

Michael W. Parker
197 8th Street #515
Charlestown, MA 02129

June 16, 2004

James Gribaudo
Senior Project Manager
Boston Redevelopment Authority
One City Hall Plaza, 9th Floor
Boston, MA 02201

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

Dear Mr. Gribaudo:

I am deeply concerned with the recent Expanded Environmental Notification Form /Project Notification Form ("report") submitted by LDA Acquisition, LLC ("developer") regarding the disingenuously named "The Residences at Pier 5" in the Charlestown Navy Yard. Disingenuous in the sense that residences are but a portion of this project, a 160-seat restaurant and lodging units are also planned. This project was hastily conceived and designed to beat the impending development deadline of the BRA Land Disposition Agreement with the developer. The entire report is seriously deficient and lacking in thoughtful and meaningful analysis of the proposed project's impacts. Allow me to outline a few of those deficiencies below.

Extension to Comment Period Should Be Granted

As a threshold matter, the developer has foisted the project upon the community with little or no advance notice. As you know, it is difficult for community groups to match the resources and expertise of the developer when attempting to create a dialogue leading to meaningful project analysis. For instance, the developer skillfully argued that a Municipal Harbor Plan ("MHP") for the Navy Yard is invalid in an action to evade paying the BRA certain fees on one hand, and is now, not so skillfully, asserting that a valid MHP for the Navy Yard exists for the purposes of the this project.

It is obvious that this project was hastily conceived by the complete lack of thoughtful and meaningful data contained in the report. The paucity of real data in the report denies decisionmakers relevant information about the project's adverse impacts and reasonable alternatives before making decisions impacting one of the Commonwealth's most precious, and too often ravaged, natural resources, our public tidelands. Any decision allowing this project to proceed prior to the developer's provision of the comprehensive analysis required by law and regulation would be a violation of the Article 80 and MEPA

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review processes. The report, instead of providing meaningful analysis, is riddled with conclusions without basis in fact.

To attempt to provide analysis on such an abbreviated time frame shortchanges the public, especially when the potentially illegal development of Commonwealth Tidelands (Chapter 91 regulations may be violated) is proposed. Accordingly, I request that you extend the comment period for at least 30 days to allow for the type of review and comment that a project of this nature needs. I also attach an e-mail from the BRA's Mr. Gribaudo explaining that the BRA will accept comments until at least June 25, 2004. Mr. Gribaudo amended this deadline to June 30, 2004 in the June 15, 2004 Charlestown Neighborhood Council Development Committee meeting.

Traffic Assessment Seriously Deficient

1. Traffic

A startling example of the developer's disregard for the review process is his conclusions in Section 5 regarding transportation. It is obvious that the developer did not commission a comprehensive traffic study, instead relying on models not applicable to the Navy Yard area. Section 5 is a skimpy recitation of unsupported statements that dramatically underestimate local traffic impacts. For instance, the restaurant and lodging units will obviously create a large increase in taxi and private vehicle trips in an already congested and unsafe area. Local residents have long endured the excessive speeds and dangerous driving techniques of taxis and drivers unfamiliar with 8th Street's narrow design and significant child population.

The developer indicates that "Traffic from regional roadways, including the Central Artery and Rutherford Avenue will use either Sixth Street or Eighth Street for access to and from the site". This indicates woeful ignorance of the roads in the immediate vicinity of Pier 5, or an attempt to obfuscate a plan to cause a major disruption to the Yard's "Shipyard Park" which lies between Sixth Street (a.k.a. Terry Ring Way) and Eighth Street. In fact, at the June 15, 2004 meeting with the public and the Charlestown Neighborhood Council's development Committee, the New York-based developer's representative had to ask the public where Terry Ring Way was.

Sixth Street runs from First Avenue to a cul-de-sac on the southern edge of Shipyard Park. To create access the site from Sixth Street, the developer would have to cut a road from the cul-de-sac at the head of Sixth street, skirt the southern wing of Flagship Wharf, and cut across the Harborwalk to connect with the Pier 5 site. This wholesale disruption is totally unacceptable and will end up causing a multitude of traffic problems in the immediate area.

The developer's traffic review is severely deficient, as evidenced by a review of the "Guidelines for EIR/EIS Traffic Impact Assessment", approved by the Executive Office of Transportation and Construction and the Executive Office of Environmental Affairs.

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The deficiency of the developer's traffic assessment is so severe, that instead of attempting list all the gaps in assessment, I refer you to the Guidelines for review.

2. Parking

The developer indicates with regard to parking that "The proposed Project also includes the construction of an approximately 106 space underground parking structure Parcel 2A3" ... "the at-grade land above the parking garage will be landscaped and preserved as waterfront open space". The Parking Garage Plan is illustrated at Figure 2-9.

This part of report is seriously deficient: the discussion is misleading and the severe disruption approach involved in going underground is unacceptable, for the following reasons:

1. A priori, the BRA must rule on this kind of use on Parcel 2A3, and there is no evidence of the BRA's stance in this matter in the report; a deficiency.
2. The structured parking, as illustrated in the report, consists of 25 spaces valet/managed, and 81 standard spaces; the "standard" spaces are blocked when the valet spaces are occupied; it is doubtful that residents of the luxury units proposed for Pier 5 would accept the delays involved in accessing their cars, and would instead attempt to park on the streets.
3. The underground parking facility would require on Parcel 2A3 an access path, a down/up ramp, and a gatehouse for control; none of this is evidenced in the report, which simply characterizes this space as "open space" to meet open space requirements.
4. The access path, down/up ramp and gatehouse would take up a substantial part of Parcel 2A3's 1.1 acre surface, and thus diminish and restrict significantly the parcel's green space which is now entirely available for the public.

Tidelands

Section 3's discussion of Tidelands jurisdiction and applicable regulatory requirements is a prime example of the type of cursory, self-serving analysis apparent throughout the entire report. First of all, it is unclear whether the Municipal Harbor Plan (MHP) that the developer references as relaxing Chapter 91 requirements is still in force and valid. Apparently, MHPs need to be reauthorized every 5 years. The last valid MHP for the Navy Yard was approved in 1991 and has not been renewed.

In fact, according to a Delaware Bankruptcy Court decision (*In re: Competrol Acquisition Partnership, L.P., et al* Case Nos. 94-622 through 94-626, August 2, 2000), it appears that the developer fashioned an argument denying that he owed the BRA a

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significant development milestone payment because the BRA was unable to cause the renewal of the MHP relative to a part of the Navy Yard.

It is unclear as to whether the MHP in question would be applicable to the location in the Navy Yard of the proposed project, but it is worth noting that the issues (i.e., the requisite renewal of MHPs in general) surrounding the MHP in question in the Bankruptcy Court surround any MHP for the part of the Navy Yard where this project is proposed.

Even if the MHP in question in the Bankruptcy Court was specific to a small portion of the Navy Yard, it appears that the MHP relative to the rest of the Navy Yard has not been reauthorized since 1991 and is therefore inapplicable to this project. A review of correspondence between EOEA and the BRA (dated: May 20, 1997; June 30, 1997; February 18, 1998; and November 26, 2001) indicates that there is no valid MHP relative to the Navy Yard in place. Apparently, the developer is also arguing in the alternative that other projects have gone forward in recent years pursuant to the MHP. Obviously, that does not cure the non-renewal of the MHP, it only calls into question the legality of those projects.

Apparently, it is the Commonwealth's position that Navy Yard developments are subject to the more stringent Chapter 91 requirements (Parcel 4 was subject to Chapter 91 permitting). Representatives of the DEP and CZM have indicated they believe that Navy Yard development is subject to Chapter 91 requirements, unmodified by a MHP.

In hasty and conclusory fashion, the developer makes no effort to explain why he believes there is a valid MHP. Clearly, the developer has not addressed how different the project would be if subject to Chapter 91 requirements, which should be part of an alternatives analysis. In fact, it appears that the substantial commercial/residential components of the project would constitute a private tenancy on Commonwealth Tidelands and thus not be allowed. This is an important issue that warrants much further discussion. Otherwise, much site preparation and destruction to the environment could occur only to find out that Chapter 91 disallows the project.¹

Environmental

There are important environmental issues ignored and/or glossed over by the developer which require robust analysis. Anything less puts the public health and natural resources at risk in an area of critical concern. It is critical to understand that all of the developer's assertions regarding the environmental aspects of the project are conclusory and sadly deficient. There are serious air and water quality issues not addressed by the developer, as well as wind, noise, and groundwater issues. In fact, all Section 4 issues need much more analysis in the developer's next submittal (which should be a draft report, not a

¹ In an effort to get the rules relaxed even further, the developer characterizes the road he intends to build on Pier 5 as open space for "vehicular circulation." In other words, a street. The developer brazenly asserts that the 18% of "open space" the street constitutes only a "small portion" of his open space requirements.

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final report). I will illustrate a few pertinent examples below with the caveat that the general tenor of the remarks apply to all the other Section 4 issues.

1.) Environmental Legacy

As you are aware, the Navy Yard was the locus for the construction and repair of thousands of ships during a period when environmental concerns and regulations were unheard of. Pier 5 itself serviced over 2000 ships during the World War II era. Not surprisingly, one would expect to find significant toxic industrial waste such as chlorinated solvents, PCBs, PAHs, soil, cleaning and degreasing solvents, and other types of toxics used to service ships. The developer has admitted that he has not conducted testing of the soils and/or sediments on or under Pier 5. Presumably, no testing has been done in order to avoid triggering DEP reporting requirements.

The developer has admitted, albeit vaguely, that there will significant amount of piling restoration and the driving of new pilings to provide the load bearing support a development of this size will need. The resultant unearthing and disturbance of sediment in the Pier 5 Commonwealth Tideland area is sure to cause and/or exacerbate environmental conditions, requiring extensive remediation. In fact, the developer is having this just this problem at his other Navy Yard project at Parcel 4, (DEP Release Tracking Number 3-22380), where oil and hazardous material contamination was reported to DEP last December. Remediation of sediments in such a ecologically critical area as Pier 5 would certainly cause delay of the project for years, jeopardizing the public health of surrounding residents and their children.

In addition, such disturbance could very well reverse years of environmental remediation and restoration work performed in Boston Harbor. In other words, substantial tax monies used to originally clean up the Harbor will be wasted in order to provide a New York-based developer a development opportunity. To safeguard against this wholly unacceptable consequence, the developer should be required to perform a comprehensive environmental study of the site area and submit appropriate remediation plans as part of the developer's draft submittal to the BRA and the MEPA office. Anything less jeopardizes the public health and environment.

2.) Wildlife Habitat

Even though a search of the Massachusetts National Heritage Program Atlas did not turn up identification of the site as high priority regarding endangered species, it is wrong for the developer to assert that the project "will not adversely impact wildlife habitats." Inevitably, wildlife habitats will be adversely impacted. The developer doesn't even mention what species of wildlife may present at the site.

Presumably, there are wildlife species making a comeback due to the Harbor cleanup. Those species are important to the area's biological health and water quality. A comprehensive survey needs to be done regarding the existing wildlife, the adverse impacts, and alternatives and mitigation to the adverse impacts during the construction

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and sediment disturbance. Shadows over the watersheet (a result of the overhanging walkway) and their adverse impact also need to be a part of the developer's draft submittal to the BRA and the MEPA office.

Alternatives/Mitigation

The purpose of the draft and final reports is to provide meaningful opportunities for public review and to identify potential environmental impacts and to avoid and/or mitigate damage to the environment. The developer has offered no alternatives or meaningful mitigation regarding the project. The public has a right to know the differences between the environmental impacts caused by the proposed project and say, a Maritime Park (one of the plans discussed for Pier 4 in certain forums), or other public benefit uses required by Chapter 91.

The construction mitigation measures proposed during construction are entirely insufficient. The area is one where wind gusts typically reach 30 miles an hour and higher. Any sort of excavated contaminated sediment will result in unhealthy human exposure via air pathways. Therefore, state of the art construction mitigation procedures are required to protect the health of nearby residents and their children.

Financial Viability of the Project

Given the issues regarding the potential remediation of Pier 5 and the ongoing remediation of Parcel 4 (RTN 3-22380), there is doubt regarding the financial viability of both the project and the developer. If the project become financially insolvent due to escalating remediation costs, the project could languish and be an eyesore for years. Review of this project needs to include a financial review of the economics of the project. There should also be a bonding requirement, or similar financial mechanism, to insure that if the project becomes insolvent, then at least the remediation is completed and the site returned to a safe condition.

