



Tuesday, February 28, 2017

**BOARD OF APPEALS** 

2017 FEB 21 P 4: 11 BOSTON, MA Room 801

### The board will hold a hearing on February 28, 2017 starting at 9:30 a.m.

### APPROVAL OF HEARING MINUTES:

February 7, 2017

### EXTENSION 9:30a.m.

Case: BZC-29846 Address: 1954 Commonwealth Avenue, Ward, 21 Applicant: Yu Family Trust

Case: BZC-31544 Address: 1550 Columbus Avenue, Ward, 11 Applicant: Urban Edge Housing Corporation

Case: BOA-442232 Address: 35 Hansborough Street, Ward, 14 Applicant: Brookview Housing

### BUILDING CODE : 9:30 a.m

Case: BOA-#659946, Address: 235 Baker Street, Ward: 20, Applicant: James Christopher

**Purpose:** Allow for modification to Massachusetts State Building Code (Eighth Edition) To construct a permanent air supported membrane Structure. Converting from temporary. Section 3102.3 Type of construction. Noncombustible membrane structure shall be classified as Type IIB construction. Noncombustible frame or cable - supported structures covered by an approved membrane in accordance with Section 3102.3.1 shall be classified as Type IIB construction etc. Section 3102.8.3 Support provisions. A system capable of supporting the membrane in the event of deflation shall be provided for in air - supported and air-inflated structures having an occupant load of 50 or more or where covering a swimming pool regardless of occupant load etc. Section 503.1 General. The building height and area shall not exceed the limits specified in Table 503 based on the type of construction as determined by Section 602 and the occupancies as determined by Section 302 except as modified hereafter etc. Section 903.2 Where Required. Automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Table 903.2 and this Section etc. Section 907.5.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.2.3 Group E. A manual fire alarm system that activates the occupancies etc.

#### HEARINGS: 9:30 a.m

Case: BOA-665313, Address: 175 North Harvard Street, Ward: 22 Applicant: Barry's Corner Property LLC Article(s): 51(51-27)

Purpose: Expansion of an existing Parking Lot to provide 90 Ancillary Parking Spaces.

Case: BOA-629541 Address: 85 Linden Street, Ward: 21, Applicant: James Christopher Article(s): 51(51-9)

**Purpose:** Construct a new 3 story addition to the Rear of an existing Single Family Dwelling. Create three new Parking spaces at-grade and under the addition. To change Occupancy from a Single Family Dwelling to a Two (2) Family Dwelling.

Case: BOA-577433 Address: 391 Lagrange Street, Ward: 20, Applicant: Kenneth Cunningham Article(s): 56(56-39)

**Purpose:** Applying to legalize the parking space in front of the house. Entry is from the existing curb cut. This space is used to load and to unload handicapped tenants in wheelchairs.

Case: BOA-636001, Address: 322 Blue Hill Avenue, Ward: 14, Applicant: Jose Cruz Article(s): 9(9-1) 50(50-26) 50(50-43) Purpose: Change from two apartments and store to 7 studio apartments and 1 store to correct violation #V285341.

**Case:** BOA-#636023, **Address:** 322 Blue Hill Avenue, **Ward:** 14, **Applicant:** Jose Cruz **Purpose:** Change from two apartments and store to 7 studio apartments and 1 store to correct violation #V285341. Section 1208.3 Room Area Minimum room area/widths. 521CMR Requirements Accessibility Noncompliance.

Case: BOA-662156, Address: 416 Harvard Street, Ward: 4, Applicant: Tri Nguyen Article(s): 60(60-9) 60(60-40) 60(60-41) 10(10-1) Purpose: Construct a new Three (3) Family Dwelling on existing 6,654 sq ft Lot. Building to be fully sprinklered.

Case: BOA-658314 Address: 3-7 Cottage Court, Ward: 5, Applicant: Vargas Dasilveira Article(s): 50(50-29)

**Purpose:** Combine two vacant lot (Parcel ID 1300381000 and 1300380000) into a single lot. Erect three-story, three family townhouse dwelling with garage as per plan.

