



City of Boston
Board of Appeal

HEARING MINUTES

Tuesday, January 28, 2020

BOARD OF APPEALS

Room 801

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

EXTENSION: 9:30 a.m

Case: BOA-642817 **Address:** 101A Morris Street **Ward 1 Applicant:** Abdallah Sahraouia

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-389047 **Address:** 98-102 White 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-725224 **Address:** 37-41 Bowdoin Street **Ward 3 Applicant:** John Moran

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

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

BOARD FINAL ARBITER: 9:30 a.m

Case: BOA-986767 **Address:** 63 Violet Street **Ward 18 Applicant:** Hezekiah Pratt

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

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

Case: BOA-986769 **Address:** 65 Violet Street **Ward** 18 **Applicant:** Hezekiah Pratt

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

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

Case: BOA-919606 **Address:** 187 Sumner Street **Ward** 1 **Applicant:** East Boston Community Development Corporation

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

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

Case: BOA-919605 **Address:** 191-201 Summer Street **Ward** 1 **Applicant:** East Boston Community Development Corporation

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

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

HEARING: 9:30 a.m.

Case: BOA978302- **Address:** 56 Hillock Street **Ward** 20 **Applicant:** Robert De Oliviera Castro
Article(s): 67(67-9: Add'l Lot Area Insufficient, Floor Area Ratio Excessive, Usable Open Space Insufficient & Side Yard Insufficient)

Purpose: Demolish existing 2-story, single-family residence. Construction of new, 2.5 story, 2-family residence.

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 new two-family dwelling with four garage parking spaces.

Board Members asked about demolition delay and about the abutting property.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Arroyo 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 6 to 1 to approve. Chair Araujo voted in opposition.

Case: BOA-1029682 **Address:** 29 Rock Hill Road **Ward** 19 **Applicant:** Matthew Hayes
Article(s): 9(9-1) 55(55-9: Floor Area Ratio Excessive, Side Yard Insufficient & Rear Yard Insufficient)
Purpose: Erect an addition as per plans. Provide two (2) ancillary parking to 12 Rock Hill Road (ERT887667).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required erect a four-story, 14 unit residential building at 12 Rick Hill Road and two ancillary parking spaces at 29 Rock Hill Road.

Board Members asked about the size of the units, if any three-bedroom units were proposed and if the project had been before the Board in the past.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors O'Malley and Essaibi-George, the Carpenters Union and an abutter are in support. Multiple abutters are in opposition.

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

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

Case: BOA-1029680 **Address:** 12 Rock Hill Road **Ward** 19 **Applicant:** Matthew Hayes

Article(s): 55(55-8: Use:Multifamily Dwelling:Forbidden & Use:AncillaryParking:Conditional)

55(55-40: Off-Street Parking Insufficient & Off-Street Parking Design / Maneuverability (Tandem Parking)

55(55-9: Lot Area for Additional Dwelling Units Insufficient, Floor Area Ratio Excessive, Building Height (Feet) Excessive, Building Height (# of Stories) Excessive, Lot Frontage Insufficient, Usable Open Space Insufficient, Side Yard Insufficient & Rear Yard Insufficient)

Purpose: Combine 3 existing Lots into one 10,138 sq ft Lot of land, Lot A 29 Rock Hill Rd.

Parcel#1900258000 with Lot B, 31 Rock Hill Rd Parcel#1900258001 and Lot C Parcel #1900258002. This Lot to be known as 12 Rock Hill Rd. Erect a new 4 story, 15 Unit Residential Building. There will be a full Sprinkler system being installed. Propose (2) ancillary parking from 29 Rock Hill Road (ALT887611).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required erect a four-story, 14 unit residential building at 12 Rick Hill Road and two ancillary parking spaces at 29 Rock Hill Road.

Board Members asked about the size of the units, if any three-bedroom units were proposed and if the project had been before the Board in the past.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors O'Malley and Essaibi-George, the Carpenters Union and an abutter are in support. Multiple abutters are in opposition.

