



# BRIGHTON NEIGHBORS UNITED

## **Deficiencies in the Article 80 Process for Review of Boston College Institutional Master Plan**

### **Executive Summary**

The Boston College Institutional Master Plan seeks to change the current zoning and conservation restrictions on the former Archdiocese property by introducing stadia and dormitories use into that site. BC also proposes to change the zoning of 2000 Commonwealth Avenue to permit its conversion to dormitory use.

This document outlines the many failures of the Boston Redevelopment Authority (BRA) to comply with the Article 80 process as it evaluated and approved BC's Institutional Master Plan. The most significant issues with the process are as follows:

- The failure to hold BC accountable to adequately respond to the Scoping Determination
- Lack of standards defined and publicized by the BRA for evaluating the IMP
- Elimination of conservation restrictions without any justification
- Inadequate handling of issues associated with 2000 Commonwealth Avenue
- The failure to seriously explore alternative locations and configurations to housing and athletic fields
- The failure to procure independent review of transportation and environmental issues
- The failure by the BRA to conduct an open and transparent Article 80 review process, evidenced especially by the lack of any deliberation by the BRA Board at its hearing on January 29, 2009
- BRA's unresponsiveness to written requests for information

**The long list of failures in this process as outlined in this document leads to the conclusion that the BC IMP is not ready to be forwarded for consideration by the Zoning Commission.**

The BRA should put technical resources into developing a range of plans for the St. Thomas More site with 800-1200 dormitory units, as requested by the community. This site is significantly larger than the site of 2000 Commonwealth Avenue. Since BC finds the density of 2000 Commonwealth Avenue acceptable, developing this site to provide housing density proportionally similar to that of the 2000 Commonwealth Avenue site would result in well over 1,000 beds on this site alone. This approach would provide a significant portion, if not all, of the new housing needs and presents many significant benefits to all parties concerned:

- ☆ Boston College gains the much-needed credibility it lacks today with the community by substantively demonstrating that it is serious in fulfilling the 100% on-campus housing objective.
- ☆ The site with the most potential and least objections from the community is developed first.
- ☆ The economic benefits, primarily job creation for a larger variety of trades, are significantly greater with this project than construction of smaller buildings or renovation of 2000 Commonwealth Avenue.

***BNU believes that solutions acceptable to all parties are achievable, provided that Boston College demonstrates a serious commitment to address the community's concerns in an open and transparent process and works towards gaining the community's trust.***

## Introduction

The Boston College Institutional Master Plan seeks to change the current zoning and conservation restrictions on the former Archdiocese property by introducing stadia and dormitories use into that site. BC also proposes to change the zoning of 2000 Commonwealth Avenue to permit its conversion to dormitory use.

The statutory standard (Zoning Code, Article 7, Section 7.3 (c)) for a change in zoning is that the change “will not be injurious to the neighborhood or otherwise detrimental to the public welfare”. The standard for the Boston Redevelopment Authority (BRA), the authorizing agency, to approve the Institutional Master Plan includes this broad requirement and also demands that the Plan address the elements of the Scoping Determination.

## Timeline

In April 2004, Boston College announced that it had purchased the former Archdiocese property from the Archdiocese of Boston. In several community meetings, BC officials stated that they did not intend to build any undergraduate housing on the property; in an article in The Boston Globe on April 21, 2004, “*College officials said they did not know how they might seek to develop the property, but said they have plenty of dorm space and do not foresee using the land for core campus functions.*”