Conclusion

Because of the complexity of this project and its location in a sensitive ecological area, the comment period should be extended. This extension is needed to insure adequate and meaningful dialogue between the developer and the community. The developer should not be allowed to push this project through without robust analysis. The proposed construction of such an ill-conceived project on one of the Commonwealth's most precious, and too often ravaged, natural resources, our public tidelands, requires as much.

It is ironic that after enduring more than a decade of Big Dig construction bettering the skyline and adding the Zakim/Bunker Hill Bridge, this project denies the public those beautiful views. There are many other locations of the Navy Yard in less environmentally sensitive areas available for responsible development. The developer should include those locations in his alternatives analysis. Also, the developer should not

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be allowed to circumvent the public participation process by letting his next submittal be a final report instead of a draft report.

Of critical importance are the Chapter 91 issues. They need to be resolved before any more time or resources are spent on this project. Even if an MHP is determined valid (though that would take an illogical and tortured analysis of the issue), the Navy Yard is a much different place than it was in 1991. It is more congested and developed. For instance, it is apparent that 8th Street can not accommodate the additional traffic caused by this project. Pier 5 is a natural location to reflect the realities of the present-day Navy Yard. Pier 5 should preserve for the public benefit the abundant recreational benefits Pier 5 offers. Accordingly, Chapter 91 requirements should be followed to the letter no matter what the status of the MHP.

Equally important is the environmental legacy of the Navy Yard. It can not be ignored or glossed over by the developer. The scant environmental information provided needs to be subject to a much more comprehensive analysis in order for the community and regulators to make informed decisions regarding this project. The environmental cleanup reports filed for Parcel 4 should be made available so that community members may be informed as to what conditions are present at Parcel 4 in order to determine what conditions may be found at Pier 5.

I found it disappointing that the developer's representative at the June 15th meeting answered many important questions regarding the impacts of the project by asserting that this is an "as of right" project, relying on decades-old planning documents. In essence, the developer's representative was stonewalling members of the community. There is no "as of right" private use for Commonwealth Tidelands. Also, it is clear that the impacts of projects of this size and scope are legally required to be studied carefully. The community's right to know of the adverse impacts transcends the developer's stonewalling tactics. The more known about the proposed project, the better.

In concluding, I quote a passage from a letter, dated May 20, 1997, authored by Thomas N. O'Brien (past Director of the BRA), and sent to EOEA's Secretary, Trudy Coxe, asking for an extension of time amending an MHP; "**As you know, planning and technical issues along the harbor are numerous and the preparation of policies and planning recommendations require time for thoughtful analysis and community input.**" Please follow the BRA's own words on harbor development and act accordingly.

Thank you for the your careful consideration of these comments. Please add me to your mailing list for future announcements about this matter.

Sincerely,



Michael W. Parker

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June 16, 2004

cc: Leandra Dames, EOEA
Ben Lynch, DEP
Tom Skinner, CZM
Paul Scapicchio, Boston City Council
Honorable Thomas M. Menino, Mayor of Boston
Merita A. Hopkins, Esq., City of Boston
Bryan Glasscock, City of Boston
Maeve Valley Bartlett, Esq. EOTC
Timothy Famulare, City of Boston Conservation Commission
Joseph Fleming, City of Boston Fire Department
Richard Mertens, BRA
Richard McGuinness, BRA
Mark Maloney, BRA

Michael Parker

From: Gribaudo, James [Jim.Gribaudo.bra@ci.boston.ma.us]
Sent: Wednesday, June 09, 2004 3:39 PM
To: Michael Parker
Subject: RE: Residences at Pier 5: Request for Extension of BRA comment period

As we discussed, while the extension of the comment period is done with the consent of the Proponent, I can assure that if you need the extra time it is not a problem. I am required to issue a Scoping Determination, which is the document that outlines the areas that require additional study, within 15 days of the close of the comment period. So extending the public comment period until June 25th is not a problem Best Regards Jim Gribaudo
617-918-4348

-----Original Message-----

From: Michael Parker [mailto:mwp@bizlit.com]
Sent: Wednesday, June 09, 2004 10:02 AM
To: jim.gribaudo.bra@ci.bos.ma.us
Subject: Residences at Pier 5: Request for Extension of BRA comment period

Dear Jim:

Thanks for speaking with me on the telephone this morning, the information you provided was very helpful.

Please consider this e-mail a request that the BRA public comment period regarding the above referenced project be extended to at least the deadline in place for submission of the public MEPA comments (June 25, 2004). Thank you for your consideration.

Sincerely, Michael Parker

Michael W. Parker

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June 11th 2004

Julia Ann Beard
197 8th Street #410
Charlestown, MA 02129

Boston Redevelopment Authority
James Gribaudo, Senior Project Manager
One City Hall Plaza, Room 805
Boston, MA 02201

Dear James,

I am writing to you because I am concerned about the proposal to build on Pier 5 in the Charlestown Navy Yard. This proposal was thrust on the community without any regard to the negative impact it will create. Moreover, very little time to no time was given to the community to respond before key meetings occur such as this Tuesday, June 15th when the Charlestown Neighborhood Council meets with the BRA and the developer. With that said, I would like to articulate my concerns. First and foremost, it is clear that the plan as it stands is thin & poorly outlined. Second, it is clear that a plan of this magnitude is not rationally thought out thus minimizing my confidence in the plan. Thirdly, the site in which it is proposed is a national historic water site and thoughtful planning is imperative for greater Boston, Massachusetts at large and the neighborhood.

Clearly, this is a big endeavor that needs to be broken down in many parts. Building such a large plan on an old Pier is certainly a concern. This issue is probably one of the biggest issues and it was glossed over in the plan. Seeing that he wants to build over water and on a Pier multiple issues arise. The environmental issues are vast and must not be ignored. Proper analysis must be conducted. Did you know that at one time a sign was posted at the end of Pier 5 that said "No swimming, hazardous waste". I do not see environmental issues appropriately addressed within his plan. Another issue is Chapter 91. Where does this issue stand?

Another issue which concerns me is parking and traffic. His plan does not adequately deal with the parking issue. I do not think it is OK to say that it will be either this or that. With a plan this large it is clear that parking must be clearly defined and addressed. One of his thoughts is to build an underground parking garage on parcel 2A3. This site is not well thought out. In addition, Pier 5 is only accessible by one street and that is 8th Street. The traffic study he did was not thorough. A neighbor in the community did a thorough traffic study and the results were alarming. If you were to drive down 8th Street your gut instinct would speak to you. The additional traffic forced on this community would be a disaster. Currently, there is a small day school at the corner of 8th Street. There are already problems developing with the parents picking up and dropping off their children at this school. Another concern to address is this. There is only two ways to get out of the Navy yard. What if there was an emergency and the community had to get out quickly for some reason.....I remember approx a year ago when the Rope building was on fire how scary it was during that time. Access to the area for emergency purposes is a concern of mine. This neighborhood gets very busy during tourist season and god for bid something would happen then.

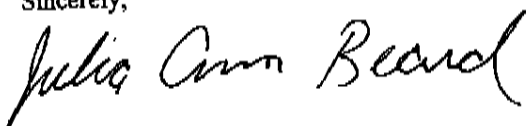
In closing, I am concerned about the future of Pier 5. I do not feel as though it should lay victim to anybody who has enough money to build whatever they want without appropriate analysis/studies and feedback from concerned parties. This would include you, citizens of the area, Charlestown Waterfront Coalition, Environmental League of Mass., Traffic & Parking Commission, Paul Scapicchio -City Councilor, Department of Environment Protection, Massachusetts Historical Commission, Office of Coastal Zone Management, Boston Conservation Commission and Mayor Menino.

Personally, I would like to see the Pier 5 developed into something the community can enjoy. It is a National Treasure and deserves to be treated as such.

Why can't the Pier be part of the Boston Harbor Front Maritime Park or Harbor walk or perhaps develop the Courageous Sailing program?

Thank you for your careful consideration of these comments. Please add me to your mailing list for future announcements about this matter.

Sincerely,



Julia Ann Beard

Cc Mayor Menino

June 9, 2004

Mr. James Gribaudo
Boston Redevelopment Authority
One City Hall Plaza
Boston, Ma.02201

Dear Jim,

I have serious concerns about the Development Plan for Pier 5 in the Charlestown Navy Yard.

The proposal requests a single EIR.

Why should we not follow the normal review and approval process?

The request appears to rely on the 1991 Master Harbor Plan. I understand that this Master Harbor Plan has to be renewed every 5 years. There does not appear to be any documentation that the renewal has taken place.

How can we make an exception based on a document that may not be in effect?

After reviewing the document I have a number of questions and concerns that I hope will be addressed.

Improved public access

The document consistently talks about the enhanced usage by the public. Until recently when a fence was installed this Pier was used daily by walkers, joggers and dog walkers. On special occasions such as the Tall Ships and Harbor Fireworks the Pier was filled with residents and visitors who enjoyed a spectacular view.

Admittedly it isn't pretty and needs repairs but I can't agree that this project provide more public access. It clearly provides much less public access.

In addition this project will eliminate 2/3 of the harbor view from the Public Viewing Space of Flagship Wharf. No mention of this is made in the proposal. I would suggest that the net effect is a substantial reduction in public access.

Since the residents of Flagship Wharf were required to provide this space and must maintain it, I would suggest that the developer be required to increase the public space by an amount that has been lost from the Flagship Public Viewing Space.

Consideration should also be given to requiring the developer to maintain the Flagship Wharf Viewing space since the developer is dramatically changing the usage.

Traffic

The developer has made a series of assumptions about the traffic for residents of the project, the retail space and the marina. The conclusion is that there will be minimal impact.

Unfortunately, there is no documentation for these assumptions. There has been no traffic study.

In addition there has been no analysis of the impact on an already stained traffic situation. There are 3 other yet to be completed projects that have traffic impact.

I believe that normal procedure would require a much more thorough analysis.

Parking

The proposal has 2 options for parking. Flagship Wharf or an underground garage. It would seem to be very important to know which option is to be selected before the approval process is completed.

The details of the underground parking including access and environmental issues need to be addressed.

Wetlands

The documents review the wetland requirements and issues. The proposal concludes that they are exempt.

I believe that the BRA and EPA should be required to confirm that the conclusion is correct.

Harborwalk

The Harborwalk proposal has 2 issues.

The plan provides a road, which would intersect the Harborwalk. I believe that this would be an exception to the current Harborwalk procedures.

The plan appears to construct the Harborwalk beyond the current footprint of the Pier.

Why is this permitted?

Wind and Shadows

The wind analysis was based on data and assumptions at Logan Airport. I believe that a wind study should be done at Pier 5 and Flagship Wharf.

The U Shaped structure of Flagship creates an acceleration effect for any wind from the east, southeast, south, southwest and west. This has a substantial impact on the front and both sides of the building.

It seems possible that the proposed parallel construction will further accelerate the wind. If this occurs it will have significant negative impact to the Public Access Area as well as the residents of Flagship Wharf.

It is also possible that this enhanced wind will cause structural damage to the Flagship Wharf building.

I believe that a detailed study should be required to determine that likelihood of problems and to make recommendations about solutions.

Marina

It appears from the proposal that a Marina is a requirement for residential development of this Pier.

There is no explanation about why the proposed 21 slips meets this requirement.

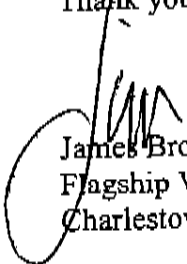
There is no discussion of the impact on this Marina to the Courageous Sailing Center. It is conceivable that this Marina will have a significant negative impact on the Sailing Center, which has been serving the Boston Youth for years.

A professional analysis of the space issue should be conducted to be sure that we do not lose the services of the Sailing Center for Boston's children.

For all of the above reasons I believe that a comprehensive review process should be conducted according to the requirements of Chapter 91.

Please let me know if you have any questions.

Thank you for your consideration.


