

ZONING COMMISSION, CITY OF BOSTON

MINUTES

Wednesday, January 9, 2008

Room 900, City Hall, Boston

**Attendance**

**Commissioners**

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

**Staff**

Rick Shaklik Deputy Director for Zoning/ Advisor to the Commission	Present
Jeffrey M. Hampton Secretary to the Commission	Present

Prior to the public hearings, the Commission elected Chairman, Vice-Chairman and Secretary.

Commissioner Cooper made a motion that Robert Fondren be named Chairman, James Clark be named Vice-Chairman, and Jeff Hampton be named Secretary. Commissioner Hurley seconded the motion.

Mr. Fondren put the motion to vote.

Yeas: 9

Mr. Marr, Ms. Tierney, Ms. Bernard, Mr. Arroyo, Mr. Fondren, Mr. Clark, Mr. Hurley, Ms. Brayton, Mr. Cooper

Nays: 0

The motion was declared CARRIED.

### **PUBLIC HEARINGS**

1. Commissioner Clark stated that he needed to recuse himself from the first public hearing. Chairman Fondren called the meeting to order at 9:10 AM and opened the public hearing on Text Amendment Application Nos. 380-382 and Map Amendment Application No. 546 – Smart Growth.

The following spoke in favor of the petition:

Rick Shaklik  
Marybeth Pyles, BRA Land Use Counsel  
Heather Campisano, BRA  
Matt Kiefer, Goulston & Storrs  
Kirk Sykes  
Councilor Chuck Turner  
Councilor Robert Consalvo  
Councilor Sam Yoon  
Representative from Councilor Yancey's Office  
Representative from MONS  
Beverly Johnson, consultant on Boston State CAC  
Jerry Rappaport, New Boston  
Lorraine Bah, Lena Park CDC  
James Rooney, Boston Foundation  
Ted Carvin, Concord Square Development Corp.  
Greg Vassar  
Christine Puff  
Laurie Webster

Mr. Shaklik presented the petition to the Commission and stated what was being asked of the Commission. This a four-part petition, three text and one map amendment. He introduced Marybeth Pyles to discuss the background.

Ms. Pyles stated that the proposed amendments encourage sustainable development and establishes financial incentives for the City under Chapter 40R. She gave a brief synopsis of Chapters 40R and 40S. The Department of Housing and Community Development ("DHCD") has approved the proposed Articles 87 and 87A. The Smart Growth Overlay District ("SGOD") keeps the underlying zoning, but gives developers the option to submit a Smart Growth Plan subject to BRA design review and City and State approvals. Further SGODs would also need City, State and Zoning Commission approval. She introduced Heather Campisano.

Ms. Campisano gave a brief presentation on the community input and public process. She introduced Matt Kiefer.

Mr. Kiefer stated that the new zoning still allows an existing process to move forward with financial incentives for the City of Boston. The essential point is that the already approved Olmsted Green project meets the Chapter 40R requirements with no changes. Article 87A re-adopts in a new form, the approved PDA. The final step is DHCD approval.

Councilor Turner spoke in favor of the petition.

Councilor Consalvo spoke in favor of the petition.

Councilor Yoon spoke in favor of the petition.

Beverly Johnson spoke in favor of the petition.

Jerry Rappaport spoke in favor of the petition.

Lorraine Bah spoke in favor of the petition.

James Rooney spoke in favor of the petition.

Ted Carvin spoke in favor of the petition.

Greg Vassar spoke in favor of the petition.

Christine Puff spoke in favor of the petition.

Kirk Sykes spoke in favor of the petition.

There was no further discussion.

**Chairman Fondren declared the petitioner's case closed at 9:55 AM.**

Chairman Fondren asked if anyone wished to speak in opposition to the petitions.

There was no opposition.

**Chairman Fondren stated the matter would be taken under advisement and would be discussed at the next business meeting to be held immediately following the hearing which was open to the public.**

**The hearing was declared closed at 9:55 AM.**

2. Commissioner Clark returned to the hearings. Chairman Fondren opened the public hearing on a petition for approval of the Arnold Arboretum of Harvard University Institutional Master Plan ("IMP") at 9:58 AM.

The following spoke in favor of the petition:

Rick Shaklik

Mike Glavin, BRA  
Kevin McCluskey, Harvard  
Dr. Robert Cook, Arnold Arboretum  
Mary Feeney, Bowditch and Dewey  
Councilor Robert Consalvo  
Rep. Jeffrey Sanchez  
Jay Walsh, MONS  
Beth Worrell, Task Force member  
Julie O'Brien, LANA and Weld Hill Task Force  
Walter Mitchell, Task Force member  
Christine Puff, Franklin Park Coalition

Mr. Shaklik presented the petition to the Commission and stated what was being asked of the Commission. The IMP was approved by the BRA on 8/14/07. The IMP includes one Proposed Project – a 45,000 square foot research and administration building. He introduced Mike Glavin.

Mr. Glavin stated that in its simplest form it is the same kind of proposed project brought before the Zoning Commission by other institutions, except that this project happens to be located within the Arboretum. The community and politicians have worked tirelessly to keep Harvard's feet to the fire. He introduced Kevin McCluskey and Dr. Robert Cook.

Mr. McCluskey gave a presentation on the community review process.

Dr. Cook stated that the Proposed Project has its roots in tree research. He also gave some background information on Harvard and the City of Boston in terms of the Arboretum. The Proposed Project is going to be a research facility/greenhouse and administrative space. The research will deal with the biology of trees.

Mary Feeney discussed the zoning issues before the Commission. The IMP is for a period of 10 years, but there is only one Proposed Project.

Commissioner Fondren asked what the original lease was for the Arboretum between Harvard and the City.

Ms. Feeney stated that it was a 1,000 year lease.

Councilor Consalvo spoke in favor of the IMP. He stated that this was the culmination of a four year process. This was THE issue in Roslindale for the past 3 ½ years.

Rep. Sanchez also spoke in favor of the IMP. He stressed that the community has fought to protect their neighborhood. The growth of a great institution is related to its relationship with the surrounding neighborhood.

Jay Walsh thanked the community and Harvard for years of hard work.

Beth Worrell spoke in favor of the IMP.

Julie O'Brien spoke in favor of the IMP.

Walter Mitchell spoke in favor of the IMP.

Christine Puff spoke in favor of the IMP and stated that the Arboretum is important to Franklin Park.

There was no further discussion.

**Chairman Fondren declared the petitioner's case closed at 10:44 AM.**

Chairman Fondren asked if anyone wished to speak in opposition to the petitions.

There was no opposition.

**Chairman Fondren stated the matter would be taken under advisement and would be discussed at the next business meeting to be held immediately following the hearing which was open to the public.**

**The hearing was declared closed at 10:44 AM.**

Chairman Fondren declared a five minute recess at 10:45 AM

3. Chairman Fondren called the meeting to order at 10:55 AM and opened the public hearing on a petition for approval of the Third Amendment to Planned Development Area ("PDA") No. 11 - One Post Office Square.

The following spoke in favor of the petition:

Rick Shaklik  
Kristin Kara, BRA  
Greg Shay, Boston Equity  
Robert Brown, CBT Architects  
Marilyn Sticklor, Goulston & Storrs

Mr. Shaklik presented the petition to the Commission and stated what was being asked of the Commission. He introduced Kristin Kara.

Ms. Kara stated that the proposed amendment allows for the expansion into the lobby. The Proposed Project would affect only the office building. She introduced Greg Shay.

Mr. Shay showed the improvements to several other properties downtown. The proposal is not a wasteful improvement of space.

Mr. Brown gave a presentation on the improvements.

Chairman Fondren stated that the entrance was primarily from Pearl Street.

Mr. Brown said yes.

There was some general discussion on construction materials and security.

Ms. Sticklor gave a brief presentation on the zoning need for the amendment. Improvements do not affect FAR, just asking for confirmation of the plans.

There was no further discussion.

**Chairman Fondren declared the petitioner's case closed at 11:18 AM.**

Chairman Fondren asked if anyone wished to speak in opposition to the petitions.

There was no opposition.

**Chairman Fondren stated the matter would be taken under advisement and would be discussed at the next business meeting to be held immediately following the hearing which was open to the public.**

**The hearing was declared closed at 11:18 AM.**

4. Chairman Fondren opened the public hearing on Text Amendment Application No. 384.

The following spoke in favor of the petition:

Rick Shaklik  
Hugues Monestime, BRA  
Councilor Turner

Mr. Shaklik presented the petition to the Commission and stated what was being asked of the Commission. He introduced Hugues Monestime.

Mr. Monestime stated that this amendment affected as-of-right projects exceeding 750 square feet of floor area. He gave a brief history of overly districts dealing with design review in Roxbury. Not all neighborhoods have design review thresholds. Newer homes were beginning to interrupt areas that had specific architectural styles, but not necessarily in an overlay district.

Commissioner Cooper asked where the review process began.

Mr. Monestime said that it all starts at the Inspectional Services Department ("ISD").

Commissioner Arroyo asked who hosts the community meeting to discuss the plans?

Mr. Monestime stated that the neighborhood planner is responsible for reaching out.

Mr. Shaklik stated that the issue here is to require design review without going to the Zoning Board of Appeals.

Commissioner Tierney asked how 750 square feet came to be.

Mr. Shaklik stated that it was a balance between catching those projects of 750 square feet but not burden the City for smaller projects.

Mr. Monestime showed examples of projects that should have gone through design review (Townsend and Dale Streets). The amendment is a result of concern from the community.

Comissioner Clark says that he sees the problem everyday and it needs to be addressed.

Councilor Turner spoke in favor of the petition. He said that there was skepticism if the City would take this issue on, but the public process bringing this amendment forth showed the need for some sort of protection and see what affects it may have and whether or not to expand this concept at some point in time.

There was no further discussion.

**Chairman Fondren declared the petitioner's case closed at 11:44 AM.**

Chairman Fondren asked if anyone wished to speak in opposition to the petitions.

There was no opposition.

**Chairman Fondren stated the matter would be taken under advisement and would be discussed at the next business meeting to be held immediately following the hearing which was open to the public.**

**The hearing was declared closed at 11:44 AM.**

5. Chairman Fondren called the meeting to order at 10:55 AM and opened the public hearing on Map Amendment Application No. 544.

The following spoke in favor of the petition:

Rick Shaklik

Steven Miller, McDermott, Quilty and Miller

Mr. Shaklik presented the petition to the Commission and stated what was being asked of the Commission. This is a necessary correction. The issue was brought to the City's attention by the property owner. Privately owned land cannot be zoned open space without written permission from the owner.

Mr. Miller stated that the owner of the property is interested in the re-zoning of the property from OS-P to CC.

There was no further discussion.

**Chairman Fondren declared the petitioner's case closed at 11:47 AM.**

Chairman Fondren asked if anyone wished to speak in opposition to the petitions.

There was no opposition.

**Chairman Fondren stated the matter would be taken under advisement and would be discussed at the next business meeting to be held immediately following the hearing which was open to the public.**

**The hearing was declared closed at 11:47 AM.**

**Chairman Fondren called the Business Meeting to order 11:47 AM**

**Commissioner Cooper made a motion to approve Text Amendment Application Nos. 380-382 and Map Amendment Application No. 546, as submitted. Commissioner Brayton seconded the motion.**

Chairman Fondren put the motion to vote:

Yeas: 7

Ms. Bernard, Mr. Hurley, Ms. Brayton, Mr. Cooper, Mr. Fondren, Mr. Arroyo, Ms. Tierney

Nays: 0

**The motion was declared carried.**

**Commissioner Clark made a motion to approve Map Amendment Application No. 540 and the Arnold Arboretum of Harvard University Institutional Master Plan, as submitted. Commissioner Brayton seconded the motion.**

Chairman Fondren put the motion to vote:

Yeas: 8

Ms. Bernard, Mr. Hurley, Ms. Brayton, Mr. Cooper, Mr. Fondren, Mr. Clark, Mr. Arroyo, Ms. Tierney

Nays: 0

**The motion was declared carried.**

**Commissioner Clark made a motion to approve the Third Amendment to Planned Development Area No. 11, One Post Office Square, as submitted. Commissioner Tierney seconded the motion.**

Chairman Fondren put the motion to vote:

Yeas: 8

Ms. Bernard, Mr. Hurley, Ms. Brayton, Mr. Cooper, Mr. Fondren, Mr. Clark, Mr. Arroyo, Ms. Tierney

Nays: 0



**The motion was declared carried.**

**Commissioner Clark made a motion to approve Text Amendment Application No. 384, as submitted. Commissioner Cooper seconded the motion.**

Chairman Fondren put the motion to vote:

Yeas: 7

Ms. Bernard, Mr. Hurley, Ms. Brayton, Mr. Cooper, Mr. Fondren, Mr. Clark, Mr. Arroyo

Nays: 1

Ms. Tierney

**The motion was declared carried.**

**Commissioner Clark made a motion to approve Map Amendment Application No. 544, as submitted. Commissioner Arroyo seconded the motion.**

Chairman Fondren put the motion to vote:

Yeas: 8

Ms. Bernard, Mr. Hurley, Ms. Brayton, Mr. Cooper, Mr. Fondren, Mr. Clark, Mr. Arroyo, Ms. Tierney

Nays: 0

**The motion was declared carried.**

**Commissioner Fondren adjourned the meeting at 11:58 AM**

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Secretary