



Tim Czerwienski <tim.czerwienski@boston.gov>

Re: 24 Ericsson Street Public Meeting

Gemini [REDACTED]
To: Development Review at the BPDA <Tim.Czerwienski@boston.gov>

Tue, May 29, 2018 at 8:24 PM

stop w/ the condos already!

On Tue, May 29, 2018 at 4:25 PM, Development Review at the BPDA <Tim.Czerwienski@boston.gov> wrote:

Public Meeting hosted by the BPDA

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24 Ericsson Street Public Meeting

Description: The project involves development of multiple buildings on an approximately 156,816 square foot site off of Ericsson St. in the Port Norfolk area of Dorchester. The proposal calls for 96 condo units, 170 parking spaces, a small neighborhood market and deli, and renovated boat storage and service facilities. The total building area of the project is approximately 240,800 square feet. This meeting will be focused on transportation issues.

[\[more\]](#)

Time: 06/13/2018 6:00 PM - 8:00 PM

Location: Port Norfolk Yacht Club, 179 Walnut Street, Dorchester MA 02122

Tim Czerwienski

Tim.Czerwienski@Boston.gov

617.918.5303

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Received
6/25/18 at public
meeting

1. My name is Stewart Roach and I am the owner of Norwood Yacht Sales, Inc. The last time I was here I hadn't had time to prepare as I would have liked, so for tonight's meeting I took some more time to prepare a brief statement in opposition to this project.

2. First of all, I would like to remind everyone involved that the property has essentially been a boat yard since the late 1800's as the Lawley Ship Yard. It is currently zoned for marine industrial use only and falls under Chapter 91 protection. The number of boat yards in the Boston Area has shrunk dramatically in the last 20 years and they are on the verge of extinction - something that over 375 years ago during colonial times our fathers foresaw, and set out to protect water dependent industries by enacting Massachusetts General Law Chapter 91.

3. I remind you
 - 1) Boat yards in Boston on verge of extinction
 - 2) The 24 Ericsson property already has a protective basin
 - 3) Travel hoist bays 2 for up to 70 tons
 - 4) Services U Mass boats, Boston pilot boats, Boston police and boats 13 feet to 70 feet.

4. One thing that I am perplexed about is the fact that City Point Capital purchased the property knowing that it was not zoned for residential use. As someone who is in the boat business and can see this will have a lasting effect on the marine industry in Boston, I ask the question: why is this our fault? Why do the residents of Port Norfolk have to even defend their peaceful neighborhood against the intrusion of this massive project given the fact that by law it is zoned for marine use only? The fact that CPC paid close to \$10 million for the property and was bamboozled by the owners of Venezia who sold CPC the property, catering to its hope of developing, is not the fault of the residents of Port Norfolk or the fault of everyone who will be impacted by the loss of a property legally zoned for marine use only.

5. So, I am not buying that the fact that it is old, run down and in need of new sheds. CPC can easily put it back on the market and sell it to someone in the marine industry. The boat yards today are kind of like elephants - you would not shoot an elephant would you? CPC will change the waterfront landscape of this neighborhood forever. It should be stopped from doing so by letting this be nothing but a boat yard.

6. The City has taken the old Boston Yacht Sales on Hill Top Street and made a park out of it.
7. The City took the old Flounder fleet docks and the old New England Road Machinery and made a park even though docks were once present.
8. The City took away Admiral's Hill Marina in Chelsea.
9. The City took away the old yard at Atlantis Marine Winthrop and now the developer is in jail.
10. Please leave it alone!. Develop somewhere else like Stoughton, Randolph or Brockton or other parts of the state but don't take another boat yard simply because you needed to offset some capital gains from your profits in South Boston. At some point I wish the city would encourage development in Worcester or Springfield and get together with other mayors rather than developing – and destroying - every last acre of waterfront land in Boston.
11. Point: Major cities like Ft. Lauderdale, Palm beach, Charleston, Newport RI, Chicago, IL, City Island NY, Portland ME and Newport Beach, CA all support boat yards and the boating industry. And, they are thriving, destination cities as a result.

12. Boating is the last frontier for escapism. The city needs a major boat yard to service all boaters' needs and if you take this property you will put upward pressure on the cost of boating to anyone who's ever dreamed of having a boat.

13. It would be an incredible tragedy if this property is allowed to be anything else but a boat yard with adequate storage. To destroy it in exchange for creating 97 residential units would be a travesty. Built it someone else.

14. Last, I would like to share my own story of living through a 2 year project at Baker Square in Lower Mills, Dorchester as this will be what is store for the residents of Port Norfolk. After living peacefully for 3 years on the ground floor, construction began on an abandoned building next door in 2009-2011. Construction began promptly at 6:00 am every morning. Workers' car traffic, dump trucks, back up alarms, noise of grinders filled the day, and workers worked well into the night sometimes until 8:00 PM, with construction lights on 24 hours a day. When I called inspectional services they did nothing. When the project finished it was revealed that 20% of the units were to be designated for low income housing. Shortly after the building was given an occupancy permit,

prostitution rings and drug dealers flourished there in the first few months. Boston Police became a frequent presence.

The parking spots were re-lined so tightly you could barely access your assigned space. My apartment was located on the ground floor and it was like being on an aircraft carrier during a launch sequence where cars ripped by my window from 6 am to 8:30 am and landed between 5:30 pm and 7:00 PM. UPS, Pea Pods, and Fed Ex littered the temporary parking spots, crowding out visitor spots. My quiet, cozy apartment, living was no longer. Soon after I gave up my apartment and relocated to a quieter neighborhood.

15.In closing I would like to recite some excerpts of the Chapter 91 Law:

- The Commonwealth's primary tool for protection and promotion of public use of its tidelands and other waterways is Massachusetts General Law Chapter 91, the waterways licensing program. The Commonwealth formally established the program in 1866, but the philosophy behind Chapter 91 dates back to the earliest days of the Massachusetts Bay Colony, most notably in the Colonial Ordinances of 1641-1647.

- The Colonial Ordinances codified the "public trust doctrine," a legal principle that dates back nearly 2000 years, which holds that the air, the sea and the shore belong not to any one person, but rather to the public at large.

- The oldest program of its kind in the nation, Chapter 91 regulates activities on both coastal and inland waterways, including construction, dredging and filling in tidelands.

- Through Chapter 91, the Commonwealth seeks to preserve and protect the rights of the public, and to guarantee that private uses of tidelands and waterways serve a proper public purpose.

- The Waterways Regulation Program, the section of MassDEP that oversees Chapter 91, is the primary division charged with implementing the "public trust doctrine." Specifically, the MassDEP Waterways Regulation Program:

- Preserves pedestrian access along the water's edge for fishing and navigation and, provides facilities to enhance public use and enjoyment of the water.
- Seeks to protect and extend public strolling rights, as well as public navigation rights.
- **Protects and promotes tidelands as a workplace for commercial fishing, shipping, passenger transportation, boat building and repair, marinas and other activities for which proximity to the water is either essential or highly advantageous.**
- Protects Areas of Critical Environmental Concern, ocean sanctuaries and other ecologically sensitive areas from unnecessary encroachment by fill and structures.
- Protects the rights of waterfront property owners to approach their property from the water.

16. More than ever, enforcement of Chapter 91 is vital, especially because many of the fastest growing regions of the state, such as the North Shore, South Shore and Cape Cod and the Islands, are coastal areas. In these coastal areas, Chapter 91 regulations serve to protect traditional maritime

industries, such as fishing and shipping, from displacement by commercial or residential development.

17.For anyone interested, I made copies of an overview of the law put out by the State government, as well as some information on the public trust doctrine. I also made a couple of copies of the law in its entirety. I am happy to share these with anyone who would like them.

18.Thank you all for your time.



July 13, 2018

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Mathew A. Beaton, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900 (9th Floor)
Attn: MEPA Office
Boston, MA 02114

Brian Golden, Director
Boston Planning and Redevelopment Agency
One City Hall Square
Boston, MA 02201

Via email to Alexander.Strysky@ma.us.gov and Tim.Czerwienski@boston.gov

**RE: MEPA File No. 15728—DEIR for Neponset Wharf, 24 Ericsson Street,
Boston, MA 02122 and
Article 80 DPIR 2017-6-30—24 Ericsson Street, Boston, MA 02122**

Dear Secretary Beaton and Mr. Golden:

The Neponset River Watershed Association (NepRWA) submits the following comments on the Draft Environmental Impact Report (DEIR) and the Draft Project Impact Report (DPIR) for the proposed Neponset Wharf mixed use complex on Ericsson Street in Dorchester. NepRWA is a nonprofit conservation organization working to clean up and protect the Neponset River, its tributaries and surrounding watershed lands.

As we have stated previously, we are generally supportive of redevelopment projects such as Neponset Wharf and particularly those that will benefit the community and improve existing degraded environmental conditions without creating any adverse impacts to the local environment. We recognize that the proponent has revised the plan to reduce the scale of the proposed development. However, the scale remains too large for this neighborhood. Moreover, we do not feel that the proponent has provided adequate information in its DEIR/DPIR about some of the changes that have been made, nor completely responded to some of the comments submitted in response to the ENF and PNF. We request additional information and more complete responses prior to proponent's completion of a final EIR/PIR that more fully address the negative and positive impacts to the local environment and remaining wildlife habitat, wetlands and water resources, and public access to these resources.

The proponent's DEIR/DPIR lacks sufficient detail to determine whether the project will adequately protect and improve the estuary.

Among the goals of the Neponset Estuary Area of Critical Concern (ACEC) Resource Management Plan (RMP) is to protect and improve water quality conditions in order to meet, or **where possible exceed**,¹ state water quality standards. Additional goals include restoring fisheries and wildlife habitat (including shellfish beds), supporting biological diversity, and encouraging appropriate land and water uses that benefit the public and are compatible with sound resource protection and management.² Notwithstanding these laudable goals, the Neponset Estuary does not yet meet required water quality standards for its fishable/swimmable classification. The RMP identifies “inadequately designed and constructed stormwater measures” and inappropriate development as causes of the poor water quality and threats to the resources of the ACEC and to public health and safety.³ Thus, any development or redevelopment within the estuary must be conducted carefully and must implement best management practices **to improve** water quality.

We appreciate that the proponent has seriously considered some of our original suggestions and attempted to address some of our concerns. However, many of the responses indicate that the proponent is still considering how to best address these issues. The final EIR/PIR should include sufficient detail for state environmental agencies and the public to determine whether the project will adequately improve water quality and protect wildlife habitat.

The scope of the project may not accurately describe the proponent's plans to redevelop in the area, and, therefore, may not take into account the most effective mitigation measures and public access features.

NepRWA and the Port Norfolk residents would like more information about how the property under consideration relates to the ownership and potential future development of adjoining properties. While the proponent has responded to our original request for this information by stating that “The proponent does not own or have plans to develop any adjacent properties”, they do not explain the comment made to the Boston Globe last year. Specifically, the paper reported that the Proponent has secured the rights to purchase other property adjoining (or at least in the same vicinity) as the instant property in order to develop them in the future as “a sequel of sorts to the current project.”⁴ The response in the DEIR/DPIR does not adequately respond to our concerns.

301 CMR 11.01(2)(c) requires a Proponent to consider the **entirety** of a project, and prohibits a proponent from segmenting a project to curtail MEPA review. Since the proponent is on record as describing property rights and plans to redevelop more than the parcel under consideration in the current DEIR/DPIR, a legitimate concern remains that the project may have been segmented. Such segmentation would significantly affect consideration of the environmental and community impacts of the project as a whole, as well as potential alternatives and mitigation that should be considered. The approved scope of the instant proposal may well be replicated on other parcels, amplifying the effect on the existing neighborhood. The proponent should more completely respond to this concern.

¹ MA EXEC. OFFICE OF ENVIRON. AFFAIRS, NEPONSET RIVER ESTUARY AREA OF CRITICAL ENVIRONMENTAL CONCERN RESOURCE MANAGEMENT PLAN, 11 (1996).

² *Id.*

³ *Id.* at 25-26 (1996).

⁴ Jon Chesto, *Developer hopes to tap into Dorchester's Port Norfolk*, BOSTON GLOBE (February 24, 2017).

A major source of water pollution in the estuary is stormwater runoff, and the project must implement the most effective BMPs for this particular site.

