



City of Boston
Board of Appeal

HEARING MINUTES

Tuesday, September 10, 2019

BOARD OF APPEALS

Room 801

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

APPROVAL OF HEARING MINUTES:

August 13, 2019 & August 27, 2019 - Upon a motion for approval and a second, the Board voted unanimously to approve the August 13, 2019 and August 27, 2019 Hearing Minutes.

EXTENSIONS: 9:30a.m.

Case: BOA-575700 **Address:** 65-73 East Cottage Street **Ward 7 Applicant:** My Lam

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

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

Case: BOA-575702 **Address:** 67 East Cottage Street **Ward 7 Applicant:** My Lam

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

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

Case: BOA-616980 **Address:** 9-11 Hillsboro Street **Ward 7 Applicant:** My Lam

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

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

Case: BOA-617017 **Address:** 13-15 Hillsboro Street **Ward 7 Applicant:** My Lam

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

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

Case: BOA-617030 **Address:** 21-23 Hillsboro Street **Ward 7 Applicant:** My Lam

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

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

Case: BOA-616977 **Address:** 25-27 Hillsboro Street **Ward 7 Applicant:** My Lam

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

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

Case: BOA-734943 **Address:** 33-35 Knoll Street **Ward 20 Applicant:** Timothy Burke

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

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

Case: BOA-663708 **Address:** 275 Webster Street **Ward 1 Applicant:** Onnelly Parslow

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

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

Case: BZC-33117 **Address:** 372 North Beacon **Ward 22 Applicant:** Steven Miller, Esq

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

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

GCOD: 9:30a.m.

Case: BOA-977342 **Address:** 180 West Canton Street **Ward 4 Applicant:** 180 West Canton Street Realty Trust

Article(s): 32(32-9)

Purpose: Change Occupancy from a Two Family Dwelling to a One Family dwelling with full interior renovations to existing brownstone. Work to include new finishes, MEP's, fire alarm and fire protection systems. see SF966537 for demo work only.

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 BWSC approval letter is on file.

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

Documents/Exhibits: Building Plans

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

Case: BOA-977383 **Address:** 120 Brookline Avenue **Ward 5 Applicant:** Fenway Enterprises 120 Brookline Avenue LLC

Article(s): 32(32-4)

Purpose: Owner/Landlord building core/shell work and exterior site and landscape improvements. Building work includes selective demo, utility stub ins, and exterior storefront improvements to prepare a shell space for future retail fit out. Building work to occur at the first floor of three floor building.

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 BWSC approval letter is on file.

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

Documents/Exhibits: Building Plans

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

HEARING: 9:30 a.m.

Case: BOA-938015 **Address:** 31-33 Boardman Street **Ward 1 Applicant:** Derric Small

Article(s): 27T-5 53(53-8) 53(53-52)

Purpose: Combine parcel # 0101734000 with parcel #0101735000 to become one lot to be known as 31-33 Boardman St. Change of occupancy to 9 units. Renovate existing dwellings as stated on previous permits. Construct new addition as per plans. Sprinkler plan to be filed. Construction cost does not include cost on previous short forms. *AE Flood Zone (EL 10').

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-874130 **Address:** 18-20 Crestway Road **Ward 1 Applicant:** Timothy Johnson

Article(s): 53(53-8) 53(53-9: Floor area ratio excessive, Height excessive, Front yard (53-57.2 CEBA) insufficient, Side yard insufficient & Rear yard insufficient) 53(53-56)

Purpose: Combine parcel per ALT860012 to create 8,431 SF parcel. Demolish existing structure and erect new 3 story, 9-unit residential building w/14 car garage, front, side & roof decks as per plans submitted.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-972965 **Address:** 48 Geneva Street **Ward 1 Applicant:** Nicola R. Dilbero

Article(s): 25(25-5) 27T-5 53(53-9: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 53(53-56)

