



City of Boston
Board of Appeal

HEARING MINUTES

Tuesday, February 5, 2019

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:

January 15, 2019.

Upon a Motion and second, the Board voted unanimously to approve the January 15, 2019 Hearing Minutes.

Extension: 9:30a.m.

Case: BOA-545247 **Address:** 4 Cleveland Place **Ward** 3 **Applicant:** Matthew Kuschel

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

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

Case: BOA-615910 **Address:** 55 West Fifth Street **Ward** 6 **Applicant:** 40 B Street, LLC

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

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

GCOD 9:30a.m.

Case: BOA-909643 **Address:** 213 West Springfield Street **Ward** 4 **Applicant:** Andreas Hwang

Article(s): 32(32-4)

Purpose: Interior renovation of 5 apartments. No exterior work.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail, stating seeking GCOD Applicability. Applicant did not appear. BWSC letter on file.

Testimony: The Board then requested testimony from neighbors and elected officials.

Documents/Exhibits: Building Plans

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

BULDING CODE: 9:30 a.m.

Case: BOA#909655 **Address:** 158 Mount Vernon **Ward** 5 **Applicant:** Matt Trombadore
Purpose: Install new roof deck according to plans. Walk out skylight to be provided and installed by others. There will be no change in egress and no change in occupancy. All debris to taken to dumpster and removed by E.L. Harvey of Westborough, MA. Section: 9th 780 CMR 1011 Stairways. 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail proposing to install new roof deck according to plans. Roof deck permit issued as of right need relief for access to roof deck. Solar renovation hatch.

Testimony: The Board then requested testimony from neighbors and elected officials.

Documents/Exhibits: Building Plans

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

HEARING: 9:30 a.m.

Case: BOA-862277 **Address:** 337 Chelsea Street **Ward** 1 **Applicant:** 337 Chelsea Street, LLC
Article(s): 53(53-8) 53(53-9: Insufficient lot size (2,000sf min. required), Insufficient additional lot area per unit (1000sf/unit min. required), Excessive F.A.R. (1.0 max. allowed), Building height excessive (35' max. allowed), Insufficient open space (300sf/unit required), Insufficient side yard setback (2.5' min. required), Insufficient rear yard setback (25' min. required) & # of stories exceeded (3 story max. allowed)) 53(53-54) 53(53-56)

Purpose: Raze existing building and erect a 4 unit residential dwelling. ZBA *AE Flood Zone.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating the building is structurally unsound. Applicant is seeking to raze exiting building and erect a 4 unit residential building for home ownership. Architect will check to ensure pitch is out of flood zone.

Board Members inquired about FAR. The applicant stated 2.1 proposing 1.0 allowed. One parking space per additional unit. Total of 7 bedrooms in the buildings.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Proviso (BPDA) and Erlich seconded and the Board voted unanimously to approve.

Case: BOA-879012 **Address:** 1 Coppersmith Way **Ward** 1 **Applicant:** 6 Coppersmith Way, LLC
Article(s): 53(53-15) 53(53-16: Table H-Excessive F.A.R. (1.0) & Table H footnote (4) - insufficient lot width (35' req.)) 53(53-56)

Purpose: Erect a new 3 family house with roof and rear decks 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 project in detail to erect a 2 new 3 family house with roof and rear decks as per plans. Lot size is relatively small. The projects are in different zoning sub-districts. No ground water issues. Elevation keeps buildings out of flood zone.

Board Members inquired about FAR. Both buildings are 4 stories 40' 8". FAR 3.2 for both roof decks with head houses for top floor units.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Proviso (BPDA with attention to minimizing visual aspect of head houses) and Erlich seconded and the Board voted unanimously to approve.

Case: BOA-879010 **Address:** 6 Coppersmith Way **Ward** 1 **Applicant:** 6 Coppersmith Way, LLC
Article(s): 53(53-9: # of allowed stories has been exceeded (3 stories max), Max allowed height has been exceeded (35' max), Insufficient lot size (3000sf req.), Excessive F.A.R. (1.0 max), Insufficient open space/unit (300sf/unit req.), Insufficient side yard setback (2.5' req.) & Insufficient rear yard setback (10' min)) 53(53-56)

Purpose: Erect a new 3 family house with roof and rear decks as per plans. Permit set to be submitted upon ZBA approval. Existing building to be razed under a separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 2 new 3 family house with roof and rear decks as per plans. Lot size is relatively small. The projects are in different zoning sub-districts. No ground water issues. Elevation keeps buildings out of flood zone.

