



City of Boston  
Board of Appeal

## HEARING MINUTES

**Tuesday, May 8, 2018**

**BOARD OF APPEALS**

**Room 801**

Board Chairperson Araujo called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

### APPROVAL OF HEARING MINUTES: March 6, 2018, March 22, 2018 & March 27, 2018

Upon a motion and second, the Board voted unanimously to approve the hearing minutes for the above dates.

### EXTENSIONS: 9:30a.m.

**Case:** BOA-415915, **Address:** 175 Howard Avenue , **Ward 13 Applicant:** Hugo Correa Filho

**Case:** BOA-570169, **Address:** 5 Major Michael J. O'Connor Way, **Ward 7 Applicant:** South Boston Neighborhood Development Corporation & Caritas Communities Inc.

**Case:** BOA-543908, **Address:** 100 A Street, **Ward 6 Applicant:** George Morancy, Esq

The Board voted unanimously to deny Hugo Correa Filho's request for an extension of the zoning relief previously granted by the Board relative to 175 Howard Avenue.

The Board voted unanimously to approve the applicants' requests for one year extensions of the zoning relief granted relative to 5 Major Michael J. O'Connor Way and 100 A Street

### GCOD: 9:30 a.m.

**Case:** BOA-815268 **Address:** 94 Chestnut Street , **Ward 5 Applicant:** Ben Whitney

**Article(s):** 32(32-9)

**Purpose:** Renovate 4000 sq' brownstone. See plans by architect Guy Grassi for more detail. Change occupancy to two family and add roof deck over existing ell, deck at 2nd floor rear, terrace at fourth floor rear, modify dormers, lower slab at garden level. (Work description updated by LS 2/6/2018).

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail. A representative from Ground Water Trust submitted letter of approval from the Boston Water and Sewer Commission confirming compliance with provisions of Article 32.

**Testimony:** The Board then requested testimony from neighbors and elected officials.

**Documents/Exhibits:** Building Plans

**Vote:** the Board moved for approval, it was seconded and the Board voted unanimously to approve.

**HEARINGS: 9:30 a.m.**

**Case:** BOA-802209 **Address:** 100 Boardman Street , **Ward 1 Applicant:** MC-EB Realty LLC  
**Article(s):** 53(53-26)

**Purpose:** East Boston Hilton Garden Inn - Construct a 5 story, 84 Room addition to the existing Hotel. Work includes modified entry drives, parking areas containing a total of approximately 299 spaces, and pedestrian walks, landscape and lighting. This addition project has completed Article 80 Review and is being submitted to ISD with a nominal fee as the project requires Zoning Code relief from the Board of Appeals given the height of the hotel addition structure is 54'.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant stated they are constructing a 5 story, 84 Room addition to the existing hotel. The addition will be similar in height with the rest of the structure. The site is the former U.S. Navy Depot.

The Board members asked if the height was the only violation. The applicant stated, yes.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office of Neighborhood Services and City Councilor Lydia Edwards spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval with BRA review, member St. Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-794923 **Address:** 288 Chelsea Street, **Ward 1 Applicant:** 288 Chelsea Street Realty Trust

**Article(s):** 53(53-9)

**Purpose:** Remove the Existing Porch and rebuild as enclosure please refer to Drawing.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposal in detail to remove an existing porch and rebuild it as an enclosure.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office of Neighborhood Services and City Councilor Lydia Edwards spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved to approve, member Bickerstaff seconded and the Board voted unanimously to approve.

**Case:** BOA-783652 **Address:** 740 Saratoga Street , **Ward 1 Applicant:** Liliana Monroy  
**Article(s):** 9(9-1) 53(53-9)

**Purpose:** Finish basement will be part of 1st floor. 1 bedroom, office space, and bar. Make full bathroom and mechanical room and playroom space.

**Discussion:** The applicant did not appear for hearing

**Votes:** Board Members voted unanimously to deny without prejudice.

**Case:** BOA-803429 **Address:** 9 Hill Street , **Ward 2 Applicant:** Isamu Kanda  
**Article(s):** 62(62-25) 62(62-8: Floor area ratio excessive & Side yard setback requirement is insufficient)

**Purpose:** New front and rear dormers, remodel 3rd floor bath, extend living space into finish basement.

**Discussion:** At the request of the Board, the applicant presented plans and described his proposal to add new front and rear dormers, remodel 3rd floor bath and extend living space into the finished basement.