- As reported on the BC IMP web site, the first BC Task Force meeting on this round of the IMP took place on April 20, 2004.
- On December 5, 2007, Boston College began the formal Institutional Master Plan process by filing the Institutional Master Plan Notification Form.
- On February 21, 2008, the BRA issued its Scoping Determination.
- In April 2008, BC finalized and announced its surreptitious purchase of 2000 Commonwealth Avenue.
- On June 20, 2008, BC submitted its proposed Institutional Master Plan.
- September 5, 2008 was the announced deadline for comment period; BRA officials have made conflicting statements on whether or not the comment period was officially closed on this date.
- On September 9, 2008, at a BRA Public Meeting, Mr. Kairos Shen met with the Brighton community to discuss consensus items that he thought could proceed.
- On December 3, 2008, BC presented “Institutional Master Plan Update”, Microsoft PowerPoint presentation, to the community at a “BRA Public Meeting”.
- Deadline to hold BRA Board public meeting and issue adequacy determination passes.
- On January 28, 2009, just over 24 hours before the BRA Board hearing, BC made available on its IMP web site, “Institutional Master Plan Supplement”; (the document was dated, “January 29, 2009” and included 150-bed dormitory on the former Archdiocese site).
- On January 29, 2009, the IMP was modified, presented to and approved (with no dormitory buildings on the former Archdiocese site and no specificity as to where the 350 or the 150-beds dormitories will be located) by the BRA Board unanimously without ANY deliberation.
- On February 26, 2009, the Zoning Commission announced “that a public hearing will be held on March 18, 2009... in connection with petition for approval of the Boston College Institutional Master Plan (“IMP”) filed by the Boston Redevelopment Authority on behalf of Boston College.” The announcement continued that, “A copy of the petition, the IMP and a map of the area involved may be reviewed at the office of the Zoning Commission...”
  - The documents were not available as indicated in the announcement.
  - While there have been published references to statements by BRA and elected officials that the matter will be postponed, no announcement to that effect has been officially made.

- On March 11, 2009, City Councilors Sam Yoon and Mark Ciommo offered a resolution for an “Order for Hearing to review the Boston College Institutional Master Plan Article 80 Process”.
- On March 12, 2009, in a letter sent to the BC community, Fr. Leahy, President of Boston College, indicated that BC only intends to proceed with the athletic facilities. There is no commitment by Fr. Leahy to begin ANY dormitory projects.

## Process Issues

A review of the proceedings of the Boston Redevelopment Authority’s approval of Boston College’s Institutional Master Plan highlights a large number of problems with the process utilized by the BRA. The following is a list of the most significant issues:

1. **The standards for evaluating the benefits vs. the harm of the IMP have not been made public.** The BRA staff never explained to the community the legal standards to be met in any zoning change, nor did the BRA ever present any analysis of the BC proposed changes vis-à-vis the legal standards. On the same day that it was presented with the IMP, the BRA Board “Voted”, WITHOUT DELIBERATION, that “on balance, nothing in the BC IMP will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.” What was the process and documentation utilized to reach this conclusion?
2. **Boston College has not adequately addressed the issues raised in the BRA’s Scoping Determination issued in February 2008.** The Boston Parks Department and Massachusetts Historical Commission have provided detailed accounting of the deficiencies in BC’s responses. Mr. Kairos Shen stated on January 15, 2008 that the BRA staff’s opinion is that BC has adequately addressed the Scoping Determination. However, the community has not been provided with any documentation to support such conclusions. [Specific inadequacies further discussed below.]
3. 2000 Commonwealth Avenue was added to the IMP after the February 2008 Scoping Determination was issued.
  - a. What is the process under which this was allowed to happen?
  - b. Where is the documentation providing justification for this to happen?
4. Since 2000 Commonwealth Avenue was added to the IMP after the BRA issued its Scoping Determination on February 21, 2008, no issues related to this property were addressed in the Scoping Determination. Thus none of the parking and transportation issues, issues of depriving the general community of this high-quality housing resource, the overloading of that particular neighborhood with students, or depriving the City, of tax revenues have been addressed with regards to this property.
  - a. Was there an amendment to the Scoping Determination to address issues related to 2000 Commonwealth Avenue?
    - i. If not, why not?
    - ii. If yes,
      1. Where is it?
      2. Where is BC’s response to this amendment?
      3. Where is the BRA’s documentation for evaluating BC’s response to this amendment?
5. Unlike the February 2008 comment letters, the BRA did not at that time make available to the public the comment letters submitted during the official comment period, which ended on September 5, 2008. BNU obtained these letters through a request. The BRA has never reported on or acknowledged the strong opposition voiced in the comment letters submitted. In fact, the projects that Mr. Shen stated had consensus support to move forward on were exactly the same projects that had the most consensus in

OPPOSITION, based on these public comment letters. (See BNU's "*Analysis of comments submitted to BRA regarding the Boston College Institutional Master Plan*".)

