

2020 LYNN MUNICIPAL HARBOR PLAN AMENDMENT AND DESIGNATED PORT AREA MASTER PLAN

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Economic Development and Industrial Corporation
Lynn City Hall – Room 405
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1.0 Executive Summary

The 2019 Lynn Waterfront Open Space Master Plan (2019 Waterfront Open Space MP), the 2019 Lynn Revised Waterfront Master Plan (2019 Revised Waterfront MP), and the 2020 Lynn Municipal Harbor Plan Amendment (2020 Lynn MHP) culminate nearly two decades of planning and investment in transforming the Lynn waterfront (see Figure 1 for the Harbor Planning Area and Figure 2 for the boundary of the Lynn Designated Port Area (DPA)). All three principal plans have looked at critical elements of a successful revitalization program centered on public waterfront open space. The public has provided considerable input in all three plans, and the City has ensured that these separate but related planning efforts have been closely integrated. Together they provide a seamless blueprint that establishes a rational pathway to implement an exciting vision for Lynn's future waterfront.

Background on the 2020 Lynn Municipal Harbor Plan (MHP)

Earlier waterfront revitalization efforts from 2006 – 2010 provided a robust and ambitious plan that envisioned relatively dense development closer to the Lynnway in exchange for a central waterfront park adjacent to the state's Lynn Heritage Park. Other improvements, including a 200-foot wide setback from the shoreline, a new fishing port created by removing landfill, and a new marina sought to completely redefine Lynn's waterfront and the city itself, from its former industrial heydays to a reinvigorated, active waterfront community that was welcoming to a wide range of diverse residents and visitors. The 2010 Lynn Municipal Harbor Plan and Designated Port Area Master Plan (2010 Lynn MHP) was approved by the state with alternative statewide waterfront building dimensions for greater height and density in exchange for increased public open space and a signature waterfront park.

However, the 2010 Lynn MHP was based on economic assumptions that proved over-optimistic. The market could not support the tall, dense buildings that were projected over hundreds of acres along or close to the Lynn waterfront. Challenges also developed in terms of protecting the area identified for a signature waterfront park and the regulatory framework that was key to providing waterfront open space began to unravel. In 2016 the city requested and received authorization from the state through an MHP clarification to allow a project to move forward that complied with the statewide Chapter 91 nonwater-dependent use building dimensions on the site previously identified for the signature waterfront park, provided the city developed a new waterfront open space plan and developed an amended Lynn MHP to incorporate the new open space plan goals and ensure its implementation. Lynn began its 2019 Waterfront Open Space MP the following year and, under Mayor McGee, added a 2019 Lynn Revised Waterfront Master Plan to further inform an MHP amendment.

Framework and Components of the 2020 Lynn MHP

The 2020 Lynn MHP culminates almost two decades of planning and development efforts to revitalize and diversify the Lynn waterfront, centered around a signature public waterfront park. Like the 2010 Lynn MHP, the 2020 Lynn MHP envisions a reinvigorated, active waterfront community that is welcoming to a wide range of diverse residents and visitors. It is based on the concurrent 2019 Waterfront Open Space MP and the 2019 Revised Waterfront MP and provides a clear pathway to revitalize the Lynn waterfront with a new, mixed-use neighborhood centered around a signature waterfront park and an extensive pedestrian network.

Unlike the 2010 Lynn MHP, the 2020 Lynn MHP uses statewide waterfront standards for building density and height on filled tidelands. Instead of trading increased height and building density for more open space, the 2020 Lynn MHP establishes performance standards that exceed statewide regulations to expand publicly accessible open space and public amenities for all new nonwater-dependent developments and permanently protected open space within the jurisdictional focus area of the MHP (see Figure 2). This approach will create less density and lower building heights in the area between the Lynnway and Lynn Harbor and changes in local zoning encourage a mixed-use neighborhood. Central to the 2019 Waterfront Open Space MP, the 2019 Revised Waterfront MP, and the 2020 Lynn MHP is the creation of open space in a signature waterfront park on reclaimed formerly industrial land, including landfill areas that will be capped, covered, protected, and improved for public use. Walkways, bikeways, and visual connections will radiate from this signature park toward the Lynnway along the waterfront to the west and along interior corridors to the north and to a lesser extent to the east.

Most of the filled tidelands in Lynn were historically intertidal lands between the low and high tide marks, areas known as private tidelands (see Figure 3). Based on colonial ordinances passed in the 1640s, these private tidelands have relatively few public rights compared to tidelands that were historically below the low-tide mark known as Commonwealth tidelands. Without special provisions in the 2020 Lynn MHP, public access on Lynn's extensive private tidelands areas would only extend a maximum of 100' from the shoreline with a 10' wide public path as the only public amenity. The 2020 Lynn MHP will ensure that:

- Any new nonwater-dependent use project parcel within Chapter 91 jurisdiction must provide a water-dependent use zone with a minimum depth of not less than 100' and a total area of not less than the area of a water dependent use zone with a 200' depth, in order to assure that nonwater-dependent buildings are not sited within these areas;
- All areas within the water-dependent use zone will be explicitly for use as publicly accessible open space and related facilities, subject to appropriate management plans to be developed during licensing, and shall be required to provide the standard of public open space required on filled Commonwealth

tidelands under 310 CMR 9.53(2), specifically as provided in the 2019 Waterfront Open Space MP;

- Lateral access connecting the shoreline to inland areas will be required to the extent of Chapter 91 licensing jurisdiction; outside Chapter 91 licensing jurisdiction, these accessways will be supported through project review under the Massachusetts Environmental Policy Act (MEPA) and anticipated policies at the City level to ensure project compliance with the 2019 Waterfront Open Space MP to ensure full access to the Lynn waterfront from multiple points along the Lynnway; and
- Where appropriate and feasible, nature-based shoreline protection (coastal infrastructure which provides natural buffers to coastal impacts such as storm events, wave energy and erosion as well as provide ecosystem services such as coastal habitat) that incorporates increased elevation elements to improve coastal resilience, as described in the 2019 Waterfront Open Space MP shall be required to improve coastal habitat and resiliency.

The 2010 Lynn MHP also included a Designated Port Area (DPA) Master Plan. The DPA Master Plan provided some details of the types of uses the city envisioned within the Lynn DPA, and a reference map that indicated a proposed fishing harbor created by excavating one of the landfill areas. The 2010 DPA Master Plan is no longer consistent with the 2019 Waterfront Open Space MP or the 2019 Revised Waterfront MP and its provisions will be changed in the 2020 Lynn MHP. As was the case with the 2010 Lynn MHP, under the 2020 approach, activities and uses within the Lynn DPA will be governed by statewide regulations at 310 CMR 9.00.

Zoning Changes

The 2020 Lynn MHP is just one component of the overall strategy to implement the 2019 Waterfront Open Space MP and the 2019 Revised Waterfront MP. The City of Lynn approved zoning changes that promote mixed uses and attract a diverse population through provisions that increase access to the waterfront area, expand the types of uses allowed along the waterfront as provided in the 2019 Revised Waterfront MP, and implement measures to minimize conflicts between water-dependent industrial uses and nonwater-dependent uses. Zoning changes also include provisions that are consistent with the 2020 Lynn MHP as required and to update DPA zoning to expand allowable uses and be coincident with the Lynn DPA boundary.

Signature Waterfront Park Strategies

While the 2020 Lynn MHP requires high-quality open space for any new, nonwater-dependent use project along the waterfront, the area identified in the 2019 Waterfront Open Space MP as the signature waterfront open space area must be secured, improved, and protected through other methods. A significant portion of this future signature waterfront park is currently a landfill area, subject to regulation by the

Department of Environmental Protection (DEP). It is anticipated that the landfill area will be capped, covered, prepared for use as a public park, and protected as public open space through a conservation restriction as specified in Administration Consent Order (ACO) #00007125 (see Appendix E), or through other means if the ACO is amended with regard to protecting this area.

Currently, one of the landfill areas identified as a future signature waterfront park in the 2019 Waterfront Open Space MP is part of the Lynn Designated Port Area (DPA). State regulations governing the use of DPAs do not allow permanently protected open space. To implement the 2019 Waterfront Open Space MP, the City of Lynn intends to request that the Massachusetts Office of Coastal Zone Management (CZM) conduct a DPA boundary review to determine whether this area meets the designation criteria for inclusion in the DPA. Should all or portions of this area no longer meet DPA designation criteria, the city may propose that other municipally owned land that meets DPA designation criteria be included within the revised boundary of the Lynn DPA to ensure minimal loss of overall DPA area on the waterfront.

The 2020 Lynn MHP also identifies potential sources of funding to implement the vision for the signature waterfront park described in the 2019 Waterfront Open Space MP.

2.0 Lynn Harbor Planning Area Description and Planning History

2.1 Lynn Harbor Planning Area

The Harbor Planning Area (HPA) in the Lynn MHP Renewal & Amendment is the same as that in the 2010 Lynn MHP, with a minor correction on the northeast corner where a portion of the HPA is shown as crossing the municipal boundary into Nahant; the HPA of the Lynn MHP Renewal & Amendment will be coincident with the Lynn municipal boundary on that edge of the HPA as shown on Figure 1. Although the focus of the 2020 Lynn MHP is the area from the mouth of the Saugus River to the northeasterly border of the Lynn Heritage State Park, also shown in Figure 1, the MHP covers the larger area to be consistent with the 2019 Waterfront Open Space MP and the 2019 Revised Waterfront MP.

The HPA consists of approximately 253 acres, encompassing all properties located to the east of the Lynnway between the mouth of the Saugus River on the south and the Lynnway/Nahant Road/Lynn Shore Drive rotary on the north. This area includes approximately 2.5 miles of shoreline and represents a distinct, integrated planning unit, framed on the west by the region's principal arterial, the Lynnway, and on the east by Lynn Harbor, and includes the majority of the City's waterfront areas.

Within the HPA, the amplifications of the 2020 Lynn MHP will apply only in the MHP focus area, which extends from the mouth of the Saugus River to the northeasterly border of the Lynn Heritage State Park, an area of approximately 241 acres, including approximately 158 acres subject to Chapter 91 licensing jurisdiction. The MHP focus area, shown in Figure 1, includes the Lynn DPA, shown in Figure 2, an area of approximately 43 acres of which approximately 38 acres is within Chapter 91 licensing jurisdiction. The DPA represents approximately 18% of this overall focus area, or 23% of those areas within Chapter 91 licensing jurisdiction.

The functionality of the Lynn HPA is largely defined by the Lynnway. This major vehicular artery provides a visual and physical landward boundary of the Lynn waterfront, even though the area between the Lynnway and the waterfront contains lands that are both within and outside of Chapter 91 licensing jurisdiction. From a planning perspective, the HPA is more effective for overall waterfront planning than only those areas within Chapter 91 licensing jurisdiction in order to: (1) better assess adjacent areas for compatible uses; (2) encourage and/or require lateral access to waterfront areas; and (3) more effectively promote, access, and operate water-dependent and water-dependent industrial activities.

The vast majority of the HPA in Chapter 91 licensing jurisdiction is private tidelands as described in 310 CMR 9.02. See Figure 3 for a delineation of private and Commonwealth tidelands.

2.2 Lynn Waterfront History

The City throughout the colonial period and continuing well into the twentieth century was primarily 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.

Various industrial activities on the waterfront, including gas manufacturing (from coal), dairy, textile, and electrical manufacturing businesses located along the Lynn waterfront in the late nineteenth and early twentieth centuries. During the second half of the twentieth century, a municipal landfill, a wastewater treatment plant, automobile dealerships, discount retail establishments, scrap iron storage, auto body shops, and fast food restaurants have moved into this area.

2.3 Recent Planning Efforts

Recent plans and documents that relate to the 2020 Lynn MHP Renewal & Amendment include the following:

- 2019 Lynn Revised Waterfront MP – summary below
- 2019 Lynn Waterfront Open Space MP – summary below
- Clarification on the 2010 Lynn MHP & Designated Port Area Master Plan, 2016 (<https://www.mass.gov/files/documents/2016/12/wl/lynn-mhp-clarification-response-12-21-2016.pdf>) – summary below
- Lynn Coastal Resiliency Assessment, 2016 (<http://www.ediclynn.org/documents/Revised%20Waterfront%20Master%20Plan/Lynn%20Coastal%20Resiliency%20Assessment%202016.pdf>):

The City of Lynn Economic Development and Industrial Corporation (EDIC) conducted a community-based process to assess vulnerability and consider adaptation strategies to future climatic conditions along the Lynn shoreline and Saugus River areas. The purpose of the Lynn Coastal Resilience study is to evaluate sea level rise and coastal flooding that could occur under future climate change predictions, and to identify ways that the community can plan to adapt to these changes to improve resiliency.

- RKG Housing Study, 2016
(<http://www.ediclynn.org/documents/Revised%20Waterfront%20Master%20Plan/Lynn%20Housing%20Study%202016.pdf>)

The 2016 update includes the following components: a detailed profile of the current residential market (for-sale and rental), both city-wide and within defined submarkets; an assessment of current and future demand for ownership and renter housing in the City’s residential submarkets, especially as it relates to low-income household demand, the inventory of price-restricted housing, and the impact associated with expiring use contracts; an assessment of the condition, occupancy, and pricing of Lynn’s housing supply in terms of changing demographics, public and private investment, rehabilitation, and foreclosure activity; a comparative look at demographic and housing characteristics of the Commonwealth’s “gateway cities,” of which Lynn is one; and planning and policy recommendations for strengthening Lynn’s lower-income neighborhoods and encouraging new development in areas with potential to capture some of the region’s housing growth: downtown, the waterfront, the Washington Street corridor, and other locations.