Board Members inquired about FAR. Both buildings are 4 stories 40' 8". FAR 3.2 for both roof decks with head houses for top floor units.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Proviso (BPDA with attention to minimizing visual aspect of head houses) and Erlich seconded and the Board voted unanimously to approve.

Case: BOA-875174 **Address:** 35 Leyden Street **Ward** 1 **Applicant:** 35-37 Leyden Street Realty Trust

Article(s): 53(53-8) 53(53-9: Excessive F.A.R. (.8 max), Building height excessive 35' max) & # of allowed stories exceeded (2.5 max.) 53(53-54) 53(53-56) 53(53-56(a))

Purpose: Raze existing building and erect a 9 unit residential dwelling with 11 parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating existing 6 unit multi family. Parking access from rear not via Leyden Street. Eleven (11) parking spaces provide, 1 per unit. Roof decks barely visible from Leyden St. Decks only for top units. Property designed to meet flood requirements.

Board Members inquired handicap access, is there room for lift if needed.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Proviso (BPDA) and Erlich seconded and the Board voted unanimously to approve.

Case: BOA-906285 **Address:** 186 London Street **Ward** 1 **Applicant:** Jose A. Garcia

Article(s): 9(9-1) 53(53-9)

Purpose: Confirm occupancy as three family dwelling for this is an existing condition for many years and renovation first floor and add a bedroom, bathroom in basement.

Discussion: At the request of the applicant **this case has been Dismissed Without Prejudice.**

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

Case: BOA-904052 **Address:** 9 Webster Avenue **Ward** 1 **Applicant:** Duane Smith

Article(s): 53(53-9: Insufficient lot size (2,000sf req.), Insufficient additional lot area (1000sf/unit req.), Excessive F.A.R. (1.0 max.), Insufficient open space (300sf/unit req.), Insufficient side yard setback (2.25' req.), Insufficient rear yard setback (20' min. req.) & Insufficient parking (1 per unit req.)) 56(53-56)

Purpose: See alt779323 and alt779325 for newly created lot consisting of 801 sf, then erect new three story, two family attached building to 11-15 Webster as modified at meeting with Jeffries Point Civic Association meetings.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to restore two (2) existing single family dwellings and erect three (3) story, 2f dwelling. Raised gable roofs to be added on 3rd floor top units only. Roof decks on each of the 3 buildings with access via head house.

Board Members inquired about parking. The applicant stated no parking provided and no parking on Webster St. Units are approximately 1100sf and are to be sold as condos for home ownership.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Proviso (BPDA) and Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-904046 **Address:** 11 Webster Avenue **Ward 1 Applicant:** Duane Smith

Article(s): 53(53-9: Reduction of open space (200sf/unit req.), Reduction of req. lot size (2,000sf req.), Reduction of insufficient lot area per unit & Excessive F.A.R. due to reduction in lot size)

Purpose: Confirm as an existing 1 family dwelling then, Combine lot 11 Webster street(parcel#0104748000 - 787sq ft) with Lot B 15 Webster Street (parcel#0104749000 - 787 sq. ft.) to equal a two family dwelling (see alt779325/ALT793945). New address to be known as 11-15 Webster Ave, then allocate 100sf to #9 Webster Ave. Remaining lot size shall then equal 1474 sf and 9 Webster Ave. (vacant land) shall have 801sf per stamped land survey.(see ERT779316).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to restore two (2) existing single family dwellings and erect three (3) story, 2f dwelling. Raised gable roofs to be added on 3rd floor top units only. Roof decks on each of the 3 buildings with access via head house.

