



City of Boston  
Board of Appeal

Tuesday, February 5, 2019

BOARD OF APPEALS

Room 801

The board will hold a hearing on February 5, 2019 starting at 9:30 a.m.

**APPROVAL OF HEARING MINUTES:**

January 15, 2019

**Extension: 9:30a.m.**

**Case:** BOA-545247 **Address:** 4 Cleveland Place **Ward** 3 **Applicant:** Matthew Kuschel

**Case:** BOA-615910 **Address:** 55 West Fifth Street **Ward** 6 **Applicant:** 40 B Street, LLC

**GCOD 9:30a.m.**

**Case:** BOA-909643 **Address:** 213 West Springfield Street **Ward** 4 **Applicant:** Andreas Hwang  
**Article(s):** 32(32-4)

**Purpose:** Interior renovation of 5 apartments. No exterior work.

**BULDING CODE: 9:30 a.m.**

**Case:** BOA#909655 **Address:** 158 Mount Vernon **Ward** 5 **Applicant:** Matt Trombadore

**Purpose:** Install new roof deck according to plans. Walk out skylight to be provided and installed by others. There will be no change in egress and no change in occupancy. All debris to taken to dumpster and removed by E.L. Harvey of Westborough, MA. 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.

**HEARING: 9:30 a.m.**

**Case:** BOA-862277 **Address:** 337 Chelsea Street **Ward** 1 **Applicant:** 337 Chelsea Street, LLC

**Article(s):** 53(53-8) 53(53-9: Insufficient lot size (2,000sf min. required), Insufficient additional lot area per unit (1000sf/unit min. required), Excessive F.A.R. (1.0 max. allowed), Building height excessive (35' max. allowed), Insufficient open space (300sf/unit required), Insufficient side yard setback (2.5' min. required), Insufficient rear yard setback (25' min. required) & # of stories exceeded (3 story max. allowed)) 53(53-54) 53(53-56)

**Purpose:** Raze existing building and erect a 4 unit residential dwelling. ZBA \*AE Flood Zone.

**Case:** BOA-879012 **Address:** 1 Coppersmith Way **Ward** 1 **Applicant:** 6 Coppersmith Way, LLC

**Article(s):** 53(53-15) 53(53-16: Table H-Excessive F.A.R. (1.0) & Table H footnote (4) - insufficient lot width (35' req.)) 53(53-56)

**Purpose:** Erect a new 3 family house with roof and rear decks as per plans. Permit set to be submitted upon ZBA approval.

**Case:** BOA-879010 **Address:** 6 Coppersmith Way **Ward** 1 **Applicant:** 6 Coppersmith Way, LLC

**Article(s):** 53(53-9: # of allowed stories has been exceeded (3 stories max), Max allowed height has been exceeded (35' max), Insufficient lot size (3000sf req.), Excessive F.A.R. (1.0 max), Insufficient open space/unit (300sf/unit req.), Insufficient side yard setback (2.5' req.) & Insufficient rear yard setback (10' min)) 53(53-56)

**Purpose:** Erect a new 3 family house with roof and rear decks as per plans. Permit set to be submitted upon ZBA approval. Existing building to be razed under a separate permit.

**Case:** BOA-875174 **Address:** 35 Leyden Street **Ward** 1 **Applicant:** 35-37 Leyden Street Realty Trust

**Article(s):** 53(53-8) 53(53-9: Excessive F.A.R. (.8 max), Building height excessive 35' max) & # of allowed stories exceeded (2.5 max.)) 53(53-54) 53(53-56) 53(53-56(a))

**Purpose:** Raze existing building and erect a 9 unit residential dwelling with 11 parking spaces.

**Case:** BOA-906285 **Address:** 186 London Street **Ward** 1 **Applicant:** Jose A. Garcia

**Article(s):** 9(9-1) 53(53-9)

**Purpose:** Confirm occupancy as three family dwelling for this is an existing condition for many years and renovation first floor and add a bedroom, bathroom in basement.

**Case:** BOA-904052 **Address:** 9 Webster Avenue **Ward** 1 **Applicant:** Duane Smith

**Article(s):** 53(53-9: Insufficient lot size (2,000sf req.), Insufficient additional lot area (1000sf/unit req.), Excessive F.A.R. (1.0 max.), Insufficient open space (300sf/unit req.), Insufficient side yard setback (2.25' req.), Insufficient rear yard setback (20' min. req.) & Insufficient parking (1 per unit req.)) 56(53-56)

**Purpose:** See alt779323 and alt779325 for newly created lot consisting of 801 sf, then erect new three story, two family attached building to 11-15 Webster as modified at meeting with Jeffries Point Civic Association meetings.