- RKG Economic Study Development Study, 2015
(<http://www.ediclynn.org/documents/Revised%20Waterfront%20Master%20Plan/Economic%20Development%20Strategy%202015.pdf>)

The objective of this development strategy update was to reflect the socioeconomic and market changes that have occurred since 2005 and recommend any revisions to the City’s strategy. The methodology used in this report included an evaluation of market trends and economic indicators (the quantitative data) coupled with business, employer and stakeholder input (the qualitative data). This report also offers a summary overview of the City’s progress in realizing the strategies put forth in the 2005 plan. The plan reviewed and updated tax base and land use characteristics in the previously identified eight Economic Opportunity Zones (EOZ) and worked with the City and EDIC to identify a ninth EOZ, referred to as the Route 129 Corridor, which includes land parcels along Route 129 from Wyoma Square to the intersection of Franklin and Boston Streets.

- Lynn MHP & Designated Port Area Master Plan, 2010
(<http://www.ediclynn.org/documents/Revised%20Waterfront%20Master%20Plan/Lynn%20Municipal%20Harbor%20Plan%202010.pdf>) – summary below

- Washington Street Gateway District Plan, 2008
(<http://www.ediclynn.org/files/Sasaki%20Final%20Report.pdf>)

The Washington Street Gateway District Plan identified ways to create more value between the Downtown and the Sagamore Hill Community by building new mixed-use developments, restoring the older buildings that are contributing to the streetscape and history of Sagamore Hill, and creating infill projects on currently vacant or underutilized land.

- Lynn Master Waterfront Plan, 2007
(http://www.ediclynn.org/files/LynnFinalReport_LowRes_9-07.pdf)

The purpose of this plan was to create a vision for the area that would establish the Lynn waterfront as a mixed-use district with connections to downtown and the surrounding communities, through public and private investment.

2.4 2010 Lynn MHP and DPA Master Plan

Beginning in 2006, the City of Lynn began to develop a vision and master plan for the future use of the City's waterfront with the goal of transforming the area into a vibrant mixed-use district. On September 11, 2007, the Lynn City Council accepted the completed Lynn Waterfront Master Plan and initiated the process of amending the City's Zoning Ordinance to create the legal framework for its implementation. The amended Zoning Ordinance was adopted in March 2008.

Following the adoption of the amendment to the Zoning Ordinance, the City prepared the Lynn Municipal Harbor Plan and Designated Port Area Master Plan and submitted it to the Massachusetts Executive Office of Energy & Environmental Affairs (EEA) in December 2009. It was approved, with conditions, by EEA Secretary Ian A. Bowles on June 28, 2010, and included substitute provisions for open space and building height with offsets and a DPA Master Plan component.

The goals of the 2010 Lynn MHP were to: (1) enhance the responsiveness of Commonwealth agency actions to the city's land use goals and objectives, harbor conditions, and circumstances; (2) ensure that tidelands licensing actions pursuant to the provisions of M.G.L. C. 91 on individual properties and projects are taken in the context of the city's objectives and goals for the development of the larger waterfront area; and (3) establish development and design standards specifically tailored to respond to the conditions of Lynn Harbor and the city's objectives and goals as substitutes for the general, state-wide standards specified at 310 CMR 9.00.

The objectives of the 2010 Lynn MHP were to:

1. enhance the physical and visual connection of the larger City with its waterfront
2. create a unified series of public spaces along a waterfront promenade
3. create a landmark open space within the waterfront for the staging community events and celebrations
4. create a mixed-use neighborhood designed to maximize the benefits to be derived from its unique waterfront location (e.g., views and water/land interface)
5. ensure that the future development of the waterfront functions as an extension of, rather than a departure from, the City's existing urban fabric
6. configure and align development blocks so as to promote energy conservation through the siting of buildings
7. expand the range of transportation options available to residents through the introduction of a water-based option
8. coordinate the goals of the City to promote the beneficial development of its waterfront with the goals and policies of the Commonwealth of Massachusetts to protect the interests of all Commonwealth citizens with regard to the use of public trust lands (i.e., tidelands)

The 2010 Lynn MHP sought to implement these objectives through two substitute provisions. First, a substitute provision for open space allowed for greater building density as long as: (1) a developed/building area offset ratio of 1 to 1.3 was provided for open space within Chapter 91 jurisdiction; (2) the offset was a minimum size of 0.25 acre; and (3) the open space offset was located in specific areas of the waterfront. The second substitute provision allowed for building heights somewhat greater than allowed under Chapter 91 in a portion of the Gateway District in the South Harbor area and offset by a prohibition on all new or expanded nonwater-dependent use buildings on tidelands within 200 feet of the highwater mark in the South Harbor area.

310 CMR 9.00 Waterways Provision	2010 Lynn MHP Substitute Provision	2010 Lynn MHP Offset
310 CMR 9.51(3)(d): "at least one square foot of the project site at ground level, exclusive of areas lying seaward of the project shoreline, shall be reserved as open space for every square foot of	Greater building density allowed on properties within C.91 licensing jurisdiction	Open space offset on a 1.3-to-1-square-foot ratio (open space to building footprint) with open space created in areas delineated as "Parks and Promenades" in Figure 9 of the 2010 Lynn MHP.

tideland area within the combined footprint of buildings containing nonwater-dependent use on the project site;....”		The open space must be created in a contiguous area of at least 0.25 acres in size and be maintained as green, “park-like” space
310 CMR 9.51(3)(e): “new or expanded buildings for nonwater-dependent use shall not exceed 55 feet in height if located over the water or within 100 feet of the landward of the high water mark; at greater landward distances, the height of such buildings shall not exceed 55 feet plus ½ foot for every additional foot of separation from the high water mark;....”	For a portion of the Gateway District (South Harbor), starting at locations 200 feet from the high water mark, heights are not to exceed 55 feet and then may increase no more than 1.5 feet for each additional foot of separation away from the 200 foot line to a maximum height of 240 feet	Building height offset is a prohibition on all new or expanded buildings for nonwater-dependent uses on tidelands within 200 landward feet of the highwater mark

The 2010 Lynn MHP also included a Designated Port Area (DPA) Master Plan. The DPA Master Plan provided some details of the types of uses the city envisioned within the Lynn DPA, and a reference map that indicated a proposed fishing harbor created by excavating one of the landfill areas. The 2010 DPA Master Plan is no longer consistent with the vision and goals for the 2019 Open Space Plan or the 2019 Revised Waterfront MP and so has been updated as part of the 2020 Lynn MHP. As with the 2010 Lynn DPA Master Plan, no modifications to the existing Chapter 91 requirements for areas within a DPA are requested for the 2020 Lynn DPA Master Plan. Section 3.6 demonstrates compliance with the regulatory requirements for DPA Master Plans at 301 CMR 23.05(2)(e).

2.5 2016 MHP Clarification

In November 2016, the City requested a clarification to the 2010 Lynn MHP as a result of a proposed project, known as the 8.7-acre Minco development, located at the innermost bend of the harbor and west of the Lynn Heritage State Park. The site included an area designated in the 2010 Lynn MHP specifically for a Lynn Waterfront Signature Park. A clarification was required to ascertain (1) whether the proposed Minco development was required to provide offsets even though it did not make use of the dimensional modifications provided in the 2010 Lynn

MHP substitute provisions, and (2) if it could be built in an area designated for the Lynn Waterfront Signature Park.

The City submitted its clarification request for the 2010 Lynn MHP to EEA on November 8, 2016. The request was noticed in the Environmental Monitor on November 23, 2016 with a public comment period that ended on December 9, 2016. EEA Secretary Matthew A. Beaton issued his clarification on December 21, 2016 (see Appendix D).

In his clarification, Secretary Beaton concurred with the City that as proposed the Minco development appeared eligible for review under the standards in the Chapter 91 Waterways regulations (310 CMR 9.00) without any MHP/DPA Plan substitutions for greater density/lot coverage and associated open space. Provided that the Minco project could be properly licensed under Chapter 91, the Secretary determined that the Minco development project could also be sited within a portion of the open space area identified in the approved MHP/DPA Plan as the Lynn Signature Waterfront Park without conflicting with the 2010 Lynn MHP. However, because the Minco development project had repercussions for other development activity and its required open space, the City was required to address this issue before any additional development projects could be licensed under the provisions of the approved 2010 Lynn MHP.

Specifically, to take advantage of lot coverage and open space substitute provisions, the Secretary required the City to undertake and complete the development of a new Lynn Waterfront Open Space Master Plan, to better define the City's vision for open space along the waterfront and to provide greater detail on feasibility and implementation. The planning effort also was required to include important specifics on managing and integrating the Commonwealth's recreational assets abutting, and/or in the vicinity of, the Lynn Harbor waterfront. This effort, in cooperation with EEA and DCR, was required to include a more refined layout and organization of open spaces, based on a program of specific uses and circulation requirements. This open space master planning effort also was required to consider appropriate alternative designs and layouts for the public spaces to be created along the Lynn Harbor waterfront, based on a robust public input and stakeholder engagement process, with details on implementation strategies to ensure the areas identified as open space and other aspects of the plan are realized.

Recognizing that the updated open space layouts were likely to differ from those depicted in the 2010 Plan, the Secretary's clarification also required that the City must prepare an amended MHP to incorporate the findings of the open space master plan, as well as all proposed modifications to the City's goals and objectives for the development of the waterfront which have evolved since the

2010 plan approval, and specifying the implementation commitments the City will undertake to assure the success of the amended plan.

2.6 2019 Waterfront Open Space MP and the 2019 Revised Waterfront MP

In response to the Secretary's decision, the City initiated the 2019 Waterfront Open Space MP process in 2017 and began its 2019 Revised Waterfront MP in 2018. The 2019 Waterfront Open Space MP and the 2019 Revised Waterfront MP both envision a mixed-use neighborhood with a focus on open space along the waterfront that was a component of the 2010 Lynn MHP. Although separate planning efforts, the two plans were developed in collaboration with and complement each other, and both master plans inform and frame the 2020 Lynn MHP.

2019 Waterfront Open Space MP

The overall project goals of the 2019 Waterfront Open Space MP are to:

1. Establish a cohesive vision for connected open spaces along the waterfront
2. Safeguard public access to and along the waterfront from the G.E. Bridge to Nahant
3. Provide open space design guidelines for future development along the waterfront in order to ensure open spaces are appealing and accessible to all members of the public
4. Plan for climate resiliency in all developments

The 2019 Waterfront Open Space MP locates public parks, plazas, and a continuous promenade along the waterfront, and provides design and programming guidelines for each of those areas. The locations for open spaces and the continuous promenade are based on both public input and an analysis of existing land uses, regulatory, and ownership conditions that informed where open spaces could feasibly and most readily be implemented. While the 2010 MHP relied on the eventual assemblage of privately-owned parcels to achieve significant public open space, the 2019 plan does not propose changes to parcel boundaries and road networks. Rather the plan assumes that developers of individual land parcels will be responsible for following the plan's open space design guidelines.

The creation a signature waterfront park protected from private development and preserved as public open space is also a primary objective of the 2019 Waterfront Open Space MP. The plan identifies the waterfront's landfill area as an ideal location for a signature park that could connect the waterfront and could be permanently protected once the landfill is capped and covered.

Analyzing the waterfront's critical flood risks, the plan emphasizes the need to prepare for increased storm surge and higher tides. The plan identifies where the waterfront is most vulnerable to flooding and proposes coastal resilience strategies to improve the waterfront's deteriorating seawall and use park space to protect against flooding caused by climate change.

Two park spaces in the north and south of the waterfront, the DCR fishing pier and Lynn Heritage State park are undergoing design development as the first key open spaces and promenade segments to be implemented by the plan. The construction of these initial projects is intended to serve as a catalyst for the broader vision of the plan and link with proposed residential projects on neighboring sites.

Public participation efforts for the 2019 Waterfront Open Space MP include:

- May 2, 2017 – Public Meeting #1 – Review of Existing Conditions and Issues
- June 19, 2017 – Public Meeting #2 – Review of Site Opportunities and Constraints Plan
- May 24, 2017 – Site Walk #1
- May 30, 2017 – Site Walk #2
- April 30, 2018 – Public Meeting #3 – Review of the Draft 2019 Waterfront Open Space MP
- June 4, 2019 – Public Meeting #4 – Review of the Final Draft 2019 Waterfront Open Space MP
- September 10, 2019 – Public Meeting #5 – public hearing and approval by the Lynn City Council

2019 Revised Waterfront MP

The objectives of the 2019 Waterfront MP include:

1. Create a flexible planning framework that enables the implementation of the 2019 Waterfront Open Space MP
2. Maximize the success and impact of activities already underway
3. Create a mixed-use district that provides public access to the waterfront for everyone and works for housing, retail, commercial, and industrial uses
4. Connect the downtown and surrounding neighborhoods to the waterfront area
5. Ensure a balance between new residential development, job creation, and public benefits
6. Clean up and develop areas that have been seriously underutilized
7. Identify options to buffer conflicted uses so they can comfortably function in proximity

The 2019 Revised Waterfront MP builds off the 2019 Waterfront Open Space MP to create a flexible planning framework for how future development can grow on the waterfront while implementing open space goals. The plan assesses the obstacles to the implementation of the 2007 Lynn Waterfront Master Plan and identifies required updates so the plan can meet the current market, existing land use, regulatory, and ownership conditions. 2019 Revised Waterfront MP uses updated economic data that points to a lower density of development than was foreseen in 2010 that will be unable to support the large-scale development prototypes and realigned parcel blocks envisioned in the 2010 Lynn MHP. Stakeholder interviews and existing condition studies also emphasized that industrial and utility uses in the central area of the waterfront will remain in place long term while near term residential development has the potential to grow in the north and south of the HPA focus area. Based on these findings the 2019 Revised Waterfront MP proposes a flexible approach to land use and regulations that can encourage creative mixed-uses to emerge alongside existing industrial areas and facilitate new development at a scale capable of contributing to a connected public realm and waterfront.

