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Boston City Council  
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**RE: WRITTEN TESTIMONY SUBMITTED FOR CITY COUNCIL COMMITTEE ON  
PLANNING, DEVELOPMENT AND TRANSPORTATION HEARING ON DOCKET  
#0722 SEPTEMBER 22, 2022**

**A COMPREHENSIVE, DISTRICT-WIDE PLANNING PROCESS FOR BOSTON'S  
WATERFRONT**

Dear Councilors:

I am an attorney, a resident of Charlestown Navy Yard, a founding member of Pier 5 Association Inc. and the Precinct 2 Representative to the Charlestown Neighborhood Council. I am in support of Comprehensive Waterfront Planning that includes Charlestown, East Boston, the North End and Downtown areas minimally.

The City needs comprehensive planning and most especially of our Waterfront. The Waterfront planning for climate change resiliency preparedness but more importantly to protect the residents' rights to use of their waterfront as codified in c.91. Both of these issues can and should be addressed by this Committee before any additional building construction on the Waterfront in these areas is allowed to proceed. The City needs to prepare such a plan to protect and preserve the Waterfront access, by citizens and residents, preserve Boston Harbor as a resource for all and balance needs of climate resilience with development to make Boston a world class city which protects its environment, its history, its resources and its standard of living for its residents.

**1. THE WATERFRONT COMMUNITIES NEED WATERFRONT PLANNING**

All of the Boston waterfront communities have suffered from extreme lack of waterfront planning. This failure of waterfront planning and protection of public access is demonstrated in the Seaport District where developers have completely blocked all view access to the waterfront and have denied the public waterfront access. The Downtown area was only saved from being walled off from the waterfront again (having been walled off with the above ground Southeast Expressway which was only removed 20 years ago) by the legal challenge and defeat of the

Downtown Municipal Harbor Plan. Only through the perseverance of the Downtown residents did we see the preservation of the public waterfront access and view of the harbor when the lawsuit terminated the monstrosity of a building proposed for the Aquarium Garage site. More importantly, the Court recognized that the Downtown Municipal Harbor Plan was adopted in violation of c.91 and its regulations and did not protect the harbor access rights codified in c.91.

We have seen and experienced this failure of waterfront planning in Charlestown. The BPDA title holder of the Charlestown Navy Yard, does not plan and instead engages in a parcel by parcel zoning patchwork with no regard for the climate concerns and completely ignores community needs or wants. Under the BPDA stewardship (if it can be called that) the Charlestown Navy Yard has had both Pier 4 and Pier 5 blighted. Pier 4 was in such danger of lateral collapse that the BPDA was required to conduct emergency repairs to restore Pier 4. In spite of community residents demands for a Waterfront Park on Pier 5 (3600 signatures), the BPDA continues to ignore both the community demands and the worsening condition of Pier 5 (no repairs of maintenance during its ownership since 1975). Instead of listening to the community demands and recognizing its obligations as the 'steward' of the public waterfront in the Charlestown Navy Yard, the BPDA again has failed to commit any funding to the structural maintenance of Pier 5 which could have been done in conjunction with the emergency repairs to Pier 4. In fact, if the BPDA were a 'steward' of its public waterfront properties it would have taken the cue from the dire emergency of Pier 4 and repaired both Pier 4 and Pier 5 in conjunction with each other which if investigated, bid and repaired as part of one project together with Pier 4, would have resulted in cost savings based upon economies of scale.

The Charlestown community like East Boston, the North End and Downtown need coherent waterfront planning to preserve the public's access to this open space and water access which is our heritage and our right under c.91.

## **2. THE BPDA IS A FAILED ORGANIZATION WHICH DOES TO PLAN AND DOES NOT LISTEN TO THE PUBLIC**

Under the BPDA (formerly the BRA and probably should be called the BDA -Boston Development Authority because they do no planning and only benefit developers), the City has experienced a complete lack of planning but also an abject failure of protection of the public's right to access the waterfront. As illustrated in the blockage of Boston Harbor access in the Seaport, Downtown, North End and its failure of stewardship in the Charlestown Navy Yard, the BPDA is only a developer which only has its own financial interest as a goal.

In the North End, the BPDA has approved a new hotel with no parking along an already overly congested part of Cross St. at Hanover St. which is completely out of scale and keeping with the characteristics of the North End neighborhood. The North End community was shut out of the process and its voices were ignored to the benefit of the developers only.

