

ER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

CIV. A. NO. _____

AMOS B. HOSTETTER, JR., as Trustee of
the EIGHTY-FIVE MOUNT VERNON
STREET TRUST, MARTHA J.
McNAMARA, and JAMES R.
BORDEWICK, JR.,

Plaintiffs,

v.

BEACON HILL ARCHITECTURAL
COMMISSION,

ARIAN ALLEN, EDWARD FLECK,
MAURICE FINEGOLD, ANNETTE
GIVEN, RALPH JACKSON, CURTIS
KEMENY, MARK KIEFER, ALICE
RICHMOND and SANDRA STEELE, in
their official capacities as Commissioners of
the Beacon Hill Architectural Commission,

and SARAH REILLY and PER OSTMAN,

Defendants.

COMPLAINT

This is an appeal, pursuant to Section 10 of Chapter 616 of the Acts of 1955, as amended (the “Act”), from the decision by the Beacon Hill Architectural Commission (“BHAC”) to approve an application for a Certificate of Appropriateness for the construction of a roof deck at 54 Pinckney Street, historically known as the George Hillard House.

As set forth below, the BHAC’s decision is unwarranted by the evidence and insufficient as a matter of law. Moreover, the decision is facially defective as it fails to provide adequate

reasons for the grant of the application, does not accurately reflect the evidence, and is in direct contravention of the BHAC's own Architectural Guidelines, which unambiguously state that "[o]riginal or historic rooflines ... shall be retained" and that "[r]oof decks and deck enclosures that are visible from a public way are inappropriate to the historic district."

Parties

1. Plaintiff Amos B. Hostetter, Jr., is Trustee of the Eighty-Five Mount Vernon Street Trust, which is the owner of the property located at 85 Mount Vernon Street, Boston, Massachusetts (the "Hostetter Property").

2. Plaintiffs Martha J. McNamara and James R. Bordewick, Jr. as tenants by the entirety own the property located at 56 Pinckney Street, Boston, Massachusetts (the "McNamara/Bordewick Property").

3. Defendant Beacon Hill Architectural Commission ("BHAC") is a board established by Chapter 616 of the Acts of 1955, with an office at 20 City Hall Avenue, Boston, Massachusetts.

4. Defendants Arian Allen, Edward Fleck, Maurice Finegold, Annette Given, Ralph Jackson, Curtis Kemeny, Mark Kiefer, Alice Richmond and Sandra Steele are commissioners of the BHAC.

5. Defendants Sarah Reilly and Per Ostman are the owners of 54 Pinckney Street, Boston, Massachusetts.

Jurisdiction and Venue

6. This Court has jurisdiction over this matter pursuant to Chapter 616 of the Acts of 1955, as amended.

7. Venue is proper in Suffolk County pursuant to Chapter 616 of the Acts of 1955, as amended.

Statutory and Regulatory Background

8. The BHAC was created by Chapter 616 of the Acts of 1955, as amended, (the “Act”). Section 2 of the Act specifies that the purpose of the BHAC is “to promote the educational, cultural, economic and general welfare of the public through the preservation of the historic Beacon Hill district, and to maintain said district as a landmark in the history of architecture and as a tangible reminder of old Boston as it existed in the early days of the commonwealth.”

9. The BHAC has jurisdiction to review proposed alterations or additions to an “exterior architectural feature” that are visible from a public way. Act, §§3, 5. The Act defines an “exterior architectural feature” as “the architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public way, including kind, color and texture of the building material of such portion and type of all windows, doors, lights, signs and other fixtures appurtenant to such portion.” Act. §3.

10. The Act does not define “public way” nor does it state that the BHAC’s review depends on the degree to which an “exterior architectural feature” is visible from a public way: if the feature is visible from a public way to any degree then the BHAC has jurisdiction.

11. The Act prohibits construction of any exterior architectural feature in the Beacon Hill Historic District unless or until the BHAC has determined that the proposed work “will be appropriate” or, although inappropriate, failure to issue a certificate of appropriateness will involve substantial hardship to the applicant and issuance thereof may be made without substantial detriment to or derogation from the intent and purposes of the Act. Act, §7.

