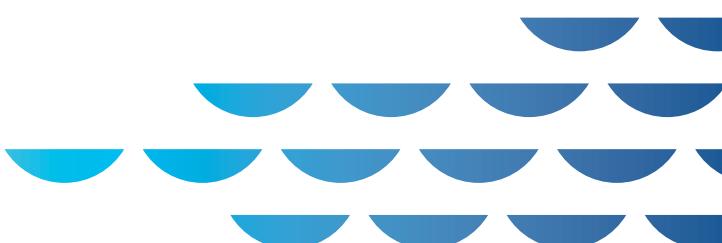




Boston Waterfront Partners' Equity Rubric for Waterfront Development



BOSTON
WATERFRONT
PARTNERS



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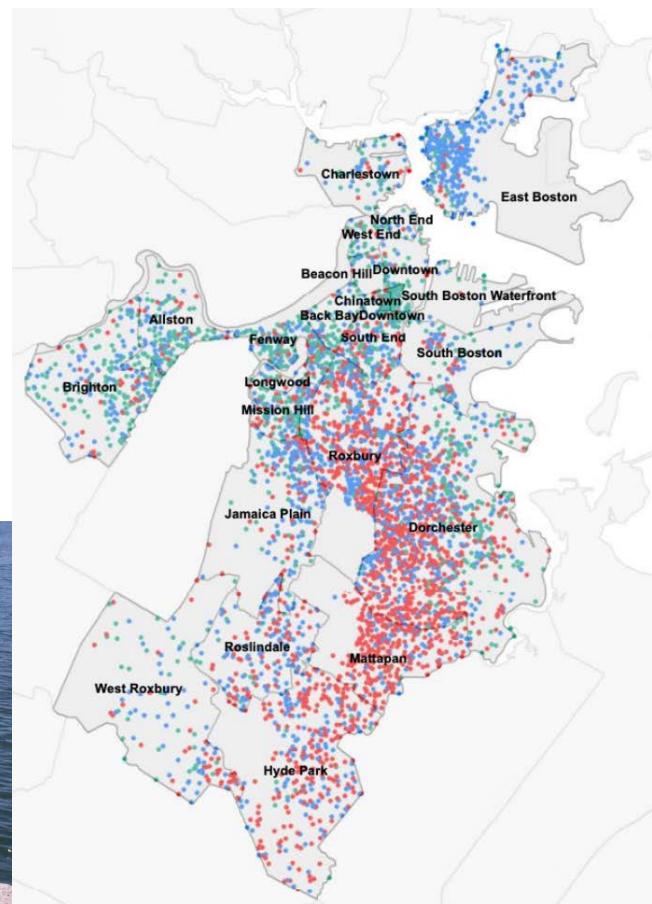
The Promise & Peril of Progress on the Waterfront

The decades-long, \$5 billion investments to clean up the Boston Harbor led to one of the cleanest urban waterfronts in the nation.¹ Residents and visitors now enjoy ample fishing, swimming, and recreation opportunities around the Harbor and on the Harbor Islands. As a result, investment in waterfront property has skyrocketed.

The benefits of the waterfront's rapid development predominantly serve whiter and more affluent residents and businesses, for example, developers and business owners, and often sideline these minority and lower-income populations.



Black/African American, Asian/Pacific Islander, and Hispanic Populations, 2020



BPDA data analysis shows how increases in non-white residents have been concentrated in certain areas of the city, with notably fewer minority residents living in waterfront areas. Source: [Historical Trends in Boston Neighborhoods](#)

1.A. The Role of the Boston Waterfront Partners

The Boston Waterfront Partners (BWP) are a group of 13 nonprofits funded and convened by the Barr Foundation who work along Boston's waterfront both independently and in collaboration to address policy issues, improve open space, and develop programs that bring new, marginalized, and excluded communities to the waterfront. This rubric was developed by representatives from Boston Harbor Now, Conservation Law Foundation, GreenRoots, Harborfront Neighborhood Alliance, Save the Harbor/Save the Bay, and The American City Coalition. Our goal is to codify and clarify the ways in which projects could be developed to center equity and address past harms and to transparently evaluate new and existing private and public projects.

1.B. The Purpose of this Rubric

The Equity Rubric is a framework created by the BWP to better understand in what ways existing and proposed projects along the Greater Boston waterfront are or are not furthering racial and socioeconomic equity. The rubric establishes a shared set of evaluation criteria that the BWP agrees waterfront development should strive to meet or exceed. The metrics outlined in this framework will help the BWP advocate for a more inclusive waterfront, one in which people from BIPOC, lower-income, non-English speaking, LGBTQ, disabled, and other marginalized groups feel a sense of belonging. By pushing for development that is accessible, economically inclusive, and resilient beyond the regulated minimums, we hope to dismantle the social and physical barriers that impede equitable waterfront use. The Equity Rubric is designed to provide an evaluation of waterfront projects and to include today's best practices recognizing that new needs will arise.

1.C. Tackling a Legacy of Inequality

A historic paradigm of racialized investment followed by a period of colorblind investment in the waterfront has led to a legacy of inequality that must be tackled to provide meaningful and equitable access to all community members. Key examples of this investment can be seen in the Seaport District of South Boston and around Jeffries Point in East Boston. These developments have transformed the skyline of Boston and brought economic growth to the region, but not without undesired consequences and costs.

In the 1,000 Acre Seaport District, for example, \$18 billion in public investment led to a population that was 3% Black and 89% percent white in 2017, with a median household income of over \$130,000². Since then, some minority-owned businesses have moved into the area, but for many Bostonians, new waterfront developments in this neighborhood and others do not feel welcoming

IN THIS SECTION

1.A. The Role of the Boston Waterfront Partners

1.B. The Purpose of this Rubric

1.C. Tackling a Legacy of Inequality

1.D. The Entire Public Has Waterfront Access Rights

1.E. Using the Rubric



or inclusive. In 2020, less than 7% of the \$571 million that the City of Boston spent on construction and professional goods and services went to women or minority-owned businesses.³ The high costs of housing and parking and the prevalence of luxury restaurants and hotels along the Harbor exclude lower-income Bostonians, perpetuating an exclusive environment of spaces that are only accessible to certain Boston residents.

Table 1: Boston Waterfront Neighborhoods with Racial and Economic Indicators, 2017–2021

PERCENT WHITE		MEDIAN HOUSEHOLD INCOME
34.5%	East Boston	\$71,520
70.5%	Charlestown	\$140,846
85.3%	North End	\$107,574
63.7%	Downtown	\$109,697
14.8%	Roxbury	\$37,884
81.9%	South Boston Waterfront	\$167,446
77.0%	South Boston	\$131,198
22.5%	Dorchester	\$61,468

Source: [BPDA Boston in Context Report](#), 2023

As rapid development continues on Boston Harbor, it is essential that projects are designed with equity in mind, ensuring inclusive access to the waterfront and offering tangible benefits to all Boston area residents, especially those who have been historically excluded from most of the waterfront.

There is a clear need for more accountability and advocacy toward making waterfront spaces more welcoming to the diverse populations that live in Boston and leveraging new developments on the waterfront to address documented inequities (e.g., employment). Historical data shows how lower-income and minority populations have not seen the same benefits from waterfront investment compared to affluent white residents.

