space and access to the waterfront.

Summary of the Proposed Participation Program

As with the Waterfront Master Plan development process which was implemented throughout 2006 and into 2007, the Lynn Waterfront MHP will be prepared and vetted through a public participation process. The Lynn Waterfront Master Plan Advisory Committee will serve as the Harbor Planning Group tasked with overseeing the development of the MHP. All public presentations will be posted to a website

dedicated to the Waterfront MHP and stakeholders, residents, and other interested parties will be invited to submit comments via email. The Harbor Planning Group and consultants will review all comments received and adjust the plan as appropriate. The intent is to submit a plan to the secretary of EEA which is sound as to future market opportunities, has broad property owner and public support, and complies with all Commonwealth interests, policies, and regulatory standards. Throughout the process, the Harbor Planning Group will keep staff of the Massachusetts Office of Coastal Zone Management and Waterways Program of the Department of Environmental Protection informed as to dates of upcoming public meetings and progress on the development of the MHP.

The specific work plan to be followed in preparing the MHP is as follows.

- 1) The Consultant will meet with the Harbor Planning Group for the purpose of reviewing the provisions of the Notice to Proceed and the procedure to be followed in developing the MHP. The Consultant also will verify with the Harbor Planning Group the City's goals and objectives for the future of the HPA.
- 2) The Consultant will meet with the affected property owners collectively to inform them of the City's goals and objectives and the process to be followed in developing the MHP. The primary focus of this initial meeting will be to identify any concerns or suggestions they may have regarding the process and its implications on the use and value of their properties. The Consultant will use the Master Plan dated September 2007 as the basis for this initial meeting.
- 3) The Consultant will conduct a public meeting in Lynn to inform the public of the City's intent to develop an MHP as the next step in advancing the 2007 Waterfront Master Plan and the process to be followed in doing so and to solicit comments.
- 4) The Consultant will assemble the base data on the HPA as may be specified in the Notice to Proceed.
- 5) Based on the input received from the property owners, the Harbor Planning Group, and the public and utilizing the base data assembled under Step 4, the Consultant will create a draft MHP for the future development of the HPA. This plan will identify the development parcels, specific land uses, open space, rights-of-way, building and parking locations, maximum building heights, minimum building setbacks from property boundaries and waters edge, and maximum building coverage. The draft plan will include, as necessary to clearly define the proposal, plan views, sections, elevations, and example precedents of features. The Consultant will meet with the Harbor Planning Group or its designated representative to review this draft plan and solicit comments.
- 6) The Consultant will revise the draft MHP as directed by the Harbor Planning Group under Step 5.
- 7) The Consultant will meet with the affected property owners collectively for a second time for the purpose of reviewing the draft MHP, as revised under Step 6, for the purpose of identifying any concerns or suggestions they may have. During this meeting, the Consultant will review the basic provisions and standards of 310 CMR 9.00 – 9.55 (i.e., the Massachusetts Waterways Regulations) as they apply to the specific owners' property and how those provisions and standards are proposed to be modified through the adoption of the MHP.

- 8) The Consultant will conduct a second public meeting in Lynn to present the draft MHP to all interested parties, discuss the proposed substitute to the height standard specified at 310 CMR 9.51(3)(e) and the offsets to be proposed, and solicit comments.
- 9) The Consultant will meet with the Harbor Planning Group or its designated representative to review the comments and suggestions made by the property owners and the public under Steps 7 and 8. Following this meeting, the Consultant will again revise the MHP as may be directed by the Harbor Planning Group.
- 10) The Consultant will meet with the staff of the Massachusetts Office of Coastal Zone Management to review the status of the MHP. The purposes of this meeting will be to present the results of the planning program through the completion of Step 9 and seek informal and preliminary agency comments. The Consultant will again revise the MHP following this meeting as may be directed by the Harbor Planning Group or its designated representative.
- 11) The Consultant will conduct a third public meeting in Lynn to present the MHP to all interested parties and solicit comments. The Consultant will again revise the MHP following this meeting as may be directed by the Harbor Planning Group or its designated representative.
- 12) The Consultant will prepare the MHP in conformance with the provisions of the Notice to Proceed and submit the documentation to the secretary of EOEEA and others in compliance with the provisions of 301 CMR 23.04(1) and (2).