12. The BHAC has issued architectural guidelines governing its review of proposed changes to the exterior architectural features of buildings within the Beacon Hill Historic District (the “Guidelines”). The Guidelines provide detailed guidance on the construction,

reconstruction, alteration, and other changes to the exterior architectural features of buildings within the district. A copy of the Guidelines is attached as Exhibit A.

13. The Guidelines explicitly state that “Roof decks and deck enclosure that are visible from a public way *are inappropriate to the historic district.*” Guidelines, § C.3 (emphasis added).

14. The Guidelines further state that “*no alteration will be approved that is inappropriate to the historical character*, architectural design, and materials of the building or its setting.” Guidelines, p. 1 (emphasis added).

Factual Background

15. At some point prior to May 2024, Sarah Reilly and Per Ostman submitted an application to the BHAC for approval of a roof deck at 54 Pinckney Street, Boston, Massachusetts, a three story, Greek Revival townhouse built around 1833 and historically known as the George Hillard House (the “Subject Property”).

16. The proposed roof deck would be visible from public ways including Mount Vernon Street and Alley 303.

17. The application was the subject of multiple hearings before the BHAC, including hearings on May 16, 2024, July 18, 2024, and August 15, 2024.

18. After the August 15, 2024, public hearing the BHAC voted to approve the application subject to certain specified conditions.

19. On August 21, 2024, the BHAC issued a “Notice of Decision,” approving the application with certain provisos (the “Decision”). A copy of the Decision is appended hereto as Exhibit B.

20. In approving the application, the BHAC did not discuss or even mention the explicit prohibition on roof decks in the Guidelines. Indeed, no reference is made to the Guidelines whatsoever.

21. In approving the application, the BHAC did not make a finding of substantial hardship to the applicant if a Certificate of Appropriateness did not issue, nor did it find that although the proposed roof deck was inappropriate, a Certificate could nonetheless issue without substantial detriment to or derogation from the intent and purposes of the Act.

22. In its approval decision, the BHAC purported to make a finding of “de minimis visibility overall” with respect to the proposed roof deck.

23. Neither the Guidelines nor the Act contain a standard regarding “de minimis visibility”.

24. The Hostetter Property is within 300 feet of the Subject Property.

25. On August 26, 2024, Mr. Hostetter filed notice of his intent to appeal the Commission’s decision to approve the application.

26. The McNamara/Bordewick Property directly abuts the Subject Property.

27. On September 3, 2024, a notice of intent to appeal the Commission’s decision to approve the application was filed on behalf of Ms. McNamara.

28. Upon information and belief, the proposed roof deck would be visible from and would allow direct views into, the private back yards and other aspects of the Hostetter Property and the McNamara/Bordewick Property.

29. The proposed roof deck will cause each of the plaintiffs to suffer particularized harm that is special and different from the concerns of the community at large, including, without limitation:

- a. Loss of privacy;
- b. Increased noise;
- c. Interference with views from their properties;
- d. Damage to the historic character of the Beacon Hill district; and
- e. Diminished property values as a result of the loss of privacy, increased noise, interference with views, and damage to the historic character of the district.

30. These harms are more than *de minimis* and represent interests that the Act is intended to prevent.

Claims for Relief

Count I

31. The Decision fails to comply with the Act and must be annulled.
32. In issuing the Decision, which is legally untenable and not supported by the facts, the BHAC acted arbitrarily and capriciously.

WHEREFORE, plaintiffs respectfully request that this Court:

1. Annul the Decision in its entirety;
2. Award the plaintiffs their attorneys' fees and costs; and
3. Issue such other relief as is equitable and just.

AMOS B. HOSTETTER, JR., as Trustee of
the EIGHTY-FIVE MOUNT VERNON
STREET TRUST, MARTHA J.
McNAMARA, and JAMES R.
BORDEWICK, JR.,

By their attorneys,

/s/ Stephen W. Kidder

Stephen W. Kidder, Esq., BBO # 270780
Johanna W. Schneider, Esq., BBO # 643744
John M. Stephan, Esq., BBO # 649509
HEMENWAY & BARNES LLP
75 State Street
Boston, MA 02109
(617) 227-7940
skidder@hembar.com
jschneider@hembar.com
jstephan@hembar.com

