



City of Boston  
Board of Appeal

RECEIVED  
CITY CLERK'S OFFICE  
2019 DEC 12 A 9:25  
BOSTON, MA

Tuesday, December 17, 2019

BOARD OF APPEALS

Room 900

The board will hold a hearing on December 17, 2019 starting at 9:30 a.m.

**APPROVAL OF HEARING MINUTES:**

November 19, 2019

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

**Case:** BOA-796764 **Address:** 137 Amory Street **Ward** 11 **Applicant:** Urban Edge Housing Corporation (by Frank Shea, CEO)

**Case:** BOA-716297 **Address:** 1403-1405 Dorchester Avenue **Ward** 15 **Applicant:** Tam Nguyen

**Case:** BOA-450351 **Address:** 1181-1183 Bennington Street **Ward** 1 **Applicant:** 1181 Bennington Realty LLC (by Richard Lynds, Esq)

**Case:** BOA-755158 **Address:** 151-153 Meridian Street **Ward** 1 **Applicant:** One Fifty One Meridian, LLC (Richard Lynds, Esq)

**Case:** BOA-757453 **Address:** 653 Cummins Highway **Ward** 18 **Applicant:** Patrick Mahoney

**Case:** BOA-685446 **Address:** 39 Washburn Street **Ward** 7 **Applicant:** Doug George (by Derric Small, Esq)

**Case:** BOA-656043 **Address:** 34 Dix Street **Ward** 16 **Applicant:** Douglas George (by Derric Small, Esq)

**Case:** BOA- 382897 **Address:** 104 Canal Street **Ward** 3 **Applicant:** Somnath Hospitality LLC

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

**Case:** BOA-1020716 **Address:** 21 Hudson Street **Ward** 3 **Applicant:** David Shum

**Article(s):** 32(32-4)

**Purpose:** Amendment to ALT815449. The new amendment is to erect a 1-story addition in the rear to expand the existing 1st floor restaurant.

**Case:** BOA-1021212 **Address:** 18 Union Park **Ward** 3 **Applicant:** Marc LaCasse

**Article(s):** 32(32-4)

**Purpose:** Change of Occupancy from three-family dwelling to single-family dwelling. Remove all existing interior partitions. Install new floor joists, electrical, plumbing, HVAC, fire protection, and storm water infiltration systems. Application submitted with nominal fee letter.

**Case:** BOA-1018993 **Address:** 18 Newbury Street **Ward** 5 **Applicant:** Concepts International, LLC

**Article(s):** 32(32-9)

**Purpose:** Project is an interior fit out with new storefront, HVAC, electrical, plumbing and structural is included in scope. No change to construction type, building height or building area.

**Case:** BOA-1019334 **Address:** 200-202 Ipswich Street **Ward** 5 **Applicant:** 1241 Boylston, LLC

**Article(s):** 32(32-4)

**Purpose:** Erect an eight (8) story, maximum height ninety (90) feet, 105,000 square feet building area, 184 room hotel with a ground floor restaurant and 82 parking spaces in one below-grade level. Existing building to be razed under a

**Case:** BOA-982435 **Address:** 198 Woodrow Avenue **Ward 14 Applicant:** Mai Phung  
**Article(s):** 60(60-40) 604(60-41)  
60(60-9: Lot Area Insufficient, Floor Area Ratio Excessive, Usable Open Space Insufficient, Front Yard Insufficient, Side Yard Insufficient)  
**Purpose:** Erect a 3 story, Three (3) Family Dwelling on an existing vacant Lot (as per plans).

**Case:** BOA-1020294 **Address:** 1301 Blue Hill Avenue **Ward 14 Applicant:** John Pulgini  
**Article(s):** 60(60-16) 60(60-37)  
60(60-17: Lot area for the add'l dwelling units is insufficient, Floor area ratio is excessive, Height 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)  
**Purpose:** Demo existing building located at the end of 1261-1299 Blue Hill Ave and construct a new mixed use building at 1301 Blue Hill Ave by combining two lots into one lot.

