



**Board Attendance**

<b>P = present, A = absent, NEA = notified/excused absence</b>					
Leigh Bivings	<b>P</b>	Tony Gordon	<b>A</b>	David Mundel	<b>P</b>
Betsy Boveroux	<b>P</b>	Bill Gregor	<b>P</b>	Mike Nairne	<b>NEA</b>
Matt Carroll	<b>P</b>	Betsy Hall	<b>P</b>	Joe Park	<b>P</b>
Paul Duffy	<b>NEA</b>	Kyle Hancock	<b>NEA</b>	Susan Passoni	<b>A</b>
Kathy Emrich	<b>NEA</b>	John Herbert	<b>P</b>	Bruce Petri	<b>P</b>
William Fastow	<b>P</b>	Roz Hill	<b>P</b>	Peter Pogorski	<b>P</b>
Jay Fogarty	<b>P</b>	Gordon Holmes	<b>P</b>	Kimball Robeson	<b>A</b>
Beth Freeland	<b>P</b>	Bill Keravuori	<b>NEA</b>	Sandra Silver	<b>P</b>
Jennifer Girvin	<b>A</b>	Chuck Levin	<b>P</b>	Sandy Slarsky	<b>NEA</b>
		Mary Lionette	<b>P</b>		

**Guests:**

Karen Fried, Mayor’s Office of Neighborhood Services  
 Javier Pagan, Boston Police Department  
 Sylvain Bruni, Linda DeMarco, Karen Friend, Patte Pappa -- Pride Committee  
 Sylvie Tissot, John McLachlan, Sheila Manning

***Welcome***

Leigh Bivings, Chair, called the meeting to order at 6:40PM. Leigh introduced the representatives of the Pride Committee, Mayor’s Office, and Police Department and invited them to address the Board on the revised plan for the Gay Pride parade in June.

***Pride Committee Presentation***

Linda DeMarco reviewed the current plans for revising the route of the Gay Pride parade, scheduled for Saturday, June 9, 2007. Because of construction on Boylston and Clarendon Streets and the prohibition of major events on the Boston Common, the Pride Committee (in collaboration with the City of Boston) has developed an alternative parade route. This proposed route will begin with the assembly of the parade participants on Tremont Street (between Rutland and Clarendon Streets). The Parade route will proceed eastward on Tremont, turn left onto Berkeley, and then turn right onto Boylson. The route will end at the City Hall Plaza.

Following a discussion of the proposed revised route and the Pride Committee and City’s plans for extensive cleanup of Tremont and Berkeley Streets immediately following the passage of the parade, the Board voted to support the proposal for an interim revision of the parade route and to send a letter of support to the Mayor’s Office.

Bill Gregor will be organizing the Ellis’ participation in the parade. Bill requested that another Board member volunteer to join him in becoming a second Parade Marshall for the event.

***General Announcements and Topics of Discussion***

1. **Executive Committee Update** - Leigh reviewed the plans for a number of upcoming neighborhood activities and events. Leigh announced that Tom Boyden had decided to leave the Board.

Leigh reminded the Board that Mike Nairne was chairing the Ellis' Board Nominating Committee and requested Board members and others to communicate their interests and recommendations directly to Mike.

The Board voted to accept the minutes for the February 27, 2007 Board meeting.

Beth Freeland, Treasurer, reviewed the Ellis' monthly financial report and noted that the Ellis website revision project had come in under budget and the Ellis Casino Night had operated at an essentially breakeven basis. As of result of these recent events and the ongoing expenditure plans, Beth reported that her outlook for the Ellis' budget for the remainder of the current year remained optimistic.

Leigh reported (for Susan Passoni) that the revised Website was now fully operational. Leigh requested that Board members test out the new site and let Susan know their reactions so that changes, if necessary, could be implemented.

2. **Membership Committee Update** - Sandra Silver, Committee Chair, reported that the Casino Night event went very well - approximately 140 tickets were sold, 125 +/- people attended the event, and the total net cost of the event was very small. The Board thanked and applauded Sandra and her committee for the success of the event.

Sandra reviewed the upcoming membership campaign that will focus on increasing the renewal rate and the number of new members. Sandra requested that the Board become more personally involved in the recruitment of new members and the Board agreed to do so.

