



NORTH END/WATERFRONT RESIDENTS' ASSOCIATION

P.O. Box 130319
Boston, MA 02113
www.newra.org

Zoning, Licensing and Construction Committee Report **February 11, 2010**

Current Applications

The following application was reviewed by the ZLC Committee at its meeting on Tuesday, January 26, 2010.

75 Commercial Street, Boston Gliders (Segway tours), Eastera Phou, Manager, has applied for a C.V. License to serve coffee and other non-alcoholic beverages in the first floor commercial space. Boston Gliders intends to relocate all of its Segway tour operations from its current location at 73 Commercial Street to the first floor and basement of its new location at 75 Commercial Street. The first floor plans include a coffee bar with 6-8 seats and an in-store kiosk for viewing/marketing tour photos. Boston Gliders plans to expand the number of Segway vehicles at this location and expects up to 150 customer visits per day. Proposed hours of operation are up to 8:00 PM six days and 6:00 PM on Sunday. At the ZLC Committee meeting on January 26, a resident of Commercial Street voiced concerns about impacts to the community from the business operations, including the use of sidewalks and streets for training and the use residential parking for commercial purposes.

The Licensing Board held a hearing on the application on Wednesday, January 27. The Licensing Board has deferred its decision on the application pending community review and input. On February 8, the North End/Waterfront Neighborhood Council voted to oppose the application.

While the proposed use of a C.V. license at 75 Commercial Street is limited, the license itself is not limiting, and the owner/licensee would be allowed to expand food and beverage service without license amendment or further community review. ZLC Committee research since the January 26 meeting has raised the question of whether zoning relief is required before a C.V. license can be granted.

Recent Hearings and Decisions

16 Hull St., Peter McGinnis (owner), applied to the Board of Appeal for zoning relief to change the building from 5 apartments to 8 apartments as part of plans to renovate the entire building. At its meeting on October 27, 2009, NEWRA's ZLC Committee expressed concern that the small floor areas of some of the units would contribute to density impacts and not be attractive to long-term tenant residents. On November 12, 2009, NEWRA voted to oppose the application after similar concerns were raised. After a hearing on December 15, 2009, the Boston Board of Appeal voted to allow the requested zoning relief. The ZLC Committee is concerned that this may mean that the Board of Appeal has no lower limit on floor area for new units in the North End.

112 Prince St., Damian Szary (building owner) applied to the Board of Appeal for zoning relief (variance for floor-area ratio) to expand the first floor unit into the basement and increase the living space by 300 square feet, as part of ongoing renovation of the building. On December 10, 2009, NEWRA voted to support the application. The Board of Appeal held a hearing on February 9, 2010, but has not yet released its decision.

93 Charter Street, Charter Boston Properties LLC seeks zoning relief to increase floor area ratio (FAR) and to expand a rooftop head house associated with renovation of the 3-story residential building. Change use from 4 apartments to 3 apartments, including a 3-bedroom duplex on the 2nd and 3rd floors and expansion of two 1st floor units into the basement. Plans include rooftop garden and expanded head house for exclusive use of upper duplex. The project also needs approval from the Boston Parks Commission due to its proximity to Olmstead Terrace (Spy Park) and Copp's Hill Burying Ground. The Board of Appeal hearing will be held on Tuesday, April 13, 2010.

Development Updates

Central Artery Parcels 7 and 9

The Massachusetts Department of Transportation (MassDOT) has decided to put off selecting developers/tenants for the vacant Parcel 9 (between the Rose F. Kennedy Greenway and Blackstone Street) and the vacant building on Parcel 7 (attached to the Haymarket Garage) indefinitely. See the attached article from www.northendwaterfront.com .

Government Center Garage Redevelopment

There's been no news about this project since the Herald and Globe reported that the Government Center Garage owners, National Electrical Benefit Fund (a multi-employer pension fund) and Acorn Asset Management, Inc. of Sacramento, replaced Raymond Property Co. with former BRA Director Thomas O'Brien as their project developer. There have been no recent public meetings, and the BRA has not scheduled any meetings at this time.

Harbor Garage Redevelopment Project

The BRA has announced that it does not intend to conduct a comprehensive planning process to renew the Municipal Harbor Plan (MHP), contrary to the public process that was reported in the Massachusetts Secretary of Energy and Environmental Affairs' Certificate on the Environmental Notification Form for the Harbor Garage Redevelopment Project (available on www.newra.org) . Instead, at the last meeting of the Harbor Garage Impact Advisory Group, the BRA indicated it would use "interpretations" of the state's Chapter 91 regulations to allow a development that does not meet the 50% open space requirement in the MHP for waterfront developments. At the meeting, the BRA also reviewed a few building height and massing options for the Harbor Garage site, all of which would violate current MHP and Chapter 91 limits. Instead of conducting a comprehensive planning process to renew the MHP, the BRA appears to be willing to amend the MHP requirements on the Harbor Garage parcel only. At the same time, there is apparently no support for the developer's (Chiofaro Company) proposed project from the community or from City Hall, and both the Federal Aviation Administration (FAA) and Massport (Logan Airport) have raised objections due to potential conflicts with flight paths.

BRA Greenway Planning Study

The BRA is expected to issue its draft Greenway Planning Study report soon. The report is expected to recommend design guidelines for development along the Rose Fitzgerald Kennedy Greenway, including the Harbor Garage and Government Center Garage sites, the vacant parcel at Fulton and Cross streets, and building parcels along Cross Street between Hanover and Endicott streets, among other potential development sites. The ZLC Committee intends to review the document and prepare NEWRA comments.

Next ZLC Committee Meeting

Tuesday, February 23, 2010, 7:00 PM, The Pilot House, 2 Atlantic Avenue.

Tentative Agenda:

- NEWRA Good Neighbor Agreement
- Updates on Greenway Planning Study and Harbor Garage Redevelopment.

For more information about these items or other ZLC Committee activities, contact David Kubiak, ZLC Committee co-chair, at 617-833-9564 or zlc@newra.org.