**Case:** BOA-1000521 **Address:** 16 Stanley Street **Ward 15 Applicant:** Phung Porzio,  
**Article(s):** 65(65-32)  
65(65-9: Lot Area Insufficient, Floor Area Ratio Excessive, Usable Open Space Insufficient, Front Yard Insufficient, Side Yard Insufficient)  
**Purpose:** Proposed to construct a two family on a vacant lot (as per plans).

**Case:** BOA-995695 **Address:** 142 Pleasant Street **Ward 15 Applicant:** JB Investments, LLC  
**Article(s):** 65(65-8) 65(65-41)  
65(65-9: Add'l Lot Area Insufficient, Rear Yard Insufficient Usable Open Space Insufficient, Floor Area Ratio Excessive, Main entry must face front lot line)  
**Purpose:** Construct a 9-unit three-story-plus-basement fully-sprinklered multifamily apartment building including a group-1 accessible unit on the first floor. Include a 4-space covered parking lot in rear. Zoning relief required. Demolish the existing 1-story garage repair shop demo of building done on a short form with all notices.

**Case:** BOA-972669 **Address:** 32-34 Tolman Street **Ward 16 Applicant:** Hun Le  
**Article(s):** 9(9-1) 65(65-42)  
65(65-9: Floor Area Ratio Excessive, Building Height Excessive, Building Height ( # of Stories ) Excessive, Front Yard Insufficient)  
**Purpose:** Build a dormer, rebuild front porch, extends living space into basement.

**Case:** BOA-995600 **Address:** 82 Millet Street **Ward 17 Applicant:** Eltion Allen  
**Article(s):** 65(65-9: Building Height ( # of Stories) Excessive, Side Yard Insufficient)  
**Purpose:** Construct a new dormer at the Attic Level of existing House. Extend Living space(new Bathroom, new Bedroom ). Remove chimney roof to basement, selective demo per plans, new electrical per plans, new plumbing per plans, new construction windows and siding per plans, new roof to area been worked on, new millwork, insulation drywall and plaster, new framing per plans walls and roof, ceramic tile floor.

**Case:** BOA-1014293 **Address:** 25 Hale Street **Ward 18 Applicant:** Boston Trinity Academy  
**Article(s):** 69(69-8) 69(69-9) 69(69-28)  
**Purpose:** Erect a new gymnasium (shown as Building 3) and free-standing sign for Boston Trinity Academy. File in conjunction with ALT934346 for interior renovation to 17 Hale Street.

**Case:** BOA-1014347 **Address:** 17 George Street **Ward 18 Applicant:** Derick Joyner  
**Article(s):** 69(69-8)  
69(69-9: Lot area for the add'l dwelling is insufficient, Floor area ratio is excessive, Usable open space is insufficient, Height requirement is insufficient (stories))  
**Purpose:** Erect three family home as per plans.

**Case:** BOA-1018347 **Address:** 36-40 Sprague Street **Ward 18 Applicant:** Paul McDonald  
**Article(s):** 69(69-14: Use: Multi-family Dwelling : Forbidden, Use: Accessory Park-ing: Forbidden)  
69(69-15: Floor Area Ratio Excessive, Building Height Excessive)  
69(69-29: Off-Street Parking Insufficient, Off-Street Loading Insufficient)  
69(69-30: Conformity with Existing Building Alignment, Two or More Dwellings located on the Same Lot)  
**Purpose:** Building # 1 - Erect a new 5 story 101 Unit Apartment Building with Parking on 1st Floor level. Existing vacant Warehouse will be removed.