**Case:** BOA-676313 **Address:** 145 Stoughton Street, **Ward:** 13, **Applicant:** Stephen Siuda **Article(s):** 9(9-2) 65(65-9) 65(65-39) 65(65-8)

**Purpose:** Change Occupancy from Lodgers House with 12 Lodgers to 6 Apartments with 8 Parking Space and Renovate existing boarding house. Demolish barn/warehouse in rear of lot. Erect an addition including EMP and sprinkler as per plans. \*Demolition of structure is to be performed on a separate permit.

Case: BOA-637441 Address: 38 Whiting Street, Ward: 12, Applicant: Mansour Dayanimr
Article(s): 50(50-29) 50(50-43) 50(50-1)
Purpose: Change from 2 family to 3 family dwelling and the work was already done. Existing condition.

Case: BOA-666471, Address: 77-79 South Street, Ward: 11, Applicant: 77 South LLC Article(s): 55(55-9) Purpose: Install new dormers at 3rd floor as per plan.

Case: BOA-672890, Address: 1511-1525 Washington Street, Ward: 9, Applicant: Jamie Golden Article(s): 64(64-18)

**Purpose:** Change of Occupancy from Restaurant, 33 Families, Office, Wireless Communications to Restaurant, 33 Families, Office, Wireless Communications and bare/Yoga studio. Renovate tenant space pursuant to plans provided herein.

Case: BOA-666656, Address: 407 Dudley Street Ward: 8, Applicant: Justin MacFarlane Article(s): 50(50-19)

**Purpose:** We are looking to change the use of the first floor unit from residential to an Office use. Our intentions were not accurately captured in the last hearing. Our intentions were always to have a commercial space (Office use). This is reflected in the neighborhood negotiations that we underwent and is reflected graphically in all submitted documents. This was not recorded as such.

### HEARINGS: 10:30 a.m.

Case: BOA-671592, Address: 24-34 Damrell Street, Ward: 7, Applicant: Cong Qin Article(s): 8(8-4)

**Purpose:** Allow food truck to park and serve food from the parking lot associated with the building at 28 Damrell Street, South Boston, MA 02127. In the attached survey, the building is located at 28 Damrell Street, is parcel A. The parking lot is parcel B. Also listed on the deed as parcel 24 to 30 for main building and parcel 0 for the parking lot. Also attached a Private Site Agreement and pictures of the location.

Case: BOA-630482, Address: 520 Dorchester Avenue Ward: 7, Applicant: George Morancy Article(s): 14(14-14-1) 14(14-14-2) 15(15-1) 17(17-1) 13(13-4) 18(18-1) 19(19-1) 24(24-1) 16(16-1) Purpose: Erect a new 8 unit residential building with parking below on combined lots with existing buildings to be razed (see ALTs for the combing of lots). Construction set to be submitted upon ZBA approval.

**Case:** BOA-656951 **Address:** 277-277a Dorchester Street, **Ward:** 7, **Applicant:** Robert DiPierro **Article(s):** 14(14-14-1) 14(14-14-2) 14(14-14-3) 14(14-4) 15(15-1) 16(16-1) 17(17-1) 18(18-1) 20(20-1) 19(19-1) 8(8-7) **Purpose:** Erect new commercial with residential building on existing foundation. Occupancy to be 1 office with Storage space and 3 residential units.

**Case:** BOA-#656950 **Address:** 277-277a Dorchester Street **Ward:** 7, **Applicant:** Robert DiPierro **Purpose:** Erect a new commercial with residential building on the existing foundation. Occupancy to be 1 Office with storage space and 3 residential units. Section MSBC 10-SEC 1009.9 Spiral Stairways are permitted to be used as a component in the means of egress only within the dwelling unit. Note that proposed spiral stairways for this new building is not in compliance with the code.

Case: BOA-661573, Address: 11 Mayhew Street, Ward:7, Applicant: Larry Borins

Article(s): 9(9-1) 65(65-9) 65(65-41)

**Purpose:** Addition of an approximately 2,750 square foot, multi-purpose, commons space at the rear of the existing school building and, modifications to existing spaces and MEP/FP systems to accommodate the addition.

