



City of Boston
Board of Appeal

HEARING MINUTES

Tuesday, April 24, 2018

BOARD OF APPEALS

Room 801

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

APPROVAL OF HEARING MINUTES:

April 10, 2018 and April 24, 2018

Upon a motion and a second, the Board voted unanimously to approve the Minutes.

EXTENSION: 9:30 a.m.

The applicant requested an extension on the zoning relief previously granted by the Board relative to the following case. The Board unanimously voted to approve the extension for a period of one year.

Case: BOA-482365, **Address:** 75 Bellevue Street, **Ward 15 Applicant:** Joao Depina

BOARD FINAL ARBITER: 9:30 a.m.

Case: BOA-587183, **Address:** 194 Havre Street, **Ward 1 Applicant:** Nonni Roz, LLC

Discussion: The applicant requested that the Board approve design changes made to the proposed project at 194 Havre Street through the BRA design review process. Among other revisions, the number of parking spaces increased from 7 to 8 spaces.

Vote: Upon a motion and a second, the Board voted to approve the described design changes.

Case: BOA-712843, **Address:** 243 Condor Street, **Ward 1 Applicant:** Condor Creek, LLC

Discussion: The applicant requested that the Board approve design changes made to the previously approved project at 243 Condor Street. Specifically, the applicant requested approval of a head house rather than a hatch through which to access the roof deck.

Vote: Upon a motion and a second, the Board voted to approve the described design changes.

HEARINGS: 9:30 a.m.

Case: BOA-799590, **Address:** 27-29 Everett Street , **Ward** 22 **Applicant:** Hao Quan

Article(s): 51(51-9)

Purpose: Legalize existing basement living space to be an extension of habitable space from first floor unit. Renovation to include changes to comply with building code, interior spiral staircase connecting 1st floor and basement, and some cosmetic enhancements.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail to legalize an existing basement living space, an extension of habitable space from the first floor unit. Renovations include spiral staircase and kitchen update.

The Board inquired about floor to ceiling height. The applicant responded 7'6 . The Board asked why isn't the basement considered a second unit. The applicant stated there is a spiral stair connecting first floor and basement and one metering system.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor's Cuomo and Brighton Allston Improvement Association and Allston Civic Association are in support,

Documents/Exhibits: Building Plans

Vote: A Board Member moved for approval with a proviso that the proposed kitchen is to be eliminated, the motion was seconded, Member Erlich opposed. The motion to approve carried.

Case: BOA-720063, **Address:** 81 Chestnut Hill Avenue , **Ward** 21 **Applicant:** Deborah O'Rourke

Article(s): 51(51-8) 51(51-9: Floor area ratio excessive, Height excessive, Front yard (51-57.2 EBA) insufficient, Front yard (other street) (51-57.2 EBA) insufficient & Side yard insufficient) 51(51-56) 51(51-57)

Purpose: Erect a new 15 unit residential building with parking below as per plans. Permit set to be submitted upon ZBA approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating to erect a 14 unit building (originally 15 units) on a 19,000 sf lot.

Board members asked the zoning district. Board members inquired about off street parking . Applicant responded that there are 17 below grade level.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor's Cuomo and BAIA are in support. One (1) abutter is in support and one (1) abutter opposed.

Documents/Exhibits: Building Plans

Vote: Board Member Galvin moved to approve and Board member Fortune seconded . The Board voted unanimously to approve.

Case: BOA-754385, **Address:** 18 Bexley Road , **Ward** 19 **Applicant:** Christopher Miller
Article(s): 67(67-9: Insufficient minimum lot size, Insufficient minimum lot width, Insufficient minimum lot frontage, Excessive F.A.R., Excessive number of stories, Insufficient usable open space, Insufficient side yard setback & Insufficient rear yard setback)
Purpose: Demo existing garage structure and (see short form application) construct single dwelling with 2 car garage.

