



Navigating our future.

15 State Street, Suite 1100  
Boston, MA 02109  
617 223 8104  
[bostonharbornow.org](http://bostonharbornow.org)

M. Kathryn Sedor, Esq.  
Presiding Officer  
Energy Facilities Siting Board  
One South Station  
Boston, MA 02110

April 26, 2016

Dear Ms. Sedor,

Our last letter on this subject was from Vivien Li at The Boston Harbor Association (TBHA). TBHA and the Boston Harbor Island Alliance recently merged to make Boston Harbor Now.

We are writing to you with continued concerns about the Eversource proposal to construct and maintain an electrical substation on East Eagle Street in East Boston. We understand that Eversource has not yet addressed the Chapter 91 concerns we raised over a year ago, and that our letter came up in a recent hearing.

We are writing to reiterate and elaborate on our earlier concerns. Specifically, the proposed substation would be located within a Chapter 91 Designated Port Area, which is expressly designed to prevent water-dependent industrial uses from being encroached upon. Given this concern, as well as the fact that over 5,000 petition signatures opposed to the project have been generated in East Boston, we believe at the very least that this project should not be sited unless and until it receives a Chapter 91 license, with its requisite public review process. Our specific concerns follow.

#### **Definition of Chapter 91 Designated Port Areas**

The primary regulations addressing DPAs are codified at 301 CMR 25, Waterways regulations (301 CMR 9) and Municipal Harbor Plans regulations (301 CMR 23).

DPAs seek to ensure that water-dependent industrial uses are encouraged in areas that contain three essential components for their success:

- Waterways and developed waterfronts (especially those with deep enough channels to support larger vessels),
- Backlands (the land situated behind these waterways and waterfronts) of supporting industrial facilities and operations, and
- Transportation and public utilities appropriate to service industrial operations.

As an increasing percentage of Boston's waterfront is converted to residential and commercial development, such areas appropriate for water-dependent industrial uses are becoming increasingly rare. Therefore, the "industrialized coast should be preserved to the maximum extent practicable in order to meet the long term, cumulative space needs of the water-dependent industries" (301 CMR 25).

As a result, DPAs are currently restricted to those activities defined in 310 CMR 9.12(2)(b-d), including as examples marine terminals, commercial fishing facilities, marine repair and construction facilities, manufacturing facilities that rely primarily on bulk receipt, or facilities accommodating the shipment of goods by water.

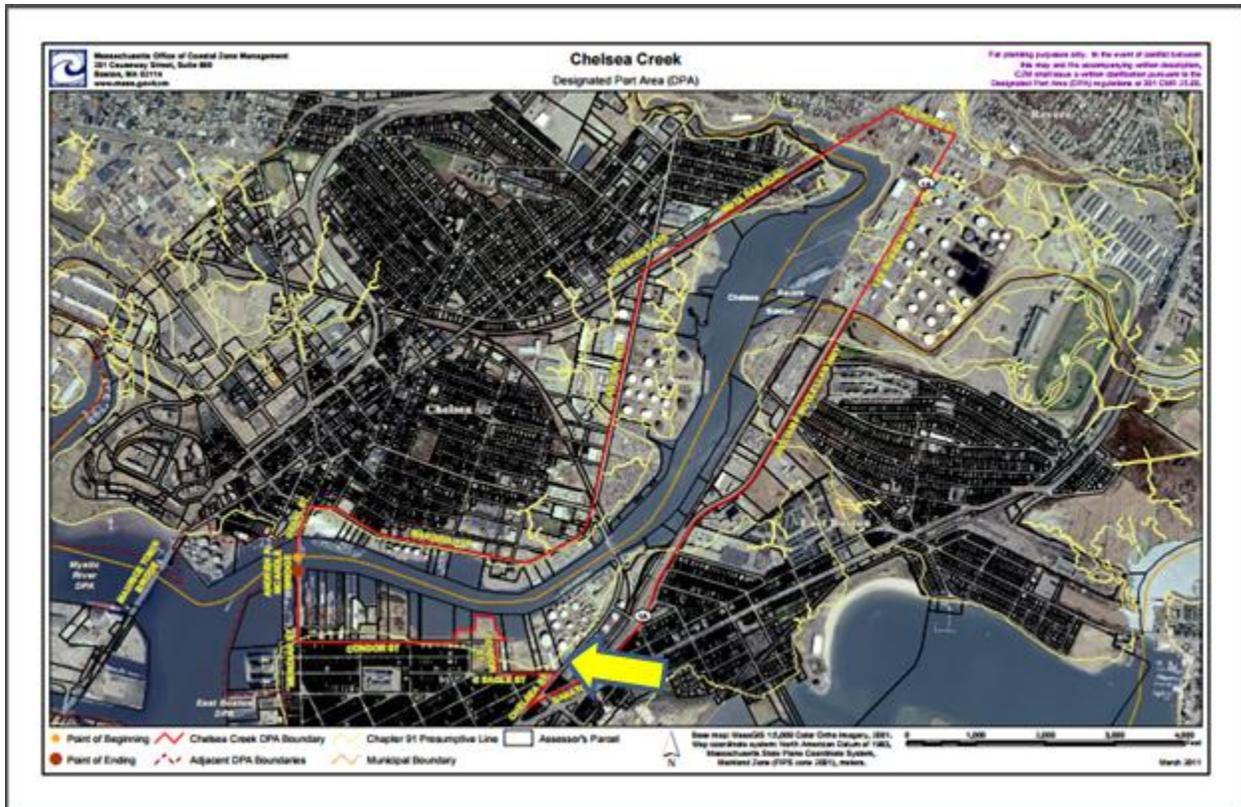
As described in Eversource's Chapter 91 license application and on its website, the utility has proposed to construct and maintain a new electrical substation on a 0.38-acre parcel it owns on East Eagle Street in East Boston. The new substation would be connected to existing substations in Everett and Chelsea via high-voltage underground electric transmission cables.

As shown on the following map, Eversource's property (see arrow) lies entirely within the Chelsea Creek DPA, one of only ten DPAs remaining in Massachusetts. Since the substation is a non-water-dependent use unrelated to the requirements of adjacent maritime industry, it is not appropriate to be sited within the DPA (note: nor would the other proposed uses of the site, such as a police station or a playing field).

**The proposed substation is not a water-dependent use**

The application states that "The proposed Project use is water-dependent as it cannot reasonably be located further inshore, and because it supports existing water-dependent uses along Chelsea Creek" (page (A-3)).

However, as the license application states: "NSTAR had intended to construct the Substation on the Bremen Street Parcel. The City, however, had indicated a strong desire to obtain the Bremen Street Parcel for the new East Boston Public Library (opened 2013), including discussions of taking the parcel by eminent domain" (page A-5). If this project was originally intended for the Bremen Street Parcel as stated in the license application, it is *clearly not a water-dependent* use since the Bremen Street site is not located on the waterfront.



**The project does not conform with East Boston’s 2000 Master Plan.**

Following are relevant waterfront goals from the master plan:

- Preserve and promote water-dependent industrial uses.
- Preserve and promote water-dependent uses where appropriate.
- Provide full and appropriate utilization of the Inner Harbor waterfront.
- Maintain and improve the quality of life and the public’s enjoyment of the waterfront.
- Preserve, protect, and enhance public access to and use of the waterfront.
- Diversify water and land transportation linkages.
- Support compatible economic development consistent with Chapter 91 principles.

**The site is located within a concentration of existing marine industrial uses**

Expanding aviation needs at Logan International and historic development pressures on South Boston’s Seaport District are dramatically shrinking the acreage of available waterfront industrial space in Boston Harbor. According to the Metropolitan Area Planning Council’s Chelsea Creek Waterfront Study, “the history of industrial/flex and office occupancy within the Eastern Avenue corridor shows consistently low vacancy rates, rising lease rates and higher sale prices as compared with other areas within the real estate marketplace.”

These findings lend credence to the desirability of these parcels for port-related industrial and commercial business interests. MAPC predicted that future growth within the Eastern Avenue Corridors would be driven by port-related market demand.

**In conclusion, we urge the EFSB not to consider this a water-dependent use and not to site this substation without a Chapter 91 license.** We have met with Eversource and understand the need to ensure East Boston's electrical supply. We continue to believe that there are other viable solutions to this proposed substation.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Valdes Horwood", enclosed in a thin black rectangular box.

Jill Valdes Horwood  
Waterfront Policy Analyst

A handwritten signature in blue ink, appearing to read "Julie Wormser".

Julie Wormser  
VP for Policy and Planning