3. **Ellis 2006-2007 Goals and Initiatives** - David Mundel reviewed the proposed Licensing Committee and Development Committee guidelines that had been discussed in the February Board meeting and revised in response to this discussion. Following a discussion of the revised guidelines, the Board voted to adopt them with minor editorial changes. (The two committee guidelines, as passed and modified, are included as Attachments A and B to these minutes.)
4. **Development Committee Update** - John Herbert, Committee Chair, reported on the Committee's efforts to improve the construction period monitoring and coordination of the several projects that are or soon will be underway along Clarendon Street and Columbus Avenue. The Board asked John to write a letter to the D4 project developer requesting that the sidewalks surrounding the project be returned to public use in the near future.
5. **Neighborhood Services Committee Update** - Leigh briefly reviewed the status of the Committee's several projects and reported that Matt Carroll will be responsible for coordinating the Ellis' involvement in the Spring Cleanup, scheduled for April 28<sup>th</sup>. Jay Fogarty reported that the Block Captain program was now underway and the efforts to recruit additional Block Captains were continuing.
6. **Groundwater Committee Update** - Peter Pogorski reviewed the current status of the effort to draft legislation that would give owners a legal right to the maintenance of ground water levels beneath their buildings. Peter also reviewed the current status of the MBTA recharge wells related to the Back Bay Station drawdown and the forthcoming MBTA plan for a longer term solution related to the drawdowns associated with the Station and the tracks running parallel to the MassPike.

### ***Conclusion and adjournment***

The next Board meeting will be on April 24, 2007 at the Boston Ballet Board Room. There being no further business, the meeting was adjourned at 8:00 PM.

Respectfully submitted,  
David Mundel, Clerk

## ATTACHMENT A

*As Adopted by Board of Directors at its March 26, 2007 Board Meeting*

### **Ellis South End Neighborhood Association Licensing Committee Guidelines, adopted 3/26/2007**

Related to applications for restaurant, liquor and entertainment licenses and permits

The purpose of the Ellis South End Neighborhood Association (the Ellis) is to maintain and enhance “the quality life within the Ellis neighborhood as an essentially residential neighborhood”<sup>1</sup>. The Ellis recognizes that the neighborhood’s quality of life is affected by commercial activities that take place within its own boundaries and in adjacent and nearby neighborhoods.

To fulfill its purpose, the Ellis will evaluate all applications for licenses, license renewals, and license modifications that are likely to have a significant impact on the neighborhood. In addition, the Ellis will review the operations of license holders once licenses have been granted, particularly those operations that may negatively impact the quality of life in the Ellis neighborhood.

In response to the results of these evaluations, the Ellis will comment upon license applications and modifications and make recommendations to public authorities that have the power to grant, modify and/or revoke licenses and permits. By making these comments and recommendations, the Ellis will attempt to affect the plans and actions of commercial facility operators and owners in order to enhance and maintain the quality of life in the Ellis neighborhood.

Among the criteria that the Ellis will evaluate in assessing a proposal for a new license or change in license will be the previous operating history of the licensee and/or permit proponent. In all cases, the applicant or proponent must demonstrate to the Ellis that it intends to be a “Good Neighbor”; that it has, in its previous operating history within and outside of the Ellis neighborhood maintained a record of good standing within the business community; and that it has a verifiable record of neighborhood support.

To enable a full review of proposals, applicants should contact the Ellis Licensing Committee at least 30 days prior to submitting a proposal to the appropriate government agency. This contact can be made via the Ellis website ([www.ellisneighborhood.org](http://www.ellisneighborhood.org)) or in writing to the Ellis South End Neighborhood Association, P.O. Box 961, Boston, MA 02117 - Attention Licensing Committee. Without timely notification, the Licensing Committee may request that the Ellis Board oppose the application and/or ask the relevant public authority to delay its consideration of the proposal or vote on the proposal based on the lack of time to conduct an adequate review and provide appropriate recommendations.

Upon review, the Licensing Committee will make a recommendation first to the Ellis Executive Committee. This recommendation will be in writing (unless otherwise impossible) and include a thorough review of both the proposed application and the process that the Licensing Committee

---

<sup>1</sup> Bylaws of the Ellis Neighborhood Association Inc, as amended 2/22/94, 5/25/99, 3/28/2000 and 3/27/2001

used in arriving at its recommendation – including a list of the meetings, if any, held with the applicant and neighbors and a summary of both the proponent’s comments and those of others with whom the Committee has met or from whom the Committee has received written or oral comments and opinions.

The Licensing Committee report should also contain a recommendation that the Ellis take one of following three positions: 1) Not Oppose, 2) Oppose, or 3) Support regarding an application for issuance or modification of a license or permit. In addition, the Committee’s report shall also contain its recommendation for any modifications in the application that would either result in an improved impact of the proposal or a change in the Committee’s recommendation to the Board.

Following its review, the Executive Committee will decide whether to accept the Committee’s recommendation or to develop and adopt an alternative recommendation.

In some cases, the Executive Committee may determine that a proposal is a ‘minor proposal’ (having limited impact on the neighborhood). In these cases, the Executive Committee may decide to act without the review of the full Board of Directors. In the event of such decisions, the Executive Committee will report to the Board (at the Board meeting immediately subsequent to its decision) on the actions that it has taken on these ‘minor proposals.’”