Discussion: At the request of the applicant **this case has been deferred to June 12, 2018.**

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

Case: BOA-768740, **Address:** 208 Neponset Valley Parkway , **Ward** 18 **Applicant:** Patrick Mahoney
Article(s): 69(69-12: Floor area ratio excessive, Height is excessive (35 ft max. allowed), Height is excessive (2 1/2 stories max. allowed), Front yard setback is insufficient, Rear yard setback is insufficient & Off street parking design (size 8.5' x 20.0')) 69(69-29.5) 69(69-21) 69(69-25) 69(69-29)
Purpose: Combine lot A parcel # 1809836000 with Lot B Parcel # 1809835000 to become one lot and erect 9 unit building with under parking as per plans supplied.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail to combined lot A with lot B to become one lot and erect 7 units, originally 9 units revised set of plan submitted. The applicant testified that this will be a modal front yard. Discussion of violations proposed vs. required.

Board members inquired about the parking spaces.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services opposed/deferral. Councilors McCarthy and Flaherty spoke in support, as did one abutter. One abutter opposed and said that ISD missed the side yard use violations.

Documents/Exhibits: Building Plans

Vote: A Board Member moved for approval, another seconded and the Board voted unanimously to approve

Case: BOA-788469, **Address:** 6-8 Claridge Terrace , **Ward** 17 **Applicant:** Paulo Mendes
Article(s): 65(65-41) 64(64-8) 65(65-9)
Purpose: Change Occupancy by extending living space into basement into an in-law apartment with full kitchen.. and change from 2 family to 3 family.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposal in detail to

change occupancy from a 2 to 3 and extend living space into basement (really creating new living space).

Board members inquired about the parking spaces configuration and how many tandem. The applicant stated none. The Board members inquired about the year the building was built. The applicant responded 2013

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

Vote: Board Member moved for approval with a proviso that the utility room redesigned in accordance with building code. Hold signature showing this and the Board voted unanimously to approve.

Case: BOA-806800, **Address:** 136 Neponset Avenue , **Ward 16 Applicant:** John Pulgini
Article(s): 65(65-8) 65(65-9: Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Front yard insufficient & Rear yard insufficient)
Purpose: To raze existing 2.5 story funeral home and erect a new 5 story 6 unit residential building with 10 parking spaces. (4 applications Reference ALT789999, ALT790003, ERT789863, ERT789870).

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating the applicant is razing existing 2.5 story funeral home and erect a new 5 story 6 unit residential building with 10 parking spaces

Board members inquired about the size of the units and parking configuration. The applicant stated two (2) car parking for each town house

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flaherty are in support. One (1) abutter opposed because of height and value.

Documents/Exhibits: Building Plans

Vote: Board Member Erlich moved for approval with BRA review, Member Fortune seconded and the Board voted unanimously to approve

Case: BOA-806799, **Address:** 11-15 Tilesboro Street , **Ward 16 Applicant:** John Pulgini
Article(s): 65(65-8) 65(65-9: Floor area ratio excessive, Bldg height excessive (feet), Bldg height excessive (stories) & Front yard insufficient)
Purpose: To raze existing 2 story building and erect a new 4 story 3 unit townhouse style residential building with 6 off street parking spots. (4 applications Reference ALT789999, ALT790003, ERT789863, ERT789870).

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating the applicant is razing existing 2 story building to erect a 4 story 3 unit townhouse residential building with 6 off street parking spots.

Board members inquired about the size of the units and parking configuration.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flaherty are in support. One (1) abutter opposed because of height and value.

Documents/Exhibits: Building Plans

Vote: Board Member Erlich moved for approval with BRA review, Member Fortune seconded and the Board voted unanimously to approve

Case: BOA-786957, **Address:** 21 Woodworth Street , **Ward** 16 **Applicant:** John Lyons
Article(s): 65(65-9: Bldg height excessive (stories), Front yard insufficient, Rear yard insufficient, Side yard insufficient & Floor area ratio excessive) 65(65-7)
Purpose: Construct a new 3 story building for 6 homes with 10 below grade parking spaces and exterior porches for each home on roof.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating construct a 3 story, 6 unit building with 10 below grade parking spaces and exterior porches for each home on roof.