Board Members inquired about parking. The applicant stated no parking provided and no parking on Webster St. Units are approximately 1100sf and are to be sold as condos for home ownership.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Proviso (BPDA) and Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-904048 **Address:** 11-15 Webster Avenue **Ward 1 Applicant:** Duane Smith

Article(s): 53(53-9: Insufficient lot area per unit, Insufficient open space per unit, Excessive F.A.R. & Insufficient rear yard setback) 53(53-8) 53(53-56) 53(53-52)

Purpose: Lots combined under ALT779323 and ALT779325; Newly Proposed work: Gut renovation of confirmed two family structure, raise gable roof, to include, changing occupancy from a two family to a four family in accordance with the submitted plans as modified through meetings by the Jeffries Point Neighborhood Civic Association.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to restore two (2) existing single family dwellings and erect three (3) story, 2f dwelling. Raised gable roofs to be added on 3rd floor top units only. Roof decks on each of the 3 buildings with access via head house.

Board Members inquired about parking. The applicant stated no parking provided and no parking on Webster St. Units are approximately 1100sf and are to be sold as condos for home ownership.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Proviso (BPDA) and Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-883295 **Address:** 2 Ludlow Street **Ward 2** **Applicant:** Timothy Sheehan

Article(s): 62(62-8: Insufficient side yard & Excessive F.A.R.) 62(62-25)

Purpose: This is a new third floor addition on an existing two story single family residence. The new third floor will be 514 s.f. There will be a master bedroom and master bath along with a walk in closet. The new third floor will be accessed by a new stairway from the second floor. There will be limited plan changes on the second floor for the new stairway. We expect to go through the ZBA before we receive a building permit. We are abandoning our earlier application for a rear two-story addition (ALT668053).

Discussion: At the request of the applicant **this case has been deferred to 05/21/2019**

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

Case: BOA-889867 **Address:** 17 Parker Street **Ward 2** **Applicant:** Annmarie Callahan

Article(s): 62(62-8) 62(62-29) 62(62-62-7-2)

Purpose: Change occupancy two-family dwelling to three-family dwelling. Extended living space and additional unit at garden level ; add 2 new windows at garden level front , new bathroom and new kitchenette, rebuild interior stair from front main Hallway. ZBA.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to change occupancy from a two-family dwelling to three-family dwelling and extended living space in to basement for a garden level apartment 600sf approximately.

Board Members inquired about ceiling height in basement. The applicant stated 8'1"; utilize separate 3 parking spaces.

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

Documents/Exhibits: Building Plans

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

Case: BOA-905516 **Address:** 34-42 Warren Street **Ward 2** **Applicant:** Sean O'Donovan

Article(s): 62(62-29)

Purpose: Change Occupancy / renovate existing 2nd Floor Parking Garage to create new Office space in Conjunction with adjacent connected Office building (ALT525427).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to rebuild deck on detached garage; deck is end egress.

Board Members asked what size is the deck, The applicant stated 12'x15'.

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

Documents/Exhibits: Building Plans

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

Case: BOA-905355 **Address:** 234 West Newton Street **Ward** 4 **Applicant:** Christopher DeBord

Article(s): 16(16-8) 41(41-18)

Purpose: Correct violation to build a deck without permit for unit 2 on top of existing garage at rear of building. New roof deck. *Exterior connection of main structure to detached garage for roof access. (Historic approval required).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to expand use to basement, 1st and 2nd floor for new fast food restaurant.

Board Members asked renovation for this petitioner only, proviso from prior owner for 14 outdoor seats with elevator for handicap access.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Proviso (BPDA hold for BWSC letter usual take out language and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-908997 **Address:** 569 Boylston Street **Ward** 5 **Applicant:** Chick-Fil-A, Inc.

Article(s): 9(9-1) 32(32-32-4) 6(6-4)

Purpose: The project consists of a tenant fit-out of the existing 5,280 SF (gross floor area) Boloco restaurant with take-out and outdoor patio seating with 32 seats for seasonal use and converting it to a new Chick-fil-A restaurant with take-out and outdoor patio seating with 14 seats for seasonal use. The proposed work also includes the construction of a ground floor addition onto the front of the building, and additional usable space added to the 3rd floor. The existing Boloco restaurant and take-out uses, located on the ground floor and basement, were authorized by Board of Appeal conditional use permit (BZC 30781), which included a proviso limiting the take-out uses to Boloco. This proviso will need to be removed or a new conditional use permit for take-out uses will be required. The work will also expand the restaurant and take-out uses to include the entire second floor of the building, currently used for office. The existing outdoor patio seating area (authorized by Board of Appeal decision BZC 31047) is being reduced from 32 to 16 seats to accommodate the ground floor addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to expand use to basement, 1st and 2nd floor for new fast food restaurant.