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

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

Case: BOA-1025330 **Address:** 16-18 Ada Street **Ward** 19 **Applicant:** Marc Rogovin

Article(s): 67(67-8) 67(67-32) 67(67-8.2)

67(67-9: Floor Area Ratio Excessive & Usable Open Space Insufficient)

Purpose: Change of Occupancy from Two-Family to Three-Family Dwelling. Remodel existing 2 car garage into a studio apartment.

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

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

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Fortune seconded, however, the motion failed to carry with 4 votes in favor and 3 votes in opposition. Members Araujo, Ruggiero and Deveau voted in opposition. Upon failure of the Board to reach a quorum, the Board entered a denial of the appeal.

Case: BOA-968679 **Address:** 707 Walk Hill Street **Ward** 18 **Applicant:** Mandrell Company, LLC

Article(s): 60(60-8) 60(60-37)

60(60-9: Lot size to erect a dwelling unit is insufficient, Minimum lot width requirement is insufficient, Minimum lot frontage requirement is insufficient, Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Open space requirement is insufficient, Side yard setback requirement is insufficient, Rear yard setback requirement is insufficient & Lot area requires per dwelling unit is insufficient)

Purpose: To Raze the existing garage and erect a three-story building with 4 residential units with three parking spaces.

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

Case: BOA-1027042 **Address:** 2254-2260 Dorchester Avenue **Ward** 17 **Applicant:** Patrick Newell

Article(s): 9(9-1)

Purpose: To expand existing restaurant to the abutting commercial space as per the attached plans, no change to building footprint.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to expand existing restaurant, Pat's Pizza.

Board Members asked about expanded seating inside restaurant.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Baker, Essaibi-George and Flaherty 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-1020221 **Address:** 39 Mellen Street **Ward** 17 **Applicant:** Jessica Krsticevic

Article(s): 65(65-8)

Purpose: Change of Occupancy to include Accessory Family Day Care Home serving 5 children. 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 change occupancy to include family daycare for five children.

Board Members asked about the current legal occupancy of the building, if the daycare is properly licensed, drop-off and pick-up, and the number of bedrooms in the dwelling.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Campbell are in support. Two abutters are in opposition, including the resident of unit 1 of the building seeking the relief.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for denial and Fortune seconded and the Board voted unanimously to deny.

Case: BOA-1027325 **Address:** 1526-1530 Dorchester Avenue **Ward 16 Applicant:** Lorraine Chapman
Article(s): 65(65-8)

Purpose: Change of Occupancy to include Performance Arts Center. New tenant fit out space located on the second floor plans, metal frame studs, window and door installments, insulation and dry wall application, electrical subcontractor and plumbing subcontractor. 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 change occupancy to include a performance arts center.

Board Members asked about the name of the business, hours of operation, performances and events, applicant's prior experience, number of room and about soundproofing.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Baker, Essaibi-George and Campbell, Fields Corner main Street and Fields Corner Civic Association are in support.

Documents/Exhibits: Building Plans

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

Case: BOA-1034060 **Address:** 10 Narragansett Street **Ward 16 Applicant:** James Christopher
Article(s): 65(65-9: Lot size requires to erect a new dwelling is insufficient, Floor area ratio is excessive, Usable open space is insufficient, Rear yard setback is insufficient & Height is excessive)
Purpose: Two construct a new two family residential building on the new lot created with the subdivision of 45 Minot St. ALT966081, as per the attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide lot at 45 Minot Street and erect new two-family dwelling on new lot, 10 Narragansett Street.

Board Members asked about changes to 45 Minot Street and about parking.

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

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Erlich moved for approval with BPDA design review for 10 Narragansett Street and BPDA design review for screening and buffering for 45 Minot Street and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1030857 **Address:** 45 Minot Street **Ward 16 Applicant:** James Christopher
Article(s): 65(65-42)

65(65-9: Lot size to accommodate dwelling after subdivision is Insufficient, Usable open space is insufficient & Rear yard setback requirement is insufficient)

Purpose: To Subdivide the existing 7,932 square foot lot at 45 Minot St. creating two new lots consisting of 4,988 Square feet at 45 Minot St.; and 2,944 on 10 Narragansett St.(ERT966086).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide lot at 45 Minot Street and erect new two-family dwelling on new lot, 10 Narragansett Street.

