

Ellis Neighborhood Association  
 Open Board Meeting  
 December 15, 2009  
 Boston Ballet 5<sup>th</sup> Floor Board Room



**Board Attendance**

<b>P = present, A = absent, NA = notified/excused absence</b>					
Nan Coellner	P	Dave Hauck	A	Susan Passoni	P
Paul Duffy	P	John Herbert	P	Elizabeth Peck	NA
Kathy Emrich	P	Barbara Hoffman	P	Peter Pogorski	P
Hugh Fitzgerald	P	Gordon Holmes	P	Sandra Silver	P
Jennifer Girvin	NA	Abby Johnson	P	Gretchen Speck	P
Tony Gordon	NA	Maureen Lamb	NA	Carol Trust	P
Bill Gregor	P	David Mundel	P	Stephen Vowles	A
Betsy Hall	P	Doug Murphy	NA		
Michael Hall	P	Will Murphy	P		

Guests: Debby Vogel (Animal Rescue League), Gary Patronek (Animal Rescue League), Don Tucker, Bruce Petri

***Welcome***

Abby Johnson, Chair, called the meeting to order at 6:40 PM.

**1. Presentation by Animal Rescue League of Boston**

Debby Vogel gave a presentation of the work of the League. The League is a non-profit organization dedicated to rescuing animals from suffering, cruelty, abandonment and neglect. She emphasized how important volunteers are to get this work done. Volunteers can help take care of the animals, work on the mobile vet clinics (“spay wagons”) and help with administrative tasks such as data entering. For more details about the League and about volunteering go to their website [www.arlboston.org](http://www.arlboston.org)

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

**2. Announcements**

Susan Passoni, President, announced that she and Jennifer Girvin met with the Boston Foundation. This Foundation makes grants to non-profit organizations that impact community life, including health, education and safe neighborhoods. The Foundation would like to reach out to local communities and will come to a board meeting early next year to explore ways in which we can collaborate.

Susan announced the Senator Sonia Chang-Diaz will be at the January meeting.

Aaron Michelwitz will be at the Berkeley Perk Café on Saturday, December 19, 9 a.m. - 11a.m. and invites residents to meet with him about their concerns for the neighborhood.

The minutes of the previous meeting were accepted.

Sandra reported that the \$500 donation to the Community Music Center had been taken out of the contingency fund.

### **3. Committee Updates**

#### **-Events**

Michael reported that a planning meeting for the February 8<sup>th</sup> Progressive Dinner was held yesterday. Ten restaurants have agreed to participate and the cost will be \$80. More information and reservation information will soon be available on our website.

#### **-Wine Group**

Bill reported that the Holiday Tasting was a sold-out success. The next event will be an Irish Whiskey Tasting on March 17<sup>th</sup>.

#### **--Licensing**

David reported that the condo associations at 3 and 5 Appleton are monitoring the construction work that is being carried out at the former Icarus restaurant site, which abuts their property.

Two new businesses are requesting change of license. They are a barbershop and a spa/Pilates studio. They both need a "change in use" variance in order to operate.

The owner of the barbershop on Berkeley is planning to open a new store on Clarendon, and he will also need a variance.

Two businesses have applied to expand their entertainment licenses. They are Masa Restaurant and Club Café.

A meeting was held with representatives from the Tent City Alliance to discuss the problems with Clearys. The abutters have problems with noise and trash, and this has been an ongoing problem. The owner of Clearys will be contacted again about these concerns.

#### **-Development**

John noted that House Bill #853 needs our support. This is an Act, sponsored by Mary Walz and Byron Rushing that will protect The Mall, the Esplanade and Copley Square from the effect of shadows if high buildings are allowed to be constructed in these areas. John suggested that we write a supportive letter for this Bill and suggested that he wait to propose a motion until after the discussion on the Stuart Street Planning Study.

### **4. Other Business**

Sandra reported on her work as the Ellis representative on the Stuart Street Planning Study advisory group (see attachment). She outlined the proposed zoning recommendations both for base zoning and tower zoning. The Ellis and other neighborhood organizations have many issues and concerns with these proposals that she also outlined (see attachment). Sandra reported that

the Ellis has until the end of January to formally comment on the BRA's proposed zoning changes for the Stuart Street area.

While the board agreed with all of the issues and concerns noted in Sandra's memorandum, many of the Board members felt that there were others that should be included, for example, air rights and traffic problems. It was agreed that Ellis needed to set up a sub-committee to look at this and come up with a list by the next meeting. The following motion was proposed by David: "Given tonight's discussion, the Board requested that Sandra and the Development Committee (with the advice of a group of interested Board members) develop a formal recommendation for the Ellis' response to the BRA's draft zoning proposal to be presented, discussed, and modified (if necessary) at the next Board meeting, prior to being formally transmitted to the Stuart Street advisory committee and the." The motion was seconded by Carol and passed by the Board. Several board members volunteered to be on this committee.

Returning to John's proposal, a motion was passed that a letter of support for the proposed legislation prohibiting additional shadows on important public spaces (House Bill #853) should be sent from the Ellis.

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

The next meeting will be held on January 26, 2010.

There being no further business, the meeting was adjourned at 8:30 P.M.

Respectively submitted,

Barbara Hoffman

## MEMORANDUM

TO: Ellis Board of Directors  
FROM: Sandra Silver  
RE: Stuart Street Planning Study  
DATE: December 12, 2009

Dear Ellis Board,

In 2008, Mayor Menino and the BRA appointed a planning committee to study potential development opportunities in the Stuart Street corridor area, bounded by St. James Avenue, Dartmouth Street, Columbus Ave/Cortes Street and Arlington Street. The committee is comprised of representatives from BRA, consultants from the architecture and planning firm Utile, and an Advisory Group, with representatives from the surrounding neighborhood associations (Ellis, NABB and BVNA) and representatives from businesses and business associations. I am serving as the Ellis representative. The purpose of the study is to provide recommendations for future development in the area, resulting in updated zoning guidelines. Current "interim" zoning for this area was written 20 years ago and is outdated, therefore variances are granted for each new development. The variance procedure requires a long public review process, which delays projects and is costly to both the developer and the City. In the absence of a comprehensive plan for growth of this area, each development is considered on a case by case basis, without consideration of overall area design, use and cumulative effects of wind, shadow, groundwater, etc. Therefore, the goal of this study is to establish an overall plan for urban design and architecture to ensure that future development in the area contributes to economic growth and the public realm without negatively affecting the environment and surrounding neighborhoods.

The study included an assessment of impacts on density and height on the surrounding neighborhoods, e.g., transportation, parking and environmental impacts. Provisions for the protection of open space, pedestrian access, and historically significant buildings were also taken into consideration.

Upon completion of the study, the BRA prepared a draft of zoning recommendations for the Stuart Street corridor. A brief summary of the proposed zoning recommendations is provided below for your review. We will spend a significant amount of time going over the recommendations and addressing specific concerns at the Board meeting on Tuesday December 15.

### **Proposed Zoning Recommendations (key elements)**

The zoning recommendations have been organized into two categories: **Base** and **Tower**. The Base category is defined by the original underlying zoning, with a height limit of 150 feet. The Tower category is defined by setbacks to the building form, to minimize effects of wind and shadow, and a height limit of 400 feet (see figure).

Building design should include a transparent ground floor with publicly accessible space, a plinth continuing upward at the street wall (6 - 10 stories) and, where applicable, a tower set back 5-15 feet. A mix of both residential and commercial use is envisioned for the area. Air rights are NOT included.

#### Development requirements for Base zoning:

- Street wall frontage should ensure a continuous ground level experience for pedestrians, with 50- 65% transparency.
- There should be no net negative impact on wind conditions.
- Adhere to shadow impact criteria established by legislation to protect the Boston Public Garden and Common.
- Adhere to ground water preservation codes.
- Achieve certifiable LEED status.
- Transportation and parking requirements expected from BTD include a parking ratio of 0.75, car sharing spaces, off-street loading, and T-pass incentives.

#### Additional requirements for Tower Zoning:

- Preserve buildings that meet National Register criteria.
- Portions of the development that extend above the street wall height, must be set back from the property line at least 5-15 feet.
- Must achieve certifiable LEED status at gold level.
- Cannot cast shadows for more than two hours from 8AM - 2:30PM on any day from March 21 - October 21 on any portion of Copley Square.
- Wind studies must show a net overall positive impact on existing conditions.
- Subsidize T-passes.
- Must incorporate one of three public benefit options:
  1. Exceed minimum level of affordable housing by 2.5%;
  2. Contribute to streetscape/pedestrian and bicycle fund;
  3. or Provide or contribute to public art.

#### **Issues and concerns**

Although most of us who have participated in this study agree that new zoning guidelines for the Stuart Street corridor should enhance the urban and economic growth of the area and provide more certainty with regard to new development projects, there are issues and concerns that have been raised by some members of the Ellis and/or other neighborhood organizations. Specifically:

1. New zoning should provide a more appropriate architectural transition from low-rise historic neighborhoods (The South End and Bay Village in particular) to "high spine." For the length of Columbus Avenue from Arlington to Dartmouth Streets, the zoning should allow for a maximum height or a deeper set back that is sensitive to the scale of the abutting neighborhoods. This area in particular could be a "sub-district" that is zoned at a more reasonable height, thus serving as a transition from low-rise to high-rise.
2. Rather than establishing a maximum height of 400 feet, it may be more appropriate to establish a maximum height that is at or below the shoulder of the Old Hancock Tower, thereby allowing this Boston icon to represent the highest peak in the new "high spine."
3. Shadow regulations for Copley Square should be similar to the proposed new legislation, i.e., more stringent than described in the new zoning recommendations.
4. Wind studies should include the area immediately surrounding the project as well as the extended area.
5. Preservation of buildings meeting National Registry criteria should be a zoning requirement for all new development, not just for towers.
6. Increased density will increase traffic. It is estimated that the number of daily auto trips could potentially increase up to four or five times what it is today (assuming full build out of the area). A more comprehensive traffic study and a plan for improving traffic conditions are needed.
7. Reduce the parking ratio from 0.75 to 0.5 to discourage driving.
8. Improvements in public transportation will be critical. Perhaps developers should be required to contribute a percentage of the building cost to the MBTA to help improve the transit system.
9. Increasing the percentage of affordable housing by 2.5% should be a requirement under tower zoning, i.e., it should not be an item on a list of benefit choices for developers.

I look forward to your comments at the Board meeting on Tuesday.

Sandra