



City of Boston
Board of Appeal

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Tuesday, March 12, 2019

BOARD OF APPEALS

Room 801

REVISED AGENDA

The board will hold a hearing on March 12, 2019 starting at 9:30 a.m.

APPROVAL OF HEARING MINUTES:

February 26, 2019

EXTENSION 9:30a.m.

Case: BOA-551171 **Address:** 291 Roxbury Street **Ward 9 Applicant:** Scott Webster

GCOD: 9:30 a.m.

Case: BOA-810868 **Address:** 9 Johnny Court **Ward 3 Applicant:** Tao Cai

Article(s): 32(32-4)

Purpose: Change of Occupancy from two-family dwelling to five residential units. Proposed two story vertical addition with roof deck and renovate as per plans. Construct new means of egress to public way.

Case: BOA-918476 **Address:** 161 West Brookline Street **Ward 4 Applicant:** Alpine Advisory Services

Article(s): 32(32-4)

Purpose: Amendment to ALT890379. Install new staircase to crawl space in basement. Excavate approximately 3' to create mechanical room and storage. Sprinkler tanks will be installed here per plan. Pour new slab. Install new sliding door at rear of top floor with guardrail.

HEARING: 9:30 a.m.

Case: BOA-911272 **Address:** 9 Chelsea Street **Ward 1 Applicant:** Linear Retail #18, LLC

Article(s): 27GE 53(53-12: Excessive height (> 35'), Excessive F.A.R. & #5 insufficient side yard setback abutting a residential sub-district) 53(53-11: Restaurant 3rd flr - Conditional, General retail 2nd and 3rd flr - Conditional & Fitness gym 2nd flr and 3rd flr - Conditional) 52(52-25)

Purpose: Erect a 3 story structure. First level to include general retail, 36A-Restaurant, Bank and sit down restaurant. Second level to include general retail, fitness and office. Third level to include general retail, fitness, office and restaurant.

Case: BOA-856175 **Address:** 101 Condor Street **Ward 1 Applicant:** PMT Realty, LLC

Article(s): 53(53-8) 53(53-9: Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Rear yard insufficient & Front yard insufficient) 53(53-56: Off-street loading insufficient & Off-street parking insufficient) 53(53-57)

Purpose: Raze existing Building. Erect a 4 story, Eighteen (18) Unit Residential Dwelling with Parking Garage for 18 Vehicles. There will be a Common Roof Deck for all Building Residents.

Case: BOA-859149 **Address:** 251-253 Meridian Street **Ward 1 Applicant:** Benjamin Hildebrand

Article(s): 53(53-11: Cannabis establishment use - conditional & Accessory storage to main use in basement (1,000sf) - conditional

Purpose: BR, Inc. proposes to operate a Cannabis Establishment at 253 Meridian St, East Boston. Cannabis establishment to be co-terminus Medical Marijuana Dispensary with Recreational Retail Marijuana (Medical and Recreational, shared space). Alterations to the existing building to include typical interior and exterior upgrades for a retail establishment, as well as installation of access control measures and security systems.

Case: BOA-922475 **Address:** 69-71 Maverick Square **Ward 1 Applicant:** Julius Sokol

Article(s): 53(53-11)

Purpose: Change Occupancy from a Dry Cleaning Store w/accy Storage to 6 Apartments and a Registered Marijuana Dispensary.

Case: BOA-885364 **Address:** 301 Saratoga Street **Ward 1 Applicant:** Jonathan Ryan

Article(s): 53(53-9: Usable open space is insufficient & Lot area for the add'l dwelling unit is insufficient)

Purpose: Change occupancy from a two family and store to a 3 family and renovate to include new electrical, plumbing, hvac, kitchen and baths. (Roof deck to be applied for on a separate amendment due to ZBA requirements).

Case: BOA-919606 **Address:** 187 Sumner Street **Ward 1 Applicant:** East Boston Community Development Corporation

Article(s): 27T(27T-5) 53(53-9: Insufficient additional lot area per unit, Excessive F.A.R., # of allowed stories has been exceeded, Max. allowed height exceeded, Insufficient usable open space & Insufficient rear yard setback) 53(53-56)

Purpose: Subdivide the existing 16,259 sq ft lot into 2 lots. First lot to be known as 191-201 Sumner St, will contain 8,978 sq. ft. Second lot to be known as 187 Sumner St will contain 7,281 sq. ft. Also, to erect a 7-story building with 42 affordable residential units & 5 parking spaces. See ALT914336.

