



City of Boston  
Board of Appeal

Tuesday, November 12, 2019

BOARD OF APPEALS

Room 801

## REVISED AGENDA

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

### APPROVAL OF HEARING MINUTES:

October 8, 2019

### EXTENSIONS: 9:30a.m.

Case: BOA-622726 Address: 1052-1054 Blue Hill Avenue Ward 14 Applicant: Joseph Lutz, Esq

Case: BOA- 727018 Address: 331A-333 Newbury Street Ward 5 Applicant: Stephen Miller

Case: BOA-744222 Address: 431-439 Hanover Street Ward 3 Applicant: Daniel Toscano, Esq

Case: BOA-657861 Address: 2 Laurel Street Ward 2 Applicant: Eliza Becton

### BOARD FINAL ARBITER: 9:30a.m.

Case: BOA-950630 Address: 82 Cummins Highway Ward 19 Applicant: Jenny Guirado, Esq

Case: BOA-791768 Address: 1208C VFW Parkway Ward 20 Applicant: Donald Wiest, Esq

Case: BOA-791775 Address: 1208D VFW Parkway Ward 20 Applicant: Donald Wiest, Esq

### GCOD: 9:30a.m.

Case: BOA-1005906 Address: 135 Mount Vernon Street Ward 5 Applicant: Parish of the Advent

Article(s): 32(32-9)

Purpose: Remodel kitchen, kitchenette, and bathrooms, install new HVAC systems, update electric, paint and legalize finished basement.

### HEARING: 9:30 a.m.

Case: BOA-974524 Address: 100 Byron Street Ward 1 Applicant: John Forbes

Article(s): 53(53-9) 10(10-1)

Purpose: Seeking to erect a 2 1/2 story residential 1 unit dwelling with one parking space. See ALT945881.

Case: BOA-999106 Address: 97 Condor Street Ward 1 Applicant: 97 Condor St, LLC

Article(s): 27T(27T-5) 53(53-62) 53(53-8) 53(53-9): Excessive F.A.R., # of allowed stories has been exceeded, Max allowed height has been exceeded, Insufficient front yard setback/modal alignment, Insufficient side yard setback, Insufficient rear yard setback & Location of main entrance to basement unit # 1) 53(53-54) 53(53-56: Insufficient parking and design size & 10' driveway access required no easement shown on stamped land survey) 53(53-56.5a Off street parking maneuverability)

Purpose: Demolish existing structure and Erect new 4 story 7 unit building.

Case: BOA-959837 Address: 44 Lexington Street Ward 1 Applicant: Dwight House, LLC

Article(s): 27T(27-5) 9(9-1) 53(53-9): # of allowed stories exceeded, Height exceeded, Rear yard setback & F.A.R.) 53(53-8) 53(53-56) 53(53-54) 53(53-52)

Purpose: Seeking to change the occupancy from a three-family to a four-family, also, to renovate the building and add a rear and fourth-story addition.

Case: BOA-1003340 Address: 46 Lexington Street Ward 1 Applicant: Dwight House, LLC

Article(s): 53(53-8) 53(53-9): Floor area ratio excessive, Height is excessive, Required side yard setback is insufficient & Required rear yard setback is insufficient) 27T

Purpose: Confirm occupancy as a 2 family and change the occupancy from a 2 family to a four-family, also, to renovate the building and add a rear and fourth-story addition.

Case: BOA-975151 Address: 70 Lexington Street Ward 1 Applicant: Marc Galardi

Article(s): 9(9-1) 53(53-9): Insufficient side yard setback & Insufficient rear yard setback)

Purpose: Removing existing porches and installing new with added walkway according to drawings \*note: Deck extension all stories.

Case: BOA-948426 Address: 115 Leyden Street Ward 1 Applicant: Sun Property Group, Inc. (by Richard C. Lynds)

Article(s): 53(53-8) 53(53-9): Floor area ratio is excessive, Height is excessive (stories), Front yard setback is insufficient, Side yard setback is insufficient & Rear yard setback is insufficient) 27T(27T-5) 25(25-5) 53(53-56)

Purpose: Demolish existing structure and erect new 8-residential unit building with 9 parking spaces.

