



Pier 44 Options and Feasibility Study Phase 1 Report to Board of Selectmen

Prepared by the Pier 44 Building Options and Feasibility Study Committee

March 2012



Board of Selectmen

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Executive Summary

This report represents the result of Phase 1 of the Pier 44 Building Options and Feasibility Study Committee. In 2010 the Town of Scituate purchased the 1.03-acre parcel of land identified as 44 Jericho Road, commonly known as Pier 44, using funds granted to the Town by the Massachusetts Bay Transportation Authority (MBTA) under the Greenbush Mitigation Agreement. After the property purchase was complete, the Board of Selectmen created the Pier 44 Building Options and Feasibility Study Committee. The Committee serves as an advisory body to the Board of Selectmen as to how to best utilize the Pier 44 property.

Property Use Restrictions

In order for the Town to use MBTA Greenbush Mitigation funds to purchase the Pier 44 property, the MBTA wrote a Notice of Use Restriction that limits the potential uses of the site to a “public purpose of open space and land preservation for outdoor recreation by, and education of, the general public”.

Summary of Committee Charge

The Pier 44 committee was charged with developing a Strategic Plan outlining the potential use options for the Pier 44 site. Input was solicited from department heads and residents via surveys and a public forum. Various town boards and the business community were also consulted. The committee considered the size of the existing building and site compared to the footprints of other similar buildings. There was an analysis of the existing structure to determine possibilities: renovation of existing building, hybrids of new construction, demolition, and other options. Site development constraints identified included: zoning regulations, building code, flood hazards, and accessibility regulations. Environmental regulations and parking requirements were further explored. Phase 1 is complete upon submission of this report. In Phase 2, the Committee will develop construction cost estimates and operational and maintenance needs projected over the next 20 years.

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Committee Work to Date

The Committee commenced work in November 2010 with a walk through of the building. Committee members immediately began reviewing numerous records and reports provided by the Town relating to the site and prior development proposals. The following activities occurred over the course of Phase I:

- Created a website with an email link
- Site visits and tours of the building
- A punch-list of immediate repair recommendations
- Codes and regulations were reviewed and Town officials consulted in order to establish the parameters for reuse of the property
- Solicited Town counsel input throughout process
- Solicited public input through an on-line public opinion survey and a survey of Town departments, boards, and commissions
- Analyzed survey results and used to develop several reuse scenarios for the site
- Hosted a public forum on April 30, 2011 to discuss initial findings and solicit additional input
- Submitted Draft Phase 1 report to the Board of Selectmen, which has resulted in this final report.

Existing Conditions

For the exterior of the building, no significant structural issues were observed. The interior structure of the building and its electrical, heating, cooling, sprinkler and fire alarm systems all appear to be in fair to good condition.

The parking lot is fully paved but cracked and broken in many locations. Parking space bumpers are dislocated and need to be relocated; it should be possible to reuse most of them. An additional accessible parking space is required.

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The entire upland portion of the site is covered with two impervious surfaces: the former restaurant building and a 75-space parking lot. A continuous stone wall and stone riprap revetment protects the upland from wave erosion. There is also a portion of the property located within tidelands down to mean low water.

Approximately 30 linear feet of the stone riprap at the south end of the property contains pieces of concrete, bricks and other incompatible materials that should be removed and replaced with boulder sized material.

Codes and Regulations

The Committee reviewed city, state and federal rules and regulations applicable for the proposed adaptive, municipal reuse of Pier 44: Town of Scituate Zoning Ordinance; Massachusetts State Building Code; Fire Prevention Regulations, Accessibility Regulations of the Massachusetts Architectural Access Board (521 CMR); and the Americans with Disabilities Act (Title II, Nondiscrimination on the Basis of Disability in State and Local Government Services); and, wetlands and waterways regulatory standards.

Any alterations to the existing building, which cost more than 50% of the building's fair market value, will require the building to be elevated two feet above the highest base flood elevation. For this structure that height would be approximately five feet above the existing ground surface. For the purposes of the 50%-cost provision, the building-only assessment is generally used to determine the "fair market value". The most recent Town of Scituate assessment is \$1,762,200; 50% of this value is \$881,100. Since the building is slab-on-grade construction, elevation of the existing building is not feasible.

Surveys

Part of the Committee's charge included soliciting input from the public and the various Town departments, boards, and committees. To accomplish this task, two separate surveys were conducted, one of the Town administration and the other of Scituate residents. Town department input consistently indicated a general lack of space with

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particular needs for storage and meeting space. Although, due to the use restrictions on the property general government administration uses cannot be accommodated.

The Committee received 1,011 total responses to the public survey. Data from the public survey revealed that the potential reuse most “strongly” supported by the largest number of respondents was park space (18%), followed by marina/waterfront uses (15%) and youth programs (15%), senior programs (11%) and then outdoor recreational space (10%) and community meeting space (10%) at the same level of support. Overall, the survey respondents submitted a large number of comments with their responses, the majority of which favored open space/passive recreational/park space.

To solicit additional input and continue the public participation process, the survey results were used to develop several potential reuse options. Those reuse options, along with the survey results and the committee’s work to date, were presented at a public forum on April 30, 2011.

Input from Public Forum

On April 30, 2011, the Committee hosted a public forum at the Scituate High School Auditorium. The estimated total attendance was 150. The Committee gave a presentation providing an overview of the Committee’s charge and work to date, information about the regulatory framework, and the condition of the site and building. Survey information and potential design options were also presented. A Q&A period followed. A video of the forum is posted on the Town website as are the presentation slides.

Potential Reuse Options

The Committee has evaluated options for the reuse of the Pier 44 property. The primary uses identified through the assessment of community needs can be characterized as a **park, maritime uses, and a multi-generational community center**, which could be accommodated within the existing building or, after demolition of the existing building, in a new building. Each potential use of the property comes with advantages and

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disadvantages that the Committee has identified for the consideration of the Board of Selectmen.

Revenue Generation

Input from the public indicates a desire that whatever the future use of this property, that revenue be generated to offset costs for operations and maintenance. The generation of revenue is allowed as long as it supports the allowed uses of the property. The subject of revenue generation as well as financing of the selected project or projects will be part of the Phase 2 efforts and will be presented in detail in the Phase 2 report. For this report, revenue generation will be briefly discussed.

Committee Next Steps

The submission of this report to the Board of Selectmen completes Phase I of this project. The Board of Selectmen will review this report to determine the next course of action for the Pier 44 Committee and the Pier 44 property.

The Committee recommends that the Board of Selectmen consider the input that has been received from the public regarding programmatic preferences for the site. The Committee also recommends that the Board of Selectmen use the design choices that the Committee evaluated as guidance in considering how to best meet the needs of the town for the best use of this site.

The Pier 44 Committee

Ed DiSalvio, Chairman

Doug Anderson

Ned Baldwin

Gabrielle Dorsey

Tim FitzGerald

Stan Humphries

Colin McNiece

F. Audrey Reidy

Jon Warner

1 History of Property Purchase by the Town of Scituate

The Town purchased the 1.03-acre parcel of land identified as 44 Jericho Road, better known as the Pier 44 property, in 2010. During the May 17, 2010 Special Town Meeting [see Appendix A], the Town's people approved by a two-thirds voice vote to authorize the Board of Selectmen to purchase the Pier 44 property. As approved by the Town, this acquisition was funded under a land acquisition fund granted to the Town by the Massachusetts Bay Transportation Authority (MBTA) under the Greenbush Mitigation Agreement, and further the Town authorized the Board of Selectmen to enter into agreements with the MBTA for use restrictions on the property to effect the land acquisition.

In March of 2010, the MBTA visited the site with town officials. During this month the MBTA approved the use of mitigation funds for the purchase of the Pier 44 property with use restrictions, which were to be negotiated with the Town. The MBTA and the Town negotiated the Use Restrictions together during the month of April 2010. These use restrictions were negotiated before the funds were released and purchase of the property was contingent on the use restrictions being adopted and executed as part of the sale of the property to the Town. After negotiations were completed, the Board of Selectmen scheduled the May 2010 Special Town Meeting.

After the Board of Selectmen signed the Use Restriction agreement on June 9, 2010 the Board of Selectmen purchased the property for \$1.87 Million, entirely with MBTA funds.

After the property purchase was completed, the Board of Selectmen created the Pier 44 Building Options and Feasibility Study Committee. The Committee serves as an advisory body to the Board of Selectmen as to how to best address the use of the Pier 44 property.

The Pier 44 Committee had their first project meeting in November 2010 with the Town Administrator and a representative from the Board of Selectmen prior to beginning their work on this project.

2 Property Use Restrictions

In order for the Town to use MBTA Greenbush Mitigation funds to purchase the Pier 44 property, the MBTA negotiated a Notice of Use Restriction with the Board of Selectmen in order for the purchase to be made using the MBTA funds. This agreement between the MBTA and the Town was signed on June 9, 2010.

The following offers a brief description of the key use restriction language and the interpretation of these restrictions by Town Counsel. The complete Notice of Use Restrictions is included in Appendix B.

2.1 Key Use Restriction Language

The MBTA funds are public money and therefore must be used for public use. As per the Notice of Use Restrictions, “Public Use: The Town will use the premises for the public purpose of open space and land preservation for outdoor recreation by, and education of, the general public. Public use of the premises shall include, but not be limited to, access to the harbor front and a view of the harbor. The Town shall prevent any use or change that would materially impair or interfere with the outdoor recreational, educational, or public access values of the premises”.

According to Town Counsel, the first requirement under the above language is that any use of the property serves a public purpose. Public purpose is a broad concept and would encompass any civic activity traditionally conducted or sponsored by town government.

The requirements of access, recreational and educational uses by the general public are also broad. To meet these requirements there would only be a need to identify some public educational or recreational element of a proposed use.

Whatever activities are conducted on the site could not interfere with access of the general public to the site. This would require that the general public could walk near the harbor and be able to view the harbor. A walkway around the property is an example of how such a public access requirement is met.

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In some respects it may be easier to describe uses that would not be allowed. According to Town Counsel, Prohibited Primary uses would include:

Offices

Restaurants

Retail shops

Other commercial business uses

Residential

Town business offices

Storage of equipment

The above listed uses might be permissible if they were not primary and were ancillary and supportive of recreational or educational uses. For example, an office for personnel conducting educational programs would be permissible. A snack shop or shop renting recreational equipment would be possible as long as these were not primary uses and could be seen to support public recreational/educational activities. The operation of the ancillary use must be for a public purpose, must be restricted to this site, and must clearly be ancillary to the public purpose of the primary use.

Fees for activities on the site are permissible as long as they meet the usual municipal fee requirement that the amounts established reasonably relate to the cost of the activity or program provided.

The Notice of Use Restriction shall also be incorporated into any Deeds, Mortgages, Leases, and Instruments of Transfer for this property. Therefore, if the Town chooses to sell this property in the future the use restrictions would apply to the future purchaser. Only an Act of the state legislature can change these use restrictions.

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3 Summary of Charge

Phase 1

The charge for the Committee is provided in Appendix C and summarized as follows:

For many months the committee has met frequently to develop a Strategic Plan outlining the Pier 44 building potential and options for use. Available data provided by the Town was utilized during this Phase.

Input was solicited from department heads and residents via town wide survey and public forum. Various boards and the business community were also consulted. One main focus was space needs over the next 20 years. The committee considered the square footage of the building for potential future uses based on square footage and type of footprints of other existing buildings of potential similar uses.

There was an analysis of the existing structure to determine possibilities; renovation of existing buildings, hybrids of new construction, demolition or other options. Site development constraints; restructuring of use, zoning, building code, flood hazard, accessibility, environmental regulations, and parking requirements were further explored. The findings will be explained in this report.

Committee members visited neighboring community/senior centers including Duxbury and Norwell; reviewed the 2006 design for a Scituate senior center; as well as parks with public water access such as Nelson Park in Plymouth and the Hingham Harbor waterfront to assist them in considering options for the site.

The Committee will submit within this Phase 1 Report, descriptions of options for use to the Board of Selectmen. The Board of Selectman will make the final decision as to the future use of the property.

Phase 1 is completed upon submission of this Phase 1 report.

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Phase 2

The Committee will further develop selected options, which will include construction cost estimates, conceptual design drawings, and operational and maintenance needs over for the next 20 years.

Financial implications are critical: grants, fund raising, possible public/private partnerships as well as revenue generation. There will be an analysis of safety issues with pedestrians/vehicular traffic as well as identification of “green” design for any construction. A Phase 2 Report, which includes drawings, a financing plan, and construction cost estimates, will be submitted to the Board of Selectman.

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4 Committee's Work to Date

The Committee commenced work in November 2010 with a walk through of the building. Committee members immediately began reviewing numerous records and reports provided by the Town relating to the site and prior development proposals.

The following activities occurred over the course of Phase I:

A website with an email link was established early on so that the public could submit comments or questions to the committee.

Committee members have made several site visits and tours of the building and provided the town with a punch-list of immediate repair recommendations [See Appendix D].

Codes and regulations, including the Massachusetts Building Code, Town zoning regulations, flood zone and environmental regulations, were reviewed and Town officials consulted with, in order to establish the parameters for reuse of the property.

The committee also reviewed and consulted with Town counsel regarding the MBTA's Use Restrictions on the property and the history of the property purchase with the MBTA Greenbush mitigation funds.

To solicit public input the Committee conducted an on-line public opinion survey and a survey of Town departments, boards, and commissions.

The survey results were analyzed and used to develop several reuse scenarios for the site.

The reuse options along with the survey results, building condition, and status of the Phase 1 feasibility study were presented at public forum held on April 30, 2011.

In Summer of 2011, the Committee submitted the draft Phase 1 report to the Board of Selectmen for review and comments. After receiving comments, the Committee worked to finalize the report.

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In March 2012, the Committee concluded Phase I of the Building Options and Feasibility Study and delivered its Phase I Report to the Board of Selectmen.

5 Existing Conditions (as of April 15, 2011)

[Refer to Appendix E for photographs]

Exterior: Fair to Poor

Analysis: The east façade requires full replacement of the exterior finish (shingles) and probably replacement of the underlying sheathing. The balance of the exterior requires localized replacement of rotted materials, and needs a coat of paint. We recommend a roofing contractor investigate the roof and repair any leaks that are evident from the inside of the building.

Interior: Good to Fair

Analysis: The carpet needs to be cleaned or replaced. The former kitchen needs to be gutted. There are areas of walls and ceilings that need patches and repairs. Most other areas require cosmetic improvements.

Structure: Good

Analysis: No significant structural issues were seen. The ridges on the peaked roof appear to be sagging a bit; we recommend a structural engineer be engaged to investigate.

Building Systems: Good to Fair

Analysis: Both sprinkler and fire alarm systems are less than 10 years old and in good repair. The two 75 gallon gas-fired water heaters also appear to be less than 10 years old and in good repair. Rooftop air handlers range from fairly new to old and non-functional. We recommend a qualified HVAC contractor do a complete evaluation of these systems. It is the committee understands that a cigarette smoke-removal system is installed above a dining room ceiling; this system can be removed.

Utilities: Good

Analysis: town sewer, town water, natural gas, electric, and telephone utilities serve the property. It is assumed these utility services will be adequate for future use of the property.

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Water Frontage: Fair

Analysis: The site's unique waterfront location and excellent views of Scituate Harbor are attributes that will enhance any prospective use being considered for the property. The property's water frontage also allows for maritime uses. However, maritime uses typically require dockage in non-tidal water and the non-tidal water adjacent to the property is occupied by docks and floats from abutting properties. This may place a limitation on the property's maritime use potential.

Storm Drainage: Fair

Analysis: There is a concrete culvert located under the existing building that drains the wetlands located west of Jericho Road into Scituate Harbor. The condition of the culvert is unknown and should be evaluated in Phase 2. The property has no other significant storm drainage improvements.

Parking Lot: Fair

Analysis: Parking lot is fully paved but cracked and broken in many locations. Parking space bumpers are dislocated and need to be relocated. Most could be reused. Parking lot needs to be restriped.

Shoreline Protection: Good

Analysis: The entire harbor shoreline (approximately 300 linear feet) is protected by a coastal engineering structure. A near vertical granite block seawall protects the northern 120 feet of the property including the building. The seawall abuts the east property line and therefore is not owned by the town. While an engineering structural analysis was not conducted, it appears to be in good condition. A section of sloped stone riprap protects the south 180 feet of the property including a majority of the parking lot. Approximately 70 feet of the riprap is also not part of the town owned parcel. Aside from some incompatible materials (e.g., concrete pieces, brick etc.) located in a 30 foot section and the lack of a consistent cap, the riprap appears in good condition.

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Natural Resources: Poor

Analysis: The site comprises upland and tidelands areas. The upland portion of the site consists of artificial fill; is virtually devoid of any vegetation; and, is occupied by impervious surfaces of the building and parking lot. The tidelands portion of the site includes a historically filled area in the northwest corner and a natural, tidally inundated area in the southeast corner. Wetland resource areas that are protected by environmental regulations include coastal beach (tidal flats), coastal bank (protected by coastal engineering structures) and land subject to coastal storm flowage (i.e., 100-year floodplain).

Additional Comments:

During the preparation of this report, the Town used the repair recommendation report provided by this committee and made repairs to the building. During the late summer of 2011, the Town reopened the building for public use.

6 Codes and Regulations

The following rules and regulations are applicable to the Pier 44 site:

- Town of Scituate Zoning Bylaw
- Environmental
- Massachusetts State Building Code
- Accessibility: Regulations of the Massachusetts Architectural Access Board (521 CMR); and the Americans with Disabilities Act (Title II, Nondiscrimination on the Basis of Disability in State and Local Government Services)
- Fire Prevention Regulations

6.1 Town of Scituate Zoning Bylaw

The Pier 44 property is located within Scituate's Residence R-3 Zoning District.

Use Restrictions

The park and community center uses being considered for the property are permitted in the R-3 zone as a matter of right. The maritime use may be permitted as a matter of right or may require a special permit depending upon the specific program for the maritime use.

Permitted uses in the R-3 zone as a matter of right include: Town park, recreation or water supply use; community center, civic center, museum and art gallery use; public or private educational use; public or nonprofit library; childcare facility; town administration or utility building or public safety facility; one-family and two-family dwellings; religious uses; and agricultural uses. Of these uses, town park, recreation and community center would be permitted under the property use restriction noted in Section 2, page 8. A museum, art gallery, civic center, educational use and library may be permissible if the use encompassed an activity traditionally conducted or sponsored by town government and include a public educational or recreational element.

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Uses permitted by the R-3 zone that are not permitted within the property use restriction includes water supply, private cultural or educational uses, childcare facility, utility building, public safety facility, dwellings, religious uses or agricultural uses.

Permitted uses in the R-3 zone by Special Permit include: yacht club, lodge or other nonprofit social, civic or recreational use; philanthropic or charitable institution; commercial livery or mooring for marine pleasure craft with no fueling or repair; private organized camp; convalescent home, nursing home or assisted living facility; Inn, lodging house or Bed and Breakfast; hospital; private garage; and temporary outdoor sales approved by the Board of Selectman. Of these uses, only those that encompass an activity traditionally conducted or sponsored by town government and include a public educational or recreational element would also comply with the property use restriction.

Dimensional Requirements:

Minimum Lot Area (all upland)	10,000 sf (0.23 acres) [for dwelling]
Minimum Lot Frontage	100 feet
Minimum Front Yard Setback	30 feet
Minimum Rear Yard Setback	20 feet
Side Yard Setback	8 feet
Required Minimum Lot Width at Bldg	100 feet
Maximum Height	3 Stories or 35 feet

The existing building has a non-conforming rear yard setback.

Parking Requirements

The Pier 44 property has 70± parking spaces including two handicap accessible spaces with one being van accessible. The parking requirement for each of the uses being considered will have to be evaluated to insure that adequate parking is provided.

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The parking requirement for a community center is one space per three occupants as determined by the State Building Code (SBC). The SBC formula to determine occupant load varies depending on the amount of floor area within a building and the respective use of those areas. Thus, the parking requirement for a community center cannot be determined until a specific use program is established. The parking requirement for a park and maritime use can be determined once a specific site program has been completed.

Any use of the Pier 44 site that increases the parking needs would be required to provide all parking with one tree per 8 parking spaces and with 5% of the parking lot reserved for landscaping. Each parking space must contain no less than one hundred sixty-two square feet of area [typically nine feet by eighteen feet] and shall have adequate back-up room. The existing parking lot with 70± parking spaces including two handicap accessible spaces (with one being van accessible) would require one additional handicap accessible space to comply with the handicap accessible parking requirements.

Site Plan Administrative Review

Any proposed alteration of the site should meet the standards of Section 770.6 of the town's Zoning Bylaw. The Planning Board would conduct Site Plan Administrative Review for any use change, addition or new construction to ensure that changes do not have significant impacts on the neighborhood or the town and are designed to meet the standards and the goals and objectives of the Scituate Master Plan.

Flood Plain and Watershed Protection Zoning District

A substantial portion of the site is within the Town of Scituate Flood Plain and Watershed Protection Zoning District. The Flood Plain and Watershed Protection Zoning District is intended to protect persons and property from the hazards associated with flooding and therefore the uses permitted by right or by special permit are limited. With a Special Permit issued by the Zoning Board of Appeals, the existing building could be substantially improved in accordance with the National Flood Insurance Program and the State Building Code, as described below. The committee understands that construction of a new building would not be permitted within the Flood Plain and Watershed Protection

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Zoning District. The Flood Plain and Watershed Protection Zoning District boundary described by the committee is based on generalized mapping and is not precise. In Phase 2 a certified plot plan showing the actual on the ground ten foot contour should be prepared and submitted to the Scituate Building Commissioner to show the actual boundary of Flood Plain and Watershed Protection Zoning District.

6.2 Wetland Protection Acts

Any activities that will “remove, dredge, fill or alter” any wetland resource (including the floodplain) or the buffer zone to a wetland resource will be regulated under several local, state and federal environmental laws. These include the following:

- Scituate Wetlands Protection Bylaw (Section 7) and its Rules and Regulations, SWR 10.00;
- Massachusetts Wetlands Protection Act (M.G.L Ch. 131, S. 40) and its Regulations, 310 CMR Section 10.00;
- Federal Clean Water Act (33 U.S.C.) and Regulations Section 404.

Analysis: Any of the activities listed above that are proposed in the upland portion of the site will be located within land subject to coastal storm flowage and most likely will be located within 100 feet of the coastal bank or beach to comply with wetlands protection. As a result, a filing with the Scituate Conservation Commission will be required. Since there is no existing natural vegetated buffer and the site is entirely developed, the activities will be considered as redevelopment. This includes stormwater compliance with the state wetland regulations. Any of the activities listed above that are proposed in the tidelands portion of the site must also comply with the local, state and federal wetlands regulations in addition to the state waterways regulations.

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6.3 Massachusetts Public Waterfront Act

Massachusetts protects public tidelands and waterways through the Massachusetts Public Waterfront Act (“Chapter 91”) and its Regulations, 310 CMR Section 9. Chapter 91 applies to flowing and filled tidelands, navigable rivers and streams, and great ponds.

Analysis: The Harbor is a flowing tideland and as such any proposed change to the portion of the site that extends within the tidal waters of the harbor would be subject to Chapter 91 review by the Massachusetts Department of Environmental Protection.

6.4 Massachusetts State Building Code (780 CMR)

Any proposed renovations or alterations to the building are subject to the requirements of the state building code.

Summary of Requirements:

Under the building code, the proposed project is considered a “change of occupancy” and a “Level 3” renovation. Below is a summary of work required for the space:

All work performed must comply with the code for new construction.

Analysis: The interior alterations are expected to be mostly cosmetic, such as replacement of interior finishes (carpets, etc), repairs to walls and ceiling, a “gut rehab” of the existing kitchen for reuse, and replacement of rotted and damaged exterior finishes such as shingles and clapboards. This work must comply with the code for new construction.

If any interior renovations include removal of wallboard on an exterior wall, if the wall cavity is not insulated it will need to be provided.

All spaces renovated must be sprinklered and provided with a fire alarm system.

Analysis: The building is currently fully sprinklered and has a fire alarm system. Little additional work is expected.

Occupant load >300 for places of assembly requires a voice evacuation system.

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Analysis: The current Certificate of Inspection has a limit of 345 occupants.

Change of occupancy from A-2 (restaurant) to A-3 (meeting rooms, community center) does not increase the “relative hazard” for height/area limitations, exterior wall openings, and means of egress; nor are structural upgrades triggered by the change of occupancy.

Analysis: There are no anticipated costs due to the change of use of the building.

Structural upgrades may be triggered by other provisions.

Analysis: Structural upgrades (such as seismic) should only be required if structural elements are otherwise altered as part of a renovation project.

Following is a summary of the provisions of the building code for alterations of buildings located in flood zones.

Analysis: Any substantial improvements will require the building to be elevated two feet above the highest base flood elevation, measured from the lowest horizontal structural beam. Substantial improvements constitute alterations that cost more than 50% of the building’s fair market value. [Further definition of substantial improvement included in Appendix F of this report]. For this structure that height would be approximately five feet. Since the building is slab-on-grade construction, such elevation is not feasible.

For the purposes of this provision, the building-only assessment is generally used to determine the “fair market value”. The most recent Town of Scituate assessment is \$1,762,200; 50% of this value is \$881,100.

6.5 Accessibility Regulations

Regulations of the Massachusetts Architectural Access Board (521 CMR)

Full accessibility compliance will be required if a proposed project exceeds 30% of the building assessment (assessment is \$1,762,200; 30% of this value is \$528,660) over any 36 consecutive months.

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Analysis: For the most part the building is fully accessible. Minor renovations are required including but not limited to installation of grab bars in the toilet rooms, and repairs to the main entrance so that the front door can be operable with 15 lbs or less of pull force.

If public use of the second floor is anticipated, per code an elevator is required. Since an elevator is not feasible due to the location in the flood zone (an elevator requires a four foot deep pit), a variance will be required from the MAAB to substitute a vertical lift. We would expect this variance to be granted.

Americans with Disabilities Act (ADA), Title II, Nondiscrimination on the Basis of Disability in State and Local Government Services

Title II of the ADA requires that all services, programs, or activities are readily accessible to and usable by individuals with disabilities.

Analysis: Please see the Analysis of the MAAB above for physical plant issues.

Any programs, activities or services offered by the Town must be readily accessible to the disabled. Title II does not specifically require that a building be altered to be accessible; if such an alteration is not feasible, then reasonable accommodation for the program, activity or service can be moved to a facility that is accessible.

6.6 527 CMR, Fire Prevention Regulations

The provisions of this code applicable to the building are primarily related to any upholstered or plastic furnishing to be provided; and any proposed “decorations” such as draperies and wall hangings. Proposed materials must be certified for use in places of assembly, and must be listed with specific nationally recognized tests.

7 Community Input

Part of the Committee's charge included soliciting input from the public and the various Town departments, boards, and committees. To accomplish this task, two separate surveys were conducted, one of the Town administration and the other of Scituate residents. In addition the Committee held a public forum to present the Committee's progress and obtain additional comment.

7.1 Town Government Survey

A survey questionnaire was distributed to Town departments, boards, and committees to assess the current use of space and demand for additional space that might be included at the property and still be consistent with the land use restrictions. The survey and summaries of the responses are posted on the Pier 44 website.

The survey respondents consistently indicated a general lack of space with particular needs for storage and meeting space. Although due to the use restrictions on the property general government administration uses cannot be accommodated, the development of the site could include general community meeting spaces and uses by the Recreation Department, and Council on Aging. The Town already has plans underway to address the needs of the Library that was included among the respondents. The Council on Aging and Recreation Department each responded with needs for significant space that might be accommodated at the site.

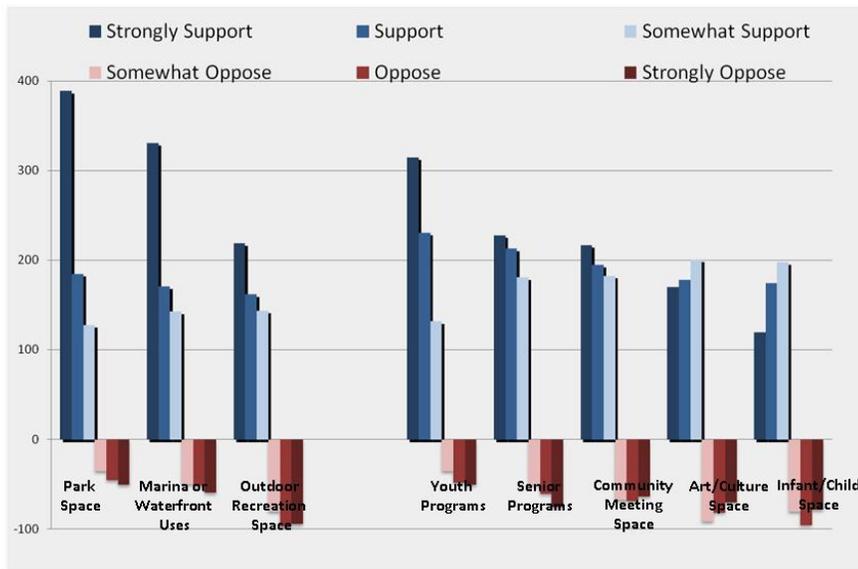
7.2 On-Line Public Survey

To reach the largest number of residents in the most efficient manner, the Committee created an on-line survey linked to the Town's website. The survey was advertised locally in newspapers, on the radio, on cable TV, through the Town's email system, and through the school's information distribution system. The on-line survey was available from February 7, 2011 through February 28, 2011 and received 1,011 responses. A copy of the survey results is posted on the Pier 44 website.

Pier 44 Options and Feasibility Study Phase 1 Report

The demographic characteristics of the respondents showed a higher ratio of female respondents (64.9%) compared to the 2000 Census¹ (52.3%), a larger household size (3.4 for survey respondents vs. 2.6 in the 2000 Census) and a slightly lower ratio of respondents over 60 years old (18.9% vs. 20.1%). Forty-five percent (45%) of the respondents have lived in Scituate for 20 years or more.

Figure 7.1 below illustrates the responses to Question 6 of the survey that asked respondents to indicate their level of support for the potential uses listed. The reuses are differentiated by those that might make use of the existing building shown on the right side of Figure 1 and those that may occur at the site without any structure shown on the left side. As the figure illustrates, the potential reuse that was strongly supported by the largest number of respondents was park space, followed by marina/waterfront uses, youth programs, senior programs and then outdoor recreational space and community meeting space at the same level.



Pier **Figure 7.1: Responses to Question 6 of the on-line survey**

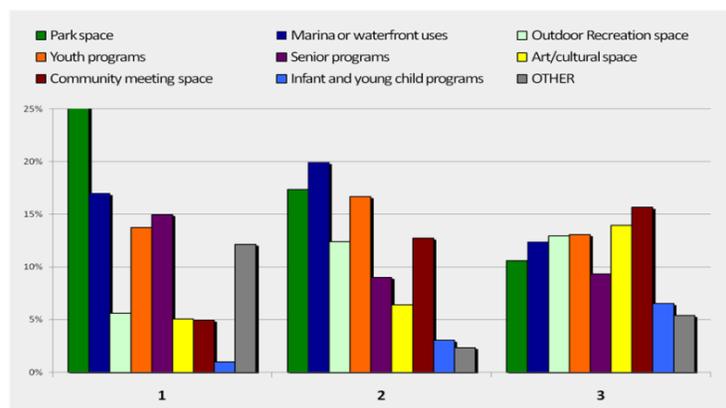
¹ See <http://factfinder.census.gov>

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It is important to note that the comments submitted by survey respondents to Question 7 (asking them to describe their reasoning behind their level of support or opposition) indicated that park space was envisioned as a more passive use (e.g. open spaces with walking paths and benches) rather than active recreational use (e.g. playing fields and courts). Likewise, the comments indicated that the support for marina or waterfront uses was more in line with general harbor access and preserving harbor views than active boating and marina use. Comments also included some of the following additional points:

- Approximately half of the commentators were concerned about revenue generation;
- Approximately 20% of the commentators noted the idea of a recreation/senior/youth/community center concept should be multigenerational

Figure 7.2. illustrates the responses to Question 8 asking respondents to rank the uses they supported in the previous question. Again, park space was rank first by the largest number of respondents, followed by marina/waterfront uses and senior programs. A significant number of respondents marked “other” as their number one choice and included additional detail in the comments supporting revenue generation, open space/recreation, and a community center serving multiple purposes and age groups.



Pier 44 Building Options and Feasibility Study Committee

Figure 7.2: Responses to Question 8 of the on-line survey

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Responses to Question 9 asking respondents to rank the top 3 advantages that the site would offer their Number One ranked choice in Question 8 indicated that the valued characteristics of the site in connection with the supported uses were its convenience to the waterfront, aesthetic surroundings, and that nothing currently exists to meet the needs of their highest ranked reuse. The comments to this question, although not directly relating to the question itself, followed a similar pattern as the previous questions with a majority of commentators suggesting park space/open space followed by suggestions for a senior center/youth center. A number of references were also made to revenue generation and accommodating mixed and/or multiple uses.

Overall, the survey respondents submitted a large number of comments with their responses, particularly with respect to Question 7. A majority of the comments favored open space/passive recreational/park space. However, in addition to helping explain and clarify some of the responses, many of the comments contained a number of recurring themes. Some of those themes included the following:

- Keep open to all ages with no one demographic benefiting over another
- Open up and protect the water view
- Should be revenue generating or cost neutral
- Lack of interest in marinas

A number of respondents suggested that uses that could be anywhere should not be located at this site – the site has unique characteristics and those characteristics should be focus of the reuse

To solicit additional input and continue the public participation process, the survey results were used to develop several potential reuse options. Those reuse options, along with the survey results and the committee's work to date, were presented at a public forum on April 30, 2011. The reuse options and the additional input from the public form are discussed later in this report.

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7.3 Input from Public Forum

On April 30, 2011, from 1pm to 4 pm, the Committee hosted a public forum at the Scituate High School Auditorium. The forum had been advertised in the newspaper, on the town website and through email announcements. At 1pm there were approximately 65 people in the audience. The Chair decided to delay the start of the event by a few minutes as more people continued to arrive. The estimated total attendance was 100.

The Committee Chair Ed DiSalvio opened the event and, using a projected slide presentation, gave an overview of the Committee's charge and work to date. Committee member Doug Anderson presented information about the regulatory framework and about the condition of the site and building. Committee member Colin McNiece presented information about the online survey and about the design options that the committee had been discussing.

The chair then opened the event to comment from the audience. Fifteen people spoke. Most of the comments spoke to the very strong need for a new senior center in Scituate and the inadequacy of the existing senior center. The audience expressed support for these comments with applause. Speakers also pointed out that the senior population of Scituate is growing as the large 'baby boom' generation ages and concern was expressed for the practicality of a multi-generational space.

Other speakers asked questions about the evaluation of cost for each option, which the Committee will examine in Phase 2.

Other audience members asked about the water frontage of the site and the feasibility of connecting with new boat moorings in the harbor.

A video of the forum is available on the Committee website:

<http://www.town.scituate.ma.us/pier44building/index.html>

8 Potential Reuse Options

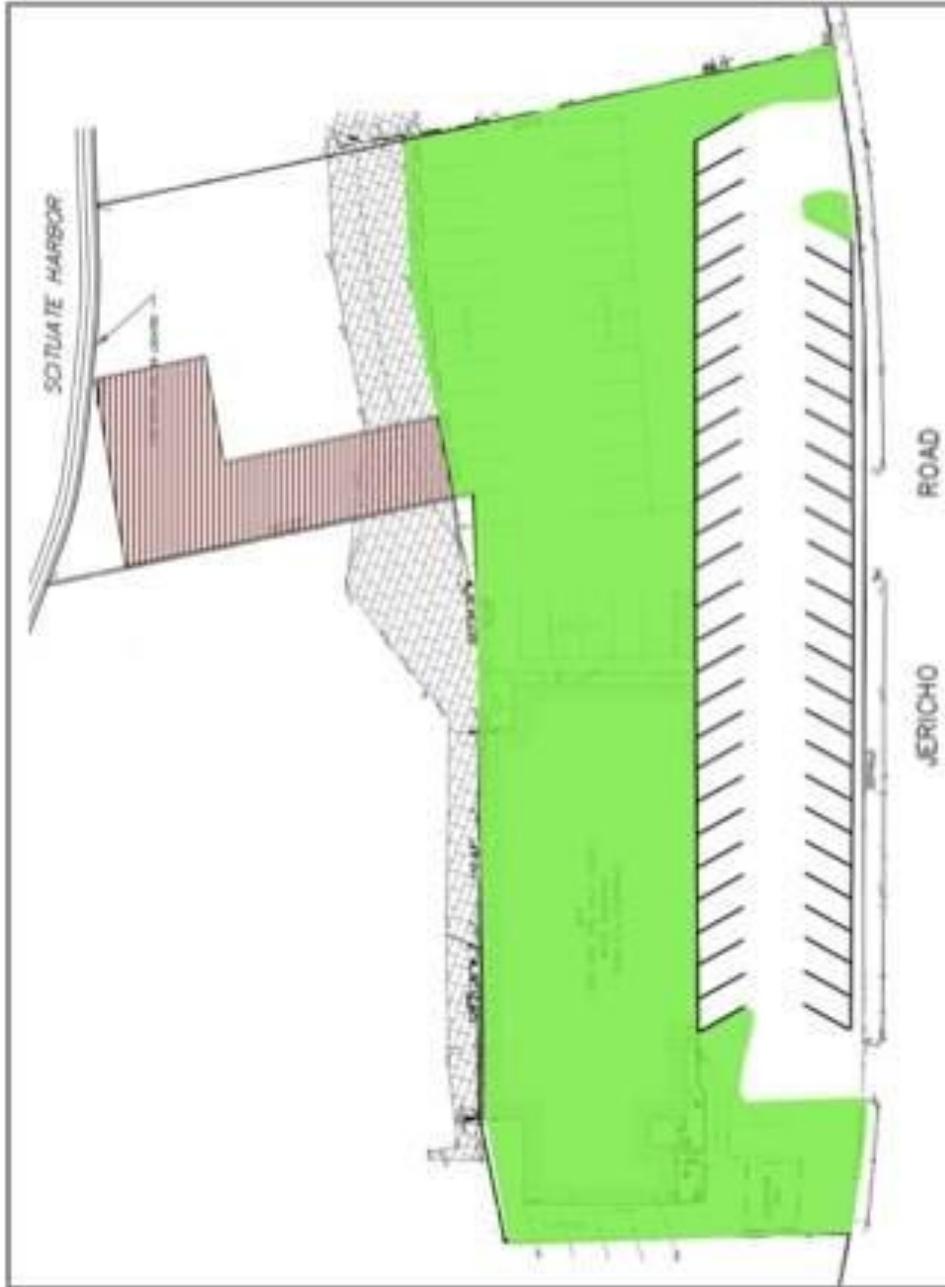
The Committee has evaluated options for the reuse of the Pier 44 property and weighed how these options would best meet the goals of Scituate. The primary uses identified through the assessment of community needs can be characterized as a park, maritime uses, and a multi-generational community center, which could be accommodated within the existing building or, after demolition of the existing building, in a new building. Each potential use of the property comes with advantages and disadvantages that the Committee has identified for the consideration of the Board of Selectmen.

8.1 Park Space

The Board of Selectmen could chose to develop the entire site or a portion of the site as a park. While it is conceivable that a smaller park could be accommodated on the site in addition to a building, the need to provide adequate parking for uses within a building would restrict the amount of the site that could be used as parkland. Therefore, the more feasible options are reuse of the entire site as a park, which would require demolition of the existing building or use of a small portion of the site along the water as a park in conjunction with another use. Figure 8.1 below illustrates a potential plan for reuse of the entire site as a park and includes a pier.

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Figure 8.1 Conceptual Plan of Pier 44 Site as a Park -- For Illustrative Purposes Only



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Design

Park and open space amenities can feature a wide range of elements. The waterfront location of the site provides an excellent opportunity to create space for residents and visitors to enjoy views of the harbor and the ocean beyond. As such, a park could include a walkway along the waterfront, open lawn or seating areas facing the water, snack bar and restrooms, and/or a pier or view platform extending over the tidal portion of the site. The option of a Pier, as shown in Figure 8.1 is discussed in the next section about maritime uses. A waterfront walkway could connect to the existing sidewalk along Jericho Road that extends from Front Street to the Scituate light house. Other features could include a larger interior lawn and seating areas, shade structures, decorative plantings and trees, gardens, a structured play area for children, educational and historic elements, as well as landmark(s) (gazebo, flag pole, fountain, monument) and “frog pond” (a la Boston Garden) that provides a cooling water feature in the summer and skating area in the winter. Given the size of the site, large active recreation space such as ball fields or tennis courts would not be an efficient use of the site.



Figure 8.1.1: Nelson Park, Plymouth as an example of a waterfront park.

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A park use would comply with the property use restriction and is an allowed by zoning. Some parking should be provided, the amount to be determined once programming has been completed. To the extent possible, parking should be located at the street side of the site in order to maximize parkland along the waterfront.

The Town would incur costs associated with demolition and site clearing, design and construction, and future maintenance of the park. Open space features are comparatively less costly than some of the building options described later in this chapter. A park use of the entire site would also eliminate water view obstructions from the existing building and maximize views of the harbor from the public ways (i.e., Jericho and Hatherly Roads), as well as from the site itself.

If the Board of Selectmen wishes to consider this option further, specific evaluation of program, design and costs would be done as part of Phase 2 of the Committee's charge.

Community Need

As described previously, the Committee learned from its public survey that a park use was the top priority reuse option for the site. In addition to an expression of strong support, the survey results included many written comments that spoke to a desire for open space and outdoor amenities such as playgrounds.

However, the survey and the public forum also indentified a strong desire for a community center or senior center. Demolition of the building and creation of a park on the entire site would not help to meet this need. A smaller park could be designed to share the site and be an amenity for a smaller community center; however building program and parking needs would limit the site area that could accommodate a park. This is discussed further in the sections on building uses.

The Town already possesses a number of open space amenities. The site could be programmed and designed so that it does not duplicate existing town uses, if desired by the Board of Selectmen. It is suggested that the Board of Selectmen consider the extent to which open space needs are currently met or unmet and whether a park at Pier 44's unique water front location would or would not fulfill a community need.

Pier 44 Options and Feasibility Study Phase 1 Report

Table 8.1.2 illustrates the advantages and disadvantages of a park reuse option at the site.

Table 8.1.2
PARK REUSE OPTION

<u>ADVANTAGES</u>	<u>DISADVANTAGES</u>
Strong community support	Low revenue potential
Available for all age groups and segments of the community	Demolition Costs
Maximizes water views and increases community access to waterfront	Loss of opportunity to use existing site improvements
Low to moderate construction & maintenance costs	Seasonal use with limited use during winter months
Potential to share site with other non-park uses	
Could include a waterfront feature such as a pier	
Potential for inclusion of educational features	
Readily allows for implementation of “green” design	
Reduces exposure of public structures to flood hazards	

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8.2 Maritime Uses

Approximately ¼ of an acre of the site is within the waters of Scituate Harbor. Depths are relatively shallow and since the property line is the mean low water line most of the area is exposed during low tides. Currently there is no interactive connection between the existing parking area and the harbor. Scituate is a maritime community with a strong boating culture and the public survey conducted by the Committee indicated a high level of interest in maritime uses at the Pier 44 site. Therefore, the Committee has included this section to review the option for a maritime use on a portion or all of the site and extending from the site into Scituate Harbor.

Design

A range of features could be built such as a fixed pier or platform on pilings, a floating dock, a boat ramp or beachfront. These features could allow for fishing, temporary docking or launching of small craft, or visual enjoyment of the harbor. The park concept shown in Figure 8.1 on page 28 depicted a pier as an example of how a park could include a maritime component. This component could be integrated with future scenarios that including the existing building, a new building or no building.

The existing zoning allows public recreation uses. Boating uses would require allocation of parking spaces on the site to meet normal demand, as would be determined by the specific maritime program for the site. Because a maritime use would involve construction or intrusion into tidal waters, this option would have to follow the Chapter 91 license process and need an Army Corps of Engineers permit. In addition, the plans would have to be reviewed by the Scituate Conservation Commission for compliance with the state wetlands protection act and the local wetlands ordinance.

Features that allow for boating could include rental or instructional operations of small craft including sailboats, kayaks, rowing and small powerboats. The maritime use could be managed as part of Scituate Recreation or as a separate revenue generating operation. In order to launch small craft non-tidal water is necessary and a non-tidal floating dock system would be required. To reach the non-tidal water the dock system would have to be

Pier 44 Options and Feasibility Study Phase 1 Report

extended beyond the Pier 44 property into Scituate Harbor and could involve dredging. A dock system would also have to be designed to work with the existing floating docks of the neighboring Scituate Waterfront Marina and the Satuit Waterfront Club floats. These docks and floats presently extend completely across the front of the Pier 44 site. The feasibility of a maritime use at the Pier 44 site would be to some extent dependent upon the ability to extend a floating dock system from the site beyond these existing docks and floats to the harbor's non-tidal water. If the Board of Selectmen choose to pursue this option, further evaluation will be conducted in Phase 2.



Figure 8.2.1: View of Harbor from site; the foreground is within property; Scituate Waterfront Marina docks are on the left; Bullman Marina docks on the right.



Figure 8.2.2: View of site from adjacent marina.

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Community Need

As described previously, the Committee learned from its public survey that a significant portion of the respondents supports using the site for marina or other waterfront uses. Existing constraints described above may restrict the ability to launch small craft from the site and limit the size and type of maritime use for the property. However, further evaluation in Phase 2 will determine what specific maritime uses are feasible for the Pier 44 property, their required building/facilities and parking, and how well they respond to the community's expressed desire for a maritime use.

Table 8.2.2 illustrates the advantages and disadvantages of a maritime option at the Pier 44 site.

Table 8.2.2 MARITIME USE OPTION

ADVANTAGES

Strong community support

Available for all age groups and segments of the community

Maximizes water views and increases community access to waterfront

Potential to supplement other uses within site

Potential for inclusion of educational features

Potential for implementation of "green" design

Potential for revenue generation

DISADVANTAGES

Constrained water front may limit dock area and size and type of maritime use.

Seasonal use with limited use during winter months

High construction & maintenance costs due to dredging (if permissible).

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8.3 Community Center Using the Existing Building

The Board of Selectmen could chose to reuse the existing building. However, as described previously, there are three top priority reuse options for the site. These include a park use, maritime use, and a multi-generational community center use. Reuse of the existing building is only adequate for the community center use and the existing building would be razed for the park and maritime uses.

Design

As described previously in Section 5 – Existing Conditions`, the condition of the existing building ranges from poor to good. Reuse would require extensive work on the building's exterior and interior spaces but limited work on building systems.

The building does not conform with the rear yard setback requirements of the zoning code and is a legally non-conforming building. It is also located within the Special Flood Hazard Zone, Wave Velocity Zone and the Floodplain and Watershed Protection Zoning District. With a slab foundation the building cannot be elevated above the flood zone and any investment to renovate the building at its current location and elevation would be exposed to potential flood damage as it is now.

As described previously, if the cost of renovation exceeds 50% of the existing building value, then the building must be brought into conformity with the building code requirements for its location in the flood zone. This would require the building to be elevated above the flood hazard level. Since the structure has as slab on grade foundation it cannot be elevated. Thus if the building is to be enhanced by more than 50% of its value the result would be essentially building a new building as discussed in the next section.

The need to provide adequate parking both in number and quality is a significant constraint to using the existing building. The site currently has 70 parking spaces, including 2 accessible parking spaces. The existing parking lot does not comply with the zoning requirement for landscaping; if it did the number of spaces would be reduced. The number of spaces required is dependent on the size and the use type of the building. The

Pier 44 Options and Feasibility Study Phase 1 Report

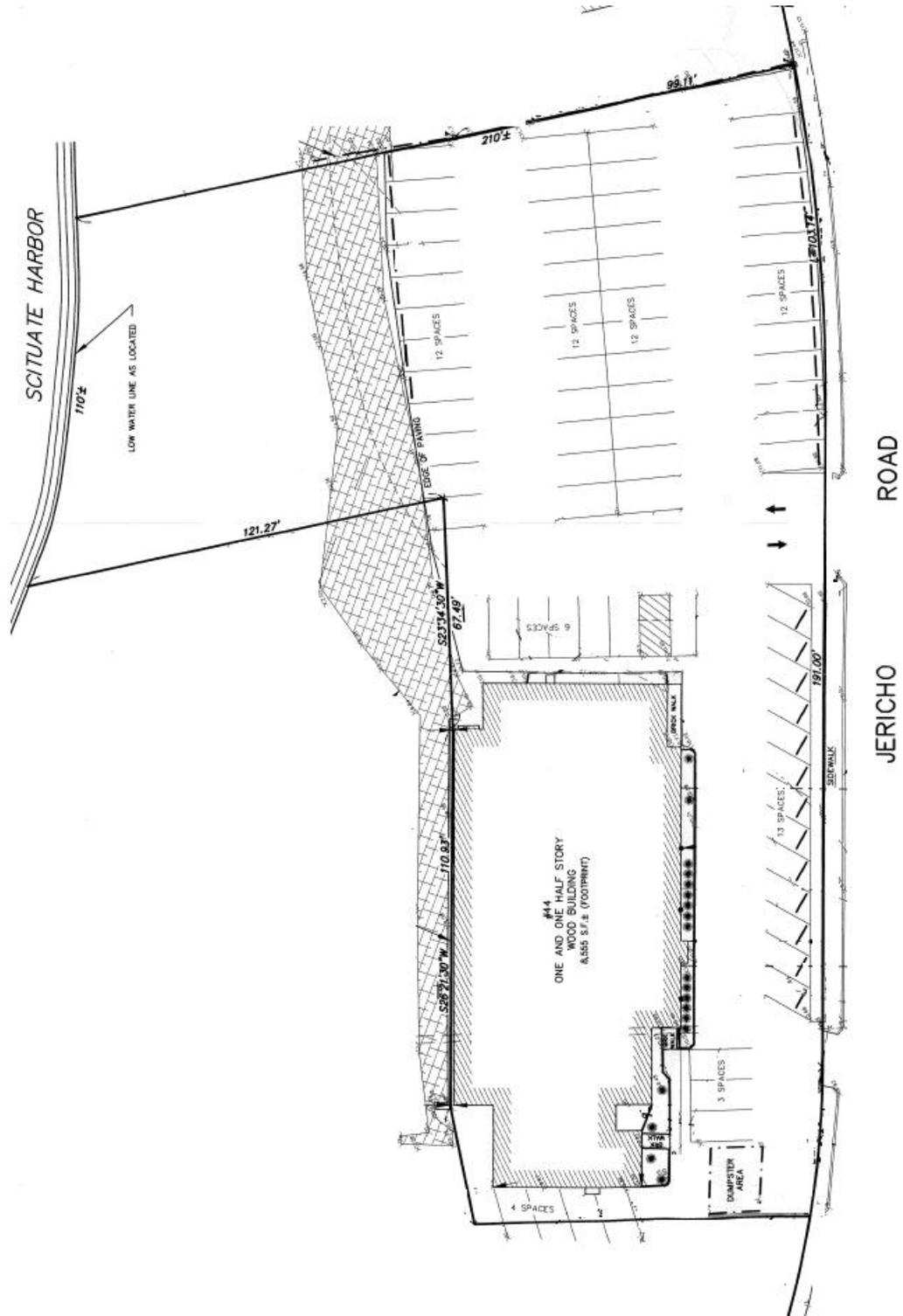
parking ratio required by zoning for a Community Center is 1 space per 3 occupants. The existing parking lot with 70 spaces would be adequate for a community center with 210 occupants, a parking lot conforming to landscaping requirements would probably only provide parking for a community center with 195 occupants. Assuming an occupancy ratio of 40 square feet per person, as was proposed on the 2005 Scituate Senior Center plans, the existing parking could support 8,400+ square feet of a community center use. As such, in order to comply with the parking requirements for a community center use the existing building would have to be reduced from its current size of 9,240+ square feet to approximately 8,400 square feet. A more accurate building size would be established in Phase 2 if a specific building program and parking requirement is determined.