Board Members asked about changes to 45 Minot Street and about parking.

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

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Erlich moved for approval with BPDA design review for 10 Narragansett Street and BPDA design review for screening and buffering for 45 Minot Street and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-993496 **Address:** 23 Arcadia Street **Ward** 15 **Applicant:** John Barry

Article(s): 10(10-1) 65(65-8)

65(65-41: Parking insufficient & 65-41.5 a. parking maneuverability) 65(65-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Side Yard Insufficient & Rear Yard Insufficient)

Purpose: Change occupancy from two (2) residential units to eight (8) residential units. Construct rear addition to extend living space, also an addition of eight (8) parking spots.

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

Case: BOA-1014340 **Address:** 51 Bicknell Street **Ward** 14 **Applicant:** Derek Joyner

Article(s): 60(60-9)

Purpose: Demolition of some walls and install new framing where needed. Extend rear bedrooms and install new roof line. Install new hvac, plumbing, and electrical. New bathrooms, kitchens, and rebuild existing dilapidated rear porches. Install new siding and windows. (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 renovate the dwelling and rebuild rear decks.

Board Members asked about unit three.

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

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-1014344 **Address:** 29 Charlotte Street **Ward** 14 **Applicant:** 29 Charlotte Street, LLC

Article(s): 60(60-9)

Purpose: Change Occupancy from a Two Family Dwelling to a Three Family Dwelling. Construct new dormers at 3rd Floor. Expand living space into Basement and Attic.

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

Board Members asked about the size of the lot, dormers, intended use of the basement space, size of units and attic ceiling height.

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

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-999087 **Address:** 62-64 Boynton Street **Ward 11 Applicant:** Thomas Falcucci
Article(s): 55(55-9: Lot area for additional dwelling unit (s) insufficient, Floor Area Ratio excessive, Usable Open Space insufficient, Front Yard insufficient & Side Yard insufficient)
Purpose: Seeking to raze the existing garage and erect a 3-story building with 3 residential units and 3 parking spaces.

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 with three rear parking spaces.

Board Members asked about the number of bedrooms per unit.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors O'Malley 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-1026277 **Address:** 387-397 Dudley Street **Ward 8 Applicant:** Roxbury Development Corporation
Article(s): 50(50-41) 50(50-20: Excessive f.a.r, Height Exceeded, Insufficient usable open space & Insufficient rear yard setback) 50(50-43: Off street parking insufficient & Off Street Loading Insufficient)
Purpose: Add 583 sf Parcel B from adjacent Parcel 0802718000 at 383 Dudley Street to this existing Parcel 0802719000. Erect new 5 story mixed use building per plans. New building to be known as 387-397 Dudley Street. Occupancy to be 24 Residential units and 1,894 SQ FT of Core Shell, Raze existing building under separate building permit.

Discussion: At the applicant's request the matter was deferred to the March 10, 2020 Hearing.

Case: BOA-1026276 **Address:** 383-385 Dudley Street **Ward 8 Applicant:** Vila Nova Apartments Inc
Article(s): 50(50-20)
Purpose: Subdivide lot. Take 583 sf from this 1983 sf Parcel 0802718000, resulting in a revised Parcel 0802718000 now totaling 1400 sf. Add the 583 sf to the 7117 sf of existing Parcel 0802719000 at 387-397 Dudley Street which will now total 7700 sf for ERT1005883 (5 story/24 units and 1 core shell retail).

Discussion: At the applicant's request the matter was deferred to the March 10, 2020 Hearing.