Board members inquired about the size of the units and access to garage.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor's Baker and Flaherty representatives spoke in support as well as one (1) abutter.

Documents/Exhibits: Building Plans

Vote: Board Member Pisani moved for approval with BRA review, Member Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-807032, **Address:** 21 Angell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC
Article(s): 10(10-1)
Purpose: 21 Angell St. will be subdivided into two equal-sized 5,000 sq ft Lots where the right side lot will be considered 19 Angell St. and the left side lot will be considered 21 Angell St. A Single Family attached Home will be constructed on each of the lots with a party wall dividing the two houses on the lot line. This project is a part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in

detail stating construct a single family attached home 1 of 12 related appeals for 12 contiguous vacant lots

Board members asked how many bedrooms. The applicant stated 3 bedroom per unit. The Board member asked are they affordable. The applicant state yes. The Board member asked if there was any living space in basement. The applicant stated no.

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

Vote: Board Member Erlich moved for approval with BRA review, Member Galvin seconded and the Board voted unanimously to approve

Case: BOA-807036, **Address:** 22 Angell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 10(10-1) 60(60-9) Purpose: 21 Angell St, Ward 14 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 10(10-1)

Purpose: 22 Angell St. will have a Single Family Home constructed on the currently vacant 5,334 sq ft Lot. 56 sq ft of the lot will be subdivided out and given to the neighbor at 20 Angell St. due to their walkway that is currently located in that area. This project is apart of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating construct a single family attached home 1 of 12 related appeals for 12 contiguous vacant lots. The applicant described the building as being consistent with abutting properties.

Board members asked how many bedrooms. The applicant stated 3 bedroom per unit. The Board member asked are they affordable. The applicant state yes. The Board member asked if there was any living space in basement. The applicant stated no.

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

Vote: Board Member Erlich moved for approval with BRA review, Member Galvin seconded and the Board voted unanimously to approve

Case: BOA-807038, **Address:** 28 Angell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 10(10-1) 60(60-9)

Purpose: 21 Angell St, Ward 14 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 10(10-1) Purpose: 28 Angell St. is currently a vacant parcel of land. A Single Family Home will be constructed on the 5,420 sq ft Lot. This project is a part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating construct a single family attached home 1 of 12 related appeals for 12 contiguous vacant lots

Board members asked how many bedrooms. The applicant stated 3 bedroom per unit. The Board member asked are they affordable. The applicant state yes. The Board member asked if there was any living space in basement. The applicant stated no.

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

Vote: Board Member Erlich moved for approval with BRA review, Member Galvin seconded and the Board voted unanimously to approve

Case: BOA-807040 **Address:** 37 Angell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 60(60-9) Purpose: 21 Angell St, Ward 14 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 10(10-1)
Purpose: 37 Angell St. will be subdivided into two equal-sized 3,313 sq ft Lots where the right side lot will be considered 37 Angell St. and the left side lot will be considered 39 Angell St. Construct a Single Family attached Home on each of the lots with a party wall dividing the two houses on the lot line. This project is a part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating construct a single family attached home 1 of 12 related appeals for 12 contiguous vacant lots

Board members asked how many bedrooms. The applicant stated 3 bedroom per unit. The Board member asked are they affordable. The applicant state yes. The Board member asked if there was any living space in basement. The applicant stated no.

