



City of Boston
Board of Appeal

HEARING MINUTES

Tuesday, February 25, 2020

BOARD OF APPEALS

Room 801

Board Chair 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:

January 14, 2020 & January 28, 2020 - Upon a Motion and second, the Board voted unanimously to approve the January 14, 2020 and January 28, 2020 Hearing Minutes.

EXTENSION: 9:30 a.m

Case: BOA-779371 Address: 191-195 Bowdoin Street Ward 15 Applicant: Shaun W. Briere, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.

Case: BOA-661026 Address: 236-256 Dorchester Street Ward 7 Applicant: George Morancy, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.

BOARD FINAL ARBITER: 9:30 a.m

Case: BOA-812921 Address: 543-547 Boylston Street Ward 5 Applicant: John Gorman

Discussion: The applicant requested approval of minor changes to the plans relative to zoning relief previously granted by the Board for the above application.

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

GCOD: 9:30 a.m

Case: BOA-1042840 **Address:** 416 Beacon Street **Ward 5** **Applicant:** Beta Nu House Corporation

Article(s): 32(32-9)

Purpose: Interior and exterior renovations of a 4 story brick rowhouse. Proposed work includes repairs to exterior masonry, window replacement and energy efficiency upgrades, renovations to kitchen and bathrooms and reconfiguration of bedrooms with accessibility upgrades. Current use is R-2 Fraternity.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail, and requested a conditional use permit under Article 32 GCOD Applicability. The Board noted that the BWSC's letter of approval was on file.

Documents/Exhibits: Building Plans

Votes: Board Member Fortune moved for approval, the motion was seconded and the Board voted unanimously to approve the applicant's request.

Case: BOA-1042492 **Address:** 451 Beacon Street **Ward 5** **Applicant:** Robert Weintraub

Article(s): 32(32-9)

Purpose: Extend existing driveway.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail, and requested a conditional use permit under Article 32 GCOD Applicability. The Board noted that the BWSC's letter of approval was on file.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval, the motion was seconded and the Board voted unanimously to approve the applicant's request.

HEARING: 9:30 a.m.

Case: BOA-977902 **Address:** 29R Bigelow Street **Ward 22** **Applicant:** Thomas Geraghty

Article(s): 51(51-57.2) 51(57.13)

51(51-9: Insufficient rear yard setback, Insufficient lot size, Insufficient lot width, Insufficient lot width frontage & Insufficient side yard setback)

Purpose: Change use from a Carriage house to a Single Family Dwelling. Construct a new 2nd story addition and side addition onto existing building. The side addition will be for a new Garage. There will also be a new Roof Deck from 2nd floor as per plans. Building to be fully Sprinklered. Construction documents to be submitted upon ZBA approval.

Discussion: At the applicant's request, the matter was deferred to the April 28, 2020 Hearing.

Case: BOA-977908 **Address:** 29 Bigelow Street **Ward 22** **Applicant:** Thomas Geraghty

Article(s): 9(9-2) 10(10-1) 51(51-56) 51(51-57)

51(51-9: Insufficient rear yard setbacks, Insufficient lot size & Excessive F.A.R)

Purpose: To be filed in conjunction with ALT931152- 29R Bigelow Street. 1 of two buildings on one lot. No work to be done.

Discussion: At the applicant's request, the matter was deferred to the April 28, 2020 Hearing.

Case: BOA-993904 Address: 104-106 Warren Street Ward 21 Applicant: Bansky, LLC

Article(s): 10(10-1)

51(51-56: Off-Street Parking & Loading Req 51-56.4 Off street parking, location & Off-Street Parking Insufficient)

51(51-9: Lot Area for additional dwelling unit (s) insufficient, Floor Area Ratio excessive, Height excessive & Rear Yard insufficient)

Purpose: Seeking to change the occupancy from a two-family dwelling to an eight-family dwelling with four parking spaces. Also, to renovate the building including side and fourth story additions.

Discussion: At the applicant's request, the matter was deferred to the March 24, 2020 Hearing.

Case: BOA-1014116 Address: 13 Greylock Road Ward 21 Applicant: 13 Greylock Nominee Trust

Article(s): 51(51-8) 51(51-56)

51(51-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Front Yard Insufficient & Side Yard Insufficient)

Purpose: Change occupancy of the existing single-family residential dwelling to a five-family residential dwelling with five parking spaces. Also, to add rear and side additions and renovate.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a single-family dwelling to five-unit multifamily dwelling with rear and side additions to be built.