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CITY CLERK'S OFFICE  
2019 JAN 31 A 11:54  
BOSTON, MA

**Case:** BOA-904046 **Address:** 11 Webster Avenue **Ward 1 Applicant:** Duane Smith  
**Article(s):** 53(53-9: Reduction of open space (200sf/unit req.), Reduction of req. lot size (2,000sf req.), Reduction of insufficient lot area per unit & Excessive F.A.R. due to reduction in lot size)  
**Purpose:** Confirm as an existing 1 family dwelling then, Combine lot 11 Webster street(parcel#0104748000 - 787sq ft) with Lot B 15 Webster Street (parcel#0104749000 - 787 sq. ft.) to equal a two family dwelling (see alt779325/ALT793945). New address to be known as 11-15 Webster Ave, then allocate 100sf to #9 Webster Ave. Remaining lot size shall then equal 1474 sf and 9 Webster Ave. (vacant land) shall have 801sf per stamped land survey.(see ERT779316).

**Case:** BOA-904048 **Address:** 11-15 Webster Avenue **Ward 1 Applicant:** Duane Smith  
**Article(s):** 53(53-9: Insufficient lot area per unit, Insufficient open space per unit, Excessive F.A.R. & Insufficient rear yard setback) 53(53-8) 53(53-56) 53(53-52)  
**Purpose:** Lots combined under ALT779323 and ALT779325; Newly Proposed work: Gut renovation of confirmed two family structure, raise gable roof, to include, changing occupancy from a two family to a four family in accordance with the submitted plans as modified through meetings by the Jeffries Point Neighborhood Civic Association.

**Case:** BOA-883295 **Address:** 2 Ludlow Street **Ward 2 Applicant:** Timothy Sheehan  
**Article(s):** 62(62-8: Insufficient side yard & Excessive F.A.R.) 62(62-25)  
**Purpose:** This is a new third floor addition on an existing two story single family residence. The new third floor will be 514 s.f. There will be a master bedroom and master bath along with a walk in closet. The new third floor will be accessed by a new stairway from the second floor. There will be limited plan changes on the second floor for the new stairway. We expect to go through the ZBA before we receive a building permit. We are abandoning our earlier application for a rear two-story addition (ALT668053).

**Case:** BOA-889867 **Address:** 17 Parker Street **Ward 2 Applicant:** Annmarie Callahan  
**Article(s):** 62(62-8) 62(62-29) 62(62-62-7-2)  
**Purpose:** Change occupancy two-family dwelling to three-family dwelling. Extended living space and additional unit at garden level ; add 2 new windows at garden level front , new bathroom and new kitchenette, rebuild interior stair from front main Hallway. ZBA.

**Case:** BOA-905516 **Address:** 34-42 Warren Street **Ward 2 Applicant:** Sean O'Donovan  
**Article(s):** 62(62-29)  
**Purpose:** Change Occupancy / renovate existing 2nd Floor Parking Garage to create new Office space in Conjunction with adjacent connected Office building (ALT525427).

**Case:** BOA-905355 **Address:** 234 West Newton Street **Ward 4 Applicant:** Christopher DeBord  
**Article(s):** 16(16-8) 41(41-18)  
**Purpose:** Correct violation to build a deck without permit for unit 2 on top of existing garage at rear of building. New roof deck. \*Exterior connection of main structure to detached garage for roof access. (Historic approval required).

**Case:** BOA-908997 **Address:** 569 Boylston Street **Ward 5 Applicant:** Chick-Fil-A, Inc.  
**Article(s):** 9(9-1) 32(32-32-4) 6(6-4)  
**Purpose:** The project consists of a tenant fit-out of the existing 5,280 SF (gross floor area) Boloco restaurant with take-out and outdoor patio seating with 32 seats for seasonal use and converting it to a new Chick-fil-A restaurant with take-out and outdoor patio seating with 14 seats for seasonal use. The proposed work also includes the construction of a ground floor addition onto the front of the building, and additional usable space added to the 3rd floor. The existing Boloco restaurant and take-out uses, located on the ground floor and basement, were authorized by Board of Appeal conditional use permit (BZC 30781), which included a proviso limiting the take-out uses to Boloco. This proviso will need to be removed or a new conditional use permit for take-out uses will be required. The work will also expand the restaurant and take-out uses to include the entire second floor of the building, currently used for office. The existing outdoor patio seating area (authorized by Board of Appeal decision BZC 31047) is being reduced from 32 to 16 seats to accommodate the ground floor addition.

