



# Beacon Hill Civic Association Zoning and Licensing Committee

Meeting Notes for March 4, 2020

**112 MYRTLE STREET** – *The Applicant is doing a gut rehab of the building to continue use as a 10-unit residential apartment building. He states that the basement has long been used as living space and, because modern utilities are more compact than the old ones being replaced, 80 s.f. of former utility area will be freed up. He proposes to incorporate this into the living area, thus requiring a variance from the ZBA to increase the building FAR which already exceeds the 2.0 maximum on Beacon Hill.*

**APPLICANT'S REQUEST:** *Non-opposition to the requested variance for relief from Article 15, Section 1, Floor Area Ratio Excessive.*

**VOTE:** Continued

John Moran (Attorney) stated that the building is non-conforming at 5.66 FAR and the Owner proposes to increase to 5.84 (+0.18). He noted that the layout of each of the ten units has been slightly reconfigured. John Meyer (Architect) of Meyer and Meyer Architects explained that the former utility area in the basement is no longer needed as small boilers will be provided within each unit. Ken Lyons (Owner) stated that he would like to utilize the unused space as a second bedroom for the basement unit to accommodate a potential family with a small child. Committee Member Jeannette Herrmann asked if the former utility area has enough window openings to provide sufficient living quality, and Lyons stated that the unit meets building code.

Co-Chair Tom Clemens asked if there are plans to include a common storage space to store trash and accommodate bikes and buggies that are often left chained to lamp posts. Lyons stated that there is only the possibility of adding a bicycle rack or trash receptacles in the back patio. He explained that the basement unit is to be accessed from the first floor, cutting off common access. Abutters pointed out that improper trash removal has been a continuous problem at this property. Fernanda Sakamoto (116 Myrtle Street) stated that she believes that it has led to a major rat infestation and asked that the Owner consider trash management strategies. Darryl Pomicter (136 Myrtle Street) asked that the former utility space be used as a trash room instead of an extra bedroom. Former Board Member Ross Lovanto (266 East Berkeley Street) stated that he was a recent resident of 112 Myrtle Street and that he would bring his trash bags from his unit to the curb on

each trash day as there was no trash room in the building. He offered that a receptacle could be placed inside the utility closet, but Committee Member Al Van-Ranst advised that the fire department may not allow trash to be stored in the same room as electric meters due to the fire hazard. Van-Ranst also stated that he feels that just one receptacle will not adequately support 10 units as he is aware that his multi-unit residence regularly fills 8 standard bins each trash day. President Rob Whitney advised the Owner to stay within the existing FAR by carving out space elsewhere in the building as storage to incorporate the extra bedroom in the basement. He noted that the Committee does not generally favor expansion when it is a redevelopment instead of a homeowner who needs more space. He asked that the Owner prioritize the opportunity to resolve the issues with improper trash removal as the best way to benefit the Community. Lyons stated that he will consider coordinated private pickups and send maintenance crews to assist with cleanup. He stated that he provides tenants at his other buildings with rules and regulations, but some tenants do not abide.

Abutters also raised concern about poor management at Lyons' rental property at 130-132 Myrtle Street. Board Member Charlotte Thibodeau (133 Myrtle Street) requested that a Good Neighbor Agreement be considered. She encouraged Lyons to be more engaged with and accessible to neighbors that are reporting issues. She referred to an incident where an unaddressed leak led to a flooding at the 132 Myrtle Street building. Lyons recalled that the leak was caused by a frozen gutter that broke in the process of trying to repair, causing work to be delayed until thaw. Eleanor Livingston (124 Myrtle Street) asked if the rentals would allow dogs as there have been too many at 130 Myrtle Street. Lyons stated that he would consider limiting dogs to possibly three at a time. Committee Member Herrmann asked Lyons to explain the maintenance schedule for his other properties. Lyons stated that Maintenance reports to clean the interiors once a week, but is often on site 3-4 times per week to respond to requests. Herrmann asked how often the exterior of the building is cleaned. Lyons stated that he assumes the stoops are swept during the routine cleaning, but Sakamoto (116 Myrtle Street) stated that she has never seen cleaners outside and often finds a lot of cigarette butts. Herrmann offered that the Committee consider including a structured maintenance schedule in a Good Neighbor Agreement.

Abutters were also concerned about improper construction practices. Board Member Thibodeau (133 Myrtle Street) noted that a dumpster was located for two weeks on Grove Street causing parking and traffic issues and asked why it was not located on Grove Square. Lyons stated that the City would not provide a permit to the Contractor on Grove Square as it is a tow zone. Matt Bechtel (128 Myrtle Street) raised concern about commercial vehicles illegally parking on Grove Square, causing the Square to no longer be used as a play area by children, and he asked if Grove Square was private or public. Lyons stated that Grove Square is public and stated that the vehicles are not related to his property and had been occurring before construction started. Executive Director Patricia Tully clarified that the City allows three hour parking for contractors in tow zones.

Sakamoto (116 Myrtle) stated that she had reported a chucking incident on Halloween night. She stated that she saw contractors throwing garbage out of the 2nd and 3rd floor windows onto the street below and she had called the Police. Lyons stated that he was unaware of the incident, would like to see the police report, and that his contractors do not work past 5 PM.

Co-Chair Clemens suggested to the applicants that the matter be continued until next month so that Lyons can explore options and the Civic Association can check city regulations for trash. Executive Director Tully recommended that the Architect bring printed plans for the Committee to view. Bechtel (128 Myrtle Street) requested that the maintenance man attend to explain his schedule and duties. Board Member Thibodeau (133 Myrtle Street) requested that a draft of the Good Neighbor Agreement be prepared for the next meeting and that it include all of Lyons' properties. Chair Clemens asked Thibodeau to submit ideas to help frame the document. The applicants agreed to have the matter continued until next month.

**97 MOUNT VERNON STREET – Lala Rokh Restaurant**– *The owner/operators of the former Lala Rokh restaurant propose to rent the premises and sell the liquor license (7 day, CV [Common Victualler] and all alcoholic beverages license, capacity 124, closing 11:00 p.m., alcoholic beverages to be served only in conjunction with meals) to Chef Suhanosky who plans to operate a high-quality osteria-style restaurant named “Il Maestro.” He will speak to the meeting to explain his qualifications and his concept, discuss provisions of a proposed good neighbor agreement, and answer questions.*

**APPLICANT'S REQUEST:** *Applicant requests non-opposition to the transfer of the existing liquor license to restaurant purchaser Chef Ron Suhanosky.*

**VOTE:** Non-Opposition (1st Al Van-Ranst; 2nd Sandy Steele) 9Y-0N-1A

- Motion for Non-Opposition was Subject to Good Neighbor Agreement with past terms negotiated by Chair

Babak Bina (Property Owner) stated that he closed his Lala Rokh Restaurant 15 months ago and has been looking to lease the space to the right operator. He has rejected many letters of interest from those he felt were not qualified or not a good fit for the neighborhood. He considers the proposed Chef Ron Suhanosky (New Operator) to be an experienced fine dining operator. Suhanosky stated that he has had a long standing career in the culinary world and noted that he is a James Beard award recipient. He aims for his Osteria to become an institution like the four previous restaurants had become, and he intends for the dining to be affordable. There will be no changes to the existing license, just the transfer to his name. The restaurant will remain as 4 rooms, kitchen, and storage in the basement. As both chef and operator, he expects to be on site at all hours. He stated that he

will be available to address any issues that arise during his lease.

Committee Member Renee Knillans asked Suhanosky to explain how he is prepared to take on the large seating capacity since his current restaurant seats only 15. Suhanosky stated that his first Nantucket restaurant that he operated for 10 years had started at 45 seats but expanded to 90. He also stated that he had managed a 125 seat restaurant in Manhattan where he followed a good neighbor agreement. Knillans asked if he had sold the former operations at a loss and Suhanosky replied that he had sold them at a profit.

Committee Member Jeannette Herrmann noted that transfers of full liquor licenses have not usually been accepted by the Committee to operators that are new to the neighborhood. She asked Suhanosky to explain his past experience with serving alcohol. Suhanosky stated that he is not looking to create a bar scene or have customers that come to enjoy a drink. He stated that he will only serve alcoholic beverages in conjunction with meals as is stated in the existing liquor license, and he stated that his Staff will be properly trained. President Rob Whitney asked Suhanosky how he plans to setup the bar. Suhanosky stated that he is reusing the bar at Lala Rohk as is.

Co-Chair Tom Clemens stated that the Civic Association had received 13 letters of support and one letter of concern regarding some past trash pickup disturbance by Lala Rohk. Co-Chair Clemens stated that Suhanosky has agreed to the terms that Lala Rohk followed in the Good Neighbor Agreement, and stated that he is therefore interested in hearing if any abutters have experienced operational issues. Co-Chair Kathy Judge read the letter regarding trash concerns that had been submitted by Board Member Bruce Kiernan who is a resident on West Cedar Street. His letter stated that he had in the past been woken up at odd hours by the clatter of glass bottles being thrown into trash removal vehicles and his letter asked that the new operator coordinate the frequent deliveries to not block the street as Lala Rohk had done. Bina responded that he had often coordinated trash pickup to be after 6:30 am for the benefit of the abutters, but noted that there were difficulties due to the City requiring commercial to be collected before 7 AM. He stated that when he ran into issues with a new, uninformed driver arriving earlier, the abutters were able to notify him and he would resolve the situation with the trash company. He apologized that he could not prevent the noise disturbance as the truck has to abide by OSHA law to mechanically lift the bottles. He stated that he had never received a complaint about deliveries, and Adrienne Zak (97 Mount Vernon Street) stated that she has never witnessed a delivery issue. Bina stated that he cannot promise that problems will not occur, but he assured that his new tenant Suhanosky will properly address them.

Chair Clemens asked if there have been issues in the past with disturbance from smoke, cigarette butt littering, or cell phone chatter from personnel on break at a rear kitchen door. Alicia Rounds (107 Mount Vernon Street) stated that she has never had such problems and asked for the business hours. Suhanosky stated that he will operate M-F from 4 PM - 10 PM and open earlier at 11 AM for Brunch on Saturdays and Sundays. Fernanda Sakamoto (116 Myrtle Street) asked if there would be take-out or delivery

services, and Suhanosky stated that take out and delivery will not be provided.

**COMMITTEE MEMBERS IN ATTENDANCE:**

Tom Clemens, Co-Chair  
Kathy Judge, Co-Chair  
Richelle Gewertz, Clerk  
Rob Whitney, President  
Jeannette Herrmann  
Linda Jordan-Dow  
Renee Knilans  
Sandy Steele  
Rachel Thurlow  
Al Van-Ranst  
Patricia Tully, Executive Director

**PUBLIC ATTENDEES:**

Ken Lyons, 112 Myrtle Street (Owner)  
John Meyer, 112 Myrtle Street (Architect)  
John Moran, 112 Myrtle Street (Attorney)  
Ross Lovanto, 266 East Berkeley Street (Former Resident of 112M)  
Fernanda Sakamoto, 116 Myrtle Street (Abutter)  
Eleanor Livingston, 124 Myrtle Street (Abutter)  
Matt Bechtel, 128 Myrtle Street (Abutter)  
Charlotte Thibodeau, 133 Myrtle Street (Abutter)  
Darryl Pomictor, 136 Myrtle Street (Abutter)  
Babak Bina, 97 Mount Vernon Street (Property Owner)  
Ron Suhanosky, 97 Mount Vernon Street (New Operator)  
Adrienne Zak, 97 Mount Vernon Street (Abutter)  
Alicia Rounds, 107 Mount Vernon Street (Abutter)  
Kate Collins, 41 Phillips Street  
Jon Spillane, Office of City Councilor Kenzie Bok, District 8  
Shanice Pimentel, Office of Neighborhood Services

Meeting Notes recorded by Richelle Gewertz