Board Members asked the zoning subdistrict, unit sizes and bedroom counts, parking, and rationale for proposing to create a five-unit dwelling in a two-family subdistrict.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and an abutter are in support. Multiple abutters are in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for dismissal without and Fortune seconded and the Board voted unanimously to dismiss without prejudice.

Case: BOA-1023657 Address: 19 Blueview Circle, Ward Ward 20 Applicant: Michael Moran

Article(s): 56(56-8)

Purpose: Demolish existing House. Erect a new 2 1/2 story Single Family Home on existing 17,604 sq ft Lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to raze the existing single-family dwelling and erect a new single-family dwelling.

Board Members asked about the shape of the lot.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Flaherty, O'Malley and Essaibi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review and Deveau seconded and the Board voted unanimously to approve.

Case: BOA-1041470 Address: 52 Withington Street Ward 17 Applicant: Stephen Siuda
Article(s): 65(65-42.2) 65(65-8) 65(65-9: Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet) & Side yard insufficient)
Purpose: Erect 9 residential units w/18 parking spots. Application to combine lots is ALT1036154--plot plans for this application are with this ERT.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a nine unit dwelling with eighteen parking spaces.

Board Members asked about floor area ratio, lot size and building alignment.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Campbell and Essaibi-George are in support, as was a representative of the CIA.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Kindell seconded and the Board voted unanimously to approve. Board Member Ruggiero was not present for the hearing of this appeal and did not vote.

Case: BOA-1014267 Address: 53 Greenbrier Street Ward 17 Applicant: Jennifer Shea
Article(s): 65(65-8) 65(65-41)
Purpose: Change in Occupancy From a 2 to a 3 Family. Not work to be done. (kitchen en 3rd unit only). All work has been done on other Permits ALT950654; SF901889, SF915706.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a two-family to three-family dwelling.

Board Members asked about the location of the third unit, ceiling height of the attic and size of the third unit.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Councilor Campbell requested the matter be deferred.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-958462 Address: 18 Euclid Street Ward 17 Applicant: Chris Abner
Article(s): 65(65-42.2) 65(65-42.3)
65(65-9: Max. allowed height exceeded, Insufficient lot size, Insufficient additional lot area per dwelling unit, Excessive F.A.R, # of allowed stories Exceeded & Insufficient open space per unit)
Purpose: Confirm occupancy as single family. Change of occupancy to a three-family dwelling. Construct addition for two units onto existing structure per attached drawings. ZBA

Discussion: At the applicant's request, the matter was deferred to the April 28, 2020 Hearing.

Case: BOA-992884 **Address:** 60-62 Codman Hill Avenue **Ward** 17 **Applicant:** George Morancy
Article(s): 65(65-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories) & Side Yard Insufficient)
Purpose: Extend living area into basement and attic, enclose front and rear porches . Add dormer to top floor, replace one interior wall with beam, new kitchens and baths, pour new slab in basement for living area.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space into the basement and attic, add a dormer and enclose porches.

Board Members asked about ceiling heights and the intended uses of the additional space.

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 Ruggiero moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1027521 **Address:** 81-81A Wrentham Street **Ward** 16 **Applicant:** Paulette Whitaker
Article(s): 65(65-8) 65(65-41) 65(65-42)
65(65-9: Insufficient lot width- 50' req, Insufficient rear yard setback- 40' req. &
of allowed stories exceeded- 2 1/2 stories max)
Purpose: Construct a new two family dwelling on Lot B consisting See ALT1027510 for subdivision. Note: Existing Structure to be razed on a separate demolition permit.

Discussion: At the applicant's request, the matter was deferred to the April 28, 2020 Hearing.

Case: BOA-1005494 **Address:** 79 Beaumont Street **Ward** 16 **Applicant:** Khanh Nguyen
Article(s): 9(9-1) 2A(2A-1)
10(10-1: No off street parking is allowed in required front yard setback &
No accessory uses allowed in a required front yard)
65(65-9: Floor area ratio is excessive & Front yard setback requirement (Berkshire street)
Purpose: Frame and rise part of rear side of roof, as per plan, remodel exiting bathrooms on each unite, add one more for each unite as per plan, remodel three kitchen as per plan, update plumbing, install electrical penal for each unite, install new HVAC for each unite, and install 3 tankless water heaters.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate and build a third floor rear addition. Existing swimming pool to be removed.

Board Members asked about bedroom counts and parking.

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 for approval and Kindell seconded and the Board voted unanimously to approve. Board Member Ruggiero was not present for the hearing of this appeal and did not vote.

