

## Exhibit D

### 1. Opposition Letters



October 30, 2015

The Honorable Martin J. Walsh  
Mayor, City of Boston  
1 City Hall Plaza, Suite 500  
Boston, MA 02201

Dear Mayor Walsh,

We, the duly authorized representatives of our respective neighborhood associations to the Alliance of Downtown Civic Organizations (ADC), request that the City of Boston delay seeking 10-year reauthorizations of the fourteen (14) expiring Urban Renewal Zones sought by Boston Redevelopment Authority until the conclusion of the recently launched citywide planning process, Imagine Boston 2030.

We understand that the City may seek to renew temporarily the agency's powers in certain current Urban Renewal Zones. We urge that if this is done, it be done only on a provisional annual basis.

Once the current planning process is complete, the citizens of Boston will have better information to determine the advantages and disadvantages of Urban Renewal in realizing the goals of the Imagine Boston 2030 master plan. Until that planning process concludes, however, we can't know its outcome. Thus, we urgently request that you wait on asking for the full 10-year reauthorizations in these fourteen Urban Renewal Zones.

Thank you for your understanding and anticipated support.

Sincerely,

Howard Kassler  
Chair  
Alliance of Downtown Civic Organizations

The Honorable Martin J. Walsh  
Mayor, City of Boston

May 14, 2015  
page 2

Associations joining in this letter are Bay Village Neighborhood Association, the Beacon Hill Civic Association, the Boston Chinatown Residents' Association, the Neighborhood Association of the Back Bay, the North End/Waterfront Residents' Association, the South End Forum and the West End Civic Association.

cc: City Councilor Bill Linehan  
City Councilor Frank Baker  
City Councilor Mark Ciommo  
City Councilor Michael Flaherty  
City Councilor Tito Jackson  
City Councilor Sal LaMattina  
City Councilor Timothy McCarthy  
City Councilor Stephen Murphy  
City Councilor Matt O'Malley  
City Councilor Ayanna Pressley  
City Councilor Michelle Wu  
City Councilor Charles Yancey  
City Councilor Josh Zakim

State Senator Anthony Petrucelli  
State Senator Sal DiDomenico  
State Senator Sonia Chang-Diaz  
State Senator Linda Dorcena Forry  
State Senator William Brownsberger

State Representative Evandro Carvalho  
State Representative Nick Collins  
State Representative Gloria Fox  
State Representative Adrian Madaro  
State Representative Aaron Michlewitz  
State Representative Byron Rushing  
State Representative Dan Ryan



**NORTH END/WATERFRONT RESIDENTS' ASSOCIATION**  
**Executive Committee**

October 30, 2015

Brian Golden, Director  
Boston Redevelopment Authority  
One City Hall Square, 9<sup>th</sup> Floor  
Boston MA 02201  
Attn: Corey Zehngebot, Sr. Architect/Urban Designer

Subject: Urban Renewal Zone extensions

Dear Mr. Golden:

Please be advised that the North End/Waterfront Residents Association (NEWRA) strongly opposes the BRA's proposed ten-year extension of the 14 expiring Urban Renewal Zones (URZ), and particularly the zone in the North End/Waterfront neighborhood. During the meetings held in various communities this year, we feel that the BRA has failed to articulate a cohesive rationale that would justify renewing these extraordinary powers.

The powers the BRA seeks to extend were originally authorized to allow the BRA to deal effectively with specific conditions, namely blighted neighborhoods, which no longer exist in these Zones. The North End/Waterfront today is a vibrant and highly desirable neighborhood. As noted recently in Boston.com Real Estate, the average North End purchase price of \$866 per square foot is the same as Rome's historic district. The North End/Waterfront neighborhood is the home of two excellent educational institutions, the Eliot School and the North Bennet Street School. Over 200,000 people per year visit the North End to see the Old North Church and the Paul Revere House; to walk the Freedom Trail through our old city neighborhood, and to enjoy the Feasts and the Italian restaurants. The blight is long gone. It will require thoughtful planning to maintain the delicate balance of activity and residential quality of life in our small, dense neighborhood. Any development contemplated for our neighborhood should be undertaken with the full participation of the community, under the protection of the same laws and due process that govern the non-URZ neighborhoods of Boston.

