



City of Boston
Board of Appeal

HEARING MINUTES

Tuesday, July 9, 2019

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:

EXTENSIONS: 9:30a.m.

Case: BOA-715581 **Address:** 44 Lochdale Road **Ward** 19 **Applicant:** Andrew Kara

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-486152 **Address:** 270 Dorchester Avenue **Ward** 6 **Applicant:** Marc LaCasse

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-725791 **Address:** 2-4 Wordsworth Street **Ward** 1 **Applicant:** Richard Lynds, 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-725794 **Address:** 6-8 Wordsworth Street **Ward** 1 **Applicant:** Richard Lynds, 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: 9:30a.m.

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

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

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

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting building code relief relative to egress requirements of the code.

Board Members asked about the number of stories of the building and if the unit was equipped with a sprinkler system.

Testimony: The Board then requested testimony from neighbors and elected officials. No individuals spoke in favor of or opposition to the request for relief.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for denial and Bickerstaff seconded and the Board voted unanimously to deny.

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.

Discussion: At the applicant's request the matter was deferred to the September 10, 2019 Hearing.

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(53-56) 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.

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 and then change occupancy to a three-family dwelling and build two-story addition..

Board Members asked about a roof deck access and basement ceiling height.

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 BPDA design review and Kindell seconded and the Board voted unanimously to approve.

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.

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 and build a rear addition and rear deck.

Board Members asked how long the owner has owned the property and about parking.

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 BPDA design review and Fortune seconded and the Board voted unanimously to approve.

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 conjunction with alt901333.

Discussion: At the applicant's request the matter was deferred to the September 10, 2019 Hearing.

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.

Discussion: At the applicant's request the matter was deferred to the September 10, 2019 Hearing.

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add front and rear dormers.

Board Members asked about the use of the second floor unit space and the square footage.

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 BPDA design review and Bickerstaff seconded and the Board voted unanimously to approve.

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.

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 6 unit dwelling with ancillary parking.

Board Members asked how parking will be accommodated and about a headhouse.

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 BPDA design review and a proviso that 3 parking spaces are to be provided at 370 Bremen Street and Galvin seconded and the Board voted unanimously to approve.

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to legalize existing basement living space.

Board Members asked about access to utilities.

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

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 existing structure.

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 and build addition.

Board Members asked about the rear lot line in relation to the building and if a deck was proposed.

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

Documents/Exhibits: Building Plans

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

Case: BOA-945127 **Address:** 164-170 Sumner 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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required add a fifth floor residential unit.

Board Members asked about the commercial space, square footage and bedroom counts and sizes.

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 Galvin moved for approval with BPDA design review and Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-934883 **Address:** 272 Sumner Street **Ward 1 Applicant:** 272 Sumner 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.

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 build an addition.

Board Members asked about the height of the addition, access to utilities and bedroom counts and unit sizes.

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

Documents/Exhibits: Building Plans

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

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.

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 three-family, extend living space into the basement and build a roof deck.

Board Members asked about the basement ceiling height, unit sizes and bedroom count.

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 BPDA design review and Galvin seconded and the Board voted unanimously to approve.

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) & Off-street 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).

Discussion: At the applicant's request the matter was deferred to the October 8, 2019 Hearing.

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.

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 four-story, single-family dwelling.

Board Members asked about the building height requirements and proposal and about a headhouse.

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

Documents/Exhibits: Building Plans

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

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.

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 from five to six residential units and office space.

Board Members asked if the residential units are rentals or owner-occupied.

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

Documents/Exhibits: Building Plans

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

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend the use as a parking lot for a fee for 16 vehicles.

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

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval with relief to expire in two years and Fortune seconded and the Board voted unanimously to approve.

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.

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 to six units.

Board Members asked about unit sizes and bedroom counts.

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

Documents/Exhibits: Building Plans

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

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct an addition and extend living space to basement.

Board Members asked about the proposed use of the basement and if a roof deck was proposed.

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

Documents/Exhibits: Building Plans

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

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].

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 two-family dwelling and add a rear deck.

Board Members asked about the proposed use of the basement space.

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

Documents/Exhibits: Building Plans

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

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.

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 a wireless communication facility.

Board Members asked about the drawings presented relative to the number and height of the antennas.

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 and Kindell seconded and the Board voted unanimously to approve.

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.

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 curb cut to allow access for 4 ancillary parking spaces.

Board Members asked about the location of the driveway.

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

Documents/Exhibits: Building Plans

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

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.

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.

Board Members asked about the use of the basement space, ceiling height and access to utilities.

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

Documents/Exhibits: Building Plans

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

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.

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.

