

April 25, 2017

12:00 PM

Boston City Hall

BZC- 32012

Applicant - Patricia McSherry

3 Brigham Street

- Pursuant to the request of the Chair from the April 11, 2017 Board of Appeal hearing, Board members Erlich and Pisani completed a thorough review of the BOA files related to the 2012 appeal for the project at 3 Brigham Street.
- Board member Erlich summarized the findings of their review as follows:
 - In November of 2012, the Board approved, and memorialized in its signed decision, the applicant's revised plans.
 - The revised plans entailed the elimination of the originally proposed head house/penthouse structure in favor of an angled hatch.
 - The Board approved and stamped plans reflecting the revisions described in the written decision. Specifically, those plans showed a sloped hatch on the roof that follows the stair line and, at its highest, was the same elevation as the railing around the roof deck.
 - The BOA decision was appealed in Superior Court and eventually settled in 2015.
 - The settlement agreement stated that the structure was to be built in accordance with the design approved by ISD/BOA/BRA design review.
 - In October of 2015, BRA approved plans that reflected a pitched head house, higher in elevation than that approved by the BOA. It was apparent that the BRA did not review the BOA decision confirming the elimination of the head house/penthouse.
- BOA members agree that what was approved was clearly the revised plans showing the elimination of the head house in favor of an angled hatch that was no more than 42' in height.
- In conclusion, the BOA determines that the head house should be removed and replaced by a sloped hatch not to exceed 42' in height.