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BOSTON, MA

**Case:** BOA-979928 **Address:** 477 Meridian Street **Ward 1 Applicant:** MLK Meridian, Inc  
**Article(s):** 27T(27T-5) 53(53-8) 53(53-9: Excessive F.A.R., Insufficient rear yard, Insufficient side yard & # of stories exceeded) 53(53-54) 53(53-52) 53(53-56) 10(10-1) 9(9-1)  
**Purpose:** Seeking to change the occupancy from a three-family and renovate the building. Also, to add a rear addition.

**Case:** BOA-995781 **Address:** 38 Ash Street **Ward 3 Applicant:** Victoria Yue  
**Article(s):** 43(43-19)  
**Purpose:** Adding occupancy of licensed after-school program on 3rd and 5th floor for 100 kids ages 5-13yrs old. Also change activity room on 5th floor to daycare classroom for 20 kids ages 4-6 yrs of age both labeled on plans submitted. Address is known as 38 ash Street.

**Case:** BOA-974070 **Address:** 152 Canal Street **Ward 3 Applicant:** J & O Parking, Inc  
**Article(s):** 6(6-4)  
**Purpose:** Application to extend ZBA proviso in case no. BOA-604842 under permit no. U-49600592 from December 31, 2019 to December 31, 2022, or longer and continue use of premises as a commercial parking lot for 35 motor vehicles.

**Case:** BOA-998776 **Address:** 1-3 Center Plaza **Ward 3 Applicant:** Brittan Walsh  
**Article(s):** 45(45-14)  
**Purpose:** POPUP Take out Lunch Services (2 table setup) for different restaurants, different foods every day with no cooking on-site, no electrical, no plumbing work - There will be zero construction.

**Case:** BOA-983348 **Address:** 13-21 Congress Street **Ward 3 Applicant:** HDG Congress LLC  
**Article(s):** 13(13-1: Floor area ratio excessive, Rear yard insufficient & Setback of parapet insufficient)  
**Purpose:** Change of occupancy to hotel, restaurant on ground floor and office. Combine buildings to one; associated with ALT98504 and ALT98507. Work includes addition of 4 stories on the top of the 13-15 Congress Street building, new occupied penthouse story on top of both buildings. Build out per plans.

**Case:** BOA#983347 **Address:** 13-21 Congress Street **Ward 3 Applicant:** HDG Congress LLC  
**Purpose:** Change of occupancy to hotel, restaurant on ground floor and office. Combine buildings to one; associated with ALT98504 and ALT98507. Work includes addition of 4 stories on the top of the 13-15 Congress Street building, new occupied penthouse story on top of both buildings. Build out per plans. Section: 9th 780 CMR 1011 Stairways 1011.2 Width and capacity. The required capacity of stairways shall be determined as specified in Section 1005.1, but the minimum width shall not be less than 44 inches.

**Case:** BOA-985101 **Address:** 28 Concord Square **Ward 4 Applicant:** Alpine Advisory Services  
**Article(s):** 64(64-9.4)  
**Purpose:** Amendment to ALT923690. Install 6' cantilevered rear decks at rear of parlor and third floors as per plans. Install roof deck as per plans.

**Case:** BOA#985100 **Address:** 28 Concord Square **Ward 4 Applicant:** Alpine Advisory Services  
**Purpose:** Amendment to ALT923690. Install 6' cantilevered rear decks at rear of parlor and third floors as per plans. Install roof deck as per plans. 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.

**Case:** BOA-996059 **Address:** 222-224 Newbury Street **Ward 5 Applicant:** Qisheng Jia  
**Article(s):** 8(8-7)  
**Purpose:** Wish to change use from retail to restaurant.

**Case:** BOA-1000990 **Address:** 48-50 L Street **Ward 6 Applicant:** John Hurd  
**Article(s):** 27S(27S-5) 68(68-29) 68(68-8: Floor area ratio excessive & Side yard insufficient)  
**Purpose:** Confirm occupancy as 6 family. Interior and exterior renovation of existing 6 unit building. Construct new rear addition on third floor on existing second floor footprint, exterior rear deck, exterior stairway and roof deck. Extend living space to basement.

