



City of Boston
Board of Appeal

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Tuesday, January 14, 2020

BOARD OF APPEALS

Room 801

The board will hold a hearing on January 14, 2020 starting at 9:30 a.m.

APPROVAL OF HEARING MINUTES:

December 3, 2019

EXTENSION: 9:30 a.m

Case: BOA-701484 **Address:** 331 Columbia Road **Ward 15 Applicant:** 229-231 Columbia Road LLC

Case: BZC-32903 **Address:** 188 High Street **Ward 3 Applicant:** Fred Mannix

GCOD: 9:30a.m.

Case: BOA-1028948 **Address:** 165 West Canton Street **Ward 4 Applicant:** 165 WC, LLC

Article(s): 32(32-9)

Purpose: Remodel existing single family dwelling. All new MEP'S.

Case: BOA-1027386 **Address:** 165 West Newton **Ward 4 Applicant:** Michael Resteghini

Article(s): 32(32-9)

Purpose: Whole house interior renovation with rear wall window and door reconfiguration. All new finishes throughout except top floor.

BUILDING CODE: 9:30a.m.

Case: BOA#1024531 **Address:** 615 Massachusetts Avenue **Ward 9 Applicant:** Andrew Babbin

Purpose: Construct a new Roof Deck with skylights. Install a new roof. Section: 9th 780 CMR 1011 Stairways. 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. Exception: In buildings without an occupied roof, access to the roof shall be permitted to be a roof hatch or trap door not less than 16 square feet (1.5 m2) in area and having a minimum dimension of 2 feet (610 mm).

HEARING: 9:30 a.m.

Case: BOA-1007155 **Address:** 54 Ashley Street **Ward 1 Applicant:** Joseph Barry

Article(s): 9(9-1)

Purpose: Change capacity from 240 people to 300 people.

Case: BOA-1024770 **Address:** 130 Everett Street **Ward 1 Applicant:** 130 Everett Street, LLC

Article(s): 53(53-56) 27T 53(53-56.5) 53(53-8) 53(53-9: Insufficient additional dwelling area per dwelling unit - 1000sf/unit req., Excessive F.A.R. - 1.0 max, # of allowed stories exceeded - 3 story max (4 story proposed), Insufficient side yard setback (No penetrations allowed <3' from lot line), Insufficient rear yard setback - 40' req., Insufficient open space per unit & Allowed height exceeded - 35' max)

Purpose: Erect vertical addition, renovate and change occupancy to a 5 unit residential dwelling with parking for 2 vehicles.

Case: BOA-1022767 **Address:** 15 Prospect Street **Ward 2 Applicant:** Rubio Family Trust

Article(s): 62(62-25) 9(9-1)

Purpose: Amend Alt943748 to erect a roof deck as per plans.

Case: BOA-979038 **Address:** 64-72 Kneeland Street **Ward 3 Applicant:** Po Ching Chan

Article(s): 43(43-19)

Purpose: Change from cell phone store to take out ice cream and drink place.

Case: BOA-1015905 **Address:** 296 Columbus Avenue **Ward 4 Applicant:** Jeremy Ko

Article(s): 64(64-8) 64(64-9: Open space insufficient & Floor area ratio excessive) 64(64-36)

Purpose: To change occupancy from 4 units to 5 units by adding studio apartment on basement level. The work involves adding a bath room, kitchen, common wall, and apartment entrance door. The existing basement level is finished space with laundry from gut rehab 35 years ago.

Case: BOA-1014511 **Address:** 481 East Seventh Street **Ward 7 Applicant:** Scott Payette

Article(s): 68(68-8: Side yard setback is insufficient & Rear yard setback is insufficient)

Purpose: Rear porch and egress stair replacement to meet current building code. lic. contractor to be selected.

Case: BOA-923932 **Address:** 8 Harvest Street **Ward 7 Applicant:** Brenda Yiu
Article(s): 65(65-9)
Purpose: Construct a new side dormers on existing two-family dwelling. Extend living space into attic.

Case: BOA-1023631 **Address:** 1599 Columbus Avenue **Ward 11 Applicant:** 1599 Columbus LLC
Article(s): 55(55-22) 55(55-23: Floor area ratio excessive, Height excessive & Usable open space insufficient)
Purpose: The redevelopment is proposed to include the construction of a new residential building with approximately 65 affordable rental units, as well approximately 4,000 SF of non-residential/retail ground floor space. The project site includes both parcels 1595-1597 Columbus Ave and 1599 Columbus Ave. in conjunction with ALT1004737 and ALT1004740.

HEARINGS: 10:30 a.m.

Case: BOA-1017827 **Address:** 2908-2924 Washington Street **Ward 11 Applicant:** Margarita Ballester
Article(s): 50(50-28)
Purpose: Change of Occupancy to include Community Room and After School Program to existing 6 apartments with supportive accessory uses, and retail.

Case: BOA-1001052 **Address:** 62 Alpine Street **Ward 12 Applicant:** Aaron Robinson
Article(s): 50(50-43) 50(50-29: Usable open space insufficient, Floor area ratio excessive & Add'l lot area insufficient) 50(50-28)
Purpose: Change occupancy from a two family to a four family. Renovate as per plans. Including MEP, Sprinkler and FA.

Case: BOA-1015942 **Address:** 17 Waumbeck Street **Ward 12 Applicant:** Norberto Leon
Article(s): 50(50-29: Excessive F.A.R., Insufficient additional lot area per unit & Maximum # of habitable stories exceeded (3 story max.))
Purpose: Renovating existing single family home into 3 units. Expansion of habitable space into basement. Change occupancy from 1 family to 3 family.

Case: BOA-1015325 **Address:** 16-18 Playstead Road **Ward 13 Applicant:** Julie Simmons
Article(s): 65(65-8) 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive, Building height (# of stories) excessive & Side yard insufficient) 65(65-41)
Purpose: Change Occupancy from a Two (2) Family Dwelling to a Three (3) Family Dwelling. Renovate existing Building on all Floors. New Kitchens and Bathrooms. Insulate Building. Expand dormers on 3rd Floor. Add a new Rear Deck to the 3rd Floor. Upgrades to HVAC & MEP systems. Building will be fully Sprinklered.

Case: BOA-1024177 **Address:** 259 Quincy Street **Ward 14 Applicant:** Gideon Oknin
Article(s): 50(50-32)
Purpose: Change occupancy in the second floor from storage to a gym 1 more rep athletics.

Case: BOA-1027373 **Address:** 171-179 Bowdoin Street **Ward 15 Applicant:** Matt Mueller
Article(s): 65(65-41: Off-street parking requirement is insufficient & Off-street parking design (access drive and maneuverability)) 65(65-42) 65(65-8: Retail use is forbidden use & Multi-family dwelling unit use is a forbidden use) 65(65-9: Lot area for the add'l dwelling units is insufficient, Floor area ratio is excessive, Usable open space is insufficient, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient, Height is excessive (stories) & Height is excessive (ft)) 65(65-39)
Purpose: Erecting a new mixed use building complex on an empty lot with 3 retail units on the first floor, and 9 residential units above with elevator access. There are 13 on grade parking spaces in the rear of the building.

Case: BOA-985489 **Address:** 8 Fifield Street **Ward 15 Applicant:** Domingos Rosa
Article(s): 65(65-9: Insufficient lot size (5,000sf req), Insufficient lot width (50' req), # of allowed stories has been exceeded (2.5 max), Excessive f.a.r. (.5 max), Insufficient front yard setback, Insufficient side yard setback (10' req) & Insufficient rear yard setback (30' req)) 65(65-41)
Purpose: New construction 3 family residential unit.

Case: BOA-1025835 **Address:** 580 Gallivan Blvd **Ward 16 Applicant:** John Roche AIA
Article(s): 65(65-8) 65(65-8.2) 65(65-9) 65(65-41)
Purpose: Change of Occupancy from two-family dwelling to three-family dwelling to legalize existing living space in the basement. Installation of sprinkler system in the new basement unit.

Case: BOA-957793 **Address:** 16 Chesterfield Street **Ward 18 Applicant:** Thuan Lai
Article(s): 69(69-9) 69(69-8)
Purpose: Existing building was purchase in 2008 with 3-unit configuration along with (3) existing gas meters and (4) electrical meters. Current owner didn't know it was a legal 2-family use and not a 3-family use. This proposed application is to change existing 2 family building to a 3-family use. Proposed to install fire alarm system and to correct prior violations.

Case: BOA-1027195 **Address:** 20-22 Yuill Ci **Ward 18 Applicant:** Antonio Ferrara
Article(s): 56(56-7) 56(56-8: Lot width insufficient, Floor area ratio excessive, Front yard insufficient, Usable open space insufficient & Rear yard insufficient)
Purpose: Erect new two family dwelling with a 2 car garage. In conjunction with ALT947457 for subdivision.

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 3 parking spaces.

Case: BOA-965878 **Address:** 133-135 Clement Avenue **Ward** 20 **Applicant:** Patrick Ciapciak
Article(s): 56(56-7) 56(56-8)
Purpose: Change occupancy from a 2 family to a 3 family. Conversion of existing attic space into studio apartment living space. Exterior means of egress added.

Case: BOA-1025172 **Address:** 819 Langrange Street **Ward** 20 **Applicant:** Daniel Matskevich
Article(s): 56(56-8)
Purpose: Renovation of the exterior facade per plans by Michael McKay. Replacement of all exterior siding and trims. New decorative roof overhangs and addition per plans. Re-build of existing bay per plans. Replacement of two landings/entrances and addition of deck. Strip and re-roof asphalt shingles.

Case: BOA-1016774 **Address:** 115 Selwyn Street **Ward** 20 **Applicant:** Joseph DeMambro
Article(s): 67(67-9: Insufficient additional lot area per unit, Excessive F.A.R., # of allowed stories has been exceeded, Insufficient open space per dwelling unit, Insufficient side yard setback (dormer not identified in work description) & Insufficient rear yard setback (dormer not identified in work description)) 67(67-32)
Purpose: Confirm as one family and change into a two-family. Install new partitions, finishes, mechanical, electrical and plumbing work. install new stairway, kitchens and bathrooms. Install new exterior stair for second means of egress from upper unit.

Case: BOA-1014399 **Address:** 19 Wallingford Road **Ward** 21 **Applicant:** John Lydon
Article(s): 51(51-9: Add'l lot area insufficient, Floor area ratio excessive & Usable open space insufficient)
Purpose: Conversion of single family to two-family. Work to include the installation of basement easement casings and exterior rear egress staircase. Lower unit: 2 bedrooms, bathroom, living room, and kitchen. Upper 4 bedrooms, 2 bathrooms, living room kitchen area. Two rear off-street parking spaces.

Case: BOA-1012008 **Address:** 190R Washington Street **Ward** 21 **Applicant:** Peter Ofman
Article(s): 51(51-9.4) 51(51-9: Lot area insufficient, Floor area ratio excessive, Front yard insufficient & Rear yard insufficient) 10(10-1) 51(51-53) 51(51-56)
Purpose: Erect a new single family 2-1/2 feet story detached dwelling. Proposed two (2) off-street parking. ZBA.

Case: BOA-1023659 **Address:** 297 Faneuil Street **Ward** 22 **Applicant:** Tony Keegan
Article(s): 51(51-9: Side yard insufficient & Rear yard insufficient)
Purpose: Install new rear decks as per drawing. Install vinyl siding on exterior of house.

Case: BOA-1014367 **Address:** 320 Washington Street **Ward** 22 **Applicant:** Igor Uporau
Article(s): 51(51-16)
Purpose: To correct violation V436612. Change Occupancy to include Recreational Center for Games on the first floor (Ground Floor). Install two handicap toilets, partitions, finishes, doors, lights, outlets, emergency lights, and exit signs. Install 3 new sprinkler heads and new additional fire alarm devices. Work as per plans.

45 Minute Lunch Break

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-889514 **Address:** 343-345 Chelsea Street **Ward** 1 **Applicant:** 343-345 Chelsea Street, Realty Trust
Article(s): 53(53-54) 53(53-56) 53(53-57.3)
54(54-12: Insufficient open space, insufficient rear yard setback & Excessive FAR)
Purpose: Raze existing building and erect three story building with retail at grade and six (6) residential units on floors 2-3.
*Modified on 5.21.19 to 8 residential units. * Modified on 8/26/19 three story building retail and 6 residential units.

Case: BOA-937977 **Address:** 69 Lubec Street **Ward** 1 **Applicant:** Epsilon Partners, LLC
Article(s): 25(25-5) 27T(27T-9) 53(53-56) 53(53-56.5(a))
53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9)
Purpose: Seeking to erect a 5-story building with 8 residential units and 8 parking spaces.

Case: BOA-1005501 **Address:** 24-26 Elm Street **Ward** 2 **Applicant:** 24-26 Elm St, LLC
Article(s): 62(62-8)
Purpose: To change occupancy from a 2-family dwelling to a three-family dwelling. Also, to renovate the building, including a rear 2 story addition with roof deck, demo garage add 3 parking spaces.

Case: BOA-975065 **Address:** 7 Beaver Place **Ward** 5 **Applicant:** Stephen Payne
Article(s): 32(32-4) 13(13-13-1)
Purpose: To correct an "unsafe" violation, V439035: Remove the front facade of the building and structural elements (primarily floor joists, and rafters) that bear on it. nominal paid on ALT 8024843. *Clarification: Building razed.

Case: BOA#999900 **Address:** 7 Beaver Place **Ward** 5 **Applicant:** Stephen Payne
Purpose: To correct an "unsafe" violation, V439035: Remove the front facade of the building and structural elements (primarily floor joists, and rafters) that bear on it. nominal paid on ALT 8024843. *Clarification: Building razed. Section: 9th Edition 780 CMR CHPT 07 Chapter 07. Section 705.8; Exterior Wall Openings proposed < 3' from lot line is not permitted.

Case: BOA-818471 **Address:** 97 Salem Street **Ward** 3 **Applicant:** 97 Salem Street Realty Trust
Article(s): 54(54-18) 54(54-21)
54(54-13: open space insufficient, Rear yard insufficient & Floor area ratio excessive)
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.

Case: BOA-938192 **Address:** 62-64 Baxter Street **Ward 6 Applicant:** George Morancy
Article(s): 27S(27S-5) 68(68-33) 68(68-8) 68(68-8) 68(68-8) 68(68-8) 68(68-8)
Purpose: Combine two lots (parcel 0600761000 and 0600761000) to a newly created lot of 2,751 total SF to be known as 62-64 Baxter Street. Raze existing two-family structure on separate permit. Erect new 4-unit multi-family residential dwelling with roof decks and rear decks. Propose 4 parking spaces.

Case: BOA-899613 **Address:** 97 Farragut Road **Ward 6 Applicant:** George Morancy
Article(s): 27S(27S-5) 68(68-29) 68(68-8)
Purpose: Construct third floor addition with new rear deck and roof deck. Renovate existing two-family dwelling. Extend living space into the basement for Unit 1. Propose (1) off-street parking.

Case: BOA-808136 **Address:** 9 Burney Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC
Article(s): 59(59-7: Multifamily Dwelling : Forbidden & Accessory Parking : Forbidden)
59(59-8: Lot Area Insufficient, Floor Area Ratio Excessive, Building Height Excessive, Building Height (# of Stories) Excessive, Usable Open Space Insufficient, Front Yard Insufficient, Side Yard Insufficient & Rear Yard Insufficient)
59(59-37: Off-Street Parking Insufficient & Off-Street Loading Insufficient)
Purpose: Construct a new 4 story Building. On the Ground Floor will be a Building Amenity Space and an Accessory Parking Garage. On Floors 2 thru 4 will be 24 Units of Housing. There will be a Common Roof Deck. The Project will require the combination and alteration of several existing lots including 11 Burney, 1508-1514 Tremont, 1518 Tremont and 1520 Tremont. The project proposes to remove existing structures on 11 Burney. (See Related Application ALT792598)

Case: BOA-982967 **Address:** 9 Burney Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC
Article(s): 59(59-37)
59(59-8: Floor Area Ratio Excessive & Rear Yard Insufficient)
Purpose: The parcels at 9 and 11 Burney will be taking some amount of area from 1508-1514 Tremont St, 1516-1518 Tremont St and 1520 Tremont St. This application should be considered at the same time as the application at 9 Burney St. ERT 792599.(TW).

Case: BOA-982962 **Address:** 1508-1514 Tremont Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC
Article(s): 59(59-37)
59(59-16: Floor Area Ratio Excessive & Rear Yard Insufficient)
Purpose: Lot at 1508-1514 will be transferring some lot area to the lot at 9 Burney St. This transfer will require zoning relief to the parcel. This application should be reviewed at the same time as the permit application for 9 Burney St #ERT792599 (TW)

Case: BOA-982965 **Address:** 1516-1518 Tremont Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC
Article(s): 59(59-37)
59(59-16: Floor Area Ratio Excessive & Rear Yard Insufficient)
Purpose: The parcel at 1518 Tremont will be transferring some amount of it's area to the proposed parcel at 9 Burney St. This transfer will create the need to zoning relief. This application should be considered at the same time as the application at 9 Burney St. ERT 792599. Being reviewed by Tom White.

Case: BOA-982955 **Address:** 1520 Tremont Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC
Article(s): 59(59-37)
59(59-16: Floor Area Ratio Excessive & Rear Yard Insufficient)
Purpose: The parcel at 1520 Tremont will be transferring some amount of it's area to the proposed parcel at 9 Burney St. This transfer will create the need to zoning relief. This application should be considered at the same time as the application at 9 Burney St. ERT 792599.(TW)

Case: BOA-947958 **Address:** 138 Centre Street **Ward 17 Applicant:** John Barry
Article(s): 9(9-2) 65(65-41) 65(65-8) 65(65-9: Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Side yard insufficient & Rear yard insufficient)
Purpose: Build addition to rear of building. Change occupancy from a 3 to a 6 family.

Case: BOA-969080 **Address:** 13B River Street **Ward 17 Applicant:** Lucio Trabucco
Article(s): 65(65-42: Conformity with Existing Building Alignment & Two or More Dwellings on the Same Lot)
65(65-9: Lot Area Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Building Height Excessive (ft), Building Height (# of Stories) Excessive, Usable Open Space Insufficient & Rear Yard Insufficient)
Purpose: Erect a new 4 story, Two (2) Family Dwelling on existing 11,663 sq ft Lot. Parking will be located under Building. This will be 1 of 3 Dwellings located on the Same Lot. Building will be fully Sprinklered. Reference ERT892724 (13A River Street) and ALT892712 existing building at 13 River Street.

Case: BOA-969078 **Address:** 13A River Street **Ward 17 Applicant:** Lucio Trabucco
Article(s): 65(65-42: Conformity with Existing Building Alignment & Two or More Dwellings on the Same Lot)
65(65-9: Main Entrance to a Dwelling shall Face the Front Lot line, Lot Area Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Building Height Excessive, Building Height (# of Stories) Excessive, Usable Open Space Insufficient, Front Yard Insufficient & Side Yard Insufficient)
Purpose: Erect a new 4 story, Two (2) Family Dwelling on existing 11,663 sq ft Lot. Parking will be located under Building. This will be 1 of 3 Dwellings located on the Same Lot. Building will be fully Sprinklered. Reference ERT892728 (13B River Street) and ALT892712 existing building at 13 River Street.

Case: BOA-969070 **Address:** 13 River Street **Ward 17 Applicant:** Lucio Trabucco
Article(s): 65(65-42) 65(65-9: Floor Area Ratio Excessive, Building Height (# of Stories) Excessive,
Usable Open Space Insufficient & Side Yard Insufficient)
Purpose: Addition & Alterations to existing structure @ 13 River St - please see ERT892724 for 13A River St and
ERT892728 for 13B River St (separate buildings in the rear of the lot.) ERT835368 incorrect application for work
described.

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

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**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**