Case: BOA-1025909 Address: 18 Sunset Street Ward 10 Applicant: Sunset Condominium Trust

Article(s): 59(59-7) 59(59-37)

59(59-8: Lot Width Insufficient, Lot Frontage Insufficient, Building Height (# of Stories) Excessive, Usable Open Space Insufficient & Floor Area Ratio Excessive)

Purpose: Changing the Occupancy from a Three (3) Family Dwelling to a Four (4) Family Dwelling based on pre-existing condition. See Alternative Compliance Approach submitted by Donald Havener, Principal Fire Protection Engineer at Cosentini Associates, Inc.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from three-family to four-unit MFR in each of two attached dwellings to legalize existing conditions.

Board Members asked about how the properties have been taxed, ceiling height in the fourth units and second means of egress.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Bok and Essaibi-George are in support, as are two abutters..

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1025915 Address: 20 Sunset Street Ward 10 Applicant: Sunset Condominium Trust

Article(s): 59(59-7) 59(59-37)

59(59-8: Lot Width Insufficient, Lot Frontage Insufficient, Building Height (# of Stories) Excessive, Usable Open Space Insufficient & Floor Area Ratio Excessive)

Purpose: Change the Occupancy from a Three (3) Family Dwelling to a Four (4) Family Dwelling based on pre-existing condition. See Alternative Compliance Approach submitted by Donald Havener, Principal Fire Protection Engineer at Cosentini Associates, Inc.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from three-family to four-unit MFR in each of two attached dwellings to legalize existing conditions.

Board Members asked about how the properties have been taxed, ceiling height in the fourth units and second means of egress.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Bok and Essaibi-George are in support, as are two abutters..

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-992849 Address: 190 Calumet Street Ward 10 Applicant: Timothy Burke

Article(s): 59(59-8)

Purpose: Extend living space for Unit 1 into a portion of the Basement. Work requires ZBA approval for floor to area ratio.

Discussion: At the applicant's request, the matter was deferred to the April 28, 2020 Hearing.

Case: BOA-1038351 Address: 2147-2153 Washington Street Ward 9 Applicant: 2147 Master Developer, LLC-Brian Goldson

Article(s): 50(50-10: Use : Restaurant with Entertainment : Conditional & Use : Artist Mixed Use : Conditional)

50(50-11: Floor Area Ratio Excessive & Building Height Excessive)

Purpose: Residential Units (62 Rental Apartments + 12 for-sale Condominiums), 12,857 SF of Commercial space (Local Retail Business, Restaurant, Public Art Display, Art Use, Artists' Mixed Use), and Accessory Parking. There will also be one level of underground Parking. The new building will be created on a parcel created by combining parcels 0902432000 & 0902431000, & rely on a ground lease of parcel 0902430000. A separate "ALT" application is being filed consolidating the parcels. Off-Street Parking and Loading will be reviewed by BPDA under Article 80 Large Project Review.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a six-story mixed use building with 62 rental units and 12 condo units.

Board Members asked about floor area ratio, building height, bedroom counts, affordable units and bicycle parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Flaherty, Janey, Mejia and Essaibi-George are in support, as area DND and the Carpenters Union.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and for entertainment use to be restricted to Haley House only and Ruggiero seconded and the Board voted unanimously to approve.

HEARINGS: 10:30 a.m.

Case: BOA-1036148 Address: 599-599A East Broadway Ward 6 Applicant: Timothy Johnson

Article(s): 68(68-29)

Purpose: Erect 1 Story rear addition on existing 1-story portion of building w/rear deck as per plans submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a one-story addition and rear deck to two-family dwelling with store.

Board Members asked about proposed deck.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-1028482 Address: 846-848 East Broadway Ward 6 Applicant: Jack Callahan

Article(s): 68(68-8: Usable open space is insufficient & Lot area for the add'l dwelling unit is insufficient) 68(68-29) 68(68-34)

Purpose: Seeking to change the occupancy from a two-family residential dwelling to a three-family residential dwelling. Also, to renovate the building.

Discussion: At the applicant's request, the matter was deferred to the April 7, 2020 Hearing.

Case: BOA-1027735 **Address:** 417-423C West Broadway **Ward 6 Applicant:** Anthony Virgilio

Article(s): 68(68-7)

Purpose: No Construction. Change Occupancy from offices to Tanning and Eyelash Extensions Salon.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to include tanning and eyelash extension salon.

