

# BOSTON PRESERVATION ALLIANCE

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

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

- The Boston Preservation Alliance has been a voice of conscience for the Boston’s unique character for nearly 40 years. We are a 501C3 that advocates for historic preservation as part of thoughtful evolution and change, embracing the blend of old and new. But we warn about unintended consequences when decisions are rushed before all facts are at hand.
- The Alliance represents 40 organizations, nearly 100 corporations, including significant players in the development and construction trade, and reach over 35,000 peoples.
- The Alliance is adamant that this Bill is both premature and ill-conceived. I’ll focus on four points:
  - First: It is premature to clear a path for this project when its impact has not yet been evaluated. Neither the required State’s Environmental (MEPA) nor the city’s Development review (Article 85) processes are more than in their early stages, with none of the extensive data filings and community input completed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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