

Tuesday, July 9 2019

BOARD OF APPEALS

Room 801

# The board will hold a hearing on July 9, 2019 starting at 9:30 a.m.

# EXTENSIONS: 9:30a.m.

Case: BOA-715581 Address: 44 Lochdale Road Ward 19 Applicant: Andrew Kara		2019	
Case: BOA-486152 Address: 270 Dorchester Avenue Ward 6 Applicant: Marc LaCasse	BOS	JUL	CEC
Case: BOA-725791 Address: 2-4 Wordsworth Street Ward 1 Applicant: Richard Lynds, Esq		ů	2 N N
Case: BOA-725794 Address: 6-8 Wordsworth Street Ward 1 Applicant: Richard Lynds, Esq		U	ି ମୁ ପୁ
BOARD FINAL ARBITER: 9:30a.m.		2:21	FICE

Case: BOA-779357 Address: 29-31 Ward Street Ward 7 Applicant: Joseph Hanley, Esq

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

**Case:** BOA#953863 **Address:** 205 Webster Street **Ward** 1 **Applicant:** John Hagan **Purpose:** Amendment to issued Permit # ALT 577663: Remove construction of stairs tower associated with rear decks. Revise level 4 floor framing plan Add construction of stair enclosure between floors 3 and 4; replacement of stairs. Change sprinkler design to NFPA13R partial installation per plans. Section: 8th 780CMR 1021 Number of Exits and Continuity. 1021.2 stories with one exit (subject building is not equipped fully with code compliant sprinkler system.

#### HEARING: 9:30 a.m.

**Case:** BOA-934019 **Address:** 154-156 Bayswater Street **Ward** 1 **Applicant:** Dan Smith **Article(s):** 53(53-8) 53(53-9: Excessive F.A.R. & # of allowed habitable stories has been exceeded) 53(53-54) 53(53-56) **Purpose:** Change 2 family status to 3 family by Renovating basement space for additional apartment unit as per plans.

Case: BOA-937967 Address: 46 Eutaw Street Ward 1 Applicant: Stage LLC Article(s): 53(53-8) 53(53-9: Excessive F.A.R., # of allowed stories exceeded, Insufficient rear yard setback &

Insufficient side yard setback) 53(53-5) 27T(27T-5) 53(53-52) **Purpose:** Seeking to confirm the occupancy as two-family dwelling and store and then to change the occupancy to a three-family dwelling. Also, to add a two-story addition and renovate the building.

**Case:** BOA-920011 **Address:** 74 Everett Street **Ward** 1 **Applicant:** 74 Everett Street, LLC **Article(s):** 53(53-8) 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, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 27T(27T-5) 53(53-52)

**Purpose:** Change Occupancy from three to four-unit residential dwelling. Construct rear addition and rear deck. Construct fourth floor vertical addition on existing footprint. Extend living space to basement for Unit 1.

Case: BOA-919213 Address: 63 Horace Street Ward 1 Applicant: Frank DelMuto Article(s): 53(53-9: Floor area ratio is excessive, Height is excessive (2 1/2 max allowed), Height is excessive (feet) & Side yard setback requirement is insufficient) 27GE Purpose: Build 2 Unit, 3 story dwelling - plus two car garage as per submitted plans. Seeking a variance process in con junction with alt901333.

Case: BOA-919215 Address: 63 Horace Street Ward 1 Applicant: Frank DelMuto Article(s): 53(53-9: Floor area ratio is excessive &Required side yard setback is insufficient) 27GE 53(53-56) Purpose: Subdivide parcel #0101149000 currently 50 x 100 ft into two 25' x 100' house lots as per submitted plans. 61 Horace st and 63 Horace St In conjunction with ERT901346.

Case: BOA-942964 Address: 3 Morton Place Ward 1 Applicant: Douglas Wohn Article(s): 27T(27T-5) 53(53-9: F.A.R., Rear yard setback, Front yard setback & Side yard setback) Purpose: Add the front and rear dormers by expanding the existing small shed dormers per Rangel architect's plans as filed. Case: BOA-955733 Address: 95 Prescott Street Ward 1 Applicant: LAR Properties, LLC

Article(s): 53(53-8) 53(53-9: Lot area for the add'l dwelling unit is insufficient, Floor area ratio is excessive, Usable open space is insufficient, Front yard setback requirements is sufficient, Side yard setback requirements is insufficient & Rear yard setback requirements is insufficient) 53(53-56: Off-street parking requirements - Ancillary of existing off street parking (3 spaces) & Off street parking requirements is insufficient) 25(25-5) 27T(27T-5)

**Purpose:** Construction of 6 residential dwelling units with 3 of the 9 existing ancillary off street parking spaces located at 370 Bremen street. 3 story structure with 2 dwelling units per floor and exterior; Combine two lots into one lot to be known as 93-95 Prescott Street.

