



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the Commonwealth

June 27, 2017

The Honorable Michael O. Moore
Chairman
The Honorable James J. O'Day
Chairman
Joint Committee on Municipalities and Regional Government
State House, Room 222
Boston, MA 02133

RE: H3749

Dear Chairmen Moore and O'Day,

I write as Chairman of the Massachusetts Historical Commission to formally ask you and your committee to take no action on H.3749 for at least a two-week period. This significant legislation would repeal existing statutory protections for some of our most historic buildings and parklands.

My office was only able to obtain access to the developer's shadow study from the City on Friday, June 23, 2017, clearly not an adequate time to make a thorough, professional review.

It is worth noting that even a cursory review makes it clear that there are many approximations and disclaimers in the study. I believe we owe it to the people of Massachusetts to be diligent in seeking an independent review of these important questions, therefore my request for no action at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. Galvin", written over the typed name and title.

William Francis Galvin
Secretary of the Commonwealth



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Secretary of the Commonwealth

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July 11, 2017

OFFICE OF SENATOR
MICHAEL O. MOORE

JUL 11 2017

RECEIVED

The Honorable Michael O. Moore
Joint Committee on Municipalities and Regional Government
State House, Room 109B
Boston, MA 02133

RE: H3749

Dear Chairman Moore,

I want to express my appreciation for your Committee allowing me the opportunity to have the professional staff of the Massachusetts Historical Commission evaluate the impacts of the high-rise construction which would be authorized by this legislation.

As the Chairman of the Massachusetts Historical Commission I have a responsibility and obligation to protect historic sites throughout Massachusetts, however the affected sites of this proposed construction are among the most important and significant, including the State House itself.

I must report to you that after a careful review of the submitted Millennium shadow study and the shadow study commissioned by the Friends of the Public Garden, as well as other recent studies commissioned in conjunction with other construction projects, it is the conclusion of the Massachusetts Historical Commission that the construction of this building at its proposed height would do great damage to historic buildings included on the National and State Registers of Historic Places including the State House, public parks and private residences.

It is important to note that the shadow study presented by Millennium Partners is incomplete and therefore flawed.

This shadow study presented by Millennium Partners only depicts 6 individual days of the year with a disclaimer that the study is only "approximate" and that "further studies will be conducted." Because of the few dates it shows, it under-represents the full extent of the added new shadow. It also only shows new shadow on the Boston Common and Public Garden, omitting the reach of the new shadow on the State House and Beacon Hill.

Millennium Partners conceded that if built, the Tower would add 282 days/year of new shadow on the Boston Common and 112 days of new shadow on the Public Garden.

The Friends of the Public Garden conducted a separate shadow study for each month of the year and showed the following dramatic results.

If built, Winthrop Square Tower would cast a morning shadow stretching from Winthrop Square in the financial district, down the middle of Boston Common, through the heart of the Public Garden (including the Swan Boats) and onto the Commonwealth Avenue Mall in the historic Back Bay - a distance of roughly one mile. Additional new shadow on the Common would occur every month from February through October.

If built, the Tower would also cast new shadow on the State House and historic buildings on Beacon Street and in the Beacon Hill Historic District in the months of January, February, October and November (about 120 days/year) making the short days even darker for the occupants of the State House.

The month of March would see the greatest extent of new shadow across the Common, which would negatively impact the winter thaw and beginning of spring growth.

New shadows would continue through the spring, summer and fall, which will impact the growth and health of trees and other vegetation.

The Boston Common and Public Garden are not only beloved by the city, but are national treasures and focal points for tourism. They are listed in the State and National Registers of Historic Places, and are both City and National Historic Landmarks.

More significantly, in light of the millions being spent on historic rehabilitation, new shadows on the State House and other historic buildings on Beacon Hill would create permanent moist conditions on the exterior walls and interiors of the buildings – problems that would need additional funding to rectify (e.g., repairing spalling plaster on interior walls and ceilings, repairing lost mortar on exterior walls).

Senator Michael O. Moore
July 11, 2017
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Consideration of this bill is premature since the full extent of all of the environment impacts of the Tower have not yet been studied or publicly disclosed. The project has not completed the MEPA review process. MEPA scoped an EIR, but the EIR has not yet been completed.

In addition, there are many unanswered questions about the full impact of the Tower – such as will it create more wind along the surrounding city streets?

For the protection of these valuable public assets I urge you to at least postpone further consideration of this legislation until these critical questions are asked and thoughtfully answered.

My staff will be available to answer any specific questions you might have.

Sincerely,



William Francis Galvin
Secretary of the Commonwealth

BOSTON PRESERVATION ALLIANCE

Testimony of Greg Galer, Executive Director – 6/27/17

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Executive Director
Gregory J. Galer, Ph.D.

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Joint Committee on Municipalities and Regional Government Hearing
Re. H.3749 "An Act Protecting Sunlight and Promoting Economic Development
in the City of Boston"

- The Boston Preservation Alliance has been a voice of conscience for the Boston's unique character for nearly 40 years. We are a 501C3 that advocates for historic preservation as part of thoughtful evolution and change, embracing the blend of old and new. But we warn about unintended consequences when decisions are rushed before all facts are at hand.