**Case:** BOA-1018350 **Address:** 38-40 Sprague Street **Ward 18 Applicant:** Paul McDonald  
**Article(s):** 69(69-14: Use: Multi-family Dwelling : Forbidden, Use: Accessory Park-ing: Forbidden)  
69(69-15: Floor Area Ratio Excessive, Building Height Excessive)  
69(69-29: Off-Street Parking Insufficient, Off-Street Loading Insufficient)  
69(69-30: Conformity with Existing Building Alignment, Two or More Dwellings located on the Same Lot)  
**Purpose:** Building # 2 - Erect a new 5 story 125 Unit Apartment Building with Parking on 1st Floor level. Existing

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

**Case:** BOA-942575 **Address:** 137 Falcon Street **Ward 1 Applicant:** James Christopher

**Article(s):** 27T(27T-5) 53(53-8) 53(53-56)

53(53-9: Floor area ratio is excessive, Height is excessive (story), Front yard setback requirement is insufficient (Falcon Street), Side yard setback requirement is insufficient, Rear yard setback requirement is insufficient, Front yard setback requirement is insufficient (Putnam Street)

**Purpose:** To construct a rear addition and change occupancy from a two to a four family building as per the attached plans with off street parking.

**Case:** BOA-943711 **Address:** 59 Gove Street **Ward 1 Applicant:** David Talarico

**Article(s):** 27T(27T-5\_25(25-5) 53(53-8) 53(53-54) 53(53-56)

53(53-9: Insufficient lot size-2000sf min. req, Excessive height- 35' Max, of allowed stories exceeded- 3 max, Insufficient additional lot area- 1,000sf/dwelling unit reqd, Insufficient lot width- 20' req, Insufficient lot frontage width- 20' req, Insufficient rear yard setback- 10' min. req, Insufficient side yard setback- 2.5' min. req, Excessive f.a.r.- 1.0 max, Insufficient usable open space- 300sf/unit req)

**Purpose:** Erect 4 family dwelling. \*AE Flood Hazard Area

**Case:** BOA-1003594 **Address:** 138 Trenton Street **Ward 1 Applicant:** Tory Kell

**Article(s):** 53(53-9) 53(53-52)

**Purpose:** Construction of New Roof Deck. Amendment to ALT930884.

**Case:** BOA-1015822 **Address:** 127 Marion Street **Ward 1 Applicant:** Jeffrey Drago

**Article(s):** 27G E. Boston IPOD, 53(53-8)

**Purpose:** Changing the occupancy from elderly housing, elderly day care and accessory community space to elderly housing, day care and accessory day care. Also, to complete interior renovations.

**Case:** BOA-1013470 **Address:** 34 West Eagle Street **Ward 1 Applicant:** 34 West Eagle Street, LLC

**Article(s):** 25(25-5)

53(53-9: Side yard requirement is insufficient, Rear yard requirement is insufficient, Floor area ratio is excessive)

**Purpose:** Amend ALT921752 to include extension of living space into basement and new rear decks.

**Case:** BOA-1006761 **Address:** 179 Putnam Street **Ward 1 Applicant:** Lindsey McClenning

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

**Purpose:** Interior renovations to legalize existing extended living space in unit 1 and basement.

**Case:** BOA-966339 **Address:** 22 Wordsworth Street **Ward 1 Applicant:** Will Sheehy

**Article(s):** 27T(27T-9) 53(53-8) 53(53-52) 53(53-56)

53(53-9: Lot Area Insufficient, Lot Width Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Building Height Excessive,

Building Height ( # of Stories ) Excessive, Side Yard Insufficient,

Rear Yard Insufficient)

**Purpose:** Confirm Occupancy as an existing Two (2) Family Dwelling and Change Occupancy to a Three(3) Family Dwelling. Gut renovation, addition of a new 3rd Floor and Rear addition. New kitchens, baths, flooring, plumbing, HVAC, electrical systems. New roof, new Rear Decks, siding and foundation work. Installation of a new Sprinkler system.