Purpose: Erect a 6 unit residential dwelling with parking for 3 vehicles.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-972963 **Address:** 58 Lubec Street **Ward 1 Applicant:** 58 Lubec Street Trust
Article(s): 25(25-5) 53(53-9: Lot area for the add'l units is insufficient, Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Usable open space is insufficient, Side yard setback is insufficient, Rear yard setback requirement is insufficient & Required front yard setback is insufficient) 27T-5 53(53-56) **Purpose:** Renovate, Change occupancy from 4 to a 9 unit dwelling, erect addition with roof deck and reconstruct rear decks.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-977795 **Address:** 82 Orient Avenue **Ward 1 Applicant:** Anthony Bellanti

Article(s): 27T-5 53(53-9)

Purpose: Add additions to change occupancy from 1 Family to a 2 Family dwelling extend 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 change occupancy to 2F with the construction of additions to existing 1F.

Board Members asked about the side yard violation, how the driveway works, extension of living space into the basement and basement ceiling height.

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

Documents/Exhibits: Building Plans

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

Case: BOA-967782 **Address:** 34 Belmont Street **Ward 2 Applicant:** Timothy Sheehan

Article(s): 62(62-8: Insufficient additional lot area, Max. allowed height exceeded, Insufficient usable open space & Insufficient side yard setback)

Purpose: Erect new 2 family home as per plans. *Application filed in conjunction with ALT945502 to sub-divide existing lot (3090sf) into 2 new lots. lot A 1624sf. Lot B 1466sf - 34 Belmont St (semi-attached two family)to have one building and 36 Belmont St (one family) to have one building. (Attached to # 34) existing building to be razed on separate permit.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-967781 **Address:** 36 Belmont Street **Ward 2 Applicant:** Timothy Sheehan

Article(s): 62(62-8)

Purpose: Erect new attached single family home as per plans. *Application filed in conjunction with ALT945502 to sub-divide existing lot (3090sf) into 2 new lots. lot A 1624sf. Lot B 1466sf - 34 Belmont St (semi-attached two family)to have one building and 36 Belmont St (one family) to have one building. (Attached to # 34) existing building to be razed on separate permit.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-818471 **Address:** 97 Salem Street **Ward 3 Applicant:** 97 Salem Street Realty Trust

Article(s): 54(54-13: Open space insufficient, Rear yard insufficient & Floor area ratio excessive) 54(54-21)

Purpose: To change occupancy from one real estate office to one retail space and 9 residential units. Also to erect a five story addition above the existing one story building.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-965725 **Address:** 42-44 South Russell Street **Ward 3 Applicant:** Timothy Burke

Article(s): 15(15-1) 19(19-1)

Purpose: Remove portion of roof to install new dormer on rear wall and roof deck with new stair and hatch access. Install new bathroom and interior finishes. Install associated new mechanical and electrical work.

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 new dormer and add a roof deck.

Board Members asked about the total additional square footage.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and to remove windows from zero lot line wall and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-970404 **Address:** 416 Beason Street **Ward 5 Applicant:** Beta Nu House Corporation

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

Purpose: Interior and exterior renovations of a 4 story brick rowhouse. Proposed work includes repairs to exterior masonry, window replacement and energy efficiency upgrades, renovations to kitchen and bathrooms and reconfiguration of bedrooms with accessibility upgrades. Current use is R-2 Fraternity.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-967897 **Address:** 296 Cambridge Street **Ward 5 Applicant:** Watermark Donut Company, Inc

Article(s): 8(8-7)

Purpose: Change occupancy from Retail Store to Restaurant with take out. Interior fit out for Dunkin' Donuts work to include interior partitions, ceilings floors, wall finishes, millwork, kitchen equipment, all associated MEP life safety including minor sprinkler and fire alarm system modifications, exterior signage.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-967381 **Address:** 83-89 Queensberry Street **Ward 5 Applicant:** 60 Kilmarnock Owner, LLC

Article(s): 32(32-9) 66(66-8: Restaurant conditional MFR/LS & Accessory parking non-residential conditional) 66(66-9: Floor area ratio excessive, Height excessive, Usable open space insufficient & Rear yard insufficient) 66(66-42: 66-42.5 parking design & Off-street parking insufficient) 6(6-3A)

Purpose: Construct eight-story building 395 units, Res. Amenities, Offices, Retail/restaurant Spaces with subsurface parking garage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a mixed use building with 395 residential units. BWSC approval letter was noted to be on file.