These extraordinary powers are expiring precisely because they were designed by law to expire. It was never intended that a nongovernmental agency should retain and exercise such powers indefinitely. The City of Boston is in the process of a multi-year planning study. It is time to let these decades-old powers expire, as they were designed to do, in most neighborhoods and particularly in our North End/Waterfront neighborhood. In some areas it might be useful for Boston to grandfather the Urban Renewal powers, and we are open to having a reasonable discussion (through ADCO) about that. But in most areas, including the North End/Waterfront area, we feel strongly that the land and the authority should be returned to the citizens of Boston and become part of a cohesive plan for the City's future.

Yours truly,

A handwritten signature in black ink, appearing to read "Ford Cavallari, President". The signature is fluid and cursive, with the last name "Cavallari" being the most prominent part.

Ford Cavallari, President

- cc: Mayor Martin J. Walsh
- State Senator Anthony Petrucelli
- State Representative Aaron Michlewitz
- City Councilor Sal LaMattina
- City Councilor Michael Flaherty
- City Councilor Stephen Murphy
- City Councilor Ayanna Pressley
- City Councilor Michelle Wu



Bill Linehan <bill.linehan@boston.gov>

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## Urban Renewal Plan expiration vote

2 messages

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**Kressel Shirley** <shirleykressel@comcast.net>

Thu, Nov 5, 2015 at 5:20 PM

To: ayanna.pressley@boston.gov, michael flaherty <Michael.F.Flaherty@boston.gov>, charles yancey <Charles.Yancey@boston.gov>, Michelle Wu <michelle.wu@boston.gov>, Tito.Jackson@boston.gov, salvatore lamattina <Salvatore.LaMattina@boston.gov>, mark ciommo <Mark.Ciommo@boston.gov>, matthew omalley <matthew.omalley@boston.gov>, Bill.Linehan@boston.gov, Stephen Murphy <Stephen.Murphy@boston.gov>, josh zakim <Josh.Zakim@boston.gov>, frank baker <Frank.Baker@boston.gov>, timothy mccarthy <Timothy.McCarthy@boston.gov>

Dear Councilors:

You have been hearing a lot from the BRA in these months as they come to you to vote for another 10-year extension of their Urban Renewal powers. But YOU CANNOT VOTE ON THIS ISSUE.

Here is why: The Council voted on Dec. 15, 2004, approving the first ten-year extension until 2014.

But that language also included a radical change in the Council's oversight powers over the BRA. It listed the remaining Council powers, and removed from the Council the power to vote on further extensions. (See attached vote document.) I confirmed this personally at the time by talking with the BRA attorney then handling this matter.

So legally, you cannot vote on this extension request.

When I pointed this out to the BRA attorney and staff working on this extension effort, they said that they have "reconsidered" and decided to come to you for a vote. Although their intent was to look more "accountable" to the Council, the truth is that the state DHCD, whose approval is required for this extension to happen, cannot approve anything unless the City Council approves it.

This means that without any Council action, the extension will expire by law on April 30, 2016 -- as it should.

The DHCD urban-renewal official has confirmed this to me by email. "DHCD must approve any extension of the City of Boston's urban renewal plans that are set to expire next year. We would not entertain a request for an extension that was not approved both by the BRA and the Boston City Council."

I suggest that you inform the BRA that you can not vote on this, and request that the BRA immediately begin the administrative tasks of transition, e.g., transfer of BRA-owned land and LDA's to the City, document transfer, etc. I believe that all the administrative tasks required for a smooth transition can be done by April 30, half a year from now, if the BRA cooperates. The Mayor should instruct the BRA to cooperate, so that there are no legal problems when the expiration occurs.

Tens of thousands of residents in the Urban Renewal Plan areas have been disenfranchised by the BRA, and deprived of their right to accountable government under a fully empowered City Council and with legal protections under the rule of law, as enjoyed by the other 90% of the city.


Even under its own laws, Urban Renewal was never intended to be a permanent elimination of democratic government in the center city; the Plans were limited to 40 years for a reason. They must be allowed to end as intended by the BRA's own law.

Thank you.