**Case:** BOA-981842 **Address:** 1269 Massachusetts Avenue **Ward 7 Applicant:** Hector Guerrero  
**Article(s):** 9(9-1) 65(65-41)  
**Purpose:** To increase Occupant Load of existing Restaurant from 88 to 136. Install new Fire Sprinkler system. Install a new side door.

**Case:** BOA#981843 **Address:** 1269 Massachusetts Avenue **Ward 7 Applicant:** Hector Guerrero  
**Purpose:** To increase Occupant Load of existing Restaurant from 88 to 136. Install new Fire Sprinkler system. Install a new side door. Section: 780CMR 9th Edition Section 430 Nightclubs 430.1 General. All buildings containing a nightclub with an occupant load 50 or greater shall comply with the provisions of this section and other applicable provisions of 780 CMR.

**Case:** BOA-1005768 **Address:** 10 Wendeller Street **Ward 7 Applicant:** Malcolm Barber  
**Article(s):** 23(23-9)  
**Purpose:** Demolish existing building and erect three story, 5-unit residential building w/rear & roof deck and 7 car garage as per plans submitted.

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

**Case:** BOA-956971 **Address:** 118 Harrishof Street **Ward 12 Applicant:** Prince Kallon  
**Article(s):** 50(50-28) 50(50-29: Add'l lot area insufficient, Floor area ratio excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 50(50-43)  
**Purpose:** Change Occupancy from a Three Family dwelling to a Four Family dwelling by adding the new apt into the basement. Renovate existing basement according to plans - Remove and replace staircase from first floor foyer to basement at the same location install half bath in basement. Construct new dormer addition.

**Case:** BOA-1000832 **Address:** 80 Walnut Avenue **Ward 12 Applicant:** Kevin Joyce, Esq  
**Article(s):** 50(50-28) 50(50-29) 50(50-43)  
**Purpose:** Change occupancy from 8 units to 17 units for this is an existing and Renovations to existing multi-family building to include roofing, selective masonry repointing, windows, windows, bathrooms, interior finishes, electrical and fire alarm upgrades.

**Case:** BOA-1000837 **Address:** 82 Walnut Avenue **Ward 12 Applicant:** Kevin Joyce, Esq  
**Article(s):** 50(50-28) 50(50-29) 50(50-43)  
**Purpose:** Change occupancy from 8 units to 17 units for this is an existing and Renovations to existing multi-family building to include roofing, selective masonry repointing, windows, windows, bathrooms, interior finishes, electrical and fire alarm upgrades.

**Case:** BOA-1000838 **Address:** 84 Walnut Avenue **Ward 12 Applicant:** Kevin Joyce, Esq  
**Article(s):** 50(50-28) 50(50-29) 50(50-43)  
**Purpose:** Change occupancy from 4 units to 8 units for this is an existing and Renovations to existing multi-family building to include roofing, selective masonry repointing, windows, windows, bathrooms, interior finishes, electrical and fire alarm upgrades.

**Case:** BOA-997671 **Address:** 24 Sagamore Street **Ward 13 Applicant:** Owen Thomas  
**Article(s):** 65(65-8: 3 family forbidden & Home office in accessory structure forbidden) 65(65-9: Floor area ratio excessive, Usable open space insufficient, Bldg height excessive (stories), Rear yard insufficient, Side yard insufficient & Front yard insufficient) 65(65-41) 10(10-1)  
**Purpose:** Full interior and exterior renovation of an existing two family dwelling. Convert from 2 to three units, extend living area of unit one into basement, build new decks 1 st floor front and first and 2nd fl rear, build 3rd floor side deck, convert garage to home office, build 2 dormers on third floor roof, re configure parking to 4 spaces (2 tandem).

**Case:** BOA-986897 **Address:** 417 Adams Street **Ward 16 Applicant:** Glam Gawds Beauty Bar, LLC  
**Article(s):** 65(65-8)  
**Purpose:** Change of Occupancy from Church to Nail Salon.

