



City of Boston
Board of Appeal

HEARING MINUTES

Tuesday, February 4, 2020

BOARD OF APPEALS

Room 801

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

EXTENSION: 9:30 a.m

Case: BOA-799148 Address: 951-959A Dorchester Avenue Ward 13 Applicant: 959 Dot LLC

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

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

Case: BOA-771127 Address: 3 Allen Road Ward 22 Applicant: Dr. Raza Malik & Ms. Amama Sadiq (by Kenneth M Goldstein)

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

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

Case: BZC-29846 Address: 1954 Commonwealth Avenue Ward 21 Applicant: Paul Alan Rufo

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

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

Case: BOA-791773 Address: 1208R VFW Parkway Ward 20 Applicant: Dennis A Quilty

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

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

Case: BOA-791768 **Address:** 1208C VFW Parkway **Ward** 20 **Applicant:** Dennis A Quilty

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

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

Case: BOA-791775 **Address:** 1208D VFW Parkway **Ward** 20 **Applicant:** Dennis A Quilty

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

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

Case: BOA-463655 **Address:** 120 West Fourth Street **Ward** 6 **Applicant:** 33 A Street Development LLC (by Marc LaCasse)

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

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

Case: BOA-694026 **Address:** 77-85 Liverpool Street **Ward** 1 **Applicant:** Richard Lynds, Esq

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

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

Case: BOA-642862 **Address:** 301-303 Border Street **Ward** 1 **Applicant:** Caleb Manchester

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

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

GCOD: 9:30 a.m

Case: BOA-1035843 **Address:** 116 Chandler Street **Ward** 4 **Applicant:** Edward Perry

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

Purpose: Confirm occupancy as a three family and complete renovation of 3 units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail, and requested a conditional use permit under Article 32 GCOD Applicability. The Board noted that the BWSC's letter of approval was on file.

Documents/Exhibits: Building Plans

Votes: Board Member Fortune moved for approval, the motion was seconded and the Board voted unanimously to approve the applicant's request.

BUILDING CODE 9:30 a.m

Case: BOA#1035760 **Address:** 15-17 Swallow Street **Ward 6 Applicant:** Trey Zaharek
Purpose: Construct new roof deck structure with access by existing roof hatch. Section: 9th 780 CMR 1011 Stairways. Section 1011.12.2 Roof Access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse to complying, with Section 1510.2.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting building code relief required to erect a roof deck with access through a hatch instead of the required head house.

Board Members asked about the size of the deck.

Documents/Exhibits: Building Plans

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

HEARING: 9:30 a.m.

Case: BOA-1037522 **Address:** 437 Frankfort Street **Ward 1 Applicant:** 441 Frankfort St, LLC
Article(s): 27T(27T-5) 53(53-9: Excessive F.A.R., Max allowed # of stories exceeded & Max allowed height exceeded) 53(53-56)
Purpose: Erect a 6 unit residential dwelling.

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

Case: BOA-1013465 **Address:** 10 Geneva Street **Ward 1 Applicant:** Geneva Street, LLC
Article(s): 53(53-9: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Usable open space insufficient, Front yard insufficient & Side yard insufficient) 53(53-56) 27T(27T-5) **Purpose:** Erect new 4-story Multi-Family Dwelling (7residential units) and accessory parking at grade.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a seven unit dwelling with seven parking spaces.

Board Members asked about parking, if a roof deck was proposed and about the front lot line.

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

Documents/Exhibits: Building Plans

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

Case: BOA-1013467 **Address:** 255 Maverick Street **Ward 1 Applicant:** Maverick Street, LLC
Article(s): 27T(27T-5) 53(53-8: MFR use - forbidden & Retail use - forbidden) 53(53-9: # of allowed stories exceeded, Maximum allowed height exceeded, Insufficient additional lot area per dwelling unit & Excessive F.A.R.) 53(53-56) **Purpose:** Demolish existing one story and erect new mixed use 4 story building containing 9 residential units and one local retail unit with accessory parking at grade.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a mixed use building with nine residential units with nine parking spaces and ground floor commercial space.

