

ZONING COMMISSION, CITY OF BOSTON

MINUTES

Wednesday, December 17, 2003

Room 900, City Hall, Boston

**Attendance**

**Commissioners**

|   |         |
|---|---------|
| Robert L. Marr, Chairman<br>Building Trade Employers' Association | Present |
| Robert L. Fondren<br>Boston Society of Architects                 | Present |
| Jay Hurley<br>Greater Boston Massachusetts Labor Council AFL/CIO  | Present |
| James C. Clark<br>Mayor's Selection                               | Present |
| William Tarlow<br>Neighborhood Association of the Back Bay        | Present |
| Denise Doyle<br>Mayor's Selection                                 | Present |
| Ralph Cooper<br>Franklin Field South Neighborhood Association     | Absent  |
| M. Pat Tierney<br>Greater Boston Real Estate Board                | Present |
| Nelson Arroyo<br>Mayor's Selection                                | Present |
| Jill Hatton<br>Greater Boston Chamber of Commerce                 | Present |
| Jane Brayton<br>Neighborhood Association                          | Present |

**Staff**

|  |         |
|--|---------|
| Rick Shaklik<br>Deputy Director for Zoning/Advisor to the Commission | Present |
| Jeffrey M. Hampton<br>Secretary to the Commission                    | Present |

## **PUBLIC HEARINGS**

1. Mr. Marr called the meeting to order at 9:11 and opened the public hearing on Map Amendment Application No. 486 and a petition for approval of Planned Development Area No. 61.

The following spoke in favor of the petition:

Rick Shaklik – Advisor to the Commission  
Keith Craig – Project Manager (BRA)  
Sonal Gandhi – Senior Project Manager (BRA)  
Scott Dumont – Lyme Properties  
Rich Kobus – Architect (Tsoi, Kobus and Associates)  
Dan Taylor – Piper Rudnick  
State Representative Jeffrey Sanchez  
Nika Mendosa – MONS  
Sarah Hamilton – MASCO  
Dennis Monty – Beth Israel Deaconess Medical Center

Mr. Shaklik presented the petition to the Commission and stated what was being asked of the Commission in approving the proposed map amendment and Institutional Master Plan (“IMP”). Mr. Shaklik introduced Keith Craig, Project Manager.

Mr. Craig gave a brief summary of the proposed project. He stated that this project would be the development of 575,000 square feet of research and development space in the Longwood Medical Area (“LMA”). Mr. Craig went through the Article 80 development review process for the Commission and approvals given by the BRA Board. Some of the benefits he mentioned were 400 construction and 700 full-time jobs as well as providing a tax base on what is now tax-exempt property. Mr. Craig also stated that the proposed project follows the LMA Guidelines approved by the City. Mr. Craig introduced Sonal Gandhi.

Ms. Gandhi stated that the Blackfan Research Center “over-achieved” in terms of community benefits which included the following: contributions to housing, workforce development and transportation improvements.

Commissioner Marr asked about the linkage payments to the East Boston Hotel.

Ms. Gandhi stated that this was an editing error. She stated that this project had nothing to do with the East Boston Hotel.

Ms. Gandhi introduced Scott Dumont.

Mr. Dumont gave a presentation on the history of the proposed project and the ongoing relationship with Lyme Properties and Beth Israel Deaconess Medical

Center. He stated that this is the culmination of more than two (2) years of planning and that the proposed project will strengthen the relationship within the LMA. The community review process was extensive, with comments and solutions rendered at all meetings. Mr. Dumont introduced Rich Kobus.

Mr. Kobus gave a presentation on the layout and appearance of the proposed project (see Urban Design handout in file). He stated that setbacks were increased and that Binney Street will be allowed to continue to Brookline Avenue. The presentation followed the information of the handout precisely.

Commissioner Fondren asked if the Longwood North Research Center (“LNRC”) was part of this project.

Mr. Dumont said that it was not part of the proposed project but may be an amendment to the Planned Development Area (“PDA”).

Commissioner Fondren asked if Binney Street was a private way.

Mr. Dumont said that it was.