Despite the Public Waterfront Act's (Chapter 91) requirements for public benefits and access to the waterfront, the Greater Boston waterfront has remained largely unapproachable to environmental justice populations. Environmental justice



populations refers to a neighborhood where one or more of the following criteria are true: the annual median household income is 65 percent or less of the statewide annual median household income; minorities make up 40 percent or more of the population; 25 percent or more of households identify as speaking English less than “very well”; minorities make up 25 percent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 percent of the statewide annual median household income.⁴

1.D. The Entire Public Has Waterfront Access Rights

The Massachusetts Public Waterfront Act, known as Chapter 91, “seeks to preserve and protect the rights of the public, and to guarantee that private uses of tidelands and waterways serve a proper public purpose.”⁵ Chapter 91 protects the public’s basic rights to fish, fowl, and navigate almost anywhere on the coastline. Non-water dependent projects, which “are not presumed to serve a proper public purpose,” must compensate by providing greater public benefits than the baseline 12-foot public right of way.⁶ Examples of public benefits include public restrooms, fishing piers, facilities of public accommodation (FPAs), and sailing programs.

While these requirements have created a publicly accessible waterfront under the law, the lived reality is an inequitable one.

Though the waterfront is legally open to anyone, barriers to entry for many persist in the form of structural and systemic inaccessibility and economic exclusion. Chapter 91 also fails to address the threats of climate change, which we know will disproportionately affect environmental justice populations who already have been excluded from the waterfront. Our past has shown that the failure to proactively design with equity in mind leads to unwelcoming waterfronts.

Failure to proactively address environmental inequities will have the same result if we do not actively work to prevent it. It is crucial that we act now and design with environmental justice in mind, lest we repeat our past mistakes.



EXCEEDS EXPECTATIONS MEETS EXPECTATIONS DOES NOT MEET EXPECTATIONS

BOSTON WATERFRONT PARTNERS' EQUITY RUBRIC FOR WATERFRONT DEVELOPMENT

3.A. ADA Compliance and Universal Design

Does this project allow people of all abilities to access and use the site?

EXCEEDS EXPECTATIONS MEETS EXPECTATIONS DOES NOT MEET EXPECTATIONS

Projects and the amenities provided under Chapter 91 should be designed to be usable for people with different needs and abilities. The BPDA requires that all Article 80 projects comply with the [Accessibility Checklist](#). The BWPA expects all projects, regardless of their applicability to Article 80, to provide universal design elements that are accessible to address mobility challenges. Other interventions to accommodate other impairments, like hearing and vision loss, will be needed. Features may include but are not limited to, audio alternatives for interpretive signage and bright strics to indicate steps or grade change. Specifically, as it pertains to the waterfront, any opportunities to touch the water should be graded so that it is accessible at all points of the tidal cycle, and infrastructure that supports disabled persons' use of the space, like accessible kayak launch, is strongly encouraged.

3.B. Facilities of Public Accommodation (FPAs) and Supporting Amenities

Are there amenities that support longer visitation periods? Do the FPA spaces feel both welcoming to the public and support the surrounding community's needs? Are there spaces that actively invite those who have historically been excluded from the water?

EXCEEDS EXPECTATIONS MEETS EXPECTATIONS DOES NOT MEET EXPECTATIONS

To support visitation to the waterfront from those who do not live in the surrounding neighborhood, projects should include amenities that allow visitors to comfortably stay in the area. These may include public restrooms, drinking fountains with water bottle refills, trash and recycling bins, shade, grills, affordable food options, and other resident/community-identified amenities. FPA spaces similarly should both support the surrounding community's needs and provide public benefit to those who do not live in the neighborhood. They should feel truly public, easily findable, and regularly maintained and available for visitors. Office or residential lobbies that provide public seating or other public amenities should not be considered the gold standard for FPAs.

3.C. Corporate design elements and safe environment

Are there design elements that support a safe and welcoming environment for all? Are there design elements that support the surrounding community's needs?

EXCEEDS EXPECTATIONS MEETS EXPECTATIONS DOES NOT MEET EXPECTATIONS

Design elements that support a safe and welcoming environment for all should include, but are not limited to, accessible and safe connections to the site to the surrounding neighborhood. Connections to the area should include bike lanes and Blue-Signs, crosswalks, and other pedestrian safety, and hand-hold-up zones for those travel-share companies (TNCs). A secure connection to the site, but when that is not possible, transit hubs could serve as a connection to the site.

1.E. Using the Rubric

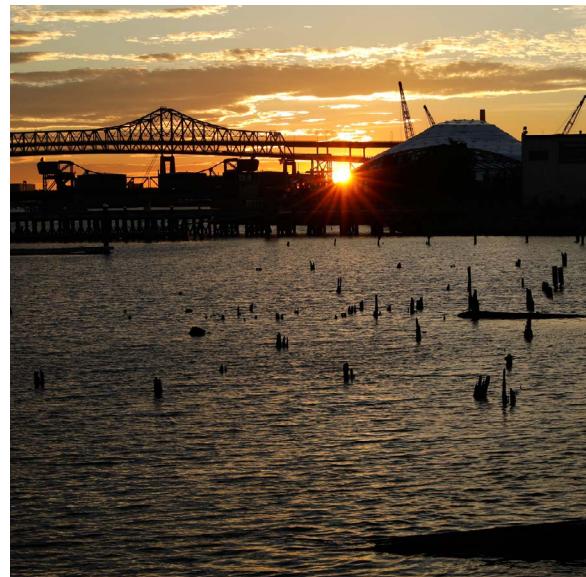
The Equity Rubric is organized by thematic values, broken down into criteria that help further each value. Each criterion is scored on a color system of green, yellow, and red.

GREEN signifies that a project meets or exceeds expectations.

YELLOW signifies a project is approaching expectations.

RED signifies a project does not meet our expectations.

We expect new development to positively impact longstanding inequities and that the combined contributions of a series of adjacent projects along the waterfront can balance each other's gaps to create a more accessible, affordable, and resilient waterfront.



A copy of the Rubric Scorecard can be found on [page 21](#).

01

02

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04

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07

02

Public Process

While much of this rubric focuses on the substance of a project, the public engagement and planning stages are equally vital to ensuring an equitable process and result. For recommendations for initiatives and best practices that will result in a thorough, inclusive, and effective public process, see the “Regulators” section in the “Resource” section.

2.A. Engagement and Empowerment Strategies

Is the information being shared accessible to everyone who the project will impact, especially environmental justice populations?

EXCEEDS EXPECTATIONS

MEETS EXPECTATIONS

DOES NOT MEET EXPECTATIONS

Prior to submitting an initial filing to an agency, the project proponent should work with the relevant agency to implement an outreach strategy, which should include specific strategies to engage and empower relevant environmental justice populations. The proponent should also invite community-based organizations, and local elected officials to a meeting to review and provide meaningful feedback to the proposed filing.