Throughout the planning process, public input emphasized the desire to create an implementable and enforceable plan that would ensure public open space and public benefits for all Lynn residents. To achieve this and avoid relying on a future build-out to achieve public benefits, the plan prioritizes flexible and incremental growth in which new development is encouraged but also required to implement pieces of the 2019 Waterfront Open Space MP.

Based on the connections proposed in the 2019 Waterfront Open Space MP, the 2019 Revised Waterfront MP identifies key infrastructure improvement opportunities that can enhance access and connectivity. The plan underscores projects that can maximize multiple benefit solutions such as improved traffic safety and flood protection, while also capitalizing on available funding sources.

Public participation efforts for the 2019 Revised Waterfront MP include:

- September 26, 2018 – Public Meeting #1 – Introduction to the Project
- December 10, 2018 – Public Meeting #2 – Review of Draft 2019 Revised Waterfront MP Options
- March 19, 2019 – Public Meeting #3 – Review of the Draft 2019 Revised Waterfront MP and introduction to the 2020 Lynn MHP
- June 20, 2019 – Public Meeting #4 – Review of the Final Draft 2019 Revised Waterfront MP in conjunction with the Draft 2020 Lynn MHP
- September 10, 2019 – Public Meeting #5 – public hearing and approval by the Lynn City Council

3.0 2020 Lynn MHP Amendment

3.1 **Goals and Objectives**

The goals of the 2020 Lynn MHP and the supporting objectives are below. These goals and objectives include those developed for the 2010 Lynn MHP (see Section 2.4) and updated in the 2019 Waterfront Open Space MP and the 2019 Revised Waterfront MP (see Section 2.6). While the 2010 Lynn MHP goals and objectives continue to be implemented, the framework and strategy for implementing them has changed in the 2020 Lynn MHP, as detailed in Sections 3.4, 3.5, and 3.6.

Goal #1: Provide clear Chapter 91 licensing guidance to the Massachusetts Department of Environmental Protection (DEP) that activates the Lynn Waterfront with contemporary, mixed-use development and significant waterfront open space

Objective 1.1: eliminate previous “trade-off” approach with substitute provisions and offsets and use a simplified approach that establishes performance standards for public use and enjoyment

Objective 1.2: ensure public benefits are concurrent with each development instead of aggregated for future implementation

Goal 2: Implement the goals and objectives of the 2010 Lynn MHP (see Section 2.4), the 2019 Waterfront Open Space MP, and the 2019 Revised Waterfront MP (see Section 2.6) to the maximum extent possible

Objective 2.1: identify and include enforceable strategies in the 2020 Lynn MHP to provide as much of the public open space as feasible identified in the 2019 Waterfront Open Space MP, and to ensure that the types of public amenities envisioned in the 2019 Waterfront Open Space MP are provided

Objective 2.2: ensure that the 2020 Lynn MHP provides implementation strategies for the type of uses and activities envisioned in the 2019 Revised Waterfront MP

Objective 2.3: provide a strategy for implementing open space provisions in the 2019 Waterfront Open Space MP that are not enforceable through an MHP, specifically the cap/cover/permanently protected approach for the landfill areas

Objective 2.4: ensure local zoning is adopted to be consistent with the 2020 Lynn MHP

Goal 3: Renew the 2010 Lynn MHP for an additional ten years to allow an appropriate timeframe for implementation

The 2020 Lynn MHP represents a long-range plan to transform a large, underutilized, industrial and formerly industrial area. The transition is seen as occurring incrementally, with individual developers improving properties within the HPA and a waterfront open space network gradually taking shape. The City requests that the 2020 Lynn MHP be in effect for a period of 10 years

3.2 Public Participation

The overall 2020 Lynn MHP has involved three distinct but integrated planning efforts: the 2019 Waterfront Open Space MP, the 2019 Revised Waterfront MP, and the 2020 Lynn MHP itself. Public input and participation is a core element in the development of all three planning components. Planning issues and strategies were presented and discussed at each public meeting and feedback, questions, and concerns encouraged to help formulate the 2020 Lynn MHP. Summaries of public meetings are included as Appendix B.

For the 2019 Waterfront Open Space MP, the planning team met with representatives from a number of state and city departments, local interest groups, and the general public to gain insight and to record ideas on how to best provide open spaces and a public waterfront promenade and held a series of meetings and site walks with the general public, local business groups, and other local stakeholders. In addition, surveys in English and Spanish were circulated that sought responses regarding where people currently go to on the waterfront, how people accessed the waterfront, what they currently do on the waterfront, what they would like to do in the future on the waterfront, and what temporary activities would they like to see occur on the waterfront in the summer. The comments shared, ideas generated, and survey responses received were collated and used to inform the Master Plan proposals.

The meetings, walks, and survey responses allowed attendees to become more familiar with the existing waterfront conditions and of the challenges and opportunities the project faced. Critically, however, the meetings, walks, and surveys provided opportunities for dialogue and discussion among the public, the City, and the Master Plan Team. The discussions provided necessary feedback regarding what residents and stakeholders want to have on the waterfront, but also their concerns regarding who would own, maintain, and sustain new open spaces. The Master Plan proposals are based on the ideas generated as part of this public engagement process.

From the public consultation process, the public communicated a strong desire to be able to walk, bike, or exercise along the waterfront and would like public transportation and free parking along the waterfront. In addition, providing places for food trucks, events, markets, performances or other activities was expressed. Permanent structures that would provide food concessions, cafés, or

restaurants were also mentioned. An overarching theme discussed was to ensure that the waterfront felt like a welcoming place for all members of the public without feeling like a private enclave. A number of ideas regarding the use of the physical surface of the water were expressed. People mentioned the desire for kayak access, improved boat ramps, and better fishing access. The use of the marinas was also discussed. Currently there are two private marinas, and one marina owned by the City. Some people mentioned that it would be a good idea to provide temporary boat slips to attract boaters from the wider region to enjoy the Lynn waterfront.

2019 Revised Waterfront MP built off the public feedback and process of the 2019 Waterfront Open Space MP. The planning team conducted meetings with local landowners and stakeholders, representatives from community groups, city and state departments, and the greater public to better understand existing conditions, assets, opportunities and desired uses in the planning area. A steering committee composed of city and state officials and local stakeholders also guided the plan.

The public expressed the desire for improved connections, safe intersections and multimodal access to the waterfront with destinations such as community meeting spaces, hotels, art venues, and cinemas alongside public open spaces that are lacking elsewhere in Lynn. Other priorities mentioned for the waterfront include job creating uses, improved infrastructure, and climate resilient buildings and open space. A chief concern was that that new development would not provide any public benefits, it would create an exclusive inaccessible neighborhood, and open space would not be protected from new development.

The 2020 Lynn MHP public process began as part of the 2019 Revised Waterfront MP. Public meetings provided an introduction into what MHPs and waterfront regulations are and how an MHP Amendment could help implement the 2019 Waterfront Open Space MP and 2019 Revised Waterfront MP. Meetings with landowners, community groups, and the greater public went into further detail on the mechanics of an MHP Amendment and gathered public feedback regarding goals for the waterfront and the best strategies to achieve them.

As noted above, public participation efforts for the 2019 Waterfront Open Space MP include the following:

- May 2, 2017 – Public Meeting #1 – Review of Existing Conditions and Issues
- June 19, 2017 – Public Meeting #2 – Review of Site Opportunities and Constraints Plan
- May 24, 2017 – Site Walk #1
- May 30, 2017 – Site Walk #2

- April 30, 2018 – Public Meeting #3 – Review of the Draft 2019 Waterfront Open Space MP
- June 4, 2019 – Public Meeting #4 – Review of the Final Draft 2019 Waterfront Open Space MP
- September 10, 2019 – Public Meeting #5 – public hearing and approval by the Lynn City Council

Public participation efforts for the 2019 Revised Waterfront MP include the following:

- September 26, 2018 – Public Meeting #1 – Introduction to the Project
- December 10, 2018 – Public Meeting #2 – Review of Draft 2019 Revised Waterfront MP Options
- March 19, 2019 – Public Meeting #3 – Review of the Draft 2019 Revised Waterfront MP and introduction to the 2020 Lynn MHP
- June 20, 2019 – Public Meeting #4 -- Review of the Final Draft 2019 Revised Waterfront MP in conjunction with the Draft 2020 Lynn MHP
- September 10, 2019 – Public Meeting #5 – public hearing and approval by the Lynn City Council

For the 2020 Lynn MHP, public meetings and comment periods were conducted on the following dates:

- December 10, 2018 – An informal presentation on municipal harbor planning as part of the public meeting on the 2019 Revised Waterfront MP
- March 19, 2019 – MHP Public Discussion #1 – Introduction to municipal harbor planning, in conjunction with Public Meeting #3 of the 2019 Revised Waterfront MP
- April 25, 2019 – MHP Steering Committee Meeting #1 – Overview of Issues and Proposed Framework
- May 7, 2019 – MHP Public Discussion #2 – Proposed Framework for the 2020 Lynn MHP
- May 29, 2019 – MHP Public Discussion #3 – Draft 2020 Lynn MHP
- June 10, 2019 – Commencement of the City of Lynn’s Public Comment Period for the Draft 2020 Lynn MHP
- June 20, 2019 – MHP Public Discussion #4 – Review of the Draft 2020 Lynn MHP in conjunction with the Final Draft 2019 Revised Waterfront MP
- July 8, 2019 – Conclusion of the City of Lynn’s Public Comment Period for the Draft 2020 Lynn MHP
- September 10, 2019 – Public Discussion #5 – public hearing and approval of 2020 Lynn MHP by the Lynn City Council, with the deletion of references to zoning changes

- December 3, 2019 – public hearing and review of 2020 Lynn MHP zoning changes by Lynn City Council
- February 11, 2020 – public hearing and final approval of 2020 Lynn MHP zoning changes by Lynn City Council

3.3 Proposed Developments within the Harbor Planning Area

There are twelve key projects and proposals that are underway or being considered within or adjacent to the HPA.

Minco Site

The Minco Site, also referred to as North Harbor, is an 8.7-acre site located on the north side of the HPA next to Lynn Heritage State Park. The development will consist of 331 residential units and will connect Lynn Heritage State Park to the Clocktower Business Center with a linear waterfront park 20 feet off the shoreline and a waterfront path that ranges from 4 to 10 feet wide. The project broke ground in December 2019.

South Harbor

Joseph O'Donnell has submitted a development proposal for the 17-acre South Harbor site, located in the southwest corner of the HPA. The proposed development consists of 3 builds ranging from 7 stories on the waterfront to 8 stories along the Lynnway. The project includes a total of 828 residential units, retail and restaurant space, and 935 parking spaces. As currently proposed, the development complies with all Chapter 91 numerical standards for height and open space requirements.

Lynnway Mart

Patrick McGrath has proposed a development for the 8.4-acre Lynnway Mart site located along the Lynnway between Walmart and the South Harbor site. The proposal consists of 4 7-story buildings with a total of 550 residential units and 10,000 square feet of commercial space. A portion of the site is in Chapter 91 jurisdiction, but it is separated from the water's edge by the South Harbor development. The current proposal received a Chapter 91 license in June 2020 and received its MEPA certificate in January 2020.

The Porthole Restaurant

Patrick McGrath has proposed a waterfront development on the former site of the Porthole Restaurant on the north side of the HPA. The proposed 8-story 74-

unit residential development is being designed to comply with Chapter 91 standards. Demolition of the Porthole Restaurant is currently underway.

Garelick Farms

Garelick Farms dairy manufacturing plant closed in the fall 2018 leaving 17 acres open for development with approximately 10 acres in Chapter 91 jurisdiction. The site has been under a purchase and sale agreement with A.W. Perry real estate firm since April 2019. The firm has proposed reusing existing structures and parking areas for light manufacturing and warehouse use in the short term and converting the site into larger mixed-use development in the future.

The Launch

The non-profit placemaking firm Beyond Walls has proposed “The Launch”, a temporary ferry terminal amenities structure and waterfront park on the City-owned 3-acre site located next to the Lynn Ferry Terminal. A portion of the site within Chapter 91 jurisdiction is within the Lynn DPA, which is generally reserved for water-dependent industrial uses. If located at the proposed site and within Chapter 91 jurisdiction and the Lynn DPA, this project would be subject to DEP review and approval.

CZM Coastal Resiliency Grant

The City submitted an application to CZM for funds under the FY 21 Coastal Resiliency Grant program to assess the shoreline along the landfill areas for seawall redesign and retrofit. If awarded, this grant will assist in promoting climate resiliency in the HPA and may provide guidance to DEP for nature-based shorelines under the amplification for engineering and construction standards (310 CMR 9.37(3)(c)). See Appendix F for information on the grant application.

Harbor Dredging Feasibility Study

In seeking to facilitate the best and highest use of Lynn Harbor the City of Lynn is working on a plan to provide a contiguous dredged channel in and out of the harbor. Currently, vessels come into and out of the harbor via the channel that runs the length of the Nahant Causeway and ends near our Blossom Street Terminal. This proposed project would create a navigable channel approximately 40 feet wide and 8 feet deep, running approximately 5,000 feet generally parallel to the shoreline. The dredge work will most likely occur just outside the HPA and the Lynn DPA boundaries but has the potential to affect much of the waterfront area of the HPA.