Commissioner Fondren asked whether the Commission could see the size of the area and layout of the PDA.

Mr. Kobus showed the Commission the site plan accompanying the map amendment.

Commissioner Fondren asked why the developer was using the street.

Mr. Taylor stated that they were not.

Mr. Dumont finished the presentation with a summary of the public benefits (see Urban Design handout).

Commissioner Marr asked what prompted the additional funding to linkage.

Mr. Dumont answered that it was the BRA.

State Representative Jeffrey Sanchez spoke in favor of the proposed project. He stated that the developer and the BRA worked feverishly with the community on a number of issues.

Commissioner Fondren asked if Rep. Sanchez could give any examples.

Rep Sanchez said that the BRA requested that the linkage funds be dispersed to certain areas, but did not have exact figures.

Commissioner Clark asked if there was one community group that would be affected for the construction jobs.

Rep. Sanchez stated that there wouldn't be one, but many, if not all community groups.

Nika Mendosa spoke in favor of the proposed project. She stated that the review process was thorough and open.

Sarah Hamilton spoke in favor of the proposed project.

Dennis Monty spoke in favor of the proposed project.

Mr. Dumont submitted a letter to the Commission from the Fenway CDC supporting the proposed project.

**Commissioner Marr declared the petitioners case closed at 10:00 AM.**

The following spoke in opposition to the petition:

Allison Pultinas – Resident of Mission Hill

Allison Pultinas spoke in opposition not to the proposed project, but to the process. She stated that PDAs were prohibited in this area.

Commissioner Fondren asked if this were true.

Ms. Pultinas stated that according to the underlying zoning, PDAs were prohibited in this district.

**Commissioner Marr declared the opposition's case closed at 10:02 AM**

Mr. Shaklik stated that the Beth Israel zoning prohibits PDAs on the basis that the Hospital's projects would be subject to the IMP requirement of Article 80. Beth Israel Deaconess has transferred the land to Lyme Properties and this issue is addressed in the Development Plan.

Don Wiest (Land Use Counsel, BRA) stated that Institutions are prohibited from doing PDAs.

Commissioner Fondren asked whether this was a private parcel of land within the Beth Israel Institutional District.

Mr. Shaklik stated that it was.

Commissioner Hatton stated that you couldn't include non-institutional property in an IMP.

Mr. Shaklik showed the commission the area involved and said how Beth Israel Deaconess Medical Center is going through the IMP review process now, and that the proposed IMP does not include this parcel.

Mr. Wiest stated that Beth Israel Deaconess would be subject to the IMP review process if they owned the parcel.

Commissioner Marr asked that if it was developed by Beth Israel Deaconess, it could not be a PDA?

Mr. Wiest said that was correct.

**Mr. Marr stated that the matter would be taken under advisement and would be discussed at the business meeting to follow and also extended an invitation to the public to attend the business meeting.**

**The hearing was declared closed at 10:10 AM.**

Commissioner Marr declared a 4 minute recess at 10:10 AM.

2. Mr. Marr opened the public hearing on Text Amendment Application No. 335 at 10:15 AM.

The following spoke in favor of the petition:

Rick Shaklik – Advisor to the Commission  
City Councilor Robert Consalvo  
Michael Kineavy – MONS

Rick Shaklik presented the petition to the Commission and stated that there was a need for clarification on the issue that deals with two dwellings on the same lot. An earlier amendment approved by the Commission dealt with setbacks, the proposed amendment would deal with the requirements for lot size, area and width, as well as the requirements for usable open space.

Commissioner Hatton asked where this amendment would apply.

Mr. Shaklik stated that the amendment would be in those areas of the City where Volume I of the Zoning Code still applies – e.g., Hyde Park, Roslindale and South Boston. The new neighborhood zoning addresses this issue, however the general code is not written as clearly. Mr. Shaklik introduced Councilor Consalvo.

Councilor Consalvo spoke in favor of the proposed amendment and thanked the Commission for their work in trying to remedy this “loophole” in the Code. He stated that until the re-zoning process is underway in these neighborhoods where Volume I still applies, the amendment would hopefully control development on larger lots.

Michael Kineavy spoke in favor of the proposed amendment.

**The Petitioner’s case was closed at 10:23 AM**

**There was no opposition to the petition.**

**Mr. Marr stated that the matter would be taken under advisement and would be discussed at the business meeting to follow and also extended an invitation to the public to attend the business meeting.**

**The hearing was declared closed at 10:23**

3. Mr. Marr opened the public hearing on Text Amendment Application No. 336 at 10:23 AM.

The following spoke in favor of the petition:

Rick Shaklik – Advisor to the Commission

Rick Shaklik presented the petition to the commission and stated that the need for this amendment was to correct a “loophole” in Article 54 (North End Neighborhood District) and Article 64 (South End Neighborhood District). Mr. Shaklik stated that the tow articles only had off-street loading requirements that went up to 24,999 square feet whereas the rest of the neighborhood districts went up to 49,999 square feet. Without this amendment, off-street loading facilities would not be required for any proposed project that was between 25,000-49,999 square feet. This was something that needed to be corrected immediately.

**The Petitioner’s case was closed at 10:25 AM**

**There was no opposition to the petition.**

**Mr. Marr stated that the matter would be taken under advisement and would be discussed at the business meeting to follow and also extended an invitation to the public to attend the business meeting.**

**The hearing was declared closed at 10:25**

4. Mr. Marr opened the public hearing on Text Amendment Application No. 337 at 10:25 AM.

The following spoke in favor of the petition:

Rick Shaklik – Advisor to the Commission

Rick Shaklik presented the petition to the commission and stated that the need for this amendment was to make cosmetic changes to the footnote section of Table B in Article 51, Allston-Brighton Neighborhood district. Mr. Shaklik told the Commission that the footnotes listed in the proposed amendment were approved by the Commission with the adoption of the Chestnut Hill Waterworks Protection Subdistrict at its meeting on September 18, 2002. The proposed amendment would insert these footnotes in correct numerical order. Essentially it adds new, and cleans up existing text in Article 51.

**The Petitioner's case was closed at 10:26 AM**

**There was no opposition to the petition.**

**Mr. Marr stated that the matter would be taken under advisement and would be discussed at the business meeting to follow and also extended an invitation to the public to attend the business meeting.**

**The hearing was declared closed at 10:26**

5. Mr. Marr opened the public hearing on Map Amendment Application No. 487 at 10:26 AM.

The following spoke in favor of the petition:

Rick Shaklik – Advisor to the Commission

Rick Shaklik presented the petition to the Commission and stated the reasoning for the amendment. In 1996, the Commission extended the boundaries of the

Restricted Parking District to include the areas of Dorchester and Charlestown. This was done at the request of residents and elected officials who felt the need for review of both on-site and off-street parking proposals for nonresidential uses. In 1998, the Commission subsequently removed the Restricted Parking District from Charlestown after the re-zoning process was completed and off-street parking regulations were dealt with through the approved zoning. The subsequent adoption of appropriate parking regulations in Article 65 (Dorchester Neighborhood District) of the Zoning Code warrants the removal of the overlay district.

**The Petitioner's case was closed at 10:32 AM**

**There was no opposition to the petition.**

**Mr. Marr stated that the matter would be taken under advisement and would be discussed at the business meeting to follow and also extended an invitation to the public to attend the business meeting.**

**The hearing was declared closed at 10:32**

**Mr. Marr Opened the Business Meeting at 10:35 AM**

Mr. Marr opened discussion regarding the Kensington Planned Development Area that was held two weeks before.

Mr. Shaklik addressed the issues raised by the Commission at the public hearing and stated that they had been addressed. Specifically, the Boston Young Men's Christian Union ("BYMCU") site would now be required to go through the PDA review process. There was general discussion on the proposed change in language that was submitted to the Commission, the relationship between the BYMCU, Kensington and zoning in the Midtown Cultural District. There was discussion on amending the proposed language to include the phrase "and uses".

Mr. Shaklik referenced a handout that was given to the Commission at the Business Meeting with regard to the boundaries of the proposed PDA. There was general discussion of this issue as well as the benefits associated with the Plan. The proposed PDA is consistent with past PDAs with respect to using sidewalks, public ways and property not owned by the developer. There was general discussion among the Commissioners about these topics.

There was general discussion among the Commissioners with regard to the eminent domain issue before the City Council and the process that the proposed project moves forward.



Commissioner Fondren asked to clarify the definition of a PDA.

Mr. Shaklik stated that Section 3-1A was specific on the requirements for PDAs.

There was no more discussion on the topic.

1. Mr. Clark made a motion to amend Section 17 of the Development Plan for Planned Development Area No. 60 to add the phrase “and uses” to the end of the sentence that begins “This Development Plan proposes no alterations,”. Mr. Arroyo seconded the motion. Mr. Marr put the motion to vote:

Yeas: 10

Ms. Hatton, Mr. Hurley, Ms. Brayton, Mr. Clark, Mr. Tarlow, Mr. Marr, Mr. Fondren, Mr. Arroyo, Ms. Tierney, Ms. Doyle.

Nays: 0

**The motion was declared carried.**

1A. Mr. Clark made a motion to approve Map Amendment Application No. 485, as submitted, and the Development Plan for Planned Development Area No. 60, as amended. Mr. Arroyo seconded the motion. Mr. Marr put the motion to vote:

Yeas: 8

Ms. Hatton, Mr. Hurley, Ms. Brayton, Mr. Clark, Mr. Tarlow, Mr. Arroyo, Ms. Tierney, Ms. Doyle.

Nays: 2

Mr. Marr, Mr. Fondren

**The motion was declared carried.**

2. Mr. Arroyo made a motion to approve Map Amendment Application No. 486, and the Development Plan for Planned Development Area No. 61, as submitted. Mr. Tarlow seconded the motion. Mr. Marr put the motion to vote:

Yeas: 10

Ms. Hatton, Mr. Hurley, Ms. Brayton, Mr. Clark, Mr. Tarlow, Mr. Arroyo, Ms. Tierney, Ms. Doyle, Mr. Marr, Mr. Fondren

Nays: 0

**The motion was declared carried.**

3. Ms. Tierney made a motion to approve Text Amendment Application No. 335, as submitted. Ms. Brayton seconded the motion. Mr. Marr put the motion to vote:

Yeas: 10

Ms. Hatton, Mr. Hurley, Ms. Brayton, Mr. Clark, Mr. Tarlow, Mr. Arroyo, Ms. Tierney, Ms. Doyle, Mr. Marr, Mr. Fondren

Nays: 0

**The motion was declared carried.**

4. Mr. Clark made a motion to approve Text Amendment Application No. 336, as submitted. Mr. Fondren seconded the motion. Mr. Marr put the motion to vote:

Yeas: 10

Ms. Hatton, Mr. Hurley, Ms. Brayton, Mr. Clark, Mr. Tarlow, Mr. Arroyo, Ms. Tierney, Ms. Doyle, Mr. Marr, Mr. Fondren

Nays: 0

**The motion was declared carried.**

5. Mr. Clark made a motion to approve Text Amendment Application No. 337, as submitted. Mr. Arroyo seconded the motion. Mr. Marr put the motion to vote:

Yeas: 10

Ms. Hatton, Mr. Hurley, Ms. Brayton, Mr. Clark, Mr. Tarlow, Mr. Arroyo, Ms. Tierney, Ms. Doyle, Mr. Marr, Mr. Fondren

Nays: 0

**The motion was declared carried.**

6. Mr. Clark made a motion to approve Map Amendment Application No. 487, as submitted. Mr. Arroyo seconded the motion. Mr. Marr put the motion to vote:

Yeas: 10

Ms. Hatton, Mr. Hurley, Ms. Brayton, Mr. Clark, Mr. Tarlow, Mr. Arroyo,  
Ms. Tierney, Ms. Doyle, Mr. Marr, Mr. Fondren

Nays: 0

**The motion was declared carried.**

**Mr. Marr adjourned the meeting at 11:30 AM**