Again the BPDA has in process a 70 story building for the intersection of Causeway and North Washington St. which is the gateway to Downtown for Charlestown residents the North Washington St. bridge. The North Washington Street bridge restoration has been stopped for 1 year from construction defects with no recommencement of the bridge construction in sight. No

new projects for this area should even be considered until the North Washington bridge is fully restored with a permanent and safe bridge. The fact that the BPDA is even considering such an oversized, out of character, unneeded and unwelcomed project for this area with the North Washington Street bridge out of commission and why the City Council needs to place the needs of the community over the financial gains of the BPDA especially when resident safety is at issue.

### **3. CHARLESTOWN NEEDS A COMPREHENSIVE MASTER PLAN WHICH IS NOT 'PLAN CHARLESTOWN' WHICH DOES NOT INCLUDE ALL OF CHARLESTOWN AND IS NOT A PLAN**

Charlestown too suffers from the BPDA's failure to plan. Charlestown needs a new **Comprehensive Master Plan for the entirety of Charlestown** and a new Waterfront access plan for the Charlestown Navy Yard which is integrated into a Charlestown Comprehensive Master Plan. Plan Charlestown is not a master plan and excludes over 100 acres of land which are not part of 'Plan Charlestown'.

I applaud this effort but must remind this Council that the issues are not just of Waterfront Planning but the fact that Boston through the failed BPDA does not do any planning at all.

An example of the BPDA 'failed planning' is 'Plan Charlestown' which is not a 'plan' and does not include all of 'Charlestown'. How can it be a plan for Charlestown when the 'Plan Charlestown' excludes over 100 acres of land in the Charlestown Navy Yard, the Flatley parcel at Schrafts, parcels along Rutherford Ave near the former Hood Plant, a parcel called 1 Mystic (which is actually on Main St), the Bunker Hill Housing Development (along side the Tobin Bridge) and lands near Bunker Hill Community College. The BPDA wants to approve projects on a piece meal basis to generate money for the BPDA from these over 100 acres of land excluded from Plan Charlestown. It should be called "Plan Some of Charlestown" and BPDA will monetize the rest. This so called 'Plan Charlestown' does not consider traffic, public transportation needs, green space, open space, trees, flooding, infrastructure needs or schools not to mention how people who will occupy these units (if all are built it will add 11,000 residents to Charlestown alone) will access public transportation or have access to basic needs like supermarkets and pharmacies. This is not a Plan and is not 'planning'. It is a farce. This Council should not consider 'Plan Charlestown'. I applaud the statement of purpose with the exception of the farce that is 'Plan Charlestown'

*"WHEREAS: The new planning process needs a holistic approach that is community-led with an emphasis on centering on the needs of residents and their vision for the waterfront. It should lean on progress made by both PLAN: East Boston and PLAN: Charlestown initiatives to ultimately shape a waterfront that offers affordable amenities including housing and commercial space, climate preparedness, transit infrastructure connectivity"*

The Charlestown Navy Yard is directly impacted by its proximity to Boston Harbor and which should be part of the focus of this proposed Waterfront Planning initiative. The Charlestown Navy Yard is **NOT** included in 'Plan Charlestown' and this committee should not give any credibility

or reliance on it. In addition to the obvious omissions in 'Plan Charlestown' mentioned above, the process has also been fatally flawed.

1. Plan Charlestown has received limited community feedback. The most recent edition of the Charlestown Patriot Bridge reported in the newspaper:

*The story also said that almost 900 survey responses have been submitted. It should have read 493 survey responses have been submitted, split between nine surveys of different topics.*

2. The lack of community involvement in this farce that is 'Plan Charlestown' is the fact that the BPDA had to offer 'Pint with the Planner' (completely inappropriate to offer alcohol to gain community participation) at which the BPDA invited non-community residents, City employees, BPDA employees to even attract attendance of at most 40-50 people for free pizza. This falsely advertised event and its staged attendance shows that the BPDA public process is failed and that there is no support of 'Plan Charlestown'.

For further information about Plan Charlestown please see the referenced article in the Commonwealth Magazine which discusses the need for a Comprehensive Master Plan for Charlestown which for which of 2700 signatures (14 percent of the population support) as compared to a meager 2 percent (based upon Patriot Bridge figures).

