



**SOUTH END LANDMARK DISTRICT COMMISSION
PUBLIC HEARING MINUTES**

Boston City Hall, Piemonte Room
Boston, MA, 02201

DECEMBER 3, 2019

COMMISSIONERS PRESENT: John Amodeo, John Freeman, Diana Parcon, Peter Sanborn

STAFF PRESENT: Mary Cirbus, Preservation Planner; Gabriela Amore, Preservation Assistant

5:35 PM J. Amodeo called the public hearing to order.

I. DESIGN REVIEW

APP # 20.406 SE

44 DARTMOUTH STREET

(Continued from 11/05/2019 Public Hearing)

Applicant: Wellington Oliveira

Proposed Work: Reconstruct a roof deck with railings visible from a public way.

Contractor Wellington Oliveira was the project representative.

Staff explained that application was continued from the 11/05/2019 SELDC Public Hearing pending the confirmation of the setbacks of the existing roof deck, which was approved in 1999 with the stipulation that the roof deck is set back 11' from the front façade and 6' from the rear façade. Staff made a site visit and confirmed that the deck was built at the approved setbacks. The new deck will meet the existing setbacks.

J. Amodeo explained that although approved in 1999, the existing railings are more visible than what the Commission generally allows and approving the same footprint sets an inappropriate precedent. This review allows for the Commission to reexamine the previous approval. He also noted that the railings are visible at the rear more than is generally allowed, and recommended that the Commission establish a subcommittee to determine the positioning of the railings. P. Sanborn agreed.

There was no public comment.

The Commissioners arrived at the conclusion to remand this application to a subcommittee consisting of C. Hunt and P. Sanborn. J. Amodeo agreed to be a back-up member of the subcommittee.

P. Sanborn motioned to remand the application to a subcommittee, J. Freeman seconded the motion. The vote was 4-0 (JA, JF, DP, PS).



APP # 20.304 SE

25 MILFORD STREET

Applicant: Mark Bombara; Kevin Knockblock

Proposed Work: Replace historic double-leaf entry doors in kind.

Kevin Knockblock and Mark Bombara were the project representatives.

Staff noted that this application was included in Administrative Review at the 10/01/2019 SELDC Public Hearing and was pulled for additional information. After a site visit staff determined that the doors are original.

The applicants explained that they are seeking to replace the doors, which, according to the letter submitted, are lacking an adequate jamb, are ill-fitting, have been repaired numerous times, are cracking, and are covered in lead plate.

J. Amodio explained that the problem seems to be that the issue is the door jamb, rather than the doors themselves. The weight of the doors on the hinge and the jamb is causing the doors hang incorrectly.

The applicants also explained that the seams of the door are cracking and not aesthetically pleasing. They also noted that there may have only been one set of doors.

The Commissioners and staff examined street imagery to see if there are other row houses on the street with only one set of doors, but were unable to determine if there is a historic precedent. J. Freeman noted the doors should be repaired, rather than replaced due to their historic nature. He also noted that the repairs should be completed off site, rather than in situ.

There was no public comment.

After some additional discussion, the Commissioners concluded to remand the application to staff, taking Commissioners' comments into account.

J. Freeman motioned to remand the application to staff, P. Sanborn seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.608 SE

198 WEST SPRINGFIELD STREET

Applicant: Jillian Adler

Proposed Work: Modify the existing roof deck to comply with SELDC Standards and Criteria.

Jillian Adler and Marcus Springer were the project representatives.

The applicants explained that the railings were replaced over the summer and deck has been in place since at least 1985. They explained that they are proposing to remove the railings and replace them with compliant railings. They also explained that this house is one of a row of houses that all have roof decks with a similar railing line. The contractor



for the property (not present) was unaware that SELDC approval was required. The deck was not replaced.

The Commissioners discussed the existing row of roof decks and staff explained that although these decks have been on the Commission's radar for several years, no violations have been issued. The Commissioners explained that the problems with the existing deck are not limited to the material of the railing but also its visibility. Additionally, each deck is reviewed on a case by case basis.

J. Freeman asked about the exhaust pipe. The applicants noted that it is likely a vent. The Commissioner agreed that the position of the exhaust pipe is also in violation if it is not grandfathered in. The Commissioners discussed the best way to move forward, given that replacement of the railings was an honest mistake by the owner.

The position of the deck on the roof was discussed in greater detail. The roof slopes, and the deck is located above the ridge of the roof. The applicants reiterated again that the railings all line up. Staff explained that although no Landmarks approval was issued for this property, other properties in this row had received approvals for non-visible roof decks which all contained language about stipulations with regard to setbacks. The aforementioned decks were constructed in violation.