To improve navigation and port operations, the City has been working with the United States Army Corp of Engineers (USACE) on a plan that would extend the channel to the Saugus River at the Point of Pines. This action would create an uninterrupted loop into and out of the Harbor facilitating water-related activity in the Revere/Saugus/Lynn area. It would support our existing marinas and save private as well as commercial vessels time and fuel costs. In addition, it could create access for land-based developers in and around our South Harbor site and the Designated Port Area.

To date, the federal government has funded over \$100,000 for an initial appraisal of this plan, which was completed in May of 2013. The initial appraisal was the first of four steps, which also includes a feasibility study, design / construction and perpetual maintenance. In 2019 the federal government provided an additional \$225,000, matched by the City's \$225,000 to conduct the required feasibility study which is currently on-going. This study will build upon the 2013 study, looking into the economics of the proposed project and how sediment sampling will affect costs. Recent work also includes the identification of the preferred coordinates of the proposed channel.

Amitié Submarine Cable System

Edge Cable Holdings USA, LLC, of Menlo Park, CA, has proposed a subsea transatlantic data cable, the western terminus of which will be located in Lynn. The Amitié Submarine Cable System includes a subsea cable that will extend from Bude, Cornwall, United Kingdom and Gironde, France, to the Lynnway Roundabout at the intersection of the Lynnway, Nahant Road, and Lynn Shore Drive. From there it will extend through existing conduits to an existing data center on Commercial Street. The cable landing in Massachusetts will employ a new conduit installed using a trenchless technology and will extend approximately 0.8 mile from the shore. The remaining approximately 33 miles of new cable in Massachusetts waters are proposed to be installed and buried using a marine plow towed by an installation vessel resulting in temporary impacts to Land Under the Ocean in Lynn. Temporary construction activities on land will mostly be limited to the Lynnway Roundabout and is anticipated to take approximately 1 to 2 months. No new aboveground structures are proposed.

General Clarence Ransom Edwards Bridge – Route 1A

The General Edwards Bridge is a four-lane structure that carries Route 1A over the Saugus River. Built in the 1930s, it connects Revere and Lynn and serves as a major gateway to the Lynn waterfront. The current alignment of the General Edwards Bridge lies just outside the Harbor Planning Area and forms its most northwesterly border.

Although any replacement of the General Edwards Bridge is not likely to occur for several years, MassDOT is beginning to study the options for replacement of the bridge. One concept may use the original bridge alignment at this location (for the bridge that existed prior to the General Edwards Bridge), which is directly adjacent along the east side of the existing structure and would fall partly within the Harbor Planning area on land owned by DCR. This land is identified in the 2019 Lynn Waterfront Open Space Mater Plan as public waterfront parking, pathways, and a waterfront pedestrian plaza.

Any use of DCR property for a new bridge alignment will likely require Article 97 review under the Massachusetts Environmental Policy Act (MEPA), a replacement of public open space of equivalent value and utility, and a two-thirds affirmative vote of the legislature. If this proposed alignment is used, anticipated impacts/equivalent replacement could include a parking area and access the adjacent DCR fishing pier and the Harborwalk, with an equivalent level of universal accessibility to the waterfront. If displaced, the proposed waterfront pedestrian plaza would need to be replaced. Potential options could include a lateral Harborwalk accessway running under the bridge and parallel to the Saugus River, connecting with pedestrian access networks on the northerly side of Route 1A. Any impacts and/or potential Article 97 remedies mentioned here are based on this current Harbor plan and the preliminary study information for the General Edwards Bridge replacement known at this time.

The replacement of the General Edwards Bridge represents a potentially significant opportunity to open up the Lynn Waterfront to the north side of Route 1A and to provide pedestrian and bicycle connections across the bridge to significant open space areas to the south, such as Revere Beach, Belle Isle Marsh, Rumney Marsh, the East Boston Greenway, Deer Island, and Constitution Beach. When more details are known about the proposed General Edwards Bridge replacement, the City may request an MHP amendment to ensure the bridge is designed to make full use of its potential to expand public waterfront access and to integrate the Lynn Waterfront with regional open space networks. It is expected that the City and MassDOT will maintain information sharing and coordination throughout the process of the MHP related development and bridge replacement planning and design, to plan for and best minimize inter-related impacts.

Northern Strand

The Executive Office of Energy and Environmental Affairs (EOEEA), in partnership with the City of Lynn and Town of Nahant, is advancing design and engineering plans for a two-way separated bike path called the Northern Strand Extension. The project will create a 1.9 mile long 10-ft wide two-way separated bike path within existing rights-of-way linking the current terminus of Northern Strand

path in Lynn with the sea at Nahant beach. The project is an extension of the 11.5 mile Northern Strand Trail starting at its southern extent in Everett and running along an abandoned railroad right-of-way through Malden, Revere, Saugus, and terminating in Lynn at Western Avenue. Separately the Lynn Community Path is envisioned as a linear park and will continue along the abandoned rail right-of-way from the Northern Strand terminus at Western Avenue approximately 1,600 linear feet to Neptune Street. Construction of the Northern Strand and Lynn Community Path is expected to be completed fiscal year 2021.

On June 26, 2020, EOEEA submitted a 25% Highway Design package for the Northern Strand Extension to the Massachusetts Department of Transportation (MassDOT) for consideration by the Boston Metropolitan Planning Organization (MPO) for funding through the Transportation Improvement Program (TIP).

Once completed the Northern Strand Trail and the on-street extension through Lynn will connect areas of cultural, economic, social and natural significance along the multi-community corridor and provide non-motorized transportation and recreational alternative for people of all ages and abilities. The project will significantly enhance public access to the Lynn waterfront and Lynn Municipal Harbor plan Project Area.

DCR Proposed Plan for the Lynnway

DCR is working with the ongoing Gear Works development on the north side of the Lynnway to adjust intersections at Harding Street and the so-called jug handle. More extensive planning will build off of recommendations from the Lynn Transit Action Plan currently in development.

3.4 Changes to the 2010 Lynn MHP – Regulatory Approach

The 2010 Lynn MHP includes substitute provisions for building height and lot coverage that are offset by increased levels of open space in designated areas and by a 200' water-dependent use zone in the South Harbor area. Based on revised economic development analyses, the substitute provisions for building height and lot coverage are no longer needed to implement Lynn's vision for a mixed-use waterfront with a signature waterfront park. The 2020 Lynn MHP proposes to remove these substitute provisions and offsets and will instead default to the Chapter 91 dimensional standards for building height and lot coverage. These standards for new or expanded nonwater-dependent use structures are provided in the Waterways regulations as follows:

310 CMR 9.51(3)(d): "at least one square foot of the project site at ground level, exclusive of areas lying seaward of the project shoreline, shall be

reserved as open space for every square foot of tideland area within the combined footprint of buildings containing nonwater-dependent use on the project site;....”

310 CMR 9.51(3)(e): “new or expanded buildings for nonwater-dependent use shall not exceed 55 feet in height if located over the water or within 100 feet landward of the high water mark; at greater landward distances, the height of such buildings shall not exceed 55 feet plus ½ foot for every additional foot of separation from the high water mark;....”

Figure 5 shows the properties that would be required to provide 50% open space when redeveloped.

To implement the 2019 Waterfront Open Space MP to the maximum extent feasible within the scope of municipal harbor plans, the 2020 Lynn MHP includes one substitute provision and three amplifications under 301 CMR 23.05(2)(b), 301 CMR 23.05(2)(c)(3), and 310 CMR 9.34(2)(b)(2). These four provisions: (1) increase the area of the water-dependent use zone, thereby increasing the amount of the waterfront available for public use; (2) require additional public amenities within the water-dependent use zone that are consistent with public amenities required on Commonwealth tidelands under 310 CMR 9.53 and with the 2019 Waterfront Open Space MP; (3) require lateral pedestrian access to the shoreline within Chapter 91 jurisdiction to ensure full access to the Lynn waterfront from multiple points along the Lynnway; and (4) where appropriate and feasible, require nature-based shoreline protection as described in the 2019 Open Space Plan to improve coastal habitat and resiliency. Unlike substitute provisions, amplifications do not require offsets. A summary of the amplifications appears below and the details of how they implement the 2019 Waterfront Open Space MP is in Sections 4.1 – 4.5.

Summary of Substitute Provision		
Regulatory Provision	Summary of Regulatory Standard	2020 Lynn MHP
Water Dependent Use Zone (310 CMR 9.51(3)(c))	Maximum WDUZ setback of 100’ from the project shoreline (310 CMR 9.51(3)(c))	A minimum WDUZ setback of 100’ from the project shoreline, with a total WDUZ area equal to or greater than the area of a 200’ WDUZ setback. No offset is required if it either maintains or increases the WDUZ

		required under 310 CMR 9.51(3)(c)
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Summary of Amplifications		
Regulatory Provision	Summary of Regulatory Standard	2020 Lynn MHP Amplification
Open space (310 CMR 9.51(3)(d) and Pedestrian Access Network (310 CMR 9.52(1)(b)(1))	The vast majority of the waterfront land in the focus area of the HPA is private tidelands. The open space requirement for private tidelands at 310 CMR 9.51(3)(d) states only that “at least one square foot of the project site at ground level, exclusive of areas lying seaward of a project shoreline, shall be reserved as open space for every square foot of tideland area within the combined footprint of buildings containing nonwater-dependent use on the project site” without any direction as to the use of this open space or its availability to the public. Similarly, pedestrian access networks on private tidelands are not required to have public amenities, such as benches, plazas, lighting, etc. (310 CMR 9.52(1)(b)(1))	Applies Commonwealth tidelands standards at (310 CMR 9.53(2) and (2)(b)) for public use to private tideland areas within the expanded WDUZ and in permanently protected public open space, with specific guidance from the 2019 Waterfront Open Space MP, and public safety access ways that are consistent with the 2019 Waterfront Open Space MP. Specifically, this amplification requires that these areas be designed to “maintain substantial public activity on the site on a year-round basis, with public parks, plazas, and observation areas that also have public amenities that may include seating, lighting, trash receptacles, restrooms, and children’s play areas, as appropriate and consistent with the 2019 Waterfront Open Space MP

<p>Pedestrian Access Network (310 CMR 9.52(1)(b)(2))</p>	<p>Requires appropriate connecting walkways that allow pedestrians to approach the shoreline walkways from public ways or other public access facilities</p>	<p>Specifies locations, with a process for substitute locations, for public access walkways to connect the Lynnway to the project shoreline through the signature waterfront park area; for portions of the lateral access ways outside of Chapter 91 licensing jurisdiction, consistency with the EEA-funded 2019 Waterfront Open Space MP and the 2020 Lynn MHP lateral access way plan is recommended through the exercise of the EEA Secretary’s discretionary provisions for a public benefits determination under 301 CMR 13 if on filled tidelands or through other review under the Massachusetts Environmental Policy Act</p>
<p>Engineering and Construction Standards (310 CMR 9.37(3)(c))</p>	<p>In evaluating coastal or shoreline engineering structures, DEP shall require non-structural alternatives where feasible</p>	<p>Emphasizes using nature-based shoreline approaches, incorporating increased elevation where appropriate, as indicated in the 2019 Waterfront Open Space MP and Lynn coastal resiliency grant application to improve coastal habitat and resiliency</p>

3.5 Changes to the 2010 Lynn MHP – Building Massing and Open Space

The 2010 Lynn MHP anticipated high density high-rise construction for the waterfront. Based on these assumptions the plan accommodated approximately

6,200,000 square feet of mixed-use development. The plan retained 40.7 acres of filled tidelands for dedicated open space, including areas owned by DCR, of which 6.3 acres were set aside as a signature park.

The 2019 Lynn Waterfront Plan revisited the scale, type, and mix of uses likely to be supported on Lynn's waterfront under current and projected market conditions and land ownership. Based on this analysis the 2020 Lynn MHP accommodates a total build-out of approximately 4,900,000 square foot, a 21% reduction from the 2010 Lynn MHP. The amplifications of the 2020 Lynn MHP designate approximately 22 acres of filled tidelands as open space. The signature waterfront park proposed for the site of the waterfront's landfill amounts to 32.1 acres, of which 16.3 acres is currently in the Lynn DPA. The potential combined publicly accessible waterfront open space, including DCR parks, the expanded WDUZ, and the entire proposed signature waterfront park totals approximately 57.5 acres. See Figure 10 for a breakdown of the 2020 Lynn MHP open space metrics.

3.6 Changes to the 2010 Lynn MHP – 2020 Lynn Designated Port Area Master Plan

The boundary of the Lynn DPA is shown on Figure 2.

Lands located within a DPA are to be reserved for uses consistent with the DPA-use policies of the Massachusetts Office of Coastal Zone Management and the provisions of the Massachusetts Waterways Regulations (310 CMR 9.32(b), 9.12(2)(b), 9.36(5) and 9.02). The 2010 Lynn MHP included a Designated Port Area (DPA) Master Plan that provided additional details of the types of uses the city envisioned within the Lynn DPA and a reference map that indicated a proposed fishing harbor created by excavating one of the landfill areas, boat yards, and parking. The plan envisioned water-dependent industrial uses that included:

- commercial passenger vessel operations (e.g., the existing EDIC pier and Blossom Street ferry pier and related terminals);
- commercial fishing and fish processing;
- boat yard, boat storage, dry dock;
- boat construction, maintenance, and repair; and
- a marine terminal.

