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Feb 22, 2008

Zoning Board of Appeals  
Executive Secretary  
1010 Massachusetts Ave  
Boston MA 02118

To Whom it May Concern,

At the February 6, 2008 meeting of the Eight Streets Neighborhood Association, The Szetos and their attorney William G Ferullo of 10 Bond Street came to the neighborhood support to request support for a variance from the required Article 32 Ground Water Recharge System due to conditions that exist at the site.

It has come to our attention since the meeting that although 10 Bond has also applied for a change of occupancy. That issue was *not* presented to us *nor* voted on by the Neighborhood Association.

Mr. Ferullo presented two alternative groundwater recharge plans for the site. They are requesting a variance because of the condition of the site. During renovations of the property, they found that an oil tank had been buried in the backyard and due to lack of maintenance; the tank began to disintegrated and leaked petroleum into the soil. Mr Ferullo claims that there was no petroleum in the tank when it was found and that it had leaked into the soil requiring cleanup. The lot has been tested three times since the tank removal and they do not feel the contaminants have spread. The environmental engineer recommends that while the lot is in compliance for cleanup, it would be advised that the recharge system not be located on that site because there is some leakage that has not been removed. They are proposing two options:

- 1) A no recharge system. The Szetos would not add a recharge system and would rely on the water from gutters to naturally recharge the back yard. Mr. Ferullo argues that this is the safest alternative because it is less likely to have contaminants migrate and removes liability.
- 2) A 70% recharge system would be installed at the rear of the garden in a location away from where the old oil tank was located. This would need to tie into the sewer system behind Bond St. This sewer is owned by the residents of Bond St and any changes to the Sewer should be presented to the residents for approval.

There were many direct abutters in attendance at this meeting, including some abutters who have lived next to the Szetos for many years. Their concern is that the property at 10 Bond St has been neglected for some time and that the Szetos knew about the oil tank buried in the back yard and did nothing about it until it was too late. They also state that the tank was not in fact found empty but that it had 100 gallons of fuel oil in it that needed to be removed in large barrels. They also said that a filling pipe has been clearly visible for years and it was not possible for the Szetos to



be unaware that the oil tank existed and due to the estimated age of the tank, it was in fact possible that the Szetos put it there.

The city put 10 Bond St into receivership because it was abandoned for 10 yrs and was endangering other neighboring properties. The neighbors are mostly concerned that not enough work has done to properly clean the soil and that providing a waiver to them at this time is not appropriate until they have tried to fully correct the problem that they created. They feel strongly that they should work hard to clean the soil enough so they can install a 100% recharge system and not have to worry about contaminants leaking into their abutting property. They feel strongly that the Szetos shouldn't be given a waiver for a special circumstance based on their negligence.

Abutters of 10 Bond Street presented a letter at the Eight Streets Meeting with signatures of 23 abutters and neighbors stating that they do not support the Szetos request and asked that the Eight Streets membership vote to support them in this vote.

Eight Streets Membership voted to not support the Szetos request for a variance at this time. They would like to see a further attempt to clean the soil and put in a recharge system that can support 100%. After further attempts have been made, the Association is open to them coming back for a variance if necessary.

Please feel free to contact me with any questions or concerns on this subject.

Thank you.

Regards,

Heather Slaby  
Secretary  
Eight Streets Neighborhood Association

CC:

Meghan Haggerty, Mayor's Office of Neighborhood Services, Neighborhood Coordinator for the South End, Room 708, One City Hall Plaza, Boston, MA 02201