Date: September 19, 2024

EXHIBIT A

HISTORIC BEACON HILL DISTRICT ARCHITECTURAL GUIDELINES

The Historic Beacon Hill District, the oldest historic district in Massachusetts, originated in 1955 by an act of the Massachusetts General Court (Chapter 616 of the Acts of 1955, as amended). It has since been extended to include virtually the entire Hill. The purpose of the law is:

- To promote the educational, cultural, economic and general welfare of the public through the preservation of the Historic Beacon Hill District, and to maintain said district as a landmark in the history of architecture and as a tangible reminder of old Boston as it existed in the early days of the commonwealth. To achieve this purpose, the statute authorizes the Beacon Hill Architectural Commission to review proposed changes to the exterior architectural features of buildings within the historic district before any alteration is undertaken and before a building permit is issued. The relevant section of the law states:
- The commission shall determine whether the proposed construction, reconstruction, alteration, change in exterior color or demolition of the exterior architectural feature involved will be appropriate to the preservation of the historic Beacon Hill district for the purposes of this act.... In passing upon appropriateness, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other involved structures in the immediate neighborhood.

The legislation establishing the HBHD confers upon the BHAC authority to review/regulate proposed alteration, construction, reconstruction, or demolition of any exterior architectural feature within the district that is “open to view from a public way,” and requires that no such work may be undertaken without first securing a Certificate of Appropriateness from the Commission. Please note:

- The viewpoint “from a public way” need not be located within the Historic District but may include such viewpoints as Boston Common, Storrow Drive, the Longfellow Bridge, and Cambridge Street and points north.
- Violations of the statute, including undertaking such work without having secured a Certificate of Appropriateness are subject to fines up to \$1000 per day.

Owners contemplating changes to the exterior of any building visible from a public way within the Historic Beacon Hill district should be aware that no alteration will be approved that is inappropriate to the historical character, architectural design, and materials of the building or its setting. Furthermore, changes over time to buildings are evidence of the history of individual buildings and the neighborhood; some of these changes resulted in major modifications to the style and character of a building and shall be considered part of its historic integrity. Other changes, although not altering the dominant style of the building, may have acquired significance due to age, quality, and irreplaceability, and, if so, shall be considered part of the historic fabric of the building.

For individuals without a detailed knowledge of architectural history, it is often difficult to recognize which details are appropriate to which buildings or architectural styles. Anyone filing an application for a Certificate of Appropriateness is, therefore, encouraged to read these guidelines carefully, to consult in advance with the staff of the Environment Department or to refer to the books and articles listed at the end of these guidelines. Applications are available from the Environment Department, City Hall, Room 805 (617-635-3850) or the Beacon Hill Civic Association, 74 Joy Street (617-227-1922). Each application is considered on its individual merits, but the Beacon Hill Architectural Commission will act in accordance with the following guidelines:

A. INTRODUCTORY GUIDELINES

1. Original or historically significant materials and/or architectural features shall be maintained and repaired whenever possible rather than replaced.
2. In the event that replacement of existing materials or features is necessary, the new materials shall match the materials being replaced in composition, design, color, texture, and other visible qualities.
3. Replacement of missing architectural features shall be based on evidence of original features, substantiated by physical or pictorial information. Proposals for new work shall be based on evidence of appropriate detail with regard to size, shape, material and design.
4. All architectural changes shall be appropriate either to the original style of the building (if it has not been significantly altered) or to its altered style (if it has been significantly altered to reflect characteristics of a later style).
5. Contemporary design for new buildings may be considered if such design is of excellent quality and is compatible with the size, scale, color, materials, and character of neighboring buildings and environment.
6. All proposals shall show evidence that work will be executed with the highest quality material and workmanship.
7. New openings in facades shall not be allowed, and no changes shall be made to existing window and door openings unless they involve restoration of original features for which there is supporting documentation of the original feature.
8. Work on a single building shall take into account continuity of the architecture and the historic development of each elevation. Identical features (such as windows, lintels, shutters, paint colors, etc.) should match exactly at all stories such that the building is consistent with its architectural style or styles. It is common to find architectural differences between the main façade and secondary elevations, and such features and hierarchies should be respected.
9. Equipment such as HVAC components, solar panels or heaters, wind-energy equipment, telecommunications components, mechanical/electrical installations, parabolic, “dish” or other directional or similar communications antennae must be installed in such a manner that they are not visible from a public way.
10. The Commission will not formally review an application until all zoning issues have been resolved through the Zoning Board of Appeal.
11. A Certificate of Appropriateness is valid for two years. If work has not commenced after two years, a new application must be filed.