Board Members asked renovation for this petitioner only, proviso from prior owner for 14 outdoor seats with elevator for handicap access.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Proviso (BPDA hold for BWSC letter usual take out language and Fortune seconded and the Board voted unanimously to approve.

Case: BOA- 909131 **Address:** 25-27 Dorchester Street **Ward** 6 **Applicant:** Michsel O'Sullivan

Article(s): 68(68-29) 68(68-8)

Purpose: Change of occupancy from two-family dwelling and tavern to two-family dwelling. Construct new roof deck (500 SF) for Unit #2.

Discussion: At the request of the applicant **this case has been Denied.**

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

Case: BOA-896628 **Address:** 535 East Fourth Street **Ward** 7 **Applicant:** JM Investment, LLC

Article(s): 27S(27S-5) 68(68-29) 68(68-8)

Purpose: Renovate the interior of an existing detached three-family apartment building, including changing the interior partition layout. The scope includes window replacement and refinishing exterior cladding. Add a private roof deck. There will be no expansion of the existing building envelope. The building will be sprinklered per NFPA 13D.

Discussion: At the request of the applicant **this case has been deferred to 03/12/2019**

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

Case: BOA-904044 **Address:** 47 Thomas Park **Ward** 7 **Applicant:** David O'Connor

Article(s): 68(68-33) 68(68-29) 27S(27S-5)

Purpose: Change occupancy from 2-family to 3-family; excavate lowest basement level and add living space; add rear deck at ground level; add roof deck with spiral stair access from rear deck at top level; gut renovate entire building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to change occupancy from 2-family to 3-family. Unit #1 in basement rear ground floor deck; roof deck with spiral staircase.

Board Members asked about parking. The applicant stated no parking being provided.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Proviso (BPDA) and Erlich seconded and the Board voted unanimously to approve.

HEARINGS: 10:30 a.m.

Case: BOA-879009 **Address:** 80 Winthrop Street **Ward** 8 **Applicant:** Robert Nichols

Article(s): 50(50-43)

Purpose: Proposed 3 off street parking spaces. *See DPW for curb cut permitting (Utility pole).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating curb cut to access 3 off street spaces in rear yard.

Board Members stated BTM light pole needs to be moved; space 4 should be eliminated.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Proviso (BPDA) and Erlich seconded and the Board voted unanimously to approve.

Case: BOA-909744 **Address:** 11 Ruggles Street **Ward** 9 **Applicant:** GBM Porfolio Owner, LLC

Article(s): 50(50-8) 50(50-11) 50(50-43) 50(50-44)

Purpose: Erect new building on vacant lot to contain 6 residential dwelling units with accessory parking in the rear yard.

Discussion: At the request of the applicant **this case has been deferred to 02/26/2019 @ 9:30am**

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

Case: BOA-892294 **Address:** 7 Cherokee Street **Ward** 10 **Applicant:** John Pulgini

Article(s): 59(59-37: The proposed parking spaces do not meet the minimum dimensions & Tandem spaces do not provide proper maneuverability) 10(10-1)

Purpose: Parking of 3 residential vehicles.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating curb cut for 3 off street parking spaces; no parking on side of street where curb cut is being proposed. Parking is for existing 3 family home.

Board Members asked about parking. The applicant stated no parking being provided.

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 Pisani moved for approval with Proviso (BPDA 2 spaces only; no front yard parking) and Erlich seconded and the Board voted unanimously to approve.