**Case:** BOA- 909131 **Address:** 25-27 Dorchester Street **Ward 6 Applicant:** Michsel O'Sullivan  
**Article(s):** 68(68-29) 68(68-8)  
**Purpose:** Change of occupancy from two-family dwelling and tavern to two-family dwelling. Construct new roof deck (500 SF) for Unit #2.

**Case:** BOA-896628 **Address:** 535 East Fourth Street **Ward 7 Applicant:** JM Investment, LLC  
**Article(s):** 27S(27S-5) 68(68-29) 68(68-8)  
**Purpose:** Renovate the interior of an existing detached three-family apartment building, including changing the interior partition layout. The scope includes window replacement and refinishing exterior cladding. Add a private roof deck. There will be no expansion of the existing building envelope. The building will be sprinklered per NFPA 13D.

**Case:** BOA-904044 **Address:** 47 Thomas Park **Ward 7 Applicant:** David O'Connor  
**Article(s):** 68(68-33) 68(68-29) 27S(27S-5)  
**Purpose:** Change occupancy from 2-family to 3-family; excavate lowest basement level and add living space; add rear deck at ground level; add roof deck with spiral stair access from rear deck at top level; gut renovate entire building.

**HEARINGS: 10:30 a.m.**

**Case:** BOA-879009 **Address:** 80 Winthrop Street **Ward 8 Applicant:** Robert Nichols  
**Article(s):** 50(50-43)  
**Purpose:** Proposed 3 off street parking spaces. \*See DPW for curb cut permitting (Utility pole).

**Case:** BOA-909744 **Address:** 11 Ruggles Street **Ward 9 Applicant:** GBM Porfolio Owner, LLC  
**Article(s):** 50(50-8) 50(50-11) 50(50-43) 50(50-44)  
**Purpose:** Erect new building on vacant lot to contain 6 residential dwelling units with accessory parking in the rear yard.

**Case:** BOA-892294 **Address:** 7 Cherokee Street **Ward** 10 **Applicant:** John Pulgini  
**Article(s):** 59(59-37: The proposed parking spaces do not meet the minimum dimensions & Tandem spaces do not provide proper maneuverability) 10(10-1)  
**Purpose:** Parking of 3 residential vehicles.

**Case:** BOA-889396 **Address:** 59 West Walnut Park **Ward** 11 **Applicant:** Aigbe Irerua  
**Article(s):** 55(55-9)  
**Purpose:** Legalize existing basement living space for Unit 1.

**Case:** BOA-893750 **Address:** 10 Ruthven Park **Ward** 12 **Applicant:** Solmon Chowdhury  
**Article(s):** 50(50-29: Lot area insufficient, Lot frontage insufficient, Floor area ratio excessive, Front yard insufficient, Rear yard insufficient & Usable open space insufficient) 50(50-43)  
**Purpose:** Combine existing 2 Lots 1 Ruthven Park and 2 Ruthven Park. Create one lot 10 Ruthven Park. Construct a new 3 story, Three (3) Unit Residential building. There will be 3 Off-Street Parking spaces.

**Case:** BOA-908280 **Address:** 41 Winthrop Street **Ward** 12 **Applicant:** John Pulgini  
**Article(s):** 50(50-29: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (feet) & Rear yard insufficient) 50(50-28)  
**Purpose:** Change occupancy from a single family to a 4 family and renovate. Extend living space into the basement, new dormers, rear and window's walk addition, as per plans. Permit set to be submitted upon ZBA approval.

**Case:** BOA-902213 **Address:** 990-996 Dorchester Avenue **Ward** 13 **Applicant:** So Sabe, Inc  
**Article(s):** 65(65-8)  
**Purpose:** Change Occupancy to include Food Service (Catering) in one spaces on the first floor - see plans filed - no work to be done at this time - future tenant will file permit to do the work.

**Case:** BOA-901760 **Address:** 10 Talbot Avenue **Ward** 14 **Applicant:** Willie E Hicks  
**Article(s):** 60(60-16)  
**Purpose:** Parking of 23 vehicles.

**Case:** BOA-885605 **Address:** 83-87 Bowdoin Street **Ward** 15 **Applicant:** Yohannes Joseph  
**Article(s):** 9(9-1)  
**Purpose:** Proposed curb cut for 2 Off-Street Parking spaces for existing Three Family Dwelling.

**Case:** BOA-904509 **Address:** 364 Gallivan Blvd **Ward** 16 **Applicant:** Lawrence Ward  
**Article(s):** 65(65-9)  
**Purpose:** Construct two-story rear addition with new decks to an existing single-family dwelling.

