



City of Boston  
Board of Appeal

Tuesday, February 7, 2017

BOARD OF APPEALS

Room 801

The board will hold a hearing on February 7, 2017 starting at 9:30 a.m.

**APPROVAL OF HEARING MINUTES:**

January 24, 2017

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

Case: BZC-33258, Address: 321-325 West Broadway, Ward 6, Applicant: Ismail M Yaleinkaya

Case: BZC:33536, Address: 89 Brent Street, Ward 6, Applicant: Marie Gay

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

Case: BOA-556332, Address: 39-41 Neponset Avenue, Ward 18, Applicant: George Morancy

Case: BOA-647805, Address: 164 Bigelow Street, Ward 22, Applicant: Mai Phung

Case: BZC-33055, Address: 17 Court Street, Ward 3, Applicant: Pam Wylie

**HEARINGS: 9:30 a.m**

Case: BOA-666399, Address: 56 Union Street Ward: 2, Applicant: Kendrick, LLC

Article(s): 62(62-8) 62(62-62-25) 62(62-62-29)

Purpose: Change occupancy from one family building and store to three family building. Complete renovation of existing building as per building plans filed herewith including erecting a third story to restore building to original three story configuration. Install new sprinkler and fire alarm systems. All new electrical, HVAC, and plumbing. Building to be occupied as a three family building after renovation.

Case: BOA-653568 Address: 15 Bunker Hill Street Ward: 2, Applicant: Patrick Mahoney, Esq

Article(s): 9(9-1)

Purpose: No work to be performed, increase beds from 27 to 33 beds in occupant load.

Case: BOA-657440, Address: 125-145 High Street Ward: 3, Applicant: Andrew Layman

Article(s): 11(11-2)

Purpose: Monument sign. See BRA approved plans.

Case: BOA-660962 Address: 147 Tremont Street Ward: 3, Applicant: Watermark Donut Company, Inc d/b/a Dunkin Donuts

Article(s): 38(38-18)

Purpose: Change occupancy to include restaurant with take out. Interior fit out for Dunkin Donuts work includes interior partitions, ceilings, floors, wall finishes, millwork, kitchen equipment, all associated MEP life safety including minor sprinkler and fire alarm system modifications, exterior store front and exterior sign.

Case: BOA-663212, Address: 2-8 Harrison Avenue Ward: 3, Applicant: Anthony Virgilio

Article(s): 32(32-6) 43(43-23)

Purpose: Change occupancy from a Telephone Exchange Building to a Telephone Exchange Building with 46 Residential Units (Floors 6-8). The existing building is 8 stories and houses Telecommunications Equipment on Floors 1-5. We are proposing to renovate Floors 6-8 creating residential units. Construct new metal stud partitions, all new corridors, wallboard, all finishes (tile, millwork, carpet). Installation of new kitchens and bathrooms. Alterations to existing MEP/HVAC/Fire Alarm & Sprinkler Systems.

Case: BOA-#663211, Address: 2-8 Harrison Avenue, Ward: 3, Applicant: Anthony Virgilio

Purpose: Change occupancy from a Telephone Exchange Building to a Telephone Exchange Building with 46 Residential Units (Floors 6-8). The existing building is 8 stories and houses Telecommunications equipment on floors 1-5. We are proposing to renovate floors 6-8 creating residential units. Construct new metal stud partitions, all new corridors, wallboard, all existing MEP/HVAC/Fire Alarm & Sprinkler Systems. 780CMR, 8th Edition 705.8 Openings. Openings in exterior walls shall comply with Sections 705.8.1 through 705.8.6 Window openings are not permitted along property lines.

Case: BOA-665286, Address: 535-541 Boylston Street, Ward: 5, Applicant: AAF Regency Boylston, LLC

Article(s): 8(8-7)

Purpose: Outdoor seating for 18 patrons connected to restaurant use on ALT591790.

Case: BOA-644701 Address: 235 Newbury Street, Ward: 5, Applicant: 207 NSR, LLC

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CITY CLERK'S OFFICE  
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**Article(s):** 32(32-4) 8(8-7)

**Purpose:** Change occupancy from beauty salon to restaurant, to extend an existing ground floor restaurant by 1,682 SF. Work to include interior renovation, exterior renovation for new patio stairs, new accessible entry bay squaring off of existing entry bay, re-cladding of exterior, and excavation under the existing patio level to accommodate storage areas underneath.

