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Date: Fri, 19 Feb 2021 10:49:51 -0500
Subject: Renovation history of 400 Mass Ave

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RE: ARB Docket 3638, ZBA Docket 2306 (1980)

At the February 8 meeting I alerted the Redevelopment Board to permitting problems associated with 400 Mass Ave. I have since assembled some of the relevant records that document the history of this property since its acquisition by the applicant.

To summarize the key points, the applicant was granted a Special Permit by the Zoning Board of Appeals in 1980. The SP approved plans for renovations to a two story building, allowing two one-bedroom apartments on the second floor and three professional offices below. The FAR was calculated as .74, within the zoning bylaw limit of .75. Required parking was based upon the stated intention to have two one-bedroom apartments.

It appears that sometime in the next sixteen years the applicant made significant renovations to the building by adding third floor front dormers and raising the rear roof. This opened up the third floor to expansion, and the two apartments on the second floor became dual level, two-bedroom units. The applicant continues to improperly characterize these as one-bedroom units. Photographs in the State Historical inventory indicate that this expansion took place between 1980 and 1996.

The Floor Area Ratio has gone from the .74 in the 1980 SP to 1.16 currently. There has been no revision to the 1980 SP to allow this. There are no building permits on record in Inspectional Services granting permission for such expansion.

The applicant appeared before the ZBA last June seeking to revise the 1980 SP. The ZBA decision was to transfer its jurisdiction in the matter to the ARB.

The Redevelopment Board now has the authority and responsibility to resolve this permitting situation.

Please refer to the attached paper trail for reference.

For Jenny and Erin, I would like to have the attached PDF available as a visual for the Feb 22 meeting.

Don Seltzer

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