John Duffy (owner's father) offered public comment and stated that they would be willing to work with the Commission to correct the situation.

The Commissioners agreed that some adjustments of the deck need to be made to bring the deck closer to SELDC Standards. After some discussion, the Commissioners concluded that the application should be continued to allow time for the applicants to examine the exhaust pipe, railings, deck, and work with staff to come up with an approvable plan for a roof deck.

J. Freeman motioned to continue the application, D. Parcon seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.463 SE

96 CHANDLER STREET

Applicant: Jacqueline Gannon

Proposed Work: Reconstruct a roof deck visible from a public way.

Jacqueline Gannon was the project representative. She explained that the roof had to be replaced due to water infiltration and that she is proposing to rebuild the roof deck and bring it up to code.

The Commissioners looked at different vantage points shown in photographs provided by the owner and staff explained that the mockup is visible from Clarendon

Street. J. Freeman noted that the fairest way to evaluate the application is to appoint a subcommittee.



There was no public comment.

The Commissioners concluded that the deck should be remanded to a subcommittee of C. Hunt and P. Sanborn. The Commissioners also explained that the visible portions of the deck must be a black metal rail with a thin profile, and that nothing built into the deck can be visible from a public way.

J. Freeman motioned to remand the application to a subcommittee, D. Parcon seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.566 SE

2 CLARENDON STREET

Applicant: Marcia Good, First Realty Management

Proposed Work: At the Montgomery Street elevation, install a gutter, splashguards, and downspout.

Elvis Plokhooy and David Arthur were the project representatives.

The applicants explained that the existing gutter is not functioning properly and causing water damage at one of the units. Water is flowing over the gutter and pooling incorrectly. Additionally, splashes at the downspout are causing problems with the draining system. The applicants explained where the gutter will be replaced and a downspout will be added. The splashguard will essentially raise the tip of the gutter.

P. Sanborn wondered if there is an elbow at the downspout. The applicants answered that there is one extant. J. Freeman stated that he did not have any objections to the proposed work, but noted that the damage described is consistent with that of an ice jam and that the applicants should investigate what conditions are causing such damage to occur. He also noted that a more traditional solution is a collection box.

There was no public comment.

The Commissioners concluded to approve the application as submitted.

P. Sanborn motioned to approve the application as submitted, J. Freeman seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.567 SE

29 UPTON STREET

Applicant: Parker Done, Vanko Studio Architects

Proposed Work: Construct a roof deck

Parker Done and Dan Ellis were the project representatives.

The applicants explained the scope of the project, which includes demolishing the



existing roof deck and constructing a new roof deck with a hot tub built in.

The Commissioners asked for clarification regarding the dimensions of the proposed deck and the setback. The applicants noted that the proposed deck is not visible.

Staff explained that the deck mockup was not visible over the front façade, but that there was potential for visible railings at the rear façade (if only set back 1' in accordance with the proposed plans) through the alley. The applicants confirmed that the rear railings were not mocked up. The Commissioners also mentioned that the applicants should investigate if the proposed 1' setback is even allowed – zoning allows for a 5' setback. Later the applicants indicated that they might seek a variance for the proposed setback. The Commissioners also commented on the significant height of the roof deck, which is needed to accommodate for the built-in hot tub. The applicants indicated that they would investigate lowering the deck, which could be lowered as much as 12".

Staff mentioned that the existing HVAC units at the roof are visible and should be moved back so that they are no longer visible.

J. Amodeo also mentioned that any existing railings should be a black metal picket with a slim profile and no ornament. P. Sanborn commented that the proposed installation is a significant increase in the footprint of the existing deck, and that perhaps the deck should move forward, as long as it remains not visible from a public way. Moving the deck forward may decrease visibility from the rear façade. The Commissioners also noted that the hot tub, or any other features built into the deck, cannot be visible from a public way.

There was no public comment.

The Commissioners concluded that the application should be remanded to staff, taking the Commissioners comments into account, and noting that the applicants need to submit revised drawings showing new dimensions. The Commission also noted that staff could determine if the application needs to be reviewed again by the Commission at a future hearing.

J. Freeman motioned to remand the application to staff, D. Parcon seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.555 SE

143-145 WARREN AVENUE

Applicant: Ghita Akhar, High Line Development

Proposed Work: At the mansard level, construct two new dormers, one at each façade; modify the openings at the existing dormers and replace windows.