James Brogan
Flagship Wharf #321
Charlestown Ma. 02129

CC Paul Scappicchio, Richard McGinness, Richard Mertins, Api Rudick

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June 11, 2004

James Gribaudo
Senior Project Manager
Boston Redevelopment Authority
One City Hall Plaza
9th Floor
Boston, MA 02201

Dear Mr. Gribaudo:

Undoubtedly, you are receiving numerous letters commenting on the proposed Development Plan for Pier 5 in the Charlestown Navy Yard. This is one more. Rather than rehashing the items outlined in many of the letters you will receive, including facts and figures (or the lack thereof) pertaining to the plan, I will focus on a few issues that I have personally found troublesome, some of which are issues that are already problematic in the Navy Yard and would potentially be compounded by the development as proposed.

As a resident of Flagship Wharf, facing the park and the Bunker Hill Monument, the view from my window would not be impacted on by development on the pier. Nonetheless, one of the appeals of this location is the open space which results from the absence of a large structure on Pier 5. Depending on the nature of the development, the open aspect of the Harborwalk area would be significantly reduced along the waterfront adjacent to Pier 5, thereby diminishing the appeal of this site.

More significantly, the issue of congestion is already a problem, particularly on 8th Street and at the intersection of 1st Avenue. With parking on both sides of 8th Street and on the corner of 1st Avenue, deliveries at the various shops on 1st Avenue, and car-pooling of children at the Day Care center on the corner, this intersection is already difficult to navigate. In the four years I have lived in the Navy Yard, I have seen one accident at this intersection. Even without further development, consideration should be given to a 3-way stop, or some other means to clear the view and reduce the danger of this intersection.

Many of the items in the proposed development do not clearly address this congestion issue, though they would profoundly impact it, including a significant increase in the flow of traffic on 8th Street, additional congestion due to construction vehicles, or a

accommodate a restaurant and commercial space, as parking in the area around Pier 5 is already inadequate at times of peak usage. Public transportation access is fair during the day when the MBTA Harbor Ferries are running, but becomes rather difficult when this is not available, thus necessitating automobile use. More in-depth formal study of these issues should be carried out before proceeding with development, and plans should not be based on the anecdotal information provided in the current proposal. Consideration must also be given to the other proposed projects for the Navy Yard, which will also have a further impact on this issue.

Details related to Environmental Impact, Wetlands, Wind and Shadows, and the Marina will certainly be addressed in a more informed and eloquent manner by others, so I will conclude by stressing the importance of comprehensive review prior to approving any development on Pier 5.

Thanks you for your consideration.

Sincerely,



Richard T. Silverman
Flagship Wharf #626
Charlestown, MA 02129

cc: Api Rudich

June 14, 2004
197 Eighth Street, PH19
Flagship Wharf
Charlestown, MA 02129

Boston Redevelopment Authority
James Gribaudo, Senior Project Manager
One City Hall Plaza, 9th Floor
Boston, MA 02201

Dear Mr. Gribaudo:

We are writing this letter to address our concern over the proposal for the construction of a 60 foot high, 5 to 6 story condominium complex, on Pier 5, in the Charlestown Navy Yard.

While we have only lived at Flagship Wharf for several months, we have been frequent visitors to the Navy Yard because our family has lived there for the last 6 years. We, therefore, have had the unique perspective of being both residents and guests, and from those experiences we can give some insight on the ramifications of a proposed project of such large scale.

The first and greatest issue of this Pier 5 project to both visitors and residents of the Navy Yard will be the effect on traffic. The Navy Yard is already an overcrowded and overpopulated area. With the additional residential units, there will be an overflow of cars, adding to an already congested traffic condition. Due to the narrow streets and limited parking, there are frequently cars double-parked on 8th Street in front of Constitution Quarters (the soon to be Paris Landing condominiums). Also, the Tavern on the Water Restaurant and Bar draws large volumes of summertime traffic, which causes the public parking section of the Flagship garage to fill up by the early evening. The addition of guests and visitors to the new complex will make the traffic and parking situation unbearable.

In terms of the construction of such a building, 8th Street would be regularly congested due to the trucks bringing in materials, the construction workers' personal vehicles, and the automobiles of public service workers needed to police the area.

The building will also eliminate much of the harbor view from the Public Viewing Space at Flagship Wharf. The concern for reduced public access to views and scenery has received considerable attention lately, as evidenced by the Boston Sunday Globe's June 6th article "A patch of blue." This article focused on Bostonians' issues over reduced access to the public views, sunlight, and harbor breezes, which are concerns that we, as residents of Charlestown, also share. The proposed building will block the views from Flagship's Public Viewing Space for visitors to the navy yard and create shadows and

eliminate light for residents of Flagship, Constitution Quarters, and Constellation Condominiums.

Finally, we share concerns over the environmental impact of such a large-scale construction project, including disruptions to the harbor sediment, wildlife, and air quality. While we are not environmental experts, we believe that a robust analysis of these issues should be performed in order to protect the general public and natural resources that surround us.

We do not support the proposed construction plans for Pier 5, however, we would be in favor of considering alternative uses for the space, which is currently in need of repairs. A smaller scale construction project, which would have less of an impact on traffic, parking, public access to views and space, and the environment, would be preferable to the developer's current plans.

We hope that you understand our genuine interest in protecting the living conditions, beauty, and environment of our beloved home in Charlestown. Thank you for your time and consideration.

Please include us on your mailing list for future information and announcements about plans for the development of the navy yard.

Sincerely,

Maral A. Wyatt & Mark J. Cautela

A handwritten signature in cursive script that reads "Maral A. Wyatt & Mark J. Cautela". The signature is written in black ink and is positioned below the typed name.

Cc: Api Rudich, Flagship Wharf, arudich@medivector.com

James Gribaudo, Senior Project Manager
Boston Redevelopment Authority
One City Hall Plaza, 9th Floor
Boston, MA 02201

Dear Mr. Gribaudo,

I have been a resident of Flagship Wharf for the past 5 years and having lived in other parts of Boston, find this an extremely livable part of our city. People from other areas of Boston utilize the Navy Yard for jogging, walking, cycling, taking their kids to the playground, because it is a unique greenspace within the city that is safe, has access for people to the water views, and provides access to water taxi service for downtown, the airport, and other parts of the city.

Flagship Wharf, in an effort to limit numbers of construction vehicles and workers who come onto 8th street, currently has an internal approval process to try to stage work in our building's units so that the traffic and parking demands don't put a burden on the neighborhood. Even with these efforts, the street is sometimes now clogged with delivery trucks, construction workers cars and trucks, and other service vehicles.

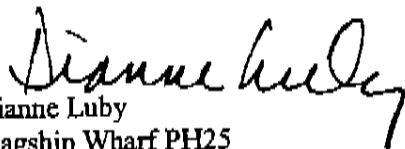
With the current proposal for Pier 5, I am concerned that the construction disruption then the permanent addition of resident and hotel guest vehicles will overly tax the smooth running of traffic in and out of the Navy Yard. In addition, by putting this structure on Pier 5, the Harbor Walk we have been waiting for will be even more compromised and the residents of Charlestown will not be able to enjoy such wonderful events as the fireworks, viewing the Tall Ships, and daily exercise jaunts on the pier.

It has been said that the normal approval process may be abbreviated. From my perspective, I would hope it would be even more rigorous than usual because we need to understand the impact on the harbor, on traffic, on the harborwalk, and on the Courageous Sailing Center. The Courageous Sailing Center plays a wonderful role in the life of the Charlestown community. Kids from all areas of Charlestown have a terrific opportunity to learn skills, have fun, and gain a lifetime hobby right at their doorstep. Without going through a rigorous process could we possibly take this opportunity away from the youth of Charlestown?

I am, of course, worried about views and contemplating having something other than what I thought I was purchasing. Regardless of the outcome, it would surely make all involved feel better about whatever decisions are made if we think that the proposal has had a thorough and thoughtful review and at a minimum that it follows all the usual regulatory review processes of Chapter 91.

For all of the above reasons I would respectfully request that a full comprehensive review take place prior to any decisions are made. Thank you for your consideration.

Sincerely,



Dianne Luby
Flagship Wharf PH25
Charlestown, MA 02129

June 14, 2004

Mr. Richard McGuinness
Water Front Planner, BRA
1 City Hall Plaza, 9th Floor
Boston, Massachusetts 02201

Re: **The Residences at Pier 5:**

Expanded ENF: Project Notification Form

Dear Richard,

I am writing in regard to the proposed construction by LDA Acquisition, LLC on Pier 5 in the Charlestown Navy Yard. The proposal calls for 59 Residential Condominium Units, 30 Room Hotel, 160 Seat Restaurant, and 21 slip Marina. The proposal appears to have been hastily conceived and submitted due to an impending deadline. A deadline the proponent had agreed to with the BRA in a settlement before a Delaware bankruptcy judge in 2000. A project of this scope should not be given the "hurry up offense" approach requested, but rather should be fully investigated and discussed as described below.

Is There an approved Master Harbor Plan

The proponent erroneously declares that the project continues to be viable with its inclusion in the 1990 Approved Master Harbor Plan (Plan). What the proponent neglects to mention is that to remain in effect the Plan required an update within 5 years. The proponent now states that its proposal has the ability to resurrect the 1990 Plan, which would allow him to effectively use data compiled over 15 years ago in order to address the feasibility of his current building plan for Pier 5.

The Plan can not be supplemented by Section 2-10 of the LDA proposal as abdicated by the proponent. Section 2-10 of the proposal states, "[t]his ENF is being filed in accordance with 301 CMR 11.10(3) since more than five (5) years have elapsed since the filing of the prior Notice of Project Change and issuance of a Certificate requiring a Supplemental EIR for activities at Pier 5." This statement objectifies the LDA's intent to take the regulation of the Harbor out of the hands of the BRA, DEP, MEPA, and the City of Boston by unilaterally inserting the terms of its proposal and its language into the plan that was approved in 1990 and never officially updated as required by the regulations.

Additionally, the proponent's intent to update the Plan via Section 2-10 of its proposal demonstrates an utter lack of good faith. That statement made in Section 2-10 conflicts with the testimony provided by the proponent's witness in a Delaware bankruptcy proceeding. The proponent argued to a federal bankruptcy judge "[t]o date, the BRA has not amended the Municipal Harbor Plan which expired in the Fall of 1997." A further point of interest is that the proponent sent a letter to the President of the Charlestown

Community Council several months ago stating that it was their expectation not to do any development on Pier 5. The proponent's inconsistencies are a major source of concern and cause all to take a much closer look at the plan. I believe the proponent's actions are best described by former baseball great Casey Stengel who said, "I made up my mind, but I made it up both ways."

The proponent at best is disingenuous and at worst is again trying to bait the BRA into *not* supporting his development activities for the sole purpose of continuing litigation with the BRA. It seems schizophrenic on the proponent's part that during the Bankruptcy proceeding in Delaware the proponent argued that the BRA did not use its "best efforts" to cause the renewal of the Municipal Harbor Plan and now miraculously the Plan is in place. It is clear that the BRA cannot participate fully in the proceeding with the specter of litigation hanging over them. Its reluctance is evident by their silence on the proponent's statement that the Article 80 requirements do not apply to this project. The statement may have the effect of intimidating the BRA, but does not remove the legal rights individuals have in the proceeding. With current budget crises throughout government it seems unconceivable to ask city, state, and federal agencies as well as the community and other interested parties to provide valuable resources in reviewing this request.

I believe the facts are clear and the proposed project should only be subject to the current Chapter 91 regulations.

Traffic Assessment

The area within the Charlestown Navy Yard has dramatically changed since the lapsed Plan was last reviewed. In fact, on Eighth Street alone, recent developments have only added to the traffic congestion and safety concerns which need to be addressed. For example, the day care center at the foot of Eighth Street has led to a number of traffic accidents, delays and congestion involving children. Parents utilizing the day care facility drop off and pick up their children throughout the day. With the utter lack of on street parking, parents tend to Double Park leading itself to safety concerns. People working for MWRA begin double-parking on Eighth Street at 7:00 AM to attempt to find a parking space; the process does not end until after 9:00 AM. The park utilized by the children of the Navy Yard is located on Eighth Street. Police have been requested to monitor the traffic for speeding at the request of the community, but as of yet have not complied.

Eighth Street is a standard 40 foot wide street, with on street parking allowed, approximately one-quarter mile long. The proponent suggests the utilization of Sixth Street to facilitate traffic. As everyone knows, Sixth Street is a dead end. Maybe the proponent is recommending allowing traffic to travel of the Harbor Walk?