**Case:** BOA-1016543 **Address:** 70 Eutaw Street **Ward 1 Applicant:** Maria Grimaldi

**Article(s):** 27T East Boston IPOD, 53(53-8) 53(53-9) 53(53-56)

**Purpose:** Change Occupancy from a two to a three unit residential dwelling.

**Case:** BOA-1023020 **Address:** 40 Morris Street **Ward 1 Applicant:** Claudia Sierra

**Article(s):** 27T(27T-9)

53(53-9: Floor Area Ratio Excessive, Side Yard Insufficient)

**Purpose:** Confirm Occupancy as a Three ( 3 ) Family Dwelling. This is an existing condition, Building has been used as a Three Family Dwelling for many years. A full Renovation to all 3 Units and Basement. New Kitchens, Bathrooms.

Upgrade existing HVAC/ MEP systems. Construct new Rear Decks. Building will be fully

Sprinklered.

**Case:** BOA-985474 **Address:** 362 Princeton Street **Ward 1 Applicant:** Brian Foley

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

**Purpose:** Extend living space into basement (first floor unit). Existing condition. No work to be done.

**Case:** BOA#985475 **Address:** 362 Princeton Street **Ward 1 Applicant:** Brian Foley

**Purpose:** Extend living space into basement (first floor unit). Existing condition. No work to be done.

9th Edition 780 CMR CHPT 10 - Section 1011.6 Stairwell width insufficient

**Case:** BOA-1016537 **Address:** 45-47 Horace Street **Ward 1 Applicant:** Joseph Trichilo  
**Article(s):** 53(53-9: Excessive F.A.R. (Previously approved by BOA),  
Excessive Height (Previously approved by BOA)  
**Purpose:** Add a roof deck to the headhouse and add 600sqft with a bed bath in the basement. to amend ERT418342.

**Case:** BOA-1004068 **Address:** 48 Union Park **Ward 3 Applicant:** Highline Development  
**Article(s):** 64(64-9.4)  
**Purpose:** Construct a rear deck off of the kitchen in Unit 3. Some interior changes as per plans. Amendment to ALT904493.

**Case:** BOA-988957 **Address:** 135 Myrtle Street **Ward 5 Applicant:** James Palumbo  
**Article(s):** 20(20-1)  
**Purpose:** Install new roof top deck that is accessed from an existing Head House.

**Case:** BOA-1004372 **Address:** 225 West Third Street **Ward 6 Applicant:** Eric Zachrison  
**Article(s):** 27S(27S-5) 68(68-29)  
68(68-8: Floor Area Ratio Excessive, Bldg Height Excessive (Feet), Front Yard Insufficient, Side Yard Insufficient)  
**Purpose:** Construct fourth floor addition with roof deck to an existing single family home.

**Case:** BOA-1024677 **Address:** 316-318 Northern Avenue **Ward 6 Applicant:** RBK II Tenant, LLC  
**Article(s):** 6(6-3A) 8(8-7)  
**Purpose:** New Construction of a 4 story + mechanical PH steel framed core and shell building for research and development use. Includes up to 45 below grade parking spaces. Includes 10,000sf of retail / restaurant / service space

**Case:** BOA-907831 **Address:** 75 G Street **Ward 7 Applicant:** Douglas Stefanov  
**Article(s):** 10(10-1) 27P(27P-5) 68(68-29)  
68(68-8: Front yard setback is insufficient, Rear yard setback is insufficient, Usable open space is insufficient, Height requirement is excessive)  
**Purpose:** Confirm occupancy a 3 family dwelling & store and change to 4 unit multi family. Demolish single story merchant building attached to main house, move existing accessory stable/garage building to the back of the lot and build a new three unit building attached to the existing main house. Rework the interior of the existing house to share one common staircase. Building to be equipped with an automatic sprinkler system.S

**Case:** BOA-957913 **Address:** 140-148 East Berkeley Street **Ward 3 Applicant:** Leo Motsis as Trustee of 140-148 East  
**Article(s):** 10(10-1) 64(64-12)  
**Purpose:** In connection with ISD Violation Number V228193, tenant seeks to change occupancy from garage for the repair of motor vehicles (and associated accessory uses) to warehousing and storage of food stuff and grocery items.

