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June 18, 2004

Honorable Thomas M. Menino
Mayor's Office
City of Boston
One City Hall Plaza, 5th Floor
Boston, Ma 02201

Mr. Mark Maloney, Director
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

→ Subauds
cc McCann

Secretary Ellen Roy Hertzfelder
Executive Office of Environmental Affairs
MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: **The Residences at Pier 5:
Expanded ENF/Project Notification Form**

Dear Mayor Menino, Mr. Maloney, and Secretary Hertzfelder;

We are writing to express our concern regarding the proposed construction by LDA Acquisition, LLC (the "proponent") on Pier 5 in the Charlestown Navy Yard. As proposed in the Expanded Environmental Notification Form (the "report"), the project includes 59 Residential Condominium Units, a 30 Room Hotel, a 160 Seat Restaurant, and a 21 Slip Marina to be constructed over the Commonwealth's tidelands.

The report is little more than a "marketing" document that is woefully inadequate, and in many respects contradictory, in addressing the project's impacts. A presentation by the proponent at the June 15, 2004 meeting of the Charlestown Neighborhood Council did little to clarify the vagaries of the proposal and failed to address critical issues and concerns voiced by the community.

It's clear that this project has been haphazardly conceived and hastily submitted in order to beat a looming development deadline. A project of this magnitude and environmental sensitivity requires a thorough and meaningful analysis, not a fluffy marketing campaign designed to gloss over the project's impacts on the way to a quick approval.

Extension of Comment Period is Needed

In conjunction with the filing of the report, the proponent is requesting that it be allowed to file a Single Environmental Impact Report. The proponent bases its request for a "streamlined process" on the assertion that its report contains sufficient information on such critical issues as waterways, traffic, and an assessment of other potential environmental impacts (wetlands,

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wind, shadow and infrastructure) to provide a “baseline from which potential environmental impacts and mitigation measures can be assessed.” To put it bluntly, this could not be farther from the truth.

The information set forth in the report is flawed, shallow, incomplete and, in many instances, based on erroneous assumptions, not facts. The lack of meaningful, substantiated data in the report prevents a thorough review of the project’s adverse impacts and reasonable alternatives. The proponent must not be allowed to circumvent the necessary review process and proceed with this project prior to providing the comprehensive analysis required by law and regulation.

Additionally, given the complexities of the project and the potential development of a sensitive environmental area, we believe an extended comment period is warranted. At the June 15, 2004 meeting of the Charlestown Neighborhood Council, Mr. Jim Gribaudo, Senior Project Manager for the BRA, committed to extend the BRA deadline for public comments to June 30th. We believe at least a 30-day extension is needed for both the BRA and MEPA deadlines to allow adequate time for citizens to review the proposed project and comment.

Tidelands

The proponent’s report asserts that the project site falls under the jurisdiction of the Municipal Harbor Plan (MHP), which relaxes Chapter 91 restrictions against construction of residential facilities over flowed tidelands for Pier 5. However, it is unclear as to whether the MHP cited by the proponent is in effect. MHPs are valid for 5 years after their adoption and have to be affirmatively renewed by the City in order to remain valid. The last valid MHP for the Charlestown Navy Yard was approved in 1991 and has not been renewed. Other than to cite the initial 1991 approval of the MHP, the proponent’s report does not address the status of the MHP.

Further, at the recent Charlestown Neighborhood Council meeting, when the proponent was asked by community members to provide evidence of or explain its reliance on the validity of the MHP, the proponent was either unable or unwilling to do so. The proponent’s lack of response likely had something to do with the fact that, in a Delaware bankruptcy court case (*In re: Competro Acquisition Partnership, L.P., et al* Case Nos. 94-622 through 94-626, August 2, 2000), the proponent denied owing the BRA a milestone payment because the BRA was unable to cause the renewal of the MHP for the Navy Yard. The proponent’s position on this issue appears to change, depending on which side of the cash register he is standing on.

In the absence of a valid MHP (as we believe is the case), the more stringent Chapter 91 requirements govern this project. As such, the substantial residential/commercial component of the project would constitute Facilities of Private Tenancy over flowed tidelands and thus not be allowed under Chapter 91. This critical issue requires immediate resolution to protect the public’s rights and interest in Commonwealth tidelands.

Environmental

There are numerous environmental issues with a project of this magnitude, including wind, shadow, air and water quality, noise and solid and hazardous waste. These critical issues are

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given only a cursory mention, and in some cases, a complete dismissal in the proponent's report. Given the importance of these issues in guarding the public's health and protecting the Commonwealth's natural resources, the environmental issues must be thoroughly and honestly analyzed.