Case: BOA-1026279 **Address:** 375-385 Dudley Street **Ward 8 Applicant:** Vila Nova Apartment Inc
Article(s): 50(50-20)
Purpose: Combine lot and building with lots and buildings at 379-381 Dudley and 383-385 Dudley Street. The resulting lot will total 4946 sf. (See Alt 1005934 and 1005939). The resulting building to be known as 375-385 Dudley Street. Renovate building per plans with one sprinkler system and one fire alarm system. Subject to ZBA approval on Alt to Subdivide #383-395 to give 583SF to lot 387-397 under ERT1005883, then In accordance with this application Combine remainder of lot with lot #'s 379-381 and 375-385 Dudley to include changing legal record to change occupancy from 3- 3 family/with commercial to a 9 units dwelling(MFR), store(existing), salon(existing) and tailor shop(existing).

Discussion: At the applicant's request the matter was deferred to the March 10, 2020 Hearing.

HEARINGS: 10:30 a.m.

Case: BOA-1019134 **Address:** 161 West Third Street **Ward 6 Applicant:** Aleksandr Gurovich

Article(s): 68(68-29)

Purpose: Build new deck on the top of the roof.

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

Board Members asked when the head house was built, if it was properly permitted and about the size of the 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 reduce the size of the head house and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-954514 **Address:** 194-200 Shawmut Avenue **Ward 3 Applicant:** Telephone Associates Robert Gottlieb, LLC

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

Purpose: The Applicant seeks to continue use the premises for an open air public parking lot for fee, capacity 89 vehicles beyond existing Board of Appeal decision BOA831956 granted to expire on July 1, 2019.

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 of an open air public parking lot beyond July 1, 2019 expiration.

Board Members asked about maintenance of the lot, capacity of the lot and about the Landmarks Commission process.

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

Documents/Exhibits: Building Plans

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

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

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

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

Discussion: At the applicant's request the matter was deferred to the February 25, 2020 Hearing.

Case: BOA-1029773 **Address:** 97-115 Beverly Street **Ward 3 Applicant:** Beverly Street Hotel 1B, LLC

Article(s): 49(49-9.1a)

Purpose: Change of occupancy from "Hotel, Residential & Retail, Parking Garage" to "Hotel with live entertainment, Residential & Retail, Parking Garage".

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 live entertainment for hotel.

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

Documents/Exhibits: Building Plans

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

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

Article(s): 27T-5 East Boston IPOD Applicability

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

Discussion: At the applicant's request the matter was deferred to the February 25, 2020 Hearing.

Case: BOA-1029609 **Address:** 567-569 Bennington Street **Ward 1 Applicant:** Jay Grey

Article(s): 53(53-8)

Purpose: Applying for change of use from 2 Family and store to 2 family and seating restaurant with to go.

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

Board Members asked about existing use and if appeal was to legalize existing use.

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

Documents/Exhibits: Building Plans

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

45 Minute Lunch Break

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-954709 **Address:** 361 Belgrade Avenue **Ward 20 Applicant:** John Gorman

Article(s): 29(29-4) (67(67-32)

67(67-12: Floor area ratio is excessive, Height is excessive & Front yard setback requirement is insufficient)

67(67-33: Front modal building alignment & Off street parking design (access drive and maneuverability)

Purpose: Erect new Roxbury Prep High School per plans. Demolish existing auto dealership and garage under separate permit. Some of the accessory off street parking are located in vacant lot of 371 Belgrade Ave (the lots are under the same ownership) Request nominal fee application.

Discussion: The applicant appeared before the Board and requested to defer the appeal to a later hearing date.

Board Members asked about two prior deferrals. The applicant stated the project has not completed review by the BPDA.

Documents/Exhibits: Building Plans

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

Case: BOA-954714 **Address:** 371 Belgrade Avenue **Ward** 20 **Applicant:** John Gorman

Article(s): 10(10-1) 29(29-4) 67(67-30)

Purpose: On vacant Parcel 5 that is 7,048sf Parcel ID 2001593005, with deed restriction to allow only parking, create 20 off street accessory parking on said lot to exclusive use of proposed new school at 361 Belgrade Ave (ERT931128).

Discussion: The applicant appeared before the Board and requested to defer the appeal to a later hearing date.

Board Members asked about two prior deferrals. The applicant stated the project has not completed review by the BPDA.