If the Executive Committee determines that the proposal has larger and broader impacts (i.e., the proposal is a ‘major proposal’) that need community-wide discussion, it will take the proposal to the full Board of Directors for review and a vote. In such cases, the Executive Committee will ask the applicant and/or the Licensing Committee to make a presentation to the full Board, prior to Ellis making a final decision on the application.

In evaluating and reviewing a proposed issuance, modification, and/or transfer of a license and/or permit, the Ellis will consider a wide range of potential impacts. The following is a list of criteria that the Ellis plans to assess in arriving at its comments and recommendations. Other criteria may be considered depending on the nature of the activity to be permitted by the proposed license and/or permit. In addition, the impact of the proposal on the overall Ellis neighborhood as well as the residential community immediately impacted by the proposed activity will be considered.

---

**Criteria that the Ellis will consider in reviewing proposals for new or modified licenses or operating permits or revocation of existing licenses or permits**

- 1) **Community Support** – The applicant must provide strong and widespread, written support of the neighbors and abutters of the proposed establishment.
- 2) **Food Service** -- All applicants for a Malt and Wine License or an All-Alcohol License must also have a Common Victualer’s License. Establishments must maintain a printed food menu and offer meal service during all hours of operation for a minimum of six days per week.
- 3) **Noise Control** -- All establishments must keep music and noise to a level that is not objectionable or disturbing to abutters, neighbors and passers-by, as per the Rules and

Regulations of the Mayor's Licensing Division, E. Entertainment Practices, 1: "Noise ... shall be inaudible from any public way or from any abutting premises... (10/23/98)". All opening windows shall be closed after 10 PM in residential areas

- 4) **Operating Hours** -- The Ellis will only consider applications with closing hours up to 1AM. Applications with later closing hours will be opposed unless the proponent clearly demonstrates (in its written proposal and in the documented support from neighbors and abutters) that the proposed use will provide significant benefits to the surrounding neighborhood and will not impose unacceptable impacts on the neighborhood, particularly the residential dwellings that are immediate abutters or neighbors to the proposed commercial activity. In addition, all proponents seeking to operate after 1AM must agree to an ongoing community review process involving the operators and owners of the proposed establishment, Ellis representatives, and immediate abutters.
- 5) **Outdoor Dining** -- The Ellis supports the City of Boston's encouragement of open, outdoor dining areas and sidewalk cafes provided that they are operated in accordance with city regulations and these guidelines. Ellis support for a specific outdoor dining proposal will be based on the proposal's expected contribution to the improvement of street life in the neighborhood, not on the contribution of the proposal to the proponent's commercial operations. In addition, all outside sidewalk and patio dining areas should have a closing hour no later than 10 PM.
- 6) **Trash Control** -- The applicant must commit to a trash policy designed to minimize odor, vermin and objectionable noise during collection. All trash generated by the establishment must be stored indoors in receptacles until the time of trash collection. On street pick up should be after 6:30AM and before 11PM. The licensee shall be responsible for the daily removal of all such collected trash and for maintaining the cleanliness of sidewalk and gutter areas adjacent to the establishment.
- 7) **Minimizing Negative Impacts on Resident Parking** -- Valet parking is encouraged by the Ellis. However, all valet parking must be in secured off-street areas. The licensee is responsible for the operation of commercial valet parking services.
- 8) **Minimizing Negative Impacts on Sidewalk Congestion** -- The applicant must demonstrate that the planned use (including planned outdoor activities and/or sidewalk uses) will not negatively impact the congestion along abutting sidewalks and the movement of pedestrians passing by the proposed commercial establishment or activity.
- 9) **Limiting Impact of Outdoor Smoking on Abutters, Nearby Neighbors, and Pedestrians** -- The applicant must present a plan for limiting the impact of outdoor smoking. Receptacles must be available for cigarettes, and the licensee must make every effort to prevent interference with residents, abutters and passers-by and to ensure compliance with city ordinances that prohibit drinking on the sidewalk.
- 10) **Commitment to Corrective Action and 'Good Neighbor' Practices** -- All licensees shall immediately address any problems or complaints from neighbors, abutters and/or the Ellis Licensing Committee. To the extent that any matters remain unresolved, the Ellis Board may recommend appropriate sanctions, including the pursuit of license suspension or revocation.

- 11) **Minimizing the Impact of Emergency, Maintenance, and Construction Activities** -- With the exception of emergency repairs, all maintenance and construction in or related to an establishment must be conducted during normal business hours: Monday – Friday 8 AM to 6 PM and Saturday 9 AM to 5 PM.
- 12) **Compliance with Applicable Laws, Regulations and Standards** -- All applicants, licensees and their establishments must fully comply with all applicable laws, regulations and standards pertaining to licensing, zoning and the health, safety and welfare of the public.

