



NORTH END/WATERFRONT RESIDENTS' ASSOCIATION

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Zoning, Licensing and Construction Committee Report **June 9, 2011**

Current Applications

44 North Bennet Street, Peter McGinnis has filed an appeal for zoning relief for proposed expansion of the rooftop head house structure on the 4-story building. The plans call for converting the building from one commercial unit and 3 residential units (one on each upper floor) to one commercial unit and 8 residential units, in part by splitting the first floor space into half commercial and half residential and by building a penthouse unit that would add a partial, new fifth floor. Legal use of the building is reported to be one commercial and 8 residential units, but the ZLC Committee asked for verification of this and how this allowed use was established. At the ZLC Committee meeting on May 24, 2011, the Committee also asked the owner's representative/property manager, Giancarlo Tiberi, to comply with NEWRA's Neighbor Notification Policy by sending a notice of the June 9 NEWRA meeting to immediate neighbors, including tenants. The ZLC Committee also asked that construction plans be made available and discussed in detail at the NEWRA meeting and that construction plans be provided to the owners of abutting buildings. As of May 24, owners of abutting buildings had not been notified of the construction plans.

162 Endicott Street, Glen Taylor, has filed an appeal for zoning relief to change the legal occupancy of the building to include the existing basement and first floor duplex condominium unit. The duplex unit was constructed in the 1980's, apparently with no building permit, and has since been owned and occupied. Flood damage in 2010 required repairs and a building permit. At the ZLC Committee meeting on May 24, 2011, concerns were raised by an abutter on Thacher Court regarding use of an emergency egress from 162 Endicott Street to Thacher Court for routine access to and from the basement portion of the unit. Poor condition of the yard was also raised as a concern. The ZLC Committee asked the owner's representative, architect Timothy Burke, to be prepared to report on access, use of the rear yard and building pass-through on Thacher Court, as well as the legal status of any easements from the yard and physical condition of any gates (locked or not).

377-395 Commercial Street, Fairmont Battery Wharf, has applied to the Licensing Board for the City of Boston to amend its C.V. 7-Day Food and All-Alcohol Beverages licenses to extend food and alcohol service on the outdoor patio from 10:00 PM to 11:00 PM, seven days. At the ZLC Committee meeting on May 24, the hotel manager, Matthew Sterne and the hotel's attorney, Dennis Quilty, stated that they are also working with residents of Battery Wharf on a proposal to add live and recorded entertainment on the patio. The ZLC Committee asked that management also approach other nearby residents, such as owners at Burroughs Wharf and Lincoln Wharf with the entertainment proposal. The current C.V. 7-day All-Alcohol License allow service with food on the patio up to 10:00 PM. Patrons must vacate the patio at that time, and some decide to remove to the inside of the restaurant, in practice. Two years ago, Fairmont

Battery Wharf had committed to the 10:00 PM closing to resolve concerns raised by nearby residents of the impacts of an originally proposed later hour. The restaurant is under new management since April 2011.

Several Battery Wharf and Burroughs Wharf residents have recently voiced opposition to the one-hour patio extension because they are already bothered by noise. Several other residents of Battery Wharf have voiced support for the proposal and believe the hotel and restaurant have been good neighbors and deserve the business enhancement. It is unclear whether there is any business agreement between the hotel/restaurant and the residents of Battery Wharf or any other residents regarding business operation requirements intended to mitigate impacts.

Next ZLC Committee Meeting: Tuesday, June 28, The Pilot House, 2 Atlantic Ave.

Tentative Agenda:

1. Application by the White Hen Pantry for a new beer and wine retail (package store) license.
2. Application at 55-57 North Washington Street to convert second floor dining room/function space formerly associated with Joe Tecce's restaurant into four residential units.