Case: BOA-889396 **Address:** 59 West Walnut Park **Ward** 11 **Applicant:** Aigbe Ilerua

Article(s): 55(55-9)

Purpose: Legalize existing basement living space for Unit 1.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating two units, extend into basement for 2 bedrooms; basement ceiling 7' 4", owner occupied, one unit and sister occupies other unit.

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

Documents/Exhibits: Building Plans

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

Case: BOA-893750 **Address:** 10 Ruthven Park **Ward** 12 **Applicant:** Solmon Chowdhury

Article(s): 50(50-29: Lot area insufficient, Lot frontage insufficient, Floor area ratio excessive, Front yard insufficient, Rear yard insufficient & Usable open space insufficient) 50(50-43)

Purpose: Combine existing 2 Lots 1 Ruthven Park and 2 Ruthven Park. Create one lot 10 Ruthven Park. Construct a new 3 story, Three (3) Unit Residential building. There will be 3 Off-Street Parking spaces.

Discussion: At the request of the applicant **this case has been deferred to 05/7/2019**

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

Case: BOA-908280 **Address:** 41 Winthrop Street **Ward** 12 **Applicant:** John Pulgini

Article(s): 50(50-29: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (feet) & Rear yard insufficient) 50(50-28)

Purpose: Change occupancy from a single family to a 4 family and renovate. Extend living space into the basement, new dormers, rear and window's walk addition, 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 project in detail stating to change occupancy from a 1family to a 4 family , 3f-4000 zone, lot 6,700 sf .

Board Members asked living space in basement. The applicant stated ceiling height 8'6".

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Proviso (BPDA) and Erlich seconded and the Board voted unanimously to approve.

Case: BOA-902213 **Address:** 990-996 Dorchester Avenue **Ward** 13 **Applicant:** So Sabe, Inc

Article(s): 65(65-8)

Purpose: Change Occupancy to include Food Service (Catering) in one spaces on the first floor - see plans filed - no work to be done at this time - future tenant will file permit to do the work.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to change occupancy of 500sf , to include Food Service (Catering) in one spaces on the first floor

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

Votes: Board Member Erlich moved for approval with Proviso (BPDA for grates) and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-901760 **Address:** 10 Talbot Avenue **Ward** 14 **Applicant:** Willie E Hicks

Article(s): 60(60-16)

Purpose: Parking of 23 vehicles.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating need parking for 23 vehicles. Parking lot adjacent to Hick's Auto Body; for overflow use.

Board Members inquired asked the applicant came up with 22 spaces. The applicant stated no public parking. Mr. Pisani stated no room for manufacturability.

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 Pisani moved for approval with Proviso (BTD to determine number of spaces, screening and buffering) and Erlich seconded and the Board voted unanimously to approve.

Case: BOA-885605 **Address:** 83-87 Bowdoin Street **Ward** 15 **Applicant:** Yohannes Joseph

Article(s): 9(9-1)

Purpose: Proposed curb cut for 2 Off-Street Parking spaces for existing Three Family Dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating already an existing driveway; needs curb cut for access

Board Members asked if parking was in the rear yard.

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 Pisani moved for approval with and Erlich seconded and the Board voted unanimously to approve.

Case: BOA-904509 **Address:** 364 Gallivan Blvd **Ward** 16 **Applicant:** Lawrence Ward

Article(s): 65(65-9)

Purpose: Construct two-story rear addition with new decks to an existing single-family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail Construct a 350sf, two-story rear addition with new decks to an existing owner occupied single-family dwelling.

Board Members asked inquired about the renovations. The applicant stated 1st floor enlarge kitchen, add bathroom; 2nd floor add master bath and closet rear deck for each floor.

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

Votes: Board Member Pisani moved for approval with Proviso (BPDA) and Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-888984 **Address:** 84 Granite Avenue **Ward** 16 **Applicant:** James Christopher

Article(s): 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive, Bldg height excessive (stories), Front yard insufficient, Side yard insufficient & Rear yard insufficient) 65(65-8)

Purpose: To create a new lot with subdivision see (ALT872758) and construct a new 3 unit residential building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating existing building will remain on 2f; 3,454sf lot created on 84 Granite St, 5,000sf required for a new building.

Board Members asked about parking. The applicant stated parking required 1:1; 3 spaces; no violation sited, no elevation; 1st t unit accessible at grade.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Proviso (BPDA) and Pisani seconded and the Board voted unanimously to approve.

Case: BOA-888981 **Address:** 114 Milton Street **Ward** 16 **Applicant:** James Christopher

Article(s): 65(65-9: Lot area insufficient, Floor area ratio excessive & Rear yard insufficient) 9(9-1)

Purpose: Subdivision of existing lot at 114 Milton Street into two lots as per attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating existing building will remain on 2f; 3,454sf lot created on 84 Granite St, 5,000sf required for a new building.

Board Members asked about parking. The applicant stated parking required 1:1; 3 spaces; no violation sited, no elevation; 1st t unit accessible at grade.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Proviso (BPDA) and Pisani seconded and the Board voted unanimously to approve.

Case: BOA-898983 **Address:** 960-960H William T Morrissey BLVD **Ward** 16 **Applicant:** Vu Phung
Article(s): 65(65-15)

Purpose: Morrissey Nail & Spa - Expansion of existing Nail Salon and Spa. As per plan.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating expansion of existing Nail Salon and Spa. Capacity expanding to be 36.

Board Members asked about capacity. The applicant stated capacity expanding to be 36.

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

Documents/Exhibits: Building Plans

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

Case: BOA-908276 **Address:** 872 Morton Street **Ward** 17 **Applicant:** John Pulgini
Article(s): 60(60-37: Off-street loading insufficient & Off-street parking insufficient) 60(60-16) 60(60-17: Height requirement is excessive, Open space is insufficient, Rear yard setback requirement is insufficient & Floor area ratio is excessive)

Purpose: To build a four story wood framed residential building for 40 Units on one story steel framed above ground parking structure with (30) spots. File in conjunction with subdivision plan ALT897200.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to build a four story wood framed residential building for 40 Units and 30 parking spaces. The lot is currently vacant.

Board Members inquired about FAR. The applicant stated height, 32', required, 50 proposed, 30 units (100% AMI), (11) one bedroom, (16) 2 bedroom, (4) 3 bedroom. Also a serenity garden to be constructed

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Proviso (BPDA) and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-911937 **Address:** 41 Westminster Street **Ward** 18 **Applicant:** Patrick Mahoney
Article(s): 9(9-1) 69(69-8: Side yard insufficient & Rear yard insufficient)

Purpose: Confirm occupancy as 3 family. Renovation and updates to an existing three-family wood framed building. The scope of work includes the expansion of the third floor unit into and existing attic space and the addition of a three-story exterior porch. The project will include the installation of an automatic sprinkler system.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating expanding 3rd floor into attic, with addition of a three story exterior wrap around porch, each unit approximately 1125sf,

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

Documents/Exhibits: Building Plans

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

Case: BOA-890958 **Address:** 7-15 Catherine Street **Ward** 19 **Applicant:** John Lydon

Article(s): 55(55-8) 55(55-9: Excessive F.A.R., Excessive number of stories, insufficient front yard setback & insufficient side yard setback)

Purpose: Construction of five (5) adjacent, shared-wall, townhomes. Each home to have four (4) bedrooms, three and one half baths (3.5), kitchen, living room area, front balcony, and a two-car heated and enclosed garage. Units to share access to a 2000 sq. ft. green space located to the rear of proposed structures. (Existing buildings to be razed under a separate permit).

Discussion: At the request of the applicant **this case has been deferred to 04/19/2019**

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

Case: BOA-898191 **Address:** 40 Mount Hood Road **Ward** 21 **Applicant:** 1650 Commonwealth, LLC

Article(s): 51(51-9: Lot area for additional dwelling unit (s) insufficient, Floor area ratio excessive, Height excessive, Usable open space insufficient, Front yard (Mount Hood Rd) insufficient, Front yard (Egremont Rd) (51-50.2 CEBA) insufficient & Rear yard insufficient)

Purpose: Combine 20 Mount Hood (Parcel ID 2102015000- ALT857603), 40 Mount Hood (2102015001-) and 6 Egremont (Parcel ID 2102016000 - ALT857598) in to one 75,074 square foot parcel. Demolish existing hotel and construct new 182,423 sf multi-family residential building with up to 151 dwelling units with approximately 151 accessory parking spaces and parking of up to 50 vehicles that is ancillary to houses of worship and multifamily residential uses off site.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to build 151 dwelling units with 151 accessory parking.