**Case:** BOA-937465 **Address:** 18-18F Plain Street **Ward 16 Applicant:** David J. Higgins  
**Article(s):** 65(65-8)  
**Purpose:** Erect five residential units (townhouse design) (As Per Plan) MFR - town house style design.

**Case:** BOA-985828 **Address:** 16 Train Street **Ward 16 Applicant:** Centerline Development & Services Inc.  
**Article(s):** 65(65-9: Side yard insufficient & Bldg height excessive (feet))  
**Purpose:** Construct new roof deck on existing three-family dwelling.

**Case:** BOA#985828 **Address:** 16 Train Street **Ward 16 Applicant:** Centerline Development & Services Inc  
**Purpose:** Construct new roof deck on existing three-family dwelling. Section: 9th 780 CMR 1011 Stairways 1011.1 General. Stairways serving occupied portions of a building shall comply with the requirements of 1011.2 to 1011.13.

**Case:** BOA-1003775 **Address:** 64-66 Armandine Street **Ward 17 Applicant:** Christopher Barbour  
**Article(s):** 65(65-9)  
**Purpose:** Change existing 2 family occupancy to 3 family occupancy, address is currently zoned as a 3 family. Complete renovation of interior finishes, exterior finishes, and install new HVAC/electrical/plumbing systems.

**Case:** BOA-990140 **Address:** 23 Fawndale Road **Ward 19 Applicant:** Joseph Ebanks  
**Article(s):** 67(67-9: Insufficient side yard setback & Excessive F.A.R.)  
**Purpose:** Close up front porch by framing up 2x4 stud and 1/2in cdx plywood. Also add (3) windows on 1st floor, (5) on 2nd floor, and (5) on 3rd floor. The remainder of the house I will install 1/4in insulation and vinyl siding. Debris will be disposed by grant disposal.

**Case:** BOA-983055 **Address:** 55 Brucewood Street **Ward 20 Applicant:** John Pulgini  
**Article(s):** 29(29-8)  
**Purpose:** Subdivide existing 19,849 sf Parcel to create new 6,000 sf Parcel known as 55 Brucewood Street and construct a new Single Family Dwelling as per plans. ZBA.

**Case:** BOA-983058 **Address:** 59 Brucewood Street **Ward 20 Applicant:** John Pulgini  
**Article(s):** 29(29-8)  
**Purpose:** Subdivide existing 19,849 sf Parcel to create new 6,000 sf Parcel known as 59 Brucewood Street and construct a new Single Family Dwelling as per plans. ZBA.

**Case:** BOA-983059 **Address:** 63 Brucewood Street **Ward 20 Applicant:** John Pulgini  
**Article(s):** 29(29-8)  
**Purpose:** Subdivide existing 19,849 sf Parcel to create new 7,849 sf Parcel known as 63 Brucewood Street and construct a new Single Family Dwelling as per plans.

**Case:** BOA-1006781 **Address:** 11 Conway Street **Ward** 20 **Applicant:** Antonio Ferrara  
**Article(s):** 67(67-8) 67(67-9: Floor area ratio excessive, Bldg height excessive (stories), Usable open space insufficient, Side yard insufficient & Rear yard insufficient)  
**Purpose:** Change occupancy from a single-family to a four-family dwelling. Construct new right side addition of existing property. Propose (8) off-street parking spaces.

**Case:** BOA-985935 **Address:** 705 VFW Parkway **Ward** 20 **Applicant:** Loutfi Nassif  
**Article(s):** 9(9-1) 56(56-8)

**Purpose:** Combine existing parcel #2007014002 with 8165 S.Q.F.T. and existing 1 story gas station with parcel #2007014013 that has a Lot area of 13149 S.Q.F.T. into 1 new Lot of 21314 S.Q.F.T. erect 1 story addition as per attached plans.