Shirley Kressel

Shirley Kressel  
27 Hereford Street  
Boston, MA 02115  
617-421-0835 home  
617-515-3403 iPhone

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 **CC vote dec 15,2004.pdf**  
153K

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**Bill Linehan** <bill.linehan@boston.gov>  
To: James Chan <james.chan@boston.gov>

Fri, Nov 6, 2015 at 8:08 AM

[Quoted text hidden]

Shirley Kressel  
27 Hereford Street  
Boston, MA 02115  
617-421-0835 home  
617-515-3403 iPhone

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 **CC vote dec 15,2004.pdf**  
153K

Final



## CITY OF BOSTON

IN THE YEAR TWO THOUSAND FOUR

### AN ORDER REGARDING THE PROMOTION OF COMMUNITY DEVELOPMENT IN THE CITY OF BOSTON

- WHEREAS*, The City of Boston has worked tirelessly to promote the sound growth and development of the neighborhoods and provide places for Boston's residents to live, work, and recreate; and
- WHEREAS*, The results of this activity have been the creation of new homes and businesses, as well as new parks, schools, and other public facilities, leading to Boston's reputation as one of the world's most vibrant and livable cities; and
- WHEREAS*, While much progress has been made, obsolete land patterns, absentee land owners, and outdated infrastructure have left some underutilized land parcels and areas of disinvestment; and
- WHEREAS*, The City's urban renewal program has effectuated great change in the City's central business district and neighborhoods, creating new opportunities for many of Boston's residents, and the urban renewal program is the appropriate method for eliminating the patterns of disinvestment identified above; and
- WHEREAS*, The City of Boston maintains twenty-one (21) active urban renewal plans originally approved by the Boston Redevelopment Authority ("BRA"), the Boston City Council, and the Mayor of Boston between 1957 and 1980; and
- WHEREAS*, Federal funding for urban renewal was eliminated in the early 1970s, leaving little public funding to complete the goals and objectives of the plans; and
- WHEREAS*, New England suffered a number of economic downturns in the intervening time, including the 1970s, 1980s, and 1990s, leaving little private funding to complete the goals and objectives of the plans; and
- WHEREAS*, Despite the best efforts of the City of Boston and the BRA, several of the plans' renewal actions, design objectives, and other purposes remain incomplete; and
- WHEREAS*, By their provisions, the plans and the powers conferred and programs set forth will terminate within the time period of 2004 to 2020 Unless so extended; and
- WHEREAS*, Each plan includes within its provisions the ability to modify said termination date and extend said plan; and



NOW THEREFORE BE IT

*ORDERED,* In recognition of the City Council's authority in connection with the aforementioned urban renewal plan changes, the BRA Director has agreed to seek BRA Board approval at the BRA's meeting on December 21, 2004, to implement a series of procedural changes with respect to urban renewal plans in Boston, including: (1) the submission of certain plan changes to the City Council for approval (i.e., the proposed termination or adoption of an urban renewal plan; the addition of additional land, whether privately or publicly owned, to an urban renewal area; plan changes allowing a proposed project which would result in an increase in density of development within an urban renewal plan area as a whole (that is, an increase of more than 7.5% over the square footage of the plan area to be devoted to residential, commercial, and/or institutional use); (2) providing the City Council with at least thirty (30) days' notice of any proposed modification to an urban renewal plan not described in clause (1); (3) providing the City Council with at least thirty (30) days' notice of any proposed eminent domain taking of city-owned land in excess of 10,000 s.f.; (4) providing annual reports to the City Council on the progress of urban renewal efforts within the city of Boston (including data on properties disposed of by the BRA; development projects approved in the past year; parcels under study; and parcels remaining for development); and (5) using best efforts to work with the applicable District City Councilor in connection with substantial proposed use changes (e.g., a change from residential to institutional use of an urban renewal parcel); and

*ORDERED,* That the City Council does hereby approve the extension of the term of the urban renewal plans listed below, to April 30, 2015, subject to the BRA action as outlined in the preceding paragraph:

1. Brunswick-King Urban Renewal Plan –
2. Campus High Urban Renewal Plan
3. Central Business District Urban Renewal Plan
4. Central Business District - Bedford West
5. Central Business District - Boylston Essex
6. Central Business District - School Franklin
7. Central Business District - South Station
8. Charlestown Urban Renewal Plan
9. Fenway Urban Renewal Plan
10. Government Center Urban Renewal Plan
11. Kittredge Square Urban Renewal Plan
12. North Harvard Urban Renewal Plan
- 13. Park Plaza Urban Renewal Plan**
14. South Cove Urban Renewal Plan
15. South End Urban Renewal Plan
16. St. Botolph Elderly Housing Urban Renewal Plan
17. Sumner Street Public Housing Urban Renewal Plan
18. Washington Park Urban Renewal Plan
19. Downtown Waterfront - Faneuil Hall Urban Renewal Plan