Case: BOA-919605 **Address:** 191-201 Sumner Street **Ward** 1 **Applicant:** East Boston Community Development Corporation
Article(s): 27T 53(53-9: Insufficient additional lot area per unit, Excessive F.A.R., Insufficient open space per unit & Insufficient side yard) 53(53-56)
Purpose: To subdivide the existing 16,259 square foot lot into 2 lots. The first lot, to be known as 191-201 Sumner St, will contain 8,978 sq ft, and the existing 3-story, mixed-use building will remain. No work to be done. The second lot, to be known as 187 Sumner St, will contain 7,281 sq ft. See ERT914346.

Case: BOA-878698 **Address:** 173 Trenton Street **Ward** 1 **Applicant:** ELK RE2, INC
Article(s): 53(53-8) 53(53-56: Off-street parking insufficient & Maneuverability areas insufficient (Driveway aisle less than 10'-0")) 53(53-9: Usable open space insufficient, Add'l lot area insufficient & Floor area ratio excessive)
Purpose: Change occupancy from a three-family dwelling to a four-family dwelling by legalizing the existing fourth unit. Also to renovate the building, including reconstructing existing rear decks and installing a sprinkler system in the building. Propose (4) off-street parking.

Case: BOA-916798 **Address:** 80-82 Summer Street **Ward** 3 **Applicant:** Paul Zerola
Article(s): 13(13-4) 17(17-1)
Purpose: Change Occupancy from an Office, Restaurant and 3 Apartments, to a Restaurant & 4 Apartments.

Case: BOA-915460 **Address:** 71-73 Gainsborough Street **Ward** 4 **Applicant:** Peter Vanko
Article(s): 66(66-9) 66(66-42) 32(32-4)
Purpose: Within existing volume, create garden level unit to change the occupancy from a 9 unit building to a 10 unit building.

Case: BOA-884514 **Address:** 120 Brookline Avenue **Ward** 5 **Applicant:** Fenway Enterprises 120 Brookline Avenue LLC
Article(s): 66(66-11)
Purpose: Change of occupancy for the lowest level of a three story building from Office use to Cannabis Establishment use.

Case: BOA-919270 **Address:** 52 Hereford Street **Ward** 5 **Applicant:** My Lam
Article(s): 8(8-6) 6(6-4)
Purpose: Change occupancy from 1 retail, 1 frozen yogurt shop w/take out & outdoor seating, 7 offices, hair salon w/massage to Cafe with take out & out door seating, 1 retail, 7 offices, hair salon w/massage. Work includes replacing floors and countertop. All safety systems to remain. Work to be done at 305 Newbury St.

Case: BOA-915720 **Address:** 85 Newbury Street **Ward** 5 **Applicant:** Thinking Cup Newbury LLC
Article(s): 8(8-7) 9(9-1)
Purpose: Expand existing restaurant (use item 37 and use item 36A) "Thinking Cup" into adjacent building 91 Newbury Street by creating an opening in the fire/party wall and installing a fire shutter. Tenant improvements per plans. companion to alt900340.

Case: BOA#915722 **Address:** 85 Newbury Street **Ward** 5 **Applicant:** Thinking Cup Newbury LLC
Purpose: Expand existing restaurant (use item 37 and use item 36A) "Thinking Cup" into adjacent building 91 Newbury Street by creating an opening in the fire/party wall and installing a fire shutter. Tenant improvements per plans. companion to alt900340. Section: 9th 780 CMR 706 Fire Walls. 706.1.1 Party walls. Any wall located on a lot line between adjacent building, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 406. Party walls shall be constructed without openings and shall create separate buildings.

Case: BOA-923530 **Address:** 91 Newbury Street **Ward** 5 **Applicant:** Thinking Cup Newbury LLC
Article(s): 8(8-7) 9(9-1)
Purpose: Change Occupancy to include Restaurant (Use item 37 and Use item 36A). Open fire / party wall to allow expansion of existing Restaurant "Thinking Cup" at 85 Newbury Street into the ground level of 91 Newbury Street. Install a fire shutter. Tenant improvements per plans. Companion to ALT900324.