Board Members asked about if the building offers only commercial space.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1035649 **Address:** 417-423C West Broadway **Ward 6 Applicant:** Richard Crespo

Article(s): 67(67-8)

Purpose: Change of Occupancy from Office to Hair Salon (on 2nd floor) and install sinks and furniture.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from office to hair salon on the second floor.

Board Members asked about the number of sinks to be installed.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval and Kindell seconded and the Board voted unanimously to approve. Board Member Deveau recused himself from hearing the appeal.

Case: BOA-1023958 **Address:** 161-165 West Sixth Street **Ward 6 Applicant:** Emily Tu

Article(s): 68(68-29) 68(68-8)

Purpose: Build roof deck as per plans at 165 West Sixth St.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a roof deck with hatch access.

Board Members asked about the dimensions of the hatch.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-1013034 Address: 250 Newbury Street Ward 5 Applicant: Taylor Stump

Article(s): 7(7-4)

Purpose: Remove proviso from previous owner to be a cupcake bakery. No work will be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to a cupcake store and remove a prior proviso to petitioner only.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Bok and Essaibi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with takeout provisos and relief to petitioner only and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-1029226 Address: 220 Clarendon Street Ward 5 Applicant: Linear Retail Boston #6, LLC

Article(s): 15(15-1) 32(32-9)

Purpose: Install a storefront bump out, renovate entry and patio. On the Clarendon Street side remove existing facade, repair and repoint masonry and enlarge window openings.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to install a storefront bump out and renovate entry and patio. The Board noted the BWSC letter of Article 32 compliance is on file.

Board Members asked about the size of the bump out.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Bok and Essaibi-George are in support, as is the Neighborhood Association of Back Bay.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-990167 Address: 103-111 Arch Street Ward 3 Applicant: Sonder USA, Inc

Article(s): 8(8-7)

Purpose: To change the occupancy from twenty-one residential units and dental office to twenty-one executive suites and dental office. Also, to renovate.

Discussion: At the applicant's request, the matter was deferred to the May 5, 2020 Hearing.

Case: BOA-976434 Address: 99 Nashua Street Ward 3 Applicant: Jessica Caamano

Article(s): 6(6-3A) 39(39-12)

Purpose: Continued existing 480 commercial no fee parking for patients, visitors, guests and employees of Massachusetts General Hospital.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to continue use of 480 space commercial, no fee, parking lot for visitors to Massachusetts General Hospital.

Board Members asked about the number of parking spaces and 2012 decision ranting relief.

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

Neighborhood Services and Councilor Bok are in support, as is the Downtown North Association.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review for screening and buffering and for relief to expire in three years and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1038183 **Address:** 100 Nashua Street **Ward 3 Applicant:** Jessica Caamano

Article(s): 39(39-12) 6(6-3A)

Purpose: MGH request for renewal of Employee Parking Use.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to continue use of 480 space commercial, no fee, parking lot for visitors to Massachusetts General Hospital.

Board Members asked about the number of parking spaces and 2012 decision ranting relief.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Bok are in support, as is the Downtown North Association.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review for screening and buffering and for relief to expire in three years and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1012022 **Address:** 14 North Bennet Street **Ward 3 Applicant:** Epsilon Partners

Article(s): 54(54-10: Floor area ratio excessive, Bldg height excessive (feet) & Rear yard insufficient) 54(54-18) 54(54-21)

Purpose: Seeking to change the occupancy from a rectory to eight residential units. Also, to erect a one-story addition with rear decks and roof decks and complete renovations.

Discussion: At the applicant's request, the matter was deferred to the April 28, 2020 Hearing.

Case: BOA-1033662 **Address:** 27 Sheafe Street **Ward 3 Applicant:** Daniel Toscano

Article(s): 54(54-18) 54(54-21) 54(54-10: Usable open space insufficient & Floor area ratio excessive)

Purpose: Seeking to change the occupancy from five residential units to eight residential units, renovate the structure and erect a roof deck for the exclusive use of Unit 7.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from five units to eight units and build a roof deck.

Board Members asked about the roof deck, if the proposal had been before the Board previously, if the building would have an elevator, size of the units, and about other options for occupancy of the dwelling.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval and Deveau seconded and the Board voted 5 to 2 to approve. Chair Araujo and Board Member Erlich voted in opposition.

Case: BOA-1024093 Address: 7 Wordsworth Street **Ward 1 Applicant:** 7 Wordsworth Street, LLC
Article(s): 53(53-8) 53(53-9: Floor area ratio maximum requirement is excessive, Height requirement (stories) is excessive, Height requirement (ft) is excessive, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient) 53(53-56) 53(53-9.3)
Purpose: Proposing to demolish existing 2 family structure and erect new 9 unit structure. Please see attached nominal fee letter.