Documents/Exhibits: Building Plans

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

Case: BOA-1018347 **Address:** 36-40 Sprague Street **Ward** 18 **Applicant:** Paul McDonald

Article(s): 69(69-14: Use: Multi-family Dwelling : Forbidden,Use:AccessoryPark-ing:Forbidden)

69(69-15: Floor Area Ratio Excessive,Building Height Excessive)

69(69-29: Off-Street Parking Insufficient, Off-Street Loading Insufficient)

69(69-30: Conformity with Existing Building Alignment, Two or More Dwellings located on the Same Lot)

Purpose: Building # 1 - Erect a new 5 story 101 Unit Apartment Building with Parking on 1st Floor level. Existing vacant Warehouse will be removed.

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 101 unit residential dwelling at 36-40 Sprague Street and a 146 unit residential dwelling at 38-40 Sprague Street with a total of 32 affordable units at 70% AMI.

Board Members asked about the size of the various units and about commercial space.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, the Carpenters Union and two abutters 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-1018350 **Address:** 38-40 Sprague Street **Ward** 18 **Applicant:** Paul McDonald

Article(s):69(69-14: Use: Multi-family Dwelling : Forbidden,Use:AccessoryPark-ing:Forbidden)

69(69-15: Floor Area Ratio Excessive,Building Height Excessive)

69(69-29: Off-Street Parking Insufficient, Off-Street Loading Insufficient)

69(69-30: Conformity with Existing Building Alignment, Two or More Dwellings located on the Same Lot)

Purpose: Building # 2 - Erect a new 5 story 146 Unit Apartment Building with Parking on 1st Floor level. Existing vacant buildings to be removed on separate contract.

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 101 unit residential dwelling at 36-40 Sprague Street and a 146 unit residential dwelling at 38-40 Sprague Street with a total of 32 affordable units at 70% AMI.

Board Members asked about the size of the various units and about commercial space.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, the Carpenters Union and two abutters 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-956971 **Address:** 118 Harrishof Street **Ward 12 Applicant:** Prince Kallon

Article(s): 50(50-28) 50(50-29: Add'l lot area insufficient, Floor area ratio excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 50(50-43)

Purpose: Change Occupancy from a Three Family dwelling to a Four Family dwelling by adding the new apt into the basement. Renovate existing basement according to plans - Remove and replace staircase from first floor foyer to basement at the same location install half bath in basement. Construct new dormer addition.

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

Case: BOA-907831 **Address:** 75 G Street **Ward 7 Applicant:** Douglas Stefanov

Article(s): 10(10-1) 27P(27P-5) 68(68-8) 68(68-29) 68(68-34)

Purpose: Confirm occupancy a 3 family dwelling & store and change to 4 unit multi family. Demolish single story merchant building attached to main house, move existing accessory stable/garage building to the back of the lot and build a new one unit building attached to the existing main house. Rework the interior of the existing house to share one common staircase. Building to be equipped with an automatic sprinkler system.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a three-family dwelling and store to a four unit residential dwelling. Vacant store to become fourth unit.

Board Members asked about proposed deck, location of parking and number of parking spaces.

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

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Fortune moved for denial and Kindell seconded and the Board voted unanimously to deny.

Case: BOA-981842 **Address:** 1269 Massachusetts Avenue **Ward 7 Applicant:** Hector Guerrero

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

Purpose: To increase Occupant Load of existing Restaurant from 88 to 136. Install new Fire Sprinkler system. Install a new side door.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to increase the occupant load of the Home Run Café from 88 to 136 persons.

Board Members asked about handicap accessibility, entertainment and soundproofing.

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

Documents/Exhibits: Building Plans, letter of support

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

Case: BOA-1000990 **Address:** 48-50 L Street **Ward 6 Applicant:** John Hurd

Article(s): 27S(27S-5) 68(68-29) 68(68-8: Floor area ratio excessive & Side yard insufficient)

Purpose: Confirm occupancy as 6 family. Interior and exterior renovation of existing 6 unit building. Construct new rear addition on third floor on existing second floor footprint, exterior rear deck, exterior stairway and roof deck. 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 confirm occupancy for six dwelling units and extend living space to the basement and erect rear addition to third floor and build rear and roof decks.

