



NORTH END / WATERFRONT RESIDENTS ASSOCIATION

**DRAFT 2/8/21**

February 12, 2021

Dion Irish, Commissioner  
Inspectional Services Department  
1010 Massachusetts Avenue, 5<sup>th</sup> Floor  
Boston, MA 02118

Subject: Concerns Related to the Operation of the Zoning Board of Appeal

Dear Commissioner Irish:

The North End/Waterfront Residents' Association (NEWRA) has for 25 years provided the North End/Waterfront community a process by which it can be informed about pending zoning, licensing and construction matters and provide community input to decision-making by city and state agencies. NEWRA meetings often include the review of zoning appeals, with presentations by appellants and questions and testimonies from abutters and other neighborhood residents. A discussion of the merits of an appeal and the potential impacts of associated development projects is typically followed by a vote of the members to support or oppose the appeal. Over NEWRA's 25 years, it has submitted hundreds of letters to the Zoning Board of Appeal (the "Board") as community input to the Board members' decisions. Providing community input to the Board takes significant effort by all involved.

Most of NEWRA's letters to the Board have reflected votes of support. When there is a vote to oppose, NEWRA's letter includes highlights of the meeting discussion leading up to that vote. Given the significant effort by residents through what is an open and transparent community process, NEWRA members and all North End residents – and all other City residents – should have confidence that their voices will be heard and have import in an equally open and transparent, as well as responsive, Zoning Board process.

Recent Zoning Board of Appeal events have elevated long-standing concerns that community and resident input may not be recognized or heard. This seems especially to be the case with written or spoken testimonies intending to provide reasons why an appeal should be denied.

A recent and especially troubling example is the Board's hearing on January 12, 2021, as well as several earlier hearing cancellations, on the appeal of Epsilon Partners related to conversion, renovation, and expansion of the building at 14 North Bennet Street (#BOA1012022). Both NEWRA and the North End/Waterfront Neighborhood Council had voted to oppose the appeal twice, on the original plans and on revised plans purported to mitigate the impacts that had

been raised by abutters. NEWRA's understanding of the Board's undertaking of this appeal includes the following:

- The appeal was scheduled for hearing five times in 2020 prior to the January 12, 2021 hearing - on February 25, April 28, June 30, August 25 and November 10. Each of these five hearings was unexpectedly cancelled on the day of the hearing after considerable effort on the part of residents to be present and be heard. But a request by abutters that the January 14 hearing be cancelled because the abutters' attorney could not be present due to a serious accident just days before was dismissed.
- At the January 12 hearing, the appellant and various supporters of the appeal were given opportunity by the Chair to make presentations and offer testimony, but the Chair called for a motion without giving opportunity, even for direct abutters, to speak in opposition or to respond to assertions made by the appellant regarding coordination with those abutters. What followed was a motion to support the appeal, since no voice in opposition had been heard.
- At the January 12 hearing, there was no mention of letters that had been received in opposition, or the grounds for opposition that had been raised. NEWRA is concerned that, generally, there is no indication that letters have been shared with or read by the members or read into the record.

These events raise concern of a potential for denial of basic due process. It is also apparent that a part-time board is incapable of properly and responsively handling the work load. In the Board's defense, there are simply too many items on the agendas to enable the Board to give proper consideration of objections, especially for appeals heard near the end of the day.

We appreciate your participation in a NEWRA meeting a year ago to discuss your department's administration and enforcement of the City's Short-Term Rental Regulations. We ask whether you would be able to participate in a discussion of our Zoning Board of Appeal concerns at our next meeting, on March 11. We will follow up with a phone call to your office.

Sincerely,

Cheryl Delgreco  
President, NEWRA

cc: City Councilor Lydia Edwards  
At-Large City Councilors Annissa Essaibi George, Michael Flaherty,  
Julia Mejia and Michele Wu  
John Romano, Mayor's Office of Neighborhood Services  
Brett Roman, President, North End/Waterfront Neighborhood Council