Board Members asked about size of units. The applicant stated (6) studios, (88) one bedrooms, (41) two bedrooms, (6) three bedrooms, and (10), three bedroom townhouses. Entire building is for home ownership. The Board Members inquired about FAR. The applicant stated 1.0 required; 2.3 proposed.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood, Councilor Flaherty, Councilor Ciommo, Mt Hood Condo Association, and Carpenters Union are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Proviso (BPDA Hold for Signatures for updated stamped plans) and Erlich seconded and the Board voted unanimously to approve.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-812800 **Address:** 66R Cambridge Street **Ward 2 Applicant:** Edward Owens

Article(s): 11(11-6) 11(11-7) 62(62-18) 62(62-28)

Purpose: Fabricate and install 2 Digital Billboards to a height of 90' on-premises.

Discussion: At the request of the applicant **this case has been deferred to 05/7/2019**

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

Case: BOA-764279 **Address:** 121 Beacon Street **Ward 5 Applicant:** Evie Dykema

Article(s): 13(13-13-1) 16(16-7)

Purpose: Remodel/Expand existing penthouse and construct new roof decks

Discussion: At the request of the applicant **this case has been Dismissed Without Prejudice.**

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

Case: BOA-831693 **Address:** 53 F Street **Ward 7 Applicant:** Mark Little

Article(s): 68(68-8: Floor area ratio excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 27S(27S-9)

Purpose: Demo existing single family dwelling, and erect new 6 unit building as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to demo existing single family dwelling, and erect new 5 unit building (reducing from 6 to 5).

Board Members inquired about FAR. The applicant stated, proposed rear yard 7'7", 10 required, 4 story building, 3 residential floors above garage. Both ground floor units are accessible. The roof deck is for top floor only.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Proviso (BPDA) and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-867200 **Address:** 447 West Fourth Street **Ward 7 Applicant:** Stuart Mullally

Article(s): 68(68-33) 68(68-8: Floor area ratio is excessive, Height is excessive (40 ft max.) & Rear yard setback insufficient) 27S(27S-5)

Purpose: Demolish existing single family. Build a new construction 2 family dwelling, as per plans submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating demolish existing single family and build 2 family dwelling.

Board Members inquired about roof decks The applicant stated 2 roof decks with head house access, screening for decks with 3 foot parapet.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Proviso (BPDA) and Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA- 845532 **Address:** 605 East Sixth Street **Ward** 7 **Applicant:** Mark Little
Article(s): 68(68-8: Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 68(68-34.6) 68(68-7.2) 27S(27S-5)
Purpose: Erect new four (4) residential units. Propose four (4) off-street parking.

Discussion: At the request of the applicant **this case has been deferred to 05/7/2019**

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

Case: BOA#845528 **Address:** 605 East Sixth Street **Ward** 7 **Applicant:** Mark Little
Purpose: Erect new four (4) residential units. Propose four (4) off-street parking. Section: 521 CMR 10.00 Public and Common Use Spaces. Public use and common use spaces shall include but not be limited to mailboxes, entrances, lobbies and foyers, as well as corridors and stairways leading to dwelling units. 9th 780 CMR 1006 Number of Exits and Exit Access Doorway. Section 1006.3 Egress from stories or occupied roofs. The means of egress system serving any story or occupied roof shall be provided with the number of exits or access to exits based on the aggregate occupant load served in accordance with this section.

Discussion: At the request of the applicant **this case has been deferred to 05/7/2019**

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

Case: BOA-850023 **Address:** 175 Howard Avenue **Ward** 13 **Applicant:** Hugo Correa Fiho
Article(s): 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29)
Purpose: Erect a New Two Family Dwelling; Job description: • Furnish all necessary labor, supervision & tools for the below work. The proposal includes: Framing & Rear Decks Framing & Finish • Install Foundation and Slab per plan • Install Sill Sealer • Install Sill Plates • Install 2x6 Exterior Walls • Install Exterior Sheathing • Install Headers • Install Posts • Install LVL Beams • Install Clips, Hangers And Connectors For Our Work • Install Floor Joist And Sistered Floor Joists • Install Rough Framing Interior Stairs • Install Interior Partitions • Install Subfloor Infills • Install Window Framing • Install Windows • Install Exterior Doors • Install Roof Framing Per Plans Structural • Install Rough Framing and Finish For Rear Decks And Stairs • The subcontractor is responsible for all safety during framing and deck installation • Provide a clean and safe workplace • Clean to dumpster provided by Contractor • Install Finish trim • Paint and Plaster • Supervise all sub-contracts on site

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating to erect a new two family dwelling with no roof decks on floors 2 and 3.

Board Members inquired about the size of the lot. The applicant stated very narrow. The Board Members inquired about the garage. The applicant stated that it works well.

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 Bickerstaff moved for approval with Proviso (BPDA) and Pisani seconded and the Board voted unanimously to approve.

Case: BOA-900138 **Address:** 191 Talbot Avenue **Ward** 14 **Applicant:** Travis Lee

Article(s): 60(60-19) 60(60-37) 60(60-20)

Purpose: Erect 14 unit moderate income apartments, retail/restaurant/service/office use on ground floor and eight off street parking spaces.

Discussion: At the request of the applicant **this case has been deferred to 2/26/2019 @11:30**

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

Case: BOA-769207 **Address:** 32-34 Tolman Street **Ward** 16 **Applicant:** John Lyons

Article(s): 9(9-1) 65(65-9) 65-(65-9) 65-(65-9) 65-(65-39) 65-(65-41) 65-(65-41)

Purpose: Repair, renovate and extend existing 3 family dwelling at rear ; upgrade kitchens and baths ,general finishes paint /plaster ; repair existing internal stairs, add new egress stair and construct proposed 22 x 24' addition rear of property ; extend living area to basement from 1st floor.

Discussion: At the request of the applicant **this case has been Dismissed Without Prejudice.**

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

Case: BOA-894291, **Address:** 62 Fairmount Street **Ward:** 17 **Applicant:** Javier Perez

Article(s): 65(65-9:FloorAreaRatio Excessive; Building Height(#of Stories)Excessive; & Side Yard Insufficient)

Purpose: Adding dormers to existing Roof to create a new 3rd Floor. Extend living space onto 3rd Floor.

Discussion: At the request of the applicant **this case has been Dismissed Without Prejudice.**

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

Case: BOA-893819 **Address:** 761 Washington Street **Ward** 17 **Applicant:** Derric Small

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

Purpose: Erect a new 3 family house on a vacant lot as per plans. Permit set to be submitted upon ZBA approval.

Discussion: At the request of the applicant **this case has been deferred to 05/7/2019**

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

Case: BOA-848647, **Address:** 82 Glencliff Road **Ward:** 18 , **Applicant:** Michael Smith

Article(s): 67(67-32)

Purpose: Off street for 2 residential vehicle.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating residential driveway for two off street vehicles.

Board Members asked about parking. The applicant stated redesigned for tantum parking.

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

Documents/Exhibits: Building Plans

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

INTERPRETATION: 12:00Noon

Case: BOA-897122 **Address:** 115 Federal Street **Ward** 3 **Applicant:** MM Real Estate, LLC

Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit FND870088. The permit was issued as an allowed use.

Discussion: At the request of the applicant **this case has been Dismissed Without Prejudice.**

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

Case: BOA-897118 **Address:** 115 Federal Street **Ward** 3 **Applicant:** 75-101 FED Owner, LLC

Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit FND870088. The permit was issued as an allowed use.

Discussion: At the request of the applicant **this case has been deferred to 2/26/2019**

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

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARIE ST. FLEUR
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MARK ERLICH

ANTHONY PISANI
CRAIG GALVIN-ABSENT

SUBSTITUTE MEMBERS:
EUGENE KELLY

**For a video recording of the February 5, 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