Board Members asked about lot size, current occupancy, basement ceiling height, third floor addition, access to the roof deck and units types and sizes.

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

Documents/Exhibits: Building Plans

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

Case: BOA-1005906 **Address:** 135 Mount Vernon Street **Ward 5 Applicant:** Parish of the Advent

Article(s): 32(32-9)

Purpose: Remodel kitchen, kitchenette, and bathrooms, install new HVAC systems, update electric, paint and legalize finished basement.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate dwelling.

The Board noted the BWSC letter of Article 32 compliance is on file.

Documents/Exhibits: Building Plans

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

Case: BOA-913646 **Address:** 472 East Fourth Street **Ward 6 Applicant:** Alpine Advisory Services

Article(s): 27S(27S-5) 68(68-33) 68(68-7.2) 68(68-8: Excessive f.a.r. (no alteration permits on record to extend living space into the basement area) & Insufficient usable open space per unit)

Purpose: Confirm legal occupancy as 3 dwelling units and change occupancy from 3 to 6. Rehabilitation of 6 units with new kitchens and bathroom and reconfigured space, and reconstruction of existing headhouse and existing roof deck, all as shown of plans filed herewith, NO Record of Legal Occupancy.

Discussion: At the applicant's request the matter was deferred to the March 10, 2020 Hearing.

Case: BOA#913653 **Address:** 472 East Fourth Street **Ward 6 Applicant:** Alpine Advisory Services

Purpose: Confirm legal occupancy as 3 dwelling units and change occupancy from 3 to 6. Rehabilitation of 6 units with new kitchens and bathroom and reconfigured space, and reconstruction of existing headhouse and existing roof deck, all as shown of plans filed herewith, NO Record of Legal Occupancy. *Updated drawings provided 4/25/19. Section 9th Edition 780 CMR CHPT 10 Chapter 10. Section 1031 Emergency escape window required within the basement bedroom located below grade.

Discussion: At the applicant's request the matter was deferred to the March 10, 2020 Hearing.

Case: BOA1003594-**Address:** 138 Trenton Street **Ward 1 Applicant:** Tory Kelliher

Article(s): 53(53-52) 53(53-9)

Purpose: Construction of New Roof Deck. Amendment to ALT930884.

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 living space of the first floor unit to the basement and build a new roof deck with access via a spiral staircase.

Board Members asked about basement ceiling height, current legal occupancy, intended use of the basement space, access to utility equipment, and about the roof deck and access thereto.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for deferral and Kindell seconded and the Board voted unanimously to defer the matter to the March 24, 2020 hearing.

Case: BOA-1028014**Address:** 138 Trenton Street **Ward 1 Applicant:** Tory Kelliher

Article(s): 53(53-9)

Purpose: Extend living space of Unit A (1st floor) into finished basement area

Clarification: Amend issued Alt of record to Extend living space into the basement area 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 the living space of the first floor unit to the basement and build a new roof deck with access via a spiral staircase.

Board Members asked about basement ceiling height, current legal occupancy, intended use of the basement space, access to utility equipment, and about the roof deck and access thereto.

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

Documents/Exhibits: Building Plans

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

Case: BOA-942611 **Address:** 193-195 Chelsea Street **Ward 1 Applicant:** Jordan Lofaro

Article(s): 53(53-8)

Purpose: Change occupancy from 3 tenants and store to Lodging House. This is a 3-story building, outfitted for safety. Every unit is equipped with fire escape, ceiling sprinklers, and interconnected fire alarm. All the locks are electronic deadbolt, and there are internet-connected security cameras at each entrance.

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 lodging house.

Board Members asked if the building was to operate as a traditional lodging house, if the units were to be offered for short-term rental, about the number of units, bedrooms and bathrooms.

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

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Deveau moved for denial and Fallon seconded and the Board voted 6 to 1 to approve. Board Member Ruggiero voted in opposition.

