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**Re: Comments re Negative Impacts of 2021 CNY Pier 5 Proposal responses to BPDA RFP**

Dear Director Golden and Ms. McDaniel,

**Comments re Negative Impacts of 2021 CNY Pier 5 Proposal responses to BPDA RFP  
2/26/21**

*All three 2021 Proposals for the BPDA RFP for CNY Pier 5's high density residential and commercial use display an unusual array of potential negative impacts which are inherent in the proposed site's: 1) position over Boston's "Head of Harbor" flowed tidelands, 2) National historic significance, 3) early vulnerability to maximum sea level rise, 4) exposures in climate extreme potential zones, 5) public access and vista easement rights, and 6) clear infrastructure incapability. These impacts include:*

- **Privatization of Public Amenity:** The quarter-century of continuing controversy re Massachusetts Chapter 91, Public Rights and Access to our National waters and MA waterways VS privatization of Boston Navy Yard's unique and historic 'Head of the Harbor at Pier 5' could be a situation that ends in the Supreme Court some years from now. These 3 proposals are then not viable until this has been resolved.
- **"U.S. and MA Public petition opposing privatization of Boston's 'Head of the Harbor, Pier 5'":** Petition LINK: <http://chng.it/55ywSLsC>

For over a quarter of a century, when the U.S. Navy transferred the Boston Navy Yard to the City of Boston, we have been fighting to preserve designated Public Rights to Access to waterways and vistas from being blocked by privatized development. These rights are stipulated by both U.S. Navy Transfer documents and the centuries old common law based MA Chapter 91: "the sea and with it the shore of the sea' are the common property of all people".

- **MA Chapter 91 specifies "water-dependent uses over flowed tidelands": Residential is not a water-dependent use.**
- **Blocking of "vista easements" from the Harbor Walk and the walling off of Harbor access from the city and the public** —access and rights which should be protected by U.S. Transfer Documents and BRAs own "Visual Easement" Plans of 1976-8.

- **Destruction of the "world renown" Courageous Sailing Center's ability to operate and expand in the Charlestown Navy Yard.** This is the case with all 3 schemes. In addition to the proposals expanding structures onto the water-sheet intensively used by the Courageous Sailing Center, the severe "wind shadow" of a high rise structure, such as the Urbanica proposal, would prevent novice sailing student ability to navigate to and from Pier 4.

- **Traffic and congestion of required emergency/ general service/ food delivery/ moving/ USPO/ UPS/ Fedex/ Uber/ Lyft/ taxi/ heavy construction/ trash collection and repair vehicles and basic day to day resident access to an already maxed-out 8th St. cul de sac/fire lane** (currently serving a large active public parking facility, 500 + residential units, a daycare center, a busy playground, a very popular restaurant and bar, marina slips, boat shuttle to another restaurant, offices and commercial spaces, a Korean War Monument, and several cafes, etc.). BRA 1976-8 plans and road designations show 8th St as a 2-way road never intended for high density or high service residential.

- **A fire lane, which is a dead-ended cul de sac and rotary, is the proposed service road for these 3 proposals.** This fire lane, which is the 8th St rotary itself, has no parking and is unfortunately already frequently blocked with service vehicles and requires constant patrol to maintain safe access for emergency vehicles.

- **The addition of 100 + units of short term residences plus commercial, restaurant and even a grocery store on this pier on pilings —without vehicle access onto the pier site and to its units— is proposed.** All of this additional residential, commercial, restaurant and even grocery store space will also require extensive emergency/ service/ food delivery/ moving/ USPO/ UPS/ Fedex/ Uber/ Lyft/ taxi/ heavy construction/ trash collection and repair vehicles and basic day to day resident access. To propose this level of service requirement to and from an already maxed-out and congested 8th St fire lane – is irresponsible and dangerous.

- **Restricted ability to provide fire, police, ambulance and emergency activities** into large maze-like residential and commercial structures on a pier over water, and which pier is without vehicular access, is a situation of great concern.

- **Fire egress regulations for high density housing with single point of egress off the long pier.** (See pier fire scene in "Elmer Gantry"! ) Fire egress at the pier's narrow edge to the mainland is limited relative to the pier's length. Professional Fire Code analysis will be needed to interpret this condition.

- **Inadequate parking and the absence of public transportation,** and now, even the loss of the NVY Water Shuttle. The Navy Yard is notoriously lacking in public transportation options and therefore requires more private automobiles and has the associated parking demand.

- **Infrastructure incapacity** of the WWII - 2021 Navy Yard- The infrastructure and streets of the 1940s NVY were not intended for high density residential and commercial uses

and this remains the case. The **Harbor Walk** was not planned for the connections of sewer, water, electric lines crossing under the Walk.

- **Sewer and water service to over-water structures** with multiple exposed connections, possible sewage holding tanks and their pumping, weatherizing techniques required, environmental controls and protections against sewage spillage into harbor. The means allowing these service lines to cross the **Harbor Walk** and their connections from the fire lane rotary to the pier is another issue requiring analysis.

- **Potential damage to adjacent structures**, especially with mutable clay bentonite slurry foundations such as the multi-story underground public parking at Flagship.

- **Perpetuation of a “bedroom community” in the Navy Yard:** With the BPDA's proposal for additional residential development on Pier 5 in the Navy Yard, the BPDA planners will exaggerate this recognized planning error.

- **Maintenance requirements and maintenance responsibility guarantees** related to extreme waterfront exposure (Note: BPDA inability to maintain the Harbor walk, Piers including Pier 5, Ropewalk, Chain Forge and other NVY structures illustrates a lack of stewardship.)

- **Freezing rain and snow with driving wind over salt water** with icy ramping, exposed pipes, unprotected direct entrances, snow removal, movement of floating structures, surge protection and special hurricane preparations will be burdens unique to this site and the configurations of these proposals. Anti-fouling bottom paint, its application and cleaning on floating units is a problem any boat owner can attest to.

- **Sea Level rise, Climate Change and Extreme events and surges** — The City of Boston's own "Climate Resilience Guidelines" are not acknowledged. This is an area that will take considerable analysis to determine the extent of impact on this waterfront site.

- **Wind Tunnel tests are required** with the new configurations proposed, especially Urbanica's large and unknown wind shadow potentials. Connections between the floating units will need to be tested and have the addition of wave movement to consider as well.

- **Toxic Waste Removal:** WWII shipbuilding materials involved toxic materials from lead to radon (Radon Warning signs were mounted on Pier 5 into the 1970s). Any disturbing of the underwater soils will require extensive toxic waste removal.

- **Retaining of the Pier structure and perimeter** was addressed in the U. S. Navy / GSA Transfer Documents. Changes to the structure, shape and dimensions of the pier were to be prohibited.

- **Questions of definitions:** What is “a vessel” for marina occupancy VS a floating residential unit? or What is a 5 story high planted rooftop with difficult and limited

public access VS a true public park with full access to the Harbor waters and views of its activities?

- **Questions of financial viability** of high-end housing offered without the ability to provide the full range of services expected in that price range. This is especially so relative to the marketability to the older age of that price market, such as easy parking access, increased food deliveries, and, unfortunately, emergency vehicles.
- **Marketability of high density urban residential complexes in the Post Covid 19 real estate market.** Hopefully it is temporary, but the residential RE market has shown a strong swing away from small tight urban housing units and toward more spacious, home/work compatible, and less virus-prone de-centralized or suburban single family living communities.
- **Insufficient response to universal requests and multiple proposals for water dependent uses, open space, maritime parks and nature based alternatives.**

*As many of these negative impacts cannot be mitigated, is the BPDA ready to reject proposals when these impacts are confirmed in the full Environmental Impact Statement (EIR/EIS) that these BPDA RFP proposals will require?*

Sincerely,

**SSC**

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