**Case:** BOA-888984 **Address:** 84 Granite Avenue **Ward** 16 **Applicant:** James Christopher  
**Article(s):** 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive, Bldg height excessive (stories), Front yard insufficient, Side yard insufficient & Rear yard insufficient) 65(65-8)  
**Purpose:** To create a new lot with subdivision see (ALT872758) and construct a new 3 unit residential building.

**Case:** BOA-888981 **Address:** 114 Milton Street **Ward** 16 **Applicant:** James Christopher  
**Article(s):** 65(65-9: Lot area insufficient, Floor area ratio excessive & Rear yard insufficient) 9(9-1)  
**Purpose:** Subdivision of existing lot at 114 Milton Street into two lots as per attached plans.

**Case:** BOA-898983 **Address:** 960-960H William T Morrissey BLVD **Ward** 16 **Applicant:** Vu Phung  
**Article(s):** 65(65-15)  
**Purpose:** Morrissey Nail & Spa - Expansion of existing Nail Salon and Spa. As per plan.

**Case:** BOA-908276 **Address:** 872 Morton Street **Ward** 17 **Applicant:** John Pulgini  
**Article(s):** 60(60-37: Off-street loading insufficient & Off-street parking insufficient) 60(60-16) 60(60-17: Height requirement is excessive, Open space is insufficient, Rear yard setback requirement is insufficient & Floor area ratio is excessive)  
**Purpose:** To build a four story wood framed residential building for 40 Units on one story steel framed above ground parking structure with (30) spots. File in conjunction with subdivision plan ALT897200.

**Case:** BOA-911937 **Address:** 41 Westminster Street **Ward** 18 **Applicant:** Patrick Mahoney  
**Article(s):** 9(9-1) 69(69-8: Side yard insufficient & Rear yard insufficient)  
**Purpose:** Confirm occupancy as 3 family. Renovation and updates to an existing three-family wood framed building. The scope of work includes the expansion of the third floor unit into an existing attic space and the addition of a three-story exterior porch. The project will include the installation of an automatic sprinkler system.

**Case:** BOA-890958 **Address:** 7-15 Catherine Street **Ward** 19 **Applicant:** John Lydon  
**Article(s):** 55(55-8) 55(55-9: Excessive F.A.R., Excessive number of stories, Insufficient front yard setback & Insufficient side yard setback)  
**Purpose:** Construction of five (5) adjacent, shared-wall, townhomes. Each home to have four (4) bedrooms, three and one half baths (3.5), kitchen, living room area, front balcony, and a two-car heated and enclosed garage. Units to share access to a 2000 sq. ft. green space located to the rear of proposed structures. (Existing buildings to be razed under a separate permit).

**Case:** BOA-898191 **Address:** 40 Mount Hood Road **Ward** 21 **Applicant:** 1650 Commonwealth, LLC  
**Article(s):** 51(51-9: Lot area for additional dwelling unit (s) insufficient, Floor area ratio excessive, Height excessive, Usable open space insufficient, Front yard (Mount Hood Rd) insufficient, Front yard (Egremont Rd) (51-50.2 CEBA) insufficient & Rear yard insufficient)  
**Purpose:** Combine 20 Mount Hood (Parcel ID 2102015000- ALT857603), 40 Mount Hood (2102015001- ) and 6 Egremont (Parcel ID 2102016000 - ALT857598) in to one 75,074 square foot parcel. Demolish existing hotel and

construct new 182,423 sf multi-family residential building with up to 151 dwelling units with approximately 151 accessory parking spaces and parking of up to 50 vehicles that is ancillary to houses of worship and multifamily residential uses off site.

**RE-DISCUSSIONS: 11:30a.m.**

**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.

**Case:** BOA-764279 **Address:** 121 Beacon Street **Ward 5 Applicant:** Evie Dykema

**Article(s):** 13(13-13-1) 16(16-7)

**Purpose:** Remodel/Expand existing penthouse and construct new roof decks

**Case:** BOA-831693 **Address:** 53 F Street **Ward 7 Applicant:** Mark Little

**Article(s):** 68(68-8: Floor area ratio excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 27S(27S-9)

**Purpose:** Demo existing single family dwelling, and erect new 6 unit building as per plans.

**Case:** BOA-867200 **Address:** 447 West Fourth Street **Ward 7 Applicant:** Stuart Mullally

**Article(s):** 68(68-33) 68(68-8: Floor area ratio is excessive, Height is excessive (40 ft max.) & Rear yard setback insufficient) 27S(27S-5)

**Purpose:** Demolish existing single family. Build a new construction 2 family dwelling, as per plans submitted.

**Case:** BOA- 845532 **Address:** 605 East Sixth Street **Ward 7 Applicant:** Mark Little

**Article(s):** 68(68-8: Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 68(68-34.6) 68(68-7.2) 27S(27S-5)

**Purpose:** Erect new four (4) residential units. Propose four (4) off-street parking.

**Case:** BOA#845528 **Address:** 605 East Sixth Street **Ward 7 Applicant:** Mark Little

**Purpose:** Erect new four (4) residential units. Propose four (4) off-street parking. Section: 521 CMR 10.00 Public and Common Use Spaces. Public use and common use spaces shall include but not be limited to mailboxes, entrances, lobbies and foyers, as well as corridors and stairways leading to dwelling units. 9th 780 CMR 1006 Number of Exits and Exit Access Doorway. Section 1006.3 Egress from stories or occupied roofs. The means of egress system serving any story or occupied roof shall be provided with the number of exits or access to exits based on the aggregate occupant load served in accordance with this section.

**Case:** BOA-850023 **Address:** 175 Howard Avenue **Ward 13 Applicant:** Hugo Correa Fiho

**Article(s):** 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29)

**Purpose:** Erect a New Two Family Dwelling; Job description: • Furnish all necessary labor, supervision & tools for the below work. The proposal includes: Framing & Rear Decks Framing & Finish • Install Foundation and Slab per plan • Install Sill Sealer • Install Sill Plates • Install 2x6 Exterior Walls • Install Exterior Sheathing • Install Headers • Install Posts • Install LVL Beams • Install Clips, Hangers And Connectors For Our Work • Install Floor Joist And Sistered Floor Joists • Install Rough Framing Interior Stairs • Install Interior Partitions • Install Subfloor Infills • Install Window Framing • Install Windows • Install Exterior Doors • Install Roof Framing Per Plans Structural • Install Rough Framing and Finish For Rear Decks And Stairs • The subcontractor is responsible for all safety during framing and deck installation • Provide a clean and safe workplace • Clean to dumpster provided by Contractor • Install Finish trim • Paint and Plaster • Supervise all sub-contracts on site

**Case:** BOA-900138 **Address:** 191 Talbot Avenue **Ward 14 Applicant:** Travis Lee

**Article(s):** 60(60-19) 60(60-37) 60(60-20)

**Purpose:** Erect 14 unit moderate income apartments, retail/restaurant/service/office use on ground floor and eight off street parking spaces.

**Case:** BOA-769207 **Address:** 32-34 Tolman Street **Ward 16 Applicant:** John Lyons

**Article(s):** 9(9-1) 65(65-9) 65-(65-9) 65-(65-9) 65-(65-39) 65-(65-41) 65-(65-41)

**Purpose:** Repair, renovate and extend existing 3 family dwelling at rear ; upgrade kitchens and baths ,general finishes paint /plaster ; repair existing internal stairs, add new egress stair and construct proposed 22 x 24' addition rear of property ; extend living area to basement from 1st floor.

**Case:** BOA-894291, **Address:** 62 Fairmount Street **Ward:** 17 **Applicant:** Javier Perez

**Article(s):** 65(65-9:FloorAreaRatio Excessive; Building Height(#of Stories)Excessive; & Side Yard Insufficient)

**Purpose:** Adding dormers to existing Roof to create a new 3rd Floor. Extend living space onto 3rd Floor.

**Case:** BOA-893819 **Address:** 761 Washington Street **Ward 17 Applicant:** Derric Small

**Article(s):** 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-9) 65(65-41)

**Purpose:** Erect a new 3 family house on a vacant lot as per plans. Permit set to be submitted upon ZBA approval.

**Case:** BOA-848647, **Address:** 82 Glencliff Road **Ward:** 18 , **Applicant:** Michael Smith

**Article(s):** 67(67-32)

**Purpose:** Off street for 2 residential vehicle.

**INTERPRETATION: 12:00Noon**

**Case:** BOA-897122 **Address:** 115 Federal Street **Ward** 3 **Applicant:** MM Real Estate, LLC

**Purpose:** The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit FND870088. The permit was issued as an allowed use.

**Case:** BOA-897118 **Address:** 115 Federal Street **Ward** 3 **Applicant:** 75-101 FED Owner, LLC

**Purpose:** The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit FND870088. The permit was issued as an allowed use.

**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)**