



Navigating our future.

15 State Street, Suite 1100
Boston, MA 02109
617 223 8104
bostonharbornow.org

September 23, 2016

Via email to andrea.langhauser@state.ma.us
ben.lynch@state.ma.us

Ben Lynch
Program Chief
Waterways Regulation Program
Department of Environmental Protection
One Winter Street, 5th Floor
Boston, MA 02108

Attn: Andrea Langhauser

Re: Charlestown Marina - Pier 6, Chapter 91 License Application

Dear Ms. Langhauser,

On behalf of Boston Harbor Now, thank you for the opportunity to comment on the Chapter 91 license application for the Charlestown Marina Pier 6 project. Boston Harbor Now conducted a walk-through of both Pier 6 and Pier 8 on June 11, 2015, and provided public testimony during the Department of Environmental Protection Waterways Program public hearing held at the Spaulding Rehabilitation Center on Monday, September 12, 2016. Our specific comments follow.

Late in 2014, the proponent (Charlestown Marina LLC) purchased the site previously known as Shipyard Quarters Marina. Since its acquisition, and with strong community support, the new owner has made significant investments and improvements to the existing site. Boston Harbor Now supports the Charlestown Marina LLC's efforts to improve the watershed and landside portions of the previously neglected area.

Project Description

The Charlestown Marina is located in the Charlestown Navy Yard and consists of two sites, Pier 6 and Pier 8. The subject of this application is the maintenance and expansion of Pier 6. As stated in the Chapter 91 license application, the Pier 6 site consists of five separate parcels, three on flowed tidelands and two on filled tidelands. According to MORIS, the online mapping tool created by the Massachusetts Office of Coastal Zone Management (CZM), all five parcels of Pier 6 are within the Chapter 91 boundary line and subject to Chapter 91 regulations.

After numerous violations by the previous owner, the project site was part of an enforcement action and is subject to a Consent Judgment recorded on September 30, 2014 (Suffolk County Registry of Deeds at Book 53540 Page 135). After purchasing the parcels in late 2014, Charlestown Marina LLC is submitting this Waterways License Application for the following structures and uses on Pier 6:

- Formally licensing the existing Pier 6 restaurant (no proposed changes to the existing building);
- Construction of 107 new boat slips;
- Construction of a new 410'-long, 8'-wide, pile-supported deck on the southern side of Pier 6;
- Creation of a partially shared pedestrian/drive/fire lane on the northern side of Pier 6;
- Landscape improvements on Pier 6 and surrounding Harborwalk;
- Modernization of the Pier 6 sign to prevent climbing and other hazards; and
- Eliminating 22 public parking spaces.

Charlestown Harborwalk

Ownership and Maintenance

Piers 5 through 9 of the Charlestown Harborwalk have been the subject of recent litigation between the proponents and the Parris Landing Condominium Trust. After the appellate court decision issued in February, the question of ownership and maintenance responsibilities remains unanswered. *Charlestown Marina, LLC v. Brunner et al*, No. 15-P-694. 89 Mass. App. Ct . 1104 (2016). We leave the resolution of this legal question to those better situated to address this conflict. As longtime supporters of the Harborwalk, however, we feel strongly that the question of ownership and responsibility for the construction and maintenance of this portion of the Harborwalk is important and should be addressed as part of the final Chapter 91 license.

This section of the Charlestown Harborwalk has, for many years, needed a heavy dose of TLC. Heavily worn boards have come loose and give way under minimal weight. The walk is comprised of multiple types of wood--some unsuitable for the salt and snow it experiences--with nails sticking out in random sections. This section of the Harborwalk is neither safe nor inviting to the transient public. In the absence of a resolution to the Harborwalk ownership question, we ask that the final Chapter 91 license for Pier 6 and Pier 8 include a detailed

description of the proponent's ownership and maintenance responsibility as it pertains to this particular section of the Harborwalk.