The Board members inquired as to the proposed use of the basement. The applicant stated it will be a playroom and laundry.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office of Neighborhood Services and City Councilor Lydia Edwards spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved to approve, member Bickerstaff seconded and the Board voted unanimously to approve.

**Case:** BOA-812913 **Address:** 537A-537 Columbus Avenue , **Ward 4 Applicant:** Leo Papile  
**Article(s):** 6(6-4)

**Purpose:** Remove the proviso for this petitioner only for outdoor seating for 8 persons.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant stated they are requesting to remove proviso for takeout restaurant.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved to approve with the standard takeout language, Board Member St. Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-812908 **Address:**537A-537 Columbus Avenue , **Ward 4 Applicant:** Leo Papile  
**Article(s):** 6(6-4)

**Purpose:** Remove Proviso for this petitioner only for take-out restaurant.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant stated they are requesting to remove proviso for takeout restaurant.

Board Members asked about the number of seating. The applicant stated 8 seats inside and 10 seats outside.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved to approve with the standard takeout language, Board Member St. Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-812917 **Address:** 535-541 Boylston Street , **Ward 5 Applicant:** John Hancock Life Insurance

**Article(s):** 6(6-4)

**Purpose:** Remove the proviso for this petitioner only. Verts has changed its name to Noon. Seating already exists. No work to be done.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant stated they are requesting to remove proviso and to change the name of restaurant.

**Testimony:** The Board then requested testimony from neighbors and elected officials. A representative of Mayor's Office of Neighborhood Services stood in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Members moved to approve and the Board voted unanimously to approve.

**Case:** BOA-812921 **Address:** 535-541 Boylston Street , **Ward 5 Applicant:** John Hancock Life Insurance

**Article(s):** 6(6-4)

**Purpose:** Remove the proviso for this petitioner only. Verts Mediterranean Grill changed its name to Noon Mediterranean Grill. No work to be done.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant stated they are requesting to remove proviso and to change the name of restaurant.

**Testimony:** The Board then requested testimony from neighbors and elected officials. A representative of the Mayor's Office of Neighborhood Services stood in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Members moved to approve and the Board voted unanimously to approve.

**Case:** BOA-809927 **Address:** 240A Newbury Street , **Ward 5 Applicant:** UMNV 240A Newbury LLC

**Article(s):** 8(8-3)

**Purpose:** Change occupancy to include Cafe.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant stated they are requesting to remove the proviso for this petitioner only. Wired Puppy, while having the same name, is changing ownership. The new ownership is Revelator Coffee Company Inc. No work to be done.

Board Members inquired about seating and accessory use. The applicant stated the cafe will have coffee, tea and sandwiches.

**Testimony:** The Board then requested testimony from neighbors and elected officials. A representative of the Mayor's Office of Neighborhood Services stood in support. A member of the Neighborhood Association of the Back Bay stated that the association voted to not oppose the project.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved to approve, Pisani seconded and the Board voted unanimously to approve.

**Case:** BOA-811625 **Address:** 250 Newbury Street , **Ward 5 Applicant:** Josephine Damore, Trustee

**Article(s):** 6(6-4)

**Purpose:** Remove the proviso for this petitioner only. Wired Puppy, while having the same name, is changing ownership. The new ownership is Revelator Coffee Company Inc. No work to be done.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant proposed to remove the proviso for this petitioner only. Wired Puppy, while having the same name, is changing ownership. The new ownership is Revelator Coffee Company Inc. No work to be done.

**Testimony:** The Board then requested testimony from neighbors and elected officials. A representative of the Mayor's Office of Neighborhood Services stood in support

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved to approve with standard takeout language, it was seconded and the Board voted unanimously to approve.

