



The Honorable Anne Gobi  
24 Beacon St.  
Room 513  
Boston, MA, 02133

The Honorable Smitty Pignatelli  
24 Beacon St.  
Room 473F  
Boston, MA, 02133

October 18, 2019

Dear Chairwoman Gobi and Chairman Pignatelli,

We are writing in strong opposition to House Bill 833 “An Act confirming Commercial Wharf East Condominium Association present uses as authorized by the Downtown Waterfront-Faneuil Hall Urban Renewal Plan and Chapter 663 of the Acts of 1964 and Chapter 310 of the Acts of 1972 and preventing residents from being forced to sell their property and leave.” Although we are consistently appreciative of the work of Representative Michlewitz, we oppose this bill moving forward as it directly undermines the public’s interest in accessing the waterfront and enjoying the restored Boston Harbor.

The Mystic River Watershed Association (MyRWA) was founded in 1972 to protect and restore natural resources in the 21-community watershed stretching from Woburn through Revere. We count on Chapter 91 (i.e., the Tidelands Public Trust Doctrine) to ensure public access along the Mystic River and Boston Harbor.

Chapter 91, a longstanding state law with roots going back to the Magna Carta, has been used successfully in Boston to preserve the public trust in tidelands during a time of historic waterfront redevelopment. Without its requirements to use the tidelands first and foremost for water-dependent public access and facilities of public accommodation, residents and visitors to Boston would be almost entirely prohibited from accessing the harbor and benefiting from the \$4 billion public investment in its cleanup. **Commercial Wharf has had an outstanding requirement for 15 years to build a portion of the Boston Harborwalk and a Facility of Public Accommodation.**

Instead of protecting residents, **this bill overrides the public trust and does an end run around the ongoing efforts of the Attorney General and MassDEP to seek a resolution of the current controversy on Commercial Wharf.** This bill creates a terrible precedent that encourages Boston waterfront developers to fight Chapter 91 requirements to provide public access to Boston Harbor. We hope you will withdraw this bill from further consideration.

We strongly support Rep. Michlewitz’s efforts to ensure that the North End and its residents thrive. This bill would harm the public’s interest, however, not protect it. We ask you to withdraw this bill and work with the Attorney General and MassDEP to ensure that the Condominium Association follows through on its legal obligation to obtain a Chapter 91 license.

We look forward to hearing from you. I may be reached at 508-713-2459 or [julie.wormser@mysticriver.org](mailto:julie.wormser@mysticriver.org).

Sincerely,

  
Julie Wormser  
Deputy Director