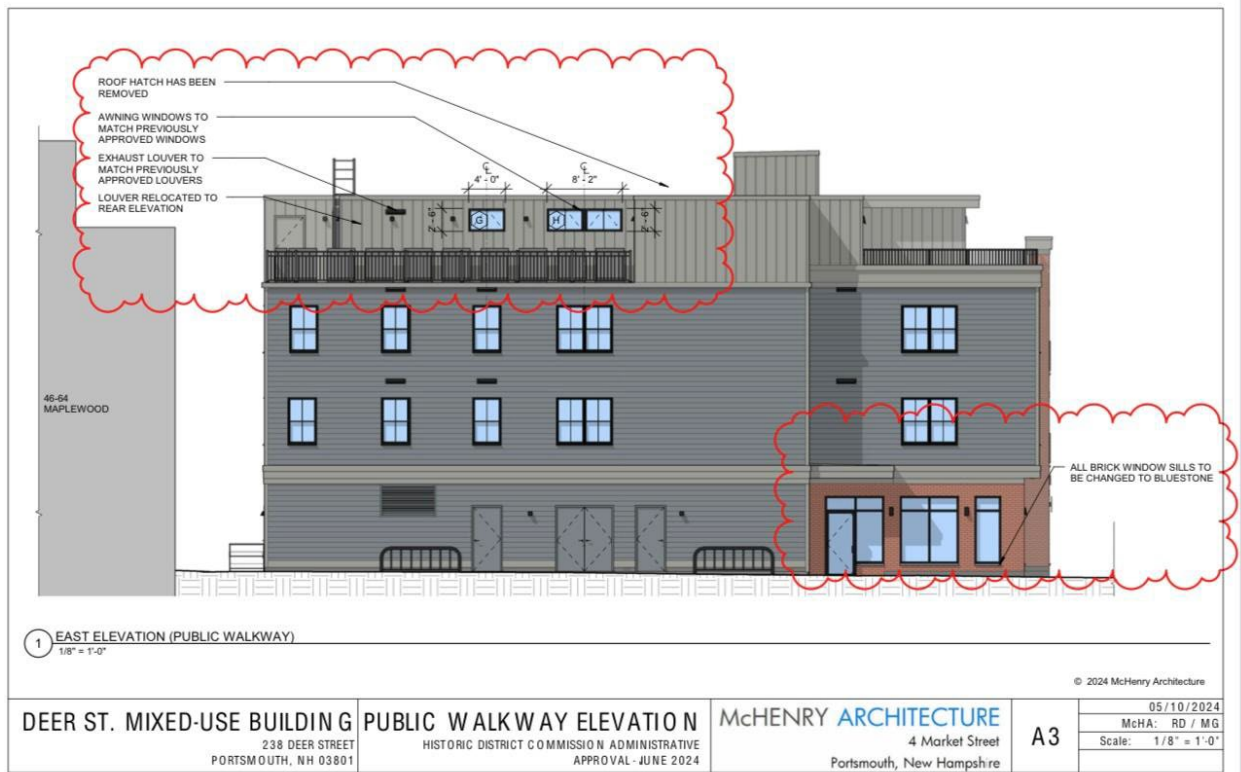


238 Deer Street appeal of HDC ruling on November 6, 2024

I am writing to request an appeal of the November 6 meeting ruling which Administratively approved “snow risers” for the heat pump units at 238 Deer St and required no stipulation to require them to now increase the height of the railing going in front of them the same height as the tallest heat pump sitting on the snow riser. Please consider on appeal making 238 Deer do one of two things since they had to change to large heat pumps and put them on snow risers:

- Ideally move these oversized units to the roof where they already have 8 Units would solve the issue and no one can see anything or hear anything from there. - or make them install a fenced enclosure that would block the sight of the bright blue units and muffle the louder sound from the units and any rattling that may occur every time the units start or stop on too of those metal risers.



1. This picture was used in the June HDC hearing showing very small air conditioning units mostly hidden behind a railing fence which was taller than the units.

Clearly, what was presented as reasonable and likely quiet being modern small air conditioning units, didn't happen. What was installed instead were very large Heat Pumps because they decided not to have natural gas service in the building.

In this picture the units are directly facing a bedroom in our Condo on the right.



11.6.2024 Historic District



View from our Bedroom window: 9 ft away



2. We had requested a taller fence or railing to be added since they changed the size and height of the heating units and were told by the buildings architect in the November 6 meeting that “ the railing is already bought to match the rest of the building, and the developers are not willing to buy a taller replacement. “. It shouldn't matter if it matches the rest of the building since it is at the back of the building facing our abutting building.

3. It was suggested by the HDC at the Nov 6 meeting that the developer should reach out to his neighbors and try and work something out. I received an email from one of the owners which said, “let’s get together after our project is completed and see what we can do about your visual problems and noise issues”. I replied, “why don’t we get together now and build it correctly the first time to address our concerns”. I haven’t heard any other response as of this submittal.

4. One of the HDC members said, “ we are only responsible for the visual two sides of the building which is the Historic look”. Further he said, “ to have to solve abutting property owners issues could open a whole new can of worms and we would never get anything done”.

5. Owners at 50 Maplewood, especially the 9 condos with 16 permanent residences that directly view the abutting property and will also have to live with the noise from those heating units, apparently have no property rights while tourists or others glancing at the front of the building do. There is also a main entrance to commercial property on the first floor of our building where 50 plus people work that doesn't seem to matter either to the HDC.

6. Administrative approval :

After having specifically asked for a public hearing so that our neighbors and we could be heard, we were denied.

We were told not to attend the meeting if wanting to speak as it was not a public hearing so I stayed home and watched via video. We had our HOA representative there and she couldn't speak to even rebut misinformation that the 238 Deer Street architect gave in answers to some of the HDC members' questions. For example, He was asked about the timing of 238 Deer Street vs 50 Maplewood. He said to both projects were simultaneous, and 50 Maplewood was being built at the same time.

50 Maplewood was built and occupied, and residents watched the 238 Deer Street demolition happen. So, the fact check failed.

7. Please consider making 238 Deer do one of two things since they had to change to large heat pumps and put them on snow risers:

- Ideally move these oversized units to the roof where they already have 8 Units would solve the issue and no one can see anything or hear anything from there. - or make them install a fenced enclosure that would block the sight of the bright blue units and muffle the louder sound from the units and any rattling that may occur every time the units start or stop on top of those metal risers.

I thank the HDC for reconsidering their Nov 6 decision and making 238 Deer adjust their unit enclosure since they changed the units' type, size, and height from what was originally approved or move them to the roof.

Respectfully submitted,

Glen Brown
50 Maplewood

View from Our living room :



