



NORTH END / WATERFRONT RESIDENTS ASSOCIATION

August 22, 2022

By email: ISDBoardofAppeal@boston.gov, Stephanie.Haynes@boston.gov

City of Boston Zoning Board of Appeal
Inspectional Services Department
1010 Massachusetts Avenue, 5th Floor
Boston, MA 02118

Re: Opposition to Appeal No. BOA1337499 (42 Cross Street)

Chair Christine Araujo/Other Members of the Board:

North End/Waterfront Residents' Association (NEWRA) opposes the proposed hotel at 42 Cross Street for reasons NEWRA has expressed in comment letters to the Boston Planning and Development Agency (BPDA) during the BPDA's abbreviated Article 80 Major Project review (see, for instance, NEWRA's comment letter of October 15, 2021, copy attached). Accordingly, NEWRA is opposed to the zoning relief the appellant seeks. The variances and conditional use approval the appellant seeks to allow construction and operation of the hotel would result in direct, significant, negative impacts to abutting residences and residents, Vincent Cutillo Park and neighborhood enjoyment of the park, and the North End community, as follows.

Impacts of Proposed Zoning Relief

Art. 54 Section 12 Use: Conditional - Hotel

- Hotel use is inconsistent with abutting uses, historical use of the site, and the character of and service to the North End Neighborhood District.
- Hotel use and the ancillary restaurants together would impose 24-hour operational impacts, including noise, odors, light at night, and loss of privacy to abutting residences and the quiet enjoyment of Vincent Cutillo Park. Guest and diner activity associated with the hotel and first floor restaurant will likely extend beyond the building itself and encroach upon Cutillo Park.
- Hotel use and ancillary restaurants would provide no beneficial service to the North End neighborhood and would remove the opportunity for critically needed uses, such as housing and neighborhood service retail, which are both allowed and therefore promoted by the Code.
- As included in the development plan approved by the BRA, hotel use requires the reconfiguration of the public plaza in front of the hotel site for conversion from public use - including critically needed neighborhood retail supporting parking - to hotel and restaurant support and benefit. Much of the public plaza would effectively be transferred to private commercial use.

- Also required for this hotel is the narrowing of already narrow, difficult traffic lanes on Cross Street to provide for the addition of a hotel drop-off/pick-up and delivery zone, comprising public safety for drivers and for pedestrians crossing the street. Others uses would not need this accommodation and have this impact.
- Hotel use would increase traffic that is already a problem in and around the North End Neighborhood District and put further burden on available parking in the area. The hotel plan includes no on-site or off-site additional parking.

Article 54 Section 13 Dimensional Regulations - Max. building height allowed: 1 story (15') as per section 54.18 Proposed: 5+Penthouse (65'); Article 54 Section 13 Dimensional Regulations - Max. floor area allowed: 3 Proposed: 5.21; and Article 54, Section 18 Roof Structure Restrictions

- The proposed height violates a restriction that has been followed by the City for decades in order to protect the historic and residential character of the North End Neighborhood District. A variance would set a precedent for similar heights in future construction approvals by the BPDA, which typically supports higher height and height variances based on the height of nearby structures.
- The proposed monolithic hotel structure will cover the entire development site, including an extensive open area currently used for parking. The proposed hotel includes no compensatory open space while it would negatively impact the open spaces of Vincent Cutillo Park and the Cross Street Plaza.
- The proposed hotel height and massing would impose significant shadow on Vincent Cutillo Park, together will loss of light, air and sky that are necessary for the enjoyment of any park. The Boston Parks and Recreation Department described the adverse impacts to the park in its April 19, 2021 comment letter to the BPDA.
- By exceeding the height of existing one-story structures, the hotel would impose new and severe impacts on many abutting residences, including loss of light, air, view, privacy, and quiet enjoyment, compromising quality of life and reducing residential property values.

Article 54 Section 13 Dimensional Regulations - Min. rear yard: 20' Proposed: 0'

The hotel would be constructed up to the right of way of Morton Street and as close as possible to Cutillo Park, providing no mitigation of the height, massing and operational impacts noted above.

Art. 54 Section 12 Use: Forbidden - Restaurant use on ground floor (exceeding 2,500 sf) Art. 54 Section 12 Use: Forbidden - Restaurant use on penthouse/roof floor

- Restaurant use is unnecessary for economic use of the site.
- Restaurant use provides no benefit to the North End Neighborhood District community, while imposing adverse impacts. The North End neighborhood is already oversaturated and overburdened with restaurants, alcohol licenses, visitor congestion, traffic, and delivery and trash trucks.
- Restaurant use would increase traffic and parking demands.
- A larger restaurant on the first floor would impose greater impacts (noise, odor, encroachment) on the enjoyment of Cutillo Park. The rooftop restaurant would impose the impacts of noise, odor, night light, and loss of privacy on abutting residences.

Concern Regarding Lack of Community Process

NEWRA remains disappointed and concerned that the City and the Board of Appeal did not provide for community review and discussion of this appeal, as expressed in our letter of August 10, 2022, copy attached. We reemphasize here that the BPDA and the Board of Appeal are independent agencies and, while they may inform each other, they have separate authorities and obligations for decision making and the consideration of public and community input.

BPDA Public Process Concern

The project proponent filed a Letter of Intent and a Project Notification Form (PNF) with the BPDA in 2020. In response to the PNF and related public comments, the BPDA directed the proponent to file information to supplement the information in the PNF and respond to the many public comments. The proponent filed the supplemental information in 2021, which also was subject to public review and comment. The proponent's supplemental information did not address the potential serious impacts raised in comments and concerns submitted by NEWRA and others. The project was not modified to mitigate those potential impacts.

Furthermore, the BPDA did not issue a Scoping Determination on the PNF and supplemental information and did not require the filing of a Project Impact Report. NEWRA considers this to be arbitrary and capricious on the part of the BPDA in part because in the 25 years NEWRA has been involved in Article 80 reviews, no Major Project has been dismissed from filing a Project Impact Report. We are concerned that, for this project, the BPDA apparently exercised its own discretion to curtail the Article 80 public review despite the comments that were not addressed and the lack of public consensus. Furthermore, we understand that changes were made to the project for which the BPDA did not provide opportunity for public review and comment.

Therefore, BRA Board approval of the project on March 10, 2022, should not be construed by the BPDA or the City or the Board of Appeal as affirmation of proper public review, including North End community review.

In closing, we ask the Board of Appeal to protect the North End neighborhood, the residential abutters, and Vincent Cutillo Park and provide for the consideration of other development alternatives that are more supportive and less impact to our community by not approving the zoning relief the hotel proponent seeks.

Sincerely,



Cheryl Delgreco
President, NEWRA

cc: Mayor Michelle Wu

James Arthur Jemison, Chief of Planning/BPDA Director

Senator Lydia Edwards

Representative Aaron Michlewitz

District 1 Councilor Gabriela Coletta

At-Large Councilors Michael Flaherty, Ruthzee Louijeune, Julia Mejia, Erin Murphy

Ryan Woods, Commissioner, Boston Parks and Recreation
Brianna Millor, Chief of Civic Engagement
Ciara D'Amico, Mayor's Office of Neighborhood Services
Joel Faller, President, North End/Waterfront Neighborhood Council