**Case:** BOA-652854, **Address:** 377 West First Street, **Ward:** 6, **Applicant:** Donald Clancy

**Article(s):** 68(68-11)

**Purpose:** Erect a 4 story, 9 Unit Residential Building with Garage Parking. E-Plan. This is a new application for a previously submitted application under ERT546147. Current plans have undergone significant redesign to eliminate prior height violation.

**Case:** BOA-#670075 **Address:** 482 West Broadway, **Ward:** 6, **Applicant:** John Gillespie

**Purpose:** Add 10 new seating to an existing take-out restaurant. No work to be done. 248 CMR 10.10 Plumbing fixtures. Plumbing fixtures insufficient for propose 10 seating. 8th 780CMR101.43 248 CMR Plumbing Code. 101.43 Plumbing Reference to the International Plumbing Code shall be considered reference to the Board of State Examiners of Plumbers and Gas Fitters regulations at 248 CMR.

**Case:** BOA-664930, **Address:** 775 East Sixth Street, **Ward:** 6, **Applicant:** Catherine Hurl

**Article(s):** 15(15-1) 17(17-1)

**Purpose:** Change occupancy to a two family dwelling and enclose 2nd floor rear porch.

**Case:** BOA-649306, **Address:** 109-123 Dresser Street, **Ward:** 6, **Applicant:** Patrick Mahoney

**Article(s):** 9(9-1) 57(57-22)

**Purpose:** Erect new roof deck spanning roof of existing 5-unit condominium building with spiral stairway access from existing rear decks of each of the five units.

**Case:** BOA-652705, **Address:** 135 West Second Street, **Ward:** 6, **Applicant:** Patrick Mahoney

**Article(s):** 23(23-9) 10(10-1) 8(8-7)

**Purpose:** Parking lot for 8 cars-install new street lights and relocate as per plan, install new hydrants, install two new curb cuts.

**Case:** BOA-666883, **Address:** 10 Grimes Street **Ward:** 6, **Applicant:** Colm Dunphy

**Article(s):** 14(14-14-1) 14(14-14-2) 14(14-14-3) 14(14-4) 15(15-1) 17(17-1) 18(18-1) 19(19-1) 20(20-1)

**Purpose:** Demolish existing wood frame structure; Change Use and Occupancy; Erect a new 4 story residential condominium comprised of 3 dwelling units on 3 floors and a 3 car parking garage located at grade; Building to be wood frame construction for walls and floors; building to be fully sprinklered; All new systems-per plans.

**Case:** BOA-598998, **Address:** 187-189 E Street **Ward:** 7, **Applicant:** Colm Dunphy

**Article(s):** 14(14-14-1) 14(14-14-2) 14(14-14-3) 14(14-4) 15(15-1) 17(17-1) 18(18-1) 20(20-1) 23(23-1)

**Purpose:** Erect new four story wood frame building for 6 dwelling units including 6 garaged parking spaces on grade-Raze existing structure on lot.

**Case:** BOA-656500 **Address:** 742 East Eighth Street **Ward:** 7, **Applicant:** Patrick Mahoney

**Article(s):** 15(15-1) 20(20-1)

**Purpose:** Construct a 3 story addition onto rear of building for a new garage and to create additional living space. Enlarge existing fourth floor headhouse structure. Remove all interiors of existing three family dwelling with new finishes and associated mechanical and electrical work. All new counters, and all finish carpentry. Install new automatic Fire suppression system throughout. Replace existing roof deck.

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

**Case:** BOA-655329, **Address:** 44 Upton Street, **Ward:** 9, **Applicant:** Steven Deering

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

**Purpose:** Change occupancy of a one family and lodging house to a two family, then renovate building per plans by creating 2 units that consists of 3 bathrooms and 1 kitchen per unit. \*No exterior work will be completed under this permit.

**Case:** BOA-631617, **Address:** 76 Stonley Road **Ward:** 11, **Applicant:** 58-76 Stonley Road LLC

**Article(s):** 55(55-19) 55(55-20) 55(55-40)

**Purpose:** Demolition of an existing brick veneer structure and erect a multi-family structure containing 32 residential units. This application is in conjunction with ALT479101.