**Case:** BOA-875587 **Address:** 25 Bentley Street **Ward** 22 **Applicant:** Mikhail Deychman  
**Article(s):** 51(51-8) 51(51-9: Lot width for townhouse is insufficient 3 units, Lot frontage for townhouse is insufficient 3 units, Location of main entrance shall face the front lot line, Front yard setback is insufficient & Rear yard setback is insufficient) 51(51-23)  
**Purpose:** Demolition of existing building and built a structure for 3 family dwelling.

**Case:** BOA-1001451 **Address:** 367-375 Washington Street **Ward** 22 **Applicant:** Lucy Tang  
**Article(s):** 51(51-16)  
**Purpose:** Change of occupancy to include Body Art Establishment (Microblading and Permanent Make-Up) to Existing Beauty Salon. No work to be done.

#### **45 Minute Lunch Break**

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

**Case:** BOA-942611 **Address:** 193-195 Chelsea Street **Ward** 1 **Applicant:** Jordan Lofaro  
**Article(s):** 53(53-8)

**Purpose:** Change occupancy from 3 tenants and store to Lodging House. This is a 3-story building, outfitted for safety. Every unit is equipped with fire escape, ceiling sprinklers, and interconnected fire alarm. All the locks are electronic deadbolt, and there are internet-connected security cameras at each entrance.

**Case:** BOA-892077 **Address:** 181-183 Coleridge Street **Ward** 1 **Applicant:** Theodore Touloukian for Ryan Acone  
**Article(s):** 53(53-8) 53(53-8) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-56) 53(53-56) 53(53-57.3)  
**Purpose:** Combine lots (PID 0104312000 and 0104311000) into a single lot to be 19,000 SF. Erect a three-story mixed-use building with 19 residential units, 22 off-street parking spaces below grade, and "facility of public accommodation" as per Chapter 91 Massachusetts Public Waterfront Act.

**Case:** BOA-978472 **Address:** 3 Bond Street **Ward** 3 **Applicant:** Alston Ryan  
**Article(s):** 32(32-4) 64(64-9: Town house/row house extension into rear yard, Floor area ratio excessive & Rear yard insufficient)  
**Purpose:** Total renovation of single family dwelling per plans. Reconstruction of structurally compromised front and rear exterior walls of this row house. Erect roof deck. Enlarge rear dormer.

**Case:** BOA-913646 **Address:** 472 East Fourth Street **Ward** 6 **Applicant:** Alpine Advisory Services  
**Article(s):** 27S(27S-5) 68(68-33) 68(68-7.2) 68(68-8: Excessive f.a.r. (no alteration permits on record to extend living space into the basement area) & Insufficient usable open space per unit)  
**Purpose:** Confirm legal occupancy as 3 dwelling units and change occupancy from 3 to 6. Rehabilitation of 6 units with new kitchens and bathroom and reconfigured space, and reconstruction of existing headhouse and existing roof deck, all as shown of plans filed herewith, NO Record of Legal Occupancy.

**Case:** BOA#913653 **Address:** 472 East Fourth Street **Ward** 6 **Applicant:** Alpine Advisory Services  
**Purpose:** Confirm legal occupancy as 3 dwelling units and change occupancy from 3 to 6. Rehabilitation of 6 units with new kitchens and bathroom and reconfigured space, and reconstruction of existing headhouse and existing roof deck, all as shown of plans filed herewith, NO Record of Legal Occupancy. \*Updated drawings provided 4/25/19. Section 9th Edition 780 CMR CHPT 10 Chapter 10. Section 1031 Emergency escape window required within the basement bedroom located below grade.

**Case:** BOA-970669 **Address:** 798B East Third Street **Ward** 6 **Applicant:** Michael & Maureen Murray  
**Article(s):** 27S(27S-5) 68(68-8) 68(68-29)  
**Purpose:** Construct rear addition and 1-story vertical addition on an attached single family dwelling. Extend living space to basement

**Case:** BOA-952103 **Address:** 658-660 East Broadway **Ward** 6 **Applicant:** Anthony Virgilio  
**Article(s):** 68(68-7) 68(68-8: Floor area ratio is excessive, Height requirement is excessive, Usable open space is insufficient, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient) 68(68-33) 68(68-29) 27S(27S-5) 9(9-1)  
**Purpose:** Renovation of existing building at 658 E Broadway to include an addition in the rear yard and additional floor. Combine lot 654 to 656, 660R and 658-660 E Broadway Street, and demolish the existing building at 654 E Broadway Street. Change occupancy from 1 Restaurant, and 3 units (#37 & 38); to 1 Restaurant (#37 & 38) being extended, Offices and 8 units.

