

Clash over sidewalk stalls hotel InterContinental plan pits developer, pedestrian boosters

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By Thomas C. Palmer Jr., Globe Staff | November 25, 2005

State environmental officials for the fourth time have delayed making a decision on the shape of a sidewalk at the new InterContinental Boston hotel that for months has been the source of disagreement between the developer and a group that wants to make the city more pedestrian-friendly.

Developers want to construct a two-lane vehicular pullout area for pickups and drop-offs in front of the 424-room hotel and residential complex on Atlantic Avenue, so that traffic on the three northbound lanes of the street doesn't snarl.

WalkBoston, a nonprofit advocacy group, objects to the plan. The organization, which played a major role in drawing up guidelines for streets and walkways along the new Rose Fitzgerald Kennedy Greenway, wants a one-lane pullout. That would make room for a wider -- and straight -- sidewalk in front of the building.

The approved plan stipulates a wide sidewalk that angles toward the front doors of the hotel and behind structural columns, away from where vehicles would stop. To avoid vehicles, pedestrians would have to follow a sidewalk bending away from Atlantic Avenue.

The \$315 million hotel and residences are scheduled to open in about 10 months.

WalkBoston officials say they were shocked when they belatedly found out the plan for the InterContinental Boston hotel and Residences at the InterContinental did not include the wide, straight sidewalk. That, they say, was the intention of planners who in the mid-1990s held extensive public meetings and set guidelines for the project.

"It's outrageous that the city gave a permit in violation of those guidelines," said Liz Levin, president of WalkBoston.

Extell Development Co. of New York, the developer, went through an eight-year process, won its state environmental and multiple city permits, and was proceeding with its approved plan for a two-lane drop-off area when WalkBoston objected, early this year.

"Could we say 'pound sand'? Of course we could," said Brian Fallon, managing director of Extell. "But we are negotiating in good faith."

Brief talks between the parties in the spring failed, and WalkBoston took an unconventional step -- it filed a "notice of project change" under the Massachusetts Environmental Policy Act. Such notices are usually filed by the developer.

This is only the second time MEPA officials have accepted an application for a notice of project change from someone other than the entity that received permits to build.

Several compromises have been considered over the past couple of months, with Boston Redevelopment Authority and Rose Kennedy Greenway Conservancy officials mediating, but none has been acceptable to both sides.

As recently as Tuesday, the BRA presented a new plan to the Extell team, but it was unsatisfactory to the company and is still being tweaked. Extell has offered a version that shows a substantial sidewalk extending beyond the hotel's structural columns -- allowing the sidewalk to be straight -- but the company still wants a two-lane pullout for cars off Atlantic Avenue.

City transportation officials declared early in the process that the parking lane along Atlantic Avenue should also be available for use as a third lane of through traffic at busy times of the day. WalkBoston has suggested the lane could be used as a drop-off and pick-up lane.

That arrangement would allow for a wide, straight sidewalk exclusively for pedestrians in front of the hotel, but it would mean only one pullout lane off the street.

WalkBoston filed its notice with MEPA Sept. 24. Comments on the dispute are due Dec. 9, and about 100 have already been submitted. If no compromise is reached, Secretary of Environmental Affairs Stephen R. Pritchard can allow the

developer to go ahead with the approved plan or can require more study.

If further review is ordered, the city would decide whether Extell's previously approved design needs to be changed. Such a decision could lead to a long legal challenge.

"We hope to come to an acceptable agreement," said Joe O'Keefe, a spokesman for the secretary of environmental affairs. He said that proving the developer has made a change so significant it requires reopening the approval process is not easy for WalkBoston.

"This is a high hurdle for them," O'Keefe said.

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