**Case:** BOA-652498 **Address:** 5 Jones Avenue, **Ward:** 14, **Applicant:** Stephenson King

**Article(s):** 10(10-1)

**Purpose:** Trying to get a curb cut so that I can park off street from getting tickets and being towed.

**Case:** BOA-661957 **Address:** 491-493 Ashmont Street **Ward:** 16, **Applicant:** Patrick Roche

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

**Purpose:** Change occupancy from 2 family to 3 family. Convert existing 3rd floor into condo, work to include new gwb partitions, update kitchen and bathroom, new floors, paint, add dormers, new interior stairway, plumbing, HVAC and electrical.

**Case:** BOA-646755, **Address:** 11-13 June Street, **Ward:** 18, **Applicant:** 15 June Street Nominee Trust

**Article(s):** 67(67-33) 67(67-9.1)

**Purpose:** Erect two unit townhouse on vacant land along with separate two unit townhouse (ERT631062:15-17 June St) on same panel.

**Case:** BOA-646747 **Address:** 15-17 June Street **Ward:** 18, **Applicant:** 15 June Street Nominee Trust  
**Article(s):** 67(67-33)  
**Purpose:** Erect two unit townhouse on vacant land along with separate two unit townhouse (ERT631062: 11-13 June St) on same parcel.

**Case:** BOA-668807, **Address:** 2-20 Fairmount Avenue, **Ward:** 18, **Applicant:** David Atkinson  
**Article(s):** 6(6-4)  
**Purpose:** Remove the proviso to this petitioner only for takeout (no drawings or work with this application)

**Case:** BOA-656303 **Address:** 57 Sunnyside Street **Ward:** 18, **Applicant:** Patrick Sharkey  
**Article(s):** 69(69-29.4) 69(69-8) 69(69-9.3) 9(9-2) 10(10-1) 69(69-9)  
**Purpose:** Change occupancy from two-family to multi-family dwelling (4 units). Extend existing seven (7) off-street parking to eight (8) off-street parking. Interior renovation to include new partitions and one new kitchen, modify existing MEP/FA systems, and install new fire sprinkler.

**Case:** BOA-666750 **Address:** 101 Washington Street **Ward:** 21, **Applicant:** 105 Washington LLC  
**Article(s):** 51(51-9)  
**Purpose:** Raze existing Mikvah structure and construct new 2-story Synagogue building with on-site parking and Ancillary off-site parking by separate but related application at 105 Washington St, Parcel ID2101843000.

**Case:** BOA-#667872 **Address:** 101 Washington Street **Ward:** 21, **Applicant:** 105 Washington LLC  
**Purpose:** Raze existing Mikvah structure and construct new 2-story Synagogue building with on-site parking and ancillary off-site parking but separate related application at 105 Washington St, Parcel ID2101843000. 705.5 Fire-Resistance Ratings Exterior walls shall be fire-resistance rated in accordance with tables 601 and 602 and this section. The required fire-resistance rating of exterior walls with a fire separation distance of greater than 10 feet (3048 mm) shall be rated for exposure to fire separation distance of greater than 10 feet (3048 mm) shall be rated for exposure to fire from both sides. 705.8 Openings. Openings in exterior walls shall comply with sections 705.8.1 through 705.8.6.05.8.1 Allowable area of openings. The maximum area Of unprotected and protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in table 705.8.

**Case:** BOA-666760 **Address:** 103 Washington Street **Ward:** 21, **Applicant:** 105 Washington LLC  
**Article(s):** 51(51-9)  
**Purpose:** Erect new 2-story Mikvah building on vacant lot with accessory parking and ancillary off-site parking by separate but related application at 105 Washington Street, Parcel ID 2101843000.

**Case:** BOA-#666767 **Address:** 103 Washington Street **Ward:** 21, **Applicant:** 105 Washington LLC  
**Purpose:** Erect new 2-story Mikvah Building on vacant lot with accessory parking and ancillary off-site parking by separate but related application at 105 Washington St, Parcel ID 2101843000. 101.4 Referenced Codes. The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. 527 CMR Chapter 18. Fire Department Access. 705.5 Fire-Resistance Ratings. Exterior walls shall be fire-resistance rated in accordance with Table 601 and 602 and this section. The required fire-resistance rating of exterior walls with a fire separation distance is greater than 10 feet (3048 mm) shall be rated for exposure to fire from the inside. The required fire-resistance rating of exterior walls with a fire separation distance of less than or equal to 10 feet (3048 mm) shall be rated for exposure to fire from both sides. 705.8 Openings. Openings in exterior walls shall comply with sections 705.8.1 through 705.8.6.05.8.1 Allowable area of openings. The maximum area of unprotected and protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in table 705.8

**Case:** BOA-666763 **Address:** 105 Washington Street **Ward:** 21, **Applicant:** 105 Washington LLC  
**Article(s):** 51(51-8) 51(51-9)  
**Purpose:** Raze existing synagogue structure and construct new 7-story, 73-unit residential building with both underground garage and above grade on-site parking for this project and including ancillary parking for the new Synagogue and Mikvah properties by separate but related applications at 101 Washington Street (Parcel ID2101841000) and at 103 Washington Street (Parcel ID2101842000) respectively.