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

Vote: Board Member Erlich moved for approval with BRA review, Member Galvin seconded and the Board voted unanimously to approve

Case: BOA-807041, **Address:** 39 Angell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 60(60-9)
Purpose: 21 Angell St, Ward 14 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 10(10-1) Purpose: 37 Angell St. will be subdivided into two equal-sized 3,313 sq ft Lots where the right side lot will be considered 37 Angell St. and the left

side lot will be considered 39 Angell St. Construct a Single Family attached Home on each of the lots with a party wall dividing the two homes on the lot line. This project is a part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating construct a single family attached home 1 of 12 related appeals for 12 contiguous vacant lots

Board members asked how many bedrooms. The applicant stated 3 bedroom per unit. The Board member asked are they affordable. The applicant state yes. The Board member asked if there was any living space in basement. The applicant stated no.

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

Vote: Board Member Erlich moved for approval with BRA review, Member Galvin seconded and the Board voted unanimously to approve

Case: BOA-807044, **Address:** 12 Lorne Street , **Ward** 14 **Applicant:** Oxbow Urban LLC
Article(s): 60(60-9: Lot width insufficient, Lot frontage insufficient & Building height (# of stories) excessive) Purpose: 21 Angell St, Ward 14 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 10(10-1)
Purpose: 12 Lorne St. is currently a 3,214 sq ft vacant lot. Construct a Single Family attached Home with a party wall located on the lot line between 12 Lorne and 14 Lorne St. This project is a part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Discussion: At the request of the applicant **this case has been deferred to June 26, 2018.**

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

Case: BOA-807046, **Address:** 14 Lorne Street , **Ward** 14 **Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 60(60-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient & Building height excessive)
Purpose: 14 Lorne St. is currently a 3,214 sq ft vacant Lot. Construct a Single Family attached Home with 12 Lorne St. Lot will be subdivided to provide a 9 foot wide strip of land totaling 723 S.F. to the neighbor located at 16 Lorne St. to provide them access for Driveway. The remaining lot will be 2,491 S.F. and will have a Single Family attached Home constructed. It will comprise of a party wall that will divide the two homes on the lot line that is between 12 Lorne St. and 14 Lorne St. This project is a part of the City of Boston's Department of (DND) NHI Middle Income Housing Program.

Discussion: At the request of the applicant **this case has been deferred to June 26, 2018.**

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

Case: BOA-807049, **Address:** 240 Norwell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive & Building height (#of stories) excessive)

Purpose: 240 Norwell St and the subdivided land to the rear of the parcel that was given by 242 Norwell will be combined as one lot to be considered 240 Norwell St. 240 Norwell St will be subdivided in the rear of the lot providing a 3.8 foot wide strip of land totaling 112 S.F. to be given to the rear abutting neighbor. The remaining 2846 S.F. Lot will have a Single Family attached Home constructed on it with a party wall that is located on the lot line between 240 Norwell St and 242 Norwell St. This project is a part of the City of Boston's Department of (DND) NHI Middle Income Housing Pro-gram.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating construct a single family attached home 1 of 12 related appeals for 12 contiguous vacant lots

Board members asked how many bedrooms. The applicant stated 3 bedroom per unit. The Board member asked are they affordable. The applicant state yes. The Board member asked if there was any living space in basement. The applicant stated no.

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

Vote: Board Member Erlich moved for approval with BRA review, Member Galvin seconded and the Board voted unanimously to approve

Case: BOA-807053, **Address:** 242 Norwell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive & Building height (# of stories) excessive)

Purpose: 242 Norwell St and 244 Norwell St will be combined as one lot to be considered 242 Norwell St. and then the part of land that spans the width of 240 Norwell will be subdivided to be given to 240 Norwell. 242 Norwell will further subdivided in the rear of the lot to provide a 3.8 foot wide sliver of land totally 139 S.F. to be provided to the rear abutting neighbor. The remaining 3,519 sq ft Lot will have a new Single Family attached Home constructed with a party wall that will be located on the lot line between 240 Norwell St and 242 Norwell St. This project is a part of the City of Boston's Department of (DND) NHI Middle Income Housing Program.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating construct a single family attached home 1 of 12 related appeals for 12 contiguous vacant lots

Board members asked how many bedrooms. The applicant stated 3 bedroom per unit. The Board member asked are they affordable. The applicant state yes. The Board member asked if there was any living space in basement. The applicant stated no.