Case: BOA-937986 Address: 50 Putnam Street Ward 1 Applicant: 50 Putnam, LLC Article(s): 53(53-9) Purpose: Seeking to extend living space into the basement for unit 1. No work to be done.

existing structure.

Case: BOA-952994 Address: 704 Saratoga Street Ward 1 Applicant: Matthew J. Kramer
Article(s): 27T(27T-5) 53(53-9: Excessive F.A.R., Insufficient side yard setback & Insufficient rear yard setback)
53(53-56) 53(53-52)
Purpose: Confirm occupancy as existing single-family and change to TWO units by erecting an addition and deck onto

Case: BOA-945127 Address: 164-170 Summer Street Ward 1 Applicant: Paul Bruno Article(s): 9(9-1) 27T(27T-5) 53(53-52) 53(53-56) 53(53-12: Excessive F.A.R. (additional full story), Excessive height/stories (additional full story) & Insufficient rear yard setback (additional full story)) Purpose: Refer to ERT 755676. Addition of 5th Floor Residential Unit to building. Building to be Commercial on First Floor with 7 Residential Units above.

Case: BOA-934883 Address: 272 Summer Street Ward 1 Applicant: 272 Summer Street, LLC Article(s): 53(53-8) 53(53-9: Floor area ratio excessive, Add'l lot area insufficient, Bldg height excessive (stories), Bldg height excessive (feet), Usable open space insufficient & Rear yard insufficient) 27T Purpose: Change Occupancy from a three (3) to a four (4) unit dwelling, renovate, erect addition and add parking to rear.

Case: BOA-914435 Address: 481 Sumner Street Ward 1 Applicant: Christopher Lento Article(s): 27T 53(53-9) Purpose: Confirm as a 3 family and renovate existing structure, extend living space into basement and erect a roof deck.

Case: BOA-920014 Address: 40 William C Kelly Sq Ward 1 Applicant: William Kelly Forty, LLC Article(s): 53(53-56: Off-street parking & loading req - Insufficient parking (residential/restaurant/retail use) & Offstreet parking & loading req - Newly proposed stackers (design and maneuverability)) 53(53-12: Excessive F.A.R., Height exceeded, Insufficient open space/unit & Insufficient rear yard setback) Purpose: Erect a six (6) story mixed-use building with commercial space on the first two levels and 9 dwelling units above. (Revised plans 1.18.19).

Case: BOA-928836 Address: 28 Monument Square Ward 2 Applicant: Scott Brennan, Trustee 28 Monument Square Trust c/o Brian G. Gallahan, Esq

Article(s): 62(62-8: # of allowed stories has been exceeded & Maximum allowed height has been exceeded) Purpose: Construct new single family 4 story building to replace building torn down in 1962 on same location.

Case: BOA-941395 Address: 33-35 Bowdoin Street Ward 3 Applicant: 33-35 Bowdoin Street, LLC Article(s): 23(23-1) Purpose: Modify ALT499699 to Change occupancy from 5 residential units and an office space to 6 residential units and office space.

Case: BOA-946580 Address: 1 Merrimac Street Ward 3 Applicant: Boston Haymarket Acquisitions LLC Article(s): 6(6-4)

**Purpose:** The applicant is seeking an extension of a conditional use permit to provide 16, for fee, open air, parking spaces granted by the Board of Appeal by a decision granted on May 23, 2017 attaching a 2-year proviso to reappear before the board.

Case: BOA-927851 Address: 298 Marlborough Street Ward 5 Applicant: 298 Marlborough Street Condo Trust Article(s): 15(15-1)

Purpose: Change occupancy from 5 to 6 units.

Case: BOA-932467 Address: 85 Pinckney Street Ward 5 Applicant: Peter J. Wood Article(s): 13(13-1: Floor area ratio excessive, Bldg height excessive (feet) & Rear yard insufficient) Purpose: Amendment to ALT894049. Construct roof top addition and second floor bay window expansion. Extend living space to basement.

Case: BOA-954611 Address: 722 East Fourth Street Ward 6 Applicant: George Morancy Article(s): 27S(27S-5) 68(68-8) 68(68-33)

**Purpose:** Confirm Occupancy as a Single Family Dwelling and Change to a Two Family Dwelling. Also perform alterations to existing residence, maintaining bedroom count, adding secondary front entry for ground floor unit and additional kitchen. New deck and second means of egress on existing rear addition roof to be renovated to accommodate required loading and protectives. [Plans submitted].