Board Members asked about size of the commercial space and front yard setback.

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

Documents/Exhibits: Building Plans

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

Case: BOA-1025626 **Address:** 8 Hancock Street **Ward 2 Applicant:** Oliver Childs

Article(s): 62(62-8) 62(62-25)

Purpose: Single family remodel, alteration to roof line, keep current height, re design shape to allow head height over the floor area. extend 2nd floor bedroom south facing wall 5' outwards to match floor below and increase walkable access around a queen sized bed. excavate basement 2' digout.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space to the basement and raise the third floor rear roof.

Board Members asked about use of the basement space, if the dwelling would remain a single-family dwelling, total number of bedrooms, floor area ratio and basement ceiling height.

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

Documents/Exhibits: Building Plans

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

Case: BOA-962282 **Address:** 40 Berkeley Street **Ward 5 Applicant:** MVC40B, LLC

Article(s): 64(64-34) 64(64-21) 64(64-22: Building height excessive, FAR ratio excessive & Rear yard)

Purpose: Construct outdoor amenity space for roof deck patio and bar area; enclose mechanical and structural systems currently on the roof; construct deck support structures.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a rooftop patio and bar atop existing hotel.

Board Members asked if the use is seasonal, about noise mitigation, hours of operation, location of food preparation and if live music was intended.

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

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

Votes: Board Member Erlich moved for approval with provisos for no live entertainment to be allowed and hours of operation of the patio and bar to be limited to 11:00 PM on weeknights and 12:00 AM on weekends and Deveau seconded and the Board voted unanimously to approve.

Case: BOA-1030898 Address: 189 Ipswich Street **Ward 5 Applicant:** 189 Ipswich Street Realty Trust by : NESV Real Estate, LLC its Trustee

Article(s): 32(32-32-4) 66(66-14)

Purpose: Site improvements to existing lot, to include drainage, paving and construction of new utility building and installation of a new private duct bank. In relation to ALT997205 uses existing main use parking lot to remain ancillary uses as needed ancillary to the ballpark / music venue. Back office data and digital processing propane storage less than 10,000 CF. Fertilizer storage (appropriate quantity per safety codes).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a new utility building in a parking lot for data processing for TV broadcasting from Fenway Park.

Board Members asked if the proposed modular building is to be permanent and about fertilizer and propane storage. The Board noted the BWSC letter of compliance and letter of no harm were on file.

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

Documents/Exhibits: Building Plans

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

Case: BOA-1014305 Address: 91 Newbury Street **Ward 5 Applicant:** Allison DiCarlo

Article(s): 8(8-7)

Purpose: Change of Occupancy from Store to Retail Store with Take-out #36A. No work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to a retail store with takeout to allow for existing retail operation to sell tea.

Board Members asked if food would be served and the name of the business.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with takeout restrictions and relief to petitioner only and Fortune seconded and the Board voted unanimously to approve.

Case: BOA- 983468 Address: 521 East Eighth Street **Ward 7 Applicant:** George Morancy

Article(s): 27S(27S-5) 29(29-4)

Purpose: New construction erect four story multifamily 8 residential unit building on vacant lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-story, seven-unit dwelling with nine parking spaces.

Board Members asked about location of the dwelling relative to Day Boulevard and if a roof deck was proposed.

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

Documents/Exhibits: Building Plans

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

Case: BOA-995949 **Address:** 224 M Street **Ward** 7 **Applicant:** Mark Little

Article(s): 68(68-8)

Purpose: Construct new roof deck per plans using composite decking and cable guard rail. Access is through existing roof hatch.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a roof deck with hatch access.

Board Members asked if the property had received prior relief from Board restricting building of a roof deck.

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

Documents/Exhibits: Building Plans

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

HEARINGS: 10:30 a.m.