Norberto Leon, project architect, was the project representative. He explained that the project scope is to construct two new dormers and alter the existing dormers accommodate arched-headed windows to match the historic configuration.



The Commissioners asked if there was evidence of any dormers in the proposed locations. A previous owner installed a skylight, but there is no evidence that there was originally a dormer. The Commissioners explained that our guidelines do not allow for the addition of dormers if there is no evidence of a historic dormer, even if there is historic precedent in the neighborhood.

P. Sanborn expressed that there would be greater flexibility if the dormer was proposed for a rear façade, but the front façade cannot be altered to incorporate a new dormer if there is no historic evidence. He also expressed that the applicants are to be commended to modifying the existing dormers.

The Commissioners noted that the applicants will need to submit detail drawings and shop drawings for the windows and wood trim.

After further discussion the Commissioners decided to approve the modification of the existing dormers; deny the installation of two new dormers without prejudice; and remand the details and approval of the shop drawings to staff.

There was no public comment.

J. Freeman motioned to approve the modification of the existing dormers; deny the installation of new dormers without prejudice; and remand the details and approval of shop drawings to staff, P. Sanborn seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.605 SE

48 UNION PARK

Applicant: Ghita Akhar, Highline Development

Proposed Work: At the stoop, install a decorative metal handrail.

This item is postponed until the 01/07/2020 SELDC public hearing.

APP # 20.559 SE

123 APPLETON STREET

Applicant: Dartagnan Brown, Embarc Studio LLC

Proposed Work: At the Appleton Street façade, enlarge an existin masonry opening and install new windows; replace awnings; replace and install additional wall sconces; paint the Dartmouth Street sign band and return, install new graphics and replace gooseneck style light fixtures; and install moveable flower boxes and planters.

The project representatives were owners Patty and Jacqueline Gannon and architect Mark Van Brocklin. They explained the proposed scope of work, which includes reopening a café at the premises under a new name and new branding. The Commissioners asked questions about the renderings and drawings, specifically the awnings, whose location and footprint was unclear. Later, the applicants confirmed that the awning will be installed underneath the oriole window.



The Commissioners commented that generally the rules do not allow the enlargement of masonry openings, but there is greater flexibility if there is evidence that the window openings are not historic. The sill is being lowered to accommodate accessibility requirements for a take-out window. The applicants noted that accessibility requirements are already present at the interior counter.

J. Amodeo asked about the material of the sign band and noted that the Commission regulates the color of paint on stone or metal.

P. Sanborn noted that he has no reservation about lowering the sill because photographs indicate that there is significant infill at the Appleton Street façade and there may have been a wood storefront there originally.

Next the Commissioners discussed lighting, specifically the installation of new gooseneck light fixtures. The applicants explained that they like the aesthetic of a gooseneck fixture, and need fixtures to illuminate the access doors in the evenings. J. Amodeo noted that typically the Commission will not approve any light fixture from which you can see the source of light (the bulb). The existing can light fixture is what the Commission generally recommends; period light fixtures are not allowed because there were no electric light fixtures during the South End's period of significance. J. Freeman noted that the Commission might consider the installation of a fixture underneath the awning. The Commission might approve the installation in concept and submit details to staff.

J. Freeman asked for clarification regarding the drawings:

- The sign band is NOT being cut back
- The windows below are not being changed
- The gooseneck fixtures at the sign band are just being replaced in their existing location.

The applicants explained that they might prefer to install two can light fixtures instead of goose necks at the entry rather than illumination underneath the awning.

P. Sanborn asked for clarification about the gooseneck fixtures – if the bulb does not extend below the fixture, is it approvable? J. Freeman noted that it depends on the height of the fixture. The gooseneck fixtures at the sign band are approvable since the bulb will not be visible.

J. Amodeo asked about the awnings – they are open on both sides and have a loose valence. He noted that if there is to be a light fixture underneath the awning the same rules about not seeing the light source will still apply.

The Commissioners then moved on to discussing the planters and benches. There are no specs. J. Amodeo noted that the city will require adequate accessible clearance of the sidewalk from the benches and planters. No Commissioners have issues with the proposed aesthetics of the benches and planter. The flower boxes on the front railing



are removable and the railing will not be altered. The Commissioners noted that the flower boxes should be installed on the interior of railing (facing the patio), rather than the exterior (facing the sidewalk).

There was no public comment.

Finally, the Commission decided to approve the application with the following provisos:

- That the proposed lighting at the entry on the Appleton Street side façade be submitted to staff for approval; and
- That the placement of the proposed street furniture and planters are subject to Public Improvement Commission (PIC) approval.

P. Sanborn motioned to approve the application with the above mentioned provisos, D. Parcon seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.420 SE

45 WEST NEWTON STREET

Applicant: Meg Stebbins

Proposed Work: At the roof level of an ell that faces a public way, construct a deck.

David Freed (architect) and Peter Stebbins (owner) were the project representatives.

The applicants explained the scope of the project, which includes constructing a roof deck on top of an existing ell that faces Haven Street. The deck will have a 1' setback from the rear façade of the ell. The proposed design includes a black metal railing. There was previously a deck at the ell, but it is no longer extant. The existing skylight will be removed (although it's noted to remain on the plans) but is not in our purview because it is not visible from a public way.

The applicants noted that the proposed plan of the roof deck is in keeping with similar roof decks on ells along Haven Street.

J. Amodeo stated that he believes this application is a case for a drying yard deck model, despite previous SELDC approvals along the street. He explained the significance of drying yards in the South End, which provide a historic model for visible railings on roof decks located on ells in the district. The utilitarian screening should consist of horizontal wood boards (1" x 6") but can be at a typical railing height. The deck should also be situated as low to the roof as possible (the applicant confirmed it is, due to the pitch of the roof).

The Commissioners also discussed the fascia. Typically the Commission requires a wood fascia painted a dark color. The applicants, however, asked if they could use a composite material for the decking and horizontal wood slats. The Commissioners did not see an issue with using composite material due to the deck being new, and not replacing a historic deck. The look, however, must resemble painted wood.

There was no public comment.



Finally, the Commission concluded to approve the application with the following proviso:

- That the design of the new deck be modified to recall the historic drying yard model consisting of horizontal boards, rather than the fire escape model; and that the details of the new design be submitted to staff for review and approval.

P. Sanborn motioned to approve the application with the above mentioned provisos, D. Parcon seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.525 SE

169 WARREN AVENUE

Applicant: Ciaran McEvoy

Proposed Work: Construct a roof deck, visible from a public way.

Anne Hayward (owner) was the project representative. She explained the project scope, which includes constructing a roof deck.

Staff explained that the mockup is visible over the front of the building from Hayes Park, which is a public way.

J. Amodeo explained that a subcommittee may be necessary and went over the process with the applicant. J. Freeman also noted that the drawings show that the deck is built up quite high and the full height may be unnecessary. The Commissioners also noted that any visible railings must be a black metal picket style, and that a lower deck height would work to the applicants' advantage.

There was no public comment.

The Commissioners concluded that the review of the deck will be remanded to a subcommittee consisting of D. Parcon and J. Amodeo.

D. Parcon motioned to remand the application to a subcommittee, J. Freeman seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.558 SE

686 MASSACHUSETTS AVENUE

Applicant: Michael Whitmore, Roundel 47 LLC

Proposed Work: At the roof, remove a head house and install a hatch and condenser units. At the front façade parlor and garden levels, remove conduits and install Fire Department beacon in flush box. *See additional items under Administrative Review.*

Michael Whitmore (architect) was the project representative. He explained the scope of the design review work, which includes removing conduits from the front of the building, and removing a head house, and installing mechanical equipment at the roof.



The Fire Department beacon will be recessed into the surface of the masonry. J. Freeman noted these conditions would be an improvement and he senses the Commission could allow the removal of masonry at the front façade for this reason.

The Commissioners next discussed the work at the roof. The head house is visible from Harrison Avenue but the mechanical units are not visible from the district. The head house will be removed and the mechanical units moved into the existing footprint. Based on the description, the new mechanical units will not be visible, as the leading edge of the adjacent building conceals the units.

P. Sanborn noted that the consolidation of the mechanical equipment in the footprint of the head house is a good idea, and also mentioned that perhaps the units could be moved further towards the front of the building to eliminate any chance of visibility, but also noted that the chance of visibility in the proposed location is slim to none.

J. Freeman asked about relocating the Fire Department beacon, perhaps inside the pilaster, facing the opening. The applicant also noted that the beacon could perhaps be located on the underside of the canopy (similar to the position of a light).

The Commissioners did not have any problems with the removal of the head house. During additional questions and comment period, P. Sanborn asked about accessibility requirements. The applicant confirmed that the new accessible entrance will be located at the rear via the public alley (received MOD approval).

The Commissioners arrived at the conclusion to approve the application as presented, with the following proviso:

- That the Fire Department beacon location be reexamined pending BFD requirements.