- The Alliance represents 40 organizations, nearly 100 corporations, including significant players in the development and construction trade, and reach over 35,000 peoples.

- The Alliance is adamant that this Bill is both premature and ill-conceived. I'll focus on four points:

- First: It is premature to clear a path for this project when its impact has not yet been evaluated. Neither the required State's Environmental (MEPA) nor the city's Development review (Article 85) processes are more than in their early stages, with none of the extensive data filings and community input completed.

Passing this bill now will greenlight this project before required analysis, making a mockery of these well-established regulations and stifling an honest, open, public discussion of impacts, alternatives, and mitigation.

There are many questions un-answered about the impacts of the Winthrop Square proposal – above and beyond shadow on the Common and Public Garden.

- Second: The Petition sets a terribly bad precedent. (Something many in the design and development community will only say privately)

The proposal condones, if not promotes, a system of rules that can be changed if enough money is offered as compensation. It's a slippery slope. What is to stop, in 5, 10 or 20 years, another proposal to offer millions of dollars to change this or yet another law? What about \$1billion to build on the Boston Common itself?

Winthrop Square isn't a one-off case. Once this Pandora's box is opened the

Against the bill

temptation will be too great when “outrageously compelling” funds are placed within reach. I’m always leery of so-called unique, once-in-a-lifetime opportunities (I usually hang up on those calls). You should too.

Our concern isn't just for shadow protections but all regulations and laws that protect the neighborhoods not just of Boston, but the Commonwealth. To support this petition is to say that rules are up for sale. More offers will be made – offers that yes have “benefits,” but at what cost?

- Third: By offering planning as mitigation this Bill is an insult to the Planning process.
Why does there have to be a change in state law to require the city’s planning agency to do what is a primary reason for its existence? Comprehensive planning before -- and to potentially justify a logical change to existing regulations makes sense. Planning after the horse has left the barn does not, and certainly not as part of some grand bargain.

We welcome planning for Downtown Boston. We need it, but not as a quid pro quo. Is this going to be a new model for the Commonwealth? Facilitating one development and promising analysis after the fact? And this Bill privileges one project with what many are calling “the ultimate form of spot zoning.”

- Fourth: To call this “An Act Protecting Sunlight and Promoting Economic Development in the City of Boston” is absurd.

Yes, it promotes economic development, but to argue that it “protects sunlight” is ridiculous.

Neither aspect of the bill, elimination of the shadow bank nor change for Copley Square have been fully analyzed to determine if they do in fact “protect sunlight.” The changes are relatively minor in comparison to the continued degradation of sunlight economic development can cause. And don’t think that “elimination of the shadow bank” means no additional future shadow on the Boston Common and Public Garden. It does not.

If the Committee honestly wants to “protect sunlight” then consider a bill built upon a complete analysis and also one that addresses the fact that reduced sunlight negatively impacts the health of historic buildings – not just parks. This bill provides no direct protection for several National Landmark buildings in Copley Square, for instance. And what happens when a beautiful, energizing, and economically beneficial project is proposed that would shadow Copley Square more than this law allows? How much money will change this state law again?

To alter existing state law without analysis or discussion of its effectiveness makes little sense. The “sunlight protection” in this bill provides only minor incremental enhancement at best.

- The Alliance greatly respects Millennium Partners, a Members of the Alliance, and a past recipient of our Preservation Awards. And of course we support the redevelopment of the Winthrop Garage site, but that isn't the question here. The bill before you is simply bad policy.

It's premature to facilitate this one development project when it hasn't completed the state required analysis and process that every other development is required to complete.

- The majority of Boston City Council was unfortunately blinded by a pot of gold. As in fairy-tales, chasing it, always leads to bad, unintended consequences. Don't be taken in as well.
- I urge you to reject this Bill and require this project to complete its analysis under the Commonwealth's MEPA regulations and not be taken in by “protections” that haven't been scrutinized.



FRANKLIN PARK COALITION

PUBLIC HEARING ON HOUSE BILL H.3749 June 27, 2017

Good morning, my name is Samantha Wechsler. I am the Interim Executive Director of the Franklin Park Coalition.

On behalf of the Board, staff, volunteers, and members of the Franklin Park Coalition, I am here to support House Bill H.3749 because of the tremendous investment in the city that it represents.

The Franklin Park Coalition serves as a voice for the communities that surround the park. Our Board of Directors is majority African-American, and our membership and supporters are as diverse as the city itself.

We are grateful that the City is thinking about Franklin Park, and we continue to be in dialogue with the Mayor about what this investment will mean for Franklin Park and the Coalition.

We are very supportive of this measure to bring game-changing benefits to the city, and we hope that you will support its passage. We request that you please release this bill favorably from committee.

Thank you for your time.

Sincerely,

Samantha Wechsler
Interim Executive Director