Case: BOA-661023 Address: 22 Roseclair Street, Ward: 7, Applicant: Patrick Mahoney Article(s): 65(65-8) 65(65-9)

**Purpose:** Change occupancy from two units to three units. Add full height third story. Add living space into basement. Gut house to studs and frame to plans. Remove and replace rear deck. New siding and windows. Footprint of building to remain the same. Off street three car garage and existing curb to remain.

Case: BOA-668824, Address: 12 Loring Street, Ward: 6, Applicant: William Regan Article(s): 68(68-8) 68(68-29)

**Purpose:** Confirm occupancy as a three family. Complete gut rehab including a sprinkler system, excavate and extend living space to basement, build new rear addition, rear decks and roof deck, windows and siding as per plan.

Case: BOA-656955, Address: 124 M Street, Ward 6, Applicant: Robert DiPierroArticle(s): 20(20-1)Purpose: Add second floor access to rear patio. Change window to exterior door. Add one small deck with stairs.

Case: BOA-674997 Address: 416-418 West Broadway, Ward 6, Applicant: Btone Fitness LLC Article(s): 68(68-7)

Purpose: Change occupancy to reflect a "fitness center" on second floor, suite 202. No work to be done.

Case: BOA-669093 Address: 37 Beacon Street, Ward: 5, Applicant: Robert Coffin Article(s): 15(15-15-1)

**Purpose:** Combine units 62, 63, 64 to change occupancy from 35 apartments to 33 apartments. Units 62 and 63 previous combined without use change permit 63 and 64. Build New head house, stair and roof deck for this one newly combined unit # 62. Gut renovation of 1 full bath, select reframing to create 2 bedrooms Connect of new condo to existing condo. Minimal plans submitted requesting zoning variance.

## Case: BOA-650247 Address: 266 Commercial Street, Ward: 3, Applicant: Cellco Partnership d/b/a Verizon Wireless Article(s): 86(86-6)

**Purpose:** Change of Occupancy to include Wireless Communication. Installation of a rooftop-mounted wireless communications equipment consisting primarily of (1) four (4) antennas concealed within a 4'8" + false fiberglass chimney and mounted to a new steel ballast frame on the Building rooftop, at a centerline elevation of 28'6"+ above ground level; (2) four (4) antennas concealed within a second 4'8"+ false fiberglass chimney and mounted to the same steel ballast frame, at a centerline elevation of 30'+ above ground level; (3) twelve (12) RRHs and three (3) junction boxes mounted to the same steel ballast frame; (4) power and telco cables running from the antennas, across a roof-mounted cable tray on sleepers, down a vertical cable tray affixed to (and painted to match) the side of the Building, to a 13'8" x 4'6" fenced equipment compound located adjacent to the south side of the Building at ground level; and (5) two (2) equipment cabinets, an air conditioning panel and one (1) storage unit within the fenced equipment compound.

Case: BOA-#650246 Address: 266 Commercial Street, Ward: 3, Applicant: Cellco Partnership d/b/a Verizon Wireless

**Purpose:** Change of Occupancy to include Wireless Communica-tion. Installation of a rooftop-mounted wireless communications equipment consisting primarily of (1) four (4) antennas concealed within a 4'8" + false fiberglass chimney and mounted to a new steel ballast frame on the Building rooftop, at a centerline elevation of 28'6"+ above ground level; (2) four (4) antennas concealed within a second 4'8"+ false fiberglass chimney and mounted to the same steel ballast frame, at a centerline elevation of 30'+ above ground level; (3) twelve (12) RRHs and three (3) junction boxes mounted to the same steel ballast frame; (4) power and telco cables running from the antennas, across a roof-mounted cable tray on sleepers, down a vertical cable tray affixed to (and painted to match) the side of the Building, to a 13'8" x 4'6" fenced equipment compound located adjacent to the south side of the Building at ground level; and (5) two (2) equipment cabinets, an air conditioning panel and one (1) storage unit within the fenced equipment compound. Section 8th 780CMR 1027 Exist Discharge. The exit discharge shall provide a direct and unobstructed access to a public way. The proposed fence and equipment cabinet reduced the egress width 2'0" which is not allowed.