J. Freeman motioned to approve the application as presented, with the above mentioned proviso, D. Parcon seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.528 SE

65-109 CAMDEN STREET

Applicant: David Hoogasian, Extenet Systems

Proposed Work: Replace Aeriata-style light pole in kind with attached small cell node equipment and antennae.

Colin Robinson (Extenet Systems) was the project representative. He explained that the project involves replacing a concrete style light fixture. There are other light fixtures of this kind on the street, but the base is slightly larger to accommodate the necessary equipment. The Commissioners noted that the adjacent shrub will likely be removed.

J. Freeman asked about the differences in equipment between DAS (distributed and antenna system) and Small Cell Node. The applicant explained that DAS runs back to a central hub, whereas SCN are more free-standing.



The Commissioners decided to approve the application as presented with the proviso that the shrub be replaced in kind.

There was no public comment.

J. Freeman motioned to approve the application as presented, with the above mentioned proviso, P. Sanborn seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.543 SE

156 WORCESTER STREET

Applicant: Anthony Catalli, Handyman Pro LLC

Proposed Work: Reconstruct a roof deck, visible from a public way.

Contractor Anthony Catalli was the project representative. He explained that the proposed work includes rebuilding the existing roof deck in the same foot print. The decking and the railings will be replaced.

Staff explained that the deck is visible over the front from points on Columbus Avenue and over the rear from points on West Springfield Street due to gaps in the street wall. Staff and Commissioners discussed visibility. The Commissioners agreed that the visibility over the front façade is minimal and it does not need to be set back. Commissioners agreed that visibility cannot be decreased from the rear façade. J. Freeman noted that if the deck is rebuilt to district standards the view will be improved. Steel picket fence (in the vocabulary of fire escapes) is the most appropriate for this case. This type of rail is required for all visible sections.

The Commissioners concluded to approve the application with the following provisos:

- That all visible railings must be a steel picket style (no more than 5/8") with thin posts (no more than 2" square), with a thin top rail and bottom rail, all with a slim profile and no ornament (in the vocabulary of fire escapes);
- That the decking structure be concealed with a vertical fascia board painted a dark color.

There was no public comment.

J. Freeman motioned to approve the application with the above mentioned provisos, D. Parcon seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.557 SE

1 APPLETON STREET

Applicant: Nick Makemson, Beacon Architectural Associates

Proposed Work: At the Appleton Street storefront install new signage, new planters, seating, and umbrellas associated with a sidewalk café, modify the main entry and paint metal doors and trim

Nick Makemson was the project representative. He explained that several of the storefront modifications were previously approved by the Commission and that the



current proposed scope of work is associated with a restaurant rebrand. Some of the previously approved work was already completed.

The lattices and red door will be removed and replaced with an aluminum storefront door. The second storefront entry doors will remain and new hardware will be installed (hardware not reviewed by SELDC). New signage will be installed. The awnings will be updated and will fit below the stone headers. The valences will remain loose.

The seasonal sidewalk café will consist of new planters in different styles with corrugated metal side panels. The planters will be moveable.

New signage will include a plank sign inside the entry opening with a burnt wood logo and outward-facing fasteners.

The double entry doors at the corner of Appleton Street will be replaced in kind with new hardware. The replacement applies to the doors only, and not the sidelights or the transom. The Commissioners asked for clarification on the material of the new hardware (although hardware is not reviewed by the SELDC). The Commissioners also noted that there is a mistake on the drawing – the proposed storefront doors at the corner of Appleton Street do not show the correct configuration of the transom. There is a three-light transom. The Commissioners also discussed the second entry door on Appleton Street. The existing blue lattice will all be removed.

The Commissioners then discussed the proposed blade sign on the corner of Appleton Street and Tremont Street. The signage will be lit by an embedded LED light fixture, which will be concealed by the wood.

Next the Commissioners discussed the custom planters, which consist of cedar boards and corrugated steel panels. They noted that corrugated steel is not a material that is in the vocabulary of the South End. They suggested that the corrugated metal be replaced with copper or painted steel. The wood will have an applied clear sealant.

Finally, the Commissioners motioned to approve the application with the following proviso:

- That the street furniture which has galvanized corrugated steel material be substituted for a different material which is more in keeping with the period and style of the district, and that this substitute material be submitted to staff for review and approval.