Board Members asked about affordable housing units, a tenant for the restaurant space, the Article 80 process, roof top amenities and unit sizes and bedroom counts.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, BPDA, Fenway CDC and Carpenters Union are in support. An attorney representing the owner of 84-100 Peterborough is in opposition.

Documents/Exhibits: Building Plans

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

Case: BOA-967386 **Address:** 95-101 Queensberry Street **Ward 21 Applicant:** 60 Kilmarnock Owner, LLC
Article(s): 32(32-9) 66(66-9: Floor area ratio excessive, Height excessive & Usable open space insufficient)
66(66-42: 66-42.5 parking design & Off-street parking insufficient)

Purpose: Construct Eight-Story Building 85 Units, Res., Amenities, with underground parking garage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a mixed use building with 395 residential units. BWSC approval letter was noted to be on file.

Board Members asked about affordable housing units, a tenant for the restaurant space, the Article 80 process, roof top amenities and unit sizes and bedroom counts.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, BPDA, Fenway CDC and Carpenters Union are in support. An attorney representing the owner of 84-100 Peterborough is in opposition.

Documents/Exhibits: Building Plans

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

Case: BOA-983061 **Address:** 504 East Third Street **Ward 6 Applicant:** Michael McGough

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

Purpose: Construct third floor addition with roof deck on existing footprint. Extend living space to basement. Full renovation to existing single-family dwelling 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 build a third floor addition, add a roof deck and extend living space into the basement.

Board Members asked about the intended occupancy once complete, intended use for the basement space, basement ceiling height and the number of bedrooms.

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

Documents/Exhibits: Building Plans

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

Case: BOA-977313 **Address:** 708 East Sixth Street **Ward 6 Applicant:** Patrick Mahoney, Esq

Article(s): 68(68-29) 68(68-33) 68(68-7.2) 68(68-8: Usable open space insufficient & Side yard insufficient)
27S(27S-5)

Purpose: Confirm occupancy as 2 family dwelling. Change of Occupancy from Two-Family to Four-Family Dwelling. Work to include complete interior renovation, propose rear addition on 3rd Floor with new rear decks and roof deck, extend living space to basement for additional dwelling unit. Exterior renovation to include new windows, siding, trim, etc. Entire building will be fully sprinkled. Propose five (5) off-street parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change 2F to 4F, construct third floor addition with rear decks, roof deck and extend living space to basement.

Board Members asked about the basement unit, basement ceiling height and basement window wells.

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

Documents/Exhibits: Building Plans

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

Case: BOA-979536 **Address:** 346-348 West Broadway **Ward 6 Applicant:** George Morancy
Article(s): 68(68-33) 68(68-8: Floor area ratio excessive, Bldg height excessive (feet), Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 27S(27S-5)
Purpose: Erect a new mixed use building with Retail Store on the first floor and 4 dwelling units above, as per plans. Raze existing structure under separate application.

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 3 unit dwelling, reduced from 4 units.

Board Members asked about roof access.

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

Documents/Exhibits: Building Plans

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

Case: BOA-896779 **Address:** 779-779A Dorchester Avenue **Ward 7 Applicant:** John Nguyen
Article(s): 9(9-1) 65(65-9: Excessive F.A.R., Insufficient front yard setback & Insufficient side yard setback) 65(65-41) **Purpose:** Proposed rear and vertical addition and add a roof deck. Expand existing store into first floor dwelling unit. Relocate first floor dwelling unit to the second floor and the second dwelling unit into the new third floor as per plans. No Change in occupancy. 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 requesting zoning relief required to construct a rear addition and roof deck; expand existing store on floor one.

