



NORTH END/WATERFRONT RESIDENTS' ASSOCIATION

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Zoning, Licensing and Construction Committee Report ***October 13, 2011***

Current Applications

227 Hanover Street, formerly LuLu's and Lyndell's bakeries, Philip Consolo has applied to the City of Boston Board of Appeal for zoning relief to change the allowed use of the first floor and basement of the building from bakery to small take-out restaurant ("Hot Tomatoes"), and has applied to the Licensing Board for the City of Boston for a 7-Day Common C.V. license for retail food service. The plans call for food preparation in the basement and take-out sales at a counter on the first floor. No tables or seats for on-premises consumption are included in the plans. At the September 27, 2011, ZLC Committee meeting, the manager agreed to maintain trash within the establishment and limit storage of trash in back alley barrels to the extent possible. Also, by agreement with neighbors, trash will be brought through the establishment for sidewalk pick-up; barrels will not be moved through the back alley and Mechanic Street.

Other Applications

230-232 Hanover Street and 234-238 Hanover Street – The two co-owners of the property encompassing the two buildings at 230-232 Hanover Street and 234-238 Hanover Street wish to subdivide the property into separate parcels, which would trigger certain zoning violations, including insufficient open space and inadequate parking. At its meeting on September 27, 2011, the ZLC Committee reviewed the application the owners filed with the Zoning Board of Appeal and subsequently recommended to NEWRA's Executive Committee that no further review be conducted and that NEWRA send a letter to the Board of Appeal stating that NEWRA has no objection to the proposed property subdivision. NEWRA's Executive Committee accepted this recommendation. On October 4, 2011, the Board of Appeal approved variances allowing the subdivision.

NEWRA Alcohol Policy Amendment

At the regular monthly meeting on September 8, 2011, NEWRA members voted to approve an amendment to the Policy on Approval of Alcohol Licenses and License Transfers" adding a cap on the number of retail (package store-type) licenses of 11. These licenses are officially called "Off-Premises Retail Licenses." There are presently 11 retail licenses in the North End/Waterfront area covered by the Policy, though one of those (issued to the former Nona's Market), is not presently in use and is expected to be transferred outside the neighborhood soon. The Policy has, for many years, also included a cap of 91 pouring licenses at restaurants and cafes. See the attached amendment language drafted by the ZLC Committee and approved by the Executive Committee on September 29, 2001, adding the retail store license cap of 11.

License and License Application Updates

292A North Street, formerly Nona's Market: The status of the retail beer and wine license formerly exercised at Nona's Market is unclear. The ZLC Committee will determine whether the license has already been transferred outside the neighborhood, as reported.

261 North Street, formerly Hot Tomatoes Restaurant: A recent review of the file at the Licensing Board confirmed that the Beer and Wine pouring license formerly exercised at the Hot Tomatoes Restaurant, 261 North Street, has been rescinded by the Licensing Board. With this license removal, there are now 89 pouring licenses in the North End/Waterfront area covered by NEWRA's policy.

351 Hanover Street, Volle Nolle Restaurant: NEWRA supported this application by vote on May 12, 2011. Since then, the Licensing Board has rejected two (repeat) applications for a new beer and wine license, without prejudice. Both rejections were for the sole reason that no licenses were available at the time the Licensing Board had to make a decision. The owner can reapply at any time, and recently did apply for a third time, and a hearing was held on September 21, 2011. The owner is awaiting word on the Licensing Board's decision, which will in part depend, once again, on the availability of a license.

178 Salem Street, Cafe L'il Italy: In June, the Licensing Board rejected the application for new beer and wine license without prejudice because no licenses were available. NEWRA opposed this application. The owner can reapply at any time, but a new application may require a new round of community review.

Government Center Garage Project

The BRA expects that the new developer of the Government Center Garage site will file a Project Notification Form (PNF) sometime before the end of this year, which will trigger the commencement of the BRA's Article 80 Large Project Review process. The PNF is expected to describe a new plan for redevelopment of the site, including mixed use (i.e. office, residential, hotel and commercial) buildings and towers. The filing will immediately be followed by a public comments period. The ZLC Committee will follow any and all activity relative to this major project, which could have significant impacts to the North End/Waterfront neighborhood, and will keep NEWRA members informed. So far, NEWRA's Executive Committee has not been able to nominate a NEWRA representative to serve on the Impact Advisory Group for this project that is acceptable to the BRA. The Executive Committee is considering how to proceed.

Next ZLC Committee Meeting: Tues., October 25, The Pilot House, 2 Atlantic Ave.

Tentative Agenda:

2A Prince Street, G'Vanni's Restaurant: transfer of the business and the C.V. Malt and Wine with Cordials License to operate at the same location. A new owner is seeking to take over the restaurant.

241 Hanover Street, Bricco Restaurant, Frank DePasquale has applied to the City of Boston Board of Appeal to add take-out service as an allowed use on the first floor. Apparently, the take-out services involves both food from the restaurant and bread for the new bakery Mr. DePasquale has constructed and is operating in the basement of a building next to the restaurant.

Boston Common Coffee, 97 Salem Street After many years of selling food and drinks at this location and having his operation inspected by the City of Boston numerous times, the owner has applied for a license to sell food and drinks at this location. No such license was ever applied for or issued in the past.