Discussion: At the applicant's request, the matter was deferred to the May 5, 2020 Hearing.

Case: BOA-1029665 Address: 19 White Street **Ward 1 Applicant:** Gerald Abbey
Article(s): 53(53-9: Excessive F.A.R. & # of allowed habitable stories has been exceeded) 53(53-8) 53(53-56)
Purpose: No construction to be done. Currently used as a 3-family and has been since 1957. Building is listed as a 2-family with ISD.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a two-family to three-family dwelling in order to legalize existing use.

Board Members asked about the third unit, ceiling height and size of third unit.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with no building code relief and Deveau seconded and the Board voted unanimously to approve.

Case: BOA-974109 Address: 130 Bremen Street **Ward 1 Applicant:** Innwave Properties, LLC
Article(s): 25(25-5) 27T(27T-5) 53(53-9: Floor area ratio is excessive, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient)
Purpose: Extend first floor unit living space into the basement, install new windows, and build new rear egress stair and deck. Renovate interior with new finishes, reconfigured rooms, new kitchens and baths, new sprinkler system, new HVAC , plumbing, and electrical work. Work as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space to the basement and build new rear egress stairs and decks.

Board Members asked about basement ceiling height, flood hazard zone and in the dwelling would remain a three-family.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with the proviso that no relief be granted under Article 25-5 for the extension of living space to the basement and Kindell seconded and the Board voted 6 to 1 to approve. Board Member Ruggiero voted in opposition.

Case: BOA-961465 **Address:** 37 Monmouth Street **Ward 1 Applicant:** Zephyr Realty, LLC
Article(s): 53(53-8) 53(53-9: Floor area ratio is excessive, Height is excessive (ft), Height is excessive (stories), Side yard setback is insufficient & Rear yard setback is insufficient) 53(53-56) 27G
Purpose: Change Occupancy from a two to a four unit residential dwelling, renovate, erect addition with head house and roof deck. ZBA.

Discussion: At the applicant's request, the matter was deferred to the April 28, 2020 Hearing.

Case: BOA-1016541 **Address:** 119 Princeton Street **Ward 1 Applicant:** Crespo Holdings, LLC
Article(s): 27T(27T-5) 53(53-8) 53(53-9: Excessive F.A.R., of allowed stories exceeded, Insufficient side yard setback & Excessive height) 53(53-56) 53(53-52) 53(53-54)
Purpose: Renovate, change occupancy to a 4 unit residential dwelling, and erect addition with roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to a four-unit dwelling and erect an addition and roof deck.

Board Members asked about ceiling height and second means of egress from the garden unit.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support. An abutter is in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve. Board Member Deveau recused himself from hearing the appeal.

Case: BOA- 1009944 **Address:** 182 Webster Street **Ward 1 Applicant:** Patrick Mahoney, Esq
Article(s): 27T(27T-5) 53(53-52) 53(53-56) 53(53-9: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 53(53-8)
Purpose: Confirm occupancy as a Three-Family Dwelling. Change occupancy to a Multi-Family (4-unit) Dwelling. Construct rear addition on fourth floor. Construct exterior rear deck with stairway. Extend living space to basement for Unit 1. Full renovation.

Discussion: At the applicant's request, the matter was deferred to the May 5, 2020 Hearing.

45 Minute Lunch Break

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-1013475 **Address:** 24R Winship Street **Ward: 22 Applicant:** Jeanne Buccelli
Article(s): 51(51-9: Floor area ratio excessive, Front yard insufficient & Rear yard insufficient)
Purpose: Confirm occupancy for single-family dwelling. Construct new addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to confirm occupancy as a single-family dwelling and build an addition. Matter was deferred from the subcommittee hearing due to direct abutter opposition.

Board Members asked about a resolution with the abutter for screening and buffering.

Testimony: The Board then requested testimony from neighbors and elected officials. The direct abutter is in support.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review for screening and buffering and Deveau seconded and the Board voted unanimously to approve.

Case: BOA-980075 **Address:** 37 Colberg Avenue **Ward 20 Applicant:** Adam D. Rogoff Attorney at Law, P.C.

Article(s): 67(67-8) 67(67-9: Lot area insufficient, Floor area ratio excessive & Usable open space insufficient) 67(67-32)

Purpose: Change is use from two-family residential to three-family. The change of use will conform to existing conditions, which were present at the time owner purchased property.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a two-family to three-family dwelling in order to legalize existing use.

