

EXHIBIT A: CONDITIONS TO BE ATTACHED TO FLOOR AREA RATIO VARIANCE FOR THE CHARLES STREET MEETING HOUSE (THE "PROPERTY")

Exhibit A was included in the April 22, 1980, Decision by the Board of Appeal BZC-4695. Revisions for review by the Beacon Hill Civic Association are proposed below due to changes that have occurred since 1980, including adding a café and replacing the former tower residence with offices. This draft includes the original language of Exhibit A and proposed changes.

1. That no odors, heat or noise from the operation of the HVAC system which are detectable at street level or from any existing structure be emitted from the Property; and that the design of the HVAC system be subject to the review and approval of the Beacon Hill Civic Association ("BHCA"), the Society for the Preservation of New England Antiquities ("SPNEA"), and the abutters.

No change is proposed, but for the record SPNEA is now HNE (Historic New England).

2. That all trash and refuse from the office and commercial/retail tenants be stored inside the Property until the time for pick-up; that there be commercial or private pick-up of trash and refuse from the office directly from the Property via the center door on Mount Vernon Street and from the commercial/retail tenants directly from the Property via the Charles Street door or the southeasterly door on Mount Vernon Street; and that all trash on the Charles Street sidewalk in legally-acceptable containers at the appropriate times for regular city pick-up.

The café use is in the process of seeking an expansion to use a portion of the first floor and basement tower areas in the converted residence and will request permission to use the southwesterly door on Mount Vernon Street for trash removal to the pickup location on Charles Street.

Proposed Revision: *That all trash and refuse from the office and commercial/retail tenants be stored inside the Property until the time for pick-up; that there be commercial or private pick-up of trash and refuse on the Charles Street sidewalk in legally-acceptable containers at the appropriate times for regular city pick-up; and that all trash and refuse shall be removed from the building via the Charles Street door and the doors on Mount Vernon Street to the common pick-up area on Charles Street.*

3. That a gate be installed across the alley between the Property and 69 River Street.

No change

4. That there be no use of any part of the Property for the purposes described in Use Items 36A and 37 of the Boston Zoning Code.

Use Items 36A (Retail Catering) and 37 (Eating Places & Entertainment) were accepted for the street level café as authorized by the Board of Appeals and accepted by BHCA. Refer to Decision BZC-20749 dated December 14, 1999.

Proposed Revision: *“That there be no use of any part of the Property that is not in keeping with the current Boston Zoning Code unless accepted by the Beacon Hill Civic Association and approved by the City of Boston Board of Appeal in accordance with the standard regulatory review process.”*

5. That no more than fifty persons by [sic] employed in the office and commercial/retail part of the Property.

Since introduction of the café and conversion of the residence into office suites, the occupant load has changed without detriment to the integrity of the neighborhood. The street level retail and café typically have a range of employees from 6 to 25 based on need, with the primary variation in staff occurring in the café and hair salon. In the office suites, there are 40 rentable units, and simultaneous staff occupancy varies widely but never exceeds a total of 75 persons.

Proposed Revision: *The number of employees simultaneously occupying the building shall not exceed 25 in the commercial/retail areas and 75 in the office suites.*

6. That all ground floor windows on the River Street side of the Property will have matching, solid panel, folding shutters across the bottom half of the windows, which shutters will be kept fully extended at all times; that the owner may install comparable shutters on the upper half of any or all of such windows, if he selects; and that the owner shall install comparable shutters on the upper half of all such windows if the abutters so request.

No change

7. That all deliveries to the office part of the Property be made via the center door on Mount Vernon Street; that all deliveries to the commercial/retail part of the Property be made via the southeasterly door on Mount Vernon Street or the Charles Street door; and that there be no deliveries before 7am or after 8pm.

When the residence was recently converted into office suites per BOA-849084, the southwesterly door on Mount Vernon Street became the accessible entrance for the offices. The café is in the process of seeking permission to use a portion of the tower first floor and basement for its use and will also request permission to use this southwestern door for deliveries instead of bringing deliveries through the Charles Street retail lobby and customer areas. Also, since they open to the public at 7am they would like to allow deliveries starting at 6am.

Proposed Revision: *That all deliveries to the office part of the Property be made via the center door on Mount Vernon Street; that all deliveries to the commercial/retail part of the Property be made via the southeasterly or southwesterly doors on Mount Vernon Street or the Charles Street door; and that there be no deliveries before 6am or after 8pm.*

8. That all sidewalks surrounding the Property be kept free of refuse and litter at all times and be kept clear of ice and snow and sanded, as necessary, and that all of the building's rain gutters be kept clean at all times.

No change

9. That the ordinary business hours of the office and commercial/retail tenants be no longer than from 7am to 11pm.

Proposed Revision: *The ordinary business hours of the office and commercial/retail space shall be no longer than similar businesses and offices on Charles Street.*

10. That all employees of the office and commercial/retail tenants use off-street parking unless they have Beacon Hill resident parking stickers, and that all leases for office and commercial/retail tenants contain a provision requiring the tenant, and its employees, servants and agents, to use off-street parking unless they have Beacon Hill resident parking stickers.

No change

11. That the property have full-time occupancy or security coverage.

No change

12. That all proposed signage, including any kiosk or free-standing sign, and exterior alterations to the Property be subject to the written approval of BHCA, SPNEA and the Beacon Hill Architectural Commission; and that any kiosk or free-standing sign not obstruct pedestrian traffic and be regularly maintained.

No change is proposed, but for the record SPNEA is now HNE (Historic New England).

13. That no parking be permitted in the brick areas on either side of the Mount Vernon Street entrance, and that any use of said areas for other than pedestrians or garden use is not to be permitted.

The brick area at the southeasterly corner of the building has been used for outdoor seating of the café since 1991 as approved by the Board of Appeal BZC-15225.

14. That no advertising, poster, signs, papers or the like be affixed to the exterior or the interior of the windows.

Proposed Revision: *That no advertising, poster, signs, papers, or the like be affixed to the exterior of windows. On the interior of windows, permanent or temporary signs will conform to the sign guidelines of the Beacon Hill Architectural Commission and to Article 11 of the Boston Zoning Code.*

15. That only incandescent lighting be permitted where visible [sic] from the exterior.

This proviso was likely intended to avoid having the Meeting House appear to be a typical office building with lighting that would detract from its historic character. Given changes to energy codes since 1980, most fixtures in the facility are LED's and none are visually offensive from the exterior.

Proposed Revision: *That any light fixtures visible from the exterior shall not appear to be standard fluorescent office fixtures. (Alternatively, ... proviso 15 could be deleted.)*

16. That no computer system which is audible outside the Property be installed.

No change

17. That the River Street doors not be used in connection with the office and commercial/retail use of the Property except as emergency exits.

The River Street doors are on the north façade of the building and those uses remain unchanged as emergency exits, except that the alley-level door has always been the only service entrance to the utility equipment spaces in the basement. When the residence was converted into office suites, the southwesterly door on Mount Vernon Street (which might have been one of the River Street doors referenced in proviso 17) became the accessible entrance to the offices. Currently, the café is seeking an expansion to use a portion of the first floor and basement tower areas in the converted residence and will request permission to use the southwesterly door on Mount Vernon Street for deliveries and trash removal as noted in proposed revisions to provisos 2 and 7 herein.

Proposed Revision: *That the River Street doors at the north façade not be used in connection with the office and commercial/retail use of the Property except as emergency exits, with the exception that the alley-level door can be used as the service entrance to basement utility equipment spaces. The door at the southwesterly corner on Mount Vernon Street shall be used as an accessible entrance to the offices and for access to the café for deliveries and trash removal; and that no café customers shall use this door.*

18. That the tower clock be repaired and that reasonable efforts be used to maintain it in working order, except that the chimes need not be operational.

No change

19. There shall be no roof cuts for skylights; cuts for mechanical and plumbing vents shall be limited to those required for the commercial space and for the installation of snow retention devices *[sic]*; and all such vents shall be installed on the Rover *[sic]* Street side of the Property and shall be placed so as not to rise above the ridgeline.

This proviso in Exhibit A was dated 4/22/1980 and a letter from the Board of Appeal dated 8/19/1980 accepted an amendment to proviso 19. We have found no record of the amended proviso and attach the letter for reference. The request for amending this proviso, as noted in the acceptance letter, was explained in a letter to the BOA dated 8/15/1980, and no copy of that earlier letter has been found.

ATTACHMENTS:

- BZC-4695 "Exhibit A" dated April 22, 1980, and signed May 20, 1980 (two pages)
- Letter of August 19, 1980, accepting an amendment to proviso 19 (one page)



CITY OF BOSTON

BOARD OF APPEAL

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FILED

 APR 20 2 43 PM 1980
 BUILDING DEPARTMENT
 CITY OF BOSTON

April 22nd, 1980

Decision of the Board of Appeal on the Appeal of Case Number BZC-4695

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EXHIBIT A

CONDITIONS TO BE ATTACHED TO FLOOR AREA RATIO VARIANCE FOR THE
CHARLES STREET MEETING HOUSE (THE "PROPERTY")

1. That no odors, heat or noise from the operation of the HVAC system which are detectable at street level or from any existing structure be emitted from the Property; and that the design of the HVAC system be subject to the review and approval of the Beacon Hill Civic Association ("BHCA"), the Society for the Preservation of New England Antiquities ("SPNEA"), and the abutters.
2. That all trash and refuse from the office and commercial/retail tenants be stored inside the Property until the time for pick-up; that there be commercial or private pick-up of trash and refuse from the office directly from the Property via the center door on Mount Vernon Street and from the commercial/retail tenants directly from the Property via the Charles Street door or the southeasterly door on Mount Vernon Street; and that all trash on the Charles Street sidewalk in legally-acceptable containers at the appropriate times for regular city pick-up.
3. That a gate be installed across the alley between the Property and 69 River Street.
4. That there be no use of any part of the Property for the purposes described in Use Items 36A and 37 of the Boston Zoning Code.
5. That no more than fifty persons be employed in the office and commercial/retail part of the Property.
6. That all ground floor windows on the River Street side of the Property will have matching, solid panel, folding shutters across the bottom half of the windows, which shutters will be kept fully extended at all times; that the owner may install comparable shutters on the upper half of any or all of such windows, if he selects; and that the owner shall install comparable shutters on the upper half of all such windows if the abutters so request.
7. That all deliveries to the office part of the Property be made via the center door on Mount Vernon Street; that all deliveries to the commercial/retail part of the Property be made via the southeasterly door on Mount Vernon Street or the Charles Street door; and that there be no deliveries before 7 A. M. or after 8 P. M.
8. That all sidewalks surrounding the Property be kept free of refuse and litter at all times and be kept clear of ice and snow and sanded, as necessary, and that all of the building's rain gutters be kept clean at all times.
9. That the ordinary business hours of the office and commercial/retail tenants be no longer than from 7 A. M. to 11 P. M.

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BUILDING DEPARTMENT
CITY OF BOSTON

April 22, 1980

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10. That all employees of the office and commercial/retail tenants use off-street parking unless they have Beacon Hill resident parking stickers, and that all leases for office and commercial/retail tenants contain a provision requiring the tenant, and its employees, servants and agents, to use off-street parking unless they have Beacon Hill resident parking stickers.
11. That the property have full-time occupancy or security coverage.
12. That all proposed signage, including any kiosk or free-standing sign, and exterior alterations to the Property be subject to the written approval of BHCA, SPNEA and the Beacon Hill Architectural Commission; and that any kiosk or free-standing sign not obstruct pedestrian traffic and be regularly maintained.
13. That no parking be permitted in the brick areas on either side of the Mount Vernon Street entrance, and that any use of said areas for other than pedestrians or garden use is not to be permitted.
14. That no advertising, poster, signs, papers or the like be affixed to the exterior or the interior of the windows.
15. That only incandescent lighting be permitted where visible from the exterior.
16. That no computer system which is audible outside the Property be installed.
17. That the River Street doors not be used in connection with the office and commercial/retail use of the Property except as emergency exits.
18. That the tower clock be repaired and that reasonable efforts be used to maintain it in working order, except that the chimes need not be operational.
19. There shall be no roof cuts for skylights; cuts for mechanical and plumbing vents shall be limited to those required for the commercial space and for the installation of snow retention devices; and all such vents shall be installed on the River Street side of the Property and shall be placed so as not to rise above the ridgeline.



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August 19, 1980

Charles J. Speleotis, Esq.
Guterman, Horvitz, Rubin & Rudman
Three Center Plaza
Boston, MA 02108

Re: Charles Street Meeting House
BZC - 4695
123-125 Mount Vernon Street and
68-72 Charles Street, Ward 5

Dear Mr. Speleotis:

The Board is in receipt of your letter dated August 15, 1980, on behalf of John Sharratt in which you request that we approve an amendment to proviso No. 19 which is part of our Decision in the captioned case. We find that the proposed modification does not in any way affect our Decision varying the application of the Boston Zoning Code and do hereby accept and approve the amendment to proviso No. 19 as outlined in your letter of August 15, 1980, and do make such amendment part of our official record. We also note that our vote, taken at our hearing on August 19, 1980, does not require nor necessitate any other action concerning our original Decision signed on May 20, 1980.

Very truly yours,

FOR THE BOARD OF APPEAL

John W. Priestley, Jr.
John W. Priestley, Jr.
Chairman

SIGNED: August 19, 1980