In addition, the 2010 Lynn DPA Master Plan envisioned supporting DPA uses that included a fish market, convenience retail, marine tourism, a public boat ramp at the Blossom Street ferry terminal, and a food service establishment with seating for up to 20 people, provided such supporting uses do not occupy more than 25 percent of the area of a lot.

With the signature waterfront park now proposed for some areas that had been envisioned for these water dependent industrial uses and supporting DPA uses, both within and outside of the current Lynn DPA boundary, the 2010 Lynn DPA Master Plan is no longer consistent with the 2019 Waterfront Open Space MP or the 2019 Revised Waterfront MP.

In addition to the potential DPA boundary review described in Section 5.2, near-term plans for the Lynn DPA are focused on further development of the ferry terminal and parking area and a proposed dredge project described below. A new ferry terminal may include a waiting area, information area, and ticketing facility. Supporting DPA uses in accordance with 310 CMR 9.02, such as an appropriately scaled restaurant and other amenities, may also be accommodated as part of this proposed terminal, and may be located on an upper floor area to preserve the ground level capacity for water-dependent industrial uses within the Lynn DPA.

Next to the Lynn ferry terminal, the non-profit placemaking firm Beyond Walls has proposed “Lynn Launch”, a temporary ferry terminal amenities structure and waterfront park on the City-owned 3-acre site. A portion of the proposed location is within Chapter 91 jurisdiction and the Lynn DPA, which is generally reserved for water-dependent industrial uses. If located as currently proposed, this proposed project would be subject to DEP review and approval.

The 2020 Lynn MHP must meet the MHP standards for a DPA Master Plan at 301 CMR 23.05 (2)(e), which states that “...[i]f the Plan includes a DPA Master Plan, such Master Plan must preserve and enhance the capacity of the DPA to accommodate water-dependent industrial use and must prevent substantial exclusion by any other use eligible for licensing in a DPA pursuant to 310 CMR 9.32.” The 2020 Lynn DPA Master Plan complies with these provisions as described below:

- **23.05(2) (e) (1) – the master plan shall ensure that an extensive amount of total DPA land area in close proximity to the water will be reserved for water-dependent industrial uses.... The master plan shall further ensure that commercial uses and accessory uses thereto will not, as a general rule, occupy more than 25 percent of the total DPA land area covered by the master plan**

Although the southwest portion of the Lynn DPA is a landfill area that has been proposed for capping, and therefore may not support a wide variety of water-dependent industrial uses, it is still reserved for water-dependent industrial uses. Combined with the ferry terminal site, the energy facility, the EDIC pier, and the lobster processor, the Lynn DPA satisfies this provision with only 17% of the area covered by the DPA

Master Plan being used by Supporting DPA Uses. The City will update this calculation with each future change in use. The 2020 Lynn DPA Master Plan will continue to adhere to this provision by continuing to follow Chapter 91 DPA provisions that require at least 75% of a DPA project site be reserved for water-dependent industrial uses. Temporary uses will be allowed as described in 310 CMR 9.02.

- **23.05(2) (e) (2) – the master plan shall set forth reasonable arrangements...to prevent commitments of space or facilities that would significantly discourage present or future water-dependent industrial activity, especially on waterfront sites; the arrangements shall include, but are not limited to, appropriate limits on the type, location, density, scale, duration, operation, or other relevant aspects of commercial uses, in order to ensure that such uses will mix compatibly with and not significantly alter the predominantly maritime industrial character of the DPA; the plan may also specify reasonable limitations on any uses in the DPA, if necessary to mitigate undue conflict with existing residential uses on properties abutting the DPA**

By adhering to the existing Chapter 91 standards for licensing in DPAs, the 2020 Lynn DPA Master Plan ensures that the needs of water-dependent industrial facilities will be accommodated and not discouraged.

Both the 2010 Lynn MHP and the 2020 Lynn MHP envision a mixed-use waterfront and both have provisions to mitigate conflicts among proposed mixed-uses and water-dependent industrial uses in the Lynn DPA. Specifically, the 2020 Lynn MHP includes local zoning that implements a provision of the 2010 Lynn MHP establishing a 100-foot setback from the Lynn DPA boundary for nonwater-dependent uses and adds light manufacturing to existing allowable uses in an area that includes the Garelick Farms property to encourage a broad range of uses.

- **23.05(2)(e)(3) – the master plan shall identify any industrial or commercial uses allowable under the municipal zoning that shall qualify as a Supporting DPA Use, provided such uses comply with provisions of the definition set forth in 310 CMR 9.02...**

Local zoning allows for the following supporting DPA uses, or accessory to a water-dependent industrial uses:

- Convenience retail
- Electronic transmission lines
- Fish markets
- Food service establishments

- Microbreweries
- Public boat ramps
- Marine tourism
- Non-Habitable structures, Antennas (special permit)
- Places of assembly for commercial recreation (special permit)
- Theaters, Cinemas (Limited Seating) (special permit)

Existing supporting DPA uses, or accessory to water-dependent industrial uses, within the Lynn DPA include electronic transmission lines, light manufacturing, and a public boat ramp.

The 2020 Lynn DPA Master Plan removes the 2010 Lynn DPA Master Plan 20-seat limit for food service establishments. The size and location of any food service establishment located within the DPA shall be established through Chapter 91 licensing and shall include reasonable measures to preserve the capacity for water-dependent industrial uses within the DPA.

There are three proposed changes to local zoning that will more closely align the zoning code with the 2020 Lynn MHP and allowable DPA uses. These three changes include:

- Changing the DPA zoning area so its boundary matches the state DPA boundary (local DPA zoning currently extends beyond the area of the state DPA boundary);
- Implementing a provision of the 2010 Lynn MHP that created a 100-foot buffer zone around the Lynn DPA for nonwater dependent uses, to minimize conflicting uses; and
- Adding light manufacturing to allowable DPA uses, to clarify that existing light manufacturing activities located within the Lynn DPA as Supporting DPA Uses are allowable under municipal zoning.

23.05(2)(e)(4) – the master plan shall set forth a strategy to guide the ongoing promotion of water-dependent industrial use...; the strategy shall include, but not be limited to: (a) recommendations for capital improvements or other economic or operational benefits to be provided by projects involving Supporting DPA Uses...; (b) recommendations to preserve or enhance the infrastructure of navigation channels, truck routes and rail lines, and other transportation facilities providing user access to the working waterfront and its backlands from both the water and land sides; and (c) commitments to maintain a surrounding land development pattern that provides an appropriate buffer between industrial uses in the DPA and

community uses that require separation therefrom to avoid significant operational conflict

Local zoning allows the following water-dependent industrial uses within the Lynn DPA:

- Boat construction, maintenance, and repair
- Boat yards, boat storage, and dry docks
- Commercial fishing and fish processing
- Commercial passenger operations
- Marine terminals

Existing water-dependent industrial uses or facilities in the Lynn DPA include a ferry terminal, an energy marine terminal, and a lobster processor. The 2019 Waterfront Open Space MP, the 2019 Revised Waterfront MP, and the 2020 Lynn MHP promote water-dependent industrial uses through appropriate zoning that precludes adjacent incompatible uses by implementing a provision in the 2010 Lynn MHP that requires all nonwater-dependent uses to be set back 100 feet from the DPA boundary and encourages additional light industrial uses in an area adjacent to the DPA to promote a broader range of mixed uses (see Section 4.6). Other uses adjacent to but outside the DPA, such as a wastewater treatment plant, provide additional buffers to minimize conflicting uses. In addition, the proposed waterfront promenade uses a route landward of the Lynn DPA so as not to diminish the capacity of the DPA for water-dependent industrial uses, although the 2019 Waterfront Open Space MP also includes conceptual waterfront pedestrian areas if the Lynn DPA boundary were to change.

The plans also promote land and sea access through navigation channels, and pier infrastructure. Efforts to protect and improve access to and from the Lynn DPA include working with the U.S. Army Corps of Engineers to ensure adequate waterside access by dredging navigations channels. For the bulkhead areas, Lynn will pursue a variety of funding sources, potentially including but not limited to the state Seaport Economic Council; the Executive Office of Energy & Environmental Affairs; other public agencies; water-dependent industrial, supporting DPA, and temporary uses located within the Lynn DPA; and nonprofit funding to improve bulkheads, resiliency, and the capacity to accommodate water-dependent industrial uses.

With regard to improving navigation to the Lynn DPA, Lynn has proposed that the U.S. Army Corps of Engineers undertake a harbor dredging feasibility study to determine the cost and challenges of a dredge project from the mouth of the Saugus River northeasterly to the end of the

dredged channel near the EDIC pier and ferry terminal. See Section 3.3 on pp. 24 – 25 for a description of the proposed project.

The City is also pursuing funding to restore ferry service from the Lynn ferry terminal on Blossom Street Extension within the DPA to downtown Boston. A two-year pilot program with seasonal service began in 2014. Total passengers carried in 2014 were 13,322 and 14,577 in 2015. Limited seasonal service was restored in 2017 but has since ended. In April 2019 the city requested that the state provide interim ferry service while the city works with the Massachusetts Department of Transportation to release a Request for Proposals to procure a vessel for year-round, long-term service.

Under the 2020 Lynn DPA Master Plan, all activities within the Lynn DPA must adhere to all DPA provisions in 310 CMR 9.00. As described above, conformance with these standards will ensure that this plan meets all the criteria identified by CZM Director Lisa Berry Engler in her April 8, 2019, letter to James Cowdell, Executive Director of the Economic Development Corporation of Lynn, “to preserve and enhance the capacity of the DPA to accommodate water dependent industrial use and prevent substantial exclusion of those areas by other allowable DPA uses.” This plan will also meet the criteria in 301 CMR 23.05(2)(e) with an effectiveness that is equal to or greater than the provisions in the 2010 Lynn DPA Master Plan.

4.0 Implementation Strategy - Municipal Harbor Plan

4.1 2020 Lynn MHP Implementation Strategy Summary

The primary method for implementing the 2020 Lynn MHP is through the use of amplifications under 301 CMR 23.05(2)(b) and local zoning that must be consistent with this plan in order for it to be in effect. A summary of the amplifications is provided in the table below and discussed further in Sections 4.2, 4.3, 4.4, and 4.5.

Summary of Substitute Provision		
Regulatory Provision	Summary of Regulatory Standard	2020 Lynn MHP
Water Dependent Use Zone (310 CMR 9.51(3)(c))	Maximum WDUZ setback of 100' from the project shoreline (310 CMR 9.51(3)(c))	A minimum WDUZ setback of 100' from the project shoreline, with a total WDUZ area equal to or greater than the area of a 200' WDUZ setback. No offset is required if it either maintains or increases the WDUZ required under 310 CMR 9.51(3)(c)

Summary of Amplifications		
Regulatory Provision	Summary of Regulatory Standard	2020 Lynn MHP Amplification
Open space (310 CMR 9.51(3)(d) and Pedestrian Access Network (310 CMR 9.52(1)(b)(1))	The vast majority of the waterfront land in the focus area of the HPA is private tidelands. The open space requirement for private tidelands at 310 CMR 9.51(3)(d) states only that "at least one square foot of the project site at ground level, exclusive of areas lying seaward of a project shoreline, shall be reserved as open space for every square foot of tideland area	Applies Commonwealth tidelands standards at (310 CMR 9.53(2) and (2)(b)) for public use to private tideland areas within the expanded WDUZ and in permanently protected public open space, with specific guidance from the 2019 Waterfront Open Space MP, and public safety access ways that are consistent with the 2019 Waterfront Open Space MP.

	<p>within the combined footprint of buildings containing nonwater-dependent use on the project site” without any direction as to the use of this open space or its availability to the public. Similarly, pedestrian access networks on private tidelands are not required to have public amenities, such as benches, plazas, lighting, etc. (310 CMR 9.52(1)(b)(1))</p>	<p>Specifically, this amplification requires that these areas be designed to “maintain substantial public activity on the site on a year-round basis, with public parks, plazas, and observation areas that also have public amenities that shall include seating, lighting, trash receptacles, restrooms, and children’s play areas, as appropriate and consistent with the 2019 Waterfront Open Space MP</p>
<p>Pedestrian Access Network (310 CMR 9.52(1)(b)(2))</p>	<p>Requires appropriate connecting walkways that allow pedestrians to approach the shoreline walkways from public ways or other public access facilities</p>	<p>Specifies locations, with a process for substitute locations, for public access walkways to connect the Lynnway to the project shoreline through the signature waterfront park area; for portions of the lateral access ways outside of Chapter91 licensing jurisdiction, consistency with the EEA-funded 2019 Waterfront Open Space MP and the 2020 Lynn MHP lateral access way plan is recommended through the exercise of the EEA Secretary’s discretionary provisions for a public benefits determination under 301 CMR 13 if on filled tidelands or through other review</p>

		under the Massachusetts Environmental Policy Act
Engineering and Construction Standards (310 CMR 9.37(3)(c))	In evaluating coastal or shoreline engineering structures, DEP shall require non-structural alternatives where feasible	Emphasizes using nature-based shoreline approaches, incorporating increased elevation where appropriate, as indicated in the 2019 Waterfront Open Space MP and Lynn coastal resiliency grant application to improve coastal habitat and resiliency

As noted above in Section 2.1, these amplifications apply only in the area from the mouth of the Saugus River to the northeasterly border of the Lynn Heritage State Park. They meet the approval standards for a municipal harbor plan under 301 CMR 23.05(2)(b) as they:

- Do not contradict the corresponding provisions of 310 CMR 9.00, and they do not require that which is prohibited nor prohibit that which is required under 310 CMR 9.00 (301 CMR 23.05(2)(b)(1));
- Do not significantly alter the substantive nature of the requirement, narrow the range of factors that may be considered, or otherwise unreasonably affect the ability of DEP to exercise discretion in the interpretation and application of all relevant provisions of 310 CMR 9.00; and
- Are consistent, or may be modified at DEP’s discretion to be consistent, with the provisions of any memoranda of understanding with other state agencies that, as provided in 310 CMR 9.00, and may govern the manner in which DEP licenses and permits will incorporate the requirements of other statutes and regulations that preserve public rights in waterways and otherwise promote state tidelands objectives.