Case: BOA#923522 **Address:** 91 Newbury Street **Ward** 5 **Applicant:** Thinking Cup Newbury LLC
Purpose: Change Occupancy to include Restaurant (Use item 37 and Use item 36A). Open fire / party wall to allow expansion of existing Restaurant "Thinking Cup" at 85 Newbury Street into the ground level of 91 Newbury Street. Install a fire shutter. Tenant improvements per plans. Companion to ALT900324. Section: 9th 780 CMR 706 Fire Walls. 706.1.1 Party walls. Any wall located on a lot line between adjacent building, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 406. Party walls shall be constructed without openings and shall create separate buildings.

Case: BOA-913173 **Address:** 163 Newbury Street **Ward** 5 **Applicant:** Blue Bottle Coffee, Inc
Article(s): 8(8-7: Use item #36A, take out restaurant, conditional & Use item #37, restaurant, conditional)
Purpose: Change occupancy to include second restaurant use item 37 and take-out use item 36A. Tenant fit-out on first floor. Add rear trash enclosure. Six seat front outdoor patio seating per companion "use of premise" application. in companion to U49900234.

Case: BOA-871937 **Address:** 1A Barnard Place **Ward** 6 **Applicant:** Patrick Cibotti
Article(s): 68(68-34.2) 68(68-8: Front yard insufficient & Rear yard insufficient) 27S(27S-5)
Purpose: Erect a new two-family dwelling with a roof deck and 4 parking at ground level, as per plans.

Case: BOA-905269 **Address:** 580 East Broadway **Ward** 6 **Applicant:** George Morancy
Article(s): 68(68-8: Floor area ratio excessive, Bldg height excessive (feet), Front yard insufficient & Side yard insufficient) 27S(27S-5) 68(68-29) 68(68-33)
Purpose: Change of occupancy from single-family dwelling & 1 store to five-family dwelling. Construct new rear addition, fourth story addition, and roof deck. Propose 4 car parking garage. Full renovation.

Case: BOA-912147 **Address:** 809 East Broadway **Ward** 6 **Applicant:** George Morancy
Article(s): 27S(27S-5) 68(68-29) 68(68-8: Bldg height excessive (feet), Usable open space insufficient & Side yard insufficient)
Purpose: Full interior renovation to existing four-family dwelling. Construct rear decks with egress to the rear of the property. Construct new roof deck with head house access. Extend living space to basement for Unit 1. Propose four (4) off-street parking at rear through private way.

Case: BOA-918458 **Address:** 832 East Third Street **Ward** 6 **Applicant:** Patrick Mahoney
Article(s): 67(67-9) 27S(27S-5)
Purpose: Construct new second floor addition above existing first floor footprint to existing single-family dwelling. Full renovation.

Case: BOA-906847 **Address:** 202 West Broadway **Ward** 6 **Applicant:** George Morancy
Article(s): 27S(27S-5) 68(68-33) 68(68-8: Side yard insufficient, Bldg height excessive (feet) & Floor area ratio excessive) 68(68-7) 68(68-29)
Purpose: Change occupancy of building from 4 residential units with garage to 4 residential units with office space on ground floor. Permit seeks to change garage to a office use. Additionally, applicant seeks to add a private roof deck for top floor exclusive use with headhouse per plans (attached).

Case: BOA-824773 **Address:** 19--23 Clapp Street **Ward** 7 **Applicant:** Timothy Johnson
Article(s): 65(65-41) 65(65-9: Rear yard insufficient, Side yard insufficient, Front yard insufficient, Bldg height excessive (feet), Bldg height excessive (stories) & Floor area ratio excessive) 65(65-8)
Purpose: Erect new 5 story, 12 unit building w/20 car garage and front, side and roof decks as per plans submitted.

Case: BOA-907797 **Address:** 744-748 Dudley Street **Ward** 7 **Applicant:** Saturnino Guerrero
Article(s): 65(65-15)
Purpose: Change of occupancy to include Takeout #36A to existing Restaurant - no work to be done.

HEARINGS: 10:30 a.m.