Board Members asked about floor area ration and front yard setback, parking, roof deck and basement space.

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

Documents/Exhibits: Building Plans

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

HEARINGS: 10:30 a.m.

Case: BOA-975774 **Address:** 9 Leyland Street **Ward 8 Applicant:** Massachusetts Construction Land Trust, Inc. (by Leyland LLC)

Article(s): 10(10-1) 50(50-29: Lot area for additional dwelling units insufficient, Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Usable open space insufficient, Front yard insufficient & Rear yard insufficient) 50(50-43: Off-street parking insufficient & Off-street loading insufficient) 50(50-44)

Purpose: Combine Lots. Erect a new 5 story, 43 Unit Residential Building. This will be Affordable Housing for the Community. There will be at-Grade open-air Resident Parking spaces for Building.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-979207 **Address:** 1 Elmwood Street **Ward 9 Applicant:** Scott Webster

Article(s): 50(50-24)

Purpose: Change Occupancy from Restaurant, 1 Apartment, vacant space to Restaurant, 1 Apartment , Retail space - minor sheet rocking - Please see prior BOA551171 approval for use.

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

Board Members asked about the restaurant use, retail tenant, size of the residential unit and grates on the exterior of the building.

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

Documents/Exhibits: Building Plans

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

Case: BOA-981482 **Address:** 12 Thwing Street **Ward 11 Applicant:** Eric Der

Article(s): 50(50-29: Lot size to erect a dwelling is insufficient, Front yard setback requirement is insufficient & Side yard setback requirement is insufficient) 50(50-43)

Purpose: Building new single family house on footprint of existing house. Panelized wood construction with brick exterior and metal roof. Some landscape work as a new driveway and back patio proposed.

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 single family home on footprint of existing single family home.

Board Members asked about parking.

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

Documents/Exhibits: Building Plans, Letters of support

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

Case: BOA-944910 **Address:** 8-8A Valentine Street **Ward 11 Applicant:** Ponce Gaines

Article(s): 50(50-29)

Purpose: Subdivide this already newly built 4-unit town house style building into 3 independent buildings row type style on 3 assigned subdivided distinct parcels. This building is a two family and to be known as 8-8a Valentine St, and its lot size is proposed to be 3951 square feet. This was approved as a six unit building by the ZBA, later changed to a four unit town house style dwelling by the owner approved by the Board Final Arbiter. Also see the two other separated properties known as 152 Thornton St. Alt883717 and 154 Thornton St. Alt883722.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide a previously built 4 townhouse building into three separate parcels.

Board Members asked about parking.

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

Documents/Exhibits: Building Plans

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

Case: BOA-944891 **Address:** 152 Thornton Street **Ward 11 Applicant:** Ponce Gaines

Article(s): 50(50-29: Lot size for the single family dwelling is insufficient & Usable open space is insufficient)

Purpose: Subdivide this building from 8-8A valentine St, this building is a one family dwelling unit to be also known as 152 Thornton St and its lot size to is 1605 square feet. It is one the proposed subdivided three lots.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide a previously built 4 townhouse building into three separate parcels.

Board Members asked about parking.

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

Documents/Exhibits: Building Plans

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

Case: BOA-944900 **Address:** 154 Thornton Street **Ward 11 Applicant:** Ponce Gaines

Article(s): 50(50-29: Lot size required to build a dwelling unit is insufficient, Floor area ratio is excessive, Usable open space is insufficient & Lot area for the add'l dwelling unit is insufficient) 50(50-43)

Purpose: Subdivide this building from 8-8A valentine St, this building is a two family dwelling unit to be also known as 154 Thornton St and its lot size to is 1274 square feet. It is one the proposed subdivided three lots.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide a previously built 4 townhouse building into three separate parcels.