P. Sanborn motioned to approve the application with the above mentioned proviso, D. Parcon seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

APP # 20.468 SE

1313 WASHINGTON STREET

Applicant: Brian Tripp, Wilkes Passage Condominiums

Proposed Work: At the Washington Street façade, replace resident garage doors; at the Waltham Street façade, replace service garage door



Brian Tripp and Chang Zhang were the project representatives. The applicants explained that the existing garage doors need to be replaced with new garage doors. The new doors will be roll-up style. The existing doors open horizontally and have been problematic for years in terms of security and pedestrian/ vehicular safety due to the slow opening and closing of the garage doors. Costs are also an issue. The proposed doors will open and close much more quickly.

The Commissioners looked at the existing garage doors on Street View.

The applicants explained that they cannot replicate the textural nature of the doors on Washington Street due to the roll-up operation.

The Commissioners asked about the finish color; the proposed color is a powder-coat finish in brown-grey (to match a masonry band on the façade). They also asked about discrepancies on the catalogue cut sheet. The Commissioners discussed the finish – a striped finish vs. a smooth finish – both are noted on the catalogue cut sheet and it was unclear to the Commissioners which was proposed.

There will be a jamb in the middle to separate the two doors on Washington Street.

The door at the Waltham Street façade will not be a high speed door but the finish will be the same. This door is primarily used for garbage or loading or unloading and not used by residents. As such it is not opened and closed frequently.

J. Freeman noted that it is important that the doors be replaced for the reasons cited by the applicants and that the proposed work is a small change to a noncontributing building. P. Sanborn disagreed with regard to the Waltham Street door and prefers that the existing door be retained or replaced with something more architecturally distinctive, as the Waltham Street façade is distinctive and the character of the street different from that of Washington. D. Parcon asked if the applicants had investigated options more in keeping with the style of the existing door. P. Sanborn clarified that he had no objection to the Waltham Street door being replaced, but preferred to see a more textural door than the one proposed.

The applicants noted that they could explore more textured options. J. Amodeo noted that the doors should look intentional, rather than utilitarian.

Finally the Commissioners concluded that the Washington Street doors may be replaced as presented, with the proviso that a color sample be remanded to staff; and that the replacement of the Waltham Street doors be continued to the next hearing pending more options.

P. Sanborn motioned to approve the application with the above mentioned proviso, D. Parcon seconded the motion. The vote was 4-0 (JA, JF, DP, PS).



Continued from 06/04/2019 Public Hearing

Applicant: Guy Grassi

Proposed Work: Replace historic windows at the front façade.

Staff note: Eric Seitz (homeowner) was the project representative but did not state his name for the record.

Homeowner Eric Seitz was the project representative. He explained that the windows at the second and third floors were sent out to be restored but that the third floor windows were beyond the point of repair. The second floor windows are being restored. The first and fourth floor windows are being replaced.

The applicant submitted a proposal from Cleary & Sons which included a statement from the company that the third floor windows were beyond the point of repair.

The Commissioners were satisfied with the supplemental information provided at the hearing and agreed that the windows at the third floor were beyond repair.

J. Freeman motioned to approve the replacement of the third floor windows based on the information provided at the hearing and the Cleary & Sons proposal. J. Amodeo added that shop drawings be provided to staff for the replacement of the third floor windows. P. Sanborn seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

NOTE: DUE TO THE LENGTH OF THE LAST DESIGN REVIEW ITEM, THE COMMISSION OPTED TO MOVE ADVISORY REVIEW FOR 40 EAST BERKELEY STREET AHEAD OF DESIGN REVIEW FOR 85 EAST NEWTON STREET.

ADVISORY REVIEW

40 EAST BERKELEY STREET

Applicant: David Snell, PCA Architects

Proposed Work: Construct a roof deck

David Snell, PCA Architects, and Eric Shinrock, Mount Vernon Company, were the project representatives. They represented the scope of work, which consists of a roof top addition at The Revolution Hotel, which includes a new roof deck with guardrail system, a new bar space, a trellis structure, walkways, and bathrooms.

The Commissioners examined several vantage points where the roof top additions will be visible. The bathrooms were not visible in the view studies provided. The Commissioners also examined that secondary egress path and were curious about the determinations of this plan. The guardrails along this path will be visible and will have the highest visual impact of the work that is being proposed.

The Commissioners made the following comments:

- That the application includes additional view sheds from East Berkeley Street



- That altering the skyline may be acceptable considering the building is noncontributing to the district;
- Light sources should not be seen;
- Examine wind impact on the roof deck;
- More information re: view sequences in both directions on East Berkeley Street, starting from Tremont (or beyond)
- More information re: trellis and retractable awning
- Cable rail should not have a thick top rail (as long as code allows); ideally the top will just have a cable
- If bathrooms are visible they should be clad in standing seam metal or a similar material
- The applicants should examine relative and contextual heights.