SPECIFIC GUIDELINES

B. MASONRY

1. Cleaning of masonry is discouraged because the darkening over time of building facades tends to produce a distinctive and uniform appearance and because inappropriate cleaning practices may cause irreversible damage to the masonry. Masonry facades should be cleaned only when necessary to halt deterioration. The methodology for cleaning shall be submitted in writing in advance of the commencement of work. Approval may be contingent upon a site visit to view a sample of the cleaning method. The gentlest cleaning method possible shall be used and shall be tested on an inconspicuous area to be certain that it will not damage or change the material. Brick and stone shall not be sandblasted.
2. The application of water-repellent coatings or other treatments is discouraged, and samples of any proposed treatment shall be tested before application.
3. Masonry facades shall not be painted unless there is evidence that the building was painted originally.
4. Brownstone may require special treatments involving replacement materials and coatings; each situation will be considered individually based on the existing condition of the material. Any replacement material must approximate brownstone in composition, appearance, and texture.
5. Repointing is in many cases unnecessary, but when necessary, the following general rules shall be followed:
 - a. The methodology for repointing shall be submitted in writing in advance of the work. Approval may be contingent upon a site visit by commissioners to view a sample of the repointing by the mason proposed to perform the work. The sample shall be located where directed by the commission.
 - b. Repointing should avoid the visual conflict between new mortar and aged brick and maintain the continuity of surface due to age and weathering.
 - c. No mortar of a mixture stronger than 1 part cement to 2 parts lime to 7 to 9 parts sand shall be used (to allow for the expansion of bricks during freeze/thaw cycles).
 - d. Mortar used for spot pointing shall match the adjacent mortar. The color of all mortar should come from the aggregate and not from the binder.
 - e. Mortar used for total façade repointing shall match the original color of the mortar used when the building was built or altered to achieve its present architectural style; or it shall match aged or weathered mortar color.
 - f. Joints shall be struck to match the original mortar joints, if apparent, or shall be struck to a slightly concave joint, or raked back at least 1/8-inch, or finished to a weathered profile which slopes inward from top to bottom or the reverse. Smeared (or “battered”) joints and flush joints are inappropriate. Upon completion of the repointing, all remaining mortar and residual film shall be cleaned from the façade of the building.

C. ROOFS AND ROOF STRUCTURES

1. Original or historic rooflines, dormer windows, chimneys, parapets, end walls, and firewalls shall be retained. If, under special circumstances, alterations are permitted, they shall be contingent upon:
 - a. Submission to the Commission of adequate architectural and photographic documentation, sufficient to permit the alteration to be reversed.
 - b. Preserving the existing roof slope at each side of the alteration.
 - c. Retaining sufficient existing structure so that the original profile remains.
2. Materials used for roofing repairs, including flashing, gutters, and downspouts, shall duplicate the original materials or match appropriate existing materials.
3. Roof decks and deck enclosures that are visible from a public way are inappropriate to the historic district. Opaque screening fences on roofs shall not be used.
4. New roof access structures shall only consist of counter-weighted hatches or low-profile head houses which are not visible from a public way.
5. Applicants proposing roof top alterations or additions may be required to construct a mock-up for on-site review.