Board Members asked about parking.

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

Documents/Exhibits: Building Plans

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

Case: BOA-979866 **Address:** 174 Savin Hill Avenue **Ward 13 Applicant:** Catherine O'Neill
Article(s): 65(65-9: Lot area insufficient, Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 65(65-41) 65(65-42)
Purpose: Erect a new, 3 story Two Family Dwelling on existing vacant Lot.

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

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

Case: BOA-959027 **Address:** 27 Thornley Street **Ward 13 Applicant:** Ellington Jackson
Article(s): 65(65-9)

Purpose: Amendment to ALT373517 (No additional cost).Changes to fire protection, add new rear exterior stair to replace inside stair, Create storage areas in basement (not to be living space) ,change 2nd floor pantry to an open porch , create a 3 rd floor rear deck, change 1st and 2nd floors to open concept kitchen with LVLs with 3 bedrooms and 2 baths.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA#956275 **Address:** 27 Thornley Street **Ward 13 Applicant:** Ellington Jackson
Purpose: Amendment to ALT373517 (No additional cost).Changes to fire protection, add new rear exterior stair to replace inside stair, Create storage areas in basement (not to be living space) ,change 2nd floor pantry to an open porch , create a 3 rd floor rear deck, change 1 st and 2nd floors to open concept kitchen with LVLs with 3 bedrooms and 2 baths. Section: 8th 780CMR 1027 Exit Discharge 10.27.5.1 Location - min. fire separation distance of 10 feet from exterior stairway to adjacent lot line. 8th 780CMR Exit Discharge 10.27.6 Exit stairway shall be separated from interior of building as required by 1023.2 and openings shall be limited to those necessary for egress from normally occupied spaces.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-972063 **Address:** 392 Seaver Street **Ward 14 Applicant:** Joel Rubiera
Article(s): 10(10-1)

Purpose: Make right side of the building a proposed drive way for 2 cars (see plot plan).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add curb cut driveway to accommodate two off-street parking spaces.

Board Members asked if the building at the address is already under construction.

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 Kindell seconded and the Board voted unanimously to approve.

Case: BOA-976676 **Address:** 141 Westville Street **Ward 15 Applicant:** Vivian and Elisa Girard
Article(s): 65(65-8) 65(65-9: Minimum lot width requirements is insufficient, Minimum lot frontage requirements is insufficient, Floor area ratio is excessive, Height is excessive (stories), Height is excessive (ft), Front yard setback requirement is insufficient & Rear yard setback requirement is insufficient) 65(65-41)
Purpose: New construction of 14 studio apartments under the Compact Living Guidelines, requiring zoning relief.

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 dwelling with 14 studio units.

Board Members asked about the zoning subdistrict, square footage of the lot, size of the units, community space and if the units are intend as rentals.

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

Documents/Exhibits: Building Plans

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

Case: BOA-970200 **Address:** 1674-1680 Dorchester Avenue **Ward 16 Applicant:** Hua Zhao Yu
Article(s): 65(65-8: Beauty salon is a conditional use in this zoning subdistrict & Massage room use is a conditional use in this zoning subdistrict)
Purpose: Change occupancy to include beauty salon. Massage room, facial room, storage & restroom.

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.

Board Members asked about grates on the building.

