

ZONING COMMISSION, CITY OF BOSTON

MINUTES

Wednesday, March 25, 1998

Room 900, 9th Floor, City Hall, Boston

**Attendance**

**Commissioners**

Robert L. Marr, Chairman Building Trade Employers' Association	Present
Robert L. Fondren, Vice Chairman Boston Society of Architects	Present
John H. Bean Greater Boston Massachusetts Labor Council AFL/CIO	Present
Joan M. McGrath Prouty Hill Neighborhood Association	Present
James C. Clark Mayor's Selection	Present
William Tarlow Neighborhood Association of the Back Bay	Present
Marc Seigle Mayor's Selection	Present
Ralph Cooper Franklin Field South Neighborhood Association	Present
Vacancy Greater Boston Real Estate Board	
Vacancy Mayor's Selection	
Vacancy Greater Boston Chamber of Commerce	

**Staff**

Linda Mongelli Haar Advisor to the Zoning Commission	Present
Jeffrey M. Hampton Secretary to the Zoning Commission	Present

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ZONING COMMISSION - Wednesday, March 25, 1998

**PUBLIC HEARINGS**

1. Mr. Marr called the meeting to order at 9:101AM and opened the hearing regarding

**Text Amendment Application No. 284 and Map Amendment Application No. 403  
(Audubon Circle)**

The following spoke in favor of the petition:

Linda Haar (BRA)

Muhammad Ali Salaam (BRA)

Jack Creighton (Audubon Circle PZAC)

Steve Williams (Boston University)

Richard S. Ong (Audubon Circle PZAC - submitted letter via fax after public hearing)

Ms. Haar presented the petition to the Commission and introduces Muhammad Ali Salaam.

Mr. Salaam discussed the planning and community process involved and noted the primary issues within the Audubon Circle Neighborhood District as an area greatly impacted by institutions, as well as recognizing the thriving residential area and appropriate development.

Mr. Salaam stated that what was most interesting, was the compromise reached with Boston University with regard to dormitory uses along Beacon Street. The compromise was to keep dormitory uses conditional on the northerly side of Beacon Street and forbidden on the Southerly side of Beacon Street.

Commissioner McGrath arrive at 9:17 AM

Jack Creighton spoke in favor of the petition.

Commissioner Fondren stated that some buildings are industrial type, yet there was no industrial subdistrict.

Mr. Creighton stated that the neighborhood is very receptive to residential proposals in these locations, but are very respectful to those property owners within Audubon Circle who own industrial land.

Commissioner Marr asked if he was reading the compromise correctly.

Mr. Creighton stated that Boston University owns a number of properties on the north side of Beacon Street. The community wanted the designation of dormitory on the north side of Beacon Street to be forbidden, but understands that both sides had to give a little to get a little.

Steve Williams of Boston University spoke in favor of the compromise on dormitory uses.

Mr. Marr declared the petitioners case closed.

The following spoke in opposition to the petition:  
Richard T. Torpey (Audubon Circle PZAC)

Richard Torpey Spoke in opposition to the petition. Mr. Torpey stated that there were two (2) differences from the proposed zoning.

Mr. Torpey stated that (1) the compromise with regard to dormitory uses was “forced” upon the neighbors and community at the Boston Redevelopment Authority (BRA) Board Meeting of February 5, 1998. There was a proposal to restrict dormitory uses to 806-850 Beacon Street; and (2) there should be a reinstatement of the official boundary of the Boston University campus between Buswell and Beacon Streets, claiming that the University had violated an agreement with the City.

Ms. Haar stated the compromise made at the BRA Board Meeting was appropriate and had the support of City Councilor Thomas Keane and Representative Byron Rushing.

Mr. Seigle asked if there was a PZAC approved plan presented to the BRA Board?

Ms. Haar stated that there was.

Mr. Williams testified that there was no violation made by Boston University with regard to an agreement with City. He stated that zoning does not regulate the ownership of property, just uses. He also stated that Boston University is not prohibited from acquiring land outside of the “established boundary.”

Mr. Creighton stated that the Audubon Circle PZAC supported and discussed the compromise.

Mr. Marr declared the oppositions case closed.

Mr. Marr stated that the matter would be taken under advisement and declared the hearing closed at 10:10 AM.

For the record, Mr. Marr read the transmittal letter from the BRA Secretary authorizing the Director to petition the Zoning Commission to adopt the proposed amendments.

2. Mr. Marr opened the hearing regarding **Text Amendment Application No. 288 and Map Amendment Application No. 405 - South Boston Seaport interim planning Overlay District** at 10:10 AM

The following spoke in favor of the petition:  
Linda Haar (BRA)

Vivien Li (Executive Director, Boston Harbor Association)  
Howard Speicher (Davis, Mullen & D'Agostine, representing McCourt Co.)

Ms. Haar presented the petition to the Commission and stated that there is now a need to control development within the South Boston Seaport due to the increased interest in this area. An Interim Planning Overlay District (IPOD) would add a layer of review for any new development within the Seaport District.

Ms. Haar also stated that the industrial port is purposely excluded from the IPOD due to the involvement of the Department of Environmental Management and the limited uses allowed - maritime dependent only.

Ms. Haar stated that the South Boston Waterfront Committee and several task forces are already in place to help plan this area, so there is no need to establish a Planning and Zoning Advisory Committee (PZAC).

Commissioner Cooper asked if the community had been involved.

Ms. Haar answered "yes" and stated that there was broad support for this IPOD.

Commissioner Marr asked if the 150 foot height limit is too restrictive within certain sections of the IPOD.