D. WINDOWS, SASH, AND SHUTTERS

1. Original or historic elements including existing openings, sash, glass, lintels, sills, shutter hardware, frames, surrounds and brick molds shall be retained unless demonstrated to be beyond repair, in which case they shall be duplicated in the same material and style. No changes in dimensions shall be made to jambs or sashes.
2. Neither vinyl-clad sash nor vinyl cladding of wood frames shall be permitted.
3. Metal-framed sash shall not be permitted, nor is metal cladding of the wood frame allowed, unless demonstrated to be original to the building. Original metal sashes, which are rare in the district, may be replaced with an appropriate metal replacement window.
4. Windows shall have true divided lights. The width and profile of the muntins on the exterior of the window shall match the existing. Hopper sash may be replaced with awning sash if approved by the Commission.
5. Through-glass muntins are required. Simulated muntins (including snap-in, surface-applied, internal or between-glass muntin grids) shall not be permitted.
6. Single glazing (one layer of glass) is appropriate for multi-light replacement windows. Clear, insulated glass may be permitted if the width of the replacement muntin matches the width of the historic muntin. The window must have true divided lights. The spacer bar must be dark. The depth of the muntin on the exterior of the window must be no less than 3/8 inch. The muntin must have a putty line (trapezoidal) profile on the exterior of the window. The material can be putty or wood.
7. Only clear, non-tinted glass shall be used (except to replace original stained glass). Mirrored and tinted heat-reflective glass is not appropriate, nor are any other glazing materials with color or reflective properties different from clear glass.

8. Weights and ropes or chains can be used; spring balances can be used that are set into the wood jamb. Vinyl jamb liners must not be seen. If they are proposed, the top sash will be fixed shut and the lower portion of the jamb will have a wood cover. No jamb liner will be visible while the window is closed.
9. Window shutters (also known as louvered blinds) are not permitted on buildings on which they are inappropriate. Evidence of previous shutters is required. Where replacement shutters are installed, they shall be wood and match the height and one-half the width of the window opening and replicate a traditional blind. Contemporary, vinyl, or metal shutters and clad shutters are prohibited. All shutters shall be properly secured with shutter hardware, including pintles and propeller shutter dogs.
10. Exterior combination storm windows may be acceptable provided the installation has minimal visual impact upon the original fenestration. Storm windows shall have narrow perimeter framing (which does not obscure the glazing and sight lines of the primary window). The meeting rail of the storm sash must align with that of the primary window. The painted finish on the storm window frame must match the color of the window trim. Exterior storm windows will not be approved on arched windows, leaded glass, faceted frames, or bent glass. Interior storm window panels may be an appropriate alternative to exterior combination storm windows.
11. Caulk colors and paint colors must be approved. Wood windows must have a paint finish and not a factory applied finish that can not be repainted. The caulk must not cover the profile of the brick mold.
12. Shop drawings must be submitted illustrating all of the above requirements.
13. Window boxes shall not be permanently affixed to the building.

E. DOORS AND ENTRIES

1. Original or historic elements including reveals, doors, surrounds, vestibules, transoms or fanlights, sidelights, hardware, and other features shall be retained unless demonstrated to be beyond repair, in which case they shall be duplicated in the same material and style.
2. New doors shall be appropriate to the existing surround in style, material and proportions.
3. Only paneled doors of appropriate design, material and assembly shall be permitted; flush doors (with or without surface molding) and metal clad doors shall not be permitted.
4. Storm doors (aluminum or wood-framed) shall not be allowed unless evidence is presented that they were original to the building.
5. Replacement door hardware should replicate the original or be of an appropriate design.
6. Exterior lighting shall be in traditional locations. The design of these fixtures shall be of an appropriate size and style.
7. Buzzers, key keepers, and intercom panels shall be contained if possible within the entryway of the building, and preferably shall be flush-mounted in the wood trim. Such panels shall have brass or bronze faces. Lighted or backlit buzzers and intercom panels shall not be allowed. Individualized buzzers are more appropriate than large panels.

F. TRIM

1. Architectural elements including but not limited to cornices, brackets, window lintels and sills, oriels or bay windows, balconies, grilles, grates, lamp brackets, scrapers and handrails shall not be removed from buildings.
2. If any element of architectural trim is demonstrated to have deteriorated beyond repair, it shall be replaced to duplicate the original in every way.
3. If any element of architectural trim is known to be missing, its replacement is strongly encouraged, with appropriate documentation.

G. PAINT

1. When exterior painting is necessary, paint colors shall be original or otherwise historically appropriate. Paint samples shall be submitted to the commission for approval.
2. Materials and features that have never been or were not intended to be painted (e.g. copper, granite, brick, sandstone, and lintels, sills and stoops) shall not be painted.
3. Masonry reveals in window and door openings shall not be painted.
4. Allowing existing paint on a masonry surface to weather is in most cases preferable to repainting. Removal of paint from masonry surfaces should occur only after careful evaluation of a sample test patch. Inappropriate paint removal procedures (e.g. wire brushing, sandblasting) cause irreversible damage to the masonry and are prohibited.