The Parcel 4 development, a proposed 273 Unit condominium, is not included in the traffic study. During the community comment proceedings the proponent agreed to construct 333 parking spaces as part of the Parcel 4 development. In fact, the proponent of Pier 5, same developer building Parcel 4, has recently unilateral reduced the proposed underground parking facility by 10% at Parcel 4. Also not included in the traffic study is the new city school bus facility, which adds 400 daily trips to Chelsea Street. The number does not include the drivers and bus monitors getting to the Chelsea Street parking garage. The potential development of Parcel 5, 6, and 7 and the traffic related to each, has not been included in the study. The proponent again is referring to the Land Disposition Agreement (LDA), which was entered into in 1978, and approved as part of the Plan. The proponent again conveniently forgets the testimony provided before the Bankruptcy Judge in Delaware acknowledging the expiration of the Plan.

The Proponent of the Proposed Pier 5 facility claims that they are required to provide approximately 100 parking spaces. The math just does not add up. First, there are 59 Condominium Units, each estimated by the proponent to sell in excess of 2 million dollars. The proponent is assigning 1.25 parking spaces per unit. The 1.25 spaces per unit is part of the LDA between the developer and the BRA. The Charlestown Community Council requires a minimum of 1.5 spaces per unit. Flagship Wharf has 201 Condominium Units and 400 Residential Parking spaces, approximately 2 parking spaces per unit. It should not be a leap of faith to believe that unit owners of multi-million dollar condominium units will own two cars. If these owners cannot acquire off street parking, they can be expected to seek on street parking, something that again is not figured into the traffic plan.

The proponent fails to provide the proper amount of parking for the Hotel space and the restaurant. Between the 30-room Hotel, which is scheduled to provide temporary housing for executives relocating to Boston, the 160 seat restaurant plus employees and staff of the condominium facility, and a 21 slip Marina the proponent provides approximately 25 additional parking spaces. The parking required would appear to calculate to a number in excess of 200 spaces.

Tidelands

Section 3's discussion of Tidelands jurisdiction and resultant regulatory requirements is at best disingenuous. For the proponent to suggest that the Plan is in effect so that the he will be able to avail himself to a relaxation of the rights under Chapter 91 requirements is laughable. What LDA would have everyone believe is their testimony before a judge in the Delaware Bankruptcy proceeding never occurred. LDA cannot have it both ways. It cannot argue before a judge that the "Master Harbor Plan expired in the Fall of 1997" and now argue that it is full force and effect

Environmental

There are important environmental issues, which need to be discussed in full and not just glossed over. Public health and safety are at issue and cannot be treated lightly.

Sediment: unearthing may uncover serious contamination. Pier 5 was reported to have a posted sign warning of the presence of radioactive material. Excavation for a new garage on Parcel 2A3 may uncover solvents, oils, or PCB's, remember Flag Ship Wharf was the former electrical building for the Navy Yard.

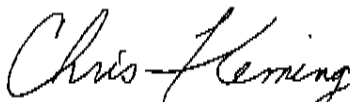
Alternatives

The Pier 5 project should consist of an expansion of the Courageous Sailing Center (Courageous) together with a water front park as well as a signature water front restaurant facility. Courageous provides the community of Boston an opportunity to learn the art of sailing. The facility is currently short of much needed classroom space. The classroom space would allow children to learn in a comfortable atmosphere. Courageous would also expand the current usable boat slips and provide the space necessary and the opportunity for boats to moor on a temporary basis. The additional space would increase the water front activity while the temporary mooring space could provide Courageous with a new source of funding.

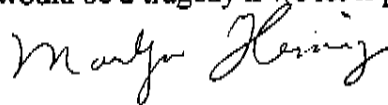
A water front park, allowing the community and people of Boston access to the waterfront with statues of the men and women who made the Charlestown Navy Yard great. Stories of each of the hero's could be applied to the statues.

A restaurant with a waterfront theme which would provide much needed revenue to the City as well as help, along with the Navy Yard Community, with the up keep and maintenance of the park facilities.

Finally, The Charlestown Community is the only Boston Community, located on Boston Harbor, not to have a park to attract the community to the water. We are now faced with the opportunity to meet the intent of Chapter 91, it would be a tragedy if we let it pass.



Chris and Marilyn Fleming
197 8th Street
Charlestown, Massachusetts 02129



Cc Thomas M. Menino, Mayor, City of Boston
James Gribaudo, BRA



REC'D JUN 23 2004

B.R.A.

Michael A. Leon

Direct Line: 617-439-2815

2004 JUN 23 2004
Fax: 617-310-9815

E-mail: mleon@nutter.com

June 23, 2004

Ellen Roy Herzfelder, Secretary
Executive Office of Environmental Affairs
Attention: MEPA Unit
100 Cambridge Street
Boston, MA 02114

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

Re: Pier 5, Charlestown Navy Yard, Boston
EOEA No. 13279

Dear Secretary Herzfelder and Mr. Maloney:

I am writing on behalf of the Flagship Wharf Condominium Association to express our concerns with respect to the residential condominium development project proposed to be constructed over flowed Commonwealth Tidelands in the Charlestown Navy Yard. As described in the recent Expanded Environmental Notification Form filed with your office, the project would consist of a five story 59 unit luxury condominium project with a 160 seat restaurant, a 30 room hotel and a 21 slip marina, to be constructed on Pier 5 in the Charlestown Navy Yard. The project is also described to include an approximately 106 car underground parking garage on an adjacent parcel owned by the Boston Redevelopment Authority (BRA), an area currently used as public open space.

In separate correspondence dated June 22, 2004 to Tom Skinner, Director of the Office of Coastal Zone Management (copy enclosed), we have outlined our conclusion that the proposed project may not proceed in the permitting process because the Municipal Harbor Plan approved by the Executive Office of Environmental Affairs in 1991 has long expired, without any substantive effort by the Boston Redevelopment Authority to renew the Plan. We trust that the Secretary will notify the applicant that the BRA must initiate and diligently proceed through the municipal harbor planning process set forth in the Coastal Zone Management regulations if the current project has any reasonable prospect of being permitted. As indicated in our letter, however, it would not be prudent to assume that current land use and

Nutter McClennen & Fish LLP ■ Attorneys at Law



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development conditions in the Navy Yard would support a decision to permit further privatization of flowed Commonwealth Tidelands by allowing a non-water dependent facility of private tenancy, particularly without any major compensatory Special Public Destination Facility which would ensure that there is substantially greater public benefit than detriment as a result of the loss of flowed Commonwealth Tidelands.

Despite the unsubstantiated assertions in the Expanded Environmental Notification Form/Project Notification Form (EENF/PNF), there is little doubt that this proposal would result in substantial impacts on the Charlestown waterfront, both in the realm of traditional environmental impacts on the urban environment – traffic, noise, wind and shadow and a host of other concerns, but also land use impacts, such as the loss of publicly accessible open space along the waterfront, and the permanent loss of opportunities to create water dependent public use facilities on flowed Commonwealth Tidelands, a compelling policy of your office. While others in the affected community will comment to your office and the Boston Redevelopment Authority on the wide range of concerns and propose specific issues which should be addressed in Draft and Final Environmental Impact Reports and Project Impact Reports, we wish to focus our comments on matters which are likely to specifically affect the Flagship Wharf property as the most immediate abutter to the project.

Because of the project's location over flowed Tidelands on Pier 5, all access to the pier must be provided from the existing cul-de-sac at the end of 8th Street in the Navy Yard. The developer proposes to create a new driveway from the cul-de-sac, across the current Harborwalk, and then onto the pier, where the driveway will reach half the length of the pier to a vehicle turnaround where valet pick-up and drop off for the residences, hotel and restaurant will take place. All parking for the project is proposed to be located within the current Flagship Wharf parking garage (to which there are no current arrangements for access) or in a new proposed underground parking garage on Parcel 2A3, with appurtenant ramps, stairway entrances, and ventilation facilities. If the parking garage were built, its proposed access drive would enter and exit onto 8th Street near the cul-de-sac, within several yards of the curb cuts for the entrance to and exit from the 516 car Flagship Wharf garage.

The local street network in the Navy Yard is largely a remnant of the original Yard configuration, without any significant effort to accommodate modern transportation requirements. As a fairly pedestrian-oriented environment, the streets are narrow, with on-street parking permitted in almost all areas, presenting significant opportunities for congestion throughout the Yard, and attendant difficulties for police, fire and ambulance access during peak traffic periods and accident events. Unfortunately there is only limited public transportation serving the Navy Yard area, with the result that most residents and employees in the Navy Yard depend on automobile access for most transportation needs.



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The introduction of an additional 59 unit luxury residential project, with a 160 seat restaurant and a 30 room inn, and a 21-slip marina, as well as a 106 car garage at the end of 8th Street, without any accommodating transportation improvements, can only be expected to significantly aggravate current traffic conditions. While the EENF suggests that the total trip generation associated with the project is expected to be 508 trips per day, with only 19 trips in the A.M. peak hour and 28 trips in the P.M. peak hour, this estimate appears to be based on grossly optimistic assumptions about the modal split of all trips, and fails to attribute any trips generated by the proposed marina, possible retail activity on the ground floor of the project, and any passive Harborwalk use or specific activities programmed on the pier. Current experience at similar residential projects such as Flagship Wharf suggests significantly more vehicle trips generated in this location, due to the nature of the occupants' activities and the relative lack of public transportation options. Similarly, the restaurant can be expected to generate substantially more vehicle trips than indicated in the EENF, given recent experience with similar facilities in Charlestown, and the proposed hotel, as an extended stay facility, is likely to attract visitors who would require a car in the metropolitan area. The DEIR/PIR should include a site-specific traffic generation analysis based on local conditions, to provide a credible set of data with which the impact assessment can be conducted.

The EENF/PNF does not provide an LOS analysis for the primary intersection of 8th Street and First Avenue in the Navy Yard, nor for other major intersections in Charlestown. In the Harbor View Point (Parcel 4) EIR, the LOS analysis conducted on the nearby City Square intersection revealed it operates at LOS "E" rating. The Pier 5 project predicts 26% of its traffic will pass through City Square (Table 5-4 of the EENF/PNF). Thus, a full LOS analysis is needed in the DEIR/PIR for all affected intersections, focusing in particular on the additional impacts on First Avenue and all intersections through City Square caused by this project.

The vehicle and pedestrian interaction at the end of 8th Street is already problematic because of the relative locations of the Flagship parking entrance, the pedestrian walkways and the Harborwalk. Fortunately, the current configuration provides safe and unimpeded pedestrian access from the end of the cul-de-sac to and along the waterfront. The proposed project, however, will significantly degrade pedestrian safety, as the proposed driveway to the project will cut across the Harborwalk, and the valet parking requirement will approximately double the amount of vehicle trips traveling across the Harborwalk and in the cul-de-sac, as vehicle are moved back and forth to the parking garages on the upland. The DEIR/PIR should carefully examine the pedestrian safety issues surrounding this problem and identify alternatives which could assure that there will be no pedestrian safety impacts associated with the project.

Because of the narrow width of 8th Street, any material increase in vehicle trips is likely to result in a reduction in the true level of service at the intersection of First Avenue, and an increased likelihood that emergency vehicles will be unable to reach Flagship Wharf or



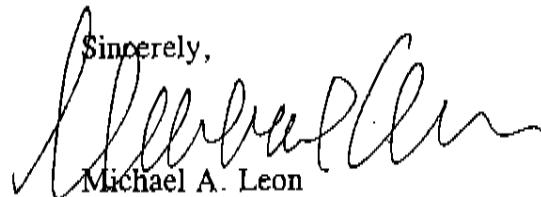
Ellen Roy Herzfelder, Secretary
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the proposed project in the event of an emergency. For this reason, subdivision regulation in the Commonwealth has required that the length of dead end streets be limited, and secondary means of access provided to assure that emergency vehicle can have appropriate access to properties at all times. The rationale of these subdivision regulations should be applied to this review and approval process, and the DEIR/PIR should include a detailed alternative access analysis to identify means of access to the project, Flagship Wharf and all other adjacent properties currently served by 8th Street.

Finally, the Association is concerned about the possible impact associated with the construction and maintenance of the below-grade garage to be excavated in fill only feet from the Flagship Wharf structure, and the driving of additional piles at the Pier. The construction activities will likely involve the placement of sheet piling in saturated fill material, and dewatering near the construction area. We would also assume that the maintenance of the below-grade garage structure will require permanent dewatering. In addition, the proponent has also indicated an intent to drive a significant number of new piles at the Pier, which may have significant impact on the integrity of the adjacent bulkhead and slurry wall foundation to Flagship Wharf. The DEIR/PIR should contain a detailed analysis of the geotechnical and groundwater-related impacts on all adjacent structures and utilities, to identify and avoid potential problems in the immediate area.

The Flagship Wharf Condominium Association recognizes that Pier 5 is an important and valuable resource for the City of Boston, its residents and visitors, and encourages responsible planning for its use and enjoyment. Its location and limited access, however, presents significant limitations on the nature and intensity of its use, both to protect those who use it as well as those who live and work nearby. We encourage your offices to require that a very thoughtful analysis be conducted to fully identify those impacts which are likely to be created by the project, as well as a range of alternative uses and configurations which will substantially lessen those impacts. Public safety and the quality of the urban environment cannot be compromised to maximize the profit from the development of this public resource.

Sincerely,



Michael A. Leon

cc: Mr. Tom Skinner,
Massachusetts Office of Coastal Zone Management



Michael A. Leon

Direct Line: 617-439-2815

Fax: 617-310-9815

E-mail: mleon@nutter.com

June 22, 2004
102780-04

Delivered By Hand

Mr. Tom Skinner, Director
Massachusetts Office of Coastal Zone Management
251 Causeway Street, Suite 800
Boston, MA 02114

Attn: Deerin Babb-Brott

Re: Lapse of Municipal Harbor Plan For Boston; Development Proposal Advanced
By LDA Acquisition, L.L.C. For Pier 5 In The Charlestown Navy Yard (EOEA
13279)

Dear Mr. Skinner:

It is my understanding that your office is preparing comments on the development proposal advanced by LDA Acquisition, L.L.C. for Pier 5 in the Charlestown Navy Yard for which an ENF was filed on May 18, 2004 (EOEA #13279). In particular, we are writing to address the status of the Boston Municipal Harbor Plan ("MHP"), originally approved by the Secretary on May 22, 1991 with an expiration date of May 22, 1996. It is our belief that the MHP has lapsed due to the Boston Redevelopment Authority's ("BRA") failure to renew the MHP in a timely manner in accordance with the Municipal Harbor Plan Approval Regulations, 301 C.M.R. § 23.00.¹ Therefore, the development of Pier 5 is governed by the Chapter 91

¹ We have reviewed the following documents and correspondence: The Secretary's Decision on City of Boston Request for Approval of the Boston Harborpark Plan pursuant to 301 C.M.R. 23.00 dated May 22, 1991; Letter from the BRA to the Secretary dated April 4, 1996; Letter from the BRA to the Secretary dated April 18, 1996; Letter from the Secretary to the BRA dated June 14, 1996; Letter from the BRA to the Secretary dated May 20, 1997; Letter from the Secretary to the BRA dated June 30, 1997; Letter from the BRA to the Secretary dated October 6, 1997; Letter from the Secretary to the BRA dated February 18, 1998; The Secretary's Decision on the City of Boston's North Station Amendment to The Boston MHP pursuant to 301 C.M.R. 23.00, dated July 29, 1999; The Secretary's Decision on the City of Boston's Charlestown Navy Yard/Building 114 Minor Geographic Amendment to The Boston MHP pursuant to 301 C.M.R. 23.00, dated October 21, 1999; The Secretary's issuance of the Notice to Proceed for the Fort Point Downtown Waterfront District Municipal Harbor Plan, dated November 26, 2001; Expanded Environmental Notification Form/Project Notification Form for The Residences at Pier 5 (EOEA No. 13279) submitted by LDA Acquisition, L.L.C. on May 17, 2004.

Nutter McClennen & Fish LLP ■ Attorneys at Law

World Trade Center West ■ 155 Seaport Boulevard ■ Boston, MA 02210-2604 ■ 617-439-2000 ■ Fax: 617-310-9000 ■ www.nutter.com



Mr. Tom Skinner, Director
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regulations, which do not permit LDA Acquisition, L.L.C. to construct facilities of private tenancy over flowed tidelands. 310 C.M.R. §§ 9.51(3)(b).

Section 23.06 of the Municipal Harbor Plan Regulations (the "Regulations") specifies that approval of a plan expires on the date stipulated in the Secretary's approval decision, unless a written request from the planning representative of the municipality is received by the Secretary to renew the approval or extend the expiration date. 301 C.M.R. § 23.06(2)(a). The Secretary may extend the original expiration date of the approval for a period not to exceed one year. 301 C.M.R. § 23.06(2)(a). The renewal request must include supporting information regarding the plan's effectiveness in promoting state tidelands policy objectives and other water-related public interests. After a renewal request is received by the Secretary, provisions of the plan must be reviewed in accordance with Section 23.04 in order for the plan to be officially renewed. These review procedures require a public notice and comment period and a public hearing, in which the affected neighborhoods can provide input on the issues of current concern with respect to land use and planning objectives. 301 C.M.R. 23.04(2) and (3). The Secretary is permitted to deny renewal of an approved plan, or portions thereof, if changed circumstances mean that a continued implementation of certain provisions will result in significant detriment to any public interest in tidelands protected by this Chapter. 301 C.M.R. § 23.04(4)(b) and (c).

On April 4, 1996, the BRA requested a one-year extension to submit its renewal of and amendment to the MHP, and clarified this request as a request for a renewal of the MHP in a letter dated April 18, 1996. While the BRA correspondence made no effort to satisfy the submittal requirements set forth in the Regulations, the Secretary subsequently agreed to initiate the renewal process in a letter dated June 14, 1996, and extended the expiration date of the MHP until May 22, 1997. On May 20, 1997, the BRA restated its intent to initiate the renewal process and requested a delay in the renewal process until it had completed its planning objectives to address certain amendments to the MHP. Notwithstanding that the Regulations only authorize the Secretary to extend the expiration date for one year, the Secretary indicated on June 30, 1997 that the renewal process could be initiated by the BRA in October of 1997, after the expiration of the extended expiration date of May 22, 1997. At the same time, the Secretary indicated she would not allow the outdated provisions of the existing MHP, including but not limited to the Yard's End district within the Charlestown Navy Yard, to remain in full force and effect beyond October of 1997. Notable is the fact that the Secretary based this determination on the fact that the underlying premises of the original MHP for the Navy Yard were no longer valid; that is, that the land use components that would have ensured that critical Special Public Destination Facilities, including a new aquarium, were no longer programmed. Without these critical public facilities, the public benefits which would compensate for the loss of public use of Commonwealth Tidelands would not be provided, and the projects in at least the Yard's End district must be evaluated in the context of 310 C.M.R. 9.00.



Mr. Tom Skinner, Director
June 22, 2004
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On October 6, 1997, the BRA submitted a letter indicating that the MHP was still in the process of being redrafted and requesting that the MHP remain in full force and effect in the interim. The BRA also requested that the redrafted MHP be effective for 15 years. In response, in a letter dated February 18, 1998, the Secretary affirmed that the provisions in the MHP, including those relating to the Yard's End portion of the Charlestown Navy Yard, were invalid due to BRA's failure to submit the requested information for renewal and amendment.

Since 1997, the BRA has taken no action whatsoever to fulfill the requirements set forth in the MHP regulations to renew the relevant provisions of the MHP, as they would apply to the Navy Yard. Certainly, there can be no reasonable interpretation of the Regulations that would permit an MHP to remain valid after the one year permissive extension without a substantial documented effort to comply with the renewal requirements of the Regulations. Although we note that the Secretary approved two "amendments" to the MHP in July and October of 1999 for a North Station parcel and the Building 114 Parcel in the Navy Yard, the approvals contain no indications that the Secretary intended the MHP in its entirety, or even that portion applicable to the Navy Yard, to be renewed. These amendments very clearly were intended to apply to discrete geographic areas, which do not include Pier 5. Thus, to the extent that these amendments are valid, their validity would only extend to the two geographic areas encompassed by the amendments. The North Station amendment approved on July 29, 1999 pursuant to 301 C.M.R. § 23.04 and 23.05 simply extends Boston's previously established harbor planning area by 12.3 acres in the North Station area. The Charlestown Navy Yard Building 114 amendment, approved on October 21, 1999 pursuant to 301 C.M.R. § 23.04 and 23.05, incorporates only Building 114 into the planning area. Moreover, on page 1 of the approval of the Charlestown Navy Yard Building 114 amendment, the Secretary refers to the *future* renewal of Boston's MHP. Because the Municipal Harbor Plan Regulations provide that portions of an MHP may be approved at different times, the Secretary's approval of these two amendments does not impact the expired MHP as it relates to Pier 5. 301 C.M.R. 23.05. Since the BRA did not meet the standards for renewal pursuant to 301 C.M.R. 23.04(4)(c), the MHP which covered the Navy Yard expired on May 22, 1997.

It is important to note that in a recent Delaware bankruptcy matter, the applicant, LDA Acquisition, L.L.C. successfully argued that it did not have to make certain cure payments to the BRA under a Land Disposition Agreement for the development of certain property within the Navy Yard because the MHP had expired, pointing out to the Court that it was not ever renewed by the BRA. *In re Competrol Acquisition Partnership, L.P.*, 274 B.R. 362, 379-80 (Bankr. D. Del. 2000). Thus, any assertion by LDA Acquisition, L.L.C. that the 1991 MHP is still in effect is contrary to their position in the bankruptcy case. A copy of this decision is enclosed for your reference.

As you are aware, the MEPA and Article 80 process is time and resource-consuming, and the public interest is best served by suspending the process now if the project is not



Mr. Tom Skinner, Director
June 22, 2004
Page 4

permissible under current regulations. To the extent that a new MHP is proposed for the Navy Yard, the process prescribed by 301 C.M.R. 23.00 must be initiated, and the proposal to allow private condominiums to be built over flowed Commonwealth tidelands evaluated very carefully. It is in this public process that the issue of further privatization of the filled and flowed tidelands in the Navy Yard should be considered by the stakeholders. The integrity of the Regulations can only be maintained by your enforcement of the regulatory process, and your requirement that the City engage in the Harbor Planning process to justify any decision to permit Commonwealth tidelands to be further privatized.

Very truly yours,

Michael A. Leon

cc: Ms. Ellen Roy Herzfelder, Secretary
Commissioner Robert W. Gollidge, Jr., DEP
Ben Lynch, DEP

1334587.4

Shipways Condominium Association

C-2 Shipway Place
Charlestown, MA 02129

June 24, 2004

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

*Handwritten signature: M. Hubbard
cc. The Comm*

RE: Expanded EFF for the Residences at Pier 5

Dear Madam Secretary:

I am writing unanimously for the Board of Managers of Shipways Place Condominium, representing 48 residential and 9 commercial property owners and residents on 13th Street in the Charlestown Navy Yard, to express our concern regarding the recent proposal set forth by LDA Acquisitions, LLC, the developer, to develop Pier 5 in the Charlestown Navy Yard.

In agreement with other residents in Charlestown, we feel that the project is poorly conceived with total disregard of issues relating to traffic, parking, public access, open space, and preservation of our precious waterfront and Commonwealth tidelands.

Validity of the Municipal Harbor Plan

The Municipal Harbor Plan (MHP) was submitted to the State in May, 1991 and expired in May 1996. Even if the Plan was renewed as allowed under state regulations, the renewal period extends for only one year. Currently, for Pier 5 there is no valid MHP in force, therefore we believe Chapter 91 jurisdiction is applicable.

Because the project is in total violation of Chapter 91, the developer claims that the MHP is the authoritative body of law governing this project. Meanwhile the developer successfully argued that the MHP was invalid in 2000 in his bankruptcy court case, In re: Competrol Acquisition Partnership, L.P., et al (U.S. Bankruptcy Court, D. Del.). When asked for verification of the validity of the MHP, the developer fails to document his claim that the MHP is valid.

The proposed project should be subject to Chapter 91, the champion of public access and use of the Commonwealth's waterways and tidelands. Facilities of private tenancy as proposed in this project should not be allowed on tidelands.

Parking

The developer proposes to build 59 luxury condominiums selling for as much or more than \$2 million each, 30 long stay hotel rooms, a 21-slip marina, 160-seat restaurant, and other retail use. The developer proposes to provide a mere 106 parking spaces for these uses. The parking is very inadequate for the size of the project and will force owners and patrons of the restaurant, retail shops, and marina to seek on street parking in the Navy Yard, which is already saturated by existing facilities.

The Developer's plan to build an underground garage on Parcel 2A3, currently open green space widely used by the public, is unacceptable. In addition to the traffic issues involved with placing a parking ramp in the middle of a public sidewalk, the loss of open space to the ramp, air vents, and stairway access to the garage should not be allowed.

Traffic and Transportation

All residents of Charlestown and the Navy Yard are concerned about increasing traffic and the lack of adequate public transportation in the Yard. When the Master Plan for the Navy Yard was first conceived in 1978, Charlestown was a much different place. The new residential and commercial development in City Square as well as many other new condominium conversions in Charlestown were not envisioned. There were plans to widen Gate 5 to make it easier for buses and other vehicles to make the turn into the Yard; additional pedestrian walkways were planned as well as a new road paralleling the Mystic River from the Yard to Sullivan Square. A hotel was planned for parcel 4; now residential apartments are planned; all adding to additional congestion of the Yard and City Square. In light of these significant changes, new traffic studies should be required.

Furthermore, special attention should be made to the traffic on 8th Street. At the corner of 8th Street is a day care center. In the middle of the block is the main entrance to the 367-unit Parris Landing (formally Constitution Quarters). And at the end of 8th street is the main entrance to the 201-unit Flagship Wharf, with its 500-space+ parking garage, the 150-slip marina at Pier 6, and an 80-seat+ restaurant. The projected additional traffic for this project, estimated to be 500 to 1000 more vehicles per day down this narrow street, will certainly be a public nuisance as well as hazard for emergency vehicles.

Extension of Pier 5

The developer stated at the Charlestown Neighborhood Council's Development Committee meeting that he intends to extend Pier 5 both laterally and at the pier's head. While the developer may feel he needs the lateral extension to accommodate his proposed two way vehicle access and the pier extension to provide the open space requirement, this plan change the historic fiber of the Waterfront and makes Pier 5 a visual eyesore on the Waterfront from the air, water, and land.

The MHP, if valid, clearly states that no pier shall be extended beyond its pier head (p. 55 of MHP). To extend the pier into the shipping channel as the developer proposes would be a public hazard for all marine vehicles in particular the LNG tankers that come into Boston Harbor and travel the Mystic Channel.

The Navy Yard and its piers are historic treasures and should not be allowed to be altered to further private enterprise.

Public Access and Benefits

While the developer claims he will be adding 1400 feet to the Harbor Walk, he will actually be limiting the use of the Harbor Walk. Two way vehicle travel was never intended for Pier 5. The proposal of valet parking for restaurant, 59 + 30 residential units, plus the marina will result in so much traffic over the Harbor Walk that it will discourage people from using it. It will not be the serene walkway with views of Boston's Downtown and the Bunker Hill Zakim Bridge as was envisioned.

Furthermore, the marina will take up half of the space currently occupied by the Courageous Sailing Center. This encroachment will seriously restrict the use of the Center and certainly result in curtailing its many public programs for Boston's youth and disabled. Additionally, there is no mention of public use of the marina, nor of public docking.

Conclusion

LDA Acquisitions, LLC should not be allowed to shortcut the regulatory process by being granted a coordinated City/State review. Because of the deficiencies in the developer's proposal as well as the impact on all residents of Charlestown, this project should have a full Article 80 and MEPA review.

Before any review process is initiated, the issue of the validity of the MHP versus the sole jurisdiction of Chapter 91 should be resolved.

Thank you for you careful consideration of these important issues.

Sincerely,



William Fox

President, Shipways Condominium Association Board of Managers

Cc: James Gribaudo, BRA
Ben Lynch, DEP
Thomas Skinner, CZM
Paul Scapicchio, Boston City Council
Maura A. Hennigan, City Councilor At-large
Honorable Thomas M. Menino, Mayor of Boston
Bryan Glascock, City of Boston
Mark Maloney, BRA
LeAndre Dames, MEPA
Rep. Eugene O'Flaherty
Senator Jarrett Barrios
Api Rudich, Flagship Wharf Ad Hoc Committee

REC'D JUN 23 2004

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

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**

→ Subauds
cc McCann

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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June 18, 2004

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: Compnetrol 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

The Residences at Pier 5
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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,

The Residences at Pier 5 June 18, 2004

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

The Residences at Pier 5
June 18, 2004

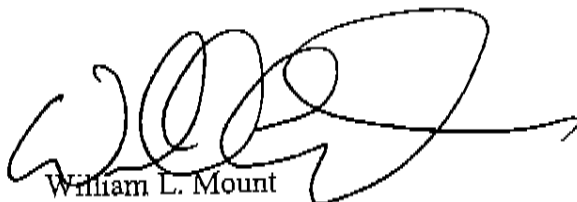
of the Navy Yard. Sadly, some have not. We must ensure that any future development in our community makes the best possible use of this unique and historic area. We have an obligation to put Pier 5, the head of Boston Harbor, to a higher purpose and keep it available to the citizens of and the visitors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

Thank you for your careful consideration of our comments.

Sincerely,



Karla T. Mount
197 Eighth Street
Charlestown Navy Yard



William L. Mount
197 Eighth Street
Charlestown Navy Yard

CC: Robert Golledge, Ben Lynch; DEP, One Winter Street, Boston, MA 02108
Tom Skinner; CZM, 251 Causeway Street, Ste. 800, Boston, MA 02114
Michael Kineavy; MONS, One City Hall Plaza, Rm. 708, Boston, MA 02201
Paul Scapicchio, Michael Flaherty, Felix Arroyo, Maura Hennigan, Stephen Murphy;
Boston City Council, One City Hall Plaza, 5th Floor, Boston, MA 02201
Bryan Glascock; Environment Dept., One City Hall Plaza, Rm. 805, Boston, MA 02201
Paul Sneeringer; US Army Corps of Engineers, 696 Virginia Rd., Concord, MA 01742
Joseph Flemming; Boston Fire Dept., 115 Southampton Street, Boston, MA 02118
Kathleen O'Toole; Boston Police Dept., 1199 Tremont Street, Boston, MA 02120
Jim Griboado, Richard McGuiness; BRA, One City Hall Plaza, 9th Floor, Boston, MA
02201
David Carlson; Boston Civic Design Comm., One City Hall Plaza, Rm. 939, Boston,
MA 02201
Timothy Famulare; Boston Conservation Comm., One City Hall Plaza, Rm. 805,
Boston, MA 02201
Cara Metz; Mass Historical Comm., 220 Morrissey Blvd., Boston, MA 02125
Richard Dimino; Metropolitan Area Planning Council, 60 Temple Place, 6th Floor,
Boston, MA 02111
Paul Diodate; Div. of Marine Fisheries, 50A Portside Dr., Pocasset, MA 02559
MEPA Coordinator; Mass Water Resource Authority, 100 First Ave., Charlestown, MA
02129
Environmental Reviewer; Exec. Office of Transportation and Construction, 10 Park
Plaza, Rm. 3510, Boston, MA 02116
Rep. Eugene O'Flaherty; State House, Rm. 136, Boston, MA 02133
Senator Jarrett Barrios; State House, Rm. 309, Boston, MA 02133
Congressman Mike Capuano, Danny Ryan; 110 First Street, Cambridge, MA 02141

WENDY J. STROTHMAN

197 Eighth Street

Flagship Wharf #611

Charlestown, MA 02129

(p) 617-241-5726 • wendy@strothmanagency.com • (f) 617-241-8551

June 11, 2004

Boston Redevelopment Authority
Richard McGuiness, Waterfront Planner
One City Hall Plaza, 9th Floor
Boston, MA 02201

Re: The Residences at Pier 5

Dear Richard McGuiness:

I'm writing to urge you to carefully review the detrimental environmental impact of this proposed project and to stop the development on Pier 5 in the Charlestown Navy Yard.

As you surely know, many residents are concerned about this plan.

I am deeply concerned with the recent Project Notification given by LDA Acquisition, LLC ("LDA") regarding "The Residences at Pier 5" in the Charlestown Navy Yard. First, it's clear that residences are only a portion of this project: a 160-seat restaurant and lodging units are also planned. This project was hastily conceived and designed to beat the impending deadline of the BRA Land Disposition Agreement with LDA. A project of this nature and scope should not be allowed for many reasons, but environmental concerns are key.

It is unclear if the Municipal Harbor Plan (MHP) that LDA references as relaxing Chapter 91 requirements is still in force and valid. Apparently, MHPs need to be reauthorized every 5 years. It appears that the MHP has not been reauthorized since 1991 and is therefore inapplicable to project requirements. In hasty and arrogant fashion, LDA has made no effort to explain why it believes the MHP is still valid. This is an important issue that warrants further discussion.

Also, in an extreme example of deception, LDA characterizes the road it intends to build is actually open space for "vehicular circulation." In other words, it's a street! LDA also asserts that the 18% of "open space" the street will occupy constitutes only a "small portion" of the open space. Given the already small amount of open space available on Boston's waterfront, it is absurd to suggest that 1/5 of the project's open space is insignificant. In essence, LDA is trying to shortchange the public and get the rules relaxed even further with its deceptive tactics. Given LDA's sleight of hand regarding the project, it is obvious that much more in depth discussion needs to be had prior to the allowance of a Private Tenancy over public tidelands.

There are important environmental issues ignored or glossed over by LDA that require robust analysis. Anything less puts the public health and natural resources at issue in an area of critical concern.

Sediment: unearthing may uncover serious contamination from years of use as a navy yard (solvents, oil, PCBs, etc.) LDA is having this problem at its other project. Could delay the project for years, jeopardizing public health and creating an eyesore.

Wildlife Habitat: Construction and shadows over the water will destroy habitat, endanger species and reverse years of BH cleanup efforts.

Air Quality: Increase in traffic will degrade air quality. And given the prevailing winds from the South, the restaurant fumes will impinge on nearby buildings.

Water Quality: No question that water quality will suffer.

Construction impacts: Devastating along the water's edge.

Since there is doubt regarding the financial viability of the project, if LDA drops the ball, the project could languish and be an eyesore for years.

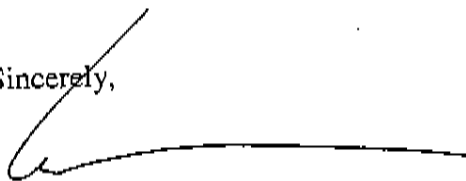
Even if the MHP is valid, the Navy Yard is a much different place than it was in 1991. It is more congested and developed. There are many areas of the Navy Yard away from water's edge that could use responsible development; the project should go there.

Further, the Harbor is much different—now it's a destination for many who want to enjoy its clear views, its fishing, its recreational opportunities. This seems a particularly ironic time, after all the work that's been done to save the Harbor, to threaten it once again through unnecessary development.

Now, right after we've spent billions to tear down a barrier to the harbor, someone proposes to build residences for a few of the very wealthy on one of the few remaining open spaces in our city and to hinder access to the harbor for recreation and relaxation. (Somehow a sidewalk, which might comply with regulations, around the outside of a building just isn't the same as open, green space!)

Thank you for your careful consideration of these comments. Please add me to your mailing list for future announcements about this matter.

Sincerely,



Wendy J. Strothman

cc: Api Rudich

Terry Savage
97 8th St.
Charlestown, Ma. 02129

James Gribaudo
Senior Project Manager
Boston Redevelopment Authority
One City Hall Plaza, 9th Floor
Boston, Ma. 02201

Re: Residences at Pier 5 Project Proposal

Dear Mr. Gribaudo,

I am writing you to officially state my serious concerns about the LDA Acquisitions plan for Pier 5 in the Charlestown Navy Yard. The yard is not only my home but also my office. Modifications made to the area, particularly the parking and traffic impacts, affect me on a 24 hour basis. But it isn't only about me. It is about this one of a kind National Historic Landmark District and it's preservation for future generations.

The Charlestown Navy Yard is one of six original founding navy yards built and the only one partially preserved and managed by the National Park Service. It's unique status as a National Historic Landmark District (the highest form of historic designation available) affords it special recognition by the Secretary of the Interior and the U.S. Congress. Thus it is the only navy yard in the United States to achieve such status with multiple designations. We are indeed truly fortunate to have such singular and magnificent resources as the backbone fabric in Boston's oldest neighborhood.

We now stand at a crossroads. We can either continue the assault on this special place by adding more buildings such as Constellation Wharf and the Rowe Houses or we can decide that this NHL designation, bestowed on the yard in 1966, is important enough to not continue to do business as usual but to propose developments more harmonious with the human and historic environments.

I am also in complete accord with CZM Director Tom Skinner's excellent letter to Secretary Herzfelder of June 25, 2004 and request your review and consideration of the thoughtful solutions proposed.

We all look to you to do the right thing for all of the residents of Boston and expect that the ultimate solution will be valued by business and residents alike.


Terry Savage

*I have also included our agreement with
the BPA re: marina development.*

PIER 5 PERSON SUITCASES

PARCEL 1B

1. SITE DATA

(a) LOCATION

Pier Five

(b) PARCEL AREA

Approximately 2.0 acres of pier and 1.5 acres of water.

(c) EXISTING STRUCTURES

Pier Five was constructed in 1941 of end-bearing, jacketed H piles with concrete decking.

211B - Shipfitters shop and 278 an electrical substation.

2. PERMITTED USES

Residential.

~~Marina use may be permitted only if it can be demonstrated by the developer that residential use is not feasible.~~

3. PARCEL CONTROLS

(a) EXISTING STRUCTURES

Pier Five shall be retained.
Buildings 211B and 278 may be demolished.

(b) HEIGHT

The height of new construction shall not exceed 2 $\frac{1}{2}$ stories or 35 feet.

April 1990 zoning 55' → 76' ✓

(c) PARKING

A minimum of one space of covered parking shall be provided for each unit. ✓

(d) PUBLIC SPACE

The ends of the pier shall remain open and developed for use by the public.

(e) ACCESS

Vehicular access shall be via a restricted access roadway connecting to the Eighth Street cul-de-sac.

(f) MATERIALS

New construction shall be concrete masonry, metal and glass.

The Charlestown Waterfront Coalition

P.O. Box 290563
Charlestown, Massachusetts 02129

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

June 24th, 2004

Re: The Residences at Pier 5
Previous MEPA Filings: 2383, 8883

Dear Madam Secretary,

The Charlestown Waterfront Coalition (CWC) is a growing citizen advocacy group of two hundred Charlestown residents dedicated to the protection and enhancement of our waterfront. We are writing today to express our concerns about the Pier 5 Residences Project Proposal submitted by LDA Acquisition, L.L.C. We believe the Expanded Environmental Notification Form is seriously flawed and should not be reviewed until the proposal is significantly expanded by improved documentation resulting from a vigorous Article 80 Scoping and Review, to be followed by a draft and final EIR.

Parking: The parking plan is not a plan. It is an intention to develop a parking plan. It is unclear whether or not the proponent can in fact secure adequate parking for his project. The parking spaces in Flagship do not belong to him, and there is no guarantee that he can acquire them. Other buyers may very well surface.

The alternative plan locating parking beneath Parcel 2A3 also comes up short. Again, there is no guarantee that the proponent can achieve the required below grade parking. He fails to justify the alternative plan's technical feasibility, and does not recognize the alternative plan's impact on Yard open space.

In addition, the proponent has seriously underestimated the parking requirements. The allowances for the valet parking, for the residence inn and for the marina slips are either omitted or significantly understated.

Furthermore, the proponent has a questionable record of adhering to his BRA and MEPA approved parking commitment. On Parcel 4, the proponent has made unilateral design change in his project proposal. In his presentation to both the City and State, the proponent promised 334 parking spaces. He has since reduced that number to 300, bringing in to question his credibility for his Pier 5 parking intentions.

Traffic: The proponent has underestimated the traffic impact and vehicle trips. Constellation Wharf, also known as Pier 7, has 64 units, and has counted the vehicle trips entering and exiting their parking area. Constellation residents will articulate their findings for you under separate cover. Their informal analysis documents a much more congested project traffic impact than the proponent describes. I have attached part of their analysis as appendix 1.

As in the case of the parking analysis, the proponent has failed to account for the vehicle trips generated by valet parking, by residents of the residence inn, and by the delivery and trade trucks required for servicing the restaurant and retail trades. Service vehicle trips at the adjacent Tavern on the Water are a significant fact in the early morning when the HarborWalk is in heavy pedestrian use.

Finally, the project proposes Pier 5 Residences use Sixth Street as an access route. Sixth Street runs through Shipyard Park and is needed by the Park Department for maintenance purposes. It is not a public street. CWC believes mistakes such as this one call into question the completeness of the project proposal.

Marina Slips: The proponent, in his presentation of the 21 Slip Marina, fails to account for free public marina slips as required by Section 9.35, 4 b of the Chapter 91 regulations. In addition, there is no discussion or analysis of the proposed 21 slip marina's impact on the Courageous Sailing Program, which is adjacent to his water sheet.

Pier 5 Pilings: As the Constellation Wharf residents will document in their letter to you under separate cover, the pilings at Pier 7, which were in better condition than the Pier 5 pilings, have cost over one million dollars to refurbish and repair since completion of the condominiums' construction. The proponent's ENF fails to document even in a preliminary manner, the deteriorated condition of his pilings, and a plan for their repair and refurbishment.

At the June 15th public presentation, the proponent's representative described the Pier 5 pilings as "deteriorated and dilapidated," and indicated that the 1500 needed repair. Five hundred are to be "wrapped" with metal sheets, and 1000 are to be repaired and/or replaced. When challenged by meeting members to explain how the replacement would be carried out, the proponent's

representative refused to acknowledge that serious pollution danger might be present in the Pier and on the harbor floor.

CWC believes that such a denial ignores a serious reality regarding the Navy Yard's previous pollution history. On Parcel 4, the proponent's LSP has significantly understated conditions and remedies, and CWC believes a similar strategy is being followed on Pier 5. Again, the Article 80 Scoping and Review and a draft and final EIR are key to obtaining an adequate understanding of the Pier 5 pollution and its remedies.

Open Space: The proponent proposes one full acre of open space, and is consistent with Chapter 91 set backs. However, his use of the second floor for residences must be "accompanied by a commensurate increase in one or a combination of public open space, building setbacks, interior facilities of public accommodation, or water based public activities as the term is used in Section 9.53 (2) (a)", i.e., public ferries...or... community sailing programs. It does not appear that the proponent has established such a commensurate increase in public uses.

HarborWalk:

Furthermore, CWC urges the Secretary to deny coordinated review until the proponent's stewardship of the majority portion of the HarborWalk is dramatically improved. The enclosed pictures make clear, his ten year stewardship has been one of neglect. Repairs have been made in a spotty and haphazard manner, and are accomplished only when conditions are seriously deteriorated. Currently, Shipyard Quarter's fence is unsafe and listing, and has been for six months, with no indication of repair. In short, the proponent has a poor history of care for one of the most important aspects of Boston's Municipal Harbor Plan, and the attendant 42 F Zoning Regulations.

However, other areas of the HarborWalk are also in deteriorated condition. BRA green space, Flagship Wharf, Constellation Wharf and Shipways Place all abut the areas of serious disrepair of the HarborWalk. The only section in good repair is adjacent to Shipyard Park.

Requirement #8 of Secretary Susan Tierney's 1991 Approval of the Boston Harborpark Plan mandates the BRA "develop a network of *special public destination facilities*" within interior spaces along or near the HarborWalk, primarily at ground level." Secretary Tierney describes such facilities to be FPA's which will "enhance the destination value of the waterfront by serving significant community needs, attracting a broad range of people, or providing innovative amenities of public use." Such FPA's are required to be consistent

with guidelines for the proposed "Double Interpretive Loop" promised by the BRA in the 1991 Municipal Harbor Plan.

The BRA has failed to develop these "special destination facilities" and the "Double Interpretive Loop". The Waterfront Coalition urges the Secretary to require the BRA, in conjunction with the proponent, Constellation and Flagship Wharves and Shipways Place, to develop a comprehensive replacement plan for the HarborWalk, and to design and install, as promised in the 1991 MHP, the "Double Interpretive Loop."

Each year, the BRA receives about \$500,000 in lease and sales transactions from the Navy Yard. At minimum, a portion of this tithing should be used to replace and enhance the HarborWalk and to install the Double Interpretive Loop.

In conclusion, the Waterfront Coalition believes the Pier 5 ENF shortcomings are cause for denying coordinated City/State review and for charging the BRA to develop and implement the plans for HarborWalk replacement and the Double Interpretive Loop. The BRA should generate a vigorous and detailed Article 80 Scoping and Review for the Pier 5 proposal. In addition, we strongly urge the Secretary to deny the proponents single EIR request and to require a Pier 5 draft and final EIR.

Sincerely,



John R. Benson

Chair

CC Tom Cunha, Charlestown Neighborhood Council
Ben Lynch, DEP, One Winter Street, 02108
LeAndra Dames, MEPA Office, One Winter Street, 02108
Thomas Skinner, CZM, 251 Causeway Street, 02114 -2136
Michael Kineavy, Director, MONS, Room 708, City Hall, 02201
Michael Flaherty, Stephen Murphy, Maura Hennigan, Felix Arroyo, Paul Scapicchio, One City Hall Plaza, 5th Floor 02201
Bryan Glascock, Environment Dept, City Hall
Robert D'Amico, BTM, Room 721, City hall, 02201
Antonia Pollak, Boston Park Department, 1010 Mass Avenue, 02118
Danny Ryan, Congressman Capuano, 110 First Street, Somerville, 02141
Rep. Eugene O'Flaherty, Room 42, State House, 02133
Senator Jarrett Barrios, Room 309, State House, 02133
Mark Maloney, Director, BRA, 9th Floor, City Hall, 02201
Jim Gribaudo, Project Manager, BRA, 9th Floor, City Hall, 02201

Appendix K I

Constellation Wharf Condominium Association Board of Managers

Parking Requirements and a Minimal Deficiency of 31 spaces

Pier 5, a mixed-use project, proposes 59 residences, 30 hotel rooms, a 160-seat restaurant, small scale retail, and a 21 slip marina, is to be serviced by a 106 parking space garage. Comparing this project to its neighbors of comparable residences and businesses offers insight to the deficiencies of this proposal.

Data:

- Constellation Wharf -1.78 spaces/unit
- Flagship- 1.99 spaces/unit
- Meze Restaurant- 40 valets/day for 216 seats
- Olives-25 valets/day for 138 seats
- Marriott Hotel- 40 spaces for 168 rooms

Using the above data, Pier 5 should have a minimum of 137 spaces plus parking requirements for the small-scale retail, 21-slip marina, and outdoor restaurant seating; all conveniently omitted from the Pier 5 proposal.

Pier 5's Parking Garage- is 81 Spaces, not 106

Figure 2-9, Chapter 2, Project Description presents a 106 parking space garage with 81 spaces and 25 valet/managed spaces. These 25 valet spaces are in the roadway, a lane of travel, restricting any vehicles parked in actual spaces from entering or leaving.

- **To represent this garage as a 106 parking space facility is to redefine the parking industry.**
- This design is so restrictive that only 24 hours a day valet service allows this new parking definition to work. LDA has confirmed the full valet service requirement.

Harborwalk-A new Safety Issue

Pier 5 Trip origination data in Appendix C, is flawed and misrepresents the actual vehicle traffic. However we will use this data to illustrate the point.

Using 2000/2001 factors, the proponent estimates 508 new vehicle trips (in/out per day) on 8th Street.

- At the recent MEPA site visit, the proponent's representatives confirmed Pier 5 will be valet service at mid-pier at the separation of the two buildings.
- Valet operations require two trips for every vehicle or 2 x 508 or 1,016 vehicles/day crossing over HarborWalk.
- **Excluding midnight to 6 AM due to minimal activity, this means:**

" One vehicle crossing HarborWalk every minute over 18 hours".

**Constellation Wharf Condominium Association
Board of Managers**

Pier 5's Traffic Volume Understated causing multiple chock points

Constellation Wharf, a comparable condo community of 64 units conducted a traffic study (trip origination) for 7-week days over June 1-4, and 7-9.

- Traffic averaged 305 trips/day, which is equivalent to 281 for Pier 5 's 59 units or **11% more that is estimated by the proponent.**
- Data for the restaurant, hotel, retail space, and marina is also understated, and the data is silent on the retail and marina.
- **The proponent's two developments, Pier 5 and Parcel 4 will add 2,700 trips/day**
 - 8th ST cul-de-sac will see 1,016 new trips/day
 - 8th ST will see 508 new trips/day
 - 1st Ave will see 2,700 new trips/day (Pier 5 + Parcel4)
 - Chelsea St will see 2,700 new trips/day in addition to 800 bus trips/day (Fall of 2003)
 - City Sq., Sullivan Sq., Museum Bridge are all currently in a Failed condition for Rush hour.

Comprehensive Traffic Study of Charlestown is required

Comprehensive and Complete Project Review is required; Not a 60 Day Ram Through

Constellation Wharf Condominium Association with 64 residences is opposed to this Project, the minimal oversight to-date by the regulatory bodies, and the demand from the proponent, LDA LLC, for a 60 day approval of a \$100M project.

Confident in our findings, we urge the BRA, MEPA, CZA, and CNC to require a full comprehensive study of Pier 5 Project assuring a professional assessment of the impact on Charlestown. This project as currently conceived is poorly designed and if approved would have serious adverse influence on life in Charlestown.

Sincerely,

Richard F. Burt
Trustee
Constellation Wharf Condominium Association
617-901-6637



THE STROTHMAN AGENCY, LLC

June 11, 2004

James Gribaudo
Senior Project Manager
One City Hall Plaza,
5th Floor
Boston, MA 02201

Re: The Residences at Pier 5

Dear Mr. Gribaudo:

I'm writing to urge you to stop the proposed development on Pier 5 in the Charlestown Navy Yard.

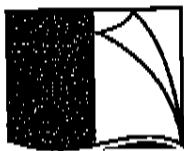
Many local residents are concerned about this plan and are writing to outline for you all the legal, environmental, and procedural reasons why this plan should be blocked.

It strikes me as appallingly short-sighted to consider building anything on that pier. This City is at the end of a decade-long and very expensive process that has finally opened up the Harbor to residents and tourists. Every day as I commute from Charlestown to work via the water shuttle, I'm struck by the number of visitors who are enjoying the renewed waterfront vistas, the harbor boats, and the open spaces that have recently come to life with the demolition of the expressway.

Now, right after we've spent billions to tear down a barrier to the harbor, someone proposes to build residences for a few of the very wealthy on one of the few remaining open spaces in our city and to hinder access to the harbor for recreation and relaxation. (Somehow a sidewalk, which might comply with regulations, around the outside of a building just isn't the same as open, green space!)

As you know, when you stand at the end of Pier 5, you see a spectacular view of the City and the Harbor -- there's really no better open space from which to capture this vista of the skyline, the harbor traffic, the Zakim Bridge. And, Pier 5 abuts the Courageous Sailing Center, which provides recreation to so many children of Boston.

I understand that one role of the BRA is to bring development and economic benefit to the City. I think that developing this pier as a park would be far more visionary and bring far more benefit to the citizens of Boston by promoting more tourism, more visits to the City, a healthier and happier life for the people who live here. I think of the city where I lived before moving to Boston: Chicago, as you undoubtedly know, was blessed by early

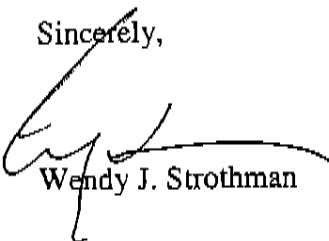


twentieth-century business leaders who put the well being of the city ahead of short-term profits and protected the lakefront from development, thus creating one of the country's most spectacular cityscapes. We have the opportunity, right now, to reproduce that effort here in Boston and to create a destination that will make every citizen of Boston proud.

It would be a tragedy to sacrifice a long-term vision for a short-term gain.

I hope you'll support our efforts.

Sincerely,



Wendy J. Strothman

cc: Api Rudich

REC'D JUN 07 2004

JOSEPH FRIEDMAN
197 8TH STREET, #425
CHARLESTOWN, MA 02129-4232
Home Telephone: (617)-242-6837
Office Telephone: (617)-603-3720
Office Fax: (617)-603-3820

June 4, 2004

Mark Maloney, Director
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

RE: Charlestown Navy Yard; Expanded Environmental Notification Form
Project Notification Form for The Residences at Pier 5 - May 17, 2004

Dear Mr. Maloney:

My wife, Rose Edgerly and myself reside in the Flagship Wharf Condominium in the Charlestown Navy Yard. We have been living in the building since September of 1993. We initially purchased a small unit overlooking the park and lived there until April, 2001. In April, 2001 we sold our unit overlooking the park (*and paid the BRA its 2% fee from the proceeds*) and purchased, using our entire life savings a unit (#425) overlooking the public viewing area and the water which is contiguous to Pier 5. It was our dream to be able to live in a unit with a water view. I am 53 years old and up to this point in time, my wife and I were not planning to make any further moves as long we were happy living where we are.

I am writing to you to about the above-described development proposal for Pier 5 which was just brought to my attention this week. As a long term resident of Flagship Wharf and the Navy Yard, I have numerous concerns pertaining to this project, as hereinafter set forth:

1. The proposal does not adequately address traffic and parking. The numbers cited in the proposal are not realistic and not based on fact, studies or statistical data. At the present time, and especially when the weather is nice, the Navy Yard and particularly Eighth Street is overburdened with traffic and parking problems, it can barely accommodate tourists and the many patrons that frequent Tavern on the Water. The Flagship Wharf garage which has limited public parking available will not be able to handle any additional parking demands. At the present time, it can barely handle the Tavern on the Water patrons as the traffic is lined up into the garage and onto the street.

Mark Maloney, Director

June 4, 2004

Page 2

2. The inevitable increase in noise pollution should this project go forward will be intolerable. At the present time, during the good weather, I have to close my windows because there is so much noise coming from the Tavern on the Water. This project and the influx of people it will bring will considerably enhance the noise pollution.
3. The water and skyline views which I enjoy along with my neighbors will be, if not eliminated, impaired considerably, if this project is allowed to go forward.
4. The developer has not addressed how it will deal with the probable rotting of Pier 5 by the marine life in Boston Harbor. This problem may not materialize until after the developer has sold the residential and commercial units, thereby leaving the new owners with a financial burden that is insurmountable. This a real issue and in the event the project goes forward, the developer must incorporate into the project the specific steps that will be undertaken to deal with the averting of the rotting of the wooden pier by the marine life that now inhabits Boston Harbor.
5. In the event the project is approved, it is not fair or reasonable to expect the many residents who live near Pier 5, to be required to tolerate the noise, the possible damage to property, debris pollution, traffic congestion and parking problems that will inevitably be caused by the presence of a construction crew and heavy equipment throughout the duration of the project. I need not remind you how disruptive a construction project of considerably less magnitude than Pier 5 was for the residents of the Basilica in 2003.
6. The project may not be legal. I have serious reservations whether there is any legal doctrine that is currently in full and effect which permits this or any other developer to build on the Boston Harbor. It was my understanding that the so-called "*Municipal Harbor Plan*" had expired according to its terms.

These are just the major concerns that I have with the Pier 5 Project. My primary concern is that the quality of life that myself and my neighbors paid such a high price to attain will be severely compromised should this project be allowed to go forward.

If you have any questions please do not hesitate to contact me at the following numbers: Daytime - Monday through Friday: (617)-603-3720; Eve. and Weekends - (617)-242-6837. You can also e-mail me at: "jfriedman@lawson-weitzen.com".

Very truly yours,



Joseph Friedman

cc: The Residents of Flagship Wharf Condominium

REF: JUN 15 2004

June 11, 2004

Mr. Mark Maloney
BRA Director
Boston Redevelopment Authority
One City Hall Plaza
Boston, Ma 02201

→ Richards
cc: Maloney

LAST CHANCE TO DEVELOP A WORLD CLASS HARBOR PROJECT.

Now that I have your attention, I would like to voice my concern with a project notification submitted to the BRA for the development called The Residences of Pier 5 Charlestown Navy Yard.

This project seems to me to be a hastily poorly planned project so the developer does not lose development rights with the BRA.

I just returned from Zurich Switzerland and was enthralled with a wonderful lakefront harbor walk around the entire city!!! Since Boston has a magnificent harbor, attention needs to be paid to enhance this natural attribute with natural resources. If Zurich which obviously is centuries older than Boston, can successfully incorporate a glorious harbor walk around the city why can't Boston?

If this property is developed properly with the potential to enhance an historic decommissioned Navy Yard would be an attractive destination for citizens of Charlestown as well as tourists. With the appropriate development to further enhance the Harbor Walk, Boston is given the opportunity to join world class cities such as Zurich to become a pedestrian destination. The development of the last pier in the Navy Yard is the last chance to further define leisure activities on the harbor.

Many uses of this pier to be enjoyed by the community are endless. Suggestions are many such as a wonderful extension of the Courageous Sailing Center, park with fishing access or a memorial park geared to Navy maritime issues.

I would like to address a sampling of negative impacts on Navy Yard and its residents.

Pier 5 is covered by the State's chapter 91 article 42 Boston Zoning which needs review and applicable projects.

Traffic. It seems to me the developer has a total disregard for residents and reality. Presently there is congested traffic on 8th Street and that is with Constitution Quarters/Paris at the Navy Yard only one half full of residents. Local residents have urged

policing of the area as well as Resident parking. In addition there is a preschool at MGH at the corner of 1st and 8th Streets. Cars use excessive speed with numerous accidents with cars and children.

Environmental. Many environmental issues need to be addressed such as harbor porpoises, seals, contamination, air and water quality, construction impact.

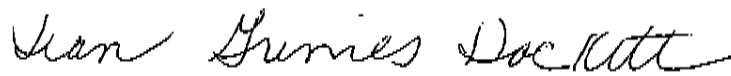
Terrorism. Evaluate the terrorist treat for the harbor.

Parking. Where is it?? Has a realistic study been done??

These are major issues that concern myself and fellow residents of Flagship Wharf and the Navy Yard.

Please consider in further developing Boston into the world class city that it should be and utilize Pier 5 for enjoyment for all the residents of Boston.

Thank you,



Jean Grimes Hackett

Flagship Wharf # 306

MEMORANDUM

To: Nadine Broude

From: Edwin M. and Ruth L. Knights, Unit 304, Flagship Wharf

Date: 12 June 2004

Re: Pier 5 Development Plans, *Charlestown Navy Yard*

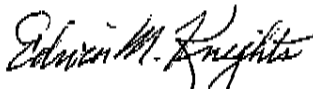
We have been condo owners in Flagship Wharf since 1992. We regret that we were unable to attend your June 7 meeting, but we do have some pertinent comments.

We are replying to your request for input from Flagship Wharf condo owners concerning the proposed plans for the development of Pier 5. While we share some of the concerns that have been presented to date, we are not convinced that many of the objections voiced are significant enough to prevent the owners from developing their valuable waterfront property in an application which is obviously consistent with the way in which adjacent property has been utilized in a highly successful manner. Of course if some of our neighbors wish to purchase the property and turn it into a park, we wouldn't object, but the only Flagship residents who seem to use the abundant green space adjoining Flagship Wharf seem to be the ones who are walking their dogs.

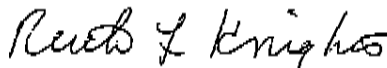
Of particular concern to us are the suggestions that the Board commit our owners to highly expensive, and probably non-productive, legal involvement in this case, which could, in typical Boston fashion, drag on for years. The Board seems to resort to legal confrontation too readily in various disputes. There are few issues which cannot be resolved far more efficiently by mutual discussions or arbitration and the Board needs to consider whether such expenditures will be cost-effective. In our opinion, the Board has no right to commit us to legal expenses when they have no documented proof that their views represent the wishes of a majority of unit owners, most of whom would experience little or no adverse impact from this new development. The Board is respectfully requested to provide a statement which explains exactly what it expects to accomplish by legal representation, what the estimated cost will be, and the maximum to be expended for such purposes. Such action should be subject to written approval of a majority of Flagship Wharf Unit owners.

We certainly would not like to see Courageous Sailing Center lose any marina rights, but it is their responsibility, not ours, to defend these rights in an appropriate manner.

We appreciate your efforts to keep us well informed.



Edwin M. Knights, MD



Ruth L. Knights

cc: Jim Brogan

