



## NORTH END/WATERFRONT RESIDENTS' ASSOCIATION

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### *Zoning, Licensing and Construction Committee Report August 8, 2013*

#### *Current Applications*

**55-57 N. Washington Street, Michelle Holdings, LLC** has filed a zoning appeal to change the legal occupancy from restaurant, office and 16 residential units to 20 residential units, adding four apartments by converting the remaining portion of the commercial space formerly Tecce's Restaurant to residential use. In 2011, NEWRA voted to support the owner's appeal for zoning relief to change the legal occupancy of portions of the former Tecce's Restaurant space to apartments, convert an adjacent first floor commercial space on Cooper Street to residential use, and legalize several apartments in adjacent buildings on Cooper Street. A total of at least 13 new or legalized apartments were approved and have since been constructed, many of them now occupied, bringing the total number of residential units in the various buildings to greater than 30. The current appeal seeks to convert the remaining commercial (office and restaurant) space on the first floor of the 55-57 North Washington Street building to residential use. The owner has hired a property management firm to maintain all of his North Washington Street and Cooper Street buildings and has created a trash room in the back of 55 N. Washington Street for use by tenants in all buildings, though there is no requirement that tenants use the trash room, and most residents are expected to continue to place trash on the sidewalk. The owner has agreed to provide four parking spaces in the small, fenced parking lot at Cooper Street and Stillman Place for rent by residents in these buildings. Any spaces not rented by the residents will be made available for rent to other interested parties. The owner and tenants of commercial property at the corner of N. Washington Street and Thacher Street have raised opposition to the current request for conversion, because they feel it will lower commercial activity along N. Washington Street. Michelle Holdings counters that they have tried for more than a year to gain a commercial tenant in the remaining Tecce Restaurant space, with no success.

**450 Commercial Street, ZagCafe, Inc. d/b/a Waterfront Cafe** has filed two applications to amend its existing Malt and Wine with Cordials License as follows:

1. Remove the license restriction that requires food to be served with any alcohol.
2. Increase the licensed seating capacity from 49 to 99, consistent with the current operating capacity.

At the ZLC Committee meeting on July 23, Mr. Zagarella stated that he is planning no other change to the configuration or operation of the establishment. The licensed (and operating) closing hour of 1:00 AM, 7 days, will not change. Mr. Zagarella stated that the current actual seating capacity of the restaurant is 99 seats, but that the Malt and Wine with Cordials License continues to set a 49-seat capacity limit, which he stated was the capacity of the former cigar bar he owned before it was combined with his former liquor store to create the existing restaurant. The Committee requested additional information on allowed seating capacity, including the Fire Department's approved capacity. Capacity limits may also be included in the Entertainment License and the annual Occupancy Permit. Mr. Zagarella also stated that he has an Entertainment License for taped music

and TVs, but does not have (and does not need) a Live Entertainment License. Question was raised regarding Trivia w/microphone, and whether this was considered “Live Entertainment” by the City. According to the Mayor’s Office of Consumer Affairs and Licensing, Trivia does not require a Live Entertainment License, but the use of a microphone might be considered live entertainment depending on the specific circumstance. The closing of windows and doors to prevent noise from emanating from the establishment and the management of customers smoking on the sidewalk were also raised. It was mentioned at the ZLC meeting that Mr. Zagarella maintains clean and safe conditions outside his establishment. Removal of the license condition restricting the service of alcohol without food is seen by the Committee as potentially contributing to more of a bar atmosphere after about 10:00 PM. However, this is likely already the condition of the establishment in the later night hours.

### ***Update on Design of Proposed Building at 242-246R Hanover Street***

**20 Parmenter Street and 242-246R Hanover Street** No news on the status of the design or City design review of the 6-story, 55-foot high building proposed to be constructed in the Hanover Street parcel formerly the site of the VFW Post, between La Famiglia Spagnuolo Restaurant and Ristorante Fiore. The BRA has met with the developer and architect apparently to modify the plans. The first floor of the building will be the entrance to the basement garage under the former North End Union (now Teatro residences). At the NEWRA meeting on April 11, 2013, NEWRA members voted to oppose an appeal to increase the number of residential units in the North End Union building and in the proposed building on Hanover Street, in part by converting formerly approved commercial space into residential space. NEWRA members also raised concern that the architectural design of the new building did not conform to the architectural context of Hanover Street and would set an unwelcome and unsightly precedent. After the meeting, NEWRA sent a letter to the BRA noting its concerns and asking the BRA to ensure that the design would conform to the general character of the existing Hanover Street buildings. A recent phone call to the BRA design review manager has not been returned.

### ***Major Redevelopment Projects***

Several major redevelopment projects with building heights of up to 600 feet, millions of square feet of residential, office and commercial space and thousands of residential units are planned in the North Station, Bulfinch Triangle and Government Center areas.

- Boston Garden Project: The Secretary of Environmental Affairs has issued a Certificate on the Environmental Notification Form (ENF) filed by the developer that includes a required scope for preparation of an Environmental Impact Report. NEWRA submitted a comment letter on the ENF in June, which is posted on NEWRA’s website, [www.newra.org](http://www.newra.org). The developer has requested to hold a community meeting in the North End, and NEWRA and NEWNC officers are coordinating a joint meeting, likely to be held in September.
- On July 8, 2013, NEWRA submitted a comment letter on the Project Notification form for the Government Center Garage, and the developer, HYM Investment Group, made a presentation at NEWRA’s meeting last month. The developer is preparing a Project Impact Report that is expected to be submitted to the BRA this month for public review. In the meantime, the BRA’s Impact Advisory Group (IAG) for this project, which includes North End/Waterfront neighborhood representatives,

continues to meet with the BRA and the developer regularly. The schedule of meetings is available on the BRA's web site. NEWRA's comment letter is posted on NEWRA's website, [www.newra.org](http://www.newra.org).

### ***City Council Hearing on Alcohol Licenses***

The Boston City Council's Committee on Government Operations will hold a public hearing on **Wednesday, August 14, 2013, at 2:00 PM in the Council Chambers on the 5th floor of City Hall**. The subject of the hearing is a Home Rule Petition filed by At-Large City Councilor Ayanna Pressley seeking **changes to the way alcohol licenses are issued in the City of Boston**. Councilor Pressley seeks state legislation that would transfer authority for alcohol licensing from the State to the City; remove the existing state cap on the number of licenses in the City of Boston and give authority to the City for establishing the number of licenses; make licenses returned to the Licensing Board nontransferable; and set restrictions on the reissuance of a license to the same operating location.

The North End/Waterfront neighborhood currently has 100 alcohol licenses, including 90 pouring licenses (restaurants and cafes) and 10 retail sales licenses (liquor stores). The North End/Waterfront neighborhood has more than six times the number of licenses by population than any other neighborhood and the city as a whole.

### ***Redevelopment of Central Artery Parcel 9***

Still no decision from MassDOT's protracted review of the two shortlisted development proposals for the vacant "Central Artery Parcel 9," located at the corner of Hanover Street and Blackstone Street, adjacent to the Rose Fitzgerald Kennedy Greenway and the Haymarket pushcart vendors. Several years of a development selection process have now gone by with no state revenue generation at the site. ***Update 8/9/13: On August 9, 2013, MassDOT announced the selection of the development proposal by Normandy Real Estate Partners and Jones Lang LaSalle for an 8-story, 180-room mid-priced hotel, market hall, retail space and restaurant to be constructed on Parcel 9.***

***Next ZLC Committee Meeting: Tuesday, August 27, 2013, 7:00 PM, Mariners House, 11 North Square.***

#### **Tentative Agenda:**

**6 Foster Street**, convert from 3 apartments to 4 apartments by adding a fourth floor; expand first floor unit into the basement.

**NEWRA's Updated Alcohol License Tracking Sheet and Alcohol License Policy**: The Committee will discuss the results of its updated review of neighborhood alcohol licenses and strategies for promoting NEWRA's policies and positions on alcohol licenses, and will also discuss the home rule petition proposed by Councilor Pressley (discussed above).