The Massachusetts Stormwater Handbook establishes that where the Massachusetts Department of Environmental Protection (DEP) has issued a Total Maximum Daily Load (TMDL) for a pollutant other than Total Suspended Solids (TSS), the Proponent must propose stormwater BMPs consistent with the TMDL.⁵ The Commonwealth has issued TMDLs for the Neponset River requiring the reduction of fecal coliform and e. coli⁶ (a major source of which is stormwater runoff in the estuary).⁷ In addition, the project's proximity to a busy public swimming beach makes efforts to reduce bacteria in stormwater runoff even more imperative. The proponent has not included in the DEIR/DPIR any detail about how specific BMPs included in the project will be optimized for treatment of bacteria consistent with the TMDL, beyond stating that they will be compliant with the stormwater standards.

Additionally, the final EIR/PIR should detail efforts to minimize stormwater pollutants on site. Specifically, the proponent should detail:

- The configuration of commercial dumpsters kept on site for residential buildings, market and other structures which ideally should be kept indoors or under roof cover;
- Efforts to reduce application of fertilizer and other chemicals to impervious surfaces; and
- Measures that will be undertaken to educate residents and maintenance/operations staff about the problem of stormwater pollution and appropriate O&M procedures.

The Proponent should describe the plan to achieve maximum water conservation through both indoor and outdoor water uses.

The proponent has indicated the project will use low-flow plumbing fixtures for water closets and faucets, including EPA WaterSense labeled fixtures for all toilets, urinals, faucets, and showerheads. We continue to urge the proponent go beyond compliance with the relatively weak WaterSense standards and specify toilets that comply with the MaP Premium standard, urinals that use 0.25 GPF or less, lavatory faucets that use 1.0 GPM and showerheads that use 1.5 GPM. The Proponent should also ensure that all laundry equipment used in the project has a water factor of 4.0 or less. A variety of readily available products meet these criteria at prices comparable to conventional fixtures.

The ENF/PNF indicated that the landscaping and open space areas would not require irrigation, but rather would rely on native and adaptive plant species. The project has been modified and now anticipates installation of an irrigation system. The final EIR/PIR should describe the proponent's efforts to use rainwater and greywater for irrigation and other purposes, consistent with the Secretary Beaton's certificate.

⁵ MA DEP'T ENVIRON. PROTECTION, MASSACHUSETTS STORMWATER HANDBOOK, Vol. 1, ch. 2, 12-13 (2008) [hereinafter STORMWATER HANDBOOK].

⁶ MA DEP'T ENVIRON. PROTECTION, TOTAL MAXIMUM DAILY LOADS OF BACTERIA FOR NEPONSET RIVER BASIN (2002); MA DEP'T ENVIRON. PROTECTION, ADDENDUM: TOTAL MAXIMUM DAILY LOADS OF BACTERIA FOR NEPONSET RIVER BASIN (2012).

⁷ MA DEP'T ENVIRON. PROTECTION, TOTAL MAXIMUM DAILY LOADS OF BACTERIA FOR NEPONSET RIVER BASIN, 30 (2002)

The proponent should detail issues around maintenance dredging.

The proponent has described in the DEIR/DPIR plans to obtain a Chapter 91 license from MassDEP for the portion of the project that provides public access to the land along the harbor and the pier. Additionally, proponent anticipates pursuing a Water Quality Certification for dredging in connection with the project. However, there is no mention of plans to obtain a waterways license for the maintenance dredging described. While the proponent indicates that the Neponset Estuary ACEC RMP may describe theoretical support for maintenance dredging, that document was finalized in 1996. Moreover, while previous dredging was authorized in the distant past, 310 CMR 9.22 only authorizes maintenance dredging for up to 10 years after the issuance of a license. It has been more than 10 years since the RMP was finalized and even longer since the last license was issued. Thus, the proponent should more fully describe its anticipated process for obtaining MassDEP authorization to undertake maintenance dredging in an ACEC. If it is proponent's position that no new license is necessary for dredging, they should describe in detail the support for that position.

The Proponent must further detail the project's impact on abutting neighborhood.

The proponent's modified plan appears to reflect some of the concerns of the abutting neighborhood. We appreciate all efforts to work with the existing community to come up with a plan that benefits the public and neighborhood. However, the scope and scale of the project still appears too large for this small peninsula.

The community remains concerned that the development will influence the scope and scale of future redevelopment of adjoining parcels and will have a negative impact on the public safety in the neighborhood. In particular, there exist legitimate concerns that, given the lack of convenient transit access and presumed affluence of most of the residential occupants, the proponent's estimate of traffic impacts are too conservative. Traffic flow to and from the site via narrow neighborhood streets is another concern, as are those regarding the visual and neighborhood character impact of developing such tall buildings in proximity to a cohesive neighborhood of low rise buildings. Community members have also expressed concerns about increased water usage, and sewage generation given the limitations of the existing sewer capacity problems in the area in the form of past sanitary sewer overflows into homes.

The proponent should consider additional efforts to work with the community to explore alternatives to both the project and mitigation efforts, including access to public transportation (to reduce traffic), improvements to existing infrastructure, and a reduction in the size of proposed structures.

Thank you very much for your consideration of these comments. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Kerry Snyder
Advocacy Director

Due by Wednesday, 7/18/2018

You can e-mail your comments to BPDA, send to Tim Czerwienski tim.czerwienski@boston.gov

Please add your name, address and e-mail

July 18, 2018

Brian Golden

Director

Boston Planning & Development Agency

City Hall, 9th Floor

One City Hall Square

Boston, Ma 02201

Regarding: 24 Erickson Street, Dorchester, Neponset Wharf Project

Dear Director Golden,

*The height is too high
The Traffic will be horrible
The area can not withstand such a development
it will destroy the way of life most of us enjoy*

*Thank you
Ben Tankle*



Tim Czerwienski <tim.czerwienski@boston.gov>

Neponset Warf

Tue, Jul 17, 2018 at 9:33 PM

To: tim.czerwienski@boston.gov

Cc: [REDACTED]

Dear Director Golden; As a resident of Port Norfolk for sixty years and as a fire official in the city of Boston for 28 years I can speak from history and professional experience. Simply this project is too large to the impact of the community. Traffic congestion through narrow streets to access the project is my up most concern. The proponents of the development have never invited safety officials to any meetings with the neighborhood to address this concern. I have attended a majority of the meetings and have never seen a notice with safety officials. i could never ask questions to the safety officials. Traffic studies by the developer have been substanard to say the least. Spot data on isolated dates concluded their research. Their project is 1/8 the size of the commuinity but out sizes the commuinity by 150 %. It does not take rocket science to undertand that this project is is too large for this area. A commuinity is at is at risk and lives are at risk. I encourage you to deny this project until reasoable and safe solutions can be resolved for the neighborhood. This project is the corner stone of all future projects in the commuinity and we MUST get this right for the future. (Venezia,Sullivan McLaughlin, Touch Mark) They have far exceeded the zoning of this water front and are asking for a total re zoning of the area. Re zoning of the area took many years of cooperation from all spectrums of interested groups in the 90's. How can one special ineterest profit company negate all the work of so many and more important negate community that is the core of this great city . Respectfully Frank Kodzis 157 Walnut



Tim Czerwienski <tim.czerwienski@boston.gov>

Director Golden- Comments 24 Erickson Street, Dorchester, Neponset Wharf Project

Freda Manning [REDACTED]
To: Tim Czerwienski <tim.czerwienski@boston.gov>

Tue, Jul 17, 2018 at 5:44 PM

July 18, 2018

Brian Golden

Director

Boston Planning & Development Agency

City Hall, 9th Floor

One City Hall Square

Boston, Ma 02201

Regarding: 24 Erickson Street, Dorchester, Neponset Wharf Project

Dear Director Golden:

As a Port Norfolk resident I oppose the current proposal because enough detail to understand the impact on our neighborhood has not been provided. Knowing how many bedrooms per condominium is critical to evaluate impact and that has not been provided.

The reduction to 96 condominiums is not enough, 96 units are still too many to our neighborhood. If all were two bedrooms I would think at least one car per unit. My reasoning is we have a 2 bedroom with four adults and 3 cars. I know they have equations they use to calculate but I question those equations validity in neighborhood with poor transit access.

There are 151 households in the neighborhood this project would increase households by 65%, simply too much too soon. The number of floors is still too many and the height is still too high in comparison to our properties and building code of 35 feet.

Meetings have been held but questions have not been answered. Where is condominium owners visitors going to park? Where are the 75 people who are part of their marina going to park, and their guests? We know it will be on our streets and our small streets cannot handle parking on both sides and if they did we would have issues with emergency vehicle being able to get through.

My concerns are still the same as when the project started, and they are overflow parking, emergency vehicles access, traffic and future developments because of possible variances granted to this property.

The cars alone by the new owners will certainly add to our noise and air pollution. Planes, trains and expressway are major noise polluters to our neighborhood already we should not add more.

The current project is not a good fit for our neighborhood.

Sincerely,

Freda M. Manning

97 Walnut St.

Dorchester, MA [02122](#)



Tim Czerwienski <tim.czerwienski@boston.gov>

BPDA Comments - Neponset Wharf Project, 24 Ericsson St

Jason Berry [REDACTED]
To: "tim.czerwienski@boston.gov" <tim.czerwienski@boston.gov>

Wed, Jul 18, 2018 at 11:03 AM

Hello Tim, please find my comments below...

Dear Director Golden:

I have reviewed the developer's responses/changes in the DPIR and have attended most of the public meetings and IAG specific meetings. I am still strongly opposed to this project. The changes do not adequately address concerns related to this parcel – street access/size problems coupled with a lack of public transit, environmental conditions and the need for a comprehensive neighborhood plan that builds on and respects the existing zoning/planning work. The developer claims that the proposed changes address these issues. However, proposed reductions are based on a starting point that was completely unreasonable leaving the revised project still outside an acceptable range and other issues that were raised were simply not addressed.

I am not opposed to a development on this parcel but they need to propose a project that fits the location. I sincerely believe the project if approved in its current form will cause problems for the current residents (residential & business), the future residents that will occupy the new units, the city that will be responsible for unaddressed safety & infrastructure issues and the people who enjoy the public amenities in the Port (the beach, parks and bike path).

Here are some examples of how the developer continues to look at this parcel in isolation without properly addressing it surroundings –

- The parcel is located on a small peninsula with street access and size limitations. The traffic study acknowledges that nothing can be done to address access issues related to Morrissey boulevard beyond painting lines. The only reasonable mitigation option is a substantial reduction in size beyond what has been proposed. Street parking is already an issue because of the narrow streets. A resident of the Estuary Condo complex on Walnut Street noted in a meeting that its development committed to being self-contained in regards to resident & visitor parking. The resident asked the developer to make the same commitment. The developer would not. I see no good reason why this can't be accomplished.
- The parcel has special environmental attributes – it is within an ACEC and an intertidal area, abutting shellfish beds and public beach in a watershed that suffers from legacy toxins. They reference the Resource Management Plan (RMP) when convenient but ignore key items that don't align with their goals. The primary form of mitigation in an ACEC is avoidance and minimization when avoidance is not possible. Rehabilitating the marina and providing public access to the shoreline can be accomplished in a way that avoids and/or minimizes certain proposed items. For instance, do they need to construct new steel piers and change the boat lift system from the existing mobile one to a crane? How can the minimize their dredging footprint? Are they replacing floating docks with fixed ones?
- The parcel is located in a neighborhood that has undertaken zoning and planning efforts for decades – ask Ed Roche and Ben Tankle for history and details. The developer fails to respect one of the primary tenets of that zoning – height restrictions. I find it hard to believe that a viable development can't be achieved while still respecting height restrictions. I see nothing that meets the hardship criteria.
- The Port Norfolk neighborhood is already impacted by Boston sea level rise. The developer has incorporated elements to protect its parcel from storm surge and flooding but has failed to consider the access roads leading to the site. Any development in the Port of this size should work with Climate Ready Boston to develop an overall plan for the

Port. Failure to do so with create immediate safety risks during storms and will lead to chronic infrastructure problems in the coming decades.

- In multiple letters and comments during meetings, community members and groups have requested a comprehensive plan for the entire neighborhood. Concerns have been raised about adjacent parcels. The importance of this parcel's designation as a waterfront service district has been raised. The neighborhood just started talking to Climate Ready Boston to work out a plan to deal with sea level rise. Morrissey Boulevard is undergoing changes. The Seamore's building is leasing up and the activity is noticeable. Multiple new projects have been approved and are underway. The new park recently opened and with it came bike traffic (lots of families/kids) and new safety concerns. Frank Kodzis made some excellent points regarding emergency access issues that should be addressed in a formal document. The Port needs an overall plan addressing all these items before project of this size should move forward.