Board Members asked about dimensions and layout of the third unit and if the dwelling is taxed as a three-family.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Arroyo are in support, as are multiple abutters.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-978482 **Address:** 9-11 Catherine Street **Ward 19 Applicant:** John Lydon

Article(s): 55(55-9: Add'l lot area insufficient, Side yard insufficient, Rear yard insufficient, Floor area ratio excessive, Usable open space insufficient, Bldg height excessive (feet) & Bldg height excessive (stories)) 55(55-41.12) 55(55-8)

Purpose: Construction of two shared wall, townhomes. To be one of two structures on the same lot (See. ERT950568). Each townhome to consist of three bedrooms, two and one half bathrooms, first floor garage parking sufficient for two cars, and a roof-deck.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Fortune moved for denial without prejudice and Ruggiero seconded and the Board voted unanimously to deny without prejudice.

Case: BOA-978484 **Address:** 13-15 Catherine Street **Ward 19 Applicant:** John Lydon

Article(s): 55(55-9: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (feet), Bldg height excessive (stories), Side yard insufficient & Usable open space insufficient) 55(55-8) 55(55-41.12)

Purpose: Construction of two shared wall, townhomes. To be one of two structures on the same lot (See. ERT950564). Each townhome to consist of three bedrooms, two and one half bathrooms, first floor garage parking sufficient for two cars, and a roof-deck.

Discussion: The applicant requested to withdraw the appeal for building code relief.

Votes: Board Member Fortune moved for denial without prejudice and Ruggiero seconded and the Board voted unanimously to deny without prejudice.

Case: BOA-1004357 **Address:** 71-73 Humboldt Avenue **Ward** 12 **Applicant:** Niles Sutphin

Article(s): 53(53-8) 53(53-56) 50(50-29)

Purpose: Change of Use and Occupancy; Existing Use Day School; Demolish existing Day School; Renovate existing space to construct two (2) new dwelling units; All new systems; Existing building is currently multi-family non sprinklered

Discussion: At the applicant's request, the matter was deferred to the June 30, 2020 Hearing.

Case: BOA-1028309 **Address:** 16 Shetland Street **Ward:**8 **Applicant:** Frank Agostino

Article(s): 50(50-29)

Purpose: Confirm occupancy as single family and install wood stockade fence on top of new perimeter block wall permitted under SF908312. Total height of wall and fence is 6'-6".

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to confirm occupancy as a single-family dwelling and to install a wood fence on top of a block wall. Fence and wall had already been built and height is excessive.

Board Members asked about the fence and need for the height to which it was built.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review, for the fence to be modified to 6 feet tall all around and for the padlock to be removed from the gate and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-937269 **Address:** 425 East Third Street **Ward** 6 **Applicant:** Douglas Stefanov

Article(s): 27S(27S-5) 68(68-8: Floor area ratio is excessive, Height requirement is excessive, Usable open space requirement is insufficient, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient) 68(68-33: Off street parking requirement is insufficient & Off street parking design (access drive & maneuverability))

Purpose: Erect a three family building with enclosed mechanical parking as per plans.

Discussion: The applicant requested to withdraw the appeal for building code relief.

Votes: Board Member Fortune moved for denial without prejudice and Ruggiero seconded and the Board voted unanimously to deny without prejudice.

Case: BOA-1028114 **Address:** 31-37 Beach Street **Ward** 3 **Applicant:** CDC Realty Corp & Media Vision by Richard C. Lynds, Esq

Article(s): 11(11-7) 11 (11-6)

Purpose: Propose 15' x 25' digital billboard on the corner of Harrison Ave and Beach St. ZBA.

Discussion: At the applicant's request, the matter was deferred to the May 19, 2020 Hearing.

Case: BOA- 1015379 **Address:** 210 Lincoln Street **Ward:** 3 **Applicant:** Yichen Wei

Article(s): 44(44-34) 44(44-5) 16(16-1)

Purpose: Head house with roof deck contractor to be selected at issuance.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a roof deck with a head house for access.

Board Members asked about the size of the deck and number of stories of the building.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-957171 **Address:** 49-49R Charter Street **Ward 3 Applicant:** Simcha Weller

Article(s): 54(54-10: Floor area ratio excessive, usable open space insufficient & Rear yard insufficient) 54(54-18) 54(54-21)

Purpose: Seeking to change the occupancy from a six-family residential dwelling to an seven-family residential dwelling. Also, to erect a one-story addition to expand living space for unit 6, legalize the existing basement living space, and to renovate the building to have a full sprinkler system.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a six-unit dwelling to seven-unit dwelling in order to legalize existing garden unit and to build a one-story addition to garden unit.