**Case:** BOA-811447 **Address:** 120 Bolton Street , **Ward 6 Applicant:** John Doyle

**Article(s):** 68(68-7) 10(10-1)

**Purpose:** Proposed two (2) off-street parking at 120 Bolton St located at the back yard of 223 West 2nd Street. Ancillary parking use for 223 West 2nd Street.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposal to locate two off-street, ancillary parking spaces for 223 West Second Street at 120 Bolton Street, which is an abutting parcel to the rear of 223 West 2<sup>nd</sup>.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office of Neighborhood Services and Councilor Ed Flynn spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved to approve, member Bickerstaff seconded and the Board voted unanimously to approve.

**Case:** BOA-786687 **Address:** 159-165 M Street , **Ward 6 Applicant:** Douglas Stefanov

**Article(s):** 68(68-8)

**Purpose:** Legitimize existing decks in the rear of building.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant seeks to legalize pre-existing rear decks that were permitted and built in 1978.

Board Members inquired what triggered the applicant to come before the BOA. The applicant stated the complaint came from neighbor and a violation was issued.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and several neighbors are in support. Councilor Flynn's representative and Councilor Flaherty's representative spoke in opposition. Two abutters opposed because of quality of life and fire safety concerns.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved to approve, member Bickerstaff seconded and the Board voted unanimously to approve.

**Case:** BOA- 735236 **Address:** 75 G Street , **Ward 7 Applicant:** Douglas Stefanov

**Article(s):** 68(68-8: Floor area ratio is excessive, Height requirement is excessive & Required side yard setback, due to encroachment, is insufficient) 68(68-34) 68(68-29)

**Purpose:** Raze existing structure. Erect new 6-unit, 4 story multi-family with garage parking.

**Discussion:** The applicant requested that his hearing be deferred.

**Votes:** Upon a Motion and second, the Board voted unanimously to approve the request and deferred the matter until June 26, 2018.

**HEARINGS: 10:30 a.m.**

**Case:** BOA-759537, **Address:** 180 Norfolk Avenue , **Ward 8 Applicant:** Joseph Holland  
**Article(s):** 50(50-43) 50(50-29: Lot area insufficient, Lot area for each additional unit insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive, Open space insufficient, Side yard insufficient & Rear yard insufficient)

**Purpose:** On vacant parcel erect 3 story, 3 family dwelling w/rear & roof decks as per plans submitted.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant is proposing to construct a three story, three family dwelling on a vacant lot.

The Board members discussed with the applicant the layout and sizes of units. Rear porches and roof deck is exclusive to the top floor unit. Board members also discussed parking and how asked the applicant how he planned to accommodate parking.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's representative spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved to approve with BRA Design Review and with similar language as that proposed in recent BOA decision for a project at 13 Shetland Street regarding making future tenants aware of long existing industrial/commercial neighbors. Member Fortune seconded and the Board voted unanimously to approve. Board Member Galvin recused himself from this hearing.

**Case:** BOA-805881, **Address:** 80 Terrace Street , **Ward 10 Applicant:** Terrace Alfa LLC  
**Article(s):** 59(59-18) 59(59-19: Floor area ratio excessive, Building height excessive, Usable open space insufficient & Rear yard insufficient) 59(59-37)

**Purpose:** Construct a 5 story Mixed-Use Building. On the Ground Floor will be a Parking Garage under the Building. On the 2nd Floor will be Office space. On Floors 3 thru 5 will be 9 Residential Condo Units. There will be a Common Roof Deck for Building Tenants. Combine 4 lots on ALT793556 to be known as 80 Terrace Street.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant proposed to construct a five story mixed use building that include condos, office space and 9 parking spaces underneath. There will be a common roof deck for tenants.

The Board members and the applicant had a detailed discussion with respect to the violations. The Board inquired about the zoning district. The applicant stated it is local industrial. Board members inquired about the character of the neighborhood. The applicant stated it's mixed industrial with

offices and residential space. The Board members also inquired about the garage doors. The applicant stated they have glass doors that slide.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's representative spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved to approve with BRA Design Review, member Pisani seconded and the Board voted unanimously to approve.

**Case:** BOA-708918, **Address:** 32 Hartwell Street, **Ward 12 Applicant:** Timothy Johnson  
**Article(s):** 50(50-28) 50(50-43) 50(50-29: Excessive F.A.R., Insufficient open space, Insufficient additional lot area per unit & Max # of allowed stories has been exceeded (4 habitable stories))  
**Purpose:** Change occupancy to attached 4-family building and install new sprinkler/alarm system for entire building as per plans submitted.