Case: BOA-948426 **Address:** 115 Leyden Street **Ward 1 Applicant:** Sun Property Group, Inc. (by Richard C. Lynds)

Article(s): 53(53-8) 53(53-9: Floor area ratio is excessive, Height is excessive (stories), Front yard setback is insufficient, Side yard setback is insufficient & Rear yard setback is insufficient) 27T(27T-5) 25(25-5) 53(53-56) **Purpose:** Demolish existing structure and erect new 8-residential unit building with 9 parking spaces.

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

Case: BOA-1012912 **Address:** 46 Bellamy Street **Ward:** 22 **Applicant:** Eamon Geoghegan

Article(s): 51(51-9: Front yard insufficient & Side yard insufficient)

Purpose: Add attached 2 car garage with storage, add new front deck, and add covered and open rear deck. Change occupancy to include 2 car garage.

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

INTERPRETATION: 12:00noon

Case: BOA-1020647 **Address:** 54 River Street **Ward 17 Applicant:** Paul Clarke, Et AL

Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the Permit # ERT898883. The permit was issued as an allowed use.

Discussion: At the request of the Board, the Appellants presented their argument as to why the issuance of the permit which is the subject of the appeal, which was issued as of right, was in error. The Appellants argued that the proposed project should have incurred numerous dimensional violations and that the applicant is overburdening an easement.

Kim Thai, Assistant Commissioner of the Inspectional Services Department testified that all dimensions of the proposed project were within the requirements for the zoning subdistrict.

Board Members asked about lot size, floor area ratio, rear and side yard setbacks and the existence of and use of easements.

Documents/Exhibits: Building Plans, letters of opposition, photographs

Votes: Board Member Erlich moved for referral of the appeal to the law department for an opinion on zoning issues in dispute and Fortune seconded and the Board voted unanimously to approve the referral.

RECOMMENDATION/HEARINGS:

Case: BOA-1027566 **Address:** 171 Lexington Street **Ward:** 1 **Applicant:** Mark Richards

Article(s): 53(53-6) 53(53-9)

Purpose: Complete Renovations to existing basement begun by previous owner and change occupancy from 1 to 2 family.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with no building code relief.

Documents/Exhibits: Building plans

Case: BOA-1014461 **Address:** 10 Austin Street **Ward:** 2 **Applicant:** Kathy Harney
Article(s): 62(62-25) 62(62-8)
Purpose: Build roof deck on existing rubber roof.

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

Documents/Exhibits: Building plans

Case: BOA-9982243 **Address:** 5-7 Thornton Street **Ward:** 9 **Applicant:** Joshua Rose-Wood
Article(s): 50(50-29: Insufficient side yard setback, Insufficient rear yard setback & Insufficient front yard setback) **Purpose:** Confirm occupancy as 2 family. 3rd Floor Addition; Replace Exterior Cladding and Insulation; Interior Modifications to Accommodate Addition; Electrical, Plumbing and Finishes as Required.

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

Documents/Exhibits: Building plans

Case: BOA-1024539 **Address:** 32 Jamaica Street **Ward:** 11 **Applicant:** Nina Reis
Article(s): 55(55-9: Front yard insufficient & Side yard insufficient)
Purpose: Rebuilding enclosed new porch in existing porch location. Exact same footprint 6'x18'.

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

Documents/Exhibits: Building plans

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

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend deferral to the February 13, 2020 subcommittee hearing.

Documents/Exhibits: Building plans

Case: BOA-1004055 **Address:** 20-22 Spaulding Street **Ward:** 16 **Applicant:** Robert Bankowski
Article(s): 69(69-9: Excessive F.A.R. (1732.5 sf max), # of allowed stories exceeded (2.5 story max), Insufficient side yard setback (9' min. required) & Insufficient rear yard setback (29'-2" min required))
Purpose: Extending Living area in the Attic and Construct left and right Dormers to include a third floor deck.

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

Documents/Exhibits: Building plans

Case: BOA-1009206 **Address:** 76 Wheatland Avenue **Ward:** 17 **Applicant:** Ameika Walsh
Article(s): 65(65-9)

Purpose: Extend living space into the basement-family room, laundry room/storage & full bathroom.