Case: BOA-1023609 **Address:** 75-81 Dudley Street **Ward** 9 **Applicant:** Madison Park Development Corporation

Article(s): 50(50-28: Retail use - forbidden & Multifamily use - forbidden) 50(50-29: Insufficient additional lot area per unit (2500sf/unit req.), Excessive F.A.R. - (.8 max), # of allowed stories exceeded (3 story max), Height exceeded (35' max.), Insufficient usable open space per unit (650/unit req.) & Insufficient rear yard setback (30' req.)) 50(50-41) 50(50-43: Insufficient parking - (retail), Insufficient parking - (residential) & Loading Bay (1 req.)) 50(50-44: 5. special provisions for corner lots - (insufficient front yard setback 20'/modal req.) & 3. traffic visibility across a corner lot - (exceeds 2.5' max with 30' from intersection))

Purpose: Four story twenty unit affordable condo building with 720 sq ft of commercial space on the ground floor at parcels 09-03215010 and 09-03161010 in Roxbury.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a mixed use dwelling with 20 residential units and ground floor retail. Units are for homeownership, 100 percent affordable housing.

Board Members asked about size of the lot, unit types and sizes, parking and loading and traffic visibility.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Essaibi-George, Janey, Wu and Mejia are in support, as are DND and BPDA.

Documents/Exhibits: Building Plans, letters of support

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

Case: BOA-992973 **Address:** 25 Mcbride Street **Ward** 11 **Applicant:** Alpine Advisory Services
Article(s): 55(55-9: Add'l lot area insufficient, Usable open space insufficient & 55.9.3 location of main entrance) 55(55-40)

Purpose: Change occupancy from two family & retail store to a three family dwelling for this is an existing condition for many years, No work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning code and building code relief required to change occupancy from a two-family dwelling and a store to a three-family dwelling. Applicant stated they are seeking building code relief for the sprinkler requirement, not for the egress requirement.

Board Members asked about the size of the first floor unit and how the building is taxed.

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

Documents/Exhibits: Building Plans, letters of support

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

Case: BOA#992974 **Address:** 25 Mcbride **Ward** 11 **Applicant:** Alpine Advisory Services

Purpose: Change occupancy from two family & retail store to a three family dwelling for this is an existing condition for many years, No work to be done. Section: 9th 780 CMR 903.2 (MA Amend) Occupancy Automatic Sprinkler Requirement. 9th 780 CMR 1006 Number of exists and exit access doorway. Unit 3 only has 1 means of egress.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning code and building code relief required to change occupancy from a two-family dwelling and a store to a three-family dwelling. Applicant stated they are seeking building code relief for the sprinkler requirement, not for the egress requirement.

Board Members asked about the size of the first floor unit and how the building is taxed.

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

Documents/Exhibits: Building Plans, letters of support

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

Case: BOA-1036406 **Address:** 251 Bowdoin Street **Ward** 15 **Applicant:** Jean-Luc Debarros

Article(s): 65(65-15)

Purpose: Change occupancy from Adult Education (Computer training lab to restaurant with take out).

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

Board Members asked about the name of the restaurant and prior takeout experience of appellant.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Two abutters are in opposition due to ongoing problems with trash storage. Councilor Campbell requested a deferral for further community process.

Documents/Exhibits: Building Plans

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

Case: BOA-1030026 **Address:** 350-352 Gallivan Blvd **Ward** 16 **Applicant:** Theresa O'Neill

Article(s): 9(9-1)

Purpose: This application is intended to revive an expired permit to install a driveway and curb cut for two parking spots. This is an existing three family dwelling. The proposed driveway is located on the side of the house fronting on Magdala Street which is a one way heading to Gallivan Boulevard.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to install a curb cut for two parking spaces.

Board Members asked about the number of driveways on the property and net gain in parking spaces.

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

Case: BOA- 1037843 **Address:** 4 Payne Street **Ward** 16 **Applicant:** Marc Savatsky

Article(s): 65(65-8) 65(65-9): Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Front yard insufficient, Side yard insufficient & Rear yard insufficient) 65(65-9.2)

Purpose: Erect new 3-1/2 story 6-family building on combined lot above open-air parking garage with (9) parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to combine three lots and erect a new six-unit dwelling with nine parking spaces.