**Case:** BOA-634850 **Address:** 27 Holton Street **Ward:** 22, **Applicant:** Diana B. Browne, Esq  
**Article(s):** 51(51-9)1)  
**Purpose:** Change occupancy of existing two family to four family – see plans filed.

### **RE-DISCUSSION: 11:30**

**Case:** BOA-613478, **Address:** 820 William T Morrissey BLVD, **Ward:** 16, **Applicant:** Outfront Media, LLC  
**Article(s):** 65(65-40) 11(11-7)  
**Purpose:** Replace both sides/faces of existing 48' wide by 14' high billboard, one side currently Static and the other side Tri-Vision, with new digital signage cabinets. Replace existing steel structure in kind. Change occupancy to include billboard See L/F 0876/2004.

**Case:** BOA-579668, **Address:** 73R Wellington Hill Street, **Ward:** 14, **Applicant:** Prince Kallon  
**Article(s):** 60(60-8) 60(60-9) 60(60-40) 60(60-41)  
**Purpose:** Change occupancy from two car garage to a single family dwelling. Legalize a one bedroom unit in an existing garage. See also alt570211 for 73 Wellington Hill St.

**Case:** BOA-578669, **Address:** 34-42 Warren Street, **Ward:** 2, **Applicant:** Nova Partners LLC  
**Article(s):** 62(62-41) 62(62-25) 62(62-29)  
**Purpose:** Change Occupancy from a Garage, Storage of Construction equipment, and Indoor Sale and Display of Used Motor Vehicles to a Garage, Retail Store, and Offices. Construct a new 1-story addition onto the Roof of the existing Building. Convert part of the first floor Garage space into Retail space. Upgrade Lifesafety systems throughout existing

Garage and new Offices. Renovations to Building to include : installation of a new Wheelchair Accessible entrance, new Elevator, Structural work to add a new Floor system, upgrades to existing MEPs, Fire Alarm & Sprinkler systems.

**Case:** BOA-659442 **Address:** 100 Boardman Street **Ward:** 1, **Applicant:** Anthony Losurdo  
**Article(s):** 11(11-6) 25(25-5) 53(53-26: Height Excessive; Rear Yard Insufficient) 53(53-55)  
**Purpose:** erect new billboard

**RECONSIDERATION 12:00Noon**

**Case:** BOA630333, **Address:** 192 I Street, **Ward:** 6, **Applicant:** Thomas & Melissa Fantasia  
**Purpose:** Construct three decks on rear of building as shown on the drawings.

**CALL OF THE CHAIR 12:00Noon**

**Case:** BOA-637549, **Address:** 42-43 Beacon Street, **Ward:** 5, **Applicant:** John Gorman  
**Purpose:** The petitioner seeks a determination that the Inspectional Services Department erred in issuing a permit for ALT608883 the permit was issued as an allowed use.

**Case:** BOA-640513, **Address:** 4 Salerno Place, **Ward:** 7, **Applicant:** John Evans  
**Purposed:** The petitioner seeks a determination that the Inspectional Services Department erred in issuing a permit for ERT580525, ERT580538 & ERT580670. The permits were issued as an allowed use.

**Case:** BOA-640509, **Address:** 8 Salerno Place, **Ward:** 7, **Applicant:** John Evans  
**Purposed:** The petitioner seeks a determination that the Inspectional Services Department erred in issuing a permit for ERT580525, ERT580538 & ERT580670. The permits were issued as an allowed use.

**Case:** BOA-640507, **Address:** 522 East Seventh Street, **Ward:** 7, **Applicant:** John Evans  
**Purposed:** The petitioner seeks a determination that the Inspectional Services Department erred in issuing a permit for ERT580525, ERT580538 & ERT580670. The permits were issued as an allowed use.

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

BOARD MEMBERS:

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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)**