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Zoning Commission of the City of Boston

c/o Jeffrey Hampton, Secretary

1 City Hall Square, 9th Floor

Boston, MA 02201

jeffrey.hampton@boston.gov

Re: Garden Garage Project, 35 Lomasney Way, West End

 Opposition to Petition to the Zoning Commission for Approval of a PDA Plan

Dear Commissioners:

I write this comment letter regarding the above project, which is on tomorrow’s agenda for consideration by the Commission. The BRA and its staff recommend approval of the plan by the Commission. I oppose that recommendation, for the following reason:

I was present an Impact Advisory Group (IAG) meeting regarding the project on January 7, 2016. In response to a question from an IAG member, the BRA staff person conducting the meeting disclosed that the BRA had received 782 letters in opposition to the project, and only 7 letters in support.

Thereafter, at a BRA Board meeting on January 14, 2016, the staff presented an oral summary of the project to the Board, supported by a 15-page memorandum. On the recommendation of the staff and the BRA Director, the Board approved the project.

**Nowhere in the oral summary or in the memorandum to the Board was any mention made of the 782 letters filed in opposition to the project and the only 7 letters in support.**

The staff’s memorandum to the Board duly noted that it had facilitated sixteen IAG meetings and five public meetings, as if holding the meetings were sufficient to satisfy the requirement of a public process. The advice to the Board, both written and oral, was empty of any reference to public input. The ignoring of public input leads to the inevitable conclusion that the purpose of the twenty-one meetings was solely to satisfy the requirement of a public process, not to hear and consider the public’s concerns. Such a blatantly improper handling of the public process should not be tolerated.

Were there not at least some concerns worthy of consideration expressed among the 782 letters received? What were those concerns? Were they in fact considered, or were they simply ignored? Apparently they were all rejected, but on what basis? Should not the concerns which were raised be stated, and the thinking behind the rejections made explicit?

The Boston Zoning Commission is the court of last resort in this case. The approval of a Planned Development Area is the quintessential act of spot zoning and, as such, is a power to be sparingly exercised.

I respectfully request that the Commission deny the requested approval of a PDA plan at 35 Lomasney Way, perhaps without prejudice to resubmittal. The BRA should be directed to inventory the 782 letters received in opposition and the 7 letters received in support, classify the issues raised, and issue a written report discussing each class of issue, stating whether the BRA staff insisted that it be incorporated into a change in the project as originally proposed and if not, the reasoning why the staff did not so insist.

I also request that Mr. Hampton distribute a copy of this letter of opposition to the members of the Commission, prior to consideration of the petition at tomorrow’s hearing.

Thank you.

Yours sincerely,

Victor Brogna