NOTE: THE COMMISSIONERS TOOK A 5-MINUTE RECESS BEFORE RETURNING TO THE DESIGN REVIEW AGENDA.

APP # 20.436 SE

85 WEST NEWTON STREET

Continued from 11/05/2019 Public Hearing

Applicant: Inquilios Boricuas en Acción (IBA)

Proposed Work: Demolish the existing former church and parish house (Villa Victoria Center for the Arts/ IBA Preschool)

Vanessa Calderón-Rosado, IBA; Amanda Pelcher, IBA; and Peter Muckenbeck, consultant to IBA were the project representatives. The applicants read a prepared statement regarding the progression of the project. They again asked for a Certificate of Exemption based on Hardship to demolish the entire building. They reiterated that this process has been exceptionally difficult for IBA and have provided the Commission and staff the appropriate documentation that was asked for.

They further explained that they have complied with the provisos as outlined in the previous hearing, including submitting a plan to ISD with a proposed January 6, 2020 demolition commencement date. They also participated in a call with the Boston Preservation Alliance and pro bono engineers from Silman and Structures North, as well as SELDC staff. There was no resolution as a result of the call, aside from stabilizing the tower, which is prohibitively expensive.

Amanda Pelcher, CFO of IBA, listed IBA's real estate holdings. All but one of the real estate holdings is located in the South End Landmark District. IBA also explained a list, provided to commissioners, of grants that the organization had applied for. Money was used for roof repairs, accessibility, and system upgrades. None of the funding put any restrictions on the building.

IBA explained that they had emailed photographic documentation to staff. The Commissioners and the applicants viewed the list of the documentation required for a demolition application. IBA has not yet designed a new building to replace the existing



building. J. Freeman noted that they will waive that requirement temporarily, as he agrees that it will be premature.

With regard to the proposal for a new building, the applicants explained the projected costs. According to their analysis, building a new building is the most financially feasible option. The Commissioners had questions about the financial projections. There is no net revenue from the existing building, as it operates from a loss. The new building with office space will allow IBA additional funding.

Greg Galer, Boston Preservation Alliance, offered feedback regarding the aforementioned conference call. BPA had conducted a site visit. He reiterated that there was no “silver bullet reveal” but the conversation examined the possible options. He noted that perhaps giving the tower an alternate treatment, which would allow it to be stabilized and then incorporated into the rest of the building, might be viable and might be financially feasible, but would be extremely difficult to do given the timeframe. One of the engineers suggested that it might be possible to demolish the tower a little bit more in order to stabilize it, but again it might be impossible given the time frame. The applicants responded to the BPA’s assessment and reiterated that the option to maintain the existing tower and building is too prohibitively expensive. The Commissioners questioned how much of the projected cost of the full restoration is the repair of the tower.

The conversation moved to the discussion on hardship. Staff explained progress on how to assess a hardship application. The enabling legislation of the Boston Landmarks Commission states that in order to meet the criteria for a Certificate of Exemption based on hardship, the Commission must determine that the applicant has supplied the appropriate documentation that proves financial hardship; AND that the work [demolition] will not materially impair the district.

The Commissioners also expressed that they feel they do not have the appropriate financial documents to assess whether or not IBA meets the criteria for financial hardship. The applicants responded that they provided everything that was required in a timely manner and that they feel that they should not have to disclose additional financials. They cannot allocate funding from other programs to cover the cost of repairs to the building.

The Commissioners asked for public comment. Greg Galer (BPA) commented that the new construction number is based on an educated guess and expressed concern that the new building cost may very well approach the estimated 22 million project cost, which will come at the cost of losing the historic building. The applicants responded that the new building will provide significant services and functions. Allison Frazee (BPA) asked if they applicants had considered removing the roof and building up to offset the costs of the restoration. Christine Gibson offered public comment and noted that the language of the legislation explains that the cultural impact of the district may be impacted if IBA is not allowed to build a new building, and that community spaces in the South End are lacking. Juan Carlos also offered public comment and noted that a new



community center will enhance from the community. Herb Zeller offered public comment via email and staff read it into the record.

The Commissioners returned to their question of whether or not they have enough information to approve the Certificate of Exemption. A major concern is that they Commissioners do not know what building will go in its place, or if the parcel will remain a vacant lot and granting a demolition approval without knowing the design of the new building is not typical. The applicants offered to incorporate a time frame into the approval, and place money in escrow to guarantee the Commission that a new building will be constructed. They added that the IBA board has a sense of urgency to replace the building. The Commissioners and the applicants agreed that this is a difficult decision for everyone involved.