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 and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-981150 **Address:** 63 Nahant Avenue **Ward 16 Applicant:** James Christopher
Article(s): 65(65-9: Lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient)
Purpose: To construct a new owner occupied single family on the new lot created by the subdivision of 66-68 Pierce Ave ALT965562 as per the attached plans.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-981146 **Address:** 66-68 Pierce Avenue **Ward 16 Applicant:** James Christopher
Article(s): 9(9-1) 65(65-9: Lot area insufficient, Floor area ratio excessive & Rear yard insufficient)
Purpose: To subdivide the existing 5,500 Square foot lot creating two new lots consisting of lot A 2,860 square feet with existing two family home. Lot B 2,640 square feet for a new single family home, as per attached plans.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-965021 **Address:** 59 Rockne Avenue **Ward 16 Applicant:** James Christopher
Article(s): 65(65-41) 65(65-9: Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Front yard insufficient, Side yard insufficient & Lot area insufficient)
Purpose: To raze the existing single family. Erect new single-family dwelling as per the attached plans.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-945787 **Address:** 41-43 Alabama Street **Ward 18 Applicant:** Lu Mcpherson
Article(s): 60(60-8) 60(60-9: Lot area to erect a dwelling is insufficient, Minimum lot width required is insufficient, Minimum lot frontage required is insufficient, Minimum usable open space required is insufficient & Minimum side yard required is insufficient)
Purpose: To erect new 2 story building for a new 2 family as per plans.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-969856 **Address:** 71 Davison Street **Ward 18 Applicant:** Seventy One Davison LLC
Article(s): 9(9-1) 68(68-8: Rear yard insufficient, Usable open space insufficient & Floor area ratio excessive) 69(69-9) **Purpose:** Subdivide existing 71 Davison Street 8,832 square foot lot into two lots. The new lot for 71 Davison Street lot will consist of 3,269 square feet. The other lot for 88 Pierce Street will consist of 5,563 square feet for construction of a new two-family dwelling. See ERT945639.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide parcel and erect new 2F on new parcel.

Board Members asked about the intended use of the new dwelling.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Bickerstaff seconded; However, Chair Araujo was in opposition and the motion failed to carry and the request for relief was denied.

Case: BOA-969855 **Address:** 88 Pierce Street **Ward 18 Applicant:** Seventy One Davison LLC
Article(s): 69(69-29) 69(69-9: Lot width insufficient, Lot frontage insufficient, Bldg height excessive (feet), Bldg height excessive (stories) & Front yard insufficient)
Purpose: Construct new two-family dwelling on a new lot created by subdividing 71 Davison Street 8,832 square foot lot into two lots. The new lot for 88 Pierce Street will consist of 5,563 square feet. The new lot for 71 Davison Street will consist of 3,269 square feet. See ALT945649 for subdivision permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide parcel and erect new 2F on new parcel.

Board Members asked about the intended use of the new dwelling.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Bickerstaff seconded; However, Chair Araujo was in opposition and the motion failed to carry and the request for relief was denied.

Case: BOA-980145 **Address:** 6 Metropolitan Cir **Ward 18 Applicant:** Leonel A. Paz and Dora S. Paz
Article(s): 9(9-2) 67(67-8) 67(67-9): Floor area ratio excessive, Bldg height excessive (stories) & Usable open space insufficient) 67(67-32)

Purpose: Convert current 2 family into a 3 family by converting the existing unfinished basement into a separate dwelling unit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change 2F to 3F by adding unit in unfinished basement.

Board Members asked about the size of the new unit, the number of bedrooms and the basement ceiling height.

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

Documents/Exhibits: Building Plans

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

Case: BOA-948520 **Address:** 5 Orlando Street **Ward 18 Applicant:** 5 Orlando Street, LLC Brian T. Holland Manager

Article(s): 60(60-8) 60(60-9): Floor area ratio excessive & Usable open space insufficient) 60(60-37) 9(9-2)

Purpose: Change Occupancy from 11 Apartments to 12 Apartments. Renovate existing storage area and convert to Unit #3 in accordance with plans submitted, in compliance 780CMR ninth edition Mass Building Code. No structural changes.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA#948519 **Address:** 5 Orlando Street **Ward 18 Applicant:** 5 Orlando Street, LLC Brian T. Holland Manager