Documents/Exhibits: Building Plans

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

Vote: Board Member Erlich moved for approval with BRA review, Member Galvin seconded and the Board voted unanimously to approve

Case: BOA-807054, **Address:** 76 Spencer Street , **Ward** 14 **Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 65(65-9: Lot area insufficient, Floor area ratio excessive, Building height (# of stories) excessive & Front yard insufficient)

Purpose: 76 Spencer is currently a vacant parcel of land that will have a Single Family Home constructed on the existing 4,612 sq ft Lot. This project is part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating construct a single family attached home 1 of 12 related appeals for 12 contiguous vacant lots

Board members asked how many bedrooms. The applicant stated 3 bedroom per unit. The Board member asked are they affordable. The applicant state yes. The Board member asked if there was any living space in basement. The applicant stated no.

Documents/Exhibits: Building Plans

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

Vote: Board Member Erlich moved for approval with BRA review, Member Galvin seconded and the Board voted unanimously to approve

Case: BOA-807055 **Address:** 113 Wheatland Avenue , **Ward** 14 **Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive & Building height (# of stories) excessive)

Purpose: 115 Wheatland Ave. will be subdivided into two equal sized lots where the right side lot will be considered 115 Wheatland Ave. 113 Wheatland Ave will further subdivide an 83 S.F. sliver of land in the rear of the lot to be provided to the neighbor located at 111 Wheatland Ave. The remaining 2667 S.F. lot will have a Single Family attached Home constructed on it with a party wall located on the lot line between 113 Wheatland Ave and 115 Wheatland Ave. This project is part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Discussion: At the request of the applicant **this case has been deferred to June 26, 2018.**

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

Case: BOA-807056, **Address:** 115 Wheatland Avenue , **Ward** 17 **Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive & Building height (# of stories) excessive)

Purpose: 115 Wheatland Ave. will be subdivided into two equal sized lots where the right side lot will be considered 113 Wheatland Ave and the left side lot will be considered 115 Wheatland Ave. A Single Family attached Home will be constructed on the lot with a party wall located on the lot line between 113 Wheatland Ave and 115 Wheatland Ave. This project is part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Discussion: At the request of the applicant **this case has been deferred to June 26, 2018.**

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

Case: BOA-799148, **Address:** 951-959A Dorchester Avenue , **Ward**13 **Applicant:** 959 Dot LLC
Article(s): 65(65-8) 65(65-9: Lot area for additional dwelling units insufficient, Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 65(65-41: Off-street parking insufficient & Off-street parking design/maneuverability (Tandem Parking))

Purpose: Construct a new 5 Story Mixed-Used Building. On the Ground Floor will be 2 Commercial spaces. On the Upper Floors will be 38 Residential Units. There will be a Parking Garage located under Building at the Basement Level with 26 Parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating construct a four or five story mixed used building with two commercial spaces. The upper floors will be 38 residential unit and there will be a parking garage located under building at basement level with 26 parking spaces.

Board members asked how many units. The applicant stated 11 studios 19 one (1) bedroom and eight (8) two (2) bedroom.

Documents/Exhibits: Building Plans

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

Vote: Board Member Galvin moved for approval with BRA review, Member Galvin seconded and the Board voted unanimously to approve.

Case: BOA-793533, **Address:** 49 Copeland Street , **Ward** 12 **Applicant:** Catherine Xesternos
Article(s): 50(50-29)

Purpose: Extend living space from first floor to basement. Install new stairs from first Floor to basement. Install 20x30 basement window for emergency escape from dwelling unit - To correct violation V373264. ZBA.