Case: BOA-943635 Address: 294 Northern Avenue Ward 6 Applicant: A Petrovich Article(s): 9(9-1)

Purpose: Change of occupancy to include Wireless Communication Facility. Installation of Boingo Wireless antennas under the roof framing of the stage area, small equipment along the wall of the stage area, & our main equipment on a concrete pad in north behind the arena. No underground trenching to be done, all cables to be run overhead as per plans to follow.

Case: BOA-948411 Address: 15 Vicksburg Street Ward 6 Applicant: George Morancy Article(s): 68(68-7) 68(68-31) 68(68-33: Off street parking location (off street parkings cannot be located in the required front yard setback area) & Off street parking screening and buffering) Purpose: Install curb cut and 4 ancillary parking spaces to be used exclusively for 576 East Second Street.

Case: BOA-938912 Address: 164 Boston Street Ward 7 Applicant: Don Dilrocco Article(s): 65(65-9) Purpose: Amend ALT828328. Extend living space to basement for bathroom and bedrooms for Unit #1.

Case: BOA-928023 Address: 326 Dorchester Street Ward 7 Applicant: SRP 326 Dorchester, LLC Article(s): 27S(27S-5) 13(13-13-1)

Purpose: Gut renovation of existing 3-family to remain 3-family. Extension of living space in basement for unit 1 at ground floor to create duplex unit in portion of basement. New systems and fire protection to be added. No change of use; no change to footprint of building; no additional dwelling units.

Case: BOA-902135 Address: 3 Dorset Street Ward 7 Applicant: Stuart Mullally

Article(s): 65(65-8) 65(65-9: Add'l lot area insufficient, Floor area ratio excessive, Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient)

Purpose: Remove existing single family dwelling and build new 4 unit residential building with 5 indoor parking.

Case: BOA-929574 Address: 49 Rogers Street Ward 7 Applicant: Stuart Mullally Article(s): 13(13-1: Lot area insufficient, Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (feet), Usable open space insufficient, Front yard insufficient, Rear yard insufficient & Bldg height excessive (stories)) 23(23-9)

Purpose: Erect new 7-unit residential building with garage parking and roof deck on newly created combined lot of 3,540 SF filed under ALT916973. Raze existing 1 family dwelling on separate permit.

Case: BOA-948360 Address: 44 Thomas Park Ward 7 Applicant: George Morancy

Article(s): 27S(27S-5) 68(68-33) 68(68-8)

Purpose: Renovate existing one-family dwelling and change legal occupancy to two-family dwelling; add new rear decks and egress stairs. Building to be fully sprinklered.

# HEARINGS: 10:30 a.m.

Case: BOA-928966 Address: 17 Chestnut Avenue Ward 10 Applicant: Tom Falcucci Article(s): 55(55-9: Lot area insufficient, Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (feet), Side yard insufficient, Rear yard insufficient, Front yard insufficient & Usable open space insufficient) 55(55-40) Purpose: Seeking to change the occupancy from commercial to a three-family residential building. Also to renovate the building including a one story addition and a new sprinkler system.

Case: BOA-927541 Address: 67 Forest Hills Street Ward 11 Applicant: Rick Ames

Article(s): 55(55-9: Front yard (55-41.1 existing building alignment)

Purpose: Build a new 3 family house as per plans, new curb cut and utilities as per plans, All new electric, plumbing, HVAC, sprinklers, insulation, exterior doors and windows to meet code. exterior siding, hardy planks and shingles, blue board, plaster and trim as per plans. paint with Ben-Moore low voc.

Case: BOA-943624 Address: 118 Marcella Street Ward 11 Applicant: Vernon Woodworth Article(s): 32(32-9) 50(50-28) 50(50-29: Bldg height excessive (stories), Bldg height excessive (feet) & Side yard insufficient)

Purpose: Three family with associated parking. Nominal fee requested Board of Appeals approval. Combined two lots into one lot to be known as 118 Marcella Street.

Case: BOA-946295 Address: 3-7 Cottage Ct Ward 13 Applicant: Danielson Tavares Article(s): 7(7-4) 50(50-38)

Purpose: Rooftop deck and head house for unit 1.

Case: BOA-914212 Address: 79 Devon Street Ward 14 Applicant: Prince Kallon Article(s): 8(8-7) 50(50-29: Excessive F.A.R., # of allowed habitable stories has been exceeded & Insufficient open space)

Purpose: 1. Change of occupancy from three family to four family 2. Basement changes 3. Build a staircase from first floor to basement 4. Dig basement floor 12" to meet ceiling height requirement.