Case: BOA-910427 **Address:** 3231 Washington Street **Ward** 11 **Applicant:** Matthew Javitch
Article(s): 55(55-8) 55(55-9: Add'l lot area insufficient & Floor area ratio excessive) 55(55-9.3) 55(55-40)
Purpose: Change of occupancy from 2 to 4 units. Renovation of existing triple-decker including kitchens, baths, relocate building systems, sprinkler, paint or replace exterior siding.

Case: BOA-914494 **Address:** 10-12 Sagamore Street **Ward** 13 **Applicant:** Andrew Schena
Article(s): 10(10-1) 9(9-1)
Purpose: Curb Cut, grading of property, and paving area to accommodate 2 parking spaces.

Case: BOA-922089 **Address:** 430-454 Blue Hill Avenue **Ward** 14 **Applicant:** Pure Oasis LLC
Article(s): 50(50-19)
Purpose: Retail Build out for cannabis dispensary, including electrical, and plumbing work.

Case: BOA-913728 **Address:** 1510-1514 Dorchester Avenue **Ward** 16 **Applicant:** Long Ngoc Le
Article(s): 65(65-15)
Purpose: Change of occupancy at 1512 Dorchester Ave. from convenience store to hair salon.

Case: BOA-916199 **Address:** 26 Ericsson Street **Ward** 16 **Applicant:** Ralph Bruno
Article(s): 65(65-18: Use: Restaurant with function hall (conditional) & Use: Light manufacturing (winery) forbidden)
Purpose: Change occupancy from wood working use to restaurant with function hall, light manufacturing (winery) Increasing Occupancy in existing restau-rant/lounge from 49 persons to 120 persons. Install Fire Alarm system.

Case: BOA-914298 **Address:** 102 Neponset Avenue **Ward** 16 **Applicant:** Terence O'Reilly
Article(s): 65(65-8) 65(65-9: Floor area ratio excessive, Bldg height excessive (stories) & Rear yard insufficient) 65(65-9.2) 10(10-1) 65(65-41: Off-street parking insufficient & Location. Off-street parking shall not be located in any part of a front yard)
Purpose: Erect new multi-family dwelling (six residential units). Propose six (6) off-street parking.

Case: BOA-921790 **Address:** 97 Pierce Avenue **Ward** 16 **Applicant:** John Pulgini
Article(s): 65(65-8) 9(9-2)
Purpose: Change occupancy from Two-Family Dwelling to Three-Family Dwelling. Renovate as per plans. Propose (1) additional off-street parking.

Case: BOA-897691 **Address:** 571 American Legion Hw **Ward** 18 **Applicant:** Matt Miller
Article(s): 67(67-33.1) 67(67-30)
Purpose: Construct detached commercial shell (Retail/Restaurant/Salon) building with (3) off street parking spaces in addition to (9) residential townhouse units filed on ERT860967. This shall be one of two structures on the same lot. E-Plan provided for courtesy purpose only; 2 sets will be submitted to counter #2.

Case: BOA-897974 **Address:** 602 Canterbury Street **Ward** 18 **Applicant:** Matt Miller

Article(s): 67(67-33.1) 67(67-32) 67(67-30)

Purpose: Construct a (9) unit townhouse design building which shall be one of two structures on one lot. This application has been filed in conjunction with ERT868686 for the construction of a detached commercial use structure (shell only for either a Cafe/retail - TBD) E-Plan provided for courtesy purpose only; 2 sets will be submitted to counter #2.

Case: BOA-900693 **Address:** 20 Rich Street **Ward** 18 **Applicant:** Phyllis Brown

Article(s): 60(60-9: Front yard insufficient, Side yard insufficient & Rear yard insufficient)

Purpose: Construct second floor addition with roof deck for existing single-family dwelling. Full interior renovation.

Case: BOA-903904 **Address:** 231-233 West Street **Ward** 18 **Applicant:** Joseph Duca

Article(s): 9(9-1) 69(69-9)

Purpose: Adding shed dormers on the attic, making additional room.

Case: BOA-893770 **Address:** 401A-405 Centre Street **Ward** 19 **Applicant:** Derric Small

Article(s): 55(55-16)

Purpose: Change the legal occupancy to include a retail Cannabis establishment.

Case: BOA-907735 **Address:** 4014 Washington Street **Ward** 19 **Applicant:** Felipe Duran

Article(s): 67(67-11)

Purpose: Add Live Entertainment to Restaurant.

Case: BOA-99882 **Address:** 101 Kilmarnock Street **Ward** 21 **Applicant:** Stanhope Garage, Inc

Article(s): 6(6-3A) 66(66-8)

Purpose: The Applicant seeks to continue to use the premises as an open air public parking lot for fee, capacity 15 spaces beyond existing expiration date of December 31, 2019, under decision BOA626421.

Case: BOA-918834 **Address:** 190 North Beacon Street **Ward** 22 **Applicant:** Molly Pidgeon

Article(s): 51(51-16)

Purpose: Changing occupancy from Store to Brewery with small Restaurant and fit out for brewery in kitchen as per plans and specifications. Brewing onsite with grain room and support areas, bar, kitchen and dining area. Bathroom renovations and upgrades. New finishes to include, flooring, paint, wall finishes, new lighting package, reuse existing.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-874955 **Address:** 134 Chelsea Street **Ward** 1 **Applicant:** 134 Chelsea RE LLC

Article(s): 9(9-2) 53(53-8) 53(53-9: Insufficient additional lot area - 1000sf/unit req., Excessive F.A.R. - 1.0 max, Insufficient open space - 900sf/unit req., Insufficient side yard setback - 2.5' min req., Insufficient rear yard setback - 30' min. req., # of allowed stories exceeded - 3 story max & Max allowed height exceeded - 35' max.) 53(53-56) 53(53-52) 53(53-54)

Purpose: Seeking to change the occupancy from a 2 family & store to a four-family dwelling and renovate the building including a rear addition, a fourth-story addition the installation of a fire protection system.

Case: BOA-889104 **Address:** 306 K Street **Ward** 6 **Applicant:** Marc LaCasse

Article(s): 27S(27S-5)

Purpose: Full interior renovation of an existing five-unit residential building. Reconfigure interior layout. Add bedrooms. New finishes throughout. Install new hard-piped sprinkler system with monitored alarm. New windows. Update plumbing and electrical. Install new Hydro Air heat and air conditioning systems.

Case: BOA-787634, **Address:** 500-502A East Broadway, **Ward** 6 **Applicant:** James Christopher

Article(s): 27S(27S-5S) 68(68-8: Lot area for the add'l dwelling units is insufficient, Floor area ratio is excessive, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Usable open space is insufficient) 68(68-33)

Purpose: To raze existing single story building, and erect a new 3 story mixed use building to include a commercial space with 6 Residential Units at grade with 6 interior parking spots

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-872900 **Address:** 794R Shawmut Avenue **Ward** 9 **Applicant:** Jean P. Teleau

Article(s): 50(50-29: Lot size for the two family is insufficient, Floor area ratio is excessive, Side yard requirement is insufficient, Rear yard requirement is insufficient & Usable open space is insufficient) 50(50-43)

Purpose: To proceed to ZBA to correct Violation v391790 per plans: 1) Approved roof deck enclosed with extended fire balcony; 2) Basement habitable spaces and other related works per plans filed. Change occupancy from a one to a two family

Case: BOA-851286 **Address:** 474 Hyde Park Avenue **Ward** 18 **Applicant:** Juan Rojas

Article(s): 51(51-16)

Purpose: Changing occupancy from Store to Brewery with small Restaurant and fit out for brewery in kitchen as per plans and specifications. Brewing onsite with grain room and support areas, bar, kitchen and dining area. Bathroom renovations and upgrades. New finishes to include, flooring, paint, wall finishes, new lighting package, reuse existing.

Case: BOA-872019 **Address:** 46 Sheridan Street **Ward** 19 **Applicant:** 211 South LLC

Article(s): 09(9-1) 55(55-9) 55(55-9) 55(55-9) 55(55-9) 55(55-9)

Purpose: Construct a rear addition. Renovate the building including a sprinkler system to existing four-unit multi-family dwelling.

Case: BOA-765159 **Address:** 139 Walter Street , **Ward** 20 **Applicant:** Nora Duclos

Article(s): 69(69-9) 69(69-9) 69(69-9) 69(69-9) 69(69-9) 69(69-9) 69(69-29.5)
69(69-29)

Purpose: Construct new 2-family town house dwelling per plans

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