Discussion: At the request of the applicant **this case has been deferred May 8, 2018.**

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

Case: BOA-801461, **Address:** 36 Hall Street , **Ward** 11 **Applicant:** Tim McGovern

Article(s): 55(55-9: Add'l lot area insufficient, Floor area ratio excessive & Usable open space insufficient)

Purpose: Complete removal of existing MEP systems and interior/exterior finishes (Demo to be filed under separate SF permit). Install new MEP systems, fire alarm and sprinkler, new interior layouts that require structural work, new interior finishes. Remove roof and construct full 3rd floor with roof deck. 3 off street parking spaces. Change use from existing 2-family to 3 apartments.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed use/project in detail stating remove roof and construct full 3rd floor with roof deck. 3 off street parking spaces. Change use from existing 2-family to 3 apartments.

Board members asked how many units and the size of each unit.

Documents/Exhibits: Building Plans

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

Vote: Board Member Pisani moved for approval with BRA review, Member Bickerstaff seconded and the Board voted unanimously to approve

HEARINGS: 10:30 a.m.

Case: BOA-803394, **Address:** 246-248 Dorchester Avenue , **Ward** 6 **Applicant:** Evergreen Property Group, LLC

Article(s): 8(8-7) 13(13-4) 15(15-1) 16(16-1: Building height excessive & Building height (# of stories) excessive) 20(20-1)

Purpose: New construction 159 room hotel with amenity spaces and retail spaces with spaces with 60 valet parking spaces. Variances will be sought. Existing building to be razed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed 159 Unit Room hotel with amenity retail spaces and 60 Valet parking spaces. The applicant stated that the proposal had been approved by the BPDA in January.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor's Flynn and Flaherty representatives spoke in support No opposition.

Documents/Exhibits: Building Plans

Vote: Board Member Galvin moved for approval with BRA design review, Member Fortune seconded and the Board voted unanimously to approve.

Case: BOA-799594, **Address:** 443 Marlborough Street , **Ward 5 Applicant:** Aaron Weinert
Article(s): 20(20-1)

Purpose: Work includes converting existing tandem Garage to 2-car wide, side by side garage, replace all existing windows. Replace existing roof deck on First Floor, and add new Second Floor deck w/new exterior doorway in masonry wall. Direct replacement of finishes throughout Basement, First, Second and Third floors, including millwork, fixtures, lighting, trims, tile, stone, hardwood flooring, paint, new staircase to Basement. No sprinkler work. All work to coincide with Architectural Stamped set of drawings dated 1.9.2018.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposal to replace an existing roof deck, build a 2nd floor deck and convert a tandem garage to a 2 car side by side garage.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services spoke in support No opposition.

Documents/Exhibits: Building Plans

Vote: Board Member Erlich moved for approval, a member seconded and the Board voted unanimously to approve.

Case: BOA-795620, **Address:** 131 Saint Botolph Street , **Ward 4 Applicant:** John Pulgini
Article(s): 41(41-18: Floor area ratio excessive & Rear yard setback insufficient) 41(41-6) 13(13-1) 16(16-8)

Purpose: Amend ALT758268. Proposed fifth story vertical addition, roof deck, cantilevered rear decks and interior renovations to the 3rd and 4th floors as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposal to construct fifth story vertical addition with roof and rear decks as well as interior renovations.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and an abuttor spoke in support No opposition.

Documents/Exhibits: Building Plans

Vote: Board Member Pisani moved for approval with BRA design review, Member Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-800778, **Address:** 120 Everett Street , **Ward 1 Applicant:** Eddie Azevedo
Article(s): 53(53-9)

Purpose: Remodeling Basement, Attached Contract and Drawings.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposal to extend living space into and to remodel and existing basement.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor's Edwards representatives spoke in support. No opposition.

Documents/Exhibits: Building Plans

Vote: Board Member Pisani moved for approval, Member Erlich seconded and the Board voted unanimously to approve.