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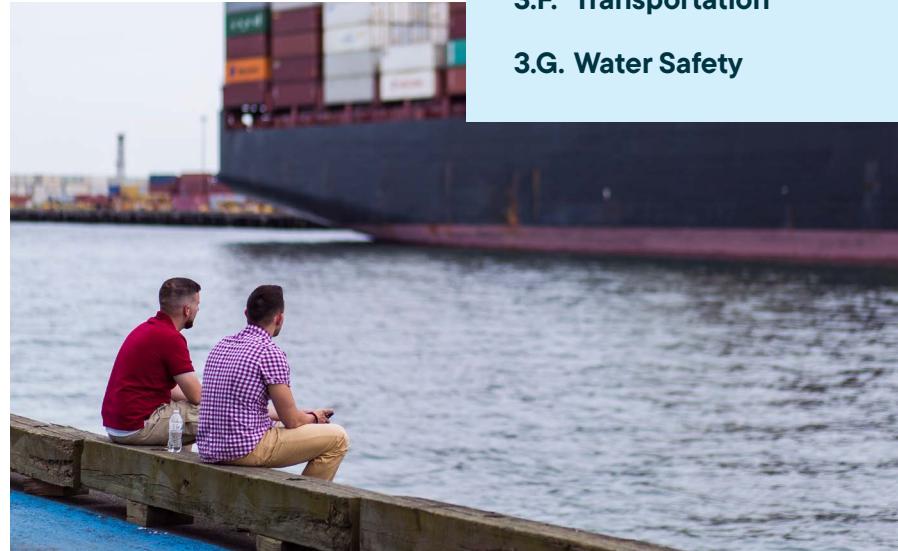
03

Accessibility

The BWP believes that, as guaranteed by the Public Trust Doctrine, tidelands and the water should be for the public's benefit. We value the ability of all people to access, enjoy, explore/navigate, and spend time at waterfront destinations, in part because access to outdoor spaces yields proven benefits to physical and mental health. Despite legal protections, not all people have equal access to the waterfront; both physical and cultural barriers have discouraged environmental justice and other marginalized populations from accessing the amenities guaranteed to them.

If only some members of the public feel welcome, the waterfront is failing to live up to the legal standards protecting the public's rights to the waterfront.

The following criteria are meant to actively encourage those who have historically been excluded from the waterfront to visit the waterfront and mitigate resident-identified barriers that may prevent or discourage their use of these spaces.



IN THIS SECTION

- 3.A. ADA Compliance and Universal Design**
- 3.B. Facilities of Public Accommodation (FPAs) and Supporting Amenities**
- 3.C. Programming and Water Access**
- 3.D. Security**
- 3.E. Signage**
- 3.F. Transportation**
- 3.G. Water Safety**

3.A. ADA Compliance and Universal Design

Does this project allow people of all abilities to access and use the site?

EXCEEDS EXPECTATIONS	MEETS EXPECTATIONS	DOES NOT MEET EXPECTATIONS
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Projects and the amenities provided under Chapter 91 should be designed to be usable for people with different needs and abilities. The BPDA requires that all Article 80 projects comply with the [Accessibility Checklist](#). The BWP expects all projects, regardless of their applicability to Article 80, to address the relevant requirements raised in the checklist to address mobility challenges. Other interventions to accommodate other impairments, like hearing and vision loss, will be needed. Features may include but are not limited to, audio alternatives for interpretive signage and bright strips to indicate steps or grade change. Specifically, as it pertains to the waterfront, any opportunities to touch the water should be graded so that it is accessible at all points of the tidal cycle, and infrastructure that supports disabled persons' use of the space, like accessible kayak launch, is strongly encouraged.



3.B. Facilities of Public Accommodation (FPAs) and Supporting Amenities

Are there amenities that support longer visitation periods? Do the FPA spaces feel both welcoming to the public and support the surrounding community's needs? Are there spaces that actively invite those who have historically been excluded from the water?

EXCEEDS EXPECTATIONS	MEETS EXPECTATIONS	DOES NOT MEET EXPECTATIONS
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To support visitation to the waterfront from those who do not live in the surrounding neighborhood, projects should include amenities that allow visitors to comfortably stay in the area. These may include public restrooms, drinking fountains with water bottle refills, trash and recycling bins, shade, grills, affordable food options, and other resident/community-identified amenities. FPA spaces similarly should both support the surrounding community's needs and provide public benefit to those who do not live in the neighborhood. They should feel truly public, easily findable, and regularly maintained and available for visitors. Office or residential lobbies that provide public seating or other public amenities should not be considered the gold standard for FPAs.



3.C. Programming and Water Access

Are there waterfront activation opportunities that are accessible and appeal to a diverse audience, especially those who have been underrepresented on the waterfront? Are there opportunities for people to touch the water? How will barriers to accessing waterfront programming be addressed?

EXCEEDS EXPECTATIONS

MEETS EXPECTATIONS

DOES NOT MEET EXPECTATIONS

Programming provided on-site should be accessible to a broad audience and actively work to attract new populations to the water. When developing programming, document barriers including a lack of familiarity; environmental justice populations have provided strategies for mitigating barriers to waterfront programming including offering multi-generational activities and combining on-the-water and on-land activities.⁷ Programming should include a plan to capture metrics to understand demographic (who programs are serving) and participant feedback (the quality of their experience).

Projects should allow people to fully experience the water by getting out on it when possible. Opportunities to touch the water may manifest as public docks, boat rentals, boat launches, or other means to get people onto the water.



3.D. Security

Does this project incorporate design elements that create a welcoming and safe environment for a diverse audience?

EXCEEDS EXPECTATIONS

MEETS EXPECTATIONS

DOES NOT MEET EXPECTATIONS

What feels safe for some people may feel uninviting to others, and it is important to understand the needs and history of the area when balancing these potentially conflicting safety strategies, especially concerning private security.



3.E. Signage

Does this project provide signage that allows a diverse group of people to navigate the site easily? Does this project provide interpretive signage that enriches the space and is reflective of the diverse lived experiences and inclusive history of Greater Boston Harbor residents? Is the signage accessible to non-English speaking people and people with limited sight?