**Case:** BOA-906287 **Address:** 127 East Cottage Street **Ward 7 Applicant:** Epsilon Partners, LLC  
**Article(s):** 65(65-8), 65(65-41), 65(65-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Bldg Height Excessive (Feet), Front Yard Insufficient, Side Yard Insufficient and Rear Yard Insufficient)  
**Purpose:** To combine the following Parcel IDs 0703701000 0703700000 & 0703699000 to form a 12,547 SF lot & to subdivide into two new lots: Lot A to have 6,172 SF & Lot B to have 6,375 SF. Also, to raze structures on Lot B (127 E. Cottage) & erect a 4 story building with 11 units and 10 parking spaces. See ALT898250 for subdivision of lot.

**Case:** BOA-906288 **Address:** 131 East Cottage Street **Ward 7 Applicant:** Epsilon Partners, LLC  
**Article(s):** 65(65-9: Lot Width Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive and Side Yard Insufficient)  
**Purpose:** To combine the following Parcel IDs 0703701000 0703700000 & 0703699000 to form a 12,547 SF lot & to subdivide into two new lots: Lot A to have 6,172 SF & Lot B to have 6,375 SF. Lot A to have existing single-family dwelling to remain with removal of attached garage. See also ERT898249.

**Case:** BOA-971595 **Address:** 9 Atlantic Street **Ward 7 Applicant:** Alpine Advisory Services  
**Article(s):** 68(68-8: Floor area ratio is excessive & Usable open space is insufficient) 68(68-33) 27S(27S-5)  
**Purpose:** Change of occupancy from one dwelling to two dwelling units, expansion into basement per plans filed herewith. Construction plans to be filed after zoning relief.

**Case:** BOA- 975148 **Address:** 18-26 Bradshaw Street **Ward 14 Applicant:** Thomas Notto  
**Article(s):** 60(60-41) 60(60-8) 60(60-9: Lot area for additional dwelling unit(s). Lot width, Lot frontage, Usable open space, Front yard, Side yard & Rear yard insufficient)  
**Purpose:** Erect 5 new townhouses with parking below. Permit set to be submitted upon ZBA approval

**Case:** BOA-946625 **Address:** 820 William T Morrissey Blvd **Ward 16 Applicant:** Outfront Media, LLC  
**Article(s):** 65(65-40) 11(11-6) 11(11-7)  
**Purpose:** Replace both sides/faces of existing 48" wide by 14" high billboard, one side currently static and the other side currently tri-vision, with new digital signage cabinets. Replace existing steel structure in kind. Change occupancy to include billboard.

**Case:** BOA-672916 **Address:** 645A-645 Walk Hill Street **Ward 18 Applicant:** Justin E. Mott  
**Article(s):** 56(56-8) 9(9-1)  
**Purpose:** Extend living space of first floor into the basement, per attached drawings. No new work.

**Case:** BOA-940761 **Address:** 64 Poydras Street **Ward 18 Applicant:** Thomas Piatt  
**Article(s):** 69(69-9: Lot area for additional dwelling units insufficient, Usable open space insufficient, Front yard insufficient & Rear yard insufficient) 69(69-29) 69(69-29.4)  
**Purpose:** Demolish existing House. Erect a new 3 story 15 Unit Multi-family Apartment building.

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

**BOARD MEMBERS:**

CHRISTINE ARAUJO- CHAIR  
MARK FORTUNE-SECRETARY  
MARK ERLICH  
JOSEPH RUGGIERO

**SUBSTITUTE MEMBERS:**

TYRONE KINDELL, JR  
NADINE FOLLON  
EDWARD DEVEAU

**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)**