Licensing and Zoning Guidelines

First Adopted: March 27, 1984

Amended: July 22, 1985  
July 26, 1985  
November 16, 1992  
September 28, 1999  
October, 2004

Licensing Committee Guidelines

First Adopted: March 26, 2007

(These Licensing Committee Guidelines dated March 26, 2007 replace, in full, the Licensing and Zoning Guidelines as amended through Oct 2004)

## ATTACHMENT B

### Ellis South End Neighborhood Association

#### Development Committee Guidelines, adopted 3/26/2007

Related to applications for major development projects and other projects involving requests for zoning variances, special permits, and Landmarks approvals

The purpose of the Ellis South End Neighborhood Association (the Ellis) is to maintain and enhance “the quality life within the Ellis Neighborhood as an essentially residential neighborhood”<sup>2</sup>. The Ellis recognizes that the quality of life in the neighborhood is affected by commercial and residential development projects (and other actions that require zoning variances and Landmarks approvals) that take place within its own boundaries, in surrounding areas of the South End, and in nearby neighborhoods.

To fulfill this purpose, the Ellis will evaluate all applications for development projects, zoning variances, permits requiring community review (e.g., rear and roof decks) and Landmarks approvals that are likely to have a significant impact on the neighborhood.

In response to the results of these evaluations, the Ellis will comment on proposed projects and make recommendations to public authorities that have the power to grant, modify and/or revoke project approvals, monitor and control project-related construction activities, and otherwise regulate the operations of commercial and residential projects.

The Ellis’ criteria for evaluating project impacts will include, but not be limited to, assessments of the project’s impact on a) environmental conditions (including the potential impact of a proposed project on wind conditions, shadows, and groundwater levels in the neighborhood); b) transportation conditions (including vehicular and pedestrian traffic, congestion, and safety); housing quality; c) the economic and social diversity of the neighborhood; and d) parking availability within the Ellis neighborhood. In addition, the evaluations will include assessments of a project proponent’s record within the business community, including reviews of the quality of previous development activities undertaken within the Ellis neighborhood and other neighborhoods and communities. In particular, the impact of a potential project on its immediate neighbors will be an important component of the Ellis’ assessment.

In evaluating a potential project, attention will also be focused on the applicant’s willingness to address short term impacts (e.g., construction-related impacts such as noise, soil or ground vibrations, traffic and parking disruptions, reductions in groundwater levels, dust, pedestrian safety, etc.) that may occur during the planning and construction periods that precede occupancy of the proposed project.

To enable a full review of their proposals, applicants should contact the Ellis Development Committee at least 30 days prior to submitting a proposal to the appropriate government agency. This contact can be made via the Ellis website ([www.ellisneighborhood.org](http://www.ellisneighborhood.org)), or in writing to the

---

<sup>2</sup> Bylaws of the Ellis Neighborhood Association, Inc. As amended 3/22/84, 5/25/99, 3/28/2000 and 3/27/2001

Ellis South End Neighborhood Association, P.O. Box 961, Boston, MA 02117 - Attention Development Committee. Without timely notification, the Committee may request that the Ellis Board oppose the application based on the lack of time to conduct an adequate review and provide appropriate recommendations.

Following its review of the proposed project, the Development Committee will make a recommendation first to the Ellis Executive Committee. This recommendation will be in writing (if practicable) and include a thorough assessment of the proposed application and a description of the process that the Development Committee used in arriving at its recommendation – including a list of the meetings, if any, held with the project applicant and project neighbors. The Committee’s report should also contain a summary of the proponent’s comments and comments of others with whom the Committee met or from whom the Committee received written or oral comments and opinions.

The Development Committee report should also contain a recommendation that the Ellis take one of following three positions: 1) Not Oppose, 2) Oppose, or 3) Support. In addition, the Committee’s report shall also contain the Committee’s recommendation for any modifications in the application that would either result in an improved impact of the proposed project and/or a change in the Committee’s recommendation.

Following its review, the Executive Committee will decide whether to accept the Committee’s recommendation or to develop and adopt an alternative recommendation.

In some cases, the Executive Committee may determine that a proposal is a ‘minor proposal’ (having limited impact on the neighborhood). In these cases, the Executive Committee may decide to act without the review of the full Board of Directors. In the event of such decisions, the Executive Committee will report to the Board (at the Board meeting immediately subsequent to its decision) on the actions that it has taken on these ‘minor proposals.’”

If the Executive Committee determines that the proposal has larger and broader impacts (i.e., the proposal is a ‘major proposal’) that need community-wide discussion, it will take the proposal to the full Board of Directors for review and a vote. In such cases, the Executive Committee will ask the applicant and/or the Development Committee to make a presentation to the full Board, prior to Ellis making a final decision on the application.