4.2 Substitute Provision for Water Dependent Use Zones (WDUZs) (310 CMR 9.51(3)(c))

To fully implement the 2019 Waterfront Open Space MP, the 2020 Lynn MHP includes a substitute provision of 310 CMR 9.51(3)(c), which governs the size of the water-dependent use zone (WDUZ), or the nonwater-dependent use building setback from the shoreline. Since most of the filled land in this MHP is private tidelands, only the area within the WDUZ must be publicly accessible, as provided by a management plan, unless the area is subject to a permanent conservation restriction.

The maximum WDUZ under the Waterways regulations is 100'. To provide sufficient space along the water's edge for public access and public activation, given the history and pattern of development in Lynn, water-dependent use zones for all new or expanded nonwater-dependent use projects shall have a minimum depth of not less than 100' and a total area of not less than the area of a water dependent use zone with a 200' depth. This substitute provision more than doubles the size of the water-dependent use zone for any new or expanded nonwater-dependent use. Schematics of a representative water-dependent use zone under this amplification are shown in Figures 5 and 6.

310 CMR 9.51(3)(c) states that, for alternative setback distances for water-dependent use zones, "sufficient space along the water's edge will be devoted exclusively to water-dependent activity and public access associated therewith, as appropriate for the harbor in question." Given the historical uses and limited access to the Lynn waterfront, this substitute provision more than doubles the size of the publicly accessible water-dependent use zone, which, in addition to the DCR parks and the proposed signature waterfront park, will create a public waterfront destination to encourage more people to discover, visit, and use the Lynn waterfront. With significantly more area for the water-dependent use zone than is required under 310 CMR 9.51 (3)(c), this substitute provision is consistent with the MHP standards at 301 CMR 23.05(2)(c) and (2)(d) by more effectively promoting the relevant state tidelands objectives and as such requires no offset under 301 CMR 23.05(2)(d).

This substitute provision implements the following goals of the 2019 Waterfront Open Space MP discussed in Section 2.6.

Goal 1: Establish a cohesive vision for connected open spaces along the waterfront

Goal 2: Safeguard public access to and along the waterfront from the G.E. Bridge to Nahant

4.3 Amplification for Open Space (310 CMR 9.51(3)(d)) and Pedestrian Access Network (310 CMR 9.52(1)(b)(1))

The vast majority of the waterfront land in the focus area of the HPA is private tidelands. The open space requirement for private tidelands does not have to be open to the public and/or could be roadways or parking areas (310 CMR 9.51(3)(d)). Similarly, pedestrian access networks on private tidelands are not required to have public amenities, such as benches, plazas, lighting, etc. (310 CMR 9.52(1)(b)(1)). This amplification applies Commonwealth tidelands standards at (310 CMR 9.53(2) and (2)(b)) for public use to private tideland areas within the expanded WDUZ and in permanently protected public open space

solely for publicly accessible open space and related facilities, with specific guidance from the 2019 Waterfront Open Space MP. Specifically, this amplification requires that these areas be designed to “maintain substantial public activity on the site on a year-round basis, with public parks, plazas, and observation areas that also have public amenities that may include seating, lighting, trash receptacles, restrooms, and children’s play areas, as appropriate and consistent with the 2019 Waterfront Open Space MP

To ensure the Lynn waterfront provides high-quality public areas, all areas within the water-dependent use zone as amplified under this MHP or permanently protected public open space shall be licensed as publicly accessible open space and related facilities using the public activation standards for Commonwealth tidelands under 310 CMR 9.53(2) and specifically to provide the types of public amenities described in the 2019 Waterfront Open Space MP, including public pedestrian access ways that can provide emergency access if necessary that are consistent with the 2019 Waterfront Open Space MP.

Appendix A includes pp. 83 – 119 and pp. A-8 – A-10 of the 2019 Waterfront Open Space MP for additional information and guidance on the types, locations, and size of pathways, public plazas, lighting, materials, public amenities, plantings, roadway connections, and climate resiliency measures that are required for all expanded water-dependent use zones and permanently protected public open space areas. Additional guidance as needed may be provided in other sections of the 2019 Waterfront Open Space MP.

Note that the schematics in Appendix A shown on p. 86, “Promenade Plan”, p. 96, “Public Plazas Plan”, and p. 98, “Connections Plan”, indicate public walkways, plazas, pedestrian connections, and other publicly accessible open space within the current boundary of the Lynn DPA. Although it is anticipated that some or all of these proposed publicly accessible areas will be implemented in the long-term, they will not be implemented without changes in the existing Lynn DPA boundary (see Section 5.2) and other potential changes in the Lynn DPA. In the event there are no changes to the Lynn DPA that allow publicly accessible open space in these areas, waterfront walkways will be located landward of the Lynn DPA boundary using the open space standards in the 2019 Waterfront Open Space MP.

If feasible, the 2020 Lynn MHP also anticipates that public amenities, including a boardwalk or overlook area, be constructed in the wetland area on the South Harbor site (Figure 6). The 2019 Waterfront Open Space MP provides some guidance in terms of a developing a public park, a promenade, boardwalks for sensitive areas, and appropriate plantings (p. 29, p.69, and p. 116). The management plan that will be required as part of the Chapter 91 license shall

provide details on the location of walkways, benches, overlooks, and other public amenities, based on an assessment of the wetland area.

This amplification is consistent with 301 CMR 23.05(2)(b) because it expands the types of amenities that will be available to the public, provides sufficient flexibility to DEP to exercise discretion in licensing, and neither requires that which is prohibited nor prohibits that which is required.

This amplification implements the following goals of the 2019 Waterfront Open Space MP discussed in Section 2.6.

- Goal 1: Establish a cohesive vision for connected open spaces along the waterfront*
- Goal 2: Safeguard public access to and along the waterfront from the G.E. Bridge to Nahant*
- Goal 3: Provide open space design guidelines for future development along the waterfront in order to ensure open spaces are appealing and accessible to all members of the public*
- Goal 4: Plan for climate resiliency in all developments*

4.4 Amplification for Pedestrian Access Networks (310 CMR 9.52(1)(b)(2))

This section of the Waterways regulations generally requires a pedestrian access network, including “appropriate connecting walkways that allow pedestrians to approach the shoreline walkways from public ways....” This amplification requires multiple lateral access to the waterfront from the Lynnway as shown on Figure 7. In the event one or more of the specific accessways shown in Figure 7 cannot be implemented for lateral access, alternative access points with an equivalent or greater pedestrian utility and an equivalent type of geographic location shall be determined.

Appendix A includes pp. 83 – 119 and pp. A-8 – A-10 of the 2019 Waterfront Open Space MP for additional information and guidance on the types, locations, and size of pathways, public plazas, lighting, materials, public amenities, plantings, roadway connections, and climate resiliency measures that are required for all expanded water-dependent use zones and permanently protected public open space, including lateral access points. Additional guidance may be provided in other sections of the 2019 Waterfront Open Space MP.

This amplification adds clarity to and is consistent with 310 CMR 9.52(1)(b)(2) by identifying specific lateral access points or alternatives that are equally effective in order to provide sufficient public access to the Lynn waterfront. By describing the types of anticipated lateral access ways, this amplification provides sufficient flexibility to DEP to exercise discretion in licensing. Because 301 CMR

9.52(1)(b)(2) requires this type of lateral accessway, providing guidance on where the lateral access ways should be located neither requires that which is prohibited nor prohibits that which is required.

For portions of the lateral access ways outside of Chapter 91 licensing jurisdiction, consistency with the EEA-funded 2019 Waterfront Open Space MP and the 2020 Lynn MHP lateral access way plan is recommended through the exercise of the EEA Secretary's discretionary provisions for a public benefits determination under 301 CMR 13 if on filled tidelands or through other review under the Massachusetts Environmental Policy Act.

This amplification implements the following goals of the 2019 Waterfront Open Space MP discussed in Section 2.6.

- Goal 1: Establish a cohesive vision for connected open spaces along the waterfront*
- Goal 2: Safeguard public access to and along the waterfront from the G.E. Bridge to Nahant*
- Goal 3: Provide open space design guidelines for future development along the waterfront in order to ensure open spaces are appealing and accessible to all members of the public*

4.5 Amplification for Engineering and Construction Standards (310 CMR 9.37(3)(c))

The Waterways regulations at 310 CMR 9.37(3)(c) state that “in evaluating coastal and shoreline engineering structures, the Department shall require non-structural alternatives where feasible....” The 2019 Waterfront Open Space MP describes the use of nonstructural nature-based shorelines for some areas along the Lynn waterfront, with additional information on possible areas for the use of nature-based shorelines to be determined through additional analysis (e.g., through the successful award of a CZM coastal resiliency grant, see Appendix F). To provide additional coastal resiliency, the amplification also encourages appropriate increases in shoreline elevation. See Figure 8 for an example of a nature-based shoreline with an elevated area along the water's edge, and additional guidance on pp. 116-119 of Appendix A.

This amplification adds clarity to and is consistent with 310 CMR 9.37(3)(c) by highlighting the intent in the 2019 Waterfront Open Space MP to promote nature-based shorelines and increased elevation for coastal resiliency where appropriate. It also provides sufficient flexibility to DEP to exercise discretion in licensing, and neither requires that which is prohibited nor prohibits that which is required.

This amplification implements the following goals of the 2019 Waterfront Open Space MP discussed in Section 2.6.

Goal 4: Plan for climate resiliency in all developments

4.6 Amendments to the City of Lynn Zoning Ordinance

Amendments to the Zoning Ordinance and Zone Map ensure the zoning code implements and is consistent with Goal #1 of the 2020 Lynn MHP, which states:

Provide clear Chapter 91 licensing guidance to the Massachusetts Department of Environmental Protection (DEP) that activates the Lynn Waterfront with contemporary, mixed-use development and significant waterfront open space.

The zoning changes passed on December 3, 2019 and February 11, 2020 advance this goal by:

- Making uses within and outside the Lynn DPA consistent with Chapter 91 (#1 below)
- Providing greater flexibility for mixed-use development (#2-9 below)
- Altering allowable building heights to be consistent with 310 CMR 9.51(3)(e) (#10-12 below)
- Minimizing conflicts between water-dependent industrial uses within the Lynn DPA and other uses outside the Lynn DPA by establishing a 100-foot buffer area around the perimeter of the DPA (#13 below)

Number 13 below in the list of zoning changes does not specifically implement the provisions of the 2020 Lynn MHP but is consistent with it and reflects provisions of the 2019 Revised Waterfront MP.

The amendments adopted on December 3, 2019 and February 11, 2020 include:

1. Amended the Zoning Map by extending the existing Waterfront Zone 1A District and eliminating the Designated Port Area District outside of the state Designated Port Area as depicted in Figure 9.

Purpose: Reduces the DPA Zoning District to match the state DPA boundary, allowing non-water dependent uses and public open spaces in the areas outside the DPA.

2. Amended the Zoning Map by extending Waterfront Zone 3 to include additional parcels as depicted in Figure 9.

Purpose: Enables greater flexibility for parcels near the waterfront's industrial core and Waste-Water Treatment Plant by allowing the following uses that are a part of Waterfront Zone 3: light manufacturing, boat construction maintenance

and repair, commercial fishing and processing, fish markets, fitness centers, and ice establishments.

3. Decreased the first-floor retail frontage requirement from 70% to 50% for multifamily residential high rises in WF1, WF1A, WF3, and WF4 (Section 4 Use Regulations, Footnote 7).

Purpose: Helps activate ground floors by reducing the frontage requirement to a more feasible scale.

4. Allowed residential uses on the first floor of W2 (Section 4 Use Regulations, Footnote 8).

Purpose: Helps activate ground floors in an area where ground floor retail is less feasible.

5. Increased the maximum size of retail in WF1, WF1A, WF3, and WF4 from 5,000 square-feet to 25,000 square feet. (Section 4 Use Regulations, Footnote 14)

Purpose: Helps new retail growth on the waterfront by adjusting the maximum size of retail to a feasible scale based on market conditions.

6. Allowed artist live/work spaces by right and assisted living facilities by special permit in the WF1, WF1A, WF2, and WF3 Districts. (Section 4.4 USES/DISTRICTS Table of Use Regulations)

Purpose: Encourage new growth on the waterfront with a wider range of allowed uses. See Figure 11 for permitted waterfront uses.

7. Allowed light manufacturing by right in the DPA District. (Section 4.4 USES/DISTRICTS Table of Use Regulations)

Purpose: Reinforces DPA regulations in zoning by ensuring that existing light manufacturing activities within the Lynn DPA that are Supporting DPA Uses are allowable under municipal zoning. See Figure 11 for permitted waterfront uses.

8. Expanded allowed uses in the W3 to include the following: boat construction, maintenance and repair, research and development, commercial fishing/fish processing, fish market, fitness center, hotels, ice establishment, light manufacturing, truck repair facility, warehousing, and by special permit places of assembly for commercial recreation (Section 4.4 USES/DISTRICTS Table of Use Regulations)

Purpose: Encourage new growth on the waterfront with a wider range of allowed uses in the industrial area. See Figure 11 for permitted waterfront uses.

9. Allows truck repair facilities and warehousing in existing buildings of a determined size within the W3 District. (Section 4.4 USES/DISTRICTS Table of Use Regulations, Section 5 CLASSIFICATION OF USES)

Purpose: Enables the reuse of existing buildings within the industrial area of the waterfront while preventing new construction and the proliferation of warehouses and truck repair facilities in the area.

10. Increased the maximum height in WF2 to 8 stories or 100 feet (Section 8 TABLE OF DIMENSIONAL REQUIREMENTS)

Purpose: Alters allowable building heights to be consistent with 310 CMR 9.51(3)(e). See Figure 11 for waterfront dimensional requirements.

11. Added the Chapter 91 height requirement in the TO District for buildings containing non-water dependent use(s) to not exceed 55 feet in height within 100 feet landward of the high water mark and shall not exceed a height of 55 plus one half (.5) feet for each additional foot of separation from the high water mark.

Purpose: Makes zoning consistent with Chapter 91 height requirements

12. Removed zoning height and density allowances related to 2010 Lynn MHP substitute provisions.

Purpose: Makes zoning consistent with the 2020 Lynn MHP.

13. Added a 100-foot setback requirement from the boundary of the DPA for all nonindustrial uses, excluding walkways and open space intended for public passage and enjoyment.

Purpose: To minimize potential conflicts between water-dependent industrial uses in the DPA and nonwater-dependent and nonindustrial facilities in other areas of the waterfront, by creating a buffer between the DPA and neighboring uses. The provision allows for a waterfront promenade to continue around the boundary of the DPA.

5.0 Implementation Strategy – Other

5.1 Conservation Restrictions

It is the intent of the City of Lynn, working with DEP, CZM, EEA, and property owners to cap, cover, permanently protect, and improve for public access and public activation the landfill areas within the HPA. Permanent protection of conservation land will be implemented through a conservation restriction as specified in Administration Consent Order (ACO) #00007125 (see Appendix E), or through other means if the ACO is amended with regard to protecting this area.

5.2 Designated Port Area (DPA) boundary review

The City may request that CZM conduct a DPA boundary review to determine whether parcels within the DPA continue to meet the designation criteria for a DPA.

5.3 Potential sources of funding for open space development and maintenance

To support the implementation strategy for open space development, a combination of sources between the City of Lynn, state agencies, and the property owners, should be advanced in a public private partnership (P3). The primary responsibility to cap, cover, permanently protect, and improve the landfill for public access is the responsibility of the property owners. In support of these measures and to improve access and activation, potential public funding sources to explore include:

- City of Lynn municipal funds (CIP and/or bonds)
- DCR Gateway Parks Program and the Partnerships Matching Funds Program
- EEA Division of Conservation Services funds, including PARC grants for land acquisition; Land and Water Conservation Grant Funds (in conjunction with the National Park Service); or Conservation Land Tax Credits
- Tax Increment Financing (TIF) or District Improvement Financing (DIF) to self-finance through development or a service district
- MassDevelopment Infrastructure Investment Incentives Act (I-Cubed), tying together development, infrastructure, and open space improvements

5.4 Potential sources of funding for publicly-owned shoreline infrastructure

Improvements along the shoreline include provision of public access and stabilization of shoreline erosion. To support implementation of these

improvements, a combination of sources between the City of Lynn, state agencies, and the property owners should be advanced in a public private partnership (P3). Potential funding sources for the shoreline improvements are similar to those listed above for the open space development and maintenance. For shoreline stabilization, potential public funding sources to explore include:

- Coastal Zone Management (CZM) Coastal Resilience Grant Program
- EEA Municipal Vulnerability Preparedness Program (MVP) Action Grant Program
- FEMA Pre-Disaster Hazard Mitigation Grant Program
- NOAA Regional Coastal Resilience Grants Program
- HUD Community Development Block Grant Program

5.5 Climate Resiliency

The Lynn Coastal Resiliency Assessment (2016), prepared with funding from CZM, evaluates City of Lynn assets most vulnerable to climate threats and in need of measures to address their resiliency, particularly coastal surge flooding, tidal back-up flooding, and stormwater flooding that flood roadway systems, public utilities, and public facilities. To support implementation of these improvements, a combination of sources between the City of Lynn, state agencies, and the property owners, should be advanced in a public private partnership (P3). Potential funding sources to address climate resiliency are similar to those listed above for shoreline infrastructure. For climate resiliency, potential additional funding sources include:

- Integrate climate resilience improvements into roadway or utility improvements from private investments for development, and partner with potential state funding, like I-Cubed, Local Infrastructure Development Program (23-L), MassWorks, Economic Development Fund, Urban Renewal Program, or the State Revolving Fund (SRF)
- City of Lynn municipal funds (CIP and/or bonds), or potential fees

6.0 2020 Lynn MHP Consistency with Plans of Commonwealth Agencies

An MHP must include all feasible measures to achieve consistency with plans or planned activities of all state agencies owning real property or responsible for the implementation or development of plans and projects within harbor planning area.

6.1 Massachusetts Executive Office of Energy & Environmental Affairs (EEA)

EEA has been directly involved in waterfront planning in Lynn for many years. The two principal efforts in recent years are Secretary Matthew A. Beaton's MHP Clarification in December 2016, and funding for and involvement in the 2019 Waterfront Open Space MP as part of the Commonwealth's Gateway Cities program. The 2020 Lynn MHP is consistent with both the 2016 clarification and the 2019 Waterfront Open Space MP in terms of improving the amount and quality of open space and promoting climate resiliency.

6.2 Massachusetts Department of Conservation & Recreation (DCR)

DCR has been actively involved in improving its open space properties along the Lynn waterfront and directly participated in the 2019 Waterfront Open Space MP. The 2020 Lynn MHP supports several aspects of DCR's objectives to improve the quality and quantity of open space areas along the Lynn waterfront. See Section 3.3. for a description of DCR's efforts regarding the Lynnway.

6.3 Massachusetts Office of Coastal Zone Management (CZM)

CZM has been involved in municipal harbor planning in Lynn for over a decade. As indicated in Section 8, the 2020 Lynn MHP is consistent with all applicable CZM policies. CZM has also reviewed draft versions of the 2020 Lynn MHP to ensure consistency with MHP standards.

6.4 Massachusetts Department of Environmental Protection (DEP)

DEP is directly involved in the Lynn waterfront area in two principal areas: (1) the current use and future capping, covering, and permanently protecting landfill areas for public open space; and (2) the development of a municipal harbor plan and any associated licensing through the Chapter 91 Waterways program. Conformance with DEP's Waterways regulations is covered in Section 7.

6.5 Massachusetts Executive Office of Housing & Economic Development (EOHED)

EOHD has played an important role in Lynn's economic revitalization. Former Housing and Economic Development Secretary Ash served as a member the Lynn Economic Advancement and Development Team - launching a number of

commercial and housing projects and encouraging growth on the waterfront. The 2020 Lynn MHP is consistent with EOHEd goals for new development in Lynn that balances growth with public benefits.

6.6 Massachusetts Department of Transportation (DOT)

DOT has been involved in improving infrastructure and the transit network in Lynn for several years. In 2014, 2015, and 2017 DOT supported summer ferry service between Lynn and Boston. DOT is under agreement to open a new River Works commuter rail station that can connect to the waterfront at South Harbor. DOT has initiated a Lynn Transit Action Plan Study which will focus on strategies to enhance the quality, capacity, and reliability of public transportation in Lynn. The 2020 Lynn MHP implements several of DOT's goals to bring improved connectivity in Lynn. DOT has also reviewed relevant portions of the 2020 Lynn MHP, in particular the project description for the General Clarence Ransom Edwards Bridge (see Section 3.3 above).

7.0 2020 Lynn MHP Consistency with Massachusetts Waterways Regulations

As required by 301 CMR 23.05(3), the 2020 Lynn MHP must be consistent with state tidelands policy objectives and associated regulatory principles set forth in the state Chapter 91 Waterways regulations at 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 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. While the 2010 Lynn MHP included substitute provisions, there are none in the 2020 Lynn MHP, although there are four amplifications.

The 2020 Lynn MHP is consistent with the relevant primary state tidelands policy objectives as described below.

Categorical Restrictions on Fill and Structures – 310 CMR 9.32

None of the proposed site uses or improvements are categorically restricted in previously filled or flowed tidelands. As noted, the proposed Lynn Launch project will require CZM and DEP review if located in the Lynn DPA to determine compliance with this provision.

Environmental Protection Standards – 310 CMR 9.33

310 CMR 9.33 states all projects must comply with the applicable environmental regulatory programs of the Commonwealth. It is likely that the regulatory programs specifically applicable to projects covered under the 2020 Lynn MHP include:

- The Massachusetts Environmental Policy Act (MEPA);
- The Massachusetts Wetlands Protection Act/Lynn Conservation Commission;
- Massachusetts Historical Commission Act; and
- Coastal Zone Management Federal Consistency Review.

Conformance with Municipal Zoning and Harbor Plans standards – 310 CMR 9.34

Local zoning will be consistent with the 2020 Lynn MHP and shall conform with the amplifications for nonwater-dependent uses.

Standards to Preserve Water-Related Public Rights – 310 CMR 9.35

The Waterways regulations at 310 CMR 9.35 are designed to preserve the public's rights to navigation, free passage over and through the water and access to Town landing, and to ensure that public open spaces are properly managed and maintained. All projects within the 2020 Lynn MHP will comply with the appropriate components of this section.

Standards to Protect Water-Dependent Uses – 310 CMR 9.36

The regulations at 310 CMR 9.36 are designed to protect any water-dependent uses occurring at or proximate to the site. This includes water-dependent uses within the five years prior to the filing of the license application.

The 2020 Lynn MHP protects existing water-dependent uses and promotes new such uses, including public access, public activation, and water-dependent industrial uses within the Lynn DPA. An amplification promotes a WDUZ that is at least twice as large as would be required under 310 CMR 9.51(3)(c) for all new or expanded nonwater-dependent projects.

Engineering Construction Standards – 310 CMR 9.37

All structures will be designed and constructed in a manner that is structurally sound and will be certified by a Registered Professional Engineer. An amplification of this standard focuses on non-structural alternatives where feasible, in order to promote coastal habitat and resiliency. To provide additional coastal resiliency, the amplification also encourages appropriate increases in shoreline elevation.

Nonwater-dependent Uses on New Pile Supported Structures – 310 CMR 9.51(3)(a)

Nonwater-dependent structures on new pile-supported structures generally shall not extend beyond the footprint of existing, previously authorized pile-supported structures or pile fields. No new pile-supported structures are proposed under the 2020 Lynn MHP.

Nonwater-dependent Facilities of Private Tenancy – 310 CMR 9.51(3)(b)

For nonwater-dependent uses on pile-supported structures, 310 CMR 9.51(3)(b) prohibits Facilities of Private Tenancy on any pile supported structure on flowed tidelands, or on ground floor of any filled tidelands within 100 feet of a project shoreline. The 2020 Lynn MHP includes no nonwater-dependent use structures on pile-supported structures.

Water-dependent Use Zone – 310 CMR 9.51(3)(c)

For the water-dependent use zone, the MHP must specify alternative setback distances and other requirements that ensure that 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 harbor in question.

To actively encourage the public to access and use the Lynn waterfront, the statewide standards for a water-dependent use zone is insufficient, given the history and development patterns in Lynn. An amplification more than doubles the size of the WDUZ for any new or expanded nonwater-dependent use project.

Lot Coverage – 310 CMR 9.51 (3)(d)

The lot coverage standard at 310 CMR 9.51(3)(d) ensures that, in general, buildings for nonwater-dependent use will be relatively condensed in footprint and will provide an amount of open space to accommodate water-dependent activity, and associated public access, commensurate with that occupied by buildings containing nonwater-dependent uses. For developable parcels, the 2020 Lynn MHP adheres to the statewide standard of one-square-foot of open space to one-square-foot of building footprint. In addition, the 2020 Lynn MHP includes an expanded 16.3-acre WDUZ and a 32.1-acre (as envisioned) signature waterfront park that when combined with DCR parkland totals 57.5 acres, more than 41% more publicly accessible open space than was proposed in the 2010 Lynn MHP. See Figure 10 for a breakdown of the 2020 Lynn MHP open space metrics.

Building Height – 310 CMR 9.51(3)(e)

The building height standard at 310 CMR 9.51(3)(e) ensures that, in general, new or expanded buildings for nonwater-dependent use will be relatively modest in size, as appropriate for the harbor in question, in order that wind, shadow, and other conditions of the ground-level environment will be conducive to water-dependent activity and public access. The 2020 Lynn MHP adheres to the statewide standard for building heights.

Utilization of Shoreline for Water-dependent Purposes – 310 CMR 9.52

This section of the Waterways regulations requires that “a nonwater-dependent use project that includes fill or structures on any tidelands shall devote a reasonable portion of such lands to water-dependent use, including public access in the exercise of public rights on such lands.” The 2020 Lynn MHP includes an amplification of this provision to promote lateral access to the waterfront in Lynn from multiple points along the Lynnway.

Activation of Commonwealth Tidelands for Public Use – 310 CMR 9.53

Under 310 CMR 9.53, a nonwater-dependent use project "...that includes fill or structures 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 the private advantages of use are not primary but merely incidental to the achievement of public purposes." In addition, the project "...shall attract and maintain substantial public activity on the site on a year-round basis, through the provisions of water-related public benefits of a kind and to a degree that is appropriate for the site, given the nature of the project, conditions of the waterbody on which it is located, and relevant circumstances."

While most of the areas within the HPA is not Commonwealth tidelands and not normally subject to this provision, the 2020 Lynn MHP includes an amplification to apply this standard to all areas within the expanded water-dependent use zone, as provided in a separate amplification, for new or expanded nonwater-dependent use projects. Specific activation measures are included in the 2019 Waterfront Open Space MP and should be referenced for licensing guidance.

Implementation Strategies – 301 CMR 23.05(4)

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. Changes to local zoning in Lynn will be consistent with statewide Chapter 91 dimensional standards for nonwater-dependent use projects and with the amplifications in the 2020 Lynn MHP.

8.0 2020 Lynn MHP Consistency with Policies of the Massachusetts Office of Coastal Zone Management

As specified at 301 CMR 23.05(1), a municipal harbor plan shall be approved only upon a written determination by the Secretary of the Executive Office of Energy and Environmental Affairs that, among other findings, the plan is consistent with all policies of the Massachusetts Office of Coastal Zone Management (CZM) as described in CZM’s Policy Guide dated October, 2011. The following is a summary of these policies as they relate to the actions contemplated in the 2020 Lynn MHP and an assessment of the MHP's compliance with them.

CZM Policy	Consistent or Not Applicable	Discussion
<p>Coastal Hazards Policy #1 (enforceable)</p> <p>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.</p>	<p>Consistent</p>	<p>The 2020 Lynn MHP includes an amplification highlighting the use of engineered “natural” landforms, where possible, to increase coastal habitat and resiliency.</p>
<p>Coastal Hazards Policy #2 (enforceable)</p> <p>Ensure that construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Flood or erosion control projects must demonstrate no significant adverse effects on the project site or adjacent or downcoast areas.</p>	<p>Consistent</p>	<p>Any construction in water bodies is anticipated to improve water circulation and sediment transport and will not adversely affect adjacent or downcoast areas.</p>
<p>Coastal Hazards Policy #3 (enforceable)</p> <p>Ensure that state and federally funded public works projects proposed for location within the coastal zone will:</p> <ul style="list-style-type: none"> • Not exacerbate existing hazards or damage natural buffers or other natural resources. • Be reasonably safe from flood and erosion-related damage. 	<p>Consistent</p>	<p>With its substitute provision for a WDUZ with a greater depth and focus on use of nature-based shorelines for resiliency, the 2020 Lynn MHP: (1) does not exacerbate existing hazards or damage natural buffers or other natural resources; (2) is reasonably safe from flood and erosion-related damage; (3) does not promote growth and development in hazard-prone or buffer areas, especially in</p>

<ul style="list-style-type: none"> • Not promote growth and development in hazard-prone or buffer areas, especially in velocity zones and Areas of Critical Environmental Concern. • Not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structures in a manner inconsistent with the Coastal Barrier Resource/Improvement Acts. 		<p>velocity zones and Areas of Critical Environmental Concern; (4) will not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structures in a manner inconsistent with the Coastal Barrier Resource/Improvement Acts.</p>
<p>Coastal Hazards Policy #4</p> <p>Prioritize acquisition of hazardous coastal areas that have high conservation and/or recreation values and relocation of structures out of coastal high-hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and manageability of the area.</p>	<p>Consistent</p>	<p>The 2020 Lynn MHP substitute provision for a WDUZ with a greater depth, in conjunction with future plans to cap, cover, permanently conserve, and improve existing coastal landfills, increase coastal open space and ensure that structures will be located away from high-hazard areas.</p>
<p>Energy Policy #1 (enforceable)</p> <p>For coastally dependent energy facilities, assess siting in alternative coastal locations. For non-coastally dependent energy facilities, assess siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites.</p>	<p>Consistent</p>	<p>Siting options for the LNG facility within the Lynn DPA were considered but rejected as infeasible.</p>
<p>Energy Policy #2</p> <p>Encourage energy conservation and the use of renewable sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.</p>	<p>Consistent</p>	<p>The 2020 Lynn MHP applies statewide Chapter 91 building dimensions to any new or redeveloped nonwater-dependent use structure and so no energy conservation or renewable provisions are included in building offset. However, energy conservation and the use of renewables will be encouraged through other means, such as the building code.</p>
<p>Growth Management Policy #1</p> <p>Encourage sustainable development that is consistent with state, regional, and local</p>	<p>Consistent</p>	<p>The 2020 Lynn MHP is a primary tool for implementing state and local plans for the City of Lynn.</p>

plans and supports the quality and character of the community.		
<p>Growth Management Policy #2</p> <p>Ensure that state and federally funded infrastructure projects in the coastal zone primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers.</p>	Consistent	The 2020 Lynn MHP limits the amount of development that can occur in the HPA based on statewide Chapter 91 building dimensions. Regardless of funding source, the 2020 Lynn MHP promotes infrastructure projects that serve existing developed areas and meets the needs of urban and community development centers.
<p>Habitat Policy #1 (enforceable)</p> <p>Protect coastal, estuarine, and marine habitats—including salt marshes, shellfish beds, submerged aquatic vegetation, dunes, beaches, barrier beaches, banks, salt ponds, eelgrass beds, tidal flats, rocky shores, bays, sounds, and other ocean habitats—and coastal freshwater streams, ponds, and wetlands to preserve critical wildlife habitat and other important functions and services including nutrient and sediment attenuation, wave and storm damage protection, and landform movement and processes.</p>	Consistent	The 2020 Lynn MHP includes an amplification for nature-based shoreline structures, where feasible, to promote coastal habitat and resiliency. The WDUZ substitute provision helps to protect a wetland area for public enjoyment.
<p>Habitat Policy #2 (enforceable)</p> <p>Advance the restoration of degraded or former habitats in coastal and marine areas.</p>	Not Applicable	The 20-19 Lynn MHP includes an amplification for nature-based shoreline structures, where feasible, to promote coastal habitat and resiliency. The WDUZ substitute provision helps to protect a wetland area for public enjoyment.
<p>Ocean Resources Policy #1 (enforceable)</p> <p>Support the development of sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects significant ecological resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse effects on the coastal and marine</p>	Not Applicable	The 2020 Lynn MHP has no aquaculture component.

environment and other water-dependent uses.		
<p>Ocean Resources Policy #2 (enforceable)</p> <p>Except where such activity is prohibited by the Ocean Sanctuaries Act, the Massachusetts Ocean Management Plan, or other applicable provision of law, the extraction of oil, natural gas, or marine minerals (other than sand and gravel) in or affecting the coastal zone must protect marine resources, marine water quality, fisheries, and navigational, recreational and other uses.</p>	Not Applicable	The 2020 Lynn MHP does not include any extractive activities.
<p>Ocean Resources Policy #3 (enforceable)</p> <p>Accommodate offshore sand and gravel extraction needs in areas and in ways that will not adversely affect marine resources, navigation, or shoreline areas due to alteration of wave direction and dynamics. Extraction of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment or shoreline stabilization.</p>	Not Applicable	The 2020 Lynn MHP does not include any extractive activities.
<p>Ports & Harbors Policy #1 (enforceable)</p> <p>Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity, and public health and take full advantage of opportunities for beneficial re-use.</p>	Applicable	. As currently conceived, the proposed dredging project for Lynn Harbor (see Section 3.3) is not within the Lynn HPA or the Lynn DPA; however, if implemented, this dredge project will comply with Ports and Harbor Policy #1
<p>Ports & Harbors Policy #2 (enforceable)</p> <p>Obtain the widest possible public benefit from channel dredging and ensure that Designated Port Areas and developed harbors are given highest priority in the allocation of resources.</p>	Applicable	As currently conceived, the proposed dredging project for Lynn Harbor (see Section 3.3) is not within the Lynn HPA or the Lynn DPA; however, if implemented, this dredge project will comply with Ports and Harbor Policy #2
<p>Ports & Harbors Policy #3 (enforceable)</p>	Consistent	The 2020 Lynn MHP includes provisions that require adherence to

<p>Preserve and enhance the capacity of Designated Port Areas to accommodate water-dependent industrial uses and prevent the exclusion of such uses from tidelands and any other DPA lands over which an EEA agency exerts control by virtue of ownership or other legal authority.</p>		<p>all DPA use standards in 310 CMR 9.00 and proposes that a future DPA Boundary Review be conducted; if any area is found to be inconsistent with the DPA designation criteria and removed from the DPA, this MHP proposes that it is replaced with an equivalent amount of adjacent land that meets the designation criteria in order to preserve and enhance the capacity of the Lynn DPA.</p>
<p>Ports & Harbors Policy #4 (enforceable)</p> <p>For development on tidelands and other coastal waterways, preserve and enhance the immediate waterfront for vessel-related activities that require sufficient space and suitable facilities along the water’s edge for operational purposes.</p>	<p>Consistent</p>	<p>The 2020 Lynn MHP supports vessel activity in the Lynn DPA, such as the proposed dredge project and efforts to restore ferry service.</p>
<p>Ports & Harbors Policy #5</p> <p>Encourage, through technical and financial assistance, expansion of water-dependent uses in Designated Port Areas and developed harbors, re-development of urban waterfronts, and expansion of physical and visual access.</p>	<p>Consistent</p>	<p>The 2020 Lynn MHP includes a DPA master plan that preserves and enhances water-dependent industrial uses. The 2020 Lynn MHP promotes the re-development of the Lynn waterfront, primarily as publicly accessible open space outside of the DPA.</p>
<p>Protected Areas Policy #1 (enforceable)</p> <p>Preserve, restore, and enhance coastal Areas of Critical Environmental Concern, which are complexes of natural and cultural resources of regional or statewide significance.</p>	<p>Not Applicable</p>	<p>The 2020 Lynn MHP is not within an ACEC. However, it is proximate to the Rumney Marsh ACEC</p>
<p>Protected Areas Policy #2 (enforceable)</p> <p>Protect state designated scenic rivers in the coastal zone.</p>	<p>Not Applicable</p>	<p>The 2020 Lynn MHP does not include a designated scenic river.</p>
<p>Protected Areas Policy #3 (enforceable)</p> <p>Ensure that proposed developments in or near designated or registered historic places respect the preservation intent of</p>	<p>Consistent</p>	<p>There are no properties listed in the National or State Registers of Historic Places located within the HPA. One property, the Creighton-Champion Building (currently the Clock Tower</p>

<p>the designation and that potential adverse effects are minimized.</p>		<p>Business Center) at 330 Lynnway, is recorded in the Massachusetts Historical Commission's Massachusetts Cultural Resource Information System database as Inv. No. LYN.1431. There are no current plans to redevelop this structure. Any redevelopment of the site would require compliance with the 2020 Lynn MHP WDUZ substitute provision.</p>
<p>Public Access Policy #1 (enforceable)</p> <p>Ensure that development (both water-dependent or nonwater-dependent) of coastal sites subject to state waterways regulation will promote general public use and enjoyment of the water's edge, to an extent commensurate with the Commonwealth's interests in flowed and filled tidelands under the Public Trust Doctrine.</p>	<p>Consistent</p>	<p>Even though most of the area within the Lynn HPA is private tidelands, the 2020 Lynn MHP includes a substitute provision to ensure that the WDUZ areas and any areas subject to a permanent conservation restriction meet general Commonwealth tidelands standards for public activation and specific recommendations in the 2019 Waterfront Open Space MP.</p>
<p>Public Access Policy #2 (enforceable)</p> <p>Improve public access to existing coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation and trail links (land- or water-based) to other nearby facilities. Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance, and public support facilities. Ensure that the adverse impacts of developments proposed near existing public access and recreation sites are minimized.</p>	<p>Consistent</p>	<p>The focus of the 2020 Lynn MHP is to improve public access to an area that has largely been inaccessible to the adjacent downtown area and to encourage pedestrian and bicycle access through a series of waterfront and lateral access ways. The MHP also helps connect DCR's properties in the South Harbor area to the Lynn Heritage State Park.</p>
<p>Public Access Policy #3 (enforceable)</p> <p>Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities, giving highest priority to regions of high need or limited site availability. Provide technical assistance to developers of both public and private recreation facilities and sites that</p>	<p>Consistent</p>	<p>The focus of the 2020 Lynn MHP is to improve public access to an area that has largely been inaccessible to the adjacent downtown area and to encourage pedestrian and bicycle access through a series of waterfront and lateral access ways. The MHP also helps connect DCR's properties in the South Harbor area to the Lynn</p>

<p>increase public access to the shoreline to ensure that both transportation access and the recreation facilities are compatible with social and environmental characteristics of surrounding communities.</p>		<p>Heritage State Park. Technical assistance will continue to be provided as needed.</p>
<p>Water Quality Policy #1 (enforceable)</p> <p>Ensure that point-source discharges and withdrawals in or affecting the coastal zone do not compromise water quality standards and protect designated uses and other interests.</p>	<p>Consistent</p>	<p>Existing or new point source discharges in the HPA will not compromise water quality standards and will protect public access and relevant DPA uses.</p>
<p>Water Quality Policy #2 (enforceable)</p> <p>Ensure the implementation of nonpoint source pollution controls to promote the attainment of water quality standards and protect designated uses and other interests.</p>	<p>Consistent</p>	<p>Any nonpoint source pollution controls to promote the attainment of water quality standards and protect designated uses and other interests will be required.</p>
<p>Water Quality Policy #3 (enforceable)</p> <p>Ensure that subsurface waste discharges conform to applicable standards, including the siting, construction, and maintenance requirements for on-site wastewater disposal systems, water quality standards, established Total Maximum Daily Load limits, and prohibitions on facilities in high-hazard areas.</p>	<p>Consistent</p>	<p>Any subsurface discharge activities that may occur will conform to applicable standards.</p>