Board Members asked about the rear and side yard setbacks.

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

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved for approval with BPDA design review and Kindell seconded and the Board voted unanimously to approve. Board Member Ruggiero recused himself from the hearing of the appeal.

Case: BOA-1033581 **Address:** 45 Oak Street **Ward** 18 **Applicant:** Yenmid Rodriguez

Article(s): 69(69-8) 69(69-9) 69(69-29)

Purpose: Change occupancy from 2 to 3 family. No work to be done existing.

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

Board Members asked about the location of the additional unit, size of additional unit and attic ceiling height.

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

Documents/Exhibits: Building Plans

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

Case: BOA-1025545 Address: 79 Moss Hill Road **Ward 19 Applicant:** Shashank Mara and Minita Shah-Mara

Article(s): 55(55-9): Floor area ratio excessive, Side yard insufficient & Front yard insufficient)

Purpose: Existing single story wood structure over concrete walk-out basement/garage. Scope of work is to add an additional wood framed level above. Footprint remains the same. Existing footprint exceeds zoning setbacks, requires zoning rejection and appeal.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to raze existing single-family dwelling to its foundation and erect a new two-story single family dwelling.

Board Members asked about size of the dwelling, floor area ratio and front and side yard insufficiencies.

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

Documents/Exhibits: Building Plans, letter of opposition

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

Case: BOA-1029770 Address: 7-9 Wenham Street **Ward 19 Applicant:** 7-9 Wenham Street LLC

Article(s): 55(55-9) 55(55-40)

Purpose: Change from a 2 to 3 family existing condition.

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

Board Members asked how property taxes are assessed and if the dwelling has a public utility meter.

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

Documents/Exhibits: Building Plans

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

Case: BOA-1014352 Address: 59 Chellman Street **Ward 20 Applicant:** Pamela Bardhi

Article(s): 56(56-7) 55(55-9): Floor area ratio is excessive, Front yard setback requirement is insufficient & Rear yard setback requirement is insufficient)

Purpose: Demolish existing property and erect new two family duplex.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a new two-family dwelling with duplex style units.

Board Members asked about lot size, units size and curb cut.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors O'Malley and Essaibi-George are in opposition, as are multiple abutters.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for dismissal without prejudice and Fortune seconded and the Board voted unanimously to dismiss without prejudice.

Case: BOA-1026177 **Address:** 16 Meredith Street **Ward** 20 **Applicant:** George & Margaret D'Arbeloff
Article(s): 10(10-1)
Purpose: Parking for two cars next to house.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to install a driveway on the left side of the property for parking two cars.

Board Members asked about the dimensions of the driveway and about front yard parking.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review to reconfigure driveway and no front yard parking to be allowed and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-1006332 **Address:** 36 Morey Road **Ward** 20 **Applicant:** James Shields
Article(s): 56(56-8: Excessive F.A.R., # of allowed habitable stories exceeded & Insufficient side yard setback)
Purpose: Building an 2 floor addition with basement off the back of house. Addition is approximately 15'X35"- adding approximately 1050 sq ft to home.

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

Case: BOA-1016400 **Address:** 541 Cambridge Street **Ward** 21 **Applicant:** Helping Hands: Monkey Helpers for the Disabled, Inc.

Article(s): 9(9-1) 51(51-9: Floor area ratio excessive, Bldg height excessive (stories) & Bldg height excessive (feet)) **Purpose:** 1) 19.2' BY 27.5' Addition to east side of building over existing footprint. 2) 11.0' BY 41.5' Dormer addition to top floor of east side of building. 3) 11.8' BY 53.8' Dormer addition to top floor of west side of building. 4) Renovation of interior and exterior on all existing floors.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build an addition and dormers to expand living space for monkeys. Building is used to house retired monkey helpers for persons with disabilities.

Board Members asked about the size of the addition.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Essaibi-George and Breadon are in support, as is the Allston Civic Association.

