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City Councilors
Boston City Hall

Re: Hearing on the Planning Dept. Docket #0337

Dear City Councilor,

Please accept the within as my testimony. Although I was in attendance, I was unable to testify in person. Please accept the following as my questions and comments for your follow up. A special thank you to Councilor Flynn for asking the financial questions.

1. Is the Planning Department and the BRA/BPDA using the same staff? If not, has either hired new staff and if so for what purpose?

2. Has either the Planning Dept or the BRA/BPDA engaged consultants and if so which entity and for what purpose? Why are these services not able to be carried out by present employees or city employees? What special skills did the individual/company have that were not present in the staffing of the entity entering into the consulting agreement? Be specific.

3. The BRA indicates it has city properties on its balance sheet. Please provide a complete list and indicate whether the property is generating any income and if so the amount per property. Is the property paying real estate taxes? If not, why not? Why is an income producing property paying money to the BRA and not paying real estate tax to the City?

4. The BRA should be required to pay over all revenue received on all properties to the City general fund since the BRA has no employees why does it need any separate funding? It does not.

5. For the properties listed on the BRA balance sheet, please identify if the properties are being maintained? If so, who is performing the maintenance? The tenant, the BRA staff or the city staff? If city staff, which department? Is the BRA paying the city for the maintenance working being performed by the city staff? If not, why not? If so, how much

is being paid per property and where are those funds shown on the BRA balance sheet? What city dept is doing the work?

6. Under c.121B, the limitations on the BRA power are decay and blight. Given the limitations of c.121B, how can the Planning Board be implementing planning which addresses the non-statutory mission of affordability, equity and resilience? The Legislature did not allow the Home Rule Petition so it is illegal to impose other requirements on the use of an c.121B power.

7. According to Mr. Shen, he was with the BRA for many years, why is he unable to explain the difference in his mission with the Planning Dept compared to his prior duties at the BRA? Or is there no difference?
   As an aside during Mr. Shen's prior tenure, we saw the City build in areas which will be subject to flooding (Seaport) and over build lab space to the exclusion much needed affordable housing. How is Mr. Shen an proper person to lead this Planning Dept? or the BRA for that matter?

8. Mr. Shen testified that he was trying to bring openness and transparency to the Planning Dept. He was unable to identify any particular item he had done which demonstrated this 'transparency or openness'. In fact, the BRA recently failed to be at all transparent when it structured an RFP for Pier 5 in the Charlestown Navy Yard and failed to open all bids or publish all bids received at the same time. In fact, there was no transparency in the RFP creation process or the bid process. The BRA/Planning Dept. failed to even acknowledge receipt of a competing bid for this BRA owned/City owned land. How is this transparency? How is this open? Further, the letters in support of the other RFP bid that the BRA apparently intends to award, are all people that are not from Charlestown or have open and obvious conflicts of interest since they are BRA tenants or have pending project approvals with the BRA. How is this right? Further, the community has over 5000 signatures on a petition to make this pier a public park how is this being responsive to the community?

9. Further, on Pier 5 the RFP did not consider resilience (if that is a purpose of the Planning Dept.) and has rejected the bid for use of Pier 5 as an open public park – green and blue (sea) space for Charlestown. Charlestown has the single least amount of open green space per resident and is scheduled for the densification by the approval and construction of the Bunker Hill Housing Project and Schraffts Center and One Mystic.

10. Presently, the Planning Dept. is not permitting residents to comment on Roslindale Squares and Streets and is refusing to redact the names on the website. How can the Planning Dept. expect the neighbors to participate fully and openly if it does not provide

them any degree of protection. Further, the Planning Dept. has not considered displacement of the existing residents or businesses that this 'Squares and Streets' homogenization will cause. Boston is not a homogeneous city but is a city of unique neighborhoods who prize their uniqueness. Planning in Boston can not be a one size fits all event and Bostonians reject this approach but are being ignored by the Planning Dept. who is doing 'business as usual' that it did as the BRA.

11. Mr. Shen also said that he was looking to create predictability. The problem is the only predictability is the fact that the BRA and now acting as a Planning Dept., systematically ignore the existing zoning (Causeway and North Washington Street project. Zoning is 100 feet. Project proposed was 700 feet. Project being consider is 400 feet.) The BRA/Planning Dept. looks at zoning not as a maximum (which is the object of creating predictability) but as a minimum or a suggestion. This is contrary to the predictability which zoning is designed to create. The BRA consideration and approval of a project which violates existing zoning is completely contrary to what Mr. Shen testified to and means that either Mr. Shen does not know what the BRA or Planning Dept are doing, does not care or it is the same old thing and his testimony was false.

12. Mr. Quirk testified that there were no outstanding amounts owed to the BRA. Mr. Quirk did not indicated if the developer who received designation of the Chain Forge building in the Charlestown Navy Yard, paid to the BRA amounts which were associated with contract/designation extensions? Were these moneys paid? If not why not? If so, how much and what use did the BRA make of this money?

13. The BRA as a 'steward' of city owned property is systematically blighting and allowing all properties under its 'stewardship' to decay. Specifically, as the landlord of the Constitution Inn in the Charlestown Navy Yard, the BRA failed to enforce its lease covenants that required its lessee to maintain the building. Any reasonable commercial landlord would have defaulted the tenant. Instead the BRA did not default the tenant but allowed the tenant to assign the lease and then renegotiated a rent reduction with the assignee. The building is not on the tax rolls and now it is in complete disrepair because the BRA failed in its stewardship of this building that is only 32 year old.

14. The BRA has also allowed Pier 5 to fall into disrepair. The BRA has collected in fees and taxes from the Charlestown Navy Yard alone over $20million in the last 10 years and has not spent any of this money to maintain the properties including Pier 5. It finally was forced to reconstruct Pier 4 when Pier 4 almost sustained a horizontal collapse which could have injured the children sailing at the Courageous Sailing Center.

15. The BRA and the City fail to maintain their property and then give away public assets to private developers with tax abatements and other city funds. As an example, White Stadium was a public asset which was directed to private parties to the detriment of City residents and the children of Boston. To add insult to injury, the City is now planning to spend $110 million on the renovation not for the benefit of the children of Boston, but for overprivileged white women's soccer vanity project. The systematic blighting of public assets is outrageous and only made worse when the restoration uses public money to privatize a public asset instead of spending it for the children of Boston.

16. Can the BRA or the City Planning Dept. provide tax abatements to developers? What controls does the City and the City Council have over tax abatements? If there are none, then the City Council needs to revoke or limit real estate tax abatements on all new projects.

17. Has the City audited the tax abatements provided by the BRA and the City? If not why not? If so where is that information?

At present, Boston revenues are made up of real estate taxes which were in the 2002 report generated 35% from residential and 15% from commercial real estate. 50% of the real estate in the city at that time was tax exempt as either state owned, city owned, not for profit or other. The residential taxpayers are being abused by the process of the BRA and the Planning Dept providing tax abatement as if they were candy on Halloween. It is not sustainable to have so much of the City real estate exempt from real estate taxation.

We need an audit of the BRA/BPDA, of tax abatements, the PILOT program and also the Mayor's Office of Housing. We need to know how much the residents are being abused by tax abatements to rich developers and private equity. We need to see where the linkage payments or 'exactions' how much they are and where they are going. We need to know and impose costs on not for profits through the PILOT program so that it is not what they want but what they owe to the residents of Boston.

Mr. Shen and the BRA/BPDA staff have a conflict of interest. How can the BRA/BPDA be an owner of property, the zoner of property (able to approve any project with no recourse by the local residents) and now wants to be able to be the bank. The BRA must be abolished. There is no need for this Board. The BRA has a history of failure to the City of Boston since inception in then 1950s. Whether it was tearing down the West End and displacing families there when it has open land (Bunker Hill Community College site) on which to build in the 1960s and it did not. The BRA is a failed entity and must be abolished. The City owned properties must be sold, made productive and put on the tax rolls or made into open green space to benefit residents.

Boston's planning process is broken. Neither the BRA/BPDA (or whatever they want to call themselves) or the Planning Dept. have any plan to enforce existing zoning. In the process, the BRA/BPDA and/or the Mayor's Office Housing is violating the public bid laws by designing the RFP with one specific bidder in mind. The RFP is supposed to be an open public process to secure the highest and best use for the disposition of the property and not some 'inside deal'. The BRA/BPDA/MOH routinely design the RFP with a developer in mind (which is usually a former BRA employee or board member or maybe a big 'donor') and then rig the process to go through a charade of compliance with c.30B. The competing bidders spend time and effort thinking that the process is 'open' when it is not. The community voices are ignored. The BRA/BPDA/MOH directs the bid to its preferred bidder (Pier 5 and White Stadium), ignores the community voices and then provides a tax abatement so that the existing residential and commercial taxpayers are burdened with the tax increases from projects that they do not want and for which their voices are ignored.

The City Council needs to audit these moneys, these tax abatements and demand that the BRA be terminated.

Thank you for your time and consideration.

Very truly yours,



Rosemary Macero
Charlestown Resident and tax payer