Board Members asked if a roof deck was proposed.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1006349 **Address:** 125 Addison Street **Ward 1 Applicant:** 125 Addison Street, LLC

Article(s): 27T(27T-5) 53(53-25)

Purpose: Raze existing dwelling and erect a new building consisting of nine (9) executive suites with parking for ten (10) vehicles.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a nine-unit building for executive suites use with eight parking spaces.

Board Members asked about the definition of executive suites, residential abutters, residential use in the EDA subdistrict, corporate clients, unit sizes, average length of stay and building management.

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

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved to refer the appeal to the law department for an opinion as to conditions which can be placed on the grant of relief to ensure use as executive suites as defined in the Zoning Code and Fortune seconded and the Board voted unanimously to approve. Board Member Ruggiero recused himself from hearing the appeal.

Case: BOA-889514 **Address:** 343-345 Chelsea Street **Ward 1 Applicant:** 343-345 Chelsea Street, Realty Trust

Article(s): 53(53-54) 53(53-56) 53(53-57.3)

54(54-12: Insufficient open space, insufficient rear yard setback & Excessive FAR)

Purpose: Raze existing building and erect three story building with retail at grade and six (6)residential units on floors 2-3.

*Modified on 5.21.19 to 8 residential units. * Modified on 8/26/19 three story building retail and 6 residential units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-story mixed use building with retail space and six residential units.

Board Members asked if property is located in a flood zone design of the exterior in context with surrounding buildings.

Testimony: The Board then requested testimony from neighbors and elected officials. Councilors Edwards (appearing in person) and Flaherty are in support. Mayor's Office of Neighborhood Services and an abutter are in opposition.

Documents/Exhibits: Building Plans, petition of opposition

Votes: Board Member Fallon moved for approval with BPDA design review and Erlich seconded and the Board voted 5 to 2 to approve. Board Members Ruggiero and Deveau voted in opposition.

Case: BOA-998963 **Address:** 100 Lexington Street **Ward 1 Applicant:** Volnay Capital LLC

Article(s): 53(53-8) 53(53-9: Floor area ratio is excessive, Height is excessive (stories), Height is excessive (ft), Front

yard setback requirement is insufficient, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient) 53(53-56: Off street parking insufficient & Off-street parking req'mnt) 27T(27T-5)

Purpose: Raze existing buildings and erect a 9 unit residential dwelling with parking for 9 vehicles on newly created lot. See ALT940733 and ALT940730.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a nine unit residential building with nine parking spaces. One unit to be an affordable unit.

Board Members asked about the zoning subdistrict, unit sizes and about parking maneuverability. A representative of the BTD testified that parking maneuverability does not work as proposed.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards (appearing in person), Mejia, Flaherty and Essaibi-George are in opposition, as are multiple abutters.

Documents/Exhibits: Building Plans, letters of support, letters of opposition, petition of opposition

Votes: Board Member Erlich moved for denial and Fortune seconded and the Board voted unanimously to deny. Board Member Ruggiero recused himself from hearing the appeal.

Case:932844 **Address:** 192 Gladstone Street **Ward 1 Applicant:** Catherine Clifford and Michael Barber

Article(s): 27T(27T-5) 52(52-25) 53(53-8) 53(53-54)

53(53-9: Insufficient rear yard setback- 27.5' req, Excessive f.a.r. - 0.5 max, Front yard setback - Conformity with existing building alignments, Insufficient side yard (10' setback required) & # of allowed stories has been exceeded - 2.5 story max)

Purpose: Demolish existing structure located at 192 Gladstone Street and erect a 3-story, 5 unit building with 7 parking spaces per plans provided. 10/3/19 Modified plans provided by BOA finalized 10/11/19.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-story, five-unit dwelling with seven parking spaces.

Board Members asked about parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in opposition. Councilors Edwards and two abutters are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for denial and, lacking a second, the motion failed to carry. Board Member then moved for approval with BPDA design review and Kindell seconded and the Board voted 6 to 1 to approve. Board Member Ruggiero voted in opposition.

RECOMMENDATION/HEARINGS:

Case: BOA-1018491 **Address:** 88 Chelsea Street **Ward:** 1 **Applicant:** Victor Tejada

Article(s): 6(6-4)

Purpose: Remove proviso from previous BOA decision for this "Petitioner Only" for takeout.