The environmental concerns of this project are heightened given the project's proposed location over waters of Boston's Inner Harbor and on land that was part of an active shipyard from 1800 through 1974. During World War II alone, at least 6,000 vessels were built, repaired or outfitted in the Charlestown Navy Yard; over 2,000 of these ships were serviced by Pier 5. All of this activity occurred during a time at which environmental regulations and concerns were nonexistent. Certainly this site harbors significant toxic industrial waste (such as chlorinated solvents, PCBs, oil, cleaning and degreasing solvents) and other types of toxic materials used to service ships.

In "addressing" the issue of solid and hazardous waste resulting from the site's history as a working shipyard, the proponent's report states, "Not unexpectedly, the described activities have impacted the filled tidelands onsite. The nature and extent of the impact will be evaluated *during the site development process*" (emphasis added). The proponent's nonchalant attitude toward these critical environmental issues is irresponsible and, frankly, disturbing.

The proponent is fully aware of the likelihood of unearthing toxic waste at this site. At his other Navy Yard project at Parcel 4, oil and hazardous material contamination was reported to DEP last December (DEP Release Tracking Number 3-22380). The replacement and addition of pilings to strengthen and expand Pier 5, as well as the proposed excavation of Parcel 2A3 for a parking garage, are sure to cause serious environmental conditions requiring extensive remediation.

The potential environmental impact of this project extends far beyond our Navy Yard community. A decade of environmental remediation and restoration work performed in Boston Harbor, along with the billions of tax dollars invested, could literally be swept out to sea. Given these significant environmental issues on the Pier 5 proposal, as well as the ongoing cleanup of the proponent's Parcel 4 project (RTN 3-22380), one is forced to question the overall financial viability of both the proposed project and the proponent. If cleanup costs spiral out of control, the project site could degenerate and lie untouched for years, an unsafe and ugly scar on what is the last undeveloped access to the head of the harbor.

To prevent these potentially disastrous consequences, the proponent should first be required to perform a comprehensive environmental study of the site and submit appropriate remediation plans as part of the developer's draft submittal to the BRA and MEPA. Additionally, a bonding requirement should be put in place to ensure that, in the event the project or the proponent becomes insolvent, this important, historically significant site can at least be returned to a safe and usable condition.

Traffic and Parking Assessment

If there is a single aspect of the report that should, in a logical world, be sufficient to undermine the credibility of this project and the proponent's report, it is this one (Chapter 5). The

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proponent's assessment of the traffic impact and parking requirements of the proposed project is barren of facts, bereft of logic and oblivious to reality. As full-time residents of the Navy Yard who experience the traffic on a daily basis, we hardly know where to begin to discuss the shortcomings of the proponent's assessment of traffic and parking issues.

The Navy Yard is a very different place from what it was even as recently as 2000. Significant development and an associated influx of people has occurred with the addition of the Nautica (117 condominium residences), the expanded presence of MGH in the renovated Building 114 (100,000 square feet of office space), and the opening of the MGH Institute of Health Professions (with over 600 students). This development has had a tremendous impact on traffic within the Navy Yard.

Further, substantial changes have occurred in the surrounding area, including the addition of Gateway Center (194,000 square feet of office and retail space at City Square) and the Marriott Residence Inn (a 168 suite hotel on Tudor Wharf), and the opening of a city school bus facility at Moran Terminal (housing 200 school buses/ 400 daily trips), all of which have contributed to congestion on Chelsea Street, the sole access to the Navy Yard.

Much of the traffic and parking data cited in the proponent's report is either out of date or inaccurate, or both. The proponent's report does not take into consideration the traffic congestion and safety concerns associated with the development that has occurred in the Navy Yard and surrounding area since 2000. Nor does the report address the proponent's current project on Parcel 4 (a 273-unit condominium) or the potential development of Parcels 5, 6 and 7 and the traffic issues related to each.

Not only is the report's assessment of existing Navy Yard traffic deficient, but the proponent's assessment of traffic to be generated by its own proposed Pier 5 project is grossly understated and downright puzzling. First of all, the report states that traffic will access the project site via either Sixth Street or Eighth Street. Sixth Street, of course, is a non-public, dead end street that provides no access to Pier 5. Thus, all traffic to the Pier 5 site must travel down the already congested Eighth Street.

Additionally, the proponent would have us believe that a property consisting of 59 residential units (one, two and three bedrooms), a 30-room hotel, a 160-seat restaurant, a 21-slip marina, and undefined retail space would generate only 508 daily vehicle trips (254 in and 254 out), with less than 10% of those trips occurring during peak hours. This assumption is absurd. The proponent's report also neglects to mention that, since there is no vehicle parking on Pier 5 and, accordingly, vehicles will be "managed" by valets located midway down the pier, every vehicle trip contemplated must be multiplied by two (once to get the car midway down the pier to the valet station, and once to get the car back off the pier and in search of parking). And every one of these vehicle trips must cross the Harborwalk. (Pedestrians beware!)

With regard to parking, this is another issue in the proponent's report that is mystifying. The proponent asserts that only 106 parking spaces are needed to support this development, 74 spaces for the residential units and 32 for the hotel and restaurant combined. Under this equation, the proponent is allotting only 1.25 parking spaces per residential unit. (As a benchmark, the Charlestown Community Council requires a minimum of 1.5 spaces per unit,

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and Flagship Wharf, a 201-unit condominium building, has approximately 2 spaces per unit.) It is totally illogical to assume that owners of condominiums estimated to sell in excess of 2 million dollars will own, on average, only 1.25 cars. And the proponent's assumption that the remaining 32 spaces will be sufficient to support the 30-room hotel and 160-seat restaurant is equally implausible.

Now, where will all the cars be parked? Apparently, they'll be parked in imaginary spaces and a garage built on assumption. First of all, the off street parking data cited in the proponent's report are inaccurate. Secondly, the proponent's report alludes to supporting the project's parking needs with an unspecified number of parking spaces in the Flagship Wharf garage that were earmarked by the BRA well over ten years ago for future development of Pier 5. The proponent's report assumes that these spaces are vacant and available for acquisition. Again, the proponent's assumption is incorrect. These spaces are occupied with cars owned by people who live or work in the Navy Yard. Thus, even if the proponent is successful in acquiring spaces in the Flagship Wharf garage, the cars currently occupying those spaces will need to be accommodated. While the proponent's alleged intent to pursue acquiring parking spaces from Flagship Wharf may, on the surface, solve the project's "marketing" problem, it does nothing to alleviate the parking problems created by the proposed Pier 5 development.

Clearly, the only way to meet the requirements of new residential and commercial development in the Navy Yard is to create new parking. In that vein, the proponent is proposing the construction of a 106-space underground parking structure of Parcel 2A3. (The proponent's report states that this option will not be pursued if parking can be acquired from Flagship Wharf. Thus, even the proponent acknowledges that this is an undesirable option.) The proponent's proposal would have us believe that that the proposed underground parking structure will preserve the park at Parcel 2A3, when, in fact, a significant portion of green space would be commandeered for the garage vehicle ramp and the stair and elevator kiosks. Further, as discussed in the environmental section of this letter, the potential excavation of Parcel 2A3 is fraught with critical environmental issues. This option should not be allowed under Chapter 91.

The proponent's report completely ignores delivery and trade vehicles servicing the residences, hotel, restaurant and undefined retail space. Since there is no vehicle parking provided on Pier 5, service vehicles will have no choice but to double-park on Eighth Street or the Harborwalk. (As the Boston Transportation Department can attest, this is already a serious problem on Eighth Street.) In addition to wreaking havoc for traffic and pedestrians alike, this will create a dangerous situation for emergency vehicles.

Clearly, the proponent's traffic and parking assessment is seriously flawed. One only has to stand on the corner of Eighth Street to understand the magnitude of the proponent's errors and understatements. The proponent should be required to commission a comprehensive traffic and parking study.

Conclusion

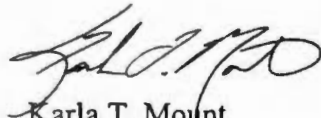
The Charlestown Navy Yard has undergone many changes during its two, colorful centuries. Many of those changes have helped preserve the history and enhance the character and vitality

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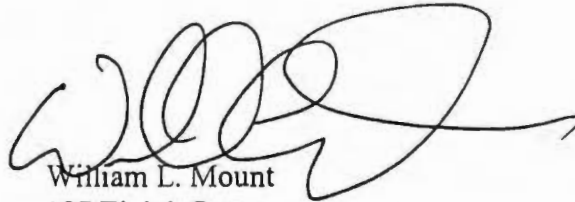
of the Navy Yard. Sadly, some have not. We must ensure that any future development in our, community makes the best possible use of this unique and historic area. We have an obligation to put Pier 5, the head of Boston Harbor, to a higher purpose and keep it available to the citizens of and the visitors to our city.

Thank you for your careful consideration of our comments.

Sincerely,



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