**Discussion:** At the request of the applicant **this case has been deferred until June 26, 2018.**

**Votes:** Upon a Motion and second, the Board voted unanimously to approve the request.

**Case:** BOA-708914, **Address:** 34 Hartwell Street, **Ward 12 Applicant:** Timothy Johnson  
**Article(s):** 50(50-28) 50(50-29: Excessive F.A.R., Insufficient open space, Insufficient additional lot area per unit & # of allowed stories has been exceeded (4 habitable stories) 50(50-43)  
**Purpose:** Change occupancy to attached 4-family building and install new sprinkler/alarm system for entire building as per plans submitted.

**Discussion:** At the request of the applicant **this case has been deferred to June 26, 2018.**

**Votes:** Upon a Motion and second, the Board voted unanimously to approve the request.

**Case:** BOA-810061, **Address:** 43-45 Waverly Street, **Ward 12 Applicant:** Derric Small  
**Article(s):** 51(51-8) 51(51-9: Open space insufficient, Floor area ratio excessive, 51-9.4 main entrance must face the front lot line & Additional lot area for each additional dwelling unit insufficient) 51(51-56)  
**Purpose:** Addition of (2) studio units at lower level and repairs to the exterior envelope of existing building.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant is proposing to change the occupancy from 6 residential units to 8 residential units.



The Board members and applicant had a detailed discussion regarding the zoning violations. Board members inquired about the size of the units. The applicant stated 97 square feet. The Board members also inquired about the floor to ceiling ratio in basement. The applicant stated 8feet.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's representative spoke in support and Councilors Essabi-George and Janey spoke in opposition.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved to approve, member Pisani seconded and the Board voted unanimously to approve.

**Case:** BOA-796631, **Address:** 341-343 Savin Hill Avenue , **Ward** 13 **Applicant:** Michael Kinahan  
**Article(s):** 65(65-60-83) 65(65-9: Floor area ratio excessive & Height is excessive) 65(65-42)  
**Purpose:** Change from 2 family to 3 family.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposal to change the occupancy from a 2 family to a 3 family.

**Testimony:** The Board requested testimony from neighbors and elected officials. The Mayor's representative spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved to approve with BRA Design Review, member Pisani seconded and the Board voted unanimously to approve.

**Case:** BOA-765128, **Address:** 1014-1026A Blue Hill Avenue , **Ward** 14 **Applicant:** Elvina Greenaway

**Article(s):** 60(60-40) 60(60-17: Open space insufficient & Parking insufficient)

**Purpose:** Change occupancy to include the Proposed second story addition for 3 new dwelling units and renovate as per plans. Construction set to be submitted upon ZBA approval.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposal to change the occupancy to include 3 additional dwelling units and to construct a second story addition.

Board members inquired about the size of the units. The Board members asked if it is transit oriented. The applicant stated yes.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's representative and representatives of Councilors Tim McCarthy and Andrea Campbell spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved to approve with BRA Design Review, member Bickerstaff seconded and the Board voted unanimously to approve.

**Case:** BOA-806243, **Address:**23-25 Bowdoin Avenue , **Ward 14 Applicant:** James Christopher  
**Article(s):** 65(65-8) 65(65-9: Floor area ratio excessive, Height is excessive (35ft high max allowed)  
& Height is excessive (2 1/2 stories max allowed))  
**Purpose:** Renovation, and addition to change occupancy from 2 residential units to 6 residential units.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant is proposing renovations and changing occupancy from a 2 unit building to a 5 unit building (not 6) with a large common roof deck.

Board members had a discussion of the breakdown of the size of the units, parking grade in rear and head house access.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office of Neighborhood Services and City Councilor Andrea Campbell spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved to approve with BRA Design Review, member St, Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-801305, **Address:** 91 Bloomfield Street, **Ward 17 Applicant:** Maria Carvalho  
**Article(s):** 65(65-9)  
**Purpose:** Adding rear stairwell from basement to 2nd floor. Remodeling first floor kitchen with new cabinets, flooring, counter top, and all associated plumbing and electrical work, minor renovation of 2nd floor kitchen.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant is proposing to reconstruct rear stairwell from basement to 2nd floor. Adding a laundry and utilities to an existing 2 family dwelling.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services spoke in support. A representative from Councilor Campbell's office also spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved to approve with member St, Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-790909, **Address:** 15 Whitford Street, **Ward 18 Applicant:** Patrick Mahoney  
**Article(s):** 67(67-8: Use: Basement apartment forbidden & Use: Three family dwelling forbidden)  
67(67-9: Lot area insufficient, Floor area ratio insufficient, Building height (# of stories) excessive &  
Usable open space insufficient) 67(67-32)

**Purpose:** Change Occupancy from a Two (2) Family Dwelling to a Three (3) Family Dwelling.  
Existing condition no work to be performed.

**Discussion:** At the request of the applicant **this case has been deferred to June 26, 2018.**

**Votes:** Upon a Motion and second, the Board voted unanimously to approve the request.

**Case:** BOA-754552, **Address:** 34-36 Williams Avenue, **Ward 18 Applicant:** Rauny Baez  
**Article(s):** 69(69-8: Lot width insufficient & Side yard insufficient)  
**Purpose:** Subdividing lot at 36 Williams Ave, Hyde Park. This lot will have a total of 8,,703 S.F.  
The new subdivided lot 38 Williams Ave will contain a total of 6,585 S.F. to accommodate new  
construction. Please reference ERT689194.

**Discussion:** At the request of the applicant **this case has been deferred to July 10, 2018.**

**Votes:** Upon a Motion and second, the Board voted unanimously to approve the request.

**Case:** BOA-754553, **Address:** 38 Williams Avenue, **Ward 18 Applicant:** Rauny Baez  
**Article(s):** 69(69-9: Lot width insufficient & Rear yard insufficient) 69(69-8)  
**Purpose:** Construction of a new 2 family house on lot next to existing single family house. (See  
alt725398 for subdivision of the lot).

**Discussion:** At the request of the applicant **this case has been deferred to July 10 , 2018.**

**Votes:** Upon a Motion and second, the Board voted unanimously to approve the request.

**Case:** BOA-762227, **Address:** 34 Roseway Street , **Ward 19 Applicant:** Patrick Mahoney  
**Article(s):** 10(10-1) 55(55-40)  
**Purpose:** Driveway and two parking spaces.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed  
use in detail, stating the reasons for this appeal. The applicant is proposing a driveway and two (2)  
parking spaces. Boston Transportation Department states minimum driveway should be 10' applicant  
is proposing 9'.

Board members inquired about parking. Board members stated that parking spots should be 1 full  
and 1 compact not 2 full parking spots

**Testimony:** The Board then requested testimony from neighbors and elected officials.  
Representatives of the Mayor's Office of Neighborhood Services, Councilor O'Malley, Councilor  
Essabi-George and Councilor Flaherty spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved to approve, member St, Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-800771, **Address:** 11 Sawyer Terrace, **Ward 21 Applicant:** Alan Brennan  
**Article(s):** 51(51-9: Insufficient minimum lot size, Insufficient additional lot area per dwelling unit, Insufficient minimum lot width, Insufficient minimum lot frontage, Excessive F.A.R., Insufficient usable open space per dwelling unit, Insufficient front yard setback, Insufficient rear yard setback & Insufficient side yard setback) 51(51-56)  
**Purpose:** Erect new 3 story 3 Family Dwelling.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant is proposing to erect a 3 story, 3 family dwelling- all 2 bedroom units. Board members inquired about the size of the units. The applicant state 900sf each. The Board members inquired about parking. The applicant is proposing 3 parking spaces 1.75 per unit is required.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, City Councilor Essaibi-George and City Councilor Ciommo spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved to approve with BRA Design Review, member St, Fleur seconded and the Board voted unanimously to approve.

**RE-DISCUSSIONS: 11:30a.m.**

**Case:** BOA-798584, **Address:** 228 Webster Street , **Ward 1 Applicant:** James A. Sartori and Patricia Sartori  
**Article(s):** 53(53-8) 53(53-9: Insufficient additional lot area per unit, Excessive F.A.R., Building height exceeded, Insufficient open space, Insufficient rear yard setback, Location of main entrance, # of allowed stories exceeded & Insufficient side yard setback) 53(53-54) 53(53-56) 10(10-1)  
**Purpose:** Change Occupancy from a 3 unit residential dwelling to a 5 unit residential dwelling. Renovate for new units. \*Construction of a fourth story on top of existing dwelling, to include, four story addition in rear.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant is proposing to change occupancy from a 3 unit to 5 unit building and to construct a 4th story addition to be consistent with other buildings.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and one (1) abutter spoke in support. Four (4) abutters opposed.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved to approve with BRA, member St, Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-796542, **Address:** 179 London Street , **Ward 1 Applicant:** 179 London Street Realty Trust

**Article(s):** 53(53-8) 53(53-56) 53(53-9: Add'l lot area insufficient, Floor area ratio excessive, Building height excessive (stories), Building height excessive (feet), Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 25(25-5)

**Purpose:** Erect addition and change occupancy from a 3 to a 4 unit residential dwelling.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant is proposing to change occupancy from a 3 unit to 4 unit building. Utilities proposed in basement.

Board members inquired about a roof deck. The applicant stated no roof deck is being proposed and he relocated the rear stair in response to the community.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services support. Councilor Edward's office request another abutters meeting.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved to approve with BRA, member St, Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-698906, **Address:** 9 Chelsea Street , **Ward 1 Applicant:** Linear Retail #18, LLC

**Article(s):** 53(53-12) 53(53-56) 53(53-11) 10(10-1) 53(53-57)

**Purpose:** Erect 2 story commercial local retailing building on newly created 18,795 sf lot. See ALT685902 for subdivision.

**Discussion:** At the request of the applicant **this case has been deferred to July 31, 2018**

**Votes:** Upon a Motion and second, the Board voted unanimously to approve the request.

**Case:** BOA-757150, **Address:** 312-320 Huntington Avenue , **Ward 4 Applicant:** T-Mobile Northeast LLC

**Article(s):** 66(66-38)

**Purpose:** Replace existing false flue with stealth enclosure, add (6) six antennas inside stealth enclosure, add (3) three remote radio units and associated cable.

**Discussion:** At the request of the applicant **this case has been WITHDRAWN**

**Votes:** Upon a Motion and second, the Board voted unanimously to deny without prejudice.

**Case:** BOA-754021, **Address:** 13 Concord Square , **Ward 4 Applicant:** Kamer Minassian  
**Article(s):** 64(64-9) 64(64-36)  
**Purpose:** Within private garden add short retaining wall and back fill to create two parking spaces.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant is proposing to construct short retaining wall with 2 parking spaces.

Board members asked about the height of the fence. The applicant stated 6'. BTB spaces only 16' in length, Board members concerned they might overhang public way and suggest that the applicant consider making it longer.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services opposed.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved to deny without prejudice, member Galvin seconded and the Board voted unanimously to approve.

**Case:** BOA-779357, **Address:**29-31 Ward Street , **Ward 7 Applicant:** 29-31 Ward Street LLC  
**Article(s):** 68(68-27S-5)

**Purpose:** Erect new 4-story, 9-unit residential building with 12 parking spaces at grade and roof deck. Building to contain 3 one bedroom units and 6 two bedroom units with 10,451 SF. Existing structure's to be razed on a separate permit.

**Discussion:** At the request of the applicant **this case has been deferred to July 10, 2018**

**Votes:** Upon a Motion and second, the Board voted unanimously to approve the request.

**Case:** BOA-793533, **Address:** 49 Copeland Street , **Ward 12 Applicant:** Catherine Xesternos  
**Article(s):** 50(50-29)

**Purpose:** Extend living space from first floor to basement. Install new stairs from first Floor to basement. Install 20x30 basement window for emergency escape from dwelling unit - To correct violation V373264. ZBA.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant is proposing to extend living spaces into the basement.

Board members inquired about floor to ceiling height. The applicant state 7'. The Board members asked if this is a 3 family or a 2 family. The applicant stated a 3 family. Boards members inquired about access to living space in basement. Boards members asked if there was away to make this an

independent unit. The applicant stated yes. Board members asked if the metor's could be moved. Board members noted access must be from common area.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services is in support. A Representative from Councilor Janey's office spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved to deny with no building code relief, member Galvin seconded and the Board voted unanimously to approve.

**Case:** BOA-807998, **Address:** 141-143 Glenway Street , **Ward** 12 **Applicant:** Oxbow Urban, LLC  
**Article(s):** 60(60-29)

**Purpose:** 141-143 Glenway St. ERT#666916 which is part of the City of Boston's Department of Neighborhood (DND) NHI Middle Income Housing Initiative has been positioned inside of the of the minimum side yard setback. Submitting an amendment to seek zoning relief.

**Discussion:** At the request of the applicant **this case has been deferred to July 26, 2018**

**Votes:** Upon a Motion and second, the Board voted unanimously to approve the request.

**Case:** BOA-772648, **Address:** 46 Hichborn Street , **Ward** 22 **Applicant:** Hichborn Partners LLC  
**Article(s):** 51(51-19: Use Multifamily Dwelling Forbidden & Use Accessory Parking Forbidden)  
51(51-20: Floor area ratio excessive, Building height excessive & Rear yard insufficient) 51(51-56: Off-Street Parking Insufficient & Off-Street Loading Insufficient)

**Purpose:** Seeking to combine three existing lot; parcel ID 2201893000, parcel ID 2201894000 and parcel ID 2201895000 into one parcel of 15,253 square feet. Also, to demolish the three existing structures and erect a 5-story residential building with 46 units and 50 parking spaces. (Alt750917-Alt750919-Alt750929).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant is proposing to combine 3 lots to construct 46 condo units.

Board members discussed the size of the units. Board members inquired about the parking. The applicant stated they are proposing 59 parking spaces at ground level, 2 per unit required. The applicant noted its closet transit. Board members asked how many units are affordable. The applicant stated 6. The applicant noted 50% have ownership in condo documents, agreement made with BAIA.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services is in support. A Representative from Councilor Cuommon 's office spoke in support. BAIA also spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved to approve with BRA, member Pisani seconded and the Board voted unanimously to approve.

**COURT REMAND:12:00Noon.**

**Case:** BOA-448233, **Address:** 11 Virginia Street , **Ward 13 Applicant:** Vargas DaSilveira  
**Article(s):** 65(65-9: Floor area ratio excessive, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 65(65-42)

**Purpose:** Change occupancy as single family, then, build dormers, construct addition in rear, install front and rear porches, & reconstruct front entrance, build attached garage with office over, and renovate all floors as per plans.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal, which has been remanded from Superior Court. Specifically, the applicant described the proposal to add parking off street and request for new driveways and curb cuts for his son and family and reduce parking pressure in Brighton.

Board members inquired about the dimensions of the garage and the square footage and the applicant stated \_\_\_\_\_

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in support; several abutters spoke in support. An abutter spoke in opposition and referred to a letter and packet in opposition based on the size and placement of the garage and office and stated that the proposal did not meet the criteria for a variance, and noted the applicant was currently making reasonable use of the house without the proposed garage and office, inconsistent with the

**Documents/Exhibits:** Building Plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, a member seconded and the Board voted unanimously to approve.

**CALL OF THE CHAIR:12:00Noon.**

**Case:** BOA-732946, **Address:** 38 P Street, **Ward 6 Applicant:** Nick Zaferakis

**Purpose:** The petitioner's seek a determination that the Inspectional Services Department erred in issuing the permit ERT705883. The permit was issued as an allowed use.