6. No minutes or summaries of meetings hosted by the BRA or the Task Force have been available. BC made available minutes for some meetings held between February 2007 and October 2007. Why were minutes of subsequent meetings not made available?
7. Adequate written documentation of the "revisions" presented to the community by BC on December 3, 2008 was not available to the community until approximately 25 HOURS before the January 29, 2009 BRA Board meeting. They were certainly not available when the BRA hearing was announced on January 22, 2009.
8. Despite numerous, and mostly unacknowledged, requests, the community has not been afforded the opportunity to review the BRA staff's findings, conclusions, recommendations, etc.
9. The BRA has delegated its planning responsibilities to BC. The last significant BRA document made available to the public to support the planning process was the Scoping Determination of February 21, 2008. On March 11, 2009, the BRA's web site for the BC IMP project stated that the site was, "Last Updated: 2/29/2008". Since then, all public presentations have been by BC.
10. The BRA Board hearing was held at a time and location that made it nearly impossible for members of the community who work or have young children at home to attend.

### **Mr. Kairos Shen's Proposed "Consensus Item" Sub-process**

The BRA should have rejected the IMP, following the September 5, 2009 comment period, within 90 days as required by its guidelines. Instead, on September 9, 2008, Mr. Kairos Shen, Chief Planner for the City, requested to meet with the community to propose that some elements of the BC plan capable of generating a "consensus" should proceed, in order to build confidence between BC and the neighborhood. Community residents expressed concern with how this could integrate with the Article 80 process, and on September 23, 2008, BNU wrote to Mr. Shen requesting written confirmation. On November 24, 2008, in a letter of response, Mr. Shen did not respond to the legal question, but did say that he is looking for "consensus" items.

To Mr. Shen's search to identify a project with consensus support, the community proposed developing the St. Thomas More site to its full housing potential. This proposal has been ignored.

The community has a right to expect that when a top BRA planning official says something verbally, and in writing, that it means something.

The proposal BRA approved for consideration by the zoning commission is about three items that have strong community consensus against them!

The BRA is acting in an arbitrary and capricious manner.

### **BRA's Unresponsiveness to Requests For Information**

BNU's repeated attempts to obtain information from the BRA have been routinely ignored or inadequately addressed. The following are some examples:

1. Attempts to obtain clarification of Mr. Shen's September 9, 2008 proposal, at a community meeting, to move forward on supposed consensus items and how this process would fit within the Article 80 process.
  - a. September 23, 2008: BNU sent the first letter on this matter to Mr. Shen. BNU did not receive a response to this letter.
  - b. October 3, 2008: BNU sent a second, follow-up letter to Mr. Shen. BNU did not receive a response to this letter.

- c. November 24, 2008: BNU received a response from Mr. Shen that did not address BNU's specific questions.
2. Request for BRA "staff's findings, conclusions, recommendations, etc."
    - a. January 28, 2009: BNU sent the request to Mr. John Fitzgerald, Project Manager.
    - b. January 28, 2009: BNU responded to Mr. Fitzgerald's query for clarification with an itemized list of items being requested.
    - c. **No response to date**
  3. BRA "Board Memo" and the supporting documentation
    - a. January 30, 2009: Following the BRA Board hearing, submitted request to Mr. John Fitzgerald, Project Manager, for this information.
    - b. January 30, 2009: Informed by Mr. Fitzgerald that he would "*wait until they are taken into the minutes officially and then shoot a copy to you via email.*"
    - c. February 16, 2009: BNU sent a follow-up to check on status.
    - d. February 20, 2009: Received a message from Mr. Gerald Autler, Senior Planner, asking if the request had received a response; informed him that it had not; Mr. Autler indicated it would be provided by Monday, February 23, 2009, "*at the latest*".
    - e. February 23, 2009: Mr. Autler informs that he's "*still working on it*".
    - f. February 24, 2009: Not having received anything further, BNU sent another follow-up query.
    - g. February 25, 2009: BNU received the "Board Memo" but none of the other requested information.
  4. Public Records Request
    - a. February 9, 2009: BNU submitted a public records request under the Massachusetts Public Records Law (M.G.L. Chapter 66, section 10) for documentation from the Article 80 review process.
    - b. February 25, 2009: Not having received any response, BNU escalated the matter to the attention of Supervisor of Public Records at the Office of the State Secretary.
    - c. March 6, 2009: BNU is informed by the BRA Executive Director/Secretary's office that there is too much information to be photocopied and informed BNU that the documents could be viewed at BRA during normal business hours.
    - d. March 13, 2009: BNU members visited the BRA office to review the documents. The only documents provided to BNU members were the Scoping Determination document, the comment letters from three comment periods ending in, February 2008, September 2008, and January 2009, Article 80 statute, and a register of all submissions made to the BRA. None of the documentation BNU specifically requested was provided.
    - e. March 13, 2009: BNU submitted another public records request for the same and additional documents.