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

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

**Case:** BOA-972963 **Address:** 58 Lubec Street **Ward 1 Applicant:** 58 Lubec Street Trust  
**Article(s):** 25(25-5) 53(53-9: Lot area for the add'l units is insufficient, Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Usable open space is insufficient, Side yard setback is insufficient, Rear yard setback requirement is insufficient & Required front yard setback is insufficient) 27T-5 53(53-56)  
**Purpose:** Renovate, Change occupancy from 4 to a 9 unit dwelling, erect addition with roof deck and reconstruct rear decks

**Case:** BOA-972965 **Address:** 48 Geneva Street **Ward 1 Applicant:** Nicola R. Dilbero  
**Article(s):** 25(25-5) 27T-5 53(53-9: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 53(53-56)  
**Purpose:** Erect a 6 unit residential dwelling with parking for 3 vehicles.

**Case:** BOA-961467 **Address:** 47-51 Webster Street **Ward 1 Applicant:** Fratt, LLC  
**Article(s):**9(9-1)  
**Purpose:** Restaurant outdoor seating for 22 with food and alcohol service.

**Case:** BOA-970404 **Address:** 416 Beacon Street **Ward 5 Applicant:** Beta Nu House Corporation  
**Article(s):** 32(32-9) 9(9-1)  
**Purpose:** Interior and exterior renovations of a 4 story brick rowhouse. Proposed work includes repairs to exterior masonry, window replacement and energy efficiency upgrades, renovations to kitchen and bathrooms and reconfiguration of bedrooms with accessibility upgrades. Current use is R-2 Fraternity.

**Case:** BOA#956275 **Address:** 27 Thornley Street **Ward** 13 **Applicant:** Ellington Jackson  
**Purpose:** Amendment to ALT373517 ( No additional cost).Changes to fire protection, add new rear exterior stair to replace inside stair, Create storage areas in basement (not to be living space) ,change 2nd floor pantry to an open porch , create a 3 rd floor rear deck, change 1 st and 2nd floors to open concept kitchen with LVLs with 3 bedrooms and 2 baths. Section: 8th 780CMR 1027 Exit Discharge 10.27.5.1 Location - min. fire separation distance of 10 feet from exterior stairway to adjacent lot line. 8th 780CMR Exit Discharge 10.27.6 Exit stairway shall be separated from interior of building as required by 1023.2 and openings shall be limited to those necessary for egress from normally occupied spaces

**Case:** BOA-948772 **Address:** 99 Brooks Street **Ward** 22 **Applicant:** Daniel Toscano  
**Article(s):** 51(51-8) 51(51-9: Building height (# of stories) excessive & Side yard insufficient) 51(51-56)  
**Purpose:** Seeking to renovate the existing structure and to Change the Occupancy from a Single Family Dwelling to a Two Family Dwelling. Construct new dormers. Expand living space into Basement and Attic.

**Case:** BOA-875587 **Address:** 25 Bentley Street **Ward** 22 **Applicant:** Mikhail Deychman  
**Article(s):** 51(51-8)  
51(51-9: Front yard setback is insufficient, Rear yard setback is insufficient,  
Floor area ratio is excessive, Three family dwelling unit use is a forbidden use)  
**Purpose:** Demolition of existing building and built a structure for 3 family dwelling.

**Case:** BOA-919043 **Address:** 88-94 Lincoln Street **Ward** 22 **Applicant:** Maverick Media, LLC  
**Article(s):** 51(51-17 Height Excessive, Front Yard (51-52.1 Street Wall Continuity; 51-57.2 CEBA) 51(51-55)  
**Purpose:** Erect a 14'x48', two sided, digital billboard on a monopole

#### **RECOMMENDATIONS:**

**Case:** BOA-575281 **Address:** 31 Appleton Street **Ward:** 5 **Applicant:** Richard Gold  
**Article(s):** 64(64-9) 64(64-34)  
**Purpose:** Rebuild fourth floor back dormer and add new exterior deck on back of building off fourth floor master bedroom.

