



City of Boston  
Board of Appeal

## HEARING MINUTES

**Tuesday, January 14, 2020**

**BOARD OF APPEAL**

**Room 900**

Board Acting Chair Erlich 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:**

December 3, 2019 & December 17, 2019 - Upon a Motion and second, the Board voted unanimously to approve the December 3, 2019 and December 17, 2019 Hearing Minutes.

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

**Case:** BOA-701484 **Address:** 331 Columbia Road **Ward** 15 **Applicant:** 229-231 Columbia Road 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:** BZC-32903 **Address:** 188 High Street **Ward** 3 **Applicant:** Fred Mannix

**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-672571 **Address:** 25 Amory Street **Ward** 11 **Applicant:** Teronda Ellis

**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: 9:30a.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.

**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.

**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.

**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 Ruggiero moved for approval, the motion was seconded and the Board voted unanimously to approve the applicant's request.

**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).

**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 skylight.

Board Members asked about the size of the deck.

**Documents/Exhibits:** Building Plans

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

**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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to increase capacity from 240 to 300 people for childcare operation.

Board Members asked about the number of students and hours of operation.

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

**Documents/Exhibits:** Building Plans

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

**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.

**Discussion:** At the applicant's request, the matter was deferred to the March 10, 2020 Hearing.

**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.

**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 for use by unit 3.

Board Members asked about the size of the head house and the roof deck.

**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 Kindell moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

**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.

**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 an ice cream store with takeout.

Board Members asked if the store planned to sell liquor.

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

**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.

**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 add a fifth unit in the basement.

Board Members asked about current use of the basement, access to utilities, egress and basement ceiling height.

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

**Documents/Exhibits:** Building Plans

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

**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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to replace the rear porch and egress stairs.

**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.

**Documents/Exhibits:** Building Plans

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

**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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build dormers to extend the master bedroom to the attic.

Board Members asked about the number of new bedrooms added and total number of bedrooms.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Baker and Essabi-George and an abutter are in opposition.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Ruggiero moved for denial without prejudice and Fortune seconded and the Board voted unanimously to deny without prejudice.

**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.

**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 mixed use building with 65 residential units and ground floor commercial space.

Board Members asked about the number of stories, common areas and community process.

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

**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.

**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 community room and after school program; no work to be done.

**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 and Kindell seconded and the Board voted unanimously to approve.

**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.

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

**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.

**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 single-family to three-family dwelling and extend living space to the basement.

Board Members asked about the size of the units, number of bedrooms and access to mechanical equipment.

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

**Documents/Exhibits:** Building Plans

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

**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.

**Discussion:** At the applicant's request, the matter was deferred to the March 10, 2020 Hearing.

**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.

**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 gym for private, personal training.

Board Members asked about licensing for gym operation and if work was to be performed to transform the space.

**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 and Fortune seconded and the Board voted unanimously to approve.

**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.

**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 three commercial spaces, nine residential units and 13 parking spaces.

Board Members asked if the units are rental units, about the height of other buildings in the vicinity, parking, public transportation and the proposed uses of the commercial spaces.

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

**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 three-family dwelling.

Board Members asked about unit floor plans, location of mechanical equipment and lot size.

**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-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.

**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 dwelling to three-family dwelling to legalize basement living space.

Board Members asked about basement egress and ceiling height.

**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, Petition of support

**Votes:** Board Member Ruggiero moved for approval and Fallon seconded and the Board voted unanimously to approve. Additionally, Fallon moved to deny building code relief and Fortune seconded and the Board voted unanimously to deny building code relief.

**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.

**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 three-family dwelling to legalize current use.

Board Members asked about the number of utility meters.

**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 and Fortune seconded and the Board voted unanimously to approve.

**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.

**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, townhouse style dwelling.

Board Members asked about parking configuration and greenway impact. A representative of BTM opined that the parking configuration would result in front yard parking.

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

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Ruggiero moved for approval with BPDA design review with attention to removing front yard parking 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 3 parking spaces.

**Discussion:** At the applicant's request, the matter was deferred to the February 4, 2020 Hearing.

**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.

**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 in order to legalize existing attic unit.

Board Members asked about attic egress and ceiling height and about parking.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Councilors O'Malley and Flaherty are in opposition, as are multiple abutters and the neighborhood council.

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

**Votes:** Board Member Deveau moved for dismissal without prejudice and Ruggiero seconded and the Board voted unanimously to dismiss without prejudice.



**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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add decorative gables to front of house and replace front bay.

Board Members asked about the front yard setback and floor area ratio.

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

**Documents/Exhibits:** Building Plans

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

**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.

**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 two-family dwelling.

Board Members asked about unit sizes and dimensional violations.

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

**Documents/Exhibits:** Building Plans, letter of support

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

**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.

**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 single-family to two-family dwelling and convert basement into living space.

Board Members asked about the total additional square footage and basement ceiling height.

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

**Documents/Exhibits:** Building Plans

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

**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.

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

**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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build new rear decks.

Board Members asked about the size of the decks.

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

**Documents/Exhibits:** Building Plans

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

**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.

**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 recreational center for "escape room" concept.

Board Members asked about the use of the space and prior use of the space.

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

**Documents/Exhibits:** Building Plans, letter of support

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

### **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.

**Discussion:** At the applicant's request, the matter was deferred to the February 25, 2020 Hearing.

**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.

**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 four-story dwelling with 7 units (reduced from 5 stories and 8 units).

Board Members asked about parking and the size of the spaces.

**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 Deveau moved for approval with BPDA design review and Logue seconded and the Board voted unanimously to approve.

**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.

**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 and build a rear addition of approximately 1,300 square feet.

Board Members asked about unit sizes and bedrooms counts and about parking maneuverability.

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

**Documents/Exhibits:** Building Plans, letter of support

**Votes:** Board Member Fallon moved for approval with BPDA design review and Logue seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the applicant's request, the matter was deferred to the June 30, 2020 Hearing.

**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.

**Discussion:** At the applicant's request, the matter was deferred to the June 30, 2020 Hearing.

**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 ex-cessive)

**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 March 10, 2020 Hearing.

**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.

**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 four-story, four-unit dwelling with rear decks; roof decks removed from proposal.

Board Members asked about the removal of the roof decks.

**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 Kindell moved for approval with BPDA design review and Logue seconded and the Board voted unanimously to approve.

**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.

**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 with a rear deck and roof deck and to extend living space to the basement.

Board Members asked about the design of the roof.

**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 Deveau moved for approval with BPDA design review and Fallon seconded and the Board voted unanimously to approve.

**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)

**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 four-story building with 24 residential units and the reconfiguring of  
abutting lots for the creation of a laneway. The proposal includes a common roof deck, is designed for compact living, and  
includes three affordable units.

Board Members asked about community space, deed restrictions and about the laneway.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood  
Services, Councilor Flaherty, BPDA, Carpenters Union and multiple abutters are in support. Multiple abutters are in  
opposition.

**Documents/Exhibits:** Building Plans, letter of support

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

**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).

**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 four-story building with 24 residential units and the reconfiguring of  
abutting lots for the creation of a laneway. The proposal includes a common roof deck, is designed for compact living, and  
includes three affordable units.

Board Members asked about community space, deed restrictions and about the laneway.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood  
Services, Councilor Flaherty, BPDA, Carpenters Union and multiple abutters are in support. Multiple abutters are in  
opposition.

**Documents/Exhibits:** Building Plans, letter of support

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

**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)

**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 four-story building with 24 residential units and the reconfiguring of abutting lots for the creation of a laneway. The proposal includes a common roof deck, is designed for compact living, and includes three affordable units.

Board Members asked about community space, deed restrictions and about the laneway.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Flaherty, BPDA, Carpenters Union and multiple abutters are in support. Multiple abutters are in opposition.

**Documents/Exhibits:** Building Plans, letter of support

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

**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.

**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 four-story building with 24 residential units and the reconfiguring of abutting lots for the creation of a laneway. The proposal includes a common roof deck, is designed for compact living, and includes three affordable units.

Board Members asked about community space, deed restrictions and about the laneway.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Flaherty, BPDA, Carpenters Union and multiple abutters are in support. Multiple abutters are in opposition.

**Documents/Exhibits:** Building Plans, letter of support

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

**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)

**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 four-story building with 24 residential units and the reconfiguring of abutting lots for the creation of a laneway. The proposal includes a common roof deck, is designed for compact living, and includes three affordable units.

Board Members asked about community space, deed restrictions and about the laneway.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Flaherty, BPDA, Carpenters Union and multiple abutters are in support. Multiple abutters are in opposition.

**Documents/Exhibits:** Building Plans, letter of support

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

**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.

**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 rear addition and to change occupancy from a three-family dwelling to six-unit, multifamily dwelling.

Board Members asked about the square footage of the addition, size of the lot and about parking.

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

**Documents/Exhibits:** Building Plans

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

**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 Ex-cessive, 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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to rehabilitate an existing single-family dwelling and build two, four-story two-family dwelling on the same lot.

Board Members asked about lot size, and shape and if the façade of the existing single-family would be preserved.

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

**Documents/Exhibits:** Building Plans

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

**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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to rehabilitate an existing single-family dwelling and build two, four-story two-family dwelling on the same lot.

Board Members asked about lot size, and shape and if the façade of the existing single-family would be preserved.

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

**Documents/Exhibits:** Building Plans

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

**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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to rehabilitate an existing single-family dwelling and build two, four-story two-family dwelling on the same lot.

Board Members asked about lot size, and shape and if the façade of the existing single-family would be preserved.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA#966830 **Address:** 21 Rushmore Street **Ward** 22 **Applicant:** Chris Pleim

**Purpose:** Seeking a permit and BOA approval to build a new six unit building with 4 parking spots on lower level and 2 on exterior. Please see SF959649 for take-down permit for existing building.

**SECTION:**9th 780CMR 101 Referenced Codes. AAB Accessibility Requirements

Architectural Access Board 521 CMR Section 20 Accessible Routes.

Architectural Access Board 521 CMR Section Section 9; Group 1 Dwelling Design.

**Discussion:** The applicant requested to withdraw the appeal for building code relief.

**Votes:** Board Member Fortune moved for denial without prejudice and Ruggiero seconded and the Board voted unanimously to deny without prejudice.



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

**BOARD MEMBERS:**

CHRISTINE ARAUJO- CHAIR-ABSENT  
MARK FORTUNE-SECRETARY  
MARK ERLICH-ACTING CHAIR  
JOSEPH RUGGIERO (Departed hearing at 12:45 PM)

**SUBSTITUTE MEMBERS:**

TYRONE KINDELL, JR  
NADINE FALLON  
EDWARD DEVEAU  
KERRY LOGUE

**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)**

**For a video recording of the January 14, 2020 Board of Appeal Hearings please go to: [https://www.cityofboston.gov/cable/video\\_library.asp](https://www.cityofboston.gov/cable/video_library.asp)**