# Case: BOA-642291 Address: 47 Dwight Street, Ward: 3, Applicant: Gerry DiPierro Article(s): 64(64-34)

Purpose: Remove upper level roof, existing roof deck to remain. Frame and install new dormer per plan.

**Case:** BOA-661637 **Address:** 3-5 Quincy Court, **Ward:** 3, **Applicant:** 3-5 Quincy Court LLC **Article(s):** 54(54-13) 54(54-18) 54(54-12)

**Purpose:** Expansion of Living Space into Basement Area. Construct a 1 story 10' high vertical addition onto existing Building. Space will add addition 329 Square feet of living space to each of the 2 existing 3rd floor units that are currently 578 Square feet each. Addition will be of type 3 construction. Firewall will be maintained. Permit set to be submitted upon ZBA approval.

**Case:** BOA-#661640 **Address:** 3-5 Quincy Court, **Ward:** 3, **Applicant:** 3-5 Quincy Court LLC **Purpose:** Expansion of Living Space into Basement Area. Construct a 1 story 10' high vertical addition onto existing Building. Space will add addition 329 Square feet of living space to each of the 2 existing 3rd floor units that are currently 578 Square feet each. Addition will be of type 3 construction. Firewall will be maintained. Permit set to be submitted upon ZBA approval. Section 8th 780CMR705.85 Opening of Exterior Wall. Window Openings are Not Permitted within 3'-0" of a Property Line.

# Case: BOA-664204 Address: 11 Allston Street, Ward: 2, Applicant: Greg Mitchell Article(s): 62(62-8) 62(62-62-8)

**Purpose**: Replace existing rear decks and egress stairs with 9x10 deck and spiral staircase. Install roof deck. Frame and finish two bedrooms and 3/4 bath in existing basement space, approximately 640 sq ft.

Case: BOA-668392 Address: 1A-1B Curtis Street, Ward: 1, Applicant: Ibex Realty & Asset Management, LLC Article(s): 53(53-8) 53(53-9) 53(53-56) Purpose: Erect addition and change occupancy to include 2 offices with 6 dwelling units.

Case: BOA-666376 Address: 7 Haynes Street Ward: 1, Applicant: EBG Investments, LLC

Article(s): 25(25-5) 53(53-9) Purpose: Erect Single Family Rowhouse on newly created 1,100s.f. lot See (ALT656373 for plans). \*AE Zone.

Case: BOA-666378 Address: 9 Haynes Street, Ward: 1, Applicant: EBG Investments, LLC Article(s): 25(25-5) 53(53-9) Purpose: Erect Single Family Rowhouse on newly created 950s.f. lot See (alt656373).

Case: BOA-666379 Address: 11 Haynes Street, Ward: 1, Applicant: EBG Investments, LLC Article(s): 25(25-5) 53(53-9) Purpose: Erect Single Family Rowhouse on newly created 950s.f. lot See (ALT656373).

Case: BOA-666381 Address: 13 Haynes Street, Ward: 1, Applicant: EBG Investments, LLC Article(s): 53(53-9) 53(53-56) Purpose: Combine Parcel Numbers 0104452000, 0104450000 and 0104449000 and subdivide to create 4 separate lots

containing 875s.f, 950s.f. and 1,100s.f. See also ERT656360, ERT656362 and ERT656364. \*AE Zone (EL 10 feet).

**Case:** BOA-647825 **Address:** 161 Leyden Street **Ward:** 1, **Applicant:** Daly Properties, LLC **Article(s):** 53(53-57) 53(53-8) 53(53-9) 53(53-54)

**Purpose:** Erect a fully sprinkled new 6 Unit residential building on combined lot (See alt620477). See ERT620561 for 163 Leyden Street for a new 3 family to be erected on same lot. Both buildings to share driveway and parking (13 total spaces). Permit set to submitted upon ZBA approval. 9 units total Existing structures are to be razed on a separate permit.

**Case:** BOA-647823 **Address:** 163 Leyden Street, **Ward:** 1, **Applicant:** Daly Properties, LLC **Article(s):** 53(53-57) 53(53-8) 53(53-9) 53(53-54)

**Purpose:** Erect a fully sprinkled new 3 family house on combined lot (See alt620477). See ERT620498 for a new 6 unit residential building to be erected on same lot. Both buildings to share driveway and parking. Permit set to submitted upon ZBA approval.