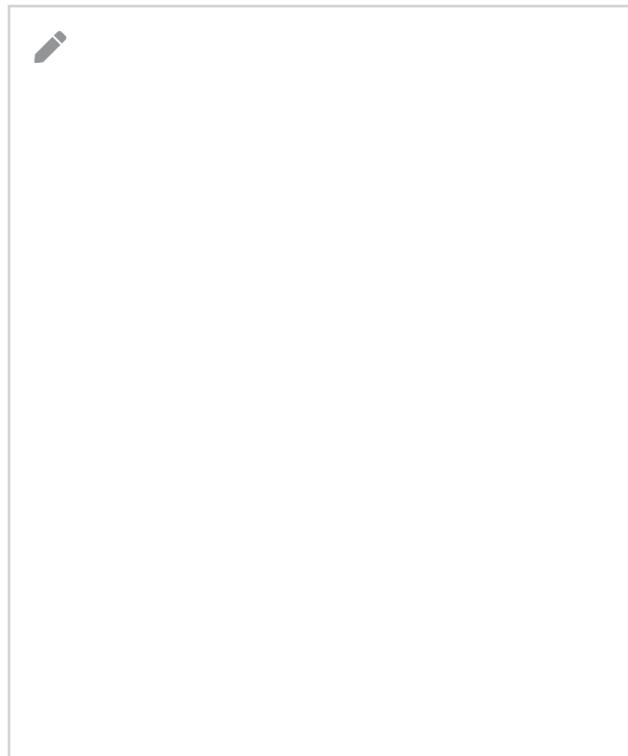
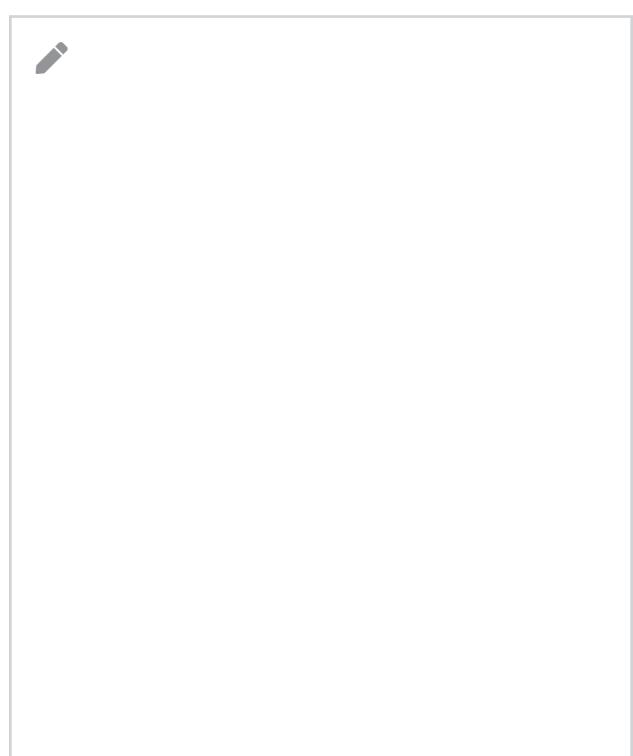
A signage plan should include Harborwalk signage, wayfinding signage, interpretive signage, and public amenities signage, including public restrooms. Signage should use icons where possible and, when not, offer multilingual translation of the most commonly spoken language outside of English within a one-mile radius of the site, with QR codes offering additional translations. Signage should also have accommodations for people with limited sight.

3.F. Transportation

Does this project provide neighborhoods beyond the project area with affordable, safe, efficient transit connections to access the waterfront and the amenities provided by the project?



It is important to create multimodal connections to the site to increase access to these amenities. Connections to the area may include financial support for Transportation Management Associations (TMAs), construction of bike lanes and Bluebikes stations for cyclists; sidewalks, crosswalks, and other street interventions to ensure pedestrian safety; and handicap parking and drop-off and pick-up zones for those traveling by personal vehicles or ride-share companies (TNCs). Transit access (subways, buses, ferries) is ideal for connecting residents of other neighborhoods to the site, but when that is not possible, shuttle buses from transit hubs could serve as a replacement for any visitors wishing to use the site.

3.G. Water Safety

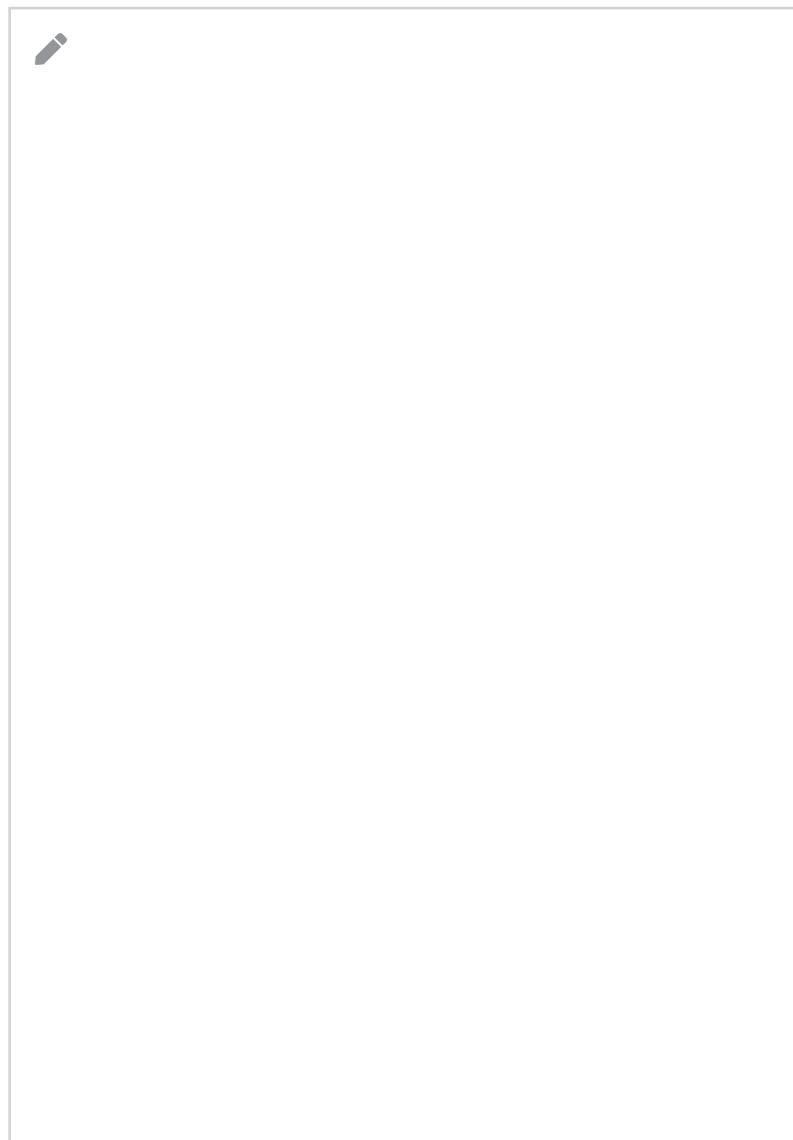
Is there waterside infrastructure and equipment available in case of an emergency?

EXCEEDS
EXPECTATIONS

MEETS
EXPECTATIONS

DOES NOT MEET
EXPECTATIONS

Some overall best public safety practices would be incorporating pedestrian-scaled lighting, emergency access, and water safety resources like life rings (with instructions in multiple languages and training available to adjacent FPA operators and the public), ladders with pulls, and notices of water quality advisories.



04

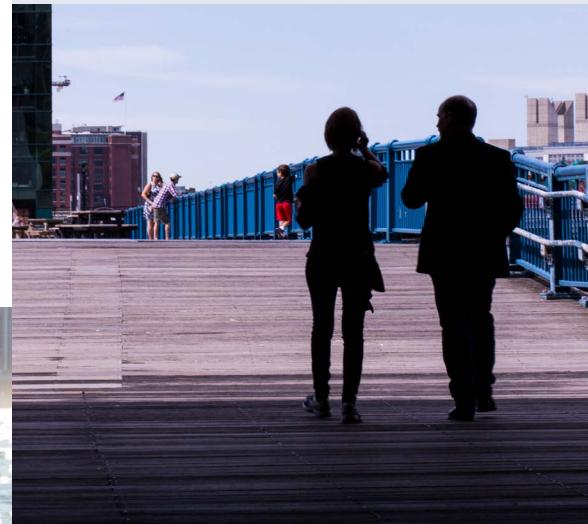
Economic Inclusion and Affordability

The majority of neighborhoods along Boston's waterfront are wealthier and whiter than the City of Boston as a whole, a fact that can deter others, particularly environmental justice populations, from entering public and privately-owned public waterfront spaces, even if they are legally allowed to do so. Waterfront property comes with a markup: housing is more expensive, commercial rents are higher, and the types of businesses along the waterfront often cater to those with higher incomes. As more development and investments are made on the waterfront, the BWP wants to ensure that the economic benefits of these investments address long-standing inequities and substantively contribute to the shared prosperity of all Bostonians through access to permanent jobs (e.g., intentional workforce development strategies that connect pathways to permanent career ladder jobs).



IN THIS SECTION

- 4.A. Commercial**
- 4.B. Housing**
- 4.C. M/WBEs**
- 4.D. Jobs**



4.A. Commercial

Does this project include retail and restaurant options that offer goods and services at various price points to attract a diverse group of patrons?



Retail or restaurants included onsite should be accessible and welcoming to a diverse audience (e.g., culture, race, economic). Regardless of the price of the goods and services being sold and the space's ambiance, all public amenities within the commercial spaces should be clearly open to the public. All restaurants should make their restrooms available to the general public, regardless of patronage. Staff at these establishments should be trained on the public's rights under Chapter 91.



4.B. Housing

Does this project preserve existing affordable housing in the area? Does the project contribute new housing that can support existing and new residents?



Creating new development can lead to the unintentional displacement of existing residents. Project proponents should explain how they will help preserve the community's affordable and existing neighborhood housing and, if applicable, contribute to Greater Boston's housing needs. This should include a narrative explaining how their proposal supports "development without displacement." Specifically, this narrative should address how the proposed development will help current residents remain in their neighborhoods in the future, afford housing, and find pathways to economic opportunity.

At a minimum, this narrative should include the affordable housing production goals of the project and articulate how proposed rents and homeownership meet the needs of local residents. This discussion should also identify how proposed residential unit sizes meet the needs of current and future residents, taking community feedback into consideration (e.g., that larger unit sizes of two, three, and four bedrooms are needed for local families, while smaller unit sizes may be appropriate for seniors, how unit size might impact gentrification).⁸

Proponents should also explain how they plan to protect the homes and people living on site from coastal flooding and maintain emergency evacuation routes, if applicable.



4.C. Jobs

If this project contains non-residential uses, does this project create new permanent jobs? What types of jobs will be onsite, what is the pay for these roles, and what skills will be needed to be hired for these positions? Are there targeted strategies in place to hire local residents from environmental justice populations? Are there targeted strategies in place to retain and advance these employees once they are hired?

EXCEEDS EXPECTATIONS MEETS EXPECTATIONS DOES NOT MEET EXPECTATIONS



New development along Boston's waterfront provides an economic opportunity for environmental justice populations to participate in Boston's economic growth beyond the construction-period jobs. Proponents should make concerted efforts to locate accessible jobs on site and develop targeted strategies to recruit, hire, and retain environmental justice populations for these positions. These efforts may include job descriptions that have been reviewed for over-credentialing, partnerships with workforce development organizations, clear pathways for advancement, and childcare and transportation provisions.



4.D. M/WBEs

Does this project incorporate certified Minority and Women-Owned Business Enterprises (M/WBEs) and other local businesses that reflect the diversity of cultures found in the Boston area? Do new commercial opportunities meet a need missing in the surrounding neighborhood?

EXCEEDS EXPECTATIONS MEETS EXPECTATIONS DOES NOT MEET EXPECTATIONS



A set of vendors that represents the diversity of Boston and includes small vendors and a variety of price points creates a more welcoming environment. However, the high rents on the waterfront put small businesses at a disadvantage as compared to corporate chain businesses. Proponents should include a narrative setting forth a diversity and inclusion plan for establishing and overseeing an outreach program aimed at creating increased opportunities for people of color, women, and Commonwealth of Massachusetts certified M/WBEs to participate in the development and tenancy of the property. The diversity and inclusion plan should describe how the proponent plans to include significant economic participation and management roles by people of color, women, and M/WBEs in as many aspects of the project as possible, including but not limited to predevelopment, construction, tenancy, and ongoing operations.⁹ Proponents should work with these tenants to determine how best to support the success of their business (e.g. subsidized rents, white box build-out of space, integrating ground floor design with tenant needs).



05

Climate Resilience and Adaptation

We cannot foster equity on the waterfront if the waterfront is flooded. Equitable climate resilience calls for projects that safeguard the waterfront from sea level rise, storm surge, stormwater, and extreme heat. When designing the safeguards for current and future climate impact, the BWP believes it is important for the proponents to: 1) Implement climate resilient solutions that protect the whole district, including adjacent and more inland neighborhoods; and 2) Create and/or maintain the existing vibrancy of the site and preserve the public's ability to access, view, and enjoy the waterfront.

Protection that safeguards only the property being developed or walls off the public from accessing resources perpetuates the current inequities playing out on the waterfront.

IN THIS SECTION

- 5.A. Adaptation—Heat Islands**
- 5.B. Adaptation—Sea Level Rise Protection**
- 5.C. Adaptation—Storm Surge Infrastructure**
- 5.D. Adaptation—Stormwater Runoff**
- 5.E. Future Adaptability**
- 5.F. Plantings**
- 5.G. Site Remediation Concerns**



5.A. Adaptation—Heat Islands

Does this project provide areas that offer people respite from intense heat? Do this project's heat solutions provide benefits that have public value?

EXCEEDS EXPECTATIONS MEETS EXPECTATIONS DOES NOT MEET EXPECTATIONS



As temperatures rise, people will need a place to cool down. Although the presence of water will help ameliorate the heat, projects should provide shelter from inclement weather, including extreme heat.

Solutions to reduce heat should strive to provide co-benefits that enhance the waterfront space for all, including providing a destination for those who live in neighborhoods disproportionately impacted by heat island, such as using trees, which also improve air quality and water-based recreational opportunities.

Other options include but are not limited to air conditioning, misters, and splash pads.



5.B. Adaptation—Sea Level Rise Protection

Are amenities elevated out of nuisance flooding? Will spaces intended for public use be regularly available in the future? Does the implemented flood infrastructure still encourage access to and use of the water?

EXCEEDS EXPECTATIONS MEETS EXPECTATIONS DOES NOT MEET EXPECTATIONS



Amenities such as the Harborwalk and FPA spaces are open to the public and are cornerstones of waterfront activation. These amenities should be kept out of projected nuisance flooding zones to ensure that they remain available to the public in the future. Projects must protect amenities from flooding and provide future climate adaptation while still connecting people to the water's edge. Projects also must ensure that their flood protection aligns with neighboring properties to contribute to district-wide flood protection.



5.C. Adaptation—Storm Surge Infrastructure

Does this project contribute to district-wide flood protection that will help protect neighborhoods that are the most vulnerable to climate change from coastal flooding? Is the flood infrastructure provided by this site passive (which minimizes the risk of failure)? Does the infrastructure incorporate benefits to provide additional public value?

EXCEEDS EXPECTATIONS

MEETS EXPECTATIONS

DOES NOT MEET EXPECTATIONS

In addition to protecting public amenities from sea level rise, projects should protect themselves and more inland resources from storm surge. To effectively safeguard inland neighborhoods and critical infrastructure, projects must provide flood infrastructure that connects to neighboring sites' flood infrastructure to create a continuous line of defense. To minimize the risk of failure, flood infrastructure should not rely solely on deployable barriers. Flood infrastructure should incorporate multiple benefits, such as ecological benefits, additional open space, public seating, or public art. At a minimum, living spaces and critical systems like mechanical, electrical, and plumbing systems should be elevated above the 1% chance storm (using the most up-to-date flood projection model available) for the expected life of the building.¹⁰ Additionally, an evacuation route must remain clear in case of emergency.



5.D. Adaptation—Stormwater Runoff

Does this project reduce runoff from precipitation to minimize flooding in inland parts of the neighborhood? Does this project provide stormwater run-off solutions that add public value?

EXCEEDS EXPECTATIONS

MEETS EXPECTATIONS

DOES NOT MEET EXPECTATIONS

More intense rainfall can cause inland flooding and exacerbate flooding on the coast, which may also simultaneously experience flooding caused by sea level rise and storm surge. Stormwater infrastructure should not only minimize runoff and backup of storm drains but also do so in a way that adds additional public value. Reducing impermeable surfaces and creating green infrastructure are just a couple of examples of how stormwater infrastructure can provide valuable public benefits.



5.E. Future Adaptability

Can the project's flood infrastructure be adapted in the future so that it continues to protect the neighborhood, even as the threat of flooding intensifies?

EXCEEDS EXPECTATIONS

MEETS EXPECTATIONS

DOES NOT MEET EXPECTATIONS

The effects of climate change are expected to exceed current flood model projections. It is important that the flood infrastructure provided by the project be adaptable to accommodate more intense flooding caused by sea level rise, storm surge, and stormwater. Projects should have a climate adaptation management/maintenance plan updated regularly to prepare them for future conditions that may impact their site and, by extension, adjacent neighborhoods as a whole. These updated plans should be available to the public.



5.F. Plantings

Does the project add to the tree canopy and replace any existing trees that will be removed? Does this project include salt-tolerant plants that will continue providing ecosystem services even after a storm? Does the project include native plants that are adapted to require less maintenance and resources than other ornamental plantings that may struggle without proper care?

EXCEEDS EXPECTATIONS

MEETS EXPECTATIONS

DOES NOT MEET EXPECTATIONS

Greenery, which we mean to include all vegetation and plantings, are important resources that provide a myriad of ecosystem services like erosion control, natural cooling, and stormwater control in addition to providing human health benefits.¹¹ Greenery is an especially important resource among environmental justice populations, which have less vegetation compared to their more socioeconomically advantaged counterparts. Any loss of existing trees on site should be replaced in a clearly outlined tree replacement and maintenance plan. At a minimum, trees should be replaced on an inch-per-inch caliper ratio. If a project incorporates natural landscaping features, the plantings should be native, salt-tolerant, and erosion-resistant in accordance with CZM's Coastal Landscaping Index and StormSmart Coasts resources. The plantings should be adapted to the environment, allowing them to recover even in the event of coastal flooding and minimizing the resources required to maintain them.



5.G. Site Remediation Concerns

Does the project consider legacy site contamination/existing remediation plans and the potential impact of climate change (e.g., sea level rise, coastal flooding) on those plans in the future?

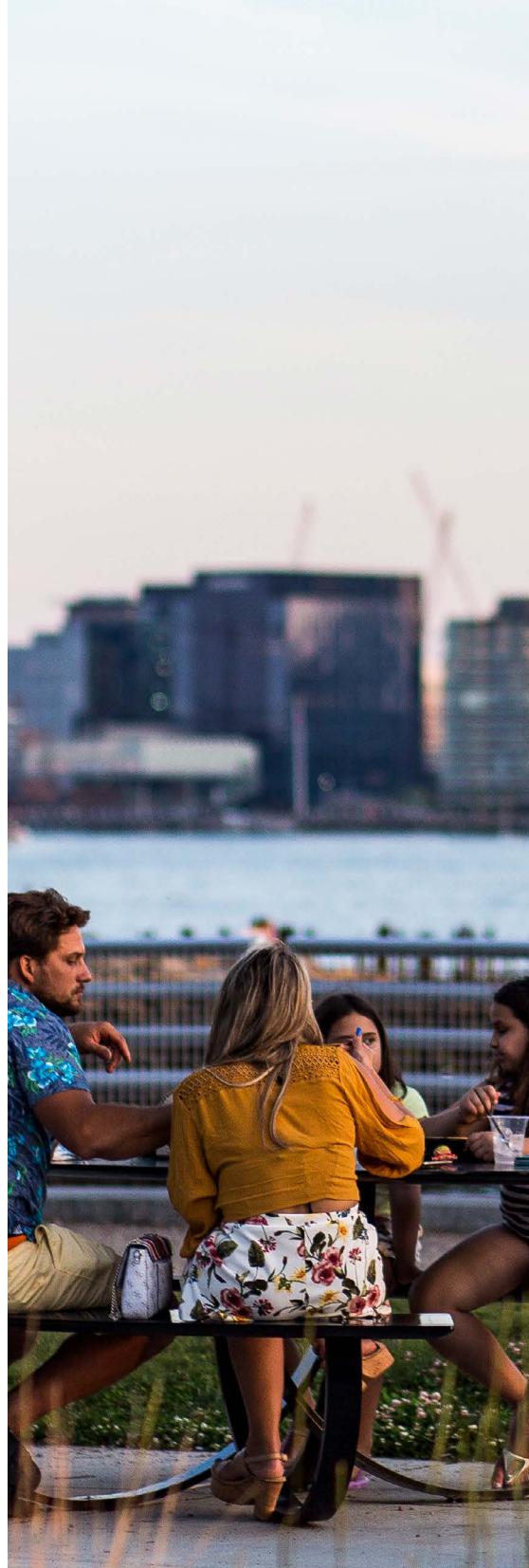
EXCEEDS EXPECTATIONS

MEETS EXPECTATIONS

DOES NOT MEET EXPECTATIONS

Due to its industrial legacy and some remaining current uses, parts of the waterfront and many ports in Massachusetts, including Boston Harbor, comprise properties that have been contaminated by oil and or hazardous materials and are subject to the Massachusetts Contingency Plan (MCP). The MCP creates the program for required site assessment, risk assessment, and remediation of oil and hazardous materials contamination and regulates the notification, assessment, and remediation of disposal sites resulting from the release of these materials to the environment.

There is a high probability that Designated Port Area (DPA) properties have active site remediation plans under the MCP or a history of actions guided by the MCP. These remediation plans frequently include Active Use Limitations (AULs), which are attached to the deeds of the properties and constrain what uses are possible on the site given the current conditions. Projects on these contaminated sites should address the maintenance of existing contamination site management plans (temporary and final site solutions) and AULs. These management plans should include an explanation of how climate impacts, like coastal flooding, will affect the site.



06

Conclusion

The status quo of the waterfront's rapid development predominantly serves whiter and more affluent residents and businesses. The benefits of this development inequitably accrues to developers and business owners; often sidelining minority and lower-income populations that have every right to be fully present.

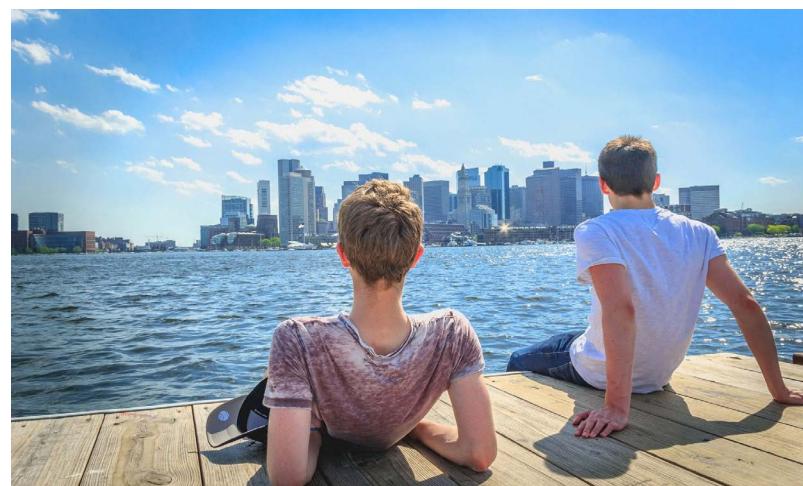
The historic paradigm of racialized investment in the early history of waterfront development, followed by a period of colorblind investment, has led to a legacy of inequality that must be explicitly tackled to provide meaningful and equitable access to all community members.

Though the waterfront is legally open to anyone, barriers to entry for many persist in the form of structural and systemic inaccessibility and economic exclusion.

The Boston Waterfront Partners (BWP) goal is to codify and clarify the ways in which projects could be developed to center equity and address past harms and to transparently evaluate new and existing private and public projects.

As rapid development continues on Boston Harbor, it is essential that projects are designed with equity in mind, ensuring inclusive access to the waterfront and offering tangible benefits to all Boston area residents, especially those who have been historically excluded from most of the waterfront.

The Equity Rubric is a framework created by the BWP to better understand in what ways existing and proposed projects along the Greater Boston waterfront are or are not furthering racial and socioeconomic equity. The rubric establishes a shared set of evaluation criteria that the BWP agrees waterfront development should strive to meet or exceed.



Rubric Scorecard

To see a development's strengths and areas for growth at a glance, organize your ratings and notes from the rubric onto this scorecard. A digital version of this guide is also available online.



02

Public Process



EXCEEDS EXPECTATIONS MEETS EXPECTATIONS DOES NOT MEET EXPECTATIONS

2.A. Engagement and Empowerment Strategies

03

Accessibility



3.A. ADA Compliance and Universal Design

3.B. Facilities of Public Accommodation (FPAs) and Supporting Amenities

3.C. Programming and Water Access

3.D. Security

3.E. Signage

3.F. Transportation

3.G. Water Safety

04

Economic Inclusion and Affordability



4.A. Commercial

4.B. Housing

4.C. M/WBEs

4.D. Jobs

05

Climate Resilience and Adaptation



5.A. Heat Islands

5.B. Sea Level Rise Protection

5.C. Storm Surge Infrastructure

5.D. Stormwater Runoff

5.E. Future Adaptability

5.F. Plantings

5.G. Site Remediation Concerns

07

Resources

Regulators

7.A. Public Process Equity Recommendations¹²

To start, all Massachusetts agencies (e.g., DEP Waterways Program, Office of Coastal Zone Management) should open a generic policy investigation to determine how to prioritize equity and incorporate environmental justice principles into procedures and decisions under the Next-Generation Roadmap bill. The investigations should meaningfully involve all interested stakeholders and address revised standards of review, how the agencies can advance equity in their work, and how environmental justice principles will factor into decision-making. City of Boston agencies, such as the Boston Planning and Development Agency (BPDA), should conduct similar investigations. Both state and municipal agencies (henceforth “agencies”) should also address how they will account for impacts on public health, climate change, equity, and environmental benefits and burdens in their processes and decision-making. Agencies should pursue these investigations in the near term and revise their governing regulations as necessary upon the investigations’ conclusion. Plain language understandable across education levels, with appropriate translation to non-English languages, should extend across all elements of public engagement and process.

Regulators

7.B. Resource Sharing

Each agency should provide a range of educational and informational resources on their websites, as well as interactive opportunities for stakeholders to engage with staff and decision-makers. In addition to general information on relevant topical issues and agency procedures, each agency should offer proceeding-specific resources for proceedings with significant local impacts and impacts on environmental justice populations. Online resources for each agency should include:

- ➔ A calendar of events (e.g., public hearings, educational webinars, evidentiary hearings, comment deadlines);
- ➔ A glossary of key terms and acronyms;
- ➔ A map listing new and pending filings by city/town and the affected communities, with basic information summarizing the proceeding (including the applicant and impact on affected communities), the date of any public and evidentiary hearings, and a link to the public notice and docket webpage;
- ➔ Answers to frequently asked questions and other background information, using non-technical terms so that people without technical knowledge and who are unfamiliar with the agency’s work can understand;
- ➔ Explanations of the various types of state and federal approvals that different types of projects may need;
- ➔ Information about accommodations for limited-English-proficient (LEP) speakers and people with disabilities;

- ➔ Self-help resources (e.g., sample filings such as motions to intervene and public comments, and form-fillable intervention and comment forms similar to the materials provided at self-help offices in courts); and
- ➔ Resources that explain the agency's work and procedures.

The agency should provide proceeding-specific resources in all proceedings, particularly those with significant local impacts and impacts on environmental justice populations. These resources should include:

- ➔ A web page for each proposed project with an easy-to-understand summary of the project and its impacts, as well as any other state or federal agency approvals that may be required; and
- ➔ A social media toolkit that provides a brief overview of the proceeding (in plain language) and sample language that could be included in social media posts or a newsletter.

The agencies can use their websites, social media accounts, and email to make it easier for stakeholders to obtain information on proceedings or issues that are relevant to them, including by:

- ➔ Publicizing and providing a subscription option on agency websites so that stakeholders can opt-in to receive emails and notices of new filings for their selected issues and proceedings; and
- ➔ Publicizing select issues and proceedings on agency websites and in social media posts, newsletters, and/or periodic emails (e.g., every other week or monthly) that provide substantive information as well as how to get involved.

7.C. Engagement Strategies

To ensure relevant information reaches all stakeholders, agencies should initiate discussions with community members from the adjacent neighborhoods to develop more effective notice protocols. Engagement strategies should include any neighborhoods adjacent to the project site, as well as non-adjacent neighborhoods, including environmental justice populations. The agencies should partner with community-based organizations at the neighborhood and

municipal levels to help publicize proceedings and solicit ongoing input through a community advisory group.

More broadly, the agencies should engage with environmental justice populations and other stakeholders, including municipalities, elected officials, and community leaders from environmental justice populations, to develop a public engagement framework. Initial short-term steps could include asking stakeholders to work together to develop suggested frameworks that could serve as the initial basis for a discussion with the agencies.

7.D. Meeting Notices

- ➔ The content of notices should be in plain language and highlight the impact of the proposal on environmental justice populations. Notice procedures should be updated and modernized; agencies should make notices accessible to a diverse group of residents by publishing them in multiple formats, including:
 - ➔ Web-based media through agency websites, as well as on social media (e.g., Facebook, Instagram), where notices can be shared or tagged (e.g., by municipalities, elected officials, community-based organizations, and others); the agencies should continue to monitor new social media sites to determine which platforms are likely to reach potentially affected populations
 - ➔ Television (including public access) and radio
 - ➔ Hard copy paper notices at the project site and in high-traffic gathering places nearby (e.g., houses of worship, community centers, grocery stores, schools, laundromats, post offices, on public buses and trains, bus and train stations, and large residential buildings)
- ➔ Outreach to planning boards and community-based groups requesting that the groups publicize the notice with their contacts; the agencies should work with community leaders and partners to help get the word out
- ➔ Targeted direct mailings should be sent at least 30 days prior to a public hearing and by email
- ➔ Newspapers (with attention to the audiences of particular newspapers—including non-English newspapers). The notice should be:
 - Published in the main section where people are likely to see it

- In a large enough font so that people can easily read it
- Published in print and electronic versions; in the case of electronic versions, there should not be a paywall to view notices

Notices should be clear, succinct, and easy to read, with headings that provide meaningful information about the impact of the proceeding. The agencies should consider a bullet-type format at the beginning of the notice to make key points easier to find.

The notice should also include:

- ➔ A map of the proposed project;
- ➔ An explanation about the project's purpose and why the specific site was selected;
- ➔ A list of the alternative locations considered;
- ➔ A list of populations that may be affected and how; and
- ➔ Information on:
 - The size of the project;
 - Who will fund the project;
 - How long construction will last; and
 - Any other approvals required by other agencies and departments.

Agency notices should:

- ➔ Include information about the process the agency will take to reach a decision;
- ➔ Identify when and how people can provide input or otherwise participate;
- ➔ Provide a way for people to request ongoing updates or additional information about the proceeding (i.e., a simple way to subscribe to updates).

For projects that will significantly affect the surrounding area, agencies should require the petitioner to complete pre-filing outreach and workshops to solicit community input in time to incorporate changes prior to filing the petition.

Agencies should establish clear and inclusive language access protocols to encourage improved participation of LEP speakers (please refer to Conservation Law Foundation's comments in EFSB 21-01, dated September 10, 2021, and in D.P.U. 21-50, dated November 9, 2021).

Agencies should implement the following to encourage participation and access by the general public at public hearings and public comment hearings:

- ➔ Provide simultaneous language interpretation;
- ➔ Provide a hybrid setup that allows for in-person and virtual options;
- ➔ All virtual options, including non-English interpretation, should be available via a cell phone and should not require computer access or an internet connection;
- ➔ Offer hearings for individual proceedings at a variety of times of day to accommodate different work schedules and include options for evening and weekend hearings;
- ➔ Hold hearings in affected communities;
- ➔ Provide childcare;
- ➔ For lengthy hearings, provide food and refreshments;
- ➔ In-person hearings should be accessible via public transportation when possible;
- ➔ In-person hearings should be held in ADA-accessible locations;
- ➔ Avoid holding hearings in locations that may cause concern for some residents (e.g., police stations and federal government buildings);
- ➔ Notify the public that they may, but are not required to, pre-register to comment at a specific time so that people do not have to wait hours to provide comments;
- ➔ Amend regulations so unsworn statements from members of the public who are not parties or formal witnesses can be considered in decisions; and
- ➔ Record hearings and make them available online in a timely fashion to enable people who could not attend, including decision-makers, to view them later.

7.E. Meeting Accommodations

Agencies should recognize the value of lived experience by seriously considering and addressing public comments and non-technical expert testimony in hearings/proceedings.

7.F. Decision-Making

Agencies should take the following steps to better demonstrate that stakeholder input is valued and is considered by petitioners and decision-makers:

- ➔ When stakeholders comment at a hearing/petition, the agency should require the petitioner to submit an amended filing within a specified time to address the comments; and
- ➔ For comments received later in a proceeding, after the public hearing and initial comment deadline, the agency should require the petitioner to respond to stakeholder comments and concerns in a subsequent filing.

Agencies should include a dedicated section or appendix in their decisions summarizing stakeholder comments, describing the record on these issues, explaining if and how they amended their filing to address concerns, and explaining how stakeholder concerns were considered by the agency in the context of the overall decision.

Agencies should provide opportunities for stakeholders to interact with decision-makers and staff and to ask questions about particular issues, proceedings, hearings, and procedures outside of a formal hearing format.

The agencies should record hearings and upload video content to a YouTube channel or appropriate platform and make hearings available on agency websites within 48 hours of the hearing. Agencies should update websites to provide searchable databases of prior decisions and proceedings.



Endnotes

- 1 Water quality report card. Save The Harbor. (n.d.). <https://www.savetheharbor.org/reportcard>
- 2 A Brand New Boston, Even Whiter Than The Old. (2017, December 11). *The Boston Globe*. Retrieved November 14, 2023, from <https://apps.bostonglobe.com/spotlight/boston-racism-image-reality/series/seaport/>
- 3 City Is Spending More With Minority- And Women-Owned Businesses, But Still Lags Its Peers. (2020, June 29). *The Boston Globe*. Retrieved November 14, 2023, from <https://www.bostonglobe.com/2020/06/29/business/city-is-spending-more-with-minority-women-owned-businesses-still-lags-its-peers/>
- 4 <https://www.mass.gov/info-details/environmental-justice-populations-in-massachusetts>
- 5 Massachusetts Department of Environmental Protection; Massachusetts Office of Coastal Zone Management (CZM). (n.d.). Chapter 91, the Massachusetts Public Waterfront Act. Mass.gov. <https://www.mass.gov/guides/chapter-91-the-massachusetts-public-waterfront-act>
- 6 Id.
- 7 Resident-Identified Barriers and Resident-Identified Solutions to Accessing Boston's Waterfront, TACC, https://tamcc.org/wp-content/uploads/2022/05/TACC_Waterways_Barrier-Solutions_FINAL_5.17.22.pdf
- 8 Language from Boston Planning and Development Agency, Request for Proposal Parcel P-3 in the Campus High School Urban Renewal Area (2021). Retrieved November 14, 2023, from <https://www.bostonplans.org/getattachment/2b173503-a553-4880-974f-a25270e8ff34>.
- 9 Language from Boston Planning and Development Agency, Request for Proposal Parcel P-3 in the Campus High School Urban Renewal Area (2021). Retrieved November 14, 2023, from <https://www.bostonplans.org/getattachment/2b173503-a553-4880-974f-a25270e8ff34>.
- 10 Language from Boston Planning and Development Agency, *Coastal Flood Resilience Design Guidelines* (2019). Retrieved November 14, 2023, from <https://www.bostonplans.org/getattachment/d1114318-1b95-487c-bc36-682f8594e8b2>.
- 11 <https://cnr.ncsu.edu/news/2022/04/parks-green-spaces-improve-health/>
- 12 (Adapted from "Overly Impacted & Rarely Heard: Incorporating Community Voices Into Massachusetts Energy Regulatory Processes" May 2023. MA Attorney General's Office and the Stakeholder Working Group (SWG))