Case: BOA-681219, **Address:** 19 Walley Street , **Ward 1 Applicant:** Walley Nineteen, LLC
Article(s): 53(53-25) 53(53-56: Insufficient off-street parking & Insufficient off-street loading)
53(53-26: Excessive F.A.R., Excessive building height & Insufficient rear yard setback)
Purpose: Erect 45 unit residential dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed 45 Unit residential building near the Suffolk Downs MBTA Station. The Board inquired about the breakdown of the units and the applicant proceeded to the types of units and the parking plan.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Edwards representative spoke in support. No opposition.

Documents/Exhibits: Building Plans

Vote: Board Member Pisani moved for approval with BPDA design review, Member Galvin seconded and the Board voted unanimously to approve.

Case: BOA-,813658 **Address:** 76 White Street , **Ward 1 Applicant:** Smith & Townsend LLC
Article(s): 53(53-8) 53(53-52) 53(53-54) 53(53-56)
Purpose: Change occupancy of existing 3-family house to a 5 Family Residential. Complete Remodel and make addition on the rear of the property. Install new finishes on the interior and the exterior. Install new kitchens and bathrooms throughout, to include, 6 parking spaces in rear.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed change of occupancy from a 3 family to a 5 unit residential building and addition and a deck exclusive to 3rd floor units.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Edwards representative spoke in support. No opposition.

Documents/Exhibits: Building Plans

Vote: Board Member Galvin moved for approval with BRA design review, Member Erlich seconded and the Board voted unanimously to approve.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-786649, **Address:** 35 Cushing Avenue , **Ward** 13 **Applicant:** Peter Gammie
Article(s): 9(9-1) 65(65-41: Parking located in the front yard is not permitted if exceeded 10' in total width & The layout for the 2 proposed parking spaces does not provide proper maneuvering) 10(10-1)

Purpose: New 10' wide curb cut and pervious driveway for two compact electric car parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposal to install a new 10 foot curb cut and pervious driveway for two compact electric cars. The Board inquired and the applicant described the location to the parking in relation to the front yard on 35 Cushing.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Baker's representative spoke in support. No opposition.

Documents/Exhibits: Building Plans

Vote: Board Member St. Fleur moved for approval, a member seconded and the Board voted unanimously to approve.

Case: BOA-787985, **Address:** 12 Carson Street , **Ward** 13 **Applicant:** Ace One Investments, LLC by Eric Zachrison

Article(s): 1065(65-9: Insufficient front yard setback, Insufficient lot size, Insufficient lot width, Insufficient lot width frontage, Excessive F.A.R., # allowed stories exceeded, Insufficient side yard setback & Insufficient rear yard setback) 10(10-1)

Purpose: Demolish existing single family building to erect a new three-family residential dwelling with two-off street parking. ZBA.

Discussion: At the request of the Applicant, the Appeal has been withdrawn.

Vote: Upon a motion and second, the Board voted unanimously to dismiss the appeal without prejudice.

Case: BOA#787986, **Address:** 12 Carson Street , **Ward** 13 **Applicant:** Ace One Investments, LLC by Eric Zachrison

Purpose: Demolish existing single family building to erect a new three family residential dwelling with two off street parking. ZBA. Section 780 CMR 8th Edition 101.4.7 Reference Codes, 521 CMR AA.

Discussion: At the request of the Applicant, the Appeal has been withdrawn.

Vote: Upon a motion and second, the Board voted unanimously to dismiss the appeal without prejudice.

Case: BOA-757560, **Address:** 27-31 Woodford Street , **Ward 13 Applicant:** Alfonseca Ledys **Article(s):** 50(50-29: Add'l Lot Area Insufficient, Front yard insufficient, Side yard insufficient, Rear yard insufficient, Building height excessive (Feet), Usable open space insufficient & Floor area ratio excessive)

Purpose: Erect a new (3) unit townhouse building with parking beneath.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposal to erect a new three unit townhouse with parking underneath.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services spoke in support No opposition.

