



BACK BAY ARCHITECTURAL DISTRICT COMMISSION
PUBLIC HEARING MINUTES
Held virtually via Zoom

January 11, 2023

Commissioners Present: James Berkman, John Christiansen, Kathleen Connor, David Eisen, Iphigenia Demetriades, Zsuzsanna Gaspar, Ethel MacLeod, David Sampson, and Robert Weintraub.

Commissioners Absent: Jerome CooperKing, Lisa Saunders, and Kenneth Tutunjian.

Staff Present: Joseph Cornish, Director of Design Review.

5:00 PM: Commissioner K. Connor called the public hearing to order. She explained that, pursuant to the Commonwealth of Massachusetts Executive Order Suspending Certain Provisions of the Open Meeting Law, that the public hearing was being conducted virtually via the online meeting platform Zoom in order to review Design Review applications. She also briefly explained how to participate in the online hearing.

Following this brief introduction she called the first Design Review application.

I. DESIGN REVIEW

APP # 23.0472 BB

ADDRESS: 4 Newbury Street

Applicant: Chris Gedrich

Proposed Work: At front façade install temporary entrance canopy.

Project Representative: Chris Gedrich was the project representative.

Documents Presented: The Commissioners reviewed a presentation consisting of details, plans, and photos of the existing conditions.

Discussion Topics: The Commissioners discussed the fact that this temporary canopy was allowed during the COVID-19 pandemic when there were limits to the number of people allowed in the store at one time and questioned why it is still needed.

Public Comment: There was no public comment.

J. Christiansen motioned to deny the application without prejudice. I. Demetriades seconded the motion. The vote was 8-0 (Y: JB, JC, KC, ID, DE, ZG, DS, RW) (N: None)

- Limitations on store occupancy during the COVID-19 pandemic have since been lifted.

Commissioner E. MacLeod joined the hearing at 5:27pm.

APP # 23.0512 BB

ADDRESS: 97 NEWBURY STREET

Applicant: Matt Ottinger

Proposed Work: At front façade redesign of landscape plan approved on 7-13-2022.

Project Representatives: John Traficonte, Ryan Woods and Kyle Zick were the project representatives.

Documents Presented: The Commissioners reviewed a presentation consisting of details, plans, and photos of the existing conditions, and the plans approved by the Commission in 2022.

Discussion Topics: The Commissioners discussed the appropriateness of the proposed signage and questioned why the existing European Birch tree cannot be retained.

Public Comment: Maureen O'Hara spoke on behalf of the Garden Club of the Back Bay and requested that a new European Birch tree be replanted if the existing tree cannot be retained. Sue Prindle, NABB, asked that the applicant work with the Garden Club on an appropriate replacement tree.

J. Berkamn motioned to approve the application with provisos. R. Weintraub seconded the motion. The vote was 8-0-1 (Y: JB, JC, KC, ID, DE, ZG ,DS, RW) (N: None) (R: EM)

- Applicant must return to the Commission with a revised signage plan, and work with the Garden Club to identify an appropriate tree to replace the existing European Birch.

APP # 23.0500 BB

ADDRESS: 128 BEACON STREET

Applicant: Patrick Murphy

Proposed Work: At rear elevation create masonry opening and install kitchen vent.

Project Representative: Patrick Murphy was the project representative.

Documents Presented: The Commissioners reviewed a presentation consisting of details, plans, and photos of the existing conditions.

Discussion Topics: The Commissioners discussed the location and visibility of the proposed vent.

Public Comment: There was no public comment.

D. Sampson motioned to approve the application. I. Demetriades seconded the motion. The vote was 9-0 (Y: JB, JC, KC, ID, DE, EM, ZG, DS, RW) (N: None)

APP # 23.0499 BB

ADDRESS: 115 COMMONWEALTH AVENUE

Applicant: Sean Cryts

Proposed Work: At rear elevation replace non-historic leaded glass windows with historically appropriate wood windows.

Project Representative: Sean Cryts was the project representative.

Documents Presented: The Commissioners reviewed a presentation consisting of details, plans, and photos of the existing conditions.

Discussion Topics: The Commissioners discussed the fact that the current leaded glass windows were installed sometime after 1945 when the St. Botolph Club occupied the building. They also discussed the fact that the proposed replacement windows are based on those at neighboring buildings and likely match the configuration of the original windows.

Public Comment: Tom High, backbayhouses.org, supported the project.

R. Weintraub motioned to approve the application. I. Demetriades seconded the motion. The vote was 9-0 (Y: JB, JC, KC, ID, DE, ZG, EM, DS, RW) (N: None)

APP # 22.1387 BB

ADDRESS: 260 Clarendon Street – Clarendon Street Playground

Applicant: Nathan Frazee, Boston Parks and Recreation Department

Proposed Work: Renovate and add improvements to existing playground.