Documents/Exhibits: Building Plans, letter of support

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

Case: BOA-748842 **Address:** 47 Dighton Street **Ward** 22 **Applicant:** Brendan Hoarty
Article(s): 51(51-8) 51(51-9: Location of main entrance shall face the front lot line & Usable open space insufficient) **Purpose:** Change Occupancy from a Two (2) Family Dwelling to a Three (3) Family Dwelling. Existing condition.

Discussion: At the applicant's request, the matter was deferred to the April 7, 2020 Hearing.

Case: BOA-748850 **Address:** 49 Dighton Street **Ward** 22 **Applicant:** Brendan Hoarty
Article(s): 51(51-8) 51(51-9: Location of main entrance shall face the front lot line & Usable open space insufficient) **Purpose:** Change Occupancy from a Two (2) Family Dwelling to a Three (3) Family Dwelling. Existing condition.

Discussion: At the applicant's request, the matter was deferred to the April 7, 2020 Hearing.

Case: BOA-1005757 **Address:** 153 Foster Street **Ward** 22 **Applicant:** George Morancy
Article(s): 51(51-8) 51(51-9: Excessive F.A.R. (.6 max.), Number of allowed stories exceeded (2.5 story max.), Number of allowed stories exceeded (2.5 stories max) & Insufficient rear yard setback (30' min req.)) 51(51-56)
Purpose: Erect third-story dormers and rear addition and extend living area; interior and exterior renovations; change legal occupancy from two-family dwelling to three-family to three-family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add third floor dormers and a rear addition and change occupancy from a two-family to three-family dwelling.

Board Members asked about bedroom counts, unit sizes and basement space.

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

Documents/Exhibits: Building Plans

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

Case: BOA-979917 **Address:** 56 Winship Street **Ward** 22 **Applicant:** Kenwood Builders
Article(s): 51(51-8) 51(51-9: Insufficient additional lot area per unit, Excessive F.A.R., Front yard compliance - footnote (5) street wall alignment/modal - no street survey provided, Insufficient rear yard setback & Insufficient side yard setback) 51(51-56: Off-street parking & loading req & Off street parking requirements) 51(51-53)
Purpose: Proposed New Construction of 9 Unit Multi Family Dwelling.

Discussion: At the applicant's request, the matter was deferred to the April 7, 2020 Hearing.

Case: BOA-1033470 Address: 4 Braintree Street **Ward 22 Applicant:** Oak Hill Park, LLC

Article(s): 51(51-19) 51(51-20) 51(51-56)

Purpose: Seeking to change the occupancy to 9 residential units and 2 retail spaces. To be known as 4-8 Franklin St.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct 3 development projects for 9 residential units and 2 retail spaces (4 Braintree); 66 residential units, 2 retail spaces and 24 parking spaces (20 Braintree); and 107 residential units, one retail space and 52 parking spaces (8-12 Wilton).

Board Members asked about bedroom counts, unit sizes, live work space, common space and affordable units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Breadon and Essaibi-George are in support, as are the ACA, BAIA, Carpenters Union and abutters. Paul Creighton is in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted 5 to 2 to approve. Chair Araujo and Board Member Fallon voted in opposition.

Case: BOA- 1033469 Address: 20 Braintree Street **Ward 22 Applicant:** Oak Hill Park, LLC

Article(s): 51(51-19) 51(51-20: Floor area ratio excessive, Building height excessive & Rear yard insufficient)

Purpose: Seeking to raze the existing structures and erect a seven-story mixed-use building with sixty-six residential units, two retail spaces and twenty-four parking spaces. Combined lots 16,844 SF filed under ALT1023780 and ALT1023778.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct 3 development projects for 9 residential units and 2 retail spaces (4 Braintree); 66 residential units, 2 retail spaces and 24 parking spaces (20 Braintree); and 107 residential units, one retail space and 52 parking spaces (8-12 Wilton).