### **Role of the Allston-Brighton Boston College Task Force**

A Task Force was designated to work on the BC IMP. It is not clear who designated the Task Force, or what its function is. What is clear is that some members have other relationships with BC that could create an appearance of conflict. The Task Force has often met in secret, claiming to not be governed by the open meeting law. The BRA required the Task Force to submit its comments on September 5, 2008, the same date as for the general public. This means that the September 5, 2008 Task Force report was written without the benefits of the formal

public comment. The overwhelming proportion of written comment from the community opposed several elements: conversion of 2000 Commonwealth Avenue from a tax-generating apartment building to a dormitory, the zoning changes to the conservation easements, dormitories on the former Archdiocese property and a stadium with 2000 seats and athletic fields with night lighting on the former Archdiocese site.

1. In September 2008, the Task Force was required to submit their recommendations at the same time as the community, which meant that they did not have the opportunity to review and consider the community's written comments filed with the BRA. How could the Task Force evaluate the community's reactions to the IMP?
2. Why was the Task Force never given the courtesy of a BRA staff analysis of how BC responded to either the original scope or the September 5, 2008 comments by the public and the Task Force?
3. In January 2009, the Task Force was not given reasonable time or process to engage community input on the December 3, 2008 "revisions," nor did the Task Force have the benefit of any technical analysis by BRA or BTB staff, as was previously requested.
4. Since BC's Supplement was not available until January 28, 2009, exactly what was the Task Force's letter, dated January 28, 2009, addressing?
5. The community was not afforded the opportunity to review the Task Force's letter responding to BC's "revisions" of December 3, 2008.
6. The Task Force changed its position on dormitories on the former Archdiocese property without any public explanation for the change in position. The Task Force has not responded to multiple requests to meet with the community to explain their change in position.

### **Inadequate or Incomplete Response to BRA's Scoping Determination**

The BRA issued a Scoping Determination on February 21, 2008. As stated in the Scoping Determination, "The Scope requests information required by the BRA." The following are some of the most significant requirements that **BC has not met in its response to the Scoping Determination.**

1. In Section 5, under, "Preserving Character of Brighton Campus Consistent with CPS and Article 29 Zoning", "BC's proposed development should preserve key elements of the character of the former Archdiocese land consistent with the goals of the underlying Conservation Protection Subdistrict ("CPS") zoning, including preserving key areas of green space on the Brighton Campus. In addition, the provisions of Article 29 of the Boston Zoning Code relating to the Greenbelt Protection Overlay District along Commonwealth Avenue must be taken into account."
2. In Section 6, under, "Article 80 Student Housing Plan Requirements", the IMP should address, "The process by which the Institution directs its students to housing facilities." BC has not provided any documentation describing the process it will implement to require students to live on campus. During the presentation on December 3, 2008, in a verbal exchange with Task Force members, BC representatives were not able to clearly articulate how they were going to mandate ALL students to move in to "university controlled housing". One Task Force member characterized BC's response to this question as "tap dancing".
3. In Section 6, under, "Alternative Scenarios for New Undergraduate Housing", alternative scenarios for undergraduate housing should "include at a minimum", "Full build-out of the "Mods" site with new, denser housing during the course of the 10-year IMP." BC has only proposed replacing some of the "Mods" units towards the end of the 10-year period with no net increase in the number of beds on the site.
4. In Section 6, under, "Alternative Scenarios for New Undergraduate Housing", one of the alternatives that was required to be considered is the "retention of housing on the Edmonds Hall site". This is even more

apropos in the current economic environment where rehabilitation of an existing structure may be more viable than replacement.

5. In Section 7, under, "Alternative Baseball Proposals", "Present alternative sizes and seating configurations for the baseball facility at the proposed location, as well as a discussion of potential alternative locations for this facility including the Shea Filed site." BC's response to the use of Shea Field site was, "Continuing to use Shea Field for baseball and softball does not meet Boston College athletic needs..."
6. In Section 7, under, "Parking and Traffic", BC shall work with the Boston Transportation Department to ensure that questions about parking and traffic generated by the proposed athletic facilities are adequately addressed as part of the overall transportation impact analysis." No such studies have been made public to date.
7. In Section 7, under, "Impact Studies", "BC shall work with the BRA and the City of Boston Environment Department to define appropriate methods for assessing the impacts of lighting and noise."

## Financial Issues

1. Where is the financial or economic study, as required under Article 80, for the feasibility of the IMP?
2. What will be the effect on property values in the surrounding areas?
3. As the City is threatened with the real possibility of losing police, fire and teaching personnel due to budget deficits, how is it more beneficial than harmful to lose the hundreds of thousands of dollars annually in property tax revenues that will result if 2000 Commonwealth Avenue is permitted to be converted to a dormitory?
4. **Failure to Present Evidence of Financial Feasibility.** After the failure of the Filene's redevelopment proposal, Mayor Menino stated that, in the future, developers would have to demonstrate evidence of financial capacity. With the dramatic economic and financial problems that emerged this fall, the necessity for strict compliance with this financial feasibility analysis has become more urgent. This issue was raised to Kairos Shen in the September 9, 2008 public meeting, but the BRA memo of January 29, 2009 contains no financial analysis. The only arguments in support of the Institutional Master Plan by the Task Force and others is that the BC commitment to house 100% of its undergraduates is so significant that the BC Master Plan should be approved even admitting the negative aspects of the proposed stadium and the 2000 Commonwealth Avenue conversion. But there is no plan for the location of 500 of the housing units, no plan to enforce on-campus living, and no financial analysis of any kind, so the plan isn't a plan.
5. In several community meetings, including the one held on December 3, 2008, Mr. Thomas Keady, Vice President, Office of Governmental & Community Affairs, for Boston College, stated that there are no issues with the financial stability or rating of the institution and that it was in a position to proceed with the projects as outlined in the IMP.
6. Since the fall, when the impact of the national economic downturn began to be recognized, many in the community have voiced their concern regarding BC's ability and intent to begin ANY significant construction project. In a letter sent to the BC community on March 12, 2009, Fr. Leahy, President of Boston College, indicated that BC only intends to proceed with the athletic facilities. There is no commitment by Fr. Leahy to begin ANY dormitory projects. While it is understandable that in the present economic conditions BC is not able to commit to any large-scale projects, what is not understandable is why ANY available funding is not allocated to more directly aligned purposes such as academic or staffing purposes.
  - a. If the athletic facilities are of such high priority as to supersede academic and staffing needs, why not minimize the costs by upgrading the existing facilities instead of starting from ground zero?

- b. Why isn't the BRA protecting the community from the worst of all possible worlds - an athletic facility that eliminates much of the green space in the former Archdiocese property (not to mention the harm from added traffic and congestion in Brighton Center area), without any benefits from additional dormitories to move towards the 100% housing on the main campus?

## Environmental Impact

1. What is the justification for changing Conservation Protection Subdistrict that was only established in the last 20 years?
2. How can the modification of the conservation restrictions and the net reduction of open space be not injurious to the neighborhood or otherwise detrimental to the public welfare?
3. Where is the environmental impact study? If one hasn't been undertaken, why not?
4. Where is the ground water study? If one hasn't been undertaken, why not?
5. The City of Boston Parks and Recreation Department, in a letter dated, September 5, 2008, provided a detailed analysis of the IMP and its response to the BRA Scoping Determination. The following are some of the most significant issues identified by the Department.
  - a. "The IMP must conform to the general City plan, which includes both the City's Open Space Plan and the Allston-Brighton Neighborhood Planning Initiative, and a judgment of no adverse effect to the neighborhood or the public welfare based on the overall consequences of the IMP."
  - b. "Parks will be looking for a new iteration of the IMP that includes a site plan combining view and access corridors with building placements, configurations, and massings that convey a welcoming relationship for non-BC members of the Brighton community and for visitors."
  - c. For the "Existing Context" section, the Department found, among other things, that the IMP contained, "No mention of the City's Open Space Plan 2008-2012."
  - d. For the "Campus Vision and Identity" section, the Department found that, "The Guiding Principles do not describe any attempt to connect to and integrate with the surrounding neighborhood."
  - e. For the "Open Space System and Public Realm" section, the Department summarized, "Overall, the IMP response to this part of the scope is underdeveloped."
  - f. For the "Preserving Character of Brighton Campus Consistent with CPS and Article 29 Zoning" section, the Department commented, "The CPS zoning regulations should be fully incorporated into the BC MP zoning district. The CPS requirement for the provision of a detailed landscape protection plan prior to development approval will be an important tool to assure the City and the neighborhood that key green space elements of the current CPS subdistricts (urban wilds) will be protected. The IMP as currently written has not provided specific protections needed '... to ensure that development is compatible with key goals of the existing zoning.' The GPOD required that the Boston Parks and Recreations Commission provide its approval of development within the overlay district before a vote of the BRA Board takes place." **Did the Parks and Recreation Commission provide its approval? If so, where is the public record of that vote?**
  - g. For the "Pedestrian Circulation Goals and Guidelines" section, the Department commented, "There is no statement of pedestrian circulation goals and guidelines. Information on this item is distributed piecemeal in various parts of the IMP. Pedestrian circulation needs to be more fully fleshed out than a dotted line and some colored polygons".
  - h. For the "Landscape and Natural Features" section, the Department found that, "This section of the IMP does not address the design of the campus open space system, nor the design of the individual space." And that, "Specifics are lacking in this section of the IMP."