Thanks,

Jason Berry

Port Norfolk Resident & IAG Member

Jason R. Berry

Itfoots Software LLC - Productivity Solutions for Accountants

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July 18, 2018

By Email Only

Mr. Brian Golden
Director
Boston Planning & Development Agency
City Hall, 9th Floor
One City Hall Square
Boston, MA 02201

RE: Neponset Wharf Project - 24 Ericsson Street, Dorchester

Dear Director Golden:

I write to provide comments on the current version of the Neponset Wharf Project which is proposed to be built in the Port Norfolk neighborhood of Dorchester. As a matter of background, I am a lifelong resident of Boston. My wife and I have owned and resided in our Walnut Street home in Port Norfolk since 1990.

For many reasons detailed below it would be hard to image a worse or more inappropriate location for the Neponset Wharf Project than at the end of the Port Norfolk peninsula in Dorchester. Accordingly, I write in strong opposition to this project, even in its revised form.

1. The Port Norfolk neighborhood cannot handle the dramatic increase in vehicle traffic through the neighborhood that this project will produce.

As an initial note, it is important to realize that the project is proposed to be at the very end of the Port Norfolk peninsula in Dorchester, which means that all of the vehicle traffic to and from the project will need to travel through the narrow streets of the Port Norfolk neighborhood. There simply is no way to avoid driving through the neighborhood to reach the project.

The project currently proposes to build 96 residential units, plus a 75-slip marina, a boat storage facility, and various amenities. At a public meeting, the architect for the developers stated that the residential units probably would average at least 2 bedrooms per residential unit. Given the location of the Port Norfolk neighborhood well outside of the core of the City with extremely limited MBTA transportation access, the occupants of the 96 residential units reasonably will have a total of at least 192 cars (i.e., an average of

2 cars per residential unit), and there would be even more cars if the average unit size ends up being over 2.0 bedrooms per unit. This average of 2 cars per unit is consistent with the number of cars per residence owned by other residents of other 2 bedroom condominiums in the neighborhood, such as in the Estuary at Port Norfolk at which I live. It is also consistent with the average of at least 2 cars per housing unit throughout Port Norfolk.

In addition, these 96 residential units at the project inevitably would produce additional vehicle traffic by guests visiting these residential units, by school buses serving the children residing in the units, by trash and recycling trucks, by workers serving the residents of these units, etc.

Moreover, the non-residential components of the proposed project inevitably will generate additional vehicle traffic to and from the project. In particular, the 75-slip marina will generate traffic, especially in the April to October boating season, from people wanting to access and use the boats in the slips, as well as traffic over the winter months to the boat storage facility. The market/deli and other amenities proposed for the project will generate still more vehicle traffic, including people driving to the project to fish on the fishing pier, to enjoy the view, etc. It would be reasonable to assume that in addition to the 192 cars going to and from the residential units each day (perhaps multiple times per day), the non-residential unit portions of the project would result in at least another 75-100 vehicles (especially during peak boating periods) traveling through the neighborhood each day to access the project.

The project's developers do not and cannot claim that people will access their project by public transportation. There is no MBTA stop, or commuter rail stop, within walking distance of Port Norfolk. There is no MBTA bus service inside Port Norfolk. The closest MBTA bus stop is in Neponset Circle and offers very limited bus service (especially outside of rush hours) to Fields Corner Station only. It is even difficult to get an Uber or Lyft ride in Port Norfolk, as these ride sharing services rarely come into Port Norfolk.

Traffic currently leaving or accessing Port Norfolk is very slow, congested and often dangerous.

First of all, there are only two ways in or out of Port Norfolk – over the Redfield Street bridge or by way of the road past DCR Tenean Beach Park. The former route currently is massively crowded, slow and backlogged every morning (and at other peak times) on Woodworth Street as cars park on both sides of this two-way street that is the only way out of Port Norfolk after one crosses the Redfield Street bridge. The portion of Walnut Street near Neponset Circle has the same problem of being a two way street with only one drivable lane. People on these streets have to pull their cars over whenever a car approaches from the opposite direction, and the problems are even worse at times as school buses and trucks use this route to leave Port Norfolk (especially if they want to access I-93 North, Quincy, or the Ashmont or Lower Mills areas of Dorchester). Turning into Neponset Circle from Walnut Street is next to impossible at any time of the day and

can be very dangerous due to their being no traffic light cycle in Neponset Circle to allow a safe exit from Walnut Street into Neponset Circle (especially if one wants to go around Neponset Circle to access Neponset Avenue, Gallivan Boulevard or the bridge to Quincy).

The other exit out of Port Norfolk is hardly better, in that it goes onto northbound Morrissey Boulevard, which usually has cars driving at such a high speed and in such a high volume that it can take many minutes of waiting to be able to join the traffic (often in a dangerous manner), all this is without the benefit of a traffic light. Morrissey Boulevard is also a highly congested road once one gets north of Conley or Tenean Streets (the two access roads from Port Norfolk onto Morrissey Boulevard) and this congestion will only get worse with the Commonwealth's proposed reduction in the number of vehicle traffic lanes on this road.

Perhaps even more importantly, only three narrow streets run inside the neighborhood from the Redfield Street bridge or from Conley Street (by way of Tenean Beach) to the proposed project location – Lawley, Port Norfolk and Walnut Streets. All three streets are narrow and have parked cars on them. Port Norfolk Street is so narrow as to be one way, while the other two streets are two way streets but are not wide enough for two cars to pass each other in a location where a car is parked. The net result is that, just like with Woodworth Street and the portion of Walnut Street near Neponset Circle, traffic jams up and the only way to get through is to pull over to let other cars going the other way pass. During heavy traffic periods it can take quite a while to drive just one block on any of these streets. Adding hundreds of new vehicles to this traffic pattern will result in total gridlock.

In fact, the neighborhood's vehicle grid lock will be even worse than one might otherwise think if this project is built, since (as detailed below), the project clearly does not have enough on-site parking spaces. Thus, this project will result in many additional cars being parked on the streets of the neighborhood, especially along Lawley, Port Norfolk and Walnut Streets.

The problem is made worse by the existing large restaurant and event facility – the Venezia – just to the east of the proposed project location. The Venezia produces massive vehicle traffic, often with drivers who have enjoyed alcoholic drinks, through Port Norfolk many times per week. These drivers are not used to the slow give and take necessary for driving down Port Norfolk's currently overcrowded roads, and displays of road rage are not uncommon.

The problem is even worse after a major snow storm, when much traffic can be all but blocked on many neighborhood streets for days at a time. This problem typically occurs between 10-14 days per winter. In addition, during a recent flooding of Neponset Circle and Morrissey Boulevard (as well as many neighborhood streets) the neighborhood was totally cut off from any vehicle access.

Obviously, the actual construction of the project would have a massive negative impact on the neighborhood and its traffic, as all of the construction trucks and supply

deliveries would have to access the project site by way of the neighborhood's narrow and overcrowded streets. For example, currently when a large boat is transported by a truck from the current marina site all traffic in the Port Norfolk neighborhood essentially is stopped in order to allow the truck to be able to move.

One partial "solution" to the traffic problems would be to ban on street parking in some or all of Port Norfolk, but this is totally unrealistic and unreasonable since almost all housing units in the neighborhood do not have off street parking for their vehicles and since (as noted below) the project inevitably will result in many additional vehicles needing to park on neighborhood streets.

Finally, and most importantly, the traffic problems are not simply issues of resident inconvenience and delay, but matters of critical public safety. There are no police or fire stations in Port Norfolk. Thus, all public safety personnel and vehicles have to access and depart the neighborhood by the same overcrowded roads used by the residents. Even now, fire trucks, police cars and ambulances can be delayed trying to drive down Port Norfolk's crowded streets to respond to emergency calls. With all the additional traffic generated by this proposed project, the inevitably additional driving delays will be life threatening.

2. The project does not have adequate on-site parking.

The project proposes to provide a total of 170 parking spaces. As noted above, 170 spaces are not enough parking for the 96 residential units alone, let alone for the 75-slip marina, the boat storage facility, the market/deli, and the various public access facilities such as the fishing pier. Inevitably, 80-100 or more cars will need to park at times in the already overcrowded on street parking in the Port Norfolk neighborhood. There is not space for these cars to park on the neighborhood's already crowded streets. Even if there were, this additional parking would make the traffic on Port Norfolk's narrow streets grind to a virtual standstill as there would not be places for a car to pull over between parked cars to let cars going the other way pass by.

At a minimum, to build in this location where there is extremely limited on street parking and no nearby off site public parking lots, the project should be required to show that it has sufficient on-site parking for all of the vehicles accessing the site, including resident, guest and visitor vehicles. To be clear, this is not an unreasonable requirement; the nearby Estuary at Port Norfolk condominium complex has parking spaces for all of the vehicles that access it, and thus does not burden the neighborhood's on street parking at any time.

3. The Port Norfolk neighborhood's infrastructure cannot handle a dramatic increase in demand for utilities.

Port Norfolk currently has an ancient and grossly overloaded utility infrastructure. The proposed project's demand for water, sewer, electricity and gas lines simply cannot be met without a massive upgrading of this infrastructure. Of course, any such upgrading

would inevitably mean closing streets, making the traffic and parking problems in Port Norfolk much worse.

4. The Port Norfolk neighborhood cannot handle the dramatic increase in population and density that this project would bring.

The current project's 96 residential units would dramatically increase (by over 50 percent) the number of residential units in the Port Norfolk neighborhood. This would result in a drastic change in the character of the neighborhood. Moreover, the project's buildings (which apparently would provide approximately 240,800 square feet of total building area) are not consistent with the size, type, density or height of other residential buildings in the neighborhood.

The project's developers point at the (limited) public open space that this project will provide, while ignoring the fact that the neighborhood already has more than enough open space in that there already are two large DCR parks located in the neighborhood, as well as a walking path along the Neponset River providing the neighborhood with safe access to the larger Pope John Paul Park and other upstream parkland along the Neponset River.

5. The project is not appropriate from an environmental point of view and is grossly inconsistent with prior planning studies.

As other commenters on this project have noted, this project is not appropriate from an environmental and planning point of view in that it totally ignores the character of the Port Norfolk neighborhood, the Neponset River ACEC, the Dorchester waterfront, the Port Norfolk Waterfront Service Zoning Code and the Port Norfolk BRA Plan. In the interests of brevity, I agree with and join in comments on these topics made by others in opposition to this project.

Conclusion

Quite simply, the proposed project might have a great design if it were built elsewhere – such as next to the current Marina Bay complexes in nearby North Quincy – but (as noted above) this project is totally inappropriate in its proposed location at the end of the narrow and crowded Port Norfolk peninsula. Many projects can be made acceptable through mitigation measures or minor reductions in scale, but the proposed project is so fundamentally flawed at its current location as to make this impossible. The BPDA should not approve this project.

Thank you.



Geoffrey R. Bok

Article 65 Section 65-32 paragraph 17.

Luther Briggs is specifically named (virtually unprecedented). It is mind boggling that none of this has been recognized by anyone in this process, other than the Port residents, especially you. I cannot believe that anyone with knowledge would ignore it. The explanation can only be that they simply have not read it.

REGULATIONS APPLICABLE IN NEIGHBORHOOD DESIGN OVERLAY DISTRICTS

Section 65-32 Establishment of Neighborhood Design Overlay Districts

.....21 65-33 Boston Landmarks Commission Design Review Requirement.....