The Town would incur costs associated with renovation of the existing building. These costs could potentially be funded through the money received from the MBTA. If the Board of Selectmen wishes to consider this option further, specific evaluation of program, design and costs would be done as part of Phase 2 of the Committee's charge.

A partial renovation of the existing building for an interim use could also be considered at a low cost. However, this was not evaluated in Phase 1 and if the Board of Selectmen have an interest in this option the committee could evaluate this option in Phase 2.

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Figure 8.3: Existing Site Plan



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Community Need

As described previously, the Committee learned from its public survey and the public forum of a strong need for a community center or senior center. Using the Pier 44 building for a new multi-generational community center could help meet this need.

The following table illustrates the advantages and disadvantages of reuse of the building for a community center at the Pier 44 site.

Table 8.3.2: BUILDING REUSE OPTION FOR COMMUNITY CENTER

ADVANTAGES

Takes advantage of existing site improvements allowing for quicker implementation at a potentially lower cost than new construction

Potential to provide for needed senior and recreation space

Renovation costs can be funded from remaining MBTA funds

Potential to be used for a low cost interim use

DISADVANTAGES

Re-use of existing building will provide less building area than a new multi-story building and may only partially meet community needs, leaving unmet need for an additional community facility

Limitations of building structure and building code restrict extent of enhancement and ability to accommodate ideal community center program, green features, or other upgrades

Locating a public facility within a flood hazard area conflicts with the Flood Plain and Watershed Protection Zoning District and exposes the building to flood damage risk.

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8.4 Community Center Using a New Building

The Board of Selectmen could chose to replace the existing building with a new building.

Design

Based on anticipated building program and parking requirements as well as setback and height restrictions, the site may be able to accommodate a two- to three-story structure containing approximately 10,000 square feet of community center space. This building size is approximate and a specific size would be established in Phase 2 when the building program and parking requirements for a multi-generational community center are established. As shown in Figure 8.4.1 below, the balance of the site would be used for parking. A small portion of the site along the water could be used as open space, incorporating some of the elements of the park or maritime uses described previously.

A new building could be located and designed so as to conform to the design parameters of the zoning and building codes. A building to be used as a community center would comply with the use restriction and would be an allowed use by the existing residential zoning. By locating the building outside the flood zone it would not be subject to likely flood damage and would not conflict with the Flood Plain and Watershed Protection Zoning District.

The Town would incur costs associated with demolition and site clearing, design and construction, and future maintenance of the building. Of all the options discussed in this report, this would be the most expensive. If the Board of Selectmen wishes to consider this option further, specific evaluation of program, design and costs would be done as part of Phase 2 of the Committee's charge.

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Community Need

As described previously, the Committee learned from its public survey and the public forum of a strong need for a multigenerational community center and senior center. Building a new center on the Pier 44 site could help meet this need. The town developed plans for senior center in 2005 that included approximately 10,400+ square feet of space. This included 7,200+ square feet on the first floor in Phase 1 and 3,200+ square feet on the second floor in Phase 2.. A new building on the Pier 44 site may be able to accommodate approximately 10,000 square feet and could thus incorporate many of the program elements of the 2005 senior center plan. However, a multi-generational community center would have a different building program based on the needs of seniors and all age groups. If a multi-generational community center use is selected a building program for this use would be developed in Phase 2

The following table illustrates the advantages and disadvantages of constructing a new building for a community center at the Pier 44 site.

Table 8.4.2

NEW BUILDING OPTION FOR A COMMUNITY CENTER

ADVANTAGES

Strong community support

Potential to provide for needed senior and recreation space

New multi-story building could provide more program area to meet community center needs better than reuse of existing building

Can be designed with up-to-date features including “green” elements

Could include limited improved greenspace along the water

Eliminates exposure of building to severe flood hazard

DISADVANTAGES

Expensive

9 Revenue Generation

The subject of revenue generation as well as financing of the selected project or projects will be part of the Phase 2 efforts and will be presented in detail in the Phase 2 report. However, due to the number of survey comments that were about revenue, this report will briefly discuss revenue generation.

Feedback received from the public showed a desire that the future use of the site generate revenue to offset the cost of operations and maintenance. The generation of revenue is permitted by the property use restriction if it is a supportive, accessory use of the primary public use of the property.

Several of the potential reuses of the property that have been previously discussed could include ancillary uses that can generate revenue and would have to be reviewed on a case-by-case basis. For example, a snack bar or sandwich shop, even if run by private entity, could be allowed as support of the public recreational use of a park. The rental of kayaks or sailboats and even fee-based boating classes could be allowed in support of waterfront recreational and educational uses. It is important to note that any private entity operating a concession stand, kayak rental, or other commercial activity may be construed as a business operating within a residential zone and could conflict with the property use restriction described in Section 2 of this report.

Fees for services and activities on the site are permissible as long as they meet the usual municipal fee requirement that the amounts established reasonably relate to the cost of the activities or program provided.

Pier 44 Options and Feasibility Study Phase 1 Report

10 Next Steps

Based on the input from the town, the Committee identified publically desired uses for the site. The Committee then conceived of development choices for the site that could accommodate, in a limited way, one or more of the desired uses. Each design choice had a set of advantages and disadvantages. The Committee recommends that the Board of Selectmen consider all of these design choices and weigh how they best meet the needs of the town.

The submission of this report to the Board of Selectmen completes Phase I of the Pier 44 Options and Feasibility Study. The Board of Selectmen will review this report to determine the next course of action for the Pier 44 Committee and the Pier 44 property. The Board of Selectmen reserves the right, at its sole discretion, to charge the Pier 44 Committee with Phase II tasks, reconstitute the committee make-up, revise the Phase II charge, or take no further action.

The Committee feels it has been a pleasure to serve in an advisory role to the Board of Selectmen for this important project. The Committee would like to thank the town officials and citizens of Scituate who provided assistance in preparing this report. Many thanks to the Board of Selectmen, the Town Administrator, the Department of Public Works, the Building Inspection Department, the Town Clerk's Office, the Town Planner's Office, and the public who provided valuable and thoughtful input through their participation in our opinion surveys, our public forum, and participation in our regular public committee meetings.

The Pier 44 Building Options and Feasibility Study Committee look forward to continued service to the Town of Scituate.

Respectfully Submitted:

<i>Ed DiSalvio, Chairman</i>	<i>Jon Warner</i>	<i>F. Audrey Reidy</i>
<i>Doug Anderson</i>	<i>Stan Humphries</i>	<i>Tim FitzGerald</i>
<i>Ned Baldwin</i>	<i>Colin McNiece</i>	<i>Gabrielle Dorsey</i>

Appendices

Pier 44 Options and Feasibility Study Phase 1 Report

Appendix A

TOWN OF SCITUATE
SPECIAL TOWN MEETING
MAY 17, 2010

**CERTIFIED ARTICLES
SPECIAL TOWN MEETING
MONDAY, MAY 17, 2010**

ARTICLE 1

To see if the Town will vote to authorize the Board of Selectmen to purchase, take by eminent domain, or otherwise acquire a parcel of land identified as 44 Jericho Road, shown on Assessors' Maps as Map 45, Block 12, parcels 1 and 1B, containing 1.030 acres more or less and known as the Pier 44 property, said acquisition to be funded with monies available under a land acquisition fund granted to the Town by the Massachusetts Bay Transportation Authority under the Greenbush Mitigation Agreement, and further that the Town authorize the Board of Selectmen to enter into such agreements, including without limitations, use restrictions on said property, as the Board deems to be in the best interest of the Town to effectuate said acquisition.

Sponsored by the Board of Selectmen

MOTION

Mr. Vegnani

Move that the Town authorize the Board of Selectmen to purchase, take by eminent domain, or otherwise acquire a parcel of land identified as 44 Jericho Road, shown on Assessors' Maps as Map 45, Block 12, parcels 1 and 1B, containing 1.030 acres more or less and known as the Pier 44 property, said acquisition to be funded with monies available under a land acquisition fund granted to the Town by the Massachusetts Bay Transportation Authority under the Greenbush Mitigation Agreement, and further that the Town authorize the Board of Selectmen to enter into such agreements, including without limitations, use restrictions on said property, as the Board deems to be in the best interest of the Town to effectuate said acquisition.

Mr. Danehey recused himself from the meeting for the duration of the discussion and vote on Article 1.

VOTED that the Town authorize the Board of Selectmen to purchase a parcel of land identified as 44 Jericho Road, shown on Assessors' Maps as Map 45, Block 12, parcels 1 and 1B, containing 1.030 acres more or less and known as the Pier 44 property, said acquisition to be funded with monies available under a land acquisition fund granted to the Town by the Massachusetts Bay Transportation Authority under the Greenbush Mitigation Agreement, and further that the Town authorize the Board of Selectmen to enter into such agreements, including without limitations, use restrictions on said property, as the Board deems to be in the best interest of the Town to effectuate said acquisition.

TWO-THIRDS VOICE VOTE

TOWN OF SCITUATE
SPECIAL TOWN MEETING
MAY 17, 2010

Pier 44 Options and Feasibility Study Phase 1 Report

ARTICLE 2

To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of \$2,330,000.00, or a greater or lesser sum, to be expended under the direction of the Scituate School Building Committee for professional fees, repairing, improving and equipping the Wampatuck Elementary School, 266 Tilden Road, Scituate, Massachusetts 02066, for which the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA), said program being a non-entitlement, discretionary program based on need, as determined by the MSBA, and provided that any costs the Town of Scituate incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Scituate or take any other action relative thereto.

Sponsored by the Board of Selectmen

MOTION

Mr. Danehey

MOVE that the Town appropriate the sum of \$2,330,000.00 to be combined with the \$150,000.00 already appropriated pursuant to Article 4 at the March 3, 2007 annual town meeting for the feasibility study portion of the project, and to be expended under the direction of the Scituate School Building Committee for the purpose of paying costs of professional fees, repairing, improving and equipping the Wampatuck Elementary School, located at 266 Tilden Road in Scituate, Massachusetts and for the payment of all other costs incidental and related thereto, for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. To meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum under Massachusetts General Laws, Chapter 44, or any other enabling authority; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 40.68% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town of Scituate to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C (Proposition 2½). The amount of the borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Scituate and the MSBA.

**TOWN OF SCITUATE
SPECIAL TOWN MEETING
MAY 17, 2010**

VOTED that the Town appropriate the sum of \$2,330,000.00 to be combined with the \$150,000.00 already appropriated pursuant to Article 4 at the March 3, 2007

Pier 44 Options and Feasibility Study Phase 1 Report

annual town meeting for the feasibility study portion of the project, and to be expended under the direction of the Scituate School Building Committee for the purpose of paying costs of professional fees, repairing, improving and equipping the Wampatuck Elementary School, located at 266 Tilden Road in Scituate, Massachusetts and for the payment of all other costs incidental and related thereto, for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. To meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum under Massachusetts General Laws, Chapter 44, or any other enabling authority; that the Town acknowledges that the MSBA’s grant program is a nonentitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 40.68% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town of Scituate to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C (Proposition 2½). The amount of the borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Scituate and the MSBA.

TWO-THIRDS VOICE VOTE

I hereby certify the foregoing to be a true copy attest.

Bernice R. Brown, Town Clerk

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Appendix B

NOTICE OF USE RESTRICTION

44 Jericho Road, Scituate, Massachusetts

The Town of Scituate, with a usual place of business at 600 Chief Justice Cushing Way Scituate, MA 02066, hereby gives notice of a use restriction on the property at 44 Jericho Road, Scituate, Massachusetts.

WITNESSETH:

WHEREAS, as part of the Greenbush Line Project, the Town of Scituate (Town), the Massachusetts Bay Transportation Authority (MBTA) and the Executive Office of Transportation and Construction entered into a "Mitigation Agreement Concerning the Greenbush Line Project in the Town of Scituate" (Agreement) in March, 2002;

WHEREAS, the MBTA, pursuant to Section 6.7.4 of the Agreement, granted to the Town funds for a Land Acquisition Fund for the Town to purchase land for open space conservation purposes;

WHEREAS, the Town, in accordance with Section 6.7.10 of the Agreement, requested the MBTA to approve the use of a portion of the Land Acquisition Fund to purchase a property on Scituate Harbor;

WHEREAS, the MBTA approved the Town's request and the Town used Land Acquisition Funds to purchase the property at 44 Jericho Road in Scituate for open space conservation and recreation purposes; and

WHEREAS, the Town is the owner in fee simple of that certain parcel of land located at and known as 44 Jericho Road in Scituate, Plymouth County, Massachusetts, with the buildings and improvements thereon, pursuant to a deed of August 8, 2008, recorded with the Plymouth County Registry of Deeds in Book 26118, Page 223 (Premises);

NOW, THEREFORE, the Town of Scituate, acting by its Board of Selectmen as authorized by a special town meeting held on May 17, 2010, hereby restricts the use of the Premises as follows.

- 1) Public Use The Town will use the Premises for the public purpose of open space and land preservation for outdoor recreation by, and education of, the general public. Public use of the Premises shall include, but not be limited to, access to the harbor front and a view of the harbor. The Town shall prevent any use or change that would materially impair or interfere with the outdoor recreational, educational or public access values of the Premises.
- 2) Article 97 Any change in use, ownership, possession, or control of the Premises is subject to Article 97 of the Amendments of the Constitution of the Commonwealth of Massachusetts.

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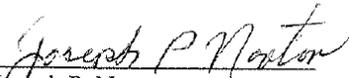
- 3) Incorporation Into Deeds, Mortgages, Leases and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed.

The Town hereby authorizes and consents to the filing and recordation of this Notice of Use Restriction. This Notice is effective when recorded with the appropriate Registry of Deeds.

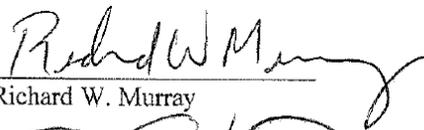
WITNESS our hand and seals this 9th day of June, 2010.

THE TOWN OF SCITUATE, MASSACHUSETTS
By its Board of Selectmen,

John F. Danehey, Chair



Joseph P. Norton



Richard W. Murray



Shawn Harris



Anthony V. Vegnani

Pier 44 Options and Feasibility Study Phase 1 Report

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss _____, 2010

On this 9th day of June, 2010, before me, the undersigned Notary Public, personally appeared the above named John F. Danehey, proved to me through satisfactory evidence of identification, which was that he is personally known by me, and acknowledged to me that he signed this Notice as the Chair of the Scituate Board of Selectmen voluntarily for its stated purpose.

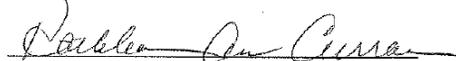

NOTARY PUBLIC

My Commission Expires:  KATHLEEN ANN CURRAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 24, 2013

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss _____, 2010

On this 9th day of June, 2010, before me, the undersigned Notary Public, personally appeared the above named Joseph P. Norton, proved to me through satisfactory evidence of identification, which was that he is personally known by me, and acknowledged to me that he signed this Notice as a member of the Scituate Board of Selectmen voluntarily for its stated purpose.


NOTARY PUBLIC

My Commission Expires:  KATHLEEN ANN CURRAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 24, 2013

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss _____, 2010

On this 9th day of June, 2010, before me, the undersigned Notary Public, personally appeared the above named Richard W. Murray, proved to me through satisfactory evidence of identification, which was that he is personally known by me, and acknowledged to me that he signed this Notice as a member of the Scituate Board of Selectmen voluntarily for its stated purpose.


NOTARY PUBLIC

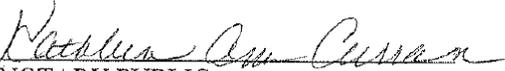
My Commission Expires:  KATHLEEN ANN CURRAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 24, 2013

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COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss _____, 2010

On this 9th day of April, 2010, before me, the undersigned Notary Public, personally appeared the above named Shawn Harris, proved to me through satisfactory evidence of identification, which was that he is personally known by me, and acknowledged to me that he signed this Notice as a member of the Scituate Board of Selectmen voluntarily for its stated purpose.


NOTARY PUBLIC

My Commission Expires: _____ KATHLEEN ANN CURRAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 24, 2013



COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss _____, 2010

On this 9th day of June, 2010, before me, the undersigned Notary Public, personally appeared the above named Anthony V. Vegnani, proved to me through satisfactory evidence of identification, which was that he is personally known by me, and acknowledged to me that he signed this Notice as a member of the Scituate Board of Selectmen voluntarily for its stated purpose.


NOTARY PUBLIC

My Commission Expires: _____ KATHLEEN ANN CURRAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 24, 2013



Pier 44 Options and Feasibility Study Phase 1 Report

Appendix C

Pier 44 Building Options and Feasibility Study Committee

CHARGE

The Scituate Pier 44 Building Options and Feasibility Study Committee shall initially consist of nine (9) members: eight appointed by the Board of Selectmen and one by the Public Building Commission. The Committee shall serve as an advisory body to the Board of Selectmen as to how to best address the use of the Pier 44 property.

The Board of Selectmen may appoint two additional members at its discretion and reserves the right to release members and appoint new members at any time as necessary or warranted. The Board will recognize and accommodate in its appointments those individuals who may possess a particular expertise in the area of adaptive re-use, architectural, buildings or recreational/educational uses.

In the event of a vacancy, said vacancy shall be filled in the manner of the original appointment.

The Pier 44 Building Options and Feasibility Study Committee is responsible for assessment, research, analysis, cost estimating, and recommendations to provide for a recommended use or uses for a variety of current and foreseeable community, civic, and municipal activities and operations. The work of the Committee shall be divided into two phases:

Phase I. Development of a Strategic Plan outlining the building potential and options for uses.

Phase II. Development of a cost estimate that considers the current building conditions, needs, and any required retrofitting or construction to provide for any recommended uses in Phase I.

The Committee shall meet with the Board of Selectmen at the beginning of the project to discuss a number of suggestions and guidelines developed by the Board. Between Phase I and Phase II, the Committee shall conduct a public forum to present interim conclusions and recommendations and to receive citizen comment and input.

As part of its charge, the Pier 44 Building Options and Feasibility Study Committee shall address the following critical issues during Phase I:

A list of uses, a space program, and the overall building size to accommodate such uses.

The Committee shall make full use of the wealth of data, information and reports available that have already been undertaken by the Town for various municipal needs and facilities.

The Committee shall solicit comments and input from department heads, boards and committees, the business community and residents in determining any recommended options.

The Committee shall review and recommend space needs appropriate for the next 20 years, for any department that may be recommended as a potential user of the facility.