VICTOR BROGNA  
P.O. BOX 130371  
BOSTON, MA 02113-0007

November 6, 2015

Martin J. Walsh  
Mayor of Boston  
Boston City Hall, 5<sup>th</sup> Floor  
Boston, MA 02201

Brian Golden, Director  
Boston Redevelopment Authority  
1 City Hall Square, 9<sup>th</sup> Floor  
Boston, MA 02201

Bill Linehan, President  
Boston City Council, and  
Members of the Boston City Council  
Boston City Hall, 5<sup>th</sup> Floor  
Boston, MA 02201

Ashley Johnston Emerson  
Director, Bureau of Relocation  
Department of Housing and  
Community Development  
Commonwealth of Massachusetts  
100 Cambridge Street, Suite 300  
Boston, MA 02114

Re: Request of the BRA for a 10-year Reauthorization of 14 Urban Renewal Plans

Gentlemen:

I submit this as my personal comment letter in opposition to the extension of powers the BRA is seeking. I address this letter to others in addition to the BRA's Director for three reasons:

1. The matter is currently under consideration by the City Council. I wish to make the Councilors aware of the reasons for my opposition, and to request that the Council either vote to oppose or take no action on the BRA's request.
2. The Department of Housing and Community Development has already authorized a one-year extension to April 30, 2016. I request that there be no further exercise of the Department's authority to extend.
3. I attended on November 2, 2015, a meeting between Director Golden and BRA staff, and the Alliance of Downtown Community Organizations (ADCO). ADCO had asked that the BRA delay seeking ten-year reauthorizations of the 14 expiring Urban Renewal Plans until the conclusion of the BRA's recently launched citywide planning process, *Imagine Boston 2030*. Although the meeting was lengthy and cordial, and a free discussion of issues took place, the BRA was unwilling to compromise its position on any issue. I was left with the impression that the BRA lacked authority to compromise. I therefore address this letter to Mayor Walsh, in the hope that he may align himself with the members of the public who oppose the BRA's request.

Urban Renewal Tools and the Basis of the BRA's Request. At the beginning of its process seeking public support for extension of the 14 urban renewal plans, the BRA published a document entitled "Urban Renewal Tools." The document identified powers which the BRA is able to exercise under its urban renewal plans. At a meeting on October 5, 2015, the BRA stated that only urban renewal furnishes these tools. At that meeting and at later ones, primary emphasis was placed on Eminent Domain, and the uses described under the eminent domain heading.

Eminent Domain and Related Uses Are All Available to the City Apart from Urban Renewal. In spite of the BRA's statement to the contrary, eminent domain and related uses are not available solely under urban renewal. They are in fact available to and exercised by the City as well, through its Public Facilities Commission. Attached to this letter as a sample are the first two pages of a lengthy letter to the Public Facilities Commission, dated May 13, 2010, from the Chief and Director of the City's Department of Neighborhood Development. The letter recommends that certain votes be taken. Three of the votes are identified as being, "[f]or purposes of an eminent domain taking to clear any title issues related to the acquisition of said properties for the purposes of neighborhood stabilization." Site assembly and title clearance are two outcomes from a taking which the BRA states are available solely as urban renewal tools. These votes prove the statement to be incorrect.

The votes themselves are lengthy, but each one begins with the words:

"WHEREAS, by virtue of the authority contained in Section 12 of Chapter 642 of the Acts of 1966 the Public Facilities Commission has the power and authority, without obtaining the consent of any other board or officer or further authority than that contained in the Act, to act in the name of the City, and acquire by purchase or otherwise, for any municipal purpose, a fee simple absolute in any land, public or private, within the limits of the City and take by eminent domain under Chapter eighty A of the General Laws any such fee."

Clearly, the City does not need urban renewal zones, nor does it even need the BRA, to take property by eminent domain for site assembly, title clearance, or any other municipal purpose.

Vertical Discontinuances Can Be Accomplished by the City Apart from Urban Renewal. After site assembly and title clearance, the third use related to eminent domain on the BRA's Urban Renewal Tools sheet is "vertical discontinuances." Attached to this letter as a sample is a one-page letter dated December 13, 2011, from Bill Linehan, Chair of the City Council's Committee on Economic Development and Planning, addressed to his fellow Councilors. The letter recites that the City's Public Improvements Commission was asked "to vertically discontinue" certain portions of two streets in South Boston. Councilor Linehan recommends to his fellow Councilors that "the matter ought to pass."