25 REGULATIONS APPLICABLE IN GREENBELT OVERLAY DISTRICTS

Section 65-32. Establishment of Neighborhood Design Overlay Districts. This Section 65-32 establishes Neighborhood Design Overlay Districts (“NDOD”) as overlays to all or portions of certain sub districts within the Dorchester Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the historic character, existing scale, and quality of the pedestrian environment of these neighborhoods, which give Dorchester its unique architectural character. While development of housing within these Neighborhood Design Districts is encouraged, new construction or rehabilitation that preserves and complements the character of the existing housing stock will enhance the historic quality of these neighborhoods. The following Neighborhood Design Overlay Districts are established:

1. Ashmont Hill Neighborhood Design Overlay Design District.. 2. Carruth Street/Peabody Square Neighborhood Design Overlay District. 3. Codman Square Neighborhood Design Overlay District. 4. Jones Hill Neighborhood Design Overlay District.. 5. Lower Mills West Neighborhood Design Overlay District.. 6. Meeting House Hill Neighborhood Design Overlay District. 7. Melville Avenue/Wellesley Park Neighborhood Design Overlay District.. 8. Savin Hill Neighborhood Design Overlay District.. Isolated from the rest of Dorchester by highways, water and parkland, this area encompasses stylish and substantial residences dating from the mid-1840s through the 1880s. ARTICLE 65 – DORCHESTER NEIGHBORHOOD DISTRICT 22

9. Uphams Corner Neighborhood Design Overlay District.. 10. Bellevue/Glendale Neighborhood Design Overlay District.. 11. Cedar Grove/Richview Neighborhood Design Overlay District. 12. Mill Street/Clam Point Neighborhood Design Overlay District.. 13. Lower Mills East Neighborhood Design Overlay District. 14. King Square Neighborhood Design Overlay District. . 15. Mount Bowdoin Neighborhood Design Overlay District16. Pleasant Street North Neighborhood Design Overlay District.. 17. Port Norfolk Neighborhood Design Overlay District. This area is a coastal community containing an interesting collection of Greek Revival and Italianate dwellings, as well as an industrial complex associated with the mid-to-late-19th-century Putnam Nail Co. and Lawley Ship Yard. The coming of the Old Colony Railroad to Dorchester in 1844 opened Port Norfolk up to residential and commercial development. Luther Briggs, the noted mid-19th-century architect, was hired by Edward King, the president of the Neponset Wharf Company, to survey and lay out lots along Pine Neck Road, now Walnut Street. Briggs went on to extend new streets on the neck including Fulton (Lawley Street), High (Port Norfolk Street), and Taylor Streets. The present Port Norfolk street system was more or less in place by 1859. Briggs is credited with the construction of several houses in the Port Norfolk Area, including Italianate townhouses and his own Greek Revival home. 18. St. Margaret's/Boston Street Neighborhood Design Overlay District 19. St. Mark's /Mather St. Neighborhood Design Overlay District.

158 Walnut Street
Dorchester, Massachusetts 02122 -3617

July 9, 2018

Re: 24 Ericsson St. Neponset Wharf Development under consideration

Honorable Brian Golden Executive Director
Boston Planning and Development Agency
City of Boston
Boston City Hall
Boston, Massachusetts.

Dear Director Golden:

My name is Edward Roche a resident and grateful homeowner of 45 years in port Norfolk.

I always knew there was something very special architecturally about Port Norfolk but I couldn't put my mind on why! The answer came as a result of the current proposed redevelopment of the waterfront edge and proponents awkward plans I did my homework and researched its history! The conclusions I have stated here are hopefully opening up a new beginning for discussions on the future of this project, I look forward to these discussions and wish the participants well, as it is a difficult project to get right and to undertake.

Most people in greater Boston do not know that the Port Norfolk village peninsula along Dorchester bay exists ; the attached graphic and this letter seeks to inform you of its planning and development history for your consideration in your review of proponents application for the "Neponset Wharf Development ".

Dorchester, circa 1630, a town of Norfolk County, abutted the city of Quincy, Boston and the town of Milton, until its annexation to Suffolk County in 1870, prior, in Norfolk county it had thrived as a town since its beginnings.

The 1870 acrimonious Annexation brought many unfortunate changes to the history, culture, composition and infrastructure of Dorchester, the annexation was not kind to the historic buildings and organization of this town ! .

Prior to annexation and around 1850, Dorchester's Peninsula "Pine Neck Creek environs" heralded a new waterfront development as Norfolk county's opening to Boston Harbor : Port Norfolk, a peninsula on Dorchester Bay /Neponset River was designed and developed for the historic Putnam Nail Corporation by its architect Luther Briggs Jr. !

Neighbors comment Article 65 Section 65-32 paragraph 17.

"Luther Briggs is specifically named (virtually unprecedented). It is mind boggling that none of this has been recognized by anyone in this process, other than the Port residents, especially you. I cannot believe that anyone with knowledge would ignore it. The explanation can only be that they simply have not read it. "

As a preview, **when BRA began the harbor rezoning effort in 1985, and started with its first chosen IPOD site, the Port Norfolk peninsula was erroneously not thoroughly researched** as to its historic planned land use ; It is to this day not understood why this oversight occurred, but it is a fact to be recognized by BPDA and other planning agencies of the City State and Federal governments.

Architect Luther Briggs and Clients King and Putnam Nail, envisioned and designed **A mixed use plan** an industrial and Residential campus of beautifully massed and scaled commercial buildings and stately residential homes on this peninsula (see attached illustration), The plan, a revolutionary concept I believe for its time, compatibly married these uses together to create a campus like place to work and live in this waterfront village .

Twenty years after its development and Perhaps because of the Dorchester annexation and a non-participant in the city plans ; was soon to be overwhelmed by its proximity to the highways and related projects, Port Norfolk as a coherent waterfront village was overwhelmed and ignored by" the progress " of the city, not worthy of downtown attention, Briggs masterful plan began to be pulled apart by benign neglect .

Yet Port Norfolk ...the harmonious Village scale in place because of the Briggs plan, with the presence of the remaining industrial scale buildings and the stately period architecture residences, though diminished, remains vital to the identity of the city of Boston then as today.

The neglect by the City of Boston and BRA planning oversights began to turn in The village, in 1980, when the port became a featured neighborhood during the placement of a hazardous

waste transfer station in early 1970; this exposure led to the waste stations closure and to the ports being rezoned in 1989 ; sadly the lack of understanding of the underlying peninsula master plan , the BRA zoning led process did not go below the surface of year 1985 missed , by not understanding the underlying baseline elements of the Briggs plan.

A new beginning :

In any event , Thankfully the zoning was a new beginning , the new zoning plan clearly outlined the City of Boston's and Dorchester residents view for the future of the port This rezoning begun and completed by Mayor Flynn has been embraced by Mayors Menino and Mayor Walsh to date. A very important overlooked component of the rezoning code by all recent parties (including the government) was the **establishment and the enforcement of 19 Dorchester Neighborhood Design overlay districts :**

REGULATIONS APPLICABLE IN NEIGHBORHOOD DESIGN OVERLAY DISTRICTS Boston zoning code :

Section 65-32 Establishment of Neighborhood Design Overlay Districts .
Section 65-33 Boston Landmarks Commission Design Review requirements ..and close by

25 REGULATIONS APPLICABLE IN GREENBELT OVERLAY DISTRICTS

Section 65-32. Establishment of Neighborhood Design Overlay Districts.

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17. Port Norfolk Neighborhood Design Overlay District.

This area is a coastal community containing an interesting collection of Greek Revival and Italianate dwellings, as well as an industrial complex associated with the mid-to-late-19th-century Putnam Nail Co. and Lawley Ship Yard. The coming of the Old Colony Railroad to Dorchester in 1844 opened Port Norfolk up to residential and commercial development. Luther Briggs, the noted mid-19th-century architect, was hired by Edward King, the president of the Neponset Wharf Company, to survey and lay out lots along Pine Neck Road, now Walnut Street. Briggs went on to extend new streets on the neck including Fulton (Lawley Street), High (Port Norfolk Street), and Taylor Streets. The present Port Norfolk street system was more or less in place by 1859. Briggs is credited with the construction of several houses in the Port Norfolk Area, including Italianate townhouses and his own Greek Revival home.

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14. King Square Neighborhood Design Overlay District. .

15. Mount Bowdoin Neighborhood Design Overlay District

16. Pleasant Street North Neighborhood Design Overlay District

18. St. Margaret's/Boston Street Neighborhood Design Overlay District

19. St. Mark's /Mather St. Neighborhood Design Overlay District.

The 2002 rezoning has worked quite well : All new projects built since the rezoning , with few exceptions , have followed the underlying zoning , architectural , historic preservation , land use , urban design guidelines established and assisted under design review by the BPDA and The city of Boston developments under the new zoning have occurred successfully with no nuisance . A positive impact of the current project proposed is the

Comments on current BPDA review of Ericsson St. development project June 26, 2018
Roche IAG member

research undertaken by the writer and the discovery of the historical Briggs organizational land plan for the peninsula of 1850.

In this context , in my opinion, **The proposed project completely compromises the underlying urban design order of the peninsula and the zoning criteria established by the BPDA and City of Boston Zoning commission in 1989 has been ignored by all .**

To my knowledge never in the 168 year history of the port has a height variance been granted by the city of Bostonthis proposed project is currently proposed at 7 stories and rising well over the norm of the 35' height limitation ; furthermore with little public benefit and overloading an already overloaded circa 1850 roadway and infrastructure system. Too big, way out of scale and a very out of context design and scale.

The attached illustration displays the seamless connections of the waterfront and the surrounding residences and demonstrates how any project planners of the proponent site should recognize and use as the established baseline for planning a project.

BPDA , I implore you to Please consider the context of the port village in your review of the proposed plan and its impact on the occupants and families occupying this historic peninsula , it's importance recognized in the rezoning of Port Norfolk 16 years ago by the BPDA , neighbors, and businesses of the city.

Comments on BCDC meeting for follow-up for future review.

ESTABLISH BRIGGS PLAN OF 1850 AS THE BASELINE Plan FOR PRESENT AND FUTURE DEVELOPMENT IN THE PORT.

Goals:

1. **Impartial** review by BCDC and BPDA Mayor perhaps appoints neighborhood rep(s) to review team. **We need help from BPDA design staff. Importantly (This project sets precedents for other development futures in the port)**

Why hasn't BPDA required proponent to address their underlying zoning plan for port Norfolk , that it developed with this neighborhood in establishing new and now existing zoning updates in 1989; we are confused at this lack of continuity and coordination with what is in the zoning code on the books in relation to the proponent's plan that seems to ignore current zoning and presents no reasons for doing so . It has been ignored.

The BPDA and BCDC need to recognize the baseline urban design plan of the peninsula. (I would suggest that the original Briggs waterside plan may be the first occurrence of mixed industrial -residential use , ever, on the Boston Waterfront and environs)

Example : though far back from waterfront Port Norfolk the planning of the port in 1850 by Briggs , trained by uncle Alexander Parris , was no less important nor prominent than new

efforts ongoing downtown , I use Arlington St. Planning efforts circa 1880 as an example of the similar underlying planning principles of the port .

I suggest that when Dorchester was annexed to the city in 1870 ...perhaps through oversightno attention was paid to the underlying plans for the Norfolk county Port Norfolk plan of 1850, the original land use plans were never understood nor considered by Boston Government as being part of the context of the city planning process in the addition of Dorchester to the City, Yet,the principles established by the Putnam plan were remarkably similar to other period projects occurring in downtown Boston: e.g.: Back Bay.

Uniformity of design, building materials, set back and roof height, which greatly added to the overall cohesive residential / commercial design of the Back Bay in the mid-nineteenth century. Example



Arlington Street in 1880 = What was being planned for the newly acquired Port Norfolk and the rest of Dorchester at that time?How was Dorchester planning post 1870 annexation incorporated and integrated into Boston planning efforts? **I would suggestnot at all.**

Arlington Street was laid out as a north-south axis from Beacon Street in ...

2. Proponent either refuses or doesn't understand the underlying planning baseline and design is unresponsive to the urban design standards and original plan of the port by Briggs and Putnam. No conformance to Historic context of Port Norfolk waterfront.

Needed! - Bona fide **historic preservation** planner / urban designer should be leading the design team =. Proponent states that doesn't need preservation planner even though one is listed as part of the design team. The proponent doesn't recognize that Port Norfolkis

3. Project Design isolates overwhelming project from historic **residential component** of original neighborhood plan. Creates another wall surround around the village.

Designer statement**need statement of Acceptance** of fact of historic land use Briggs design connection to residential neighborhood in peninsula as basis of current design plan for the waterfront .

4. Bring scale , height and mass into conformance with other structures on the peninsula (just like the back bay did back in 1870 !) that Briggs set in 1850 ! .

Floor area ratio similar to existing far average for neighborhood. E.g. There has never been a variance (to my knowledge) for height above 35 ' in 168 yr. history of the port.....Venetia is 28' 2 stories No variance requested.

Comments on current BPDA review of Ericsson St. development project June 26, 2018
Roche IAG member

Proponent architect Provide consistent Clear drawings / plans esp. elevations that show true impact of buildings on neighborhood. Plans changed from one presentation to another. They are misleading.