- i. On page 6, the letter stated, “given the need for more open space that both the city’s open space plan and the BRA’s Allston-Brighton Neighborhood Planning Initiative indicate, as well as the major population and physical changes anticipated by the campus expansion, a new iteration of the draft IMP should be undertaken in order to include a much more detailed and substantive approach to open space in this area of Brighton as affected by the proposed expansion of BC.”
  - j. The Department summarized that it, “**does not believe the IMP currently meets the standard of, ‘overall, considering the spectrum of benefits and burdens[,] neither harm[ing] the neighborhood nor adversely affect[ing] ‘the public welfare’ regarding open space.**”
6. In her letter dated, August 18, 2008, Ms. Brona Simon, State Historic Preservation Officer and Executive Director of Massachusetts Historical Commission, offered the following.
    - a. “[I]t appears to the MHC that the proposed revised 10-year plan at the former Chancery-St. John’s Seminary will have adverse visual effects through the introduction of new buildings that are out of character and would severely alter the character and setting of the Chancery-St. John’s Seminary historic district..., as well as result in an adverse effect to its historic landscape...”
    - b. “The MHC remains concerned that the proposed IMP planning process has not considered preservation of key elements of the former Chancery-St. John’s Seminary district, but instead has propose a minimalist approach to utilizing the existing CPS in its site planning. The MHC recommends that alternative site layouts be developed for the former Chancery-St. John’s Seminary **in order to achieve the goals of BRA’s Scoping Determination** and to avoid the adverse effects to this property.”
    - c. “Review of MHC’s files indicates that the acquisition of the former Archdiocese property was funded in part with revenue bonds from MassDevelopment, a state agency. Since state funding was involved in the site acquisition, Boston College should consult with MHC in the development of the master plan for the property.”
    - d. “The MHC is very concerned that as yet Boston College has not undertaken any archaeological studies of the Chancery-St. John’s Seminary property, as detailed and recommended in MHC’s January 18, 2008 letter.”
    - e. “These comments are offered to assist in compliance with Mass. General Laws Chapter 9, sections 26-27C (950 CMR 71).”
    - f. In her letter to the Members of the BRA Board, dated, January 29, 2009, Ms. Simon states, “The [BC IMP] Supplement does not adequately respond to the MHC’s previous comments on the proposed IMP (see MHC’s letters dated January 18, 2008 and August 18, 2008).”
  7. It is clear from newspaper accounts that BC has refused to definitively commit to a respectful retention of the tomb of Cardinal O’Connell in its current location. This is a matter of concern not only to the surviving family of the Cardinal, but also to the general community that supports the proposal to designate parts of the former Archdiocese headquarters as an historic landmark, including the tomb, the Cardinal’s residence, St. William’s Hall and the conservation restrictions, which the community worked for years to achieve. The BRA staff presented no analysis of these issues.
  8. The Massachusetts Historic Commission pointed out in its letter of January 29, 2009 that the total number of dormitory units proposed in the BC Institutional Master Plan “will require Boston College to submit a sewer permit application for the full build-out of the 10-year plan”. The proposed transportation changes to a parkway (Commonwealth Avenue), the proposed reconstruction of St Thomas More Road, the proposed construction on Shea Field (a former Reservoir site), the archaeological issues raised by MHC, the use of Mass Development revenue bonds by BC for part of the purchase, the addition of over 300 spaces to the football parking facility (already in excess of 1000 spaces and causing traffic problems), are all important issues requiring compliance with the Massachusetts Environmental Protection Act, but the BRA staff has not responded to any of these issues.
    - a. Why did the BRA Board proceed with its vote without demanding this information?