Board Members asked about floor area ratio, basement ceiling height and roof deck.

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

Documents/Exhibits: Building Plans

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

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.

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 four unit residential dwelling.

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

Documents/Exhibits: Building Plans

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

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.

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 seven-unit residential dwelling with a roof deck.

Board Members asked about the dimensions of the headhouse.

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

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.

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.

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 two-family dwelling and add new rear decks and egress stairs.

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

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval and Bickerstaff seconded and the Board voted unanimously to approve.

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.

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 three-family dwelling and construct a one-story addition.

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

Documents/Exhibits: Building Plans

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

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.

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-family dwelling and install a curb cut.

Board Members asked about parking accommodations and if the proposal included an accessible unit.

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

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.

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.

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-family dwelling.

Board Members asked about parking accommodations and if the proposal included affordable units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Janey are in support, as is Department of Neighborhood Development.

Documents/Exhibits: Building Plans

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

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.

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

Board Members asked about roof and head house.

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 with BPDA design review to eliminate the proposed head house and Kindell seconded and the Board voted unanimously to approve.

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.

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-family dwelling and extend living space into the basement.

Board Members asked about unit sizes and 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 Bickerstaff seconded and the Board voted unanimously to approve.

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.

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 five residential units, with additional unit to be located in the basement.

Board Members asked about bedroom counts, basement ceiling height, the main entrance 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 Bickerstaff seconded and the Board voted unanimously to approve.

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide and erect a two-family dwelling to the rear of a single family dwelling on 36 Parkman Ave.

Board Members asked about the location of the building and parking.

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

Documents/Exhibits: Building Plans

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

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.

Discussion: At the applicant's request the matter was deferred to the August 13, 2019 Hearing.

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add a dormer to increase second floor living space.

Board Members asked about the size of the dormer.

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

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.

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect three townhouse units.

Board Members asked about layout and proximity to the street, unit sizes and bedroom counts and parking.

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

Documents/Exhibits: Building Plans

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

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to legalize the longstanding existing use as a six-family dwelling.

Board Members asked about unit sizes.

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

Documents/Exhibits: Building Plans

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

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.

Discussion: At the applicant's request the matter was deferred to the September 17, 2019 Hearing.

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add dormers to create additional unit.

Board Members asked about the proposed use of the attic and if there is basement living space.

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

Documents/Exhibits: Building Plans

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

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.

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 restaurant to a beer garden.

Board Members asked about the brewery and if food would be offered.

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

Documents/Exhibits: Building Plans

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

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.

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 eleven-unit to twelve-unit dwelling.

Board Members asked about clientele and average length of stay and the size of the units.

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

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval and Bickerstaff seconded and the Board voted unanimously to approve.

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.

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 three-family dwelling by adding unit to attic.

Board Members asked about the size of the attic unit and parking.

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

Documents/Exhibits: Building Plans

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

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.

Discussion: At the applicant's request the matter was deferred to the September 17, 2019 Hearing.

Case: BOA-892077 **Address:** 181-183 Coleridge Street **Ward 1 Applicant:** Theodore Touloukian for Ryan Acone

Article(s): 53(53-8) 53(53-8) 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.

Discussion: At the applicant's request the matter was deferred to the September 17, 2019 Hearing.

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.

Discussion: The applicant appeared before the Board and requested to withdraw the proposal.

Votes: Upon a motion for dismissal without prejudice and a second, the Board voted unanimously to dismiss without prejudice.

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to combine lots and erect a mixed use building with 23 residential units.

Board Members asked about if the units are "micro units" and if there is artist live-work space.

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

Documents/Exhibits: Building Plans

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

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)

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect four new two-family dwelling on four new lots.

Board Members asked about the total number of units.

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

Documents/Exhibits: Building Plans

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

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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect four new two-family dwelling on four new lots.

Board Members asked about the total number of units.

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

Documents/Exhibits: Building Plans

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

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(65-41) 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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect four new two-family dwelling on four new lots.

Board Members asked about the total number of units.

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

Documents/Exhibits: Building Plans

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

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(65-9) 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

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect four new two-family dwelling on four new lots.

Board Members asked about the total number of units.

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

Documents/Exhibits: Building Plans

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

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.

Discussion: The applicant notified the Board of her request to withdraw the proposal.

Votes: Upon a motion for dismissal without prejudice and a second, the Board voted unanimously to dismiss without prejudice.

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 https://www.municode.com/library/ma/boston/codes/redevelopment_authority

For a video recording of the July 9, 2019 Board of Appeal Hearings please go to: https://www.cityofboston.gov/cable/video_library.asp