<https://commonwealthmagazine.org/government/planning-by-pieces-isnt-working-in-charlestown/>

#### **4. CHARLESTOWN'S NEEDS FOR COMPREHENSIVE WATERFRONT PLANNING WITH MEANINGFUL COMMUNITY INVOLVEMENT**

Hopefully, this Council will engage in an open and community driven process where the community needs and desires are foremost in the waterfront planning and that the planning for an open public climate resilient waterfront for the residents of Boston will prevail over that of developers. In terms of Charlestown:

1. Charlestown Navy Yard does not have a workable or viable waterfront plan. The last Charlestown Navy Yard Waterfront Plan is from 1991. The 1991 Plan was expired in 1996. The BPDA (the failed steward) relies upon a 'Waterfront Activation Plan' from 2007 for which no one knows the process or whether it is just another BPDA invention to monetize the waterfront for its own financial gain.
2. The 2007 Waterfront Activation Plan does suffers from the same fatal flaws as the Downtown Harbor Plan which was illegally adopted. The 2007 Activation Plan is outdated, outmoded and does not take into consideration even present FEMA flood levels in the Navy Yard.

3. Present FEMA flood levels are at elevation 16.5 at the end of Pier 5. Pier 5 is at elevation 16.5 at the seaward end and at 16 in the middle. Pier 5 in its present elevation is at FEMA flood levels established in 2014.
4. Any moderate climate change will cause sea water elevation in Boston Harbor. Pier 5 will be inundated with sea levels exceeding surface levels of Pier 5. This makes Pier 5 wholly unsuited to any permanent structures for any use other than water access or as a public park which is what the community has demanded.
5. Pier 5 is needed to be preserved to protect the existing Charlestown Navy Yard properties and to be the showcase of climate resilience planning for the Charlestown Navy Yard and its residents. Placement of a public park with climate resilience features can become an important focal point for Boston as a “Green New Deal” and climate resilient city by reusing the existing structure for public benefit and waterfront open access.
6. The BPDA has illegally privatized at least 1/3 of Shipyard Park by leasing what had been a small public pool into the grounds which it leases to a drinking establishment which is not suited to children and deprives the public of the use of this section of what was designated as a public park all for profit of the BPDA.
7. Pier 5 under c.91 must remain at least 50% open to public access and as such to restore the privatization of Shipyard Park, Pier 5 must be restored by the BPDA for public waterfront access only.
8. Use of Pier 5 as a public park can provide climate resilience features for the existing Navy Yard by construction of berms and elevation and beautification of the Harbor Walk for the benefit of the community. Use of Pier 5 as a fully public park which will provide open water access free to the public for boat tie up with installation of floating docks will provide both public waterfront access and meet climate resilience needs.
9. Conversion of Pier 5 to a public park is also required by the historic nature of the location. Pier 5 is part of the historic Battle of Bunker Hill Naval Battle Field which will have its 250<sup>th</sup> Anniversary in June 2025. The British Navy landed soldiers in Charlestown which proceeded up Bunker Hill for the Battle of Bunker Hill (on Breeds Hill where the monument sits). The British Navy used the waters in the area of Pier 5 where the ships were anchored to shoot cannon balls into the Battle of Bunker Hill. As such, this waterfront location is also important to our history and must be preserved to commemorate that aspect of the Battle of Bunker Hill.

## **5. BOSTON NEEDS A COMPREHENSIVE WATERFRONT PLAN**

The City Council must adopt comprehensive waterfront planning for the protection of waterfront access under c.91. There was no planning done for waterfront access in the Seaport and the Seaport denies the public access to its waterfront. The North End waterfront access is also a disaster with the public only having access to board walks around high rise buildings of Battery, Lewis and Union Wharves. This is not waterfront planning. With the exception of

Christopher Columbus Park there is no public green waterfront space in the entire downtown area.

If we have learned anything from COVID 19 is that people need more space and need more access to open public green space. We know that our forebearers understood the importance of access to the sea and to our Boston Harbor so much so that it was codified. Now we have the climate reminding us that land taken from under the sea will be reclaimed by the sea. It is time for Boston to recognize that its waterfront needs to contain open space accessible to the public for health reasons, for climate resilience and because it is our right.

## **6. BOSTON WATERFRONT IS ITS INCREDIBLE ASSET**

Without a doubt, Boston's waterfront is a unique asset that makes our city one of the most beautiful in the country, if not the world. The open public waterfront can be used for more alternative transportation methods such as enhanced ferry service. Use of ferry service will enhance access to our waterfront from our waterfront. It also will reduce traffic from City streets, from crowded highways and ill-functioning public transit. Water transportation will create new economic opportunities and vibrancy to our City in terms of tourism which is a key driver of economic growth and employment. Waterfront access, development of port areas for the transportation of goods and related skilled employment will create opportunities for our residents. Open Waterfront access provides a host of recreational opportunities from Piers Park in East Boston to the Boston Harbor Islands and eventually Pier 5 as an open public park in Charlestown Navy Yard. As we have learned after the Covid pandemic, our waterfront provides physical and mental health benefits through enjoyment of waterfront-facing open space and fresh air and is a respite from ever-increasing heat islands throughout the city.

## **7. CLIMATE RESILIENCE PLANNING NEEDED NOW**

Boston Harbor and the surrounding waterfront is at risk due to climate, rising sea levels and flood risk. To protect the Boston Waterfront and surrounding property, we need a more thorough and comprehensive planning process with a singular point of accountability. Councilor Coletta's proposal to view District One as a cohesive entity is a step in the right direction.

This Waterfront Planning should have its own cabinet level department which can impose a moratorium on waterfront approvals until a "Comprehensive Waterfront Planning Process" with meaningful public involvement can proceed. This process can not be overseen by the BPDA but Planning for the waterfront should be undertaken in an holistic manner looking at all 42 acres of downtown waterfront as one entity and a move away from piece-by-piece ad hoc projects which, in most cases, are driven by developers' interests.

Our waterfront is an incredible asset and should be treated as such. It is an asset that should be open and welcoming to all residents.

## **8. COMPREHENSIVE AND COMMUNITY DRIVEN PLANNING FOR THE ENTIRE WATERFRONT IS NEEDED.**

Separate community-by-community Municipal Harbor Plans especially in Boston with the expanse of Waterfront and the working port need a holistic and complete waterfront plan not a patchwork. When different plans govern different pieces of the waterfront it creates conflict in the community and does not plan for or deploy the highest and best uses for any one part of the Waterfront. Many of these areas even though continuous and contiguous synergistic area which face the same threats of rising sea levels need to be considered as one. The rising sea levels will not differentiate where one begins and the other leaves off. It makes no sense to have a Downtown Municipal Harbor Plan right next to a HarborPark Plan for the next-door neighborhood of Charlestown. The climate resilience planning can secure economies of scale if the planning for continuous parcels is done as a master plan.

A Comprehensive Waterfront Plan with one City Cabinet level official is needed to interface with the numerous several State and City agencies with regulatory authority over the Waterfront. These agencies and their input need to be coordinated and accounted for in the Waterfront planning so that we have consistent, thoughtful and forward looking planning for climate resilience on which the community can rely which waterfront limitations are enforced for the benefit of the residents where residents interests are primary over those of developers.

Waterfront development in Charlestown must be community not developer focused. The Waterfront Plan needs to set minimum standards and uses which can not be abandoned at the first mention of a developer of bigger and better. The process needs to be community focused so that community voices are heard. When the community comes up with a plan for a parcel that has been blighted by neglect of the BPDA for example, the community demands should be foremost. We need both a reliable process and assurances that once the Waterfront plan is developed and implemented the Waterfront plan will be implemented and not just kicked to the curb in favor of the developer-driven, piece-by-piece, parcel-by-parcel process haphazard ad hoc profit driven process we have now. Comprehensive Waterfront planning is needed.

Still relevant today is the statement from the expired 1991 Municipal Harbor Plan that states:

*“The Boston Harbor Park Plan is built on the same comprehensive goals as CZM’s urban waterfront policies. The plan stresses that the economic rebirth of stagnant waterfront areas through private investment cannot come at the expense of the public’s quality of life; as the City puts it, “the HarborPark Plan recognizes Boston Harbor as a unique resource that should be accessible to all residents of the city as a place to live, work and gather for recreation or the quiet enjoyment of nature.” This emphasis as the need for “enlightened” redevelopment is further reflected in one of the four basic goals stated in the Plan which is to “revitalize Boston’s underutilized and dilapidated piers and shoreline by promoting growth through private investment that is appropriately designed and is a balanced mix of uses that bring vitality the waterfront and benefits of development that are shared by all of Boston’s residents.”*

A balanced mix of uses as a concept needs to be revisited and illustrates the need for a new Comprehensive Waterfront Harbor Plan for the entirety of Boston’s waterfront that considers and

takes into account climate and rising sea levels and building on the water's edge; all of which should redefine what is included in a "balanced mix".

We need a streamlined community driven process to replace the piece meal dated Municipal Harbor Plans. A Comprehensive Master Waterfront Plan with a streamlined process that protects the community and sets fixed expectations in terms of waterfront access, public waterfront uses, waterfront uses and then a zoning overlay that prevents excessive height, excessive density and climate resilience which does not put neighboring parcels at risk of inundation from waters directed away from one parcel to another is needed. The cabinet level department needs to have oversight and a public driven process with clear lines of authority with accountability of elected officials to this process so that the cabinet level department has to listen to the public and not the money.

## **9. STEWARDSHIP OF EXISTING WATERFRONT ASSETS**

Boston needs a new and competent steward of existing waterfront assets and that steward is not the BPDA. The BPDA has been the steward of the Charlestown Navy Yard since 1975. In that time, it has squandered and failed to maintain the waterfront assets in the waterfront piers (the historic Pier 5 and Pier 4, the home to Courageous Sailing), and most of the Harborwalk not maintained and become blighted by lack of oversight, re-investment and maintenance. As mentioned above, Pier 4 has been completely ignored such that it is in danger of lateral collapse such that it required 'emergency repairs'. The BPDA as the steward has placed the lives of the children at Courageous Sailing Center at risk through its failed 'stewardship'.

In the case of Pier 5, over the years, starting in 1980, there have been several engineering studies commissioned by the BPDA and undertaken by Childs Engineering based in Bellingham, Massachusetts. Childs Engineering has observed ongoing deterioration of the steel piles, concrete jackets, column extensions and decking. They cite "a significant lack of maintenance". Per the report:

*As part of our analysis, we are developing some conceptual repairs which would be required to maintain the pier in a usable condition. One approach might be to repair every third pile and perform some concrete patching or shotcrete placement on the bottom of the beams and deck where the most severe deterioration has occurred. This would stabilize and maintain the facility that could potentially support 100 pounds per square foot of live load which is needed for public assembly. It should be noted that the pier even where repairs have been made would continue to need ongoing repair on a regular basis (3-4 years).*

The BPDA has known that Pier 5 required maintenance through various engineering reports and it has failed and refused to undertake any maintenance such that Pier 5 has been closed to public access since 2013. None of this suggested repairs or maintenance have been performed.

The BPDA collects revenues from the Navy Yard in the form of lease payments on the properties it owns, transfer fees on each and every condo sale on select buildings and other

revenues. Since 2009, the BPDA has collected \$40.5 million dollars from the Navy Yard and yet, there are blighted and unsafe properties.

Councilor Coletta who is sponsoring this Committee Hearing has spoken publicly about Pier 5 as an incredible opportunity for the creation of a public park from an equity and resiliency perspective.

Comprehensive oversight could prevent blighted areas and focus instead on prudent and less costly maintenance instead of emergency repairs which are certainly more costly. In terms of overall planning, taking a comprehensive view and valuing our waterfront as an asset could hopefully avoid some of the deterioration we have seen in prime waterfront locations because of a lack of overall vision, planning and oversight.



*(The historic Pier 5 has sat behind an ugly chain link fence for over a decade.)*

*Please see recent article on Pier 5:*

<https://commonwealthmagazine.org/opinion/why-abandoned-pier-in-charlestown-matters/>

## **10. A CHANCE TO RESET GOALS**

A comprehensive plan for the entire Boston Waterfront would provide a chance to hit the reset button on what it means to be a city on the water. The tenets of Mayor Wu's vision of a Boston Green New Deal should be part of future waterfront plans. All that we have learned about climate science and the health benefits of outdoor space can be reflected in a new vision for what a modern city's waterfront should look like and become. Climate studies suggest a 'retreat' from waterfront development and to use the waterfront as one part of a tool box to fight rising sea levels and combat heat island effects while providing the health benefits of open space and access.

As our city has become more diverse, one of the most important areas of focus should be inclusivity and accessibility for all. Everyone should be welcome in enjoying our magnificent waterfront. To protect this resource, we need a Comprehensive Waterfront Master Plan that protects the public's statutory right to waterfront access, protects our properties from climate change and provides the public with a meaningful voice in any deviations from the Comprehensive Waterfront Plan so there are no surprises. Finally, we need a new steward for our waterfront assets which is not the failed BPDA.

Very truly yours,



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