



NORTH END/WATERFRONT RESIDENTS' ASSOCIATION

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Zoning, Licensing and Construction Committee Report **August 13, 2009**

Current Applications

113A-113 Salem Street, Arthur Caras, has applied to the Board of Appeal to construct a two-floor addition to the rear of the building to expand the existing barber shop and operate a men's salon. This application was presented to the ZLC Committee on July 28, 2009. The applicant stated that the Board of Appeal will hold a hearing on this application on Tuesday, August 18, 2009, but the application is not listed on the Board of Appeal's on-line schedule of hearings for that day.

The proposed addition will be the full width of the building and will extend to approximately 8-9 feet from the rear property line at the Richmond Place alley. A roof deck will be added to the two-floor addition for use by the adjacent residential unit. The roof deck is proposed in order to satisfy the Zoning Code's requirement for compensatory "open space." The ZLC Committee asked whether a variance for open space could be sought by the applicant in lieu of the compliant roof deck, in order to mitigate impacts to abutters at 44 Prince Street. The potential for this option should be discussed further at NEWRA's August 13 meeting. Other issues raised at the ZLC Committee meeting included the closeness of the proposed addition to 44 Prince Street, the effect the addition will have on building density in the area, and proposed use of the rear door of the addition and the Richmond Place alley for handicap access to the salon.

Pagliuca's Restaurant, 14-16 Parmenter St., seeks to expand the dining area into the basement of the premises, adding 16 seats. The owners have decided not to pursue an earlier city-approved plan to expand the restaurant to the second floor, which NEWRA had voted to support a few years ago. The owners presented plans to the ZLC Committee on April 28, 2009, but had not then completed applications for zoning relief or alcohol license amendment, both required.

In June 2009, the owners filed an appeal for change of use and submitted a copy of the appeal to NEWRA. The Board of Appeal will hold a hearing on this application on Tuesday, August 18, 2009, at 10:30 AM, in City Hall Room 801.

An amendment to the existing beer and wine with cordials license to expand service to the basement dining area is also needed. The Licensing Board has informed the owner it will not accept an application for the license amendment until the Board of Appeal grants the use. The ZLC Committee recommends that NEWRA members vote on both the change of basement use and alcohol license amendment at this time, but conditioned upon the proposed seating arrangement presented in the appeal.

115 Salem Street, Giovanni Grimaldi, Manager, has applied to the Board of Appeal for change of use to operate a coffee shop with pastry, ice cream and take-out service in the space formerly Dave's Curtains. The Licensing Board recently denied the application for a new malt and wine with cordials license, and the owner has appealed this decision. NEWRA has not yet voted on either the appeal or the license application. The ZLC Committee recommends a vote be taken on the appeal, but that any application seeking a new alcohol license or seeking to transfer an alcohol license be separately presented and reviewed.

217 Hanover Street, Sophia Anderson, has applied to the Licensing Board for a Fortune Teller License to be exercised in four rooms on the second floor of the building owned by Franco Graceffa. The applicant proposes to do tarot card and palm readings, teach tarot card and palm reading, and sell related retail products, such as books, cards and incense. Hours of operation 10:00 AM to 11:00 PM, possibly seven days.

Development Updates

Fairmont Battery Wharf, 377 Commercial Street:

- The North End Resident parking signs installed by Boston Transportation Department (BTD) along the four spaces on Commercial Street remain.
- The outdoor patio dining area adjacent to Sensing Restaurant is being operated in accordance with the Licensing Board's approval and conditions.
- The outdoor patio tables and chairs between Buildings 4 and 5 (across from Lincoln Wharf) have been made available by the Fairmont Hotel for general public use. There is no food or alcohol service to these tables.
- Improvements still have not been made to Battery Street by the Boston DPW, and the dangerously high curb line has not been remediated by the Battery Wharf property owner or the DPW.
- The museum and the public restrooms are open to the public at the rear of Building 2, adjacent to the Coast Guard Station, but the elevator providing access to the second floor public terrace is usually locked. NEWRA has asked the property owner and the Hotel to keep the elevator operable during museum hours.

Central Artery Parcel 9

On June 30, 2009, three North End residents groups, including the North End Central Artery Advisory Committee (NECAAC), the North End/Waterfront Neighborhood Council (NEWNC) and NEWRA's ZLC Committee, sent a joint comment letter to the Massachusetts Turnpike Authority on the four proposals that were submitted to the Turnpike Authority for redevelopment of Parcel 9. Parcel 9 is the vacant lot located between the Parcel 10 North End Park and the Blackstone Block. It is bounded by Hanover Street, Blackstone Street, North Street and the Surface Artery. Public comments on the proposals were due by July 2. The North End groups' letter is posted on the ZLC Committee page of NEWRA's website www.newra.org.

The four development proposals may be reviewed on the Turnpike Authority's website, at www.masspike.com/business/parcel9rfp.html. MTA is expected to select a developer in the next few months.

See the Boston Globe and Boston Herald articles, both published August 7, 2009 (copies attached).

Central Artery Parcel 7

See the Boston Globe article published August 6, 2009 (copy attached).

Government Center Garage Redevelopment

NEWRA submitted its comment letter on the Project Notification Form (PNF) and the Environmental Notification Form (ENF) to the BRA and the Mass. Executive Office of Environmental Affairs' MEPA Unit, respectively, on April 17, 2009. On May 1, 2009, the Secretary of Environmental Affairs issued its Certificate on the ENF, which lays out the required scope of a Draft Environmental Impact Report (DEIR) the developer plans to file. On May 26, 2009, the BRA issued its scoping determination on the PNF, which

lays out the required scope of a Draft Project Impact Report (DPIR) the developer plans to file. NEWRA's comment letter, the Secretary's Certificate and the BRA Scoping Determination may be reviewed and downloaded at NEWRA's website, www.newra.org. The BRA continues to hold public meetings of the Impact Advisory Group (IAG) for this project, during the developer's preparation of the DEIR and DPIR.

Harbor Garage Redevelopment Project

On July 6, 2009, NEWRA submitted its written comments to the BRA and the state MEPA Office regarding the Chiofaro Company's plans to replace the existing garage next to the New England Aquarium with a large, mixed use development. The existing garage is bounded by Atlantic Avenue, Milk Street, and East India Row, and sits between the New England Aquarium and Harbor Towers. The developer's plans include a 40-story office tower of approximately 560 feet in height, and a 59-story, 690-foot high residential and hotel tower. A 770-foot "sky frame" is proposed to connect the two towers and provide a sky-line visual and architectural link between the two buildings. The 1.5 million-square-foot project consists of 860,000 square feet (sf) of office space, 220,000 sf of luxury condominium space, and a 300,000-sf hotel with an additional 50,000 sf of hotel function space and amenities. Those elements will sit above a 70,000-sf retail podium that will connect the proposed buildings. A 1,200–1,400-space parking garage and service docks will be located below grade.

NEWRA's comment letter on the Project Notification Form (BRA review) and the Environmental Notification Form (state environmental review) is posted on the ZLC Committee page of NEWRA's website www.newra.org and are also available from the ZLC Committee.

The BRA issued its scoping determination on the Project Notification Form on July 21, 2009, and the Secretary of Environmental Affairs issued the state scoping determination on the Environmental Notification Form on July 17, 2009. Both decisions are posted on the ZLC Committee page of NEWRA's website www.newra.org and are also available from the ZLC Committee.

Next ZLC Committee Meeting

Tuesday, August 25, 2009, 7:00 PM, The Pilot House, 2 Atlantic Avenue.

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.