Ms Haar answered "no" and stated that new development would come under more scrutiny, and the development community does not object to this process. She also stated that interim heights set up discussions for greater heights. There height limits established are consistent with those building already in existence in the seaport.

Vivien Li spoke in favor of the petition.

Howard Speicher spoke in favor of the petition.

Commissioner Marr declared the petitioners case closed at 10:54 AM

There was no opposition.

Mr. Marr declared the hearing closed at 10:54 AM and that the matter will be taken under advisement.

3. Mr. Marr opened the hearing regarding **Text Amendment Application No. 285 - Lot Frontage and Access.**

The following spoke in favor of the petition:

John Eade  
Linda Haar (BRA)

Brian Clinton (Mayor's Office of Neighborhood Services)

Mr. Eade presented the petition to the Commissioners and stated that there were great problems created with this provision of the Zoning Code. There is greater density within a neighborhood when there is no required street frontage, and this provision allows for more dwellings on single lots. The petition before the Commission states that there be fifty (50) feet of frontage for each dwelling unit.

Ms. Haar stated that the BRA was in support of the petition and stated that the Neighborhood Districts address this issue, but the general Code does not.

Brian Clinton spoke in favor of the petition.

Mr. Marr declared the petitioner's case closed at 11:00 AM.

There was no opposition

Mr. Marr declared the hearing closed at 11:00 AM and that the petition would be taken under advisement.

4. Mr. Marr opened the hearing regarding **Text Amendment Application No. 286 and Map Amendment Application No. 404 - Downtown Interim Planning Overlay District (IPOD) Extension of Time.**

The following spoke in favor of the petition:

Linda Haar (BRA)

Ms. Haar presented the petitions to the Commission and asked to extend the Downtown IPOD for a period of one year

Commissioner Fondren stated that he would encourage some of the remaining areas of the IPOD to be re-zoned as soon as possible.

Ms. Haar said that there was no desire to slow the process down.

Mr. Marr declared the petitioner's case closed at 11:05.

There was no opposition.

Mr. Marr declared the hearing closed at 11:05 AM and that the matter would be take under advisement.

Mr. Marr declared the public hearings closed at 11:05 AM.

## **BUSINESS MEETING**

1. Mr. Fondren made a motion to approve Text Amendment Application No. 284 and Map Amendment Application No. 403. Mr. Bean seconded the motion.

Mr. Marr put the motion to a vote:

Yeas:	Marr, Bean, Tarlow, McGrath, Fondren, Clark, Seigle, Cooper	8
Nays:		0

The motion was declared CARRIED.

2. Mr. Marr opened the discussion with regard to Text Amendment Application No. 288 and Map Amendment Application No. 405.

He stated that he was bothered by the 150 foot height limit and wondered if perhaps 200 feet could be an option.

Mr. Seigle stated that he would like to table the petition until he can fully understand the impact of the height and floor area ratio (FAR) numbers - who came up with the numbers and how did they come about?

Ms. Haar stated that this was only interim zoning and that the BRA and the community came up with the limitations within the seaport.

Ms. Haar presented an amendment to the proposed South Boston Seaport IPOD , specifically the Fort Point Waterfront Subdistrict, and stated that to ensure that new development is compatible with the historic character of the subdistrict a Proposed Project to extend a building existing on the effective date of the proposed amendment may exceed the height and FAR specified provided that the Board of Appeal grants permission (see physical amendment).

Several of the Commissioners expressed their concern about the information that had and had not been conveyed to them regarding the seaport district as a whole and felt reluctant to approve the proposed amendments.

Ms. Haar stated that the Zoning Commission may give the impression that they do not want to protect the South Boston neighborhood from future development.

Several Commissioners stated that this was not the case, rather it is a request to gather more information on the issue at hand.

Mr. Bean made a motion to adopt the amendment to Appendix B of Text Amendment

Application No. 288. Mr. Clark seconded the motion.

Mr. Marr put the motion to a vote:

Yeas:	Marr, Bean, Tarlow, McGrath, Fondren, Clark, Seigle, Cooper	8
Nays:		0

The motion was declared CARRIED.

Mr. Bean made a motion to approve Text Amendment Application No. 288, as amended, and Map Amendment Application No. 405. Mr. Clark seconded the motion.

Mr. Marr put the motion to a vote:

Yeas:	Bean, Tarlow, McGrath, Fondren, Clark, Cooper	6
Nays:	Marr, Seigle	2

The motion was declared NOT CARRIED.

Mr. Fondren made a motion to table Text Amendment Application No. 288, as amended, and Map Amendment Application No. 405. Mr. Clark seconded the motion.

Mr. Marr put the motion to a vote:

Yeas:	Marr, Bean, Tarlow, McGrath, Fondren, Clark, Seigle, Cooper	8
Nays:		0

The motion was declared CARRIED.

3. Mr. Cooper made a motion to approve Text Amendment Application No. 285. Mr. Fondren seconded the motion.

Mr. Marr put the motion to a vote:

Yeas:	Marr, Bean, Tarlow, McGrath, Fondren, Clark, Seigle, Cooper	8
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Nays: 0

The motion was declared CARRIED.

4. Mr. Fondren made a motion to approve Text Amendment Application No. 286 and Map Amendment Application No. 404. Mr. Clark seconded the motion.

Mr. Marr put the motion to a vote:

Yeas: Marr, Bean, Tarlow, McGrath, Fondren, Clark,  
Seigle, Cooper 8

Nays: 0

The motion was declared CARRIED.

**MR. MARR DECLARED THE MEETING ADJOURNED AT 12:00 PM.**