

ZONING COMMISSION, CITY OF BOSTON

MINUTES

Wednesday April 4, 2001

Room 900, City Hall, Boston

Attendance

Commissioners

Robert L. Marr, Chairman Building Trade Employers' Association	Present
Robert L. Fondren Boston Society of Architects	Present
Vacancy Greater Boston Massachusetts Labor Council AFL/CIO	
James C. Clark Mayor's Selection	Present
William Tarlow Neighborhood Association of the Back Bay	Absent
Denise Doyle Mayor's Selection	Present
Ralph Cooper Franklin Field South Neighborhood Association	Present
M. Pat Tierney Greater Boston Real Estate Board	Present
Enerio Barros Mayor's Selection	Absent
Jill Hatton Greater Boston Chamber of Commerce	Present
Michael Flaherty Neighborhood Association	Present

Staff

Rick Shaklik Advisor to the Commission	Present
Jeffrey M. Hampton Secretary to the Commission	Present

PUBLIC HEARINGS

1. Chairman Marr called the meeting to order at 9:07 AM and opened the public hearing regarding Text Amendment Application No. 314.

The following spoke in favor of the petition:

Rick Shaklik – Advisor to the Commission
Jeff Hurley – Proposed tenant/owner of tattoo shop
Chris Keating – representing Final Frontier Tattooing

Rick Shaklik presented the petition to the Commission.

Commissioner Fondren asked if the use would be forbidden in residential districts, conditional in all others, except the “I” district?

Mr. Shaklik stated yes.

Commissioner Marr stated that the Boston Redevelopment Authority Board memo dated February 15, 2001, read that the use would be allowed in the “M” district also.

Mr. Shaklik responded that some of the “M” districts have changed and have become more commercial and residential than industrial in nature, so the conditional designation is more appropriate.

Commissioner Hatton asked if this amendment exempted ear lobe piercing.

Commissioner Fondren said that a specific exemption from the proposed regulations to exclude ear lobe piercing could be proposed by the Commission.

Jeff Hurley spoke in favor of the petition. He stated that this regulation was a long time in coming and that the art of tattooing and piercing is spread through all races and cultures.

Chris Keating spoke in favor of the petition. He wanted to dispel the myth and image that is associated with tattoos. Mr. Keating showed exhibits to the Commission for their consideration.

Chairman Marr declared the petitioner’s case closed at 9:26 AM

There was no opposition.

Chairman Marr declared that the public hearing be closed at 9:26 AM and stated that the issue would be taken under advisement and discussed during the business meeting to follow and stated that the public was invited to attend.

2. Commissioner Marr opened the public hearing regarding Map Amendment Application No. 449.

The following spoke in favor of the petition:

Rick Shaklik
Michael Greene – representing Forest Hills Cemetery

Rick Shaklik presented the petition to the Commission and introduced Michael Greene to explain the reasoning behind the petition.

Michael Greene spoke in favor of the petition and stated that the Commonwealth of Massachusetts, through the Division of Capital Asset Management (“DCAM”), was conveying approximately 10.036 acres of land to the Forest Hills Cemetery. The legislation requires DCAM to convey the property subject to a deed restriction that it be used only for cemetery purposes with a clause that causes the title to the property to automatically revert to the Commonwealth if it is not so used. Under the current zoning, cemetery uses are not permitted. A change in the zoning designation must be made before the Commonwealth can convey the land. Forest Hills Cemetery is asking that the 10+ acres be rezoned from “CF”, indicating a Community Facilities Subdistrict, to “OS-CM”, indicating an Open Space-Cemetery Subdistrict.

Commissioner Marr asked exactly where the cemetery is.

Mr. Greene stated that it was along Morton Street across from Franklin Park.

Chairman Marr declared the petitioner’s case closed at 9:40 AM

There was no opposition.

Chairman Marr declared that the public hearing be closed at 9:40 AM and stated that the issue would be taken under advisement and discussed during the business meeting to follow and stated that the public was invited to attend.

3. Commissioner Marr opened the public hearing regarding the Amended and Restated Development Plan for Planned Development Area No. 25, 1241-1255 Adams Street, Dorchester.

The following spoke in favor of the Proposed Project:

Rick Shaklik
Hugues Monestime – Project Manager, BRA
Chris Milton – representing Mintz, Levin
Councilor Maureen Feeney
Roger Cassen – Winn Development

Rick Shaklik presented the Proposed Project to the Commission and introduced Hugues Monestime.

Mr. Monestime gave general background information on the proposed development and stated that because of a change in the number of dwelling units, an amendment was required.

Chris Milton gave a brief presentation on the proposed development and stated that number of units was being reduced from 300 to 177. He stated that there was support from the Lower Mills Civic Association as well as the Baker Square Condominium Trustees.

Councilor Feeney spoke in favor of the project.

Roger Cassen spoke in favor of the plan and briefly explained the layout of the proposed units.

Commissioner Cooper asked if the townhouses had parking garages.

Mr. Cassen said that there were garages to accommodate 2 cars parked tandem.

Commissioner Cooper asked where the rest of the cars would go.

Mr. Cassen said that there would be a shared parking facility, but the Number of cars would be very limited.

Chairman Marr declared the petitioner's case closed at 10:10 AM

There was no opposition.

Chairman Marr declared that the public hearing be closed at 10:10 AM and stated that the issue would be taken under advisement and discussed during the business meeting to follow and stated that the public was invited to attend.

4. Commissioner Marr opened the public hearing regarding Text Amendment Application No. 315.

The following spoke in favor of the petition:

Rick Shaklik

Mr. Shaklik stated that this minor amendment was in response to the Zoning Commission's request to amend the zoning regulations concerning pawnshops in local business districts.

There was general discussion among the Commission regarding this petition.

Chairman Marr declared the petitioner's case closed at 10:15 AM

There was no opposition.

Chairman Marr declared that the public hearing be closed at 10:15 AM and stated that the issue would be taken under advisement and discussed during the business meeting to follow and stated that the public was invited to attend.

BUSINESS MEETING

Mr. Marr opened that Business Meeting at 10:20 AM and asked if there was any discussion on any of the public hearings.

There was general discussion among the Commissioners that the definition of Body Art did adequately address the issue of ear lobe piercing. They were afraid that business that offered piercing of the ear would be caught in this amendment.

Commissioner Clark made a motion to amend the definition of Body Art as presented to add the following language at the end of the definition: "This definition excludes the piercing of the earlobe with a pre-sterilized single-use stud-and-clasp system manufactured exclusively for ear piercing."

Commissioner Fondren seconded the motion.

Chairman Marr put the motion to vote:

Yes: 8 (Hatton, Marr, Clark, Fondren, Tierney, Doyle, Cooper, Flaherty)

No: 0

The motion was declared carried.

Commissioner Clark made a motion to adopt Text Amendment Application No. 314, as amended.

Commissioner Fondren seconded the motion.

Chairman Marr put the motion to vote:

Yes: 7 (Hatton, Marr, Clark, Fondren, Tierney, Doyle, Cooper)

No: 1 (Flaherty)

The motion was declared carried.

Commissioner Fondren made a motion to adopt Map Amendment Application No. 449 as submitted.

Commissioner Clark seconded the motion.

Chairman Marr put the motion to vote:

Yes: 8 (Hatton, Marr, Clark, Fondren, Tierney, Doyle, Cooper, Flaherty)

No: 0

The motion was declared carried.

Commissioner Fondren made a motion to adopt the Amended and Restated Development Plan for Planned Development Area No. 25, 1241-1255 Adams Street, Dorchester, as submitted.

Commissioner Clark seconded the motion.

Chairman Marr put the motion to vote:

Yes: 8 (Hatton, Marr, Clark, Fondren, Tierney, Doyle, Cooper, Flaherty)

No: 0

The motion was declared carried.

Commissioner Clark made a motion to adopt Text Amendment Application No. 315 as submitted.

Commissioner Cooper seconded the motion.

Chairman Marr put the motion to vote:

Yes: 8 (Hatton, Marr, Clark, Fondren, Tierney, Doyle, Cooper, Flaherty)

No: 0

The motion was declared carried.

Commissioner Marr declared the meeting adjourned at 10:30 AM.