The Committee shall provide an analysis of the existing structure to determine

Pier 44 Options and Feasibility Study Phase 1 Report

and recommend whether renovation, new construction, or demolition would be a more economical approach as follows:

- Renovations of all or a portion of the existing building
- Hybrids of new construction and renovation of specific portions of the building
- Demolition of the Building
- Other scenarios (e.g. park, pier)

After the completion of Phase I, the Board of Selectmen reserves the right, at its sole discretion, to charge the Committee with Phase II items, reconstitute committee make-up, revise the Phase II charge, or take no further action.

If the Board determines to move forward under Phase II, as part of its charge, the Pier 44 Building Options and Feasibility Study Committee shall address as its primary emphasis, the following critical issues during Phase II:

An initial conceptual design of recommended options:

The Committee shall provide sketch plans or renderings and costs estimates sufficiently detailed to enable a Town Meeting to vote on any project if necessary or required.

- Cost estimates should include site work and all appurtenances such as water, sewer, electric, other utilities, with the actual building cost separate
- Provide an estimate of operating and maintenance costs on a yearly basis for the building for the next 20 years.

The identification and evaluation of innovative and “green” designs for any recommended construction or reconstruction.

The Committee will consider any wetlands and/or other protected area on or near the site to determine any uses as well as uses/limitations of those areas including any regulatory or environmental reviews.

Determine if any variances or other waivers would be necessary.

Provide an analysis of the traffic and safety issues associated with any proposed uses of the site.

Special attention shall be given to how any proposed recommendations interface with adjacent site elements, activities and pedestrian and vehicular traffic.

Determine if specific areas of analysis require professional, independent consulting work to supplement the Committee’s work or assist the Committee during the Phase II process.

The Committee shall analyze the desirability and life cycle financial implications of the following:

- The potential and feasibility of grants and/or fundraising to secure non-General Fund dollars should also be considered if such funds are consistent with any recommended uses of the facility/site.
- The nature, desirability and feasibility of public/private partnerships and revenue generating programs that could offset operating costs and future capital costs while fully maintaining the restrictions on the property as a condition of the MBTA Mitigation Funds.

Pier 44 Options and Feasibility Study Phase 1 Report

- Other issues as defined by the Committee and approved by the Board of Selectmen.

The Pier 44 Building Options and Feasibility Committee shall, at the conclusion of Phase I, issue a written report containing its recommendations regarding the critical issues considered. The Committee, at the conclusion of Phase II, shall issue a written report containing its initial designs for the building, a recommended implementation plan and financing plan.

The Committee will include an implementation or action plan, which will indicate how to achieve these improvements and changes. Alternative scenarios will be presented along with cost comparisons.

The Committee will endeavor to complete Phase I of its work no later than March 1, 2011.

The Committee will endeavor to complete Phase II of its work no later than October 1, 2011.

It is anticipated that the Town Administrator, Building Inspector and other appropriate staff of the Town will be essential resources to the Committee and will participate in Committee meetings and activities as requested or needed.

Pier44 building options and feasibility study committee
PAV;7/10

Pier 44 Options and Feasibility Study Phase 1 Report

Appendix D

1-23-11

To: Patricia Vinchesi

From: Ed DiSalvio

Subject: Pier 44 - Recommended immediate repair items in order to reopen building for short-term public meeting uses.

Dear Patricia,

Several members of the Pier 44 Committee and Public Buildings Commission recently toured the building to identify items to recommend for immediate repair to prevent further damage to the building and for reopening the building in the near future for public meeting space. One of the Pier 44 members has experience in construction cost estimating and I have included his ballpark costs to make some of the repairs, should a contractor be hired. We would recommend that if town forces are capable of making some of these repairs that that be considered as well as consideration to ask the South Shore Vo-Tech to make some of the noted repairs. Gene Kelly is the Vo-Tech Director.

Items recommended for immediate repair:

1. Install temporary heat in kitchen area. There is no heat. Suggest ducting off of existing heating duct system. In addition, get heat out in east area where sprinkler pipe broke and where water heater tanks are located. South Shore Voc could do this work. Recommend temps be kept between 50 and 55-degrees F. Also, tape up east exit door better-drafty.
2. Recommend an HVAC Service Company review heating system. There are 6 roof top units. 2 are Carrier, both look fairly new and both are working. 4 are Trane and look old, with one turned off on the roof.
 - o Based on thermostats in 2nd flr office: RTU #1 and #6 are OFF and NO display on thermostats, so no heat in those areas served. RTU #2's thermostat does not appear to be working properly, so no heat in that area serviced. RTU's #3, 4, & 5 (front & middle dining areas are working).
3. Restrooms are dimensionally compliant for access by persons with disabilities. (Accessible toilet room in front and accessible toilet room stalls in rear restrooms). All accessible stalls and the front accessible toilet room need grab bars installed. The stall door swing in the men's restroom needs to be reversed. In addition, all restrooms need new sink fixtures (faucets and plumbing connections) and possibly new sinks. All need a good scrubbing. Water has been turned off in all T-rooms. Estimated repair cost: \$10K-\$15K.
4. Recommend an electrician or town's electrical inspector and fire department check the overall condition of wiring and fire alarm system. Obtain new certificate for fire alarm per NFPA 72. (See item 4 for combined est cost).
5. New light fixtures may be needed here and there. (See item 4 for combined est cost).
6. Verify all exit signs and emergency lighting is functional and replace as needed. Estimated repair/inspection cost: \$15K-\$20K.

Pier 44 Options and Feasibility Study Phase 1 Report

7. Replace broken casement window (which is open) in second floor office space, south wall.
8. Roof mostly snow covered during site tour, but roof shingles observed are in decent shape. Recommend a roofer check the flat EPDM roofing for leaks, especially at transitions and penetrations. Water spots on ceiling next to windows indicating possible slow leak. Estimated repair/inspection cost: \$5K.
9. Power clean the carpet as it is in good shape. Estimated cost: \$5K
10. Sprinkler system inspection. Estimated cost: \$5K.
11. Repair front entry door lock hardware. Left door could be pulled open. Latch problem.
12. Lights were not working in front Men's & Women's Room. Not working during tour.
13. Add weather-stripping to exterior doors with gaps & drafts.
14. Greenhouse needs to be made weather-tight. Refinish interior to eliminate mold on carpet. Mold also found on opposite side of wall in dining area. Consider mothballing greenhouse room.
15. Certif. of Inspection expired 10-30-2008.
16. In attic, north end, close up wall exhaust fan. Letting in cold air.

Other comments based on observations made during tour (not considered immediate need for purpose of short-term use.):

1. Recommend changing out incandescent bulbs with fluorescent bulbs.
2. Remove ceiling tiles (retain grid) to easily effect HVAC and other repairs. Install new ceiling tiles throughout to create uniform appearance. Estimated repair cost: \$10K-\$15K. If existing tiles are reused, estimated cost \$5K.
3. Harbor-side siding and sheathing all needs to be replaced, recommend marine grade ply sheathing and Hardi-plank clapboard exterior wall finish. Caulk and paint all windows. Scrape, caulk and paint entire exterior of building, replace rotted rake boards and soffits. Estimated repair cost: \$25K to \$50K depending on degree of damage found.
4. Temporarily mothball the kitchen and rear bar areas (remove all fixtures, clean the rooms, and provide locks for the doors). Rehang or replace both kitchen doors with locks so area can be secured. Estimated cost: \$5K.
5. Replace three-second story windows with broken seals (only if they are not leaking which they do not appear to be). Estimated cost: \$10K.
- 6. Entry Foyer:**
 - a. Track lighting is not adequate and additional lights needed.
 7. Front Women's room needs mirror.
 8. Remove trash from building.
- 9. Southern and Central Dining Rooms:**
 - a. Remove planter and patch floor or re-anchor planter and install plants
 - b. Two thermal pane plate glass windows have condensation and could be replaced.
 - c. Lights work but switches are old and should be replaced.

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d. 20+/- ceiling panels open and possibly missing, panels in good condition.

10. Northern Dining Room:

a. water spot on ceiling next to windows indicating possible slow leak.

b. Lights work but switches are old and should be replaced

Appendix E

Exterior Structure



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Exterior: Parking Lot



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Interior Review



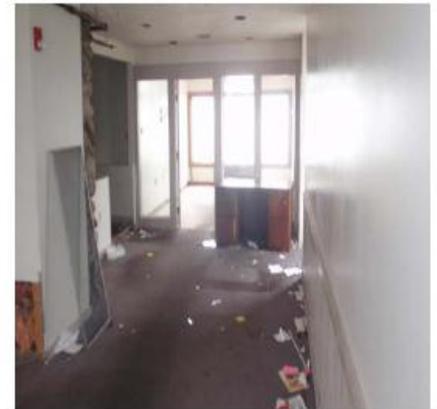
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Safety Features and Heating and Cooling Systems



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Interior Review



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Appendix F Excerpts from International Building Code (IBC)

Flood- Resistant Construction (IBC Appendix G)

Only critical definitions noted.

IBC 1612.2 Substantial Improvements: Substantial improvement means any reconstruction, rehabilitation, addition, repair or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "Substantial damage", regardless of the actual repair work performed. Substantial improvement does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Appendix G102.1 General. This appendix, in conjunction with section 1612 and other sections of this code provides minimum requirements for development located in flood hazard areas and coastal dunes, including installation of utilities; placement and replacement of manufactured homes; new construction and repair, reconstruction, rehabilitation or additions to existing construction; substantial improvement of existing buildings and structures, including restoration after damage, substantial repairs of foundations, temporary structures, and temporary or permanent storage, utility and miscellaneous Group U buildings and structures, and certain building work exempt from permit under section 105.2.

Note. Work in both flood hazard areas and coastal dunes shall meet the requirements for both areas.

SUBSTANTIAL REPAIR OF A FOUNDATION. Work to repair and/or replace a foundation that results in the repair or replacement of the portion of the foundation walls with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the entire foundation measured in linear feet. The term "substantial repair of a foundation" also includes a building or structure including a manufactured home that has incurred a failure of a foundation regardless of the actual work done to repair or replace the foundation.

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G301.2.2 In Flood Hazard Areas Subject to High Velocity Wave Action. For new buildings and structures, substantial improvements, replacement or substantial repair of a foundation and lateral additions that are substantial improvements, the entire structure shall be elevated so that the bottom of the lowest horizontal structural member supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is located at an elevation that is at least two feet above the base flood elevation. For lateral additions that are not a substantial improvement, only the addition shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor, with the exception of pilings or pile caps is located at an elevation that is at least two feet above the base flood elevation.