Therefore, contrary to the BRA's stated position, one can see that the power to accomplish vertical discontinuances is not available solely as an urban renewal tool. The power may be accomplished as well by action of the City Council and the Public Improvements Commission. The City has no need of urban renewal zones, nor of the BRA, to accomplish vertical discontinuances.

Public Benefits Contained in Land Disposition Agreements Can Be Preserved by Special Legislation. The BRA has recently added the necessity of preserving public benefits contained in Land Disposition Agreements (LDA's) to the list of reasons why urban renewal plans ought to be extended. The BRA has not yet produced for public review a sample of an LDA to illustrate its point. Consequently, it is difficult to comment upon what one has not seen. However, it can be noted that an LDA is a contract between two or more parties, and the extension of urban renewal plans presently being sought by the BRA is not something to which the other party or parties to the LDA's are being asked to agree. Therefore if, as the BRA contends, the public benefits contained in an LDA can be preserved unilaterally by an extension of the term of an urban renewal plan without impairment of the obligation of contract, it would appear that they could also be preserved unilaterally by any needed special legislation, without the necessity of extension of the BRA's urban renewal plans.

An Opportunity is Now Presented. Advantage should be taken of the present groundswell of opposition to the extension of urban renewal plans, by addressing a long-standing problem facing our city. The BRA acknowledged at the BRA-ADCO meeting that planning in Boston has for many years been the poor cousin to economic development. Although the BRA is Boston's planning agency, real planning has not been done in decades. The North End provides a quick example. Article 54 of the Boston Zoning Code, which governs zoning in the North End, refers in Section 2 to a North End Neighborhood Plan to be adopted by the BRA as the general plan for the North End Neighborhood District. However, when one goes looking for it one finds that the BRA, in the 20 years that followed the adoption of the Zoning Code, never produced a North End Neighborhood Plan.

Planning can and should be removed immediately from the BRA and taken over by a new City department. The creation of such a department should not be an overwhelming task. As an example, the Public Facilities Department was created in 1966 to handle all the public bidding and new construction which the City was about to undertake. Necessary legislation was drafted and passed, a Director of Public Facilities was appointed, the department was quickly staffed, and a program for the construction of new schools and municipal buildings was rapidly implemented. I am able to offer my personal observations on the subject, having been there at the time.

It is obvious to everyone concerned with the issue that the City is in desperate need of a functioning planning department. Any necessary legislation should be drafted as soon as possible to create such a department, within Boston's municipal structure.

Thank you for your attention to these concerns.

Yours sincerely,

*Victor Brogna*

cc: [renewal@boston.com](mailto:renewal@boston.com)  
[Mayor@boston.gov](mailto:Mayor@boston.gov)  
[martyw@boston.gov](mailto:martyw@boston.gov)  
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[corey.zehngebot@boston.gov](mailto:corey.zehngebot@boston.gov)



# DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

THOMAS M. MENINO, MAYOR  
EVELYN FRIEDMAN, CHIEF AND DIRECTOR

Patrick Harrington, Chairman  
Michael Hatfield, Commissioner  
John Walsh, Commissioner

May 13, 2010

## Public Facilities Commission

26 Court Street  
Boston, MA 02108

Dear Commissioners:

I recommend that the following votes, attached hereto and referred to as the AGENDA, be approved by the Commission at its May 13, 2010 meeting:

**VOTE 1**      **TO ACCEPT AND EXPEND A GRANT FROM THE DIVISION OF**      **\$66,261.00**  
**Christine**      **BANKS OF THE COMMONWEALTH OF MASSACHUSETTS (DOB):**  
**McCrorey**      To receive Chapter 206 funds from the MA Division of Banks to continue to  
provide a regional foreclosure education and prevention center.

**VOTE 2**      **RESCISSION OF THE VOTE OF APRIL 22, 2010: THE REMOVAL OF**      **Deleting**  
**Reay**      **PROPERTY LOCATED AT 34 WAYLAND STREET, DORCHESTER**      **Words and**  
**Pannesi**      **FROM CONDOMINIUM STRUCTURE.**      **Figures**

**WARD: 13**  
**PARCEL NUMBER: 00920000**  
**SQUARE FEET: 3,742**

**Use: Rehabilitation Housing**  
**Estimated Total Development Cost: \$399,000.00**  
**Assessed Value: \$587,400.00**  
**Appraisal Estimate: \$260,000.00**  
**DND Program: Foreclosure Intervention**

**VOTE 3**      **REMOVAL OF PROPERTY LOCATED AT 34 WAYLAND STREET,**      **Structure**  
**Reay**      **DORCHESTER FROM CONDOMINIUM STRUCTURE.**      **Change**  
**Pannesi**

**WARD: 13**  
**PARCEL NUMBERS: 00920002, 00920004 and**  
**00920006**  
**SQUARE FEET: 3,528**

**Use: Rehabilitation Housing**



**Estimated Total Development Cost:** \$399,000.00  
**Assessed Value:** \$587,400.00  
**Appraisal Estimate:** None  
**DND Program:** Foreclosure Intervention

**VOTE 4**  
Reay  
Pannesi

**REMOVAL OF PROPERTY LOCATED AT 223 CHELSEA STREET,  
EAST BOSTON FROM CONDOMINIUM STRUCTURE.**

**Structure  
Change**

**WARD:** 01  
**PARCEL NUMBERS:** 06334002, 06334004 and  
06334006  
**SQUARE FEET:** 2,000

**Use:** Rehabilitation - Housing  
**Estimated Total Development Cost:** \$225,905.00  
**Assessed Value:** \$434,500.00  
**Appraisal Estimate:** None  
**DND Program:** Foreclosure Intervention

**VOTE 5**  
Bob  
Jones

**CONVEYANCE TO MARJORIE POWELL AND QUEEN POWELL:  
Vacant land located at 12 Vale Street and 16-18 Vale Street, Roxbury.**

**Purchase  
Price  
\$200.00**

**WARD:** 11  
**PARCEL NUMBERS:** 00413000 and 00412000  
**SQUARE FEET:** 7,068 (total)

**Use:** New Construction - Housing  
**Estimated Total Development Cost:** \$877,034.00  
**Assessed Value:** \$54,800.00  
**Appraisal Estimate:** \$84,816.00  
**DND Program:** Neighborhood Housing  
**RFP Date:** 3/5/2007

**VOTE 6**  
Jim  
McDonough

**ORDER OF TAKING: 22 Rockwell Street in Dorchester:** For purposes of an eminent domain taking to clear any title issues related to the acquisition of said property for the purposes of neighborhood stabilization.

**VOTE 7**  
Jim  
McDonough

**ORDER OF TAKING: 302 Fuller Street in Dorchester:** For purposes of an eminent domain taking to clear any title issues related to the acquisition of said property for the purposes of neighborhood stabilization.

**VOTE 8**  
Jim  
McDonough

**ORDER OF TAKING: One Marion Place in East Boston:** For purposes of an eminent domain taking to clear any title issues related to the acquisition of said property for the purposes of neighborhood stabilization.



**Boston City Council**  
Committee on Economic Development and Planning  
Bill Linehan, Chair

December 13, 2011

Dear Councillors:

The Committee on Economic Development and Planning held a hearing on Tuesday, December 13, 2011 to take testimony and consider:

***Docket # 1530 - Message and order that on November 7, 2011 – on a petition by Eleven West LLC, the Public Improvement Commission [PIC] was asked to vertically discontinue certain portions of West Broadway and Dorchester avenue, South Boston, approx.335 sq. ft, shown on a plan entitled “City of Boston, Public Works Department, Engineering Division Vertical Discontinuance Plan, Dorchester Avenue and West Broadway, 2 sheets dated 7/15/2011” (proposed areas) also transferring the proposed areas of West Broadway and Dorchester Avenue, from discontinued street parcels to sale parcels and authorizing the sale of the proposed areas to Eleven West LLC.***

This matter was sponsored by Mayor Menino and referred to the Committee on November 30, 2011.

Testimony was taken from Marc L. LaCasse, Esq. regarding the proposed [rental] development and the request for a vertical discontinuance that would extend approximately 2 ½ feet over the public walkway and would include air rights between floors two and six.

This would allow the architect and developer to make modifications to the original plans and add a “bump out” to the floor plan that was originally designed for condominiums and will now be rental units with ground level retail space.

On November 3, 2011 – the Public Improvement Commission, at a public hearing, determined that the proposed area is no longer needed for highway purposes, and voted to discontinue it.

An independent appraisal was conducted on the value of the air rights for the sale of the proposed areas to Eleven West LLC and it was valued at seventy two thousand and four hundred dollars.

It was reported, that the developer is now in negotiations with the assessors office in determining an agreeable amount for the sale of those air rights.

Based on the information presented at the hearing and have considered the same, I respectfully recommend that this matter **ought to pass.**