**Case:** BOA-1004905 **Address:** 777 East Broadway **Ward:** 6 **Applicant:** Kyle Gambone  
**Article(s):** 10(10-1) 68(68-33)  
**Purpose:** Widen an existing curb cut by 5' to add 2 off-street parking.

**Case:** BOA-1018358 **Address:** 170-174 West Broadway **Ward:** 6 **Applicant:** George Morancy  
**Article(s):** 9(9-2) 68(68-7: Live entertainment use conditional & Amusement game machines use > 4 conditional)  
**Purpose:** Change Legal Use and Occupancy of existing Restaurant to add Restaurant with Live Entertainment (Use Item 38).

**Case:** BOA-976835 **Address:** 45 Delle Avenue **Ward:** 10 **Applicant:** Eben Kunz  
**Article(s):** 59(59-37)  
**Purpose:** Install 2 entry doors, add kitchen to complete requirements for 2-family.

**Case:** BOA-990576 **Address:** 8 Westcott Street **Ward:** 14 **Applicant:** Sean Desiree  
**Article(s):** 10(10-1)  
**Purpose:** 3 car parking.

**Case:** BOA-1006111 **Address:** 18 Spaulding Street **Ward:** 16 **Applicant:** Benedicate Dieujuste  
**Article(s):** 65(65-9: Insufficient side yard setback & Excessive F.A.R.)  
**Purpose:** Build shed dormer on side of building extend dormer on rear of building.

**Case:** BOA-1008861 **Address:** 726 Hyde Park Avenue **Ward:** 18 **Applicant:** George Diaz  
**Article(s):** 67(67-9: Side yard insufficient & Rear yard insufficient)  
**Purpose:** Remove first floor rear deck. Construct new first and second floor rear deck.

**Case:** BOA-1005360 **Address:** 49 Metropolitan Avenue **Ward:** 18 **Applicant:** Oleh Kotsyuba  
**Article(s):** 67(67-9: Front yard setback requirement is insufficient, Floor area ratio is excessive, Side yard setback requirement is insufficient & Height requirement is excessive)  
**Purpose:** Rear and front additions, new dormers, interior renovations, new garage, new rear and front decks, new siding.

**Case:** BOA-1015938 **Address:** 2 Prospect Avenue **Ward:** 19 **Applicant:** Michael Griffin  
**Article(s):** 67(67-9.1)  
**Purpose:** Legalize the occupancy as a two family dwelling, and renovate third floor existing walk up attic, add dormer, 3/4 bath with bedroom, dismantle, front porch roof to remain demo and dispose of existing deck rebuilt as before.



**Case:** BOA- 1012264 **Address:** 48 Sheffield Road **Ward:** 20 **Applicant:** Anna Kolodner

**Article(s):** 10(10-1) 67(67-9) 68(68-33)

**Purpose:** Propose (2) off-street parking.

**Case:** BOA-1009854 **Address:** 135 School Street **Ward:** 11 **Applicant:** Maya Gaul

**Article(s):** 55(55-9: Floor Area Ratio Excessive; Usable Open Space Insufficient) 55(55-9.3)

**Purpose:** Proposed to convert an existing one family into two family.

**Case:** BOA-964030 **Address:** 88 Sycamore Street **Ward:** 19 **Applicant:** John LoRusso

**Article(s):** 67(67-9: Floor area ratio excessive, Side yard insufficient & Rear yard insufficient)

**Purpose:** Build 2.5 story addition to rear of existing two family home.

**Case:** BOA- 972357 **Address:** 6-8 Cheshire Street **Ward:** 19 **Applicant:** Comprehensive Building & Remodeling, LLC

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

**Purpose:** Finish Basement. Erect 2x4 walls on the perimeter, insulate, blueboard & plaster walls & ceiling, paint, carpet.

**STEPHANIE HAYNES**

**BOARD OF APPEAL**

**617-635-4775**

**BOARD MEMBERS:**

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

**SUBSTITUTE MEMBERS:**

TYRONE KINDELL, JR  
NADINE FALLON  
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)**