Case: BOA-734154 Address: 14 Gleason Street Ward 14 Applicant: Douglas Wohn Article(s): 60(60-9) 60(60-40) 9(9-2) 60(60-8) 60(60-9.3) Purpose: Change of Occupancy from Four to Five Residential Units. Additional dwelling unit in basement. Interior renovations to all units as per plan.

Case: BOA-942244 Address: 36R Parkman Street Ward 16 Applicant: Russell Forsberg

Article(s): 65(65-9: Lot size to erect a new dwelling is insufficient, Lot area for the add'l dwelling unit is insufficient, Lot frontage requirement is insufficient, Floor area ratio is excessive & Height is excessive) 65(65-65-41.4) 65(65-65-41.5)

**Purpose:** Subdivide 36R Parkman Avenue Lot 1B to contain 5,394 s.f. and have a Two Family Dwelling Erected on it from 36 Parkman Avenue Lot 1A to contain 6,000 s.f. and have an existing one family dwelling on it.

Case: BOA-946625 Address: 820 William T Morrissey Blvd Ward 16 Applicant: Outfront Media, LLC Article(s): 65(65-40) 11(11-6) 11(11-7)

**Purpose:** Replace both sides/faces of existing 48" wide by 14" high billboard, one side currently static and the other side currently tri-vision, with new digital signage cabinets. Replace existing steel structure in kind. Change occupancy to include billboard.

Case: BOA-937775 Address: 596-598 Beech Street Ward 18 Applicant: Juan Rojas Article(s): 67(67-9)

**Purpose:** Remodel existing rooms and bathrooms in the attic area, Build new dormer and add them to the living space to second floor unit, removed section of attic that was affected by fire and rebuild.

Case: BOA-938001 Address: 4-8 Lakeside Avenue Ward 18 Applicant: Derric Small Article(s): 69(69-18)

Purpose: Combine two parcels under the same ownership and erect three a townhouse style residential unit.

Case: BOA-948242 Address: 666 Metropolitan Avenue Ward 18 Applicant: Antonio Ferrara Article(s): 69(69-8) 69(69-9: Lot size requirement is insufficient & Usable open space is insufficient) 69(69-29) 10(10-1)

Purpose: Convert existing 3 family dwelling into a 6 family dwelling.

Case: BOA-940761 Address: 64 Poydras Street Ward 18 Applicant: Thomas Piatt Article(s): 69(69-9: Lot area for additional dwelling units insufficient, Usable open space insufficient, Front yard insufficient & Rear yard insufficient) 69(69-29) 69(69-29.4) Purpose: Demolish existing House. Erect a new 3 story 15 Unit Multi-family Apartment building.

Case: BOA-951803 Address: 41 Rexford Street Ward 18 Applicant: Carl Breneus Article(s): 60(60-8) 60(60-9: Usable open space insufficient, Side yard insufficient & Bldg height excessive (stories)) Purpose: Convert attic to apartment with dormers as per plans.

Case: BOA-945159 Address: 4228-4230 Washington Street Ward 19 Applicant: John Lincecum Article(s): 67(67-11)

Purpose: Change of occupancy language from Restaurant to Beer Garden. No work.

Case: BOA-944701 Address: 76 Quint Avenue Ward 21 Applicant: Jonathan Katz Article(s): 51(51-9) 51(51-56)

**Purpose:** Change existing four-bedroom basement apartment into a one-bedroom apartment and a two-bedroom apartment resulting in a change of occupancy from 11 apartments to 12 apartments per plans.

Case: BOA-941497 Address: 88 Wallingford Road Ward 21 Applicant: Paul Pressman

Article(s): 51(51-8) 51(51-9)

**Purpose:** Change occupancy from a two to a three family. Convert unfinished 3rd floor attic space into a habitable unit, and construction of an exterior stair from that proposed new unit to the ground as a second means of egress.

45 Minute Lunch Break

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-922475 Address: 69-71 Maverick Square Ward 1 Applicant: Julius Sokol Article(s): 53(53-11) Purpose: Change Occupancy from a Dry Cleaning Store w/accy Storage to 6 Apartments and a Registered Marijuana Dispensary.

Case: BOA-892077 Address: 181-183 Coleridge Street Ward 1 Applicant: Theodore Touloukian for Ryan Acone Article(s): 53(53-8) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-56) 53(53-56) 53(53-57.3) Purpose: Combine lots (PID 0104312000 and 0104311000) into a single lot to be 19,000 SF. Erect a three-story mixed-use building with 19 residential units, 22 off-street parking spaces below grade, and "facility of public accommodation" as per Chapter 91 Massachusetts Public Waterfront Act.

Case: BOA-921683 Address: 34hf Beacon Street Ward 5 Applicant: Nilak Sharma

Article(s): 13(13-1) 13(13-1) 13(13-1) Purpose: Unit 8S - 8th & 9th floor: Full renovation to include an extension of living space by extending new addition to existing penthouse on 9th floor, construct new roof deck, re-configure bathroom layouts, interior partition walls, new drywall and plaster where necessary, new millwork, cabinetry, doors and trim throughout, new electrical as needed and plumbing fixtures, fire sprinkler modification, flooring throughout, millwork per plans. (Also Refer to Short Form Permit #SF857146 Issued 07/27/2018 for Salvage and Demolition.

**Case:** BOA-874938 **Address:** 197-201 Green Street **Ward** 11 **Applicant:** Green Craven Washington Realty Trust **Article(s):** 55(55-19) 55(55-20: Floor area ratio excessive, Height excessive & Usable open space insufficient) 55(55-40: Off street parking insufficient & Off street loading insufficient)

**Purpose:** Seeking to consolidate Parcel ID 1102579000 and Parcel ID 1102580000 to create one new lot. Also to raze the existing structure and erect a four-story mixed use building with twenty-three residential units, one retail space, and six parking spaces. See ALT860172.

#### Case: BOA-922904 Address: 239 Norwell Street Ward 17 Applicant: Travis Lee

Article(s): 10(10-1) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-41) 65(65-41) 65(65-41) 65(65-41) Purpose: Erect one 2 family building on a newly created tax parcel. Vacant parcels at 239, 241 and 243 Norwell Streets will be consolidated and then subdivided into 4 parcels, each parcel will accommodate one 2 family building and each will have 2 off street parking spaces. This project shall be known as 239 Norwell(Lot#4) among the proposed four 2 family buildings on 4 new lots. Attached two family on 1655 sf lot.

#### Case: BOA-922907 Address: 241 Norwell Street Ward 17 Applicant: Travis Lee

Article(s): 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-41) 65(65-41) Purpose: Erect one 2 family building on a newly created tax parcel. Vacant parcels at 239, 241 and 243 Norwell Streets will be consolidated and then subdivided into 4 parcels, each parcel will accommodate one 2 family building and each will have 2 off street parking spaces. This project shall be known as 241 Norwell (Lot#3), among the proposed four 2 family buildings on 4 new lots.

**Case:** BOA-922908 **Address:** 243 Norwell Street **Ward** 17 **Applicant:** Travis Lee **Article(s):**65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-41) 65(65-41)

**Purpose:** Erect one 2 family building on a newly created tax parcel. Vacant parcels at 239, 241 and 243 Norwell Streets will be consolidated and then subdivided into 4 parcels, each parcel will accommodate one 2 family building and each will have 2 off street parking spaces. This project shall be known as 243 Norwell (Lot #2) among the proposed four 2 family buildings on 4 new lots.

**Case:** BOA-922911 **Address:** 245 Norwell Street **Ward** 17 **Applicant:** Travis Lee **Article(s):** 10(10-1) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-41) 65(65-41) 65(65-41) **Purpose:** Erect one 2 family building on a newly created tax parcel. Vacant parcels at 239, 241 and 243 Norwell Streets will be consolidated and then subdivided into 4 parcels, each parcel will accommodate one 2 family building and each will have 2 off street parking spaces. This project shall be known as 245 Norwell St. (Lot 1), among the proposed four- 2 family buildings on 4 new lots

Case: BOA-904399 Address: 37-39 Royal Street Ward 22 Applicant: Johanna Schneider, Esq Article(s): 51(51-8) 51(51-9) 51(51-9) 51(51-9) 51(51-9) 51(51-9) 51(51-9) 51(51-56) Purpose: Demolish existing Single Family House. Combine Lots 50 and 51 into a new Parcel consisting of 6,866 sq ft. Construct a new 4 story, Three(3) Unit Townhouse Building. As per plans.

STEPHANIE HAYNES BOARD OF APPEAL 617-635-4775

> BOARD MEMBERS: CHRISTINE ARAUJO- CHAIR MARK FORTUNE-SECRETARY BRUCE BICKERSTAFF MARK ERLICH CRAIG GALVIN

SUBSTITUTE MEMBERS: TYRONE KINDELL, JR KERRY LOGUE

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\_authority">https://www.municode.com/library/ma/boston/codes/redevelopment\_authority</a>