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

Documents/Exhibits: Building plans

Case: BOA-1014369 **Address:** 10 Hale Street **Ward:** 18 **Applicant:** Kevin Zhang

Article(s): 69(69-29) 69(69-8) 69(69-9: Floor area ratio excessive & Side yard insufficient) 69(69-9.3)

Purpose: Change of occupancy from 1F to 2 Family dwelling.

Discussion/Vote: The applicant failed to appear at the hearing. The Subcommittee voted to recommend dismissal without prejudice.

Documents/Exhibits: Building plans

Case: BOA-1023224 **Address:** 170 Sherrin Street **Ward:** 18 **Applicant:** Michael Stallings

Article(s): 69(69-9: Side yard insufficient & Rear yard insufficient)

Purpose: Construct 2 story 16x30' addition.

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

Documents/Exhibits: Building plans

Case: BOA-1003353 **Address:** 48 Saint John Street **Ward:** 19 **Applicant:** Recreate Properties, LLC

Article(s): 55(55-9)

Purpose: To extend living space into basement area per plan to amend ALT947580.

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

Documents/Exhibits: Building plans

Case: BOA-1003355 **Address:** 48 Saint John Street **Ward:** 19 **Applicant:** Recreate Properties, LLC

Article(s): 55(55-40) 55(55-40.5d)

Purpose: Curb cut and parking for 2 cars on Rockview Street side of property. This side of the street does not have street parking.

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

Documents/Exhibits: Building plans

Case: BOA-1017258 **Address:** 166 Bellevue Street **Ward:** 20 **Applicant:** Paul Abelite

Article(s): 56(56-39) 56(56-8)

Purpose: House Renovation to existing structure, demolition of rear structure, and addition of New Living area. Add 3 off street parking.

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

Documents/Exhibits: Building plans

Case: BOA-1007727 **Address:** 295 Bellevue Street **Ward:** 20 **Applicant:** Adam Maguire
Article(s): 56(56-8: Floor area ratio excessive, Front yard insufficient, Rear yard insufficient & Side yard insufficient) **Purpose:** Construct 2-story side with garage below and rear addition. Propose covered porch to existing single family residence.

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

Documents/Exhibits: Building plans

Case: BOA-1007434 **Address:** 40 Church Street **Ward:** 20 **Applicant:** Douglas Wohn
Article(s): 56(56-8: Floor area ratio excessive, Bldg height excessive (stories) & Side yard insufficient) **Purpose:** New Electrical, Plumbing, Roofing, Foundation of left side extension, Siding Windows, Flooring, Kitchen, Baths. Works also include front and rear dormers and extending living space into basement. Remodel to existing SFR..in conjunction with SF991275. ZBA.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with provisos for BPDA design review, for removal of the second floor addition over sunroom and for the creation of a landscaping barrier.

Documents/Exhibits: Building plans

Case: BOA-1017199 **Address:** 43 Lasell Street **Ward:** 20 **Applicant:** Matthew Murphy
Article(s): 56(56-8)
Purpose: Construct 9'x15'3 one-story addition.

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

Documents/Exhibits: Building plans

Case: BOA-1026659 **Address:** 53 Collidge Road **Ward:** 22 **Applicant:** Charles Domners
Article(s): 51(51-9: Floor area ratio excessive, Building height (# of stories) excessive & Usable open space insufficient) 51(51-56)
Purpose: Gut / renovate existing Single Family Home and convert to a Two (2) Family Dwelling. Expand Living space into Basement. Construct new dormer at Attic Level. Expand Living space into Attic Level.

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

Documents/Exhibits: Building plans

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

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend deferral to the February 13, 2020 subcommittee hearing.

Documents/Exhibits: Building plans

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

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend deferral to the February 13, 2020 subcommittee hearing.

Documents/Exhibits: Building plans

STEPHANIE HAYNES
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TYRONE KINDELL, JR
NADINE FALLON
EDWARD DEVEAU

For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to https://www.municode.com/library/ma/boston/codes/redevelopment_authority

For a video recording of the January 28, 2020 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp