



*Neighbors
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December 8, 2020

City of Boston Zoning Board of Appeal
1010 Massachusetts Ave, 4th Floor
Boston, MA 02118

Re: 7 Beaver Place BOA# 975065

Dear Chairwoman Araujo and Members of the Board:

The Applicant is seeking to reconstruct a demolished 3-story residence on Beaver Place, a private way on Beacon Hill, (the "Project") back to its original footprint, Floor Area Ratio ("FAR"), and Legal Use as a single-family dwelling. ISD determined that a variance from the 10-foot rear yard required by Article 13 of the Zoning Code is needed to allow no rear yard. Per the applicant, the original building was built to the property line without a 10-foot setback. The owner, his attorney, architect and other professionals met with the Beacon Hill Civic Association's Zoning & Licensing Committee ("ZLC") via Zoom on December 2, 2020, having previously appeared at meetings on October 7, 2020 and November 4, 2020, where the applicant requested deferrals of any vote of the ZLC on the variance application in order to respond to questions and concerns from neighbors and abutters to the property in question.

At the initial ZLC meeting on October 7, 2020, the primary concern from neighbors and ZLC members was the Project's proposed changes to the building profile at the rear of the 3rd floor of the to-be-constructed building and relocation of HVAC equipment onto the roof of the proposed new 3rd floor, but issues were also raised regarding the proposed groundwater recharge system including potential impacts of construction and operation on adjacent buildings, the building code variance required by ISD for existing openings in a wall at the rear of the property, and the FAR calculation for the new building.

In response to the neighbors, the Applicant's team presented revised plans restoring the original, pre-demolition profile of the building, including a slanted roofline at 3rd floor rear, and agreed to move the HVAC equipment from the 3rd floor roof to a location on the 2nd floor deck and to not place any equipment or structures on the 3rd floor roof. The affected neighbors generally expressed satisfaction with those changes, and several neighbors noted their desire to see a building constructed on this long-vacant lot.

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At the November 4 and December 2, 2020 meetings, respectively, the ZLC heard substantial additional dialogue between the Applicant and immediate abutters (and professionals representing each side) regarding issues around the groundwater recharge system being proposed to meet requirements for projects - such as this one - within the Groundwater Conservation Overlay District ("GCOD"), the required Boston Building Code variance and the FAR questions. The ZLC members present recognized both that significant safety and adverse impact questions were raised by immediate abutters (including the Park Street School) and credible professionals speaking on their behalf and that the applicant's design professionals had addressed, or appeared prepared to address these issues. No vote was taken on these issues since the ZLC has traditionally declined to take a position on such matters, deferring to the City agencies having the technical expertise to properly evaluate them.

Based on the foregoing considerations, including in particular the plan changes to which the Applicant has agreed, the ZLC voted NOT TO OPPOSE the zoning relief required for the Project under Article 13, Section 13-1 to allow the rear setback encroachment as and to the extent shown on the revised plans presented at the December 2 meeting so as to permit reconstruction of the building in its prior configuration. The ZLC members also requested that the ZBA, in considering the Boston Building Code and GCOD-related issues concerning the Project, give the highest priority to the safety of adjacent properties and their residents.

It is expressly noted that these decisions relate only to the zoning matters and do not imply any position on matters within the jurisdiction of the Beacon Hill Architectural Commission.

Very truly yours,

Thomas J. Clemens and Katherine A. Judge
Co-chairs, Zoning and Licensing Committee