5. Establish building **Height limit** of 35' to 40 'max.

6. **Parking requires 2 car spaces per unit and adequate fact based parking requirements for boat slips / marina and other uses.** Not counted yet.

7. **Truly** Recognize impact of project on all roads in and out of parkway and Olmsted designed Tenean beach and reservation. Research this, regulations affecting this project?

9. **Current plan brings questionable benefit to the neighborhood! The amenities, though pretty, presented are overstated and unnecessary; I would rather see attractive buildings that are compatible with the scale and natural flow of the neighborhood.**

10. **Why abandon water front services zone for residential uses** – explore viable compatible waterfront dependent uses and related jobs for the site! Or consider **a WSI mixed use project including a marine related business or research facility, team up with University as waterfront lab host site and related mixed housing.**

11. Step up assistance to neighborhood from BPDA. More definition and recognition of enforcement of existing zoning. More attention with planning needed from BPDA and related government and state agencies.

12. Proponent needs to present a review of the existing underlying zoning and historic land use plan identified in the current zoning and **define how the project is compatible or incompatible..... point by point .**

Please consider the context of port village in your review of the proposed plan and its impact on the occupants and families occupying this historic peninsula and recreational environs, its importance recognized in the rezoning of Port Norfolk 16 short years ago by the BPDA, neighbors, and businesses of the city. **The current zoning plan has performed well; read it and understand it ! please do not reinvent the wheel by ignoring the historic planning processes of 1850 and the 1990s.** I am sure that given the challenges of the proponents site and future other developments for the port , the existing residents and businesses of the port would welcome a compatible , well thought out , well designed project for this site.

Sincerely and respectfully yours

Edward Roche AIA NCARB

Member Impact Advisory Group
Port Norfolk Citizens association.

Comments on current BPDA review of Ericsson St. development project June 26, 2018
Roche IAG member

Cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ben Tankle .

Cc: Tim Czerwienski BPDA

David Carlson Exec. Dir. BCDC

Michael Cannizzo Design review architect BPDA

Matt Martin Design review architect BPDA

Attachment: illustration. Updated land use illustration.

July 18, 2018

Brian Golden
Director
Boston Planning & Development Agency
City Hall, 9th Floor
One City Hall Square
Boston, Ma 02201

Regarding: 24 Erickson Street, Dorchester, Neponset Wharf Project

Dear Director Golden,

This letter is in response to the Draft Environmental Impact Report, (EEA No. 15728), for the Neponset Wharf Project by City Point Capital. I am strongly opposed to the Neponset Wharf Project. I have been a science teacher for 37 years with a Biology Degree from Boston University and have lived in Dorchester my entire life, the last 38 years in Port Norfolk. I am an active member of the Neponset Greenway Council, I am on the Board of Directors for the Neponset Watershed Association and serve as the Environmental Chairperson for the Port Norfolk Civic Association. I have enjoyed working with the DCR on projects along the Neponset River especially the completion of the Joseph P. Finnegan Park at Port Norfolk. I believe that I am someone, along with many neighbors, who knows the area well and I am a strong supporter of the Neponset River ACEC. For these reasons, my comments are lengthy, but necessary. I have updated my comments concerning the Neponset Wharf to address the responses made by City Point Capital in the Draft Impact Report. Many of my comments are the same as I do not feel that the developers have sufficiently addressed the issues.

Below is a summary of impacts to the Port Norfolk neighborhood, to the Neponset River Area of Critical Environmental Concern and the Dorchester Waterfront. The Plan for the Neponset Wharf Project is extremely deficient of information and misleading. The responses to the questions about possible impacts only refers to the actual site of the project and there is no regard to the surrounding neighborhoods or the ACEC. They are ignoring much of the Massachusetts Wetlands Act, River Act, ACEC Regulations and CMZ Regulations especially in regards to sensitive environmental areas surrounding the site. The Plan also has no regard for the BRA Plan for Port Norfolk or the Port Norfolk Waterfront Service Zoning Code and is ignoring the character and history of the Port Norfolk neighborhood. Many times I have read criticisms of the term "character of the neighborhood" as being vague and useless. The Port Norfolk, historic seaside peninsula, Neponset River ACEC Character is real, unique to the city and needs to be protected and preserved. As a precedent setting project, the vision of the developer, a wall of condos, is not what the Dorchester Neighborhood Waterfront should become.

In addition to the issues addressed in updated comments listed below, the issues of Sea Level Rise, Increased Storm Intensity and Flooding due to Climate Change, in the entire area, needs to be studied. The Dorchester Waterfront, and in particular the Port Norfolk neighborhood, experienced a large amount of flooding, during this past winter storms. Morrissey Boulevard, Neponset Circle, Conley Street, Lawley Street, Erickson Street and Walnut Street all experienced significant flooding. Entrances and exits from Port Norfolk were blocked. (See attached pictures.) We could not get home or leave. This

was a wakeup call to the residents of Port Norfolk. The City of Boston Climate Ready Flood Maps shows that this problem is only going to get worse. Not only will there be an increase in major flooding during storms, but there will be flooding of Conley, Lawley and Walnut Streets during daily high tides, cutting off roads in and out twice every day. The Climate Resilience measures proposed by the Developers of Neponset Wharf Project only address the project site. They do not consider the effect of their proposal on the neighborhood or how they will deal with changes in the neighborhood. Will the hill and roads they are making on site cause runoff and more flooding into the neighborhood during storms? How are people to get in and out if roads are gone? They are creating an island at the end of a peninsula that would increase the population of Port Norfolk by 50%. The Port Norfolk neighborhood has no evacuation plan or storm emergency response plan. The existing residents have no directions on what to do during a flooding, fire or health emergency during a storm. City and State climate experts and engineers need to study the area, identify the problems and report on possible solutions. It does not make sense to approve any project in Port Norfolk or anywhere along the Dorchester Waterfront until there is a complete Climate Change /Resiliency Plan and Emergency Plan for the entire area.

In Regards To...

Size, Scope and Use - Project will overwhelm the Port Norfolk Neighborhood and Dorchester Waterfront. Port Norfolk peninsula is all at one level, 2-3 stories and trees. An 86 ft. high project will stick up like a sore thumb, negatively changing the Dorchester Waterfront views from the hills of Dorchester and from the water looking in. If you ride around U Mass, Boston, and look towards Port Norfolk and Neponset you will see a few small building but mostly a neighborhood of trees, wildlife and the beautiful Blue Hills in the background. Travelling along Rte. 93 in the Port Norfolk area offers the best views of Dorchester Bay and Boston Harbor along this highway. A massive building project in Port Norfolk will destroy these unique, historic views. The project will destroy the character of the Port Norfolk Neighborhood. 96 condos will double population of entire Port Norfolk neighborhood. 75 boat marina and retail will change the character of this quiet seaside neighborhood. They have reduced the size of their original project from 150 Condos to 96, but we see that as adding 96 condos to the existing neighborhood. The end of the Port Norfolk Peninsula already has a large restaurant, 4 function rooms and 4 bars of liquor establishments. We already are negatively affected by the amount of incoming traffic, speeding in our streets and patrons who been drinking exiting. Doubling the existing population will strain infrastructure and utilities. The use of the site for a large condominium project is unsuitable. The size of the marina and amount of dredging will harm Neponset River Area of Critical Environmental Concern (ACEC) during construction and after.

Design – The 2 residential buildings running parallel to the Boston Distillery, Buildings B and C are too big and too high. The even larger residential and parking lot building facing Tenean Beach, Building A, is completely unacceptable. The new design, proposed after this filing, is incompatible with the neighborhood and the Tenean Beach ACEC area. It is a massive building blocking the view of the sea and sky from the people visiting Tenean Beach, from the hills of Dorchester, from people riding by on Rte. 93. Large box design with wings are incompatible with historic Port Norfolk Neighborhood homes and buildings and natural ACEC area. Any reflective surfaces, such as windows, across from Tenean Beach will reflect the afternoon sunlight directly into the eyes of the public trying to enjoy beach. We are not a Downtown Seaport Waterfront. We are a small neighborhood within a critical environment. Port Norfolk is a very special place and needs to have special considerations. The Boston Design Commission has directed City Point Planners to listen to the neighborhood and to respect the story of Port Norfolk.

It is unclear from the drawings what the style of the boathouse, Building D, is. This building is in a highly visible location and should also have a compatible style with historic buildings, neighborhood and waterfront.

Traffic and Parking- Port Norfolk is a small peninsula. Adding more cars through small neighborhood streets is unacceptable, only way in and out is through Morrissey Boulevard, already difficult to access. There is no plan offered because there is no possible solution. Ideas such as ride sharing in a rich condo development and ferries in a shallow river are not reasonable. Plan only providing 170 parking spots for 96 condos plus visitors. There is no mention of parking for the 75 boat slip owner's or their visitors. Parking need will exceed 170 spots. The overflow parking from the site will compete for already scarce, neighborhood spaces with the local residents and cars will add air and waste pollution to the area. If we add the Climate Change predictions into the planning, traffic problems will become impossible to deal with. The development team does not address this issue.

Height, Sky Dome, and Shade – Plan only addresses sky dome from Erikson Street. An approximately 86ft high building and other massive buildings, will block view of sky dome and ocean from Tenean Beach, Rte. 93, Dorchester Neighborhoods, Venezia Harborwalk and block ocean breeze onto Tenean Beach and into the neighborhood. We did not receive a direct answer as to how high the project is from Erickson Street after they add height to the land under the buildings. The beautiful views of sunrises and sunsets across the end of the Port Norfolk Peninsula, visible from Tenean Beach and inland Dorchester and the public Venezia Harborwalk, will be blocked. A visit to Marina Bay shows the results of blocking the sun and sky. With the addition of their most recent building project, the public boardwalk is now in shade by mid-afternoon and the view of the sunset is gone. Large buildings in Port Norfolk will block birds moving back and forth to feed and nest between Squantum point Park and Pine Neck Creek and flights by Migratory Birds. Project will add shade to Pine Neck Creek and Tenean Beach, changing temperature of water thus impacting wildlife especially in the morning hours. The residents of Port Norfolk witness the wildlife and birds all the time and respect the ACEC, the developers do not. Their own Shade Diagrams show how dark the open space within the site itself will be due to the large buildings. They mention that shade is not as much of a concern in the winter, but actually in winter, when the Sun is at a lower angle, there is more shade. The sun rises on the seaward side of the project and sets on the landward side so shading is increased the length of the project, north to south, then west to east, then north to south again.

Sewage – A 1,245 to 27,956 Gallons/day increase to an old, already problematic sewer system will cause more backup into homes. Most of Port Norfolk is a flat sea level peninsula, hampering flow. Who will pay for clean-up, new sewer system and individual hookups to homes if current system breaks down? The residents of Port Norfolk have not received any notice from BWSC of plans for the neighborhood. Storm Drains in the area will easily become overloaded with floodwaters during future storms by both rain water and the sea. This will cause more flooding in Port Norfolk and the entire Dorchester Waterfront area and is not addressed by developer.

Dredging and Larger Marina - City Point Capital has not yet tested the mud to be dredged for contaminants. Environmental regulations for contaminated mud are quite different than non-contaminated and type of contaminants is an issue as well. They have not given sufficient information in their Draft Impact Report to address the contamination and their dredging plans. They have not found a previous dredging permit. What will be maintenance - what will be improvement? How will

determination be made if no permit record is found? The depth of the dredging in the past is a question since the natural water level would have been deeper and may have not required as much dredging. Now that mud has built up the entire area they are asking to dredge to 6 feet. Improvement dredging in an ACEC is forbidden. Previous marina dredging is allowed but only if area has not returned to its natural state and still has to abide by MA Wetlands and Waterways, Riverway Regulations and CMZ Management Regulations.¹

Port Norfolk Yacht Club members believe it has been approximately 30 years since last dredging. Much of the site has refilled with PCB contaminated mud up to the level of land in Pine Neck Creek. The surrounding area is now an ACEC and has changed back into a natural area considerably. This needs to be taken into consideration. Resuming large amount of dredging in a now ACEC area will impact humans using the beach, the adjoining shellfish beds, mudflats, fish spawning areas, marshes, Tenean Beach, Victory Road Park and the wildlife that feeds and nests there by covering them with mud and releasing PCBs into the water. There is no completely safe way to dredge contaminated mud even with silt curtains.² Now that the area has filled with mud, deep dredging across from Tenean Beach would create a cliff that would cause Pine Neck Creek to collapse into the dredging site, possibly erode Tenean Beach and harm marshes by changing current patterns and wave actions. More boats means more pollution such as from oil, gasoline, wastes leaks. Presently there is only about 15-20 boats on site. What will water around marina look like with 75 boats? New private wharfs in an ACEC are forbidden. Are the proposed wharfs considered replacement or improvement? Plan seems to be proposing much larger docks than those that are currently at the site.

Fence Removal from dock in water across from Tenean Beach – Removing the fence could cause increased wave action that could cause erosion of Tenean Beach. The professional evaluation done by City Point Capital is not sufficient and needs to be studied further. They report that the longest fetch and thus the largest waves would be from the North and thus not cause erosion. In reality, there is a large opening to the Harbor between North- North East where large waves can come through. During a storm, typically a Nor'easter, this is the direction of the wind and thus the large waves. They also report that the mudflats being shallow will cause waves to dissipate. Again, during a storm, there is a storm surge which pushes water into the area allowing larger waves to reach the shore. Residents of Port Norfolk have seen this for years, but last winter's storms caused more flooding than ever before. This will only get worse.

Runoff from Property – The Plan states that runoff will be reduced due to more of the site being unpaved. The Plan does not take into account that adding cars, trucks, and boats to the site will increase the pollutants in the runoff water into an ACEC area. Also, the planners have no knowledge of the weather conditions in the area. When there is a heavy storm in Port Norfolk, the wind is most often coming from the Northeast. The precipitation, rain or snow, comes sideways down our streets, not straight down to the ground. Large building along the edge of Port Norfolk will catch the rain and snow and build up at the site. This will increase the runoff from the site. Will creation of a hill in the middle of the property for climate resiliency cause more water, rain and sea to flow into the surrounding properties?

Biking and Walking– The Plan seems to be proposing the idea that the project will somehow promote the use of bicycles and walking in the area. The Neponset Greenway Trail goes through the neighborhood via Taylor, to Water, to Conley Street. It connects Joseph Finnegan Park to Tenean Beach.

Adding 1,500 cars a day will make riding through the area considerably more dangerous, especially at the ends of the streets going down to the project along Water Street. Walking in and out of the site will be through narrow openings where there is little or no room for sidewalks causing unsafe walking conditions. Signs and Crosswalks should be put into place by the city now. We should not have to wait.

Open space, Public view - The developer's report on open space and view is misleading. They say they are providing 2 acres of open space but it is not clear if they are also counting streets and sidewalks. Much of the open space will be in the shade for long periods due to the large buildings. 40% of Port Norfolk already is open space. We value open space, but the open space offered does not compensate for the height and size of the buildings that will diminish the quality of the open space we already have. The public view offered is of the Rte. 93 embankment and highway and a LNG tank with Boston behind it. They would be destroying the public view from Tenean Beach, Rte. 93, Dorchester Hills, and Victory Road Park out into the Bay and from Dorchester Bay into Dorchester. A small additional space and degraded view does not justify the harmful impacts of this project. Their Plan, construed to obtain a Chap 91 license, is disingenuous as it does not add to the quality of our views, it harms them.

Construction – Noise and vibrations due to construction of a large project and trucks going by will impact neighborhood and ACEC wildlife. Any kind of drilling and pile driving will be noisy. Will it also release harmful dust and chemicals into the air? There is a substantial threat that construction could cause damage to historic homes and buildings, old streets that are sinking, and water and sewer pipes especially since much of Port Norfolk is on filled land, known to increase impact of vibrations. Noise will scare away birds in ACEC, nesting and feeding near site. Noise will disturb neighbors in Port Norfolk and Neponset.

Hazardous Wastes - The Plan states that they have found some oil/hazardous wastes on the site but it is not clear if have they tested entire site? If it needs to be removed, there needs to be a detailed procedure and report on how will they protect the ACEC environment and the neighborhood from contamination. They have not tested the mud in the dredging area for contaminants yet they have vague plans to dredge. It is questionable whether any type of dredging methods can safely remove contaminated mud.

Public Amenities – The offered public amenities are redundant in the area, inappropriate for area, or harmful to ACEC and neighborhood, and will increase traffic even more with no parking. They are being offered to obtain licenses with no thought of need or workability. Do not justify negative impacts regarding Chapter 91 Laws, Wetlands Act, neighborhood zoning or ACEC. Neighborhood and greater Dorchester does not need them!

Fishing Pier - Fish traveling downstream in Neponset River have high levels of PCBs, should not be eaten. Fishing Pier already exists next to Joseph Finnegan Port Norfolk Park. Fishing gear, lines, and hooks could entangle birds and children, wash up on beach and marshes.

Open Space and Views - The open space offered to the public does not justify the degradation of the enjoyment of the open space that we already have. They are offering views of Rte. 93 and an LNG Tank, with Boston in the background. There is a better view of Boston from the Venezia Public Harborwalk next to the project and from the public Harborwalk Lookout at the Estuary Condominiums. The views of Dorchester Bay and the skydome will be greatly diminished from Tenean Beach, Victory Road Park, travelers on Rte. 93, and Pope's Hill. The views inland of Dorchester and the Blue Hills will be

diminished from Dorchester Bay, U Mass, Boston and Squantum Point Park. The Developers have yet to show a rendering of the project from the viewpoint directly across from Tenean Beach. The reason being, it will look massive!

Market - A small market on site is not a bad thing, but it does not justify or make up for the large amount of negative intrusions into the Port Norfolk Neighborhood that this project will cause.

Fire and Safety- There are concerns about fire safety. Entrances into and through Port Norfolk are already difficult. Entrances into this site are narrow and multi- angled. Will large fire equipment be able to reach all sides of the buildings proposed on the site? How many fire Vehicles can even fit down the streets of Port Norfolk and into the site. If the parking lots at Venezia, the Winery and the Boston Distillery are filled and overflowing, the usual case, the situation becomes even more dangerous.

During last winter's storms, there was significant flooding on Conley Street, Lawley Street, Walnut Street, and Erickson Street at Neponset Circle and all along Morrissey Boulevard. Entrances and exits from Port Norfolk were cut off. This will only get worse as sea level and storm intensity increase due to climate change. Port Norfolk has no evacuation plans or storm response plans. It does not make sense to increase the population of this neighborhood by 50%.

Waterfront Development/Marina- The Neponset Wharf Plan proposes to retain the marina at the site. However, they only seem to be providing for docking and storage. This site is one of the few sites left in Boston Harbor where there is a full marina capable of large boat sales, service and repairs. It is not an underutilized property. The repair services are used by the Boston Fire and Police Boats. The unused space is necessary to move large boats. Large buildings on the site will hamper the movement of boats in and out of the water, diminishing the use of the property as a working marina. A full working marina should be preserved. There has been no discussion of pricing for a marina slip. I would assume that since they are developing high price condominiums that the boat slips will be high priced as well. This does not serve the Dorchester resident population.

Boston Zoning Code and Port Norfolk BRA Report- Project ignores Dorchester Port Norfolk Neighborhood Waterfront Service District Zoning- max height 35 FT, no retail. Housing is conditional but refers back to Port Norfolk Neighborhood Zoning which is 5,000 sq. ft. lots, single family. The BRA and the Port Norfolk Neighborhood worked together for many years to develop the Port Norfolk Plan and Zoning. Nothing has changed, they should not be ignored. Allowing this project will set a bad precedent for entire Dorchester Waterfront. Many years ago, Dorchester lost its waterfront when the train tracks and Rte. 93 were built. The DCR has been working for many years to restore the Dorchester Waterfront. With the designation of the Neponset River ACEC and the creations of parks, they have been quite successful. This project would be the beginning of creating a wall of condos between Dorchester and its waterfront. The Dorchester Waterfront Zoning Code and the BRA Plan for Port Norfolk is meant to protect Dorchester from projects such as the Neponset Wharf. Project needs to be cut down. They should be offering a much smaller project in size, height and density or none at all, and keep it a complete working marina. It was taxpayer money that was used to clean the water and create the ACEC and parks. A developer should not be able to benefit from these improvements if they cause harm and degradation to the area, reducing the public enjoyment of them.

Plan is inconsistent with ACEC Management Plan- The Neponset Wharf Plan states that it is consistent with the Management Plan for the Neponset River ACEC. 3 They have taken one idea, that the site

remain a waterfront use area, but the actual idea was that the whole site be retained as a working marina not a luxury condo development with a high priced private marina. They ignore the rest of the Management Plan. There is no proposal in the ACEC for adding large buildings, excessive dredging or oversized wharfs. All Massachusetts Wetlands and River Acts and Coastal Zone Management regulations need to be respected to the highest level. Harming wetlands by contamination where flocks of birds feed and fish spawn, covering with mud, changing flow and tidal patterns, possible erosion, noise, shading, blocking of bird flight paths is not respecting these laws. A large area of the dredge site has returned to its natural state which prohibits dredging. There is a 100ft Buffer Zone along the ACEC.⁴ The ACEC Management Plan also states that if there is a proposal at the site, local zoning would control development.⁵ Clearly, this plan does not abide by these directives. The very idea of this project goes against the spirit and intent of the ACED designation.

Plan is inconsistent with Imagine Boston 2030 – The Neponset Wharf Plan states that its proposal is consistent with the Imagine Boston 2030 Plan. First of all, the Imagine Boston 2030 Plan is not a legal document. It is a vision that some people have for the city. The Imagine Boston 2030 Plan has no mention of the Port Norfolk neighborhood. We are not designated as an area for future, possible development. We are not a Transit-Oriented Neighborhood. In fact we have very poor public service, an infrequent bus line that brings you backwards to the T, not towards Boston. The imagine Boston 2030 states that any development be consistent and respectful of the character and scale of the neighborhood in which it is proposed. ⁵

We are not a downtown waterfront. The Neponset Wharf Project will be a drastic, negative change to the look and quality of life within the Port Norfolk Neighborhood and detrimental to the ACEC and to the Dorchester Waterfront. What the Imagine Boston 2030 plan does state is that remaining open space along the water should be considered for use in climate resilience/ flood control and public parks.⁶

Imagine Boston 2030 also states that Climate Resiliency measures should be district wide undertakings. Climate-resiliency plans have not been developed yet in Port Norfolk or any part of Dorchester.⁷

Economic Injustice – Tenean Beach is the Poor Man’s Beach. It would not be right if rich people get to sit in their condos and enjoy their view while the public at Tenean Beach, Dorchester neighborhoods and travelers on Rte. 93 have to look at 86ft high monstrous buildings. The quality of the experience when using Tenean Beach, the Neponset Greenway, Victory Road Park, and Dorchester Bay will be permanently diminished.

Environmental Injustice - The designation of an area as an ACEC raises it to the highest standards of protection from any project in or around it. The ACEC mandate for all private and public agencies is to “Do No Harm”. The Neponset Wharf sits directly in the Neponset River ACEC. The State and City need to recognize the uniqueness of the area and its high need for protection.

In the Neponset River ACEC the designation is working. Much of the area is returning to the natural marshes, mudflats, shellfish, and buffer zones needed for the health of the Boston Harbor and the ocean wildlife. Some of the bird observations from this summer have included egrets, great blue herons, night herons, bitterns, cormorants, swans, swallows, red wing blackbirds, and various ducks, gulls and sandpipers. This should not be jeopardized! The area must be protected for the sake of the environment and its wildlife and for the children of Dorchester to experience and learn about valuable

estuary ecology vital to the health of the ocean. The quality of our existing parks and recreation areas should not be diminished.

Once again, we are not a downtown waterfront district, the Seaport or Marina Bay. We are a small, unique, historically planned, seaside neighborhood within an Area of Critical Environmental Concern and about to be severely impacted by the rising sea.

Special considerations for protection and preservation from the State and City are required and is necessary concerning any proposal in Port Norfolk, the Neponset River ACEC or anywhere along the Dorchester Waterfront.

Thank you for taking the time to read these comments.

Sincerely,

Maria Lyons

Port Norfolk Civic Association Environmental Chairperson

Neponset Greenway Council Member

Neponset Watershed Association Board of Directors Member

Citations

1. 310 CMR 10.00: The Massachusetts Wetlands Protection Act

310 CMR 10.25 (3-7)

“ (3)Improvement dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in: (a) bottom topography which will result in increased flooding or erosion caused by an increase in the height or elocity of waves impacting the shore; (b) sediment transport processes which will increase flood or erosion hazards by affecting the natural replenishment of beaches;

(c) water circulation which will result in an adverse change in flushing rate, temperature, or turbidity levels; or

(d) marine productivity which will result from the suspension or transport of pollutants, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat.

(4) Maintenance dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in marine productivity which will result from the suspension or transport of pollutants, increases in turbidity, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat.

(5) Projects not included in 310 CMR 10.25(3) or (4) which affect nearshore areas of land under the ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes. (6) Projects not included in 310 CMR 10.25(3) which affect land under the ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries habitat or wildlife habitat caused by:

(a) alterations in water circulation;

(b) destruction of eelgrass (*Zostera marina*) or widgeon grass (*Rupia maritima*) beds;

(c) alterations in the distribution of sediment grain size;

(d) changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants; or

(e) alterations of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae.

(7) Notwithstanding the provisions of 310 CMR 10.25(3) through (6), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37. ‘

2. From ERDC TN-DOER-E21, September 2005

Francingues, N. R., and Palermo, M. R. (2005). "Silt curtains as a dredging project management practice," DOER Technical Notes Collection (ERDC TN-DOER-E21).

U.S. Army Engineer Research and Development Center, Vicksburg, MS.

Pg 19 "Silt curtains can be effective in containing floating debris, but not always in containing contamination. Soluble contaminants, particularly heavy metals, can flow through, around, or under the curtain."

3. Area of Critical Environmental Concern, Resource Management Plan, March 1996

Massachusetts Executive Office of Environmental Affairs

Trudy Coxe, Secretary, EOE

Department of Environmental Management

Peter C. Webber, Commissioner, DEM

Pg.16 Overall Goal "Preserve, enhance, restore, manage, and encourage appropriate use of the natural and

cultural resources of the estuary of the Neponset River.

4. ACEC Pg 26 "The boundary of the Neponset River Estuary ACEC, as designated, can be generally described

to include the following:

1) the wetland resource areas of the Neponset River marshes and estuary, as defined by the Wetlands Protection Act regulations. The boundary generally follows the jurisdiction of the Wetlands Regulations, including the edge of the resource area and a 100-foot buffer. It does not include the floodplain where, in several locations, it extends beyond the 100-foot buffer of these resource areas.

2) adjacent public open space and historic districts."

5. ACEC pg 17-18 Planning and Zoning

"The municipalities regulate land use, density and dimensions of development through local zoning by-laws. "

5. From Imagine Boston 2030, City of Boston

pg 156 "Imagine Boston will guide preservation, enhancement, and growth in neighborhoods to further improve the specific characteristics that make each place vibrant, inviting, and connected to the rest of the city. This means facilitating contextually appropriate residential and commercial development on neighborhood main streets and infill development on residential side streets at the scale of the existing

neighborhood fabric. We will undertake this work in close collaboration with residents in each neighborhood to ensure that new development enhances quality of life for existing residents.”

6. From Imagine Boston 2030

pg 238 “Existing community, recreational, and ecological resources can be strengthened, and new signature parks can be created to draw Bostonians and visitors to the water. Underpinning Boston’s long-term success as a waterfront city will be determined by vital investments in multilayered flood-protection systems that prepare economic hubs, existing and emerging neighborhoods, and critical infrastructure for the changing climate.”

7. From Imagine Boston 2030

pg. 256 “Develop local climate-resilience plans to prepare existing and expanded neighborhoods for climate change. Coordinated planning in areas of severe flood risk, including the study of flood protection mechanisms, can ensure that job centers, residential areas, and critical infrastructure can be safe in the face of climate change. The flood risk that Boston faces is not just a challenge for individual buildings and other assets; it is a threat to entire neighborhoods. When streets and other key infrastructure are inundated and out of service, there are wide-ranging impacts. District-scale solutions are often more cost-effective to implement and maintain as well as more likely to



Tim Czerwienski <tim.czerwienski@boston.gov>

Port Norfolk Flooding pictures

Maria Lyons [REDACTED]
To: Tim Czerwienski <tim.czerwienski@boston.gov>

Wed, Jul 18, 2018 at 3:53 PM

Please add these pictures to my comment letter.
Thank you,



Maria Lyons







Get [Outlook for iOS](#)



Tim Czerwienski <tim.czerwienski@boston.gov>

24 Erickson st. Dorchester, Neponset Wharf Project

Barbara heiss [REDACTED]
To: tim.czerwienski@boston.gov

Wed, Jul 18, 2018 at 8:19 PM

I am opposed to this project for the reasons below:

A project of this magnitude is much too large and would have a negative impact and has little concern for the residents of the Port Norfolk neighborhood.

Traffic , traffic , traffic and more traffic. This neighborhood simply is not made to handle it.

It is difficult as it is for emergency vehicles to enter and exit never mind adding a complex of this size with the proposed amount of vehicles to it .

It is difficult at best to enter Morrissey Boulevard now never mind having an additional 170 cars plus.

If this past winter is an indicator as to what the future will bring ,with sea water on Walnut St , I can only imagine the damage the project will incur.

Lastly, I do not understand how a project in its original proposal could have even been considered . It clearly did not have the neighborhood and the foot print that it's on in their best interest.

Barbara Heiss
169 Walnut St 3

Sent from my iPad

July 18, 2018

Brian Golden
Director
Boston Planning & Development Agency
City Hall, 9th Floor
One City Hall Square
Boston, Ma 02201

Regarding: 24 Erickson Street, Dorchester, Neponset Wharf Project

Dear Director Golden,

This letter is from the Neponset Greenway Council in response to the Draft Impact Plan for the Neponset Wharf Project by City Point Capital. Thank you for giving us the opportunity to comment on this project. The Neponset Greenway Council is opposed to the Neponset Wharf Project Plan.

The Neponset Greenway Council is a volunteer organization that is dedicated to the development and stewardship of bike/walking paths and parks along the Neponset River and are strong advocates for environmental preservation within the Neponset River Reservation and Neponset River Area of Critical Environmental Concern. For 27 years, the Neponset Greenway Council has been the lead community organization working closely with the Department of Conservation and Recreation on the planning and construction of the Neponset Greenway. We have also been highly instrumental in the development and stewardship of the DCR Parks in Dorchester including St. John Paul II Park, Neponset Park, and Joseph Finnegan Park at Port Norfolk. Our membership includes volunteers from Dorchester, Mattapan, Hyde Park, Milton and beyond.

We believe that the Neponset Wharf Project, as proposed, will have negative effects on the public using the Neponset Greenway and Tenean Beach and on the Neponset ACEC physical structure and wildlife. We are also concerned with the general effect of this project on the Dorchester waterfront.

Below is a summary of impacts to the Neponset Greenway, Tenean Beach, the Neponset River ACEC and the Dorchester Waterfront. The Neponset Wharf Plan is extremely deficient of information and misleading. Possible impacts cited by the plan only refer to the actual site of the project and there is no regard to the surrounding neighborhoods or the ACEC. They are ignoring much of the Massachusetts Wetlands Act, River Act and ACEC Regulations especially in regards to sensitive areas surrounding the site.

In Regards To...

View of project from Neponset Greenway and Tenean Beach - Project will overwhelm the Dorchester Waterfront. Port Norfolk peninsula is all at one level, 2-3 stories. 86 ft. high project will stick up like a sore thumb, negatively changing the Dorchester Waterfront views and character drastically.

Design – Large designs are incompatible with the natural ACEC area. Any reflective surfaces across from Tenean Beach will reflect sunlight into the eyes of the public trying to enjoy beach.

Traffic- The Neponset Greenway crosses through the Port Norfolk Neighborhood from Joseph Finnegan Park to Tenean Beach. 1,500 cars a day through small neighborhood streets will make unsafe conditions

for walkers and cyclists. The neighborhood needs increased signage along the Neponset Greenway warning of passing cyclists. This needs to be done by the City now. 1,500 cars a day in and out will add air pollution and increase pollutants in runoff from area, negating the increase in permeable areas reducing runoff.

Height, Sky Dome, and Shade – Plan only addresses sky dome from Erikson Street. Two 86ft high buildings and other massive buildings, will block view of sky dome and ocean from Neponset Greenway, Tenean Beach, Rte. 93, Dorchester Neighborhoods, Venezia Harborwalk and block ocean breeze onto Tenean Beach. The beautiful views of sunrises and sunsets across the end of the Port Norfolk Peninsula will be blocked. Large buildings will block birds moving back and forth to feed and nest between Squantum Point Park and Pine Neck Creek and Migratory Birds. Project will add shade to Pine Neck Creek and Tenean Beach, changing temperature of water, impacting wildlife and enjoyment by humans.

Dredging and Larger Marina - They have not found a previous dredging permit. How will maintenance / improvement dredging be determined? Much of the site has refilled with PCB contaminated mud up to the level of land in Pine Neck Creek. The surrounding area is now an ACEC and has changed back into a natural area considerably. Resuming large amount of dredging in a now ACEC area will impact the adjoining shellfish beds at Bucky's Bar (off of Squantum Point Park), mudflats, marshes, Tenean Beach and the wildlife that feeds and nests there by covering them with mud and releasing PCBs into the water. Deep dredging across from Tenean Beach could cause erosion of beach, creek, and harm marsh by changing current patterns and wave actions. There is no completely safe way to dredge contaminated mud. More boats means more pollution such as from oil, gasoline, wastes leaks. Presently there is only about 15-20 boats on site. Another issue not addressed by the Plan, is where will the hazardous waste contaminated mud be deposited after it is dredged from the area? You cannot just dump it in the ocean somewhere else.

Fence Removal in water across from Tenean Beach – Increased wave action could cause erosion of Tenean. The Plan states that this will not be a problem due to the north fetch and shallow mudflats not allowing for large waves. However, storms usually come in from the North East, preceded by a storm surge.

Open space - The developer's report on open space is misleading. They say they are providing 2 acres of open space but much of public open space will be in the shade. It is not clear if they are also counting streets and sidewalks. A small additional space does not justify the harmful impacts of this project.

Construction – Noise and vibrations due to construction of a large project and trucks will impact ACEC wildlife. Noise will scare away birds in ACEC, nesting and feeding next to site, in marshes, mudflats and shellfish beds.

Flooding – There is a serious issue of flooding along the Neponset Greenway and in the Port Norfolk neighborhood. This area needs to be studied for neighborhood Climate Resiliency before any project is approved.

Allowing this project will set a bad precedent for the entire Dorchester Waterfront. Many years ago, Dorchester lost its waterfront when the train tracks and Rte. 93 were built. The DCR has been working for many years to restore the Dorchester Waterfront. With the designation of the Neponset River ACEC and the creation of the Neponset Greenway and parks, they have been quite successful. This project

would be the beginning of creating a wall of condos between Dorchester and its waterfront. An alternative project, much smaller in size, height and density should be offered.

The Neponset River ACEC designation is working. Much of the area's extremely important ecosystem is returning to the natural marshes, mudflats, shellfish, and buffer zones needed for the health of the Boston Harbor and the ocean wildlife. It is evident, with a ride or walk along the Neponset Greenway, that these positive changes are occurring and the wildlife is prospering along the Neponset River. The proposed Neponset Project would be a step in the wrong direction.

The Neponset River ACEC Plan does encourage waterfront use at the site of the Neponset Wharf project, but it also states that any project at this site should be compatible with the surrounding ACEC and Port Norfolk Neighborhood. It should comply with the Port Norfolk Waterfront Zoning and all Wetlands Regulations. Clearly 150 condos, 85ft high, 1500 cars/day and extensive dredging do not fulfill the mandate of the Massachusetts ACEC Designation, "DO NO HARM".

Thank you for taking the time to read these comments.

Neponset Greenway Council

Marjorie Jeffries, Milton

Martha McDonough, Readville

John Lyons, Dorchester

Vivien Morris, Mattapan

Jeff Stone, Milton

Lee Toma, Milton

Irene Walczak, Hyde Park

Jessica Mink, Roslindale

Maria Lyons, Dorchester

Paul Nutting, Dorchester

Ellie Spring, Dorchester

Rita Walsh, Hyde Park

Steve White, Dorchester

John J. Lyons
176 Walnut Street
Dorchester, MA 02122

July 20, 2018

Mr. Brian Golden
Director
Boston Planning and Development Agency
City Hall, 9th Floor
One City Hall Square
Boston, MA 02101

RE: Neponset Wharf Project – 24 Ericsson Street, Dorchester

Dear Director Golden:

I am a life-long City of Boston resident, and I have lived in my present home in Port Norfolk since 1981. I am the president of the Port Norfolk Civic Association, but this letter is written in my individual capacity. Rather than address the DPIR point by point, I hope to summarize the major issues which remain outstanding, relative not only to this specific proposal, but to the adjacent related parcels, and the entire neighborhood. Since discussions began in June 2017, following the announcement of the project in a Boston Globe article published in February, members of the community have attended meetings with MEPA, BCDC, and the BPDA. Residents of the community have collectively invested hundreds of hours in the process of evaluating and discussing the project, attending such meetings and public presentations, and in formulating responses to the Environmental Notification Form, and the Project Notification Form, and the current Draft Project Impact Report and Draft Environmental Impact Report.

I believe that project as proposed should be rejected, for the reasons set forth below. I respectfully recommend and request that a process of planning the entire Port Norfolk peninsula, at least on the water side of Ericsson Street, be conducted, with the professional assistance of BPDA staff, including all stakeholders.

The Neponset Wharf project is obviously a significant proposal for Port Norfolk, but it also must be viewed as the model for planning for the entire Dorchester waterfront. The “ordinary” Article 80 process typically focuses on design and mitigation. In this instance there has been a critical deficiency in the process, in that the underlying zoning is essentially assumed to be obsolete. The discussion has been conducted based on the presumption that the construction of a primarily residential project is appropriate in a

Waterfront Service Subdistrict. The WS Subdistrict was introduced in Port Norfolk in 1992, following an IPOD process, and the designation was incorporated in the Dorchester Article 65, adopted in 2002. The permanent conversion of land which is in such limited supply, should be carefully considered as a matter of policy by the BPDA, for the long term balanced economic health of the City. The maritime sector is a significant contributor to the economy of the City, in employment, other spending, and tax revenue.

The proposed height of the project includes structures which will be in excess of double that of the highest existing 19th and 20th century structures on the site, as well as more than double the height allowed by the Zoning Code for the entire neighborhood. The existing height limitation reflects substantial planning efforts undertaken in the late 80's by the BRA, the community, elected officials, and every relevant State and City agency. Dorchester cannot afford to start down the path of missed opportunity which led to the current conditions in the Seaport, which is gridlocked, and where the sea is no longer visible.

The traffic issues in Port Norfolk have been well-documented, in publications dating from the 1980's through the present. The streets were laid out in the mid to late 1800's, and are narrow, since they predate the use of automobiles. As many individuals have stated, and the current traffic engineers acknowledge, vehicles cannot pass simultaneously on most of the streets. The neighborhood was further isolated by the construction of the railroad, now the MBTA and commuter rail, the evolution of Morrissey Boulevard as a regional transportation artery, and the construction of the elevated Southeast Expressway, Rte. 93. The two main points of entry to and exit from Port Norfolk are seriously deficient. Neponset Circle is typically gridlocked at peak times on a daily basis. The Conley and Tenean Street exits to Morrissey are death-defying, requiring merger with speeding commuters. Adding substantially to the traffic at those points will exacerbate the existing public safety issues, erode the quality of life for residents, and diminish the quality for proposed new residents. The only MBTA service available is a bus at Neponset Circle, one half mile from the project, which connects to the Red Line. The proposed Transportation Management Plan, includes a laundry list of currently popular ideas, none of which may be realistically implemented in this location.

The parking proposed for the project is grossly insufficient. The proponents state that the marketing of the project may focus on buyers who will not drive, or who will not own two automobiles. The reality in this location is that single occupant motor vehicles prevail, due to the isolation, and the lack of public transportation. There is a virtual certainty that vehicles from the project will be parked on the existing streets. Their proposed solution is resident parking. That solution works in other neighborhoods to an extent, however Port Norfolk is a unique case. There is a finite amount of land and streets, so that when capacity is reached, the only places to park excess vehicles are one mile outside the neighborhood, or in the water. There is an existing parking problem in much of the neighborhood. The Zoning Code provides in Article 6 in part, that in granting a Conditional Use, "the Board of Appeal may attach such conditions and safeguards as it deems necessary to assure harmony with [the] code ... such

as...requirements of off-street parking and other features beyond the minimum required.” The project representatives state that they are not required by the code to provide parking in excess of the minimum, at the same time as they seek substantial variances from the provisions of the code.

The proposed project is located is in the middle of an Area of Critical Environmental Concern. The proposed use in general is inconsistent with that designation. The public space set aside by the plan, required by MGL Chapter 91, may represent technical compliance, but the degradation of the existing public spaces cannot be justified. Renderings of the project are shown from a perspective which misrepresents the true mass of the structures, which will loom over the center of Tenean beach like an 80 foot wall. The existing Harborwalk at the adjacent Venezia Restaurant will be in shadow cast by the proposed structure for much longer periods than at present, and the significant sky view will be permanently impaired. The scale of the project cannot be justified by any argument other than a target profit or return on equity. Such arguments may be considered, but cannot alone establish a hardship necessary to grant zoning relief.

Please consider the reasoning in this letter as well as those submitted by other residents and interested parties, in determining that this project should not be approved. We appreciate the efforts of BPDA staff throughout this process. We are always willing to engage in respectful discussion with representatives of proposed projects in Port Norfolk. This proposal, even as modified, cannot be supported.

Very Truly Yours,



John J. Lyons

Comment: Created Date	First Name	Last Name	Organization	Opinion	Comments
5/7/2018	Denise	Britt		Neutral	Can there be some low income condos mixed in ? Boston is already becoming too unaffordable for a lot of people. Adding low income housing will help families stay in their home town and not have to uproot because of the price of living.
5/9/2018	Matthew	Raffio		Support	I am a resident of the neighborhood and remain in full support of this project. There are a number of headaches that will be rectified in the event this project comes to fruition. On aggregate, the positives outweigh any negatives that come with construction. There is no reason to not approve this project! I plan on attending the next meeting to express my support. Best regards, -Matt R.
5/18/2018	Deborah	Federico		Oppose	Hello, I was wondering if you plan to include low income housing in your plans. I don't think I would qualify necessarily but I think it's important to include that in terms of fostering goodwill with the community. Also, is there any way you can make it less tall? Your proposed plan will block my view of the Back Bay and of UMass Boston where I work. It will definitely detract from my quality of life. Best, Deborah Federico

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5/29/2018	Stewart	Roach	NORWOOD YACHT SALES	Oppose	Dear Tim, I get the feeling that this project may be already in the bag as they say. I don't understand why the city would change the zoning to include residential when it is clearly zoned by our predecessors for only Marine Industrial use. My industry continues to see water front boat yards and marinas gobbled up and ruining it for any one who has saved enough for a boat and wants to enjoy water front access. If the Mayor/BRA dedicated some area for a real servicing boat yard that provides jobs and benefits to the community I may be persuaded but then I ask myself why. It is zoned for Marine Use and it should stay zoned for marine use. It is not my problem nor the neighborhood that this developer bought this property and thinks he can change the zoning. I beg you and the mayor to keep this a boat yard as it will be a horrible blow to the boat community. For once let someone develop housing in Worcester or Springfield or inland but leave the boat yards alone. It is my understanding that East Boston ship yard is on the chopping block, as well as now 24 Ericsson street formally the Lawley Ship Yard. Putting up a small storage shed and a small crane is just a way to satisfy marine use and will be mismanaged and the storage shed will eventually become parking or another building when they cry poor. Boats have to go somewhere in the winter and the Mayor/BRA is doing everything he can to be anti boating. Many people suspect the Mayor is in bed with the developer and this will be green lighted with ease. I hope not.
6/29/2018	Edward	McCarthy		Oppose	The plans still do not address the very real issues of traffic, lack of adequate utility infrastructure, and inappropriate scale and density. The community has stated, clearly and articulately, that this development will cause irreparable harm to the city and the community. For all of these reason, I would respectfully suggest that this development should not be built as designed.

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7/2/2018	robert	goodwill		Oppose	How could a project in its original design (never mind the revised one) of this magnitude and scope even be considered to begin with ? It certainly appears that no consideration was given to the neighborhood of Port Norfolk given it's small foot print and a clear lack infrastructure. The revised project although smaller in size is still to large in scope and flawed for a neighborhood of this size. The increase in traffic this project brings will impact our streets and neighborhood immensely ! It is already difficult now to exit the neighborhood. Emergency vehicles have a difficult time to maneuver thru here as it stands never mind adding 170 vehicles plus. On one recent Sunday I was fourth in line behind a Motor coach that had left the Venezia Restaurant was unable to make the turn on Walnut St. to Morrissey Blvd. The coach had to back up several times in order to negotiate around some parked vehicles to make a wider turn . Traffic, a major in crease in vehicles and safety are just a few of the reasons this project should not be constructed .
7/10/2018	Pamela	Bradford		Neutral	IT WOULD BE A NICE IDEA TO START UP BOATING RENTAL FEES AND OR FERRY RIDES FOR THE PEOPLE IN NEPONSET CIRCLE ONCE AGAIN.
7/10/2018	Steven	Tankle	Port Norfolk civic	Oppose	This project they way it's proposed is to tall and definitely does not belong in this small peninsula. While I am in favor of some type development this is not it. The development team is very suspect when presenting it to the Civic group simply because they never answer the question asked always stray off to something else.
7/13/2018	James	Flynn		Oppose	The project is too large for our neighborhood. Roads in the neighborhood cannot support that much extra traffic. This is a historic neighborhood and we want to keep it that way.
7/13/2018	Mary	McCarthy	Resident	Oppose	Love the new marina idea and development of condominiums at this locations. However the size of the buildings and the amount of units proposed do not blend with the character of the neighborhood. In meetings held in one of the boat hangers, the developer admits that the Quality of Life known now in the Port will be very much changed by this project. The gives me much concern about what is being proposed and therefore I cannot support the project that is presented in this report. Traffic is a major concern but more importantly the character of the neighborhood is not being preserved.
7/18/2018	Chris	Stuck-Girard		Support	Add housing to this project. More people should live in this great neighborhood.

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7/18/2018	Sean	Wheeler		Support	As a frequent visitor to Port Norfolk and a resident of Dorchester, I support this project. It would be preferable to have a lower parking requirement, but this project will bring new neighbors, new retail, and new attention on the neighborhood.
7/18/2018	Joel	Barciauskas	Joel Barciauskas	Support	I support more people being able to move into and enjoy this great neighborhood!
7/18/2018	Paul	Nutting		Neutral	While I believe some housing should be located at this site, I continue to think the scale of this project is too large and tall considering its immediate proximity to the Harbor, and the limited vehicular access to the site with no public transit access. There are only three streets of egress on the Port. One is a designated one way to the site, and the other two, while technically two-way, due to their narrowness, function as one ways and promote a game of chicken to see which driver can or will pull over (if there is an available parking space). Adding more traffic to this mix without somehow creating an ideal means of egress. A similar sized waterfront parcel nearby hosts only 16 condominiums, and I suggest the BPDA tell the proponent to take his cue from that project.
7/18/2018	Christian	Merfeld		Support	I love this neighborhood and am supportive of more housing opportunities to afford the same access to the Dorchester waterfront as my husband and I have. Our biggest concerns to this and all projects in the Port Norfolk neighborhood is largely around accessibility given the narrow flood prone streets. If the traffic studies show that the neighborhood density can support the additional units we do not see any objections to permitting more homes to be built on the site.
7/18/2018	Andrew	Criscione		Support	We need all the housing we can get. The only people who would oppose such a project are homeowners trying to turn this city in San Francisco so they can sell their homes for \$4 million. Homes earn several times the wages of workers for every hour they exist in Boston, it is the ultimate racism, the ultimate injustice, and it must end now. Frankly, this project should have far more units, we should be building denser and taller until we get this housing crisis solved. Paris is beautiful at 55,000 people per square mile, and there's no reason Boston can't get to at least half of that. No reason, of course, except the real estate speculators masquerading as concerned citizens.

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7/18/2018	Cyrus	Tehrani		Support	<p>I'd like to voice my full support of this project as it's currently proposed. The housing this project creates is crucial to mitigating displacement in other areas of Dorchester and other vulnerable communities in Boston. It will also follow the Inclusionary Development Policy, which means it will create at least 13% affordable housing units. This is an infinitely amount more of affordable and market rate housing than what currently exists on the site. We need to be developing underdeveloped parcels like this to control housing costs in Boston. If the original proposal with higher density won't get approved, then please at least approve the updated filing.</p>