



## NORTH END/WATERFRONT RESIDENTS' ASSOCIATION

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### **Zoning, Licensing and Construction Committee Report** **May 12, 2011**

#### ***Current Applications***

**Regarding the two alcohol license applications below, there are presently 89 pouring licenses in the North End/Waterfront. NEWRA's cap on pouring licenses is 91.**

**196 Endicott Street, Esmaeil Mahdavi** has filed an appeal for zoning relief to change the legal occupancy of the building from a three-family dwelling to a four-family dwelling, creating a basement unit. At the April 26 ZLC Committee meeting, the owner reported that he had resolved concerns raised by the Board of Appeal regarding common access to a utility closet, as well as concerns regarding access to an outside patio at the back of the building. The plans do not call for common space for building management purposes. The owner stated that building management will be performed by a management company with off-site resources and that the four units will be large enough (>1,100 square feet) to allow in-unit trash storage between City collections.

**351 Hanover Street, Volle Nolle, Torri Crowell** has applied to the Licensing Board for the City of Boston for a 7-Day C.V. Malt and Wine License, with a closing hour of 11:00 PM. The establishment has a 16-seat capacity. At its meeting on April 26, the ZLC Committee asked why an alcohol license would be needed for a business that has been operated as a sandwich shop. The owner responded that beer and wine would improve offerings of food in the evening hours and agreed to a condition in the license prohibiting alcohol service without food.

**4, 6 and 8 (Little) Prince Street, Artu Restaurant,** is seeking to expand its existing non-live entertainment licenses to allow taped music and TV in the entire 99-seat establishment and to extend the hours of non-live entertainment from the current 11:00 PM to 2:00 AM, consistent with its existing 2:00 AM All-Alcohol Beverages License and current operation, seven days. At its meeting on April 26, the ZLC Committee reported it had received complaints from neighbors about street noise outside the establishment close to and immediately after closing time and asked the owner to address the problem.

**178 Salem Street, Cafe Lil Italy, Carla Gomes** has applied to the Licensing Board for a C.V. 7-Day Malt and Wine License with closing hour of 9:00 PM seven days (changed from an original request for 11:00 PM closing hour seven days). On April 11, NEWNC voted to oppose the application. The Licensing Board held its hearing on this application on April 27, 2011, and decided to defer a decision until a new license becomes available. At its meeting on April 26, an abutter on Snelling Place stated opposition to the application because the location is densely residential and because alcohol service there in past years resulted in late night problems. The ZLC Committee also noted its assessment that the recent former owner of the establishment had not needed or effectively used a beer and wine license that was ultimately sold, and that the new owner did not plan to change business operations, which include baked goods and pressed sandwiches. In response, the owner's attorney, Dan Toscano, stated that any problems existed many years ago under a former owner who ran the business into late night hours and that the new owner had a long history of being a Good Neighbor in running other North End establishments. Mr. Toscano also stated that there was a public need to offer beer, wine and cordials along with food to the many tourists that stop in along the Freedom Trail.

**Tia's at Long Wharf, Inc, 200 Atlantic Ave., Lori Lilly** plans to apply to the City of Boston Office of Consumer Affairs and Licensing for an entertainment license to allow amplification of music on the outside patio area. The existing license permits outside live entertainment (instrumental and vocals), but prohibits amplification on the patio. At the ZLC Committee meeting on April 26, Committee members and other residents expressed concern about existing noise and the potential for increased impacts with the proposed amplification. At the meeting, the owner stated that the application's requested hours for sound amplification would be changed to reduce the impact to neighbors. The day after the meeting, the owner reported that the application had been withdrawn entirely.

### ***Licensing Board Hearings and Decisions***

**101-107 Atlantic Ave., The Living Room, John Hauck** applied to the Licensing Board for the City of Boston to extend the closing hour in the existing All-Alcohol Beverages License from 1:00 AM to 2:00 AM on Thursdays, Fridays and Saturdays only, and for Private Events. NEWRA voted to oppose this license change, and the North End/Waterfront Neighborhood Council (NEWNC) voted to support it. ***The Licensing Board held its hearing on this application yesterday, May 11, but as of 3:30 PM today had not issued its decision. At the hearing, the Mayor's Office, Councilor Sal LaMattina and State Representative Aaron Michlewitz all voiced opposition to the time extension. Also attending the hearing and testifying were many residents and others in support of the extension to 2:00 AM. The large number that were present in support led one of the Licensing Board members to comment "there seems to be a public need (for the later closing hour)."***

**<Post-Note: On May 12, 2011, the Licensing Board approved the extension of the Living Room's closing hour to 2:00 AM Thursday, Friday and Saturday nights.>**

If the Living Room receives its 2:00 AM extension, it is expected then to apply for live entertainment (DJ) to the same closing time. NEWRA voted to support the application for DJ (presumably to 1:00 AM on Thursday, Friday and Saturday nights only).

**112 Salem Street, La Famiglia Giorgio, by Albert Giorgio:** In February, the Licensing Board voted to approve the application for a new C.V. All-Alcohol Beverages License to replace the restaurant's long-standing Malt and Wine with Cordials License. The Board's approval included a midnight closing hour, seven days. NEWRA voted to support the application with conditions at its meeting on February 10. The conditions, which the owner accepted before the vote, included 1) closing hour of 11:00 PM Sunday through Thursday and midnight Fridays and Saturdays; 2) no bar; 3) alcohol service only with food; and 4) restriction that the existing Malt and Wine with Cordials License be transferred or reissued outside the neighborhood. ***The Licensing Board included none of these conditions with its approval. On April 4, 2011, NEWRA sent a letter to the Massachusetts Alcoholic Beverages Control Commission, which reviews the license, requesting that the conditions be officially included. NO NEWS YET ON HOW THE NEWRA LETTER WAS RECEIVED.***

### ***BTD Hazardous Cargo Truck Route Study***

The Boston Transportation Department (BTD) recently reported that it has completed the report on its study of alternative hazardous cargo truck routes through and around Boston. See article in [NorthEndWaterfront.com: Study Says HazMat Trucks are Too Dangerous for North End / Waterfront \(and the City of Boston\) - NorthEndWaterfront.com - NorthEndWaterfront.com](http://NorthEndWaterfront.com: Study Says HazMat Trucks are Too Dangerous for North End / Waterfront (and the City of Boston) - NorthEndWaterfront.com - NorthEndWaterfront.com).

### ***Development and Use of Central Artery Parcel 9***

The Massachusetts Department of Transportation, which owns development Parcel 9 between the Rose Kennedy Greenway's North End Parks and the historical Blackstone Block, **will hold an important community meeting on Wednesday, May 25, 2011, at 6:00 PM at the Mariners House, 11 North Square**, to discuss the development recommendations for the parcel. The advisory group representing surrounding neighborhoods and other interests

has recommended a low “European-type market hall” on part of the site, with a higher building, possibly exceeding the current 55-foot height limit, for other uses at the North Street end of the property.

### ***Rutherford Street Corridor Renewal Project and Access to I-93***

Over the past few years, the Boston Transportation Department (BTD) has conducted transportation planning and public meetings involving major changes to Rutherford Avenue (Route 99) and the Sullivan Square Rotary in Charlestown. The recommended plan includes the removal of the Route 99 underpass and no replacement of the former overpass to Route 28, which was torn down several years ago due to structural deficiencies. The plans also call for reducing the number of lanes along Rutherford Avenue, replacing the Sullivan Square Rotary with cross intersections, adding bicycle lanes and improving pedestrian crossings. One goal of the plan seems to be the removal of traffic heading to Route 93 North to other access roadways (which are not defined in the BTD on-line information). The ZLC Committee has not yet sent its planned letter to BTD and elected officials requesting that they hold a public meeting in the North End so that North End/Waterfront residents can understand the proposed roadway changes and be able to comment on potential impacts.

### ***Hanover Street Traffic and Pedestrian Conditions***

At its meeting on March 29, the ZLC Committee and other resident attendees discussed traffic and pedestrian conditions on Hanover Street. There was consensus that enforcement of existing laws and rules regarding double parking, valet parking and sidewalk clutter would go far to improve traffic, pedestrian access and public safety. At the NEWRA meeting on April 14, 2011, Councilor Sal LaMattina reported to the community that the City is moving to enforce these regulations on Hanover Street. No specifics have been reported or are known.

### ***Next ZLC Committee Meeting: Tuesday, May 24, The Pilot House, 2 Atlantic Ave.***

Tentative Agenda:

**Fairmont Hotel, Battery Wharf**, has filed applications for 1) amendment of its C.V. 7-day All-Alcohol License to extend the hour of alcohol service on the outside dining patio from 10:00 PM to 11:00 PM, seven days, and 2) a new entertainment license for live outdoor entertainment until 9:00 PM and recorded outdoor entertainment until 11:00 PM, 7-days per week.

**27 Sheafe Street, Peter McGinnis** has filed an appeal for zoning relief to change the legal occupancy from four apartments and a store to five apartments. Five apartments have existed and been occupied for several years.

**44 North Bennet Street, Peter McGinnis**, has filed an appeal for zoning relief to expand the rooftop head house.

**162 Endicott Street, Glen Taylor**, has filed an appeal for zoning relief for the purpose of legalizing a basement and first floor duplex unit constructed in the 1980's.