Board Members asked about bedroom counts, unit sizes, live work space, common space and affordable units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Breadon and Essaibi-George are in support, as are the ACA, BAIA, Carpenters Union and abutters. Paul Creighton is in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted 5 to 2 to approve. Chair Araujo and Board Member Fallon voted in opposition.

Case: BOA-1033475 Address: 334-362 Cambridge Street **Ward 21 Applicant:** Allston Square Yellow Brick Realty Trust

Article(s): 51(51-16) 51(51-17: Floor area ratio excessive, Building height excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient)

Purpose: Seeking to change the occupancy to a residential building with seventy-one units and seventeen parking spaces. Also, to raze a portion of the existing structure, erect a six-story addition, and renovate the remaining structure. To be known as 10 Highgate St.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct 3 development projects for 71 residential units and 17

parking spaces 334-362 Cambridge); 82 residential units, 2 retail spaces and 59 parking spaces (1 Highgate); and 9 residential units and 6 parking spaces (16 Highgate).

Board Members asked about bedroom counts, unit sizes, live work space, common space and affordable units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Breadon and Essaibi-George are in support, as are the ACA, BAIA, Carpenters Union and abutters. Paul Creighton is in opposition.

Documents/Exhibits: Building Plans

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

Case: BOA-1033474 **Address:** 1 Highgate Street **Ward** 21 **Applicant:** Allston Square Realty Trust, LLC
Article(s): 51(51-16) 51(51-17: Floor area ratio excessive, Building height excessive, Usable open space per dwelling unit insufficient, Side yard insufficient & Rear yard insufficient)

Purpose: Seeking to raze the existing structures and erect a seven-story mixed-use building with eighty-two residential units, two retail spaces and fifty-nine parking spaces. Combined lots 18,357 SF filed under ALT1023775 and ALT1023771.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct 3 development projects for 71 residential units and 17 parking spaces 334-362 Cambridge); 82 residential units, 2 retail spaces and 59 parking spaces (1 Highgate); and 9 residential units and 6 parking spaces (16 Highgate).

Board Members asked about bedroom counts, unit sizes, live work space, common space and affordable units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Breadon and Essaibi-George are in support, as are the ACA, BAIA, Carpenters Union and abutters. Paul Creighton is in opposition.

Documents/Exhibits: Building Plans

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

Case: BOA-1033468 **Address:** 16 Highgate Street **Ward** 21 **Applicant:** Amentacalus, LLC
Article(s): 51(51-8) 51(51-9: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (feet), Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 51(51-56)

Purpose: Seeking to raze the existing structure and erect a three-story building with nine residential units and six parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct 3 development projects for 71 residential units and 17 parking spaces 334-362 Cambridge); 82 residential units, 2 retail spaces and 59 parking spaces (1 Highgate); and 9 residential units and 6 parking spaces (16 Highgate).

Board Members asked about bedroom counts, unit sizes, live work space, common space and affordable units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Breadon and Essaibi-George are in support, as are the ACA, BAIA, Carpenters Union and abutters. Paul Creighton is in opposition.

Documents/Exhibits: Building Plans

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

Case: BOA-1033472 **Address:** 8-12 Wilton Street **Ward** 22 **Applicant:** Cambridge Street Realty, LLC
Article(s): 51(51-19) 51(51-20: Floor area ratio excessive, Building height excessive & Rear yard insufficient) 51(51-16) 51(51-17: Floor area ratio excessive, Building height excessive & Rear yard insufficient)

Purpose: Seeking to raze the existing structures and erect a seven-story mixed-use building with one hundred and seven residential units, one re-tail space, and fifty-two parking spaces. Combined lots 29,567 SF filed under ALT1023786 and ALT1023784.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct 3 development projects for 9 residential units and 2 retail spaces (4 Braintree); 66 residential units, 2 retail spaces and 24 parking spaces (20 Braintree); and 107 residential units, one retail space and 52 parking spaces (8-12 Wilton).

Board Members asked about bedroom counts, unit sizes, live work space, common space and affordable units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Breadon and Essaibi-George are in support, as are the ACA, BAIA, Carpenters Union and abutters. Paul Creighton is in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted 5 to 2 to approve. Chair Araujo and Board Member Fallon voted in opposition.

45 Minute Lunch Break

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-966339 **Address:** 22 Wordsworth Street **Ward** 1 **Applicant:** Will Sheehy
Article(s): 27T(27T-9) 53(53-8) 53(53-52) 53(53-56)
53(53-9: Lot Area Insufficient, Lot Width Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Building Height Excessive,
Building Height (# of Stories) Excessive, Side Yard Insufficient, Rear Yard Insufficient)
Purpose: Confirm Occupancy as an existing Two (2) Family Dwelling and Change Occupancy to a Three(3) Family Dwelling. Gut renovation, addition of a new 3rd Floor and Rear addition. New kitchens, baths, flooring, plumbing, HVAC, electrical systems. New roof, new Rear Decks, siding and foundation work. Installation of a new Sprinkler system.

Discussion: At the applicant's request, the matter was deferred to the April 7, 2020 Hearing.

Case: 959516 **Address:** 139 Everett Street **Ward** 1 **Applicant:** Anthony Del Vecchio
Article(s): 53(53-9) 27T(27T-5)
Purpose: Confirm the Occupancy as a One Family Dwelling and Change to a Two Family Dwelling to include combining of lots, roof deck with new exterior rear egress per plans submitted. All interior work and full construction costs for project are filed under SF944100 issued 4/22/19.

Discussion: At the applicant's request, the matter was deferred to the April 7, 2020 Hearing.

Case: BOA-970669 **Address:** 798B East Third Street **Ward 6 Applicant:** Michael & Maureen Murray

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

Purpose: Construct rear addition and 1-story vertical addition on an attached single family dwelling. Extend living space to basement

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a rear addition and one-story vertical addition with roof deck on an attached single-family dwelling. The appeal was initially heard on November 12, 2019 and, after discussion, deferred to allow for a site visit for adding context to the proposed addition extending into the rear yard.

Board Member Erlich conducted the site visit and considered the proposed rear addition in context to the existing rear addition of the attached abutter. Based upon viewing the Board determined the proposed extension should not extend into the rear yard further than the extension of the attached abutter; that the rear addition should match that of the attached abutter.

Testimony: The Board heard testimony from neighbors and elected officials at the November 12, 2019 hearing. Mayor's Office of Neighborhood Services and Councilor Flaherty are in opposition, as are both attached abutters. Councilor Flynn was recorded neither in support nor opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval of the front extension and dismissal without prejudice of the rear extension and Fortune seconded and the Board voted unanimously to approve.

Case:1013092 **Address:** 570 Warren Street **Ward 12 Applicant:** 570 Warren Street, LLC

Article(s): 2(2-2-1) 9(9-1) 10(10-1) 50(50-43)

Purpose: Change occupancy from 9 lodgers and 1 owner occupant to 17 lodgers and 1 owner occupant; interior work only to create additional bedrooms for lodgers from existing under-utilized space in the existing structure.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to 17 lodgers and 1 owner.

Board Members asked how additional bedrooms are to be provided and about accessibility.

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

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Ruggiero moved for approval to this petitioner only and Fallon seconded and the Board voted unanimously to approve.

Case: 971287**Address:** 643 Morton Street **Ward 14 Applicant:** Holy Tabernacle Church Apostolic, Inc

Article(s): 60(60-9)

Purpose: Change of Occupancy from Childcare Center to Three-Family Dwelling. No work to be done.

Discussion: At the applicant's request, the matter was deferred to the May 19, 2020 Hearing.

Case: 971286 **Address:** 643 Morton Street **Ward** 14 **Applicant:** Holy Tabernacle Church Apostolic, Inc
Purpose: Change of Occupancy from Childcare Center to Three-Family Dwelling. No work to be done.
SECTION: 9th Edition 780CMR 903.2 (MA Amend)- Occupancy Automatic Sprinkler Requiren. All Use Group R requires automatic sprinkler system.

Discussion: At the applicant's request, the matter was deferred to the May 19, 2020 Hearing.

Case: 993386 **Address:** 11 Greenmount Street **Ward** 15 **Applicant:** Edward Ahern

Article(s): 65(65-8)

65(65-9: Lot area for the add'l dwelling unit is insufficient, Floor area ratio is excessive, Height is excessive (# of stories), Height is excessive (ft), Usable open space required is insufficient, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient)

Purpose: Erect new four unit building and parking per attached plans . BOA

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

Case: BOA-1000521 **Address:** 16 Stanley Street **Ward** 15 **Applicant:** Phung Porzio,

Article(s): 65(65-32)

65(65-9: Lot Area Insufficient, Floor Area Ratio Excessive, Usable Open Space Insufficient, Front Yard Insufficient, Side Yard Insufficient)

Purpose: Proposed to construct a two family on a vacant lot (as per plans).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a two-family dwelling with two parking spaces.

Board Members asked about number of bedrooms and unit sizes.

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

Documents/Exhibits: Building Plans

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

Case: BOA-972669 **Address:** 32-34 Tolman Street **Ward** 16 **Applicant:** Hun Le

Article(s): 9(9-1) 65(65-42)

65(65-9: Floor Area Ratio Excessive, Building Height Excessive, Building Height (# of Stories) Excessive, Front Yard Insufficient)

Purpose: Build a dormer, rebuild front porch, extends living space into basement.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a dormer, front porch and extend living space to basement.

Board Members asked about dormers, window well, legal occupancy and basement ceiling height.

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

Documents/Exhibits: Building Plans, letter of support

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

Case: 927288 **Address:** 11-13 Pierce Street **Ward** 18 **Applicant:** Charles Donovan

Article(s): 9(9-1) 69(69-29)

68(68-8: Use: Forbidden- MFR is a forbidden use in a 2F-5000 sub-district & Use: Forbidden- Dwelling units in basements are forbidden)

69(69-9: Floor Area Ratio Excessive& Usable Open Space Insufficient)

Purpose: Add 5th dwelling unit in basement

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

Board Members asked about the currently existing number of units.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for and Kindell seconded and the Board voted 6 to 1 to approve. Chair Araujo voted in opposition.

Case: 998180 **Address:** 36-40 Winthrop Street **Ward** 18 **Applicant:** CBC Design

Article(s): 10(10-1) 69(69-12) 69(69-29)

Purpose: Attached addition on right side of existing building. USE: Community Center with offices.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build an addition for community center and office use. The applicant stated that the proposal is in compliance with the building code and, therefore, they do not seek building code relief.

Board Members asked about soundproofing, parking and location of dumpster.

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

Documents/Exhibits: Building Plans

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

Case#998181 Address: 36-40 Winthrop Street **Ward** 18 **Applicant:** CBC Design

Purpose: Attached addition on right side of existing building. USE: Community Center with offices.

SECTION: 9th Edition 780 CMR CHPT 07 - Chapter 07 - Openings in exterior walls <3' from lot line is not allowed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build an addition for community center and office use. The applicant stated that the proposal is in compliance with the building code and, therefore, they do not seek building code relief.

Board Members asked about soundproofing, parking and location of dumpster.

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

Documents/Exhibits: Building Plans

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

Case: BOA-992741 **Address:** 66-66B Fawndale Road **Ward** 19 **Applicant:** Falcucci Properties, LLC
Article(s): 67(67-9: Insufficient lot size, Insufficient additional lot area per unit, Excessive F.A.R., Insufficient open space per unit, Insufficient side yard setback & Insufficient rear yard setback) 67(67-33) 67(67-32)

Purpose: Seeking to erect a 3-story residential building with 3 units and 6 parking spaces

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

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
JOSEPH RUGGIERO

SUBSTITUTE MEMBERS:

TYRONE KINDELL, JR
NADINE FALLON
EDWARD DEVEAU

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

For a video recording of the February 4, 2020 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp