



City of Boston  
Board of Appeal

Tuesday, October 31, 2017

BOARD OF APPEALS

Room 801

The board will hold a hearing on October 31, 2017 starting at 9:30 a.m.

**APPROVAL OF HEARING MINUTES:**

September 21, 2017 and October 17, 2017

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

**Case:** BOZC-31986, **Address:** 4 Powers Court, **Ward 3 Applicant:** Douglas Stefanov

**Case:** BOA-505714, **Address:** 15 Commonwealth Avenue, **Ward 5 Applicant:** Eugene Kelly, Esq

**Case:** BZC-33082, **Address:** 2717-2719 Washington Street, **Ward 11 Applicant:** Yvonne Allen

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

**Case:** BOA-749164 **Address:** 26-28 Newbury Street, **Ward 5 Applicant:** Regina Olivieri For Cartier

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

**Purpose:** Renovation to the existing Cartier Store basement through 4th floor with new groundwater recharge system. Minor exterior work per plans.

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

**Case:** BOA#747484, **Address:** 1435-1437 Tremont Street, **Ward 9 Applicant:** Adrian Wong

**Purpose:** Allow for modification to IBC, Section 101.4. Section 301.1 Scope. This chapter shall govern the approval and installation of all equipment and appliances that comprise parts of the building mechanical systems regulated by this code in accordance with Section 101.2. Section 306 access and service space. 306.1 Access for maintenance and replacement. Appliances shall be accessible for inspection, service, repair and replacement without disabling the function of a fire-resistance-rated assembly or removing permanent construction, other appliances, venting systems or any other piping or ducts not connected to the appliance being inspected, serviced, repaired or replaced.

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

**Case:** BOA-749169, **Address:** 878 South Street, **Ward 20 Applicant:** Kourtidis Roslindale LLC

**Article(s):** 67(67-12: Floor area ratio is excessive, Building height excessive (number of stories), Side yard insufficient & Rear yard insufficient) 67(67-11) 67(67-33.1) 67(67-32)

**Purpose:** Demolish existing one story commercial structure and a two story residential wood structure. Erect a three story, 9-units multi-family residential dwelling with below ground parking.

**Case:** BOA-754375, **Address:** 54-54B Williams Avenue, **Ward 18 Applicant:** John Pulgini

**Article(s):** 8(8-7) 69(69-30) 69(69-29.4) 69(69-9: Insufficient side yard setback & Insufficient open space) 68(68-31)

**Purpose:** Construct a new two (2) Family Dwelling on existing 25