Documents/Exhibits: Building Plans

Vote: Board Member Pisani moved for approval with BPDA Design Review and a proviso for No Building Code Relief, Member St. Fleur seconded and the Board voted unanimously to approve.

INTERPRETATION:12:00Noon.

Case: BOA-789872, **Address:** 144-146 Maverick Street **Ward 1 Applicant:** Linear Retail Boston #19, LLC and Linear Retail Boston #21, LLC
City Hall, upon the appeal of Linear Retail Boston #19, LLC and Linear Retail Boston #21, LLC seeking with reference to the premises at 144-146 Maverick St, Ward 01 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Interpretation Purpose: The petitioner's seeks that Landmarks Commission erred in its determination to impose a 2 year moratorium under Article 85 with respect to those properties.

Discussion: At the request of the Board the applicant described the grounds for his appeal of the Boston Landmark's Commission's determination to impose a 2 year moratorium under Article 85 of the Boston Zoning Code. The Board and the applicant engaged in extensive discussion of the procedural history of this appeal and the substance of the applicant's filings. The applicant stated that the Landmark's Commissioner erred in imposing the 2 year moratorium. Landmark's had found the applicant had violated the 90 day demo delay by engaging in asbestos removal. According the applicant, the only question before the Commission was whether the 90 day delay could be lifted - however, the commission inquired about design and use and exceeded its authority and improperly applied Landmark's criteria to the two properties before the commission. The Commission also erred in failing to hold a hearing within 30 days of the petition to elevate the landmarks and historical survey status for the two properties.

The Executive Director of the Landmarks Commission appeared but indicated that she was not prepared to speak extensively on this case.

Documents: Landmarks filings and Applicant's written appeal and brief.

Vote: Upon a motion by Member Galvin and a second, the Board voted unanimously that the BLC erred in finding the applicant in violation of the 90 Day Demolition Delay and imposing the 2 year moratorium on development.

COURT REMAND:12:00Noon.

Case: BOA-448233, **Address:** 11 Virginia Street , **Ward 13 Applicant:** Vargas DaSilveira
Article(s): 65(65-9: Floor area ratio excessive, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 65(65-42)

Purpose: Change occupancy as single family, then, Build dormers, construct addition in rear, install front and rear porches, & reconstruct front entrance, build attached garage with office over, and renovate all floors as per plans.

Discussion: At the applicant's request, the matter was deferred to May 8, 2018.

Vote: Upon a motion and a second, the Board voted unanimously to defer the hearing.

CALL OF THE CHAIR:12:00Noon.

Case: BOA-682855 **Address:** 13 Shetland Street, **Ward:** 8, **Applicant:** Joseph Holland

Article(s): 50(50-28) 50(50-29) 50(50-43)

Purpose: Demolish existing building, erect new 57 unit apartment complex. Permit application will require zoning relief & variances, please charge nominal fee permit application. Req ZBA

Discussion: At the applicant's request, the Board approved the new proviso language approved by the BPDA.

Vote: Upon a motion and second, the Board voted unanimously to approve the new proviso language.

Case: BOA-732946, **Address:** 38 P Street, **Ward 6 Applicant:** Nick Zaferakis

Purpose: The petitioner's seek a determination that the Inspectional Services Department erred in issuing the permit ERT705883. The permit was issued as an allowed use.

Discussion: At the request of the applicant **this case has been deferred until May 8, 2018.**

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

**STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775**

BOARD MEMBERS Present:
CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARIE ST. FLEUR
BRUCE BICKERSTAFF
MARK ERLICH
ANTHONY PISANI
CRAIG GALVIN

SUBSTITUTE MEMBERS: None present.

For a video recording of the March 6, 2018 Board of Appeal Hearings please go to:

https://www.cityofboston.gov/cable/video_library.asp

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