J. Freeman commented that the SELDC thinks that IBA is a wonderful organization and praised them for their good work in the community, but that the Commission has to be extremely careful to set precedent that is not outside their regulations, and that they, along with IBA, have been placed in a very difficult position. To some extent, the SELDC has been let down by the city and the BLC: commissioners are trained to not make approvals outside their areas of expertise, but the language of the legislation tasks Commissioners (even though previous hardship applications have been approved by others in the city) to make this very difficult assessment despite none of the SELDC commissioners being professional economists. He also expressed that any decision to approve demolition will have far-reaching impact and will be a very emotional issue once it begins. He also noted that there will be question of whether or not this will fall under demolition by neglect. He reiterated that it is very unusual to grant a demolition approval when they do not know what will replace it. Commissioners are taught that demolition can only be allowed when there is no other feasible alternative, or when granting a Certificate of Exemption based on hardship. The Commission does not have an answer so far. ISD has the authority to step up and take the matter away from SELDC but they have not done so.

J. Amodeo added that the building was purposefully built as a church, which is a character-defining feature of the district. The Commission does not regulate use of buildings. The loss of a rare, high-value building makes this decision even more difficult. The enabling legislation states that the Commission is not able to grant a Certificate of Exemption based on Hardship if the demolition will impair only ONE of the listed areas of the Landmark District (laid out in Section 8 paragraph 2). J. Freeman questioned if any buildings in the district would actually ever qualify for a Certificate of Exemption if that were the case.

J. Freeman suggested some ways to move forward. The Commission might allow the demolition of the tower and the north wall, and if they demolish the full building it will be a violation. He also suggested that maybe the Commission hold a public meeting with the legal team in the meantime to figure out a solution for moving forward. He also noted that they only demolition of this scale that the Commission has ever approved was the demolition of the National Theater. The Ivory Bean house was another emergency demolition, and a Certificate of Exemption based on Hardship.



The applicants said that they cannot feasibly demolish the tower and the north wall only.

The Commissioners returned to a discussion of establishing a possible escrow. J. Amodeo recalls BLC instances when an escrow was established. J. Freeman asked if the Commissioners would ever consider determining this instance to be extraordinary circumstances. They would not because it has not been established that there is no alternative to demolition.

P. Sanborn that he would be inclined to grant a partial demolition of the tower and a portion of the north wall or stabilize it. J. Amodeo recommended that the application be continued to a special meeting/ hearing to allow for time to gather any additional information and to speak with full Landmark Commission staff. J. Freeman also suggested a meeting with legal.

Finally the Commission arrived at the conclusion that they would continue this application to a special hearing and requested a procedural meeting with internal staff.

There was no additional public comment.

P. Sanborn motioned to tail the application to a date to be established – target date of December 17, 2019 - for a special hearing at which time there will be further discussion and a possible vote. J. Amodeo amended that the Commission identify any missing materials (photographic documentation; a schedule for design and construction; and possible escrow); P. Sanborn also amended the application to add a request for the most recent (audited) financial statements from IBA's CPA. D. Parcon seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

II. ADMINISTRATIVE REVIEW/ APPROVAL

J. Freeman noted that there should be a better process to review roof decks. J. Amodeo also suggested remanding roof deck reviews to staff unless extraordinary.

APP # 20.418 SE 34 Clarendon Street and APP #20.584 SE 2 Union Park were pulled from the agenda and postponed until the 01/07/2020 SELDC Public Hearing.

P. Sanborn motioned to approve all other Administrative Review items. J. Freeman seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

III. RATIFICATION OF 11/05/2019 MEETING MINUTES; 11/07/2019 PUBLIC MEETING MINUTES; 10/24/2019 PUBLIC MEETING MINUTES; 10/23/2019 PUBLIC MEETING MINUTES; 09/26/2019 PUBLIC MEETING MINUTES; 09/10/2019 PUBLIC MEETING MINUTES; AND 08/22/2019 PUBLIC MEETING MINUTES



J. Amodeo asked how the minutes are compiled. Staff responded that a template is used based on Open Meeting Law requirements and that Landmarks staff is working to make all minutes uniform.

J. Freeman motioned to approve the minutes, P. Sanborn seconded the motion. The vote was 4-0 (JA, JF, DP, PS).

IV. STAFF UPDATES

There were no staff updates.

V. ADJOURNMENT

J. Amodeo motioned to adjourn the hearing. The vote was 4-0 (JA, JF, DP, PS).