



NORTH END/WATERFRONT RESIDENTS' ASSOCIATION

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Zoning, Licensing and Construction Committee Report *August 12, 2010*

Current Application

76 Salem Street, Cafe Nuovo, Inc., Vincent Ferrara has applied to the Licensing Board for a new C.V. 7-day Malt and Wine license for a proposed new restaurant on the premises (formerly Paesano's, La Brace and D'Amore). Planned service includes breakfast and dinner, with no bar. The applicant originally filed for a 2:00AM closing, 7 days, in part to be able to hold later evening events, but faced strong opposition from residents at the ZLC Committee meeting, as well as the North End/Waterfront Neighborhood Council (which voted to support the new alcohol license subject to a midnight closing), and the Boston Police, District A-1. At the Licensing Board hearing on July 28, 2010, the applicant stated his desire to revise the application to a midnight closing hour, 7 days. The Licensing Board is holding its decision until it hears from NEWRA. NEWRA's Alcohol License Policy calls for 11:00 PM closing Sunday through Thursday and midnight closing on Friday and Saturday, only. There are currently 90 alcohol pouring licenses in the neighborhood, by NEWRA's count. NEWRA's Alcohol License Policy includes a cap of 91 pouring licenses.

Application Update

50 Snow Hill Street, Damian Szary, who had planned to purchase the existing 3-story residential building, has informed NEWRA that he has withdrawn his application for zoning variance and is no longer proposing alterations to the existing roof that included an expansion of the headhouse for additional living space.

ACTION ALERT: BRA Greenway District Development Guidelines

On May 14, 2010, the BRA issued its recommended guidelines for development and use along the edges of the Rose Fitzgerald Kennedy Greenway, including development parcels that are in the North End and North End Waterfront districts and the Downtown Waterfront district. The public comment period ended on June 21, 2010. NEWRA members voted to approve a comment letter presented at the June 10 regular monthly meeting, and the comment letter was submitted to the BRA on June 21. A copy of the comment letter is posted on the ZLC Committee page on NEWRA's website www.newra.org. **See the summary of comments, below.**

BRA staff held a meeting on at the Mariners House on July 19, 2010, to review the BRA's recommendations and address neighborhood questions and comments. Apparently, the BRA has made no change to its original recommendations, in spite of the concerns raised by NEWRA and North End/Waterfront residents who submitted comments, as well as the concerns about the recommended Government Center Garage towers that were also voiced by other neighborhoods.

City Councilor Sal LaMattina submitted a comment letter supporting the BRA's recommendations.

BRA staff plan to present the guidelines to the BRA Board of Directors for approval at the Board's (public) meeting next Tuesday, August 17, 2010, 5:30 PM, City Hall, 9th floor. **NEWRA's ZLC Committee urges North End/Waterfront residents to call or write City Councilor Sal LaMattina, State Representative Aaron Michlewitz and the Mayor's Office (contact information, next page) to voice your opinion about the Greenway Guidelines before the BRA Board takes a vote on August 17.**

Summary of NEWRA's comments and concerns:

1. The Greenway should not be a separate neighborhood or zoning district that removes parcels from the existing North End and Waterfront districts.
2. The Guidelines should not be used as the basis for amending the Zoning Code or the Municipal Harbor Plan or justification for zoning variance. Much more planning, including public participation at the community level, is needed.
3. Remove the Government Center Garage related parcels west of Congress Street from the scope of the Greenway District Planning Study and the Guidelines. It is inappropriate to recommend high towers in the absence of a comprehensive master plan for the Government Center District. Several affected neighborhoods, including Beacon Hill, West End, Downtown North and North End/Waterfront, have voiced this concern.
4. Revise the recommended building heights on the Government Center Garage parcels east of Congress Street to be no higher than the existing Government Center Garage structure.
5. Revise the recommended building height at Parcel 11B (at Cross and Fulton streets) from 85 feet to the 55-foot height limit in the existing Zoning Code.
6. Incorporate community uses into the programmatic goals of the Greenway District, especially at Parcel 11B.
7. Remove the recommendations for full build-out on "Parcel 11A" (next to Mother Anna's) and on the other Cross Street sidewalk plazas that now provide patio dining and large pedestrian passage between Hanover Street and Endicott Street (in front of Martignetti's and Pace).
8. Revise recommended open space in all areas to be no less than the current open space requirements in Zoning and the Municipal Harbor Plan. This is especially critical in promoting connections between the Greenway and the waterfront and in providing ample public space along the Harbor.

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Cross Street Sidewalk Traffic Restrictions are Now in Effect

As NEWRA urged in its letter of December 3, 2009 to the BRA and the Massachusetts Department of Transportation, the City of Boston recently put into place a pilot program to restrict vehicular access along Cross Street from Hanover to Salem Street. Under this program, vehicles will no longer have access to the center sidewalk area. This creates a full pedestrian plaza that will greatly enhance the experience for the hundreds of residents and tourists who use this sidewalk daily and formerly had to navigate through parked cars and moving traffic.

Since the completion of the Central Artery Project, this sidewalk had been cordoned off by bollards which created a zone in the middle of the sidewalk for general parking, deliveries and overnight resident parking. Under the pilot plan, the City has closed the vehicular entrances to this area with new bollards and chains, apparently leaving the ability for emergency vehicles to access the area if needed.

The Boston Transportation Department will monitor the impacts and success of these enhancements and will strictly enforce the regulations governing the use of the pedestrian area along Cross Street. The City of Boston contact is Jim Mansfield, 617-635-2447.

Hazardous Cargo Trucks

The technical study to evaluate alternative routes for trucking hazardous cargo through or around Boston is underway, commissioned by the Boston Transportation Department (BTD) in accordance with Federal guidelines. BTD and its consultant recently met, more than once, with groups of North End/Waterfront neighborhood residents to discuss the study's scope, progress and schedule, as well as the overall decision-making process. The study is due to be completed and submitted to the State this month (August 2010). It is then the State's responsibility to conduct a public process and submit the study and recommendation to the federal agency. NEWRA representatives have been involved and will continue to track progress and keep members informed.

Next ZLC Committee Meeting

Tuesday, August 24, 2010, 7:00 PM, The Pilot House, 2 Atlantic Avenue.

Agenda items, so far:

133 Salem Street (location of Sheldon's Discount Store) - Change the legal occupancy from retail to retail (first floor) and four residential units (second and third floors).

65 Salem Street (former location of Go Bananas) - Change the legal occupancy and use of the first floor from retail with take-out to restaurant with take-out.