Project Representative: Nate Frazee and Cassie Bethoney were the project representatives.

Documents Presented: The Commissioners reviewed a presentation consisting of details, plans, and photos of the existing conditions.

Discussion Topics: The Commissioners discussed the location, design and materials of the proposed seating elements, and suggested adding additional plantings along the property boundary abutting 109 Commonwealth Avenue. They also asked if there will be any lighting.

Public Comment: Staff reported that a comment was received from Mary Beth Sweeney from the John Winthrop School in support of the project. Sue Prindle, NABB, supported the project and suggested adding more shrubs at the property boundary of 109 Commonwealth Avenue. She also asked about keeping the slide surface cool in summer months. Margaret Pokorny of the Garden Club of the Back Bay spoke in support of the project. Rachel Whitty Hajj, Justin Hajj, and Sue Baker all spoke in support of the project.

R. Weintraub motioned to approve the application with provisos. J. Berkman seconded the motion. The vote was 9-0 (Y: JB, JC, KC, ID, DE, ZG, EM, DS, RW) (N: None)

- The applicant must work with the Garden Club on a plan to add additional shrubs along the property boundary of 109 Commonwealth Avenue.

APP # 23.0361 BB

ADDRESS: 393-395 Beacon Street

Applicant: Alex Slote

Proposed Work: Clean, repair and re-point masonry; replace existing aluminum windows with new wood windows; replace existing painted downspouts with new copper downspouts; install new matching intermediate handrail at front entry; install new entry lighting; remove inappropriate entry door at 395 Beacon and replace with new matching pair of doors; remove front and rear fire balconies; replace front dormer wood trim in-kind; replace damaged roof slates in-kind; erect penthouse addition and roof deck; increase height of existing rear chimney; install rooftop HVAC equipment; remove inappropriate rear bay window, repair brick and provide new matching brownstone lintel and sill; construct rear addition with garage door; convert existing window into an egress door; and reconfigure rear parking area, add ramp to garage, install new brick and granite paving, install steel fencing, and plant two new trees.

Project Representative: David Freed

Documents Presented: The Commissioners reviewed a presentation consisting of details, plans, and photos of the existing conditions.

Discussion Topics: The Commissioners discussed the location and visibility of the proposed HVAC equipment at the front and rear areas of the roof. They also discussed the appropriateness of increasing the height of the chimney.

Public Comment: Tom High, backbayhouses.org, supported the project and remarked that the rear elevations of these buildings have been altered, and that the size and placement of the HVAC equipment on the roof must carefully reviewed. Serge Savard and Sue Prindle, NABB, supported the project. Margaret Pokorny of the Garden Club of the Back Bay spoke in support of the project and remarked that the applicant has worked with the Garden Club on the design of the landscape. Christina Guibas spoke in support of the project. Cindy Joyce of 389 Beacon Street expressed concern about the accuracy of the mock-up, and remarked that the proposed rooftop addition will negatively her roof deck.

R. Weintraub motioned to approve the application with provisos. I. Demetrides seconded the motion. The vote was 9-0 (Y: JB, JC, KC, ID, DE, ZG, EM, DS, RW) (N: None)

- The location, style, size and manufacturer of the rooftop condenser units is remanded to staff for final review and approval.

II. ADMINISTRATIVE REVIEW/APPROVAL

- 23.0504 BB** **206 Beacon Street:** At front façade replace non-historic casement windows with historically appropriate wood two-over-two windows, and at rear elevation replace upper non-historic aluminum-clad casement and fixed windows in-kind.
- 23.0513 BB** **304 Berkeley Street:** Repair and repaint three existing bay windows.
- 23.0470 BB** **144 Commonwealth Avenue:** At front façade replace copper gutter, downspout and shelf in-kind; repair rubber roofing; and at rear elevation replace galvanized downspout in-kind.
- 23.0501 BB** **192 Commonwealth Avenue:** Replace fourteen ninth story wood windows in-kind.
- 23.0503 BB** **192 Commonwealth Avenue:** Replace fifteen sixth story wood windows in-kind.
- 23.0484 BB** **402 Marlborough Street:** At front façade replace three third story one-over-one non-historic wood windows in-kind.
- 23.0486 BB** **79 Newbury Street:** At rear elevation replace wood garage door in-kind.
- 23.0488 BB** **126 Newbury Street:** At front façade install wall sign and blade sign.
- 23.0509 BB** **126 Newbury Street:** At front façade install wall sign, blade sign and window signage.
- 23.0467 BB** **132 Newbury Street:** At front façade install wall and window signage.
- 23.0485 BB** **176 Newbury Street:** At front façade install wall sign.
- 23.0463 BB** **234-236 Newbury Street:** At front façade and rear elevation repair and repaint existing fire escapes.
- 23.0461 BB** **292 Newbury Street:** At front façade install two wall signs and signage at glass of entry door.

D. Sampson motioned to approve the applications as submitted. R. Weintraub seconded the motion. The vote was 8-0-1 (Y: JB, JC, KC, ID, DE, ZG, EM, DS, RW) (N: None) (ABS: DE)

III. RATIFICATION OF 12/14/2022 PUBLIC HEARING MINUTES

R. Weintraub motioned to ratify the 12/14/2022 hearing minutes. I. Demetriades seconded the motion. The vote was 5-0-4 (Y: JC, ID, ZG, DS, RW) (N: None) (ABS: JB, KC, DE, EM)

IV. REPORT AND RECOMMENDATIONS FOR DESIGN GUIDELINES FROM SUBCOMMITTEE FOR FAUX FLOWERS, PATIO STRING LIGHTS, TEMPORARY VESTIBULE ENCLOSURES, AND OUTDOOR DINING

Discussion Topics: Staff reported that on 1/9/2023 the subcommittee consisting of Commissioners Connor, Demetriades, MacLeod, Sampson and Weintraub, met to discuss design guidelines for patio string lighting, faux flowers, temporary vestibule enclosures and outdoor dining. Staff presented draft guidelines for each topic which the commission discussed as follows:

DINING PATIO STRING LIGHTING – GUIDELINES FOR COMMERCIAL AREA OF THE DISTRICT– OUTDOOR DINING INSTALLATIONS

Discussion Topics: Commissioners discussed the length of the outdoor dining season and suggested adding the following language, “Approved string lighting to be removed at the end of the city mandated outdoor dining season for the Back Bay.”

Public Comment: Sue Prindle, NABB, spoke in support of the proposed design guidelines.

R. Weintraub motioned to approve the proposed design guideline language with provisos. J. Berkman seconded the motion. The vote was 9-0 (Y: JB, JC, KC, ID, DE, ZG, EM, DS, RW) (N: None)

DINING PATIO STRING LIGHTING – GUIDELINES FOR COMMERCIAL AREA OF THE DISTRICT– OUTDOOR DINING INSTALLATIONS

String lighting over dining areas are permitted as long as they can be mounted without physical alterations to the building (e.g., damage to historic masonry) and properly maintained to avoid sagging. White or off-white lights that are dimmable are preferred, with a light temperature between 2700-3200 Kelvin. Flashing lights are not permitted. All string lighting designs are subject to an application to the BBAC and require approval prior to installation. Approved string lighting must be removed at the end of the city mandated outdoor dining season for the Back Bay.

OUTDOOR DINING ON PUBLIC PROPERTY - GUIDELINES FOR COMMERCIAL AREA OF THE DISTRICT- OUTDOOR DINING INSTALLATIONS

Discussion Topics: Staff explained that during the COVID-19 pandemic the Governor's Executive Order allowed for outdoor dining on public and private property with out the review and approval of the Commission. Staff reviewed the Commission's current outdoor dining guidelines which will include the approved guidelines for patio string lighting. Commissioners discussed including language about the length of the dining season, and specifying live plant material for planters.

Public Comment: Sue Prindle, NABB, spoke in support of the proposed design guidelines. Patti Quinn asked that only live plant material be used in planters.

R. Weintraub motioned to approve the proposed design guideline language with provisos. D. Sampson seconded the motion. The vote was 9-0 (Y: JB, JC, KC, ID, DE, ZG, EM, DS, RW) (N: None)

OUTDOOR DINING ON PUBLIC PROPERTY - GUIDELINES FOR COMMERCIAL AREA OF THE DISTRICT- OUTDOOR DINING INSTALLATIONS

Seasonal outdoor dining installations on public property, including street parking spaces, are subject to the above guidelines. To streamline the review process applications for seasonal outdoor dining installations will be reviewed annually and approved administratively at the end of the licensing process by BBAC staff (no public hearing process is required) provided that they are consistent with the guidelines approved by the BBAC. When jersey barriers are required for protection from vehicular traffic they must be maintained and fully disguised with planters that are planted with live material (synthetic plantings are not allowed) or solid wood boards that conceal the interior and exterior faces of the barriers. Wood boards must be painted or stained a dark color (browns, stone greys, dark brick, and black) or left natural to weather to a silver grey. Signage is not permitted on barriers. Approved outdoor dining installations must be removed at the end of the city mandated outdoor dining season for the Back Bay.

TEMPORAY VESTIBULE ENCLOSURES - GUIDELINES FOR COMMERCIAL AREA OF THE DISTRICT (AND FOR FURTHER DISCUSSION - GUIDELINES FOR THE RESIDENTIAL AREA OF THE DISTRICT)

Discussion Topics: Staff reported on the subcommittee's discussion of the appropriateness of temporary vestibule enclosures for businesses in the commercial area of the district, and for businesses in the residential area of the district. Staff recommended first approving design guidelines for temporary vestibule enclosures for businesses in the commercial area of the district, and then having further discussion about the appropriateness of adopting guidelines for temporary vestibule enclosures for businesses in the residential area of the district. Commissioners discussed reviews by other city agencies including the Fire Department and the Inspectional Services Department. They agreed that the proposed language was appropriate, and debated whether or not these guidelines should also be adopted for the residential area of the district. Ultimately

Commission members agreed to continue discussion of these guidelines in the residential area of the district to a future hearing.

Public Comment: Michael Ross spoke on behalf of “The Quinn” (217 Commonwealth Avenue) which received a Notice of Violation from the Commission for the unapproved installation of a temporary vestibule enclosure that remains in place. He noted that the Commission’s violations committee reviewed the violation in December 2022, and deferred deciding a determination for this violation until the subcommittee and Commission further reviewed these proposed guidelines. Sue Prindle, NABB, spoke in support of the proposed design guidelines for the commercial area of the district, and noted that more discussion is necessary to address these enclosures in the residential area of the district.

R. Weintraub motioned to approve the proposed design guideline language for the commercial area of the district. J. Christiansen seconded the motion. The vote was 9-0 (Y: JB, JC, KC, ID, DE, ZG, EM, DS, RW) (N: None)

TEMPORAY VESTIBULE ENCLOSURES - GUIDELINES FOR COMMERCIAL AREA OF THE DISTRICT

The use of temporary vestibule enclosures is limited to restaurants and similar hospitality businesses where customers are regularly required to remain in an area for service for a prolonged period. All temporary vestibule enclosures are subject to an application to the BBAC, require approval prior to installation, and must be installed without physical alterations to the building (e.g., damage to historic masonry). The applicant must demonstrate that there is no internal alternative to protecting customers from drafts created by frequently opening entry doors; and the installation is designed to be limited to the entryway, as small as practicable, of transparent material or a color that is consistent with the architectural palette of the street and specific building (browns, stone greys, dark brick, and black), and to the extent possible do not obstruct the view of significant architectural features. These vestibules will be permitted only during the winter season, as defined by the City of Boston, but not to extend beyond Dec 1 to April 1.

FAUX FLOWERS - GUIDELINES FOR COMMERCIAL AREA OF THE DISTRICT (AND FOR FURTHER DISCUSSION - GUIDELINES FOR THE RESIDENTIAL AREA OF THE DISTRICT)

Discussion Topics: Staff explained that the only guidelines related to this issue are included in the design guidelines for the commercial area of the district which state under “Planting” that synthetic materials are inappropriate. Staff reviewed the existing guidelines for temporary signage in the commercial area of the district, and took into consideration comments made during the subcommittee’s meeting on 1-9-2023, and drafted the following guidelines for discussion by the Commission:

Temporary installation of exterior decorations, including faux flowers, in connection with political campaigns and with noncommercial civic, health, safety and welfare campaigns, and

temporary displays of a patriotic, religious, charitable or civic nature are exempt from review provided: they do not disturb the ground surface; remain in place for less than six weeks; and do not result in any permanent alteration or attached fixtures. Installations inconsistent with these guidelines and/or proposed for an installation of more than six weeks are subject to an application to the BBAC and require approval prior to installation. Installations requiring BBAC review that cover more than 10% of a building's street facing façade or obscure significant architectural features are inappropriate.

Commissioners discussed the proposed percentage of building coverage and the time duration for temporary installations. They also discussed the number of temporary installations that should be allowed during one year, and whether or not these guidelines should be included in the commercial area of the district only, or be added to apply to businesses in the residential area of the district.

Ultimately Commission members agreed to continue discussion to a future hearing.

Public Comment: Michael Ross spoke on behalf of “The Quinn” (217 Commonwealth Avenue) and asserted that the Commission should address this issue in the design guidelines for both the commercial and residential areas of the district. He expressed concerns that First Amendment Rights of the US Constitutional are at stake. Patti Quinn noted that this is a contentious issue. Architectural features should not be covered from view by these installations; however, there should be more flexibility in the commercial area rather than in the residential area of the district. Margaret Pokorny stated that it is not realistic to use live plant material in the way that recent faux plant materials have been used in the district. She questioned the use of the word “seasonal” and asked that more discussion take place before adopting guidelines. Stephen Thayer asked that the commission not take any action at this time and consult with the city's Law Department on concerns raised during this discussion. He expressed concern about applying commercial guidelines in the residential area of the district. Laurie Thomas commented that more discussion is necessary and expressed concern about the installation of decorations that are inflatable and have lighting. Sue Prindle, NABB, spoke

Adjourn – 8:18PM