H. IRONWORK

1. Original or early architectural ironwork shall be retained unless demonstrated to be beyond repair, in which case it shall be duplicated in the same material and style.
2. New iron features shall be compatible with the style of the property on which they are to be installed.
3. Window grilles shall be mounted within the window reveal and secured into mortar joints, not into the masonry and not onto the face of the building. Shop drawings shall be provided to the commission for approval.
4. The design of fire escapes or balconies, if required for life safety by the City of Boston Inspectional Services Department (ISD) (demonstrated by sufficient documentation), shall be as simple and unobtrusive as possible. Shop drawings shall be submitted for approval. Approval of the removal of fire escapes will require sufficient documentation from ISD.

I. SIGN GUIDELINES

1. In addition to design review, all signs shall conform to the requirements of Article 11 of the Boston Zoning Code. The term “sign” shall include flat board signs, applied letters, projecting signs, and display boxes.
2. Applicants shall provide sufficient evidence and documentation of a proposal to permit an informed decision by the commission and a subsequent review of compliance. This may include photographs, drawings, samples of materials and paint colors, a summary of other signs on the building, exterior lighting conditions and other appropriate considerations.
3. Approval of a given sign shall be limited to the owner of the business or building and shall not be transferable; signs shall be removed or resubmitted for approval when the operation or purpose of the advertised business changes.
4. Antique signs or faithful replicas may be considered favorably. Documentation of the historical appropriateness of a proposed sign may consist of early photographs and similar sources. The historical appropriateness of a sign for a building shall be considered.
5. The commission will consider: the appearance of a proposed sign on the building and on nearby buildings; the effect of the sign on decorative and other architectural details; and ancillary structures (e.g., supporting brackets) required for installation.
6. Materials and workmanship shall be of excellent quality and durability. Shop drawings showing the façade and the sign in context, as well as a detailed design of the sign, including material, color, lettering, and finish shall be submitted to the commission.
7. The number of signs, their location, and their method of attachment are significant design considerations and each should relate to the size of the shop-front and to the scale of the building.
8. Projecting signs and display boxes shall be considered appropriate in some locations.
9. Graphics shall be limited to a single sign and/or display box per business, except for one additional projecting sign per building.
10. Exterior walls may not be used for display of merchandise or temporary advertising boards.
11. Existing signs of particular historic or architectural merit should be preserved.
12. Neon, back-lit or electronic signs or displays are not permitted on the exterior of buildings and their installation within storefronts is discouraged. Exterior illumination is also discouraged.
13. Signage within storefronts shall be appropriate to the business and should not be excessive.
14. Freestanding signs are not permitted.

J. COMMEMORATIVE PLAQUE POLICY

1. Applications for commemorative plaques (historic markers) will be evaluated according to the following criteria:
 - a. The site is associated with a significant event or series of events, and/or the contributions of a person or group of people to the neighborhood, city, commonwealth, or nation.
 - b. The site embodies distinctive characteristics of a type, period, or method of construction, or represent the work of a master, that possesses high artistic value.
3. Documentation must be submitted with the application to adequately confirm the accuracy of the information on the commemorative plaque.
4. Commemorative plaques shall be limited to one per building.
5. The commemorative plaque must be made of bronze, 6-8" high x 8-12" wide, and no more than 1" deep, with raised polished letters, a matte background, and a narrow raised polished border. Letter size should be no larger than 1" high. The name of the sponsor may be included on the commemorative plaque with the proviso that the font size be one half the size of the text font size. No graphics will be allowed.
6. The commemorative plaque must be located in a manner which does not obscure important architectural features and installed in a manner which does not damage the building.

