

\Municipal Harbor Plan: Pier 5

As you may know, Friends of the Charlestown Navy Yard has been monitoring development issues in the Yard for the past several years. An issue of concern is the development of Pier 5 and the proposed condominium complex. It is clear that because of the Navy Yard's unique configuration, another condominium complex on Pier 5 will cause significant congestion, parking issues and constant vehicular crossing of the already deteriorated HarborWalk. In addition, the proposed Pier 5 complex would effectively privatize a prominent and historic pier which should be utilized for a higher use as opposed to condominiums. The BRA favors the Pier 5 proposal because of the revenues such projects bring into the City and BRA coffers (i.e., real estate taxes and the BRA 2% resale requirement).

Approval and permitting of the proposed complex has been hotly contested the past 4 years. The developer has obtained the requisite BRA approvals, but the state has withheld its approval until BRA drafted amendments to the Municipal Harbor Plan ("MHP") were approved by the state. The MHP contains waterfront regulations which govern development in the Yard.

Recently the state's Executive Office of Energy and Environmental Affairs ("EEA") issued conditional approval of the MHP amendments. Among other things, the MHP amendments significantly reduce public space on Pier 5. It is apparent that significant portions of the MHP amendments were designed to facilitate the development of Pier 5 which will in turn create adverse impacts on the surrounding community.

The EEA decision can be appealed. First, by a request to EEA for a reconsideration of its decision, and then a separate appeal of the EEA decision to Superior Court. The deadline for the reconsideration request is Wednesday, April 30th and the deadline to Superior Court is the following week. There are many reasons to appeal the EEA decision, most notably that EEA exceeded its regulatory authority by issuing a decision that does not conform to its own regulations.

According to law, it is necessary that a group of ten or more citizens bring the appeal. Therefore we need to rapidly form the ten citizen group. Bringing the appeal on behalf of the group will be the law firm Rackemann, Sawyer & Brewster. It was decided that since this is such an important step that a professional sustained effort be mounted, as opposed to relying on volunteers and pro bono services. The Conservation Law Foundation has expressed an interest in coming in the lawsuit as an intervening friendly party to challenge the MHP amendments on similar grounds.

Thus we are focusing on Constellation Wharf, Flagship Wharf and Parris Landing residents for the ten citizen group (actually it is better to have several more in the event some of the original ten move away or drop out). Lawsuits of this nature can last up to two years. We also need to raise funds for the legal effort, estimated at \$20,000. You need not be a member of the ten citizen group to fund this action.

The reason for these actions are simple, we believe that from this point on, the effectiveness of letter writing campaigns and community comment will be of marginal value. The repeated public comments were of great value during the infancy of the proposal but now that the decisions are becoming final, a firmer message needs in the efforts to avoid the adverse impacts the proposed Pier 5 development will bring. This should result in a stronger community position in negotiating the final outcome on Pier 5, whether it be preservation as open space, purchase by a land trust, or project reduced in scope.

On Tuesday evening at 7:00PM, we are holding a 1-hour organization meeting at to discuss the upcoming actions, answer questions as best as possible and discuss financing. In the event you are unable to attend, please email me your level of interest.

Many thanks.

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