## Transportation Impact Studies

1. Boston Transportation Department Commissioner stated at a BRA meeting that the BTM was capable of conducting the reviews associated with this project. Yet, the documents provided to the public by the BRA do not include ANY letters or reviews by the BTM.
  - a. If the BTM conducted any reviews or evaluations of any aspects of this project, where are they?
  - b. If the BTM did not conduct any reviews or evaluations, why not? And, why did the BRA Board vote on this plan without this information?
2. Boston College repeatedly stated, in its response to BC Task Force and many comment letters, from elected officials as well as others, outlining concerns over traffic and parking issues, that “*Boston College will not fund an independent analysis of traffic, transportation and parking plans.*” **What authority does a proponent seeking zoning changes have in making such a unilateral decision?**
3. Mr. Frank Tramontozzi, former Transportation Commissioner of the City of Boston, cited his concern with the relocation of St. Thomas More Road, the use of land belonging to the Park Department for road purposes, the inconvenient location of the proposed median break, and the need for independent transportation analysis of the BC proposals. BRA has not responded with any analysis of these issues on its own, nor has it insisted on independent technical analysis.
4. Mr. Fred Salvucci, former Massachusetts Secretary of Transportation, provided an extensive comment letter raising many issues, which has received no response by either BC or BRA. Among the issues raised are the BC analysis, which shows gridlock conditions on Washington Street, while providing no systematic university strategy to reduce its traffic impact, the excessive amount of parking proposed north of Commonwealth Avenue and on Beacon Street near the football stadium, and the risk of perverse interaction among the existing and proposed new traffic lights on Commonwealth Avenue. There has been no public response by BRA staff to any of these issues.
5. Boston College has proposed that the parking facility at 2000 Commonwealth Avenue will be utilized as parking for 200+ faculty/staff on a regular basis. Why was there no traffic study required to address issues related to 2000 Commonwealth Avenue?
6. Boston College has stated that the students at 2000 Commonwealth Avenue will not be allowed to park at the facility in the building. Even if only one of five (20%) of the 560 students in the building has a car, an additional 112 cars would be parked on the surrounding streets in the neighborhood; this is already a highly congested area. There has been no indication or commitment to how this issue will be addressed.

## Arbitrary and unequal treatment by the BRA

There is clearly a disparity between the Harvard IMP process and the BC IMP process.

A BRA press release (see attached) dated, June 24, 2008 announced “The BRA Board granted approval for BRA staff to enter into consultant services with The Cecil Group, Inc. in order to further the BRA’s Community Wide Plan (CWP) for the North Allston-Brighton neighborhood. The CWP is intended to augment, re-evaluate where necessary, and refine the goals and vision of the 2005 North Allston Strategic Framework for Planning (NASFP), especially with respect to how Harvard’s Institutional Master Plan relates to, and integrates with, the plan for the North Allston-Brighton neighborhood.”

1. This implies that there is a plan for north Allston-Brighton that needs to be augmented.
  - a. Is there such a plan for all of Brighton? If not, why not?
  - b. If such a plan does not exist, why isn’t the BRA working on such a plan to be associated with the Boston College Institutional Master Plan as it is doing with the Harvard Institutional Master Plan?

## **Conclusion**

This document has provided an extensive and detailed list of issues that demonstrate the BRA's arbitrary and capricious approach to its review and approval of the Boston College Institutional Master Plan. Notwithstanding the findings of other public agencies such as the Boston Parks and Recreation Department and the Massachusetts Historical Commission, the BRA staff, without providing any supporting documentation, recommended issuing "an Adequacy Determination approving" the BC IMP. The BRA has petitioned, "the Zoning Commission to consider the BC IMP and associated map amendment." Based on the evidence provided in this document, it is clear that the IMP is not ready to be forwarded for consideration by the Zoning Commission.

BNU and others have proposed alternatives that have not been adequately or appropriately considered.

**Granting Boston College the zoning changes it has requested will make a mockery of the zoning process and will set a dangerous precedent of taking away the only protection, namely zoning restrictions, that neighborhoods rely on to maintain their residential character and quality of life.**