Existing Structures & Limited Pedestrian Access

As presented in the Chapter 91 license application, the southern section of the pier has a number of pinch points that impede pedestrian access including the outdoor seating of the existing restaurant, historic bollards, and an existing above-deck 1957 naval utility conduit. To accommodate wheelchair access and alleviate foot traffic at these pinch points, the proponent plans to build an eight-foot-wide pile-supported walkway seaward of the existing Harborwalk.

We strongly support Section 9.52(b)(1) of Chapter 91 which requires that, wherever possible, segments of the Harborwalk must be adjacent to project shorelines and no less than ten feet wide. We appreciate the proponent's willingness to make the best of existing site conditions. Only under limited circumstances, as is the case in the Pier 6 Consent Judgment, is a less than ten foot wide path an acceptable alternative for existing Harborwalk standards.

On the northern side, the Harborwalk will be a partially shared pedestrian/drive/fire lane. We understand the need for rear parking access and ingress/egress of emergency vehicles. To ensure pedestrian safety and alert drivers accessing the rear parking area to use special care on the shared drive, we suggest incorporating additional road surface treatments like rumble strips, street textures, or signage to alert drivers to expect pedestrians.

Open Space Improvements & Amenities

During the June 2015 site visit, and most recently during the public hearing, the proponent shared landscaping and open space plans for the site. We are encouraged by the variety of public amenities proposed and support the open space improvements as presented. Plans include interpretive signage, backless benches along the edge of the pier, neighborhood-friendly lighting, ADA-friendly railing angles, and a variety of seating options on the harbor side of Pier 6. There will be a total of thirteen restroom fixtures available on site, nine for marina use and four for the general public. As required by Chapter 91, signage should clearly state that four public restrooms are available to the general public, not just restaurant patrons.

During the public hearing, it was suggested that there might be kayak rentals on the southern portion of the pier. We support creating additional opportunities for the public to access the harbor and request that proponents consider alternative vendors in the event kayak rentals are not feasible. We also ask that the proponents include access for touch-and-go water transportation and/or a dinghy dock for restaurant patrons on Pier 6.

With the existing restaurant structure limiting space on the pier, we support the proponent's decision to reduce the number of parking spaces from 58 to 36. It is unclear from the license

application whether three or five parking spaces will be reserved for short-term marina pick-up/drop-off. (See Chapter 91 License Application, Project Narrative Section 1.4.2 versus 1.6). We ask that this be clarified in the final license. Limiting the number of parking spaces provides additional capacity for pedestrians and cyclists wishing to access the waterfront. We encourage the proponent to consider additional amenities such as bike racks, a Hubway stop, and a “Fix-it” bike repair stand as are being installed in Cambridge (e.g., Kendall Square).

Climate Resilient Design

As temperatures continue to rise, Boston will experience more frequent heat waves and an increase in the number of days above 90 degrees Fahrenheit. To help visitors keep cool, we suggest including a variety of shade elements in the final landscape plans.

As presented in Existing Site Plan Sheet 2, the edge of Pier 6 is in FEMA Flood Zone VE. The VE designation indicates the area is subject to inundation by the 100-year flood event and damage from storm-induced waves. Waves can hit foundations with forces many times higher than that of standing water; we encourage proponents to ensure that the existing foundation is adequate for current and future storms. If not, building a low concrete or stone wall around this section of the pier could perform double duty to prevent wave damage as well as provide additional public seating.

Management Plan

A long-term management plan was not included in the current Chapter 91 license application. To ensure the quantity and quality of benefits offered to the public are adequately maintained during peak season and offseason, we request that a detailed plan be circulated for public comment and included as part of the license for both Pier 6 and Pier 8.

Thank you for the opportunity to comment. We look forward to the completion of this project and applaud proponents for the quality of their investments in recreational boating in Charlestown, the North End and East Boston.

Sincerely,



Julie Wormser
VP of Policy



Jill Valdes Horwood
Director of Waterfront Policy