Case: BOA-667111 Address: 151 Liverpool Street, Ward: 1, Applicant: City Point Liverpool LLC Article(s): 53(53-12) 53(53-56)

**Purpose:** Raze existing structure & building a new 6 story Residential Dwelling. There will be 36 Residential Units with 36 Parking spaces as per plans. The Basement Garage will be accessed from a Vehicle Elevator. On the Ground Floor will be additional Garage Parking and affordable Dwelling Unit. Floors 2 thru 6 will be all Residential. There will be a Head house structure with an Amenity Gym and which will access a Common Roof Deck Level.

### **RE-DISCUSSION: 11:30**

Case: BOA-539624, Address: 61 Braintree Street, Ward: 22, Applicant: Sixty-One-83 Braintree Street Article(s): 9(9-1) 51(51-55) 11(11-7) 51(51-20) Purpose: Convert existing 14 x 48 two sided static billboard to a 14 x 48 two sided digital billboard.

Case: BOA-566677, Address: 296 North Beacon Street, Ward: 22, Applicant: Samuels Jaguar Motors LTD Article(s): 11(11-7) 51(51-55)

Purpose: Replacing existing 20'x60' two sided billboard with 14'x48' two sided electronic digital billboard.

Case: BOA-608954, Address: 89 Claybourne Street Ward: 17, Applicant: Vargas Dasilveira Article(s): 9(9-1) 9(9-1) 65(65-9) 65(65-9) 65(65-9) Purpose: building a 20x20 sq ft 2 car garage attach to the house with main entrance overhead 12x8 ft. *also needs an exit door*. As per plans. To correct violation #V133050 - Garage already built - Legalize extended living space in basement

Case: BOA-577858 Address: 53 Sturbridge Street, Ward: 17, Applicant: Patrick Foley Article(s): 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-42.7) 65(65-8) Purpose: Erect Three family dwelling on existing lot of 3,022 sf as part of subdivision with 55 Sturbridge St ALT558337) and combined parking

Case: BOA-577851 Address: 55 Sturbridge Street Ward:17, Applicant: Patrick Foley Article(s): 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-42.7) Purpose: Subdivide existing 6624 sq ft lot with lot into two lots; Lot A with existing 2 1/2 story three family. Basement storage .living area on 1st 2nd and 3rd floors .lot to have 3,602 SF, Lot A2 will be 3,022 SF and will have a proposed three family (ERT558358) parking to be on both lots

Case: BOA-526603 Address: 33-39 Ward Street, Ward: 7, Applicant: Niles sutphin Article(s): 14(14-14.2) 15(15-1) 17(17-1) 18(18-1) 19(19-1) 20(20-1) 23(23-1) 23(23-9) 80(80E-2) Purpose: Erect new 5 story residential condominium of 24 Dwelling Units above on-grade parking garage accommodating 19 car parking spaces; New building to be primarily wood frame construction; except garage to be 2 Hr rated; All new systems; Fully sprinklered; combine two parcels into one parcel; Demolish all existing structures; as per plans.

**Case:** BOA-631069 **Address:** 336 Chelsea Street, **Ward:** 1, **Applicant:** Magrath Realty, LLC **Article(s):** 53(53-9: lot area, usable open space, front, side & rear yard insufficient; floor area ratio, building height exceeds number of stories & building height exceeds building height excessive) 53(53-56) 53(53-8) **Purpose:** Demolish the existing glass shop. Erect a mixed-use building which will be occupied as a funeral home and six residential units.

Case: BOA-657861, Address: 2 Laurel Street, Ward: 2, Applicant: Timothy Sheehan Article(s): 62(62-62-25) 62(62-62-8)

**Purpose:** This application is for the addition of a third floor 90 square foot bathroom addition on top of a rear 'ell" twostory portion of an existing three story single family residence.

Case: BOA-651736, Address: 188 Harvard Street Ward: 14, Applicant: Lucia Mendes Article(s): 60(60-9) 60(60-60-9) 60(60-38) Purpose: Building footing of 4ft high and installing concrete block wall fence; left wall front 5ft/back 12ft right 6ft

back 12ft digging 8ft to remove tree stump paving rear of the house and right side - existing curb cutting Renovating the rear deck to same existing scope.

### CALL OF THE CHAIR: 12:00Noon

**Case:** BOA-618656 **Address:** 607 East Second Street, **Ward:** 6, **Applicant:** Jean Kelly **Purpose:** The petitioner seeks a determination that the Inspectional Services Department erred in issuing a permit for ERT560651 the permit was issued as an allowed use.

### Hearings/Recommendations

Case: BOA665283, Address: 8 Chestnut Street Ward: 2, Applicant: Timothy Sheehan Article(s): 58(58-8)

**Purpose:** This is a proposal for a two story wood frame addition to an existing ten year old house which is part of a three house development. The addition consists of a first floor bedroom/bathroom and second floor closet both connected with a supplemental five foot diameter spiral stair.

Case: BOA-665759, Address: 145-145A East Berkeley Street Ward: 3, Applicant: Shan Chan Article(s): 9(9-1) 64(64-19) Purpose: Addition first floor on back for restaurant kitchen.

Case: BOA-655855 Address: 100 Revere Street Ward: 5 Applicant: Declan Stilwell Article(s): 13(13-1) Purpose: Proposed exterior rear deck, 9'-0" x 3'-6" (LxW) ipe wood deck with 3'-6" high railing (iron fire escape type porch with 5/8" square balusters @ 4" o.c. max with mahogany wood rail cap).

**Case:** BOA-658675 **Address:** 115-115H M Street, **Ward:** 6, **Applicant:** Anthony Virgilio **Article(s):** 10(10-1) 13(13-13-1) **Purpose:** Obtain curb cut for existing parking for two parking spaces.

Case: BOA-649750, Address: 67 Dudley Street, Ward: 9, Applicant: Amanda Townsend Article(s): 50(50-29) Purpose: Construct new rear second floor addition and new roof deck over existing first floor plan in an existing single family dwelling.

Case: BOA-668776, Address: 14 Hyde Park Avenue, Ward: 11, Applicant: Morjieta Derisier Article(s): 55(55-16) Purpose: Changing Occupancy to include "Drive School Use". No work to be done.

Case: BOA-647413, Address: 30 Brookvale Street, Ward: 16, Applicant: Ergun Merdin Article(s): 65(65-9) Purpose: First Floor Kitchen Extension 12'x5' Second Floor Bathroom Addition 16'x5'.

Case: BOA669263, Address: 11 Ellis Street, Ward: 18, Applicant: Vernon Woodworth Article(s): 69(69-9) Purpose: Expanded footprint and roof line, amend ALT643448.

Case: BOA-667189, Address: 111 Addington Road Ward: 20, Applicant: Ioan Truta Article(s): 56(56-8) Purpose: Carport/canopy on the side of the garage.

Case: BOA-649732, Address: 219 Manthorne Road, Ward: 20, Applicant: Jeffrey Sulkin Article(s): 56(56-8) Purpose: Small 10' x 12'-6" 2 story addition to existing Single Family Home. Remodeling of existing master bath and bedroom. Req zba.

Case: BOA-672001 Address: 388 Park Street, Ward: 20, Applicant: Owen Sullivan Article(s): 56(56-8) Purpose: Two car wood frame attached garage on east side (right side of house if facing house). One story in height, dimensions 24'x24' with flat roof.

**Case:**BOA-662053 **Address:** 2 Symmes Street, **Ward:** 20 **Applicant:** Estate of Henry Foster **Article(s):** 10(10-1) 67(67-9) 67(67-32) **Purpose:** Change from one to two family, existing condition. Renovate 2 family as per plans.

STEPHANIE HAYNES BOARD OF APPEAL 617-635-4775

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR MARK FORTUNE-SECRETARY PETER CHIN BRUCE BICKERSTAFF MARK ERLICH ANTHONY PISANI CRAIG GALVIN

SUBSTITUTE MEMBERS:

For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to <a href="https://www.municode.com/library/ma/boston/codes/redevelopment">https://www.municode.com/library/ma/boston/codes/redevelopment</a> authority