**RECOMMENDATIONS:**

*(The Zoning Advisory Subcommittee held hearings for the following cases on April 26, 2018. Board Secretary Mark Fortune reported the Subcommittee's recommendations from these hearings to the Board.)*

**Case:** BOA-803413, **Address:** 80 Saint Stephens Street **Ward:** 4 , **Applicant:** Randy Kreie



**Article(s):** 66(66-38)

**Purpose:** To construct a rooftop deck and head house to create access from unit 2 to the roof via an interior stair (stair approved by permit# ALT758829 granted on 10/23/2017)

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-796650, **Address:** 160 K Street **Ward:** 6, **Applicant:** Michael Cronin

**Article(s):** 27S(27S-5)

**Purpose:** Full interior renovation of existing two-family dwelling, Replacement of windows, exterior door, and siding.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-808179, **Address:** 197-203 Humboldt Avenue **Ward:** 12, **Applicant:** Mario Bailote

**Article(s):** 50(50-28) 50(50-28) 6(6-4)

**Purpose:** To change the occupancy from a Restaurant with 9 seats and Take Out to an Exclusively Take Out Restaurant (36A) and removing the Proviso previously issued to a previous petitioner (ALT583635). ZBA

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-807998, **Address:** 141-143 Glenway Street **Ward:** 14, **Applicant:** Oxbow Urban LLC

**Article(s):** 60(60-9)

**Purpose:** 141-143 Glenway St. ERT#666916, which is a part of the city of Boston's Department of Neighborhood (DND) NHI Middle Income Housing Initiative has been positioned inside of the minimum side yard setback. Submitting an amend-ment to seek zoning relief.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-794930, **Address:** 33 Robinson Street **Ward:** 15, **Applicant:** Toan Le

**Article(s):** 65(65-9) 65(65-9) 65(65-9)

**Purpose:** Convert one single family into two family into as per stamped drawings submitted including (MEP) to planning and zoning.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-793536, **Address:** 11R Alban Street **Ward:** 17 , **Applicant:** Allan Robinson

**Article(s):** 65(65-9) 65(65-9)

**Purpose:** Remove existing side deck and repair wood shingle siding at same. Propose new rear deck. Relocate rear window and door. Install new exterior landing and stair at relocated door. Install new casement window over kitchen sink. Patch/paint as required.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-807091, **Address:** 13 Thompson Street **Ward:** 18, **Applicant:** Jose Tavarez

**Article(s):** 69(69-5)

**Purpose:** Confirm occupancy as one family. Construct new dormers and rear addition, interior renovations per attached drawings.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-794261, **Address:** 60 Catherine Street **Ward:** 19 , **Applicant:** Michael Keohane

**Article(s):** 55(55-9) 55(55-9)

**Purpose:** Adding shed dormer to match Existing dormer on opposite side. As per attached drawings and Engineering details. Extend rear decks as per attached drawings.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-799089, **Address:** 2-16 Belgrade Avenue **Ward:** 20, **Applicant:** Belgrade and Birch, LLC

**Article(s):** 67(67-11) 67(67-11)

**Purpose:** Change occupancy to add a bar in existing premises. Work to include minor plumbing and electrical to add a bar serving beer to brewed on premises. No food to be served.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-815003, **Address:** 156 Church Street **Ward:** 20, **Applicant:** Susan Coburn

**Article(s):** 56(56-8) 56(56-8)

**Purpose:** Erect an addition over sun porch and install a dormer as per plans,

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-785625, **Address:** 41 Tolman Street **Ward:** 16, **Applicant:** Tran Nguyen

**Article(s):** 65(65-9: Floor area ratio excessive, Usable open space insufficient & Side yard insufficient)

**Purpose:** Added rear addition, enclosed sunroom in the rear of building. Extend living space to basement. Correct violation V357173.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

*(After presentation of the Zoning Advisory Subcommittee Recommendations, a board member moved to accept the Subcommittee's recommendations, a member seconded the motion and the Board voted unanimously to accept the recommendations.)*

**STEPHANIE HAYNES**

**BOARD OF APPEAL**

**617-635-4775**

BOARD MEMBERS Present:  
CHRISTINE ARAUJO- CHAIR  
MARK FORTUNE-SECRETARY  
MARIE ST. FLEUR  
BRUCE BICKERSTAFF

MARK ERLICH  
ANTHONY PISANI  
CRAIG GALVIN

SUBSTITUTE MEMBERS: None present.

**For a video recording of Board of Appeal Hearings please go to:**  
**[https://www.cityofboston.gov/cable/video\\_library.asp](https://www.cityofboston.gov/cable/video_library.asp)**

**For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to [https://www.municode.com/library/ma/boston/codes/redevelopment\\_authority](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**