K. STREET FURNITURE GUIDELINES

1. Street furniture, as defined below, shall not be permitted in the Historic Beacon Hill District with the exception of approved store-front merchandise stands and those structures erected or placed by authorized public agencies for public safety and/or public welfare purposes.
2. Street furniture is defined as any structure erected or placed in the public or private ways on a temporary or permanent basis. Authorized public safety/public welfare street furniture includes, but is not limited to, such structures as street lights, traffic lights, mail boxes, fire hydrants, street lights, and trash receptacles.
3. Any such authorized public safety/public welfare street furniture or approved store-front merchandise stands shall be subject to Commission review and shall be in keeping with the architectural and historic character of the District and criteria for exterior architectural features as specified in Chapter 616 of the Acts of 1955 as amended.

SOURCES OF ADDITIONAL INFORMATION

The following publications may be considered part of these guidelines:

An Act, Chapter 616 of the Acts of 1955, Establishing the Beacon Hill Architectural Commission, By-Laws

The Boston Zoning Code, Article 11. Boston Redevelopment Authority.
<http://www.bostonredevelopmentauthority.org/pdf/ZoningCode/Article11.pdf>

The following publications are not officially part of these guidelines but may be helpful:

Hume, Gary and Weeks, Kay, Ed., The Secretary of the Interior's Standards for Rehabilitation. Revised Edition. Washington, D.C.: U.S. Dept. of the Interior, 1983.

Preservation Briefs. National Park Service.

Respectful Rehabilitation: Answers to Your Questions about Old Buildings. Washington, D.C.: The Preservation Press, 1982.

Weinhardt, Carl J., Jr. The Domestic Architecture of Beacon Hill, 1800-1850. Boston: The Bostonian Society, 1973.

EXHIBIT B



City of Boston
Landmarks Commission



City of Boston
Mayor Michelle Wu

August 21, 2024

BEACON HILL ARCHITECTURAL COMMISSION

Sam Kachmar Architects
Attn: Ian Masters
357 Huron Avenue
Cambridge, MA 02138

APPROVAL WITH PROVISOS

NOTICE OF DECISION

Application #: 25.0090 BH
Property: 54 Pinckney Street

Dear Mr. Masters,

At the August 15, 2024 public hearing for the Historic Beacon Hill District, the Beacon Hill Architectural Commission (BHAC) reviewed your proposal for a roof deck at 54 Pinckney Street. A three story, Greek Revival townhouse built around 1833 and historically known as the George Hillard House.

The Commission has voted to approve your application, subject to the following conditions: that the northerly corner of the western rail shall be set back further towards the centerline of the chimney. Revised shop drawings reflecting this adjustment must be submitted to staff for final approval.

After reviewing both physical and digital mock-ups of the deck, and considering the several revisions made in response to comments and discussion at the May 2024 and July 2024 hearings, respectively, the Commission determined that the visibility of the revised design is de minimis. The deck will not be visible from any vantage point on Pinckney or Anderson Streets, will be only slightly visible along an approximate ten-foot stretch of Mount Vernon Street, and will be less visible from the latter vantage point than two similarly situated and previously approved decks located at 56 and 58 Pinckney Street, respectively. The only other Public Way from which the deck will be visible is Alley 303, a narrow (sidewalk width), dead-end, and minimally-trafficked walled passageway with limited apparent accessibility to the public. Consistent with prior decisions regarding the impact of views from this largely hidden vantage point, it was determined that visibility therefrom will not adversely impact the overall historic character of the block and thus does not preclude a finding of de minimis visibility overall.

CITY of BOSTON



City of Boston
Landmarks Commission



City of Boston
Mayor Michelle Wu

This determination is based on documentation presented at the hearing. Statutory reviews by other agencies in conflict with this decision may affect the status of this certificate, which is valid for two (2) years from its date of issue. The applicant is required to inform the Commission of any project changes, and failure to do so may affect the status of this certificate. **A final determination letter will be submitted once the provisos of this approval have been satisfied.**

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas A. Armata".



Nicholas A. Armata, AICP
Senior Preservation Planner
Boston Landmarks Commission

CC: Boston ISD.

RECORD OF VOTE FOR APPLICATION #: 25.0090 BH

MOTION by: Kiefer; **SECOND by:** Finegold

AFFIRMATIVE: Allen, Finegold, Fleck, Given, Jackson, Kiefer

NEGATIVE: None **ABSTAIN/ABSENT:** Kemeny, Steele, Richmond