Purpose: Change Occupancy from 11 Apartments to 12 Apartments. Renovate existing storage area and convert to Unit #3 in accordance with plans submitted, in compliance 780CMR ninth edition Mass Building Code. No structural changes. Section: 9th 780CMR 903.2.8 Use Group R [F] 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. Plans submitted do not indicate the installation of a Fire Sprinkler system.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-964164 **Address:** 4 Hagar Street **Ward 19 Applicant:** Peter Vanko

Article(s): 9(9-1) 55(55-9): Floor area ratio excessive & Bldg height excessive (stories))

Purpose: Extend Unit 3 living spaces into attic deeded to Unit 3 via new rear stair. Light/vent through existing windows into open floor plan spanning two floors. Modify existing sprinkler heads to include proposed attic living space. [ZBA].

Discussion: The applicant failed to appear before the Board.

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

Case: BOA-939266 **Address:** 4000 Washington Street **Ward** 19 **Applicant:** Richard Suh

Article(s): 6(6-4)

Purpose: Remove proviso to Restaurant with takeout " to petitioner only" (Existing condition no work).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to remove a proviso "to petitioner only".

Testimony: The Board then requested testimony from neighbors and elected officials. No individuals were recorded in support or opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Bickerstaff moved for approval with relief to petitioner only and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-961890 **Address:** 8 Libbey Street **Ward** 20 **Applicant:** Dennis Sullivan

Article(s): 56(56-8: Insufficient side yard setback, Insufficient lot size, Insufficient lot width minimum, Insufficient lot frontage minimum & Excessive F.A.R.) 56(56-40) 10(10-1)

Purpose: Erect a single-family home on a 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 new single family home.

Board Members asked about the zoning subdistrict, floor area ratio, building alignment and if a garage was proposed.

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

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

Votes: Board Member Erlich moved for approval with BPDA design review; the motion failed to receive a second and failed to carry and the requested relief was therefore denied.

Case: BOA-955271 **Address:** 2 Petrel Street **Ward** 20 **Applicant:** Ivan Hernandez

Article(s): 56(56-8: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive & Side yard insufficient)

Purpose: Construct new single family dwelling 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 new single family dwelling.

Board Members asked about access to the garage.

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

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

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

Case: BOA-948772 **Address:** 99 Brooks Street **Ward 22 Applicant:** Daniel Toscano
Article(s): 51(51-8) 51(51-9: Building height (# of stories) excessive & Side yard insufficient) 51(51-56)
Purpose: Seeking to renovate the existing structure and to Change the Occupancy from a Single Family Dwelling to a Two Family Dwelling. Construct new dormers. Expand living space into Basement and Attic.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-977446 **Address:** 28-30 Parsons Street **Ward 22 Applicant:** Hurbert Bligh
Article(s): 51(51-56) 51(51-8) 51(51-9: Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Front yard insufficient & Rear yard insufficient)
Purpose: Change 2 Family to 4 Family as per proposed Plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from 2F to 4F.

Board Members asked about parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Ciommo and Flaherty are in support, as is the Brighton/Allston Improvement Association.

Documents/Exhibits: Building Plans

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

45 Minute Lunch Break

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-903629 **Address:** 21-23 Wyman Street **Ward 10 Applicant:** Timothy Burke
Article(s): 55(55-8) 55(55-40)
Purpose: Change occupancy from a three-family dwelling to a boutique hotel with 13 bedrooms.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-889514 **Address:** 343-345 Chelsea Street **Ward 1 Applicant:** 343-345 Chelsea Street, Realty Trust
Article(s): 53(53-12) 53(53-12) 53(53-12) 53(53-12) 53(53-56) 53(53-54)
Purpose: Raze existing building and erect a four (4) story building with retail at grade and nine (9) residential units on floors 2-4.

Discussion: At the applicant's request the matter was deferred to the October 29, 2019 Hearing.

Case: BOA-934019 **Address:** 154-156 Bayswater Street **Ward 1 Applicant:** Dan Smith
Article(s): 53(53-8) 53(53-9: Excessive F.A.R. & # of allowed habitable stories has been exceeded) 53(53-54) 53(53-56) **Purpose:** Change 2 family status to 3 family by Renovating basement space for additional apartment unit as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to occupancy from 2F to 3F and to add unit to basement space.

Board Members asked if the property is in a flood hazard zone, about the basement unit, basement ceiling height, parking and mechanical room.

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 and Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-919213 **Address:** 63 Horace Street **Ward 1 Applicant:** Frank DelMuto

Article(s): 53(53-9: Floor area ratio is excessive, Height is excessive (2 1/2 max allowed), Height is excessive (feet) & Side yard setback requirement is insufficient) 27GE

Purpose: Build 2 Unit, 3 story dwelling - plus two car garage as per submitted plans. Seeking a variance process in conjunction with alt901333.

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

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

Case: BOA-919215 **Address:** 63 Horace Street **Ward 1 Applicant:** Frank DelMuto

Article(s): 53(53-9: Floor area ratio is excessive & Required side yard setback is insufficient) 27GE 53(53-56)

Purpose: Subdivide parcel #0101149000 currently 50 x 100 ft into two 25' x 100' house lots as per submitted plans. 61 Horace St and 63 Horace St In conjunction with ERT901346.

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

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

Case: BOA-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: The applicant appeared before the Board and requested to withdraw the proposal.

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

Case: BOA-863411 **Address:** 141 West Second Street **Ward 6 Applicant:** David Arrowsmith

Article(s): 68(68-29: Proposed work exceeds aggregate 330sf/10% of roof area, Roof platform > 12" above main roof & Access) 68(68-8) 68(68-27S-5)

Purpose: Roof Top Private Decks Installation Per Plans. Roof Top Common Deck Installation Per Plans. Roof Top Penthouse and Stair Installation 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 build private roof decks and a common roof deck.

Board Members asked if the property was before the Board previously for the construction of the units.

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

Documents/Exhibits: Building Plans

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

RECONSIDERATION: 12:00 p.m.

Case: BOA-946295 **Address:** 3-7 Cottage Court **Ward 13 Applicant:** Danielson Tavares
City Hall, upon the appeal of Danielson Tavares seeking with reference to the premises at 3-7 Cottage Ct, Ward 13 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect:
Reconsideration of the Board's 7/9/19 Decision pursuant to Article 5-3 with respect to the Board proviso BPDA to eliminate head house. Article(s): 7(7-4) 50(50-38) Purpose: Rooftop deck and headhouse for unit 1.

Discussion: The applicant requested the Board reconsider the proviso attached to relief granted at a prior hearing of the appeal. The Board previously granted relief with the proviso for the elimination of the proposed head house.

Board Members asked about reasoning for the reinstatement of the head house.

Documents/Exhibits: Building Plans

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

Case: BOA-923557 **Address:** 1667-1671 Blue Hill Avenue **Ward 18 Applicant:** Joseph Consalvo
City Hall, upon the appeal of Joseph Consalvo seeking with reference to the premises at 1667-1671 Blue Hill Ave, Ward 18 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect:
Reconsideration pursuant to Article 5-3 of the Board's 6/25/19 Decision to deny use of a digital billboard
Article(s): 60(60-39) Purpose: Change existing tri-vision billboard to digital billboard.

Discussion: The applicant requested the Board reconsider its prior decision denying relief requested to use a digital billboard. Applicant argued that the violations cited in the refusal letter were in error and therefore denial should be reconsidered so a new refusal letter could be issued.

Board Members asked about reasoning why prior decision for denial was in error.

Documents/Exhibits: Building Plans

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

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

BOARD MEMBERS:

**CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
BRUCE BICKERSTAFF
MARK ERLICH**

SUBSTITUTE MEMBERS:

TYRONE KINDELL, JR

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 September 10, 2019 Board of Appeal Hearings please go to: https://www.cityofboston.gov/cable/video_library.asp