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January 23, 2024

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Boston Landmarks Commission
20 City Hall Avenue, 3rd Floor
Boston, MA 02108

Re: 24.0613 BLC - 450 Walnut Avenue, Boston, MA 02130 - Reconstruction and Substantial Privatization of White Stadium and Adjacent Grounds located in Franklin Park (the "Project")

Ladies and Gentlemen:

The undersigned submits the following comments on the application for design review (the "Proposal") submitted on behalf of Boston Unity Soccer Partners, LLC ("BUSP" or the "Proponent") in connection with the Project, which includes the proposed expansion of the White Stadium complex through the construction of new, expanded grandstands, new enclosed areas within the grandstands, additional freestanding structures separate from the Stadium and related facilities, infrastructure and landscape elements and new uses such as retail sales, restaurants and alcohol service. For several reasons, the Project is not properly before the Landmarks Commission at this time.

Not Ripe for Consideration by the Landmarks Commission because of No Article 97/Public Lands Preservation Act Compliance and No MEPA Review

As an initial matter, we urge the Landmarks Commission not to act on the Proposal before the Commission, because the Project is not ripe for Commission consideration.

White Stadium and its surrounding grounds are a critical part of Franklin Park and have been used for public park and public recreation purposes for nearly 150 years in the case of Franklin Park and for nearly 75 years in the case of White Stadium and its grounds. Indeed the Request for Proposals (the "RFP") which resulted in the conditional selection of BUSP was stated to be made by the Public Facilities Department on behalf of the City of Boston and the Boston Public Schools, given the long school and public athletics use of the site.

It is beyond question that White Stadium and its surrounding grounds enjoy the protection of Amendment Article 97 of the Massachusetts Constitution and the Public Lands Preservation Act. As held by the Supreme Judicial Court in 2017 in Smith v. City of Westfield, 478 Mass. 49, longstanding public use of public land for athletic and recreational purposes triggers Article 97 protection, "**The Public Lands Preservation Act**: The Westfield case involved 60 years of land use for two little league baseball fields and for a playground, and the City had sought and obtained funding for such improvements. Here, the Playstead was designed from the beginning for public recreation and, in the 1940s, White Stadium was built using George Robert White Fund monies. The City of Boston Parks Department and the Boston Public Schools have expended maintenance funds for the upkeep and support of

these facilities. In Westfield, the SJC made much of the fact that longstanding use is sufficient to impress Article 97 protections upon land and the SJC specifically cited the Boston Common and the Public Garden, finding it unthinkable to change those resources to other public purposes (let alone to private, for-profit purposes, as proposed here) without the full panoply of Article 97 process and protection.

The RFP is explicit that compliance with Article 97 is the obligation of any selectee under the RFP process. The selectee is BUSP. No Article 97 process has been initiated by BUSP. No Massachusetts Environmental Policy Act (MEPA) process in preparation for an Article 97 process (or other likely MEPA triggers) has been initiated by BUSP. The required Article 97 alternatives analysis (meaning alternative locations in the metro area for BUSP to locate and use a professional soccer stadium) has not yet occurred. Public review and comment under both Article 97 and MEPA have not yet occurred. Given the location of White Stadium in a Designated Geographic Area that includes Environmental Justice Populations, BUSP would need to comply with applicable advance notification provisions and engage with affected communities as part of an Article 97 process and before it could even file an Environmental Notification Form (ENF) with MEPA. The failure of BUSP to engage in either the required MEPA or Article 97 processes, in this location within and adjacent to Environmental Justice Communities is little short of breathtaking. The Project at this stage is simply not ripe for review by the Commission.

Furthermore, the requisite analysis of the public uses being lost or curtailed here has not occurred, and the concrete proposals to provide equal or greater public benefit for the lost and curtailed public uses have not been provided by BUSP. Unless and until BUSP first complies with its obligations under the conditional designation to conduct a full Article 97 process and MEPA process, the Landmarks Commission should not consider or act on the Project. For BUSP to ask the Commission to consider a private project on public park and public recreation land without any Article 97 process at all is to put the cart before the horse.

In fact, BUSP's proposed start of demolition in the Spring of 2024 suggests that BUSP may not intend to engage in an Article 97 process or a MEPA process at all. It is inconceivable that an Article 97 process or MEPA process could be conducted and completed in five months.

Much of the Proposal focuses on converting the Stadium and its grounds to private use (team offices, team locker rooms, team storage, team catering and kitchens, and a retail store selling team merchandise), creating new private corporate suites and a private midfield corporate terrace level in the West Grandstand that would be off-limits to the public unspecified (perhaps substantial) amounts of time, and excluding the un-ticketed public on game days totaling nearly 80% of Saturdays during the spring and fall athletic seasons. In Q&As, BUSP has declined to commit to not interfering on game days with use of the adjacent public basketball courts, tennis courts, cross-country course, softball field, soccer field, cricket pitch and picnic grove. . And it is a matter of public knowledge that two Boston Public High School football teams, comprised of Boston Public schoolchildren

primarily from the black and brown community, will be excluded from using White Stadium for regular season games and practices. One Q&A goes so far as to say: “The City will work closely with organizations that host events in the stadium, on the playstead, and on cross country courses to ensure they do not conflict with Boston Unity games.”

Read that again. It literally says that Boston Unity soccer games and Boston Unity use will have priority over cultural festivals and all other events in the Stadium, the Playstead and on cross country courses.

The loss of public use and public access to these precious public resources, in the heart of Environmental Justice communities, would be devastating. The Landmarks Commission should decline to consider this proposal prior to the completion of full and robust Article 97 and MEPA processes.

Not Ripe for Consideration by the Landmarks Commission because of Project Segmentation

As odd as it may seem, the Proposal addresses only part of the Project. It completely ignores one-half of the Stadium. The Proponent would re-construct the West Grandstand, additional structures in the Grove and related facilities, and the City would re-construct the East Grandstand and the field. Even disregarding - for now – the serious legal issues raised by this artificial segmentation (not just for Commission review but also under MEPA), it renders design review meaningless at this point.

Design review by its nature involves the integration of various elements into an interrelated, harmonious whole. The West Grandstand must meet its eastern counterpart, a necessity recognized by the Proponent and the City in their January 11, 2024 Presentation, which advertises: “Two simultaneous construction projects with unified design”. That unified design has not been submitted to the Commission. (Please see the “2023 Current Condition” and “Site Components” figures in the January 2, 2024 Preview for schematics featuring one-half of a stadium.) The Commission cannot possibly complete its review of the design of one-half of the expanded Stadium and the other elements of the Proposal without also reviewing the proposed design of the other half of the expanded Stadium, the field and other Project elements which the City would develop. Clearly the Commission should defer its review of the Proposal until the Project as a whole is before it.

Design Conflicts with Original Design Intent and the Commission’s Standards and Criteria

The Commission should recognize the threat posed to the intended design and character of Franklin Park. The 1980 Commission Study Report for Franklin Park (the “Study Report”) adopts (in Section 10.0A.1) the following Approach governing the Commission’s Specific Standards and Criteria applicable to the Project:

The intent of the designation is to maintain and to restore to the extent possible, the character of Franklin Park as established by Frederick Law Olmsted in his designs for the park. Thus, the major portion of the property, which was established as a "Country Park" for city residents, should retain its naturalistic, even rural qualities. The development of additional hard, urban recreational facilities is to be avoided and discontinuance of existing non-natural areas and restoration is encouraged. [emphasis added.] **Maintenance and replacement of existing trees, walls, bridges, gateways, terraces and other existing elements should be done in a manner consistent with the park's character. New elements, if any, should be designed to be as unobtrusive as possible.**

Olmsted articulated his specific vision for the area of the Playstead, known as the "Overlook", which served as the original spectator area before the development of the Stadium. it was to be "built of boulders obtained in clearing the Playstead, which are to be mainly overgrown with vegetation befitting the form and material of the structure, adapted to harmonize it with the natural scenery and make it unobtrusive".

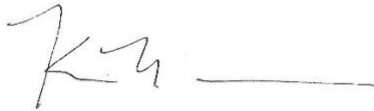
It is clear that the Project would disregard Olmsted's design intent and ignore the Commission's own standards. The Project includes the following re-construction and expansion of existing structures and construction of new structures, access ways and other paved surfaces:

- the demolition of the existing West Grandstand, except the exterior clamshell wall, and the construction of a new 29,637 square foot West Grandstand extending well beyond the existing foot print on both ends with a massive roof canopy extending as much as 25 feet above the existing structure in some areas, and including, for private use: multiple professional athlete locker rooms; team office space; a professional athlete interview room; a press support media room; fourteen (14) corporate suites; a large "Tunnel Club Lounge"; a main kitchen; a catering kitchen; at least four (4) "Team Facilities" rooms; storage space; an additional administrative staff room; a press box; various utility and mechanical equipment rooms;
- while the Proposal omits detail as to the East Grandstand because of the Project segmentation described above, the demolition of the existing East Grandstand and the construction of a new Grandstand with two 15,000 square foot athletic facilities;
- the development of a 62,500 area in the "Grove" area south of the Stadium, including the construction of two buildings housing a beer garden, a bar, retail stores and storage space and supporting a scoreboard;
- the construction of additional mobile seating at the north and south ends of the Stadium;
- the construction lighting, banner pylons, fencing and an entry plaza; and
- the construction of new paved pathways with a surface area which appears to be many times that of the existing pathways.

To refer to the Project as the “renovation” of the existing Stadium seriously understates and distorts its scope and impacts. The Project is a substantial, mixed-use development, much of which would exclusively benefit a professional sports team and its owners, investors and other stakeholders. The extent of this development within Franklin Park, designed by, in the Commission’s own words, America’s “preeminent landscape architect” as the “centerpiece” of the Boston Park System, would, even if ripe for consideration, warrant a methodical and thorough design review process.

However, as with the other Project permitting to date, the design review process has been spectacularly hurried. Given the absence of Art. 97 and MEPA compliance and the serious issues posed by the Project scope and design, we urge the Commission to defer further review until these issues can be resolved.

Sincerely,

A handwritten signature in black ink, appearing to read 'KMB', followed by a horizontal line.

Karen Mauney-Brodek
President
Emerald Necklace Conservancy

CC:

Mayor Michelle Wu
Reverend Mariama White-Hammond
Parks and Recreation Commissioner Ryan Woods
City Councilor Tania Fernandes-Andersen
Director Murray Miller, Office of Historic Preservation
Rosanne Foley, Executive Director, Boston Landmarks Commission