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

Documents/Exhibits: Building plans

Case: BOA-1035388 **Address:** 133 B Street **Ward:** 6 **Applicant:** Jack Cacciapaglia

Article(s): 68(68-29) 68(68-8: Floor area ratio excessive, Side yard insufficient & Rear yard insufficient)

Purpose: Confirm occupancy as a single family. Renovation to an existing single family row house. The basement level will be partially finished to include 1/2 bath and storage. add dormers front and rear and 2nd and 3rd story addition on existing ell. The main level will include open kitchen and living area. The second floor will include 3 bed-rooms and 1 bath. The third level will include 2 bedrooms and 1 bath.

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

Documents/Exhibits: Building plans

Case: BOA- 951993 **Address:** 138 Adams Street **Ward:** 15 **Applicant:** Thuloan Phan

Article(s): 65(65-41)

Purpose: Change of occupancy from single-family to two-family dwelling to legalize existing two family. No work to be done.

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

Documents/Exhibits: Building plans

Case: BOA-1017265 **Address:** 419-429 Bowdoin Street **Ward:** 15 **Applicant:** Joshua Little

Article(s): 65(65-15)

Purpose: Changing occupancy to include Body art establishment. No structural changes necessary. Open floor plan with movable partitions.

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

Documents/Exhibits: Building plans

Case: BOA-1008156 **Address:** 56 Lochstead Avenue **Ward:** 19 **Applicant:** Frank Schillage

Article(s): 55(55-9)

Purpose: Finishing approximately 2/3 of the basement. Adding a bathroom, laundry room, home gym and office space.

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

Documents/Exhibits: Building plans

Case: BOA-1036054 **Address:** 21 Homewood Road **Ward:** 20 **Applicant:** Chris CGS Construction Services LLC

Article(s): 56(56-8)

Purpose: Small one story family addition.

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

Documents/Exhibits: Building plans

Case: BOA-1023526 **Address:** 363 Vermont Street **Ward:** 20 **Applicant:** Mat Mueller

Article(s): 56(56-8: Floor area ratio excessive, Front yard insufficient & Side yard insufficient)

Purpose: We will be adding a second story to a single family, 1.5 story house and altering the first floor plan.

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

Documents/Exhibits: Building plans

Case: BOA-1029466 **Address:** 7 Wilna Ct **Ward:**20 **Applicant:** Hannah Scott

Article(s): 18(18-1) 19(19-1) 20(20-20-8)

Purpose: Construct new shed dormer on second floor front of home on existing single-family.

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

Documents/Exhibits: Building plans

Case: BOA-1022294 **Address:** 9 Pratt Street **Ward:** 21 **Applicant:** Eltion Allen

Article(s): 51(51-9: Insufficient rear yard setback & Insufficient side yard setback)

Purpose: Remove existing porches, dig footings per plans rebuild porch per plans.

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

Documents/Exhibits: Building plans

Case: BOA-1009854 **Address:** 135 School Street **Ward:** 11 **Applicant:** Maya Gaul
Article(s): 55(55-9: Floor Area Ratio Excessive; Usable Open Space Insufficient) 55(55-9.3)
Purpose: Proposed to convert an existing one family into two family.

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

Documents/Exhibits: Building plans

Case: BOA-1021322 **Address:** 21 Virginia Street **Ward:** 13 **Applicant:** Aaron Larget-Caplan
Article(s): 65(65-9)
Purpose: Expand existing living space existing when purchased in 2009.

Discussion: At the applicant's request, the matter was deferred to the April 7, 2020 Hearing.

Case: BOA-997186 **Address:** 70 Fletcher Street **Ward:** 20 **Applicant:** Gena Mavuli
Article(s): 67(67-32) 67(67-9: Add'l lot area insufficient, Floor area ratio excessive & Bldg height excessive (stories)) 67(67-9.3)
Purpose: Remove window on 3rd floor for new door and deck, Install 60" diameter spiral staircase. Enclose risers on all steps. Change occupancy to two family.

Discussion/Vote: The applicant requested to withdraw the appeal for zoning relief. The subcommittee voted to recommend dismissal without prejudice.

STEPHANIE HAYNES
BOARD OF APPEAL
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BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
JOSEPH RUGGIERO

SUBSTITUTE MEMBERS:

TYRONE KINDELL, JR
NADINE FALLON
EDWARD DEVEAU

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

For a video recording of the February 25, 2020 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp