



City of Boston  
Board of Appeal

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Tuesday, February 4, 2020

BOARD OF APPEALS

Room 801

The board will hold a hearing on February 4, 2020 starting at 9:30 a.m.

**EXTENSION: 9:30 a.m**

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

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

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

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

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

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

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

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

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

**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.

**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.

**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.

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)

**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.**

**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).**

**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.**

**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.**

**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.**

**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 af-fordable condo building with 720 sq ft of commercial space on the ground floor at parcels 09-03215010 and 09-03161010 in Roxbury.**

**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.**

**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.**

**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).**

**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.**

**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.**

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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)**

**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 un-der ALT1023786 and ALT1023784.

#### **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.

**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.

**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

**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.

**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.

**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.

**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

**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).

**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,

**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.

**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.

**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

**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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**