

ZONING COMMISSION, CITY OF BOSTON

MINUTES

Wednesday, December 17, 2008

Room 900, City Hall, Boston

Attendance

Commissioners

David Marr	
Building Trade Employers' Association	Present
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	Absent
M. Pat Tierney	
Greater Boston Real Estate Board	Present
Nelson Arroyo	
Mayor's Selection	Present
Jill Hatton	
Greater Boston Chamber of Commerce	Present
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

PUBLIC HEARINGS

1. Chairman Fondren called the meeting to order at 9:00 AM and opened the public hearing Text Amendment Application Nos. 398-399.

The following spoke in favor of the petition:

Rick Shaklik, BRA
Andrew Grace, BRA
Randi Lathrop, BRA
Marybeth Piles, BRA
Denny Cheng, MONS
Maryanne Ponti, resident Downtown Crossing
Jason Wiseman, Boston Realty Advisors
Ellen Lipsey, Ex. Director, Boston Landmarks Commission
William Ashmore
Leonard Roberts
Morris Hagar, landlord
John Pepper, Business Owner
Rosemary Sansone, Downtown Crossing Partnership

Mr. Shaklik presented the petition to the Commission and stated what was being asked of the Commission. The goal of the proposed amendments was requiring design review on new signage in the Downtown Crossing area. Signage regulations would also be amended to reflect new changes in the neighborhood districts. BRA approval was on November 13, 2008. He introduced Andrew Grace.

Mr. Grace spoke about the Downtown Crossing Initiative that was launched in 2004. Short term initiative was to enforce sign regulations by giving land owners a heads-up that a permit was needed from the City. In 2008 signage guidelines were put in draft form and have been put in motion. New guidelines streamline the permit process. Forty plus applications for signs have been submitted to ISD and the BRA under the new guidelines and the support for the guidelines is overwhelming.

Commissioner Hurley asked about flag regulations.

Mr. Shaklik stated that there would be American flags on Washington Street only, but flags may be on side streets.

Commissioner Hatton asked if the existing billboards were fine.

Mr. Shaklik stated that yes, and that the regulations were for new signage.

Commissioner Hatton asked about electronic signs.

Mr. Shaklik stated that they were allowed in three areas because the City initially wanted to limit where they could go.

Chairman Fondren asked if the regulations dealt with lighted signs.

Mr. Grace stated that they must be internally lit – no exposed illumination.

There was general discussion among the Commissioners about the effect the guidelines would have on the Downtown Crossing area.

Commissioner Marr asked if all the signs already in place are exempt.

Mr. Grace stated that if they have a permit for it, then yes.

Maryanne Ponti spoke in favor of the petitions. Some of the issues that plague Downtown Crossing have to deal with signage.

Denny Cheng, MONS spoke in favor.

Jason Wiseman was involved with the Sleepy's sign and has strong support for the new regulations.

Ellen Lipsey spoke in favor and stated that she would like to see some similar regulations on the south side of Cambridge Street in Beacon Hill.

William Ashmore spoke in favor.

Leonard Roberts spoke in favor. The new regulations actually allow greater signage in some cases.

Morris Hagar spoke in favor. There were no consistent guidelines for the Downtown Crossing area. This treats everyone the same.

John Pepper stated that he was about to open a new business on Washington Street and was told to try to keep an historical context to the signage.

Rosemary Sansone stated that the guidelines were wonderful, but it is the enforcement that is going to be the issue.

There was no further discussion.

Chairman Fondren declared the petitioner's case closed at 10:01 AM.

The following spoke in opposition:

David Hanrahan, Gilman McLaughlin and Hanrahan
Sarah Leonard

David Hanrahan spoke in opposition. He asked the Commission to postpone their vote until after the holidays. There can be problems attracting new businesses with these regulations in effect. There are already signage regulations in effect. He claims that the Commission is not the appropriate body to change a neighborhood.

Commissioner Arroyo asked what his argument was.

Mr. Hanrahan stated that his client's Freedom of Speech is being infringed upon. He stated that the guidelines treat properties differently.

Sarah Leonard spoke in opposition to the petitions. She stated that the site at 275 Washington Street does not have accurate permits to reflect the current signage but stated that the regulations could affect leases at 275 Washington and hoped that some of the signage regulations may be loosened.

There was no further discussion.

Chairman Fondren declared the opposition's case closed at 10:33 AM.

Marybeth Piles stated that the regulations dealt with size and location of the signs, not the content, so that this is not a First Amendment violation.

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.

The hearing was declared closed at 10:37 AM.

Chairman Fondren declared a five minute recess.

Commissioner Fondren called the Business Meeting at 10:45 AM

1. Commissioner Arroyo made a motion to approve Text Amendment Application Nos. 398-399, both as submitted. Commissioner Clark seconded the motion.

Chairman Fondren put the motion to vote:

Yeas: 9

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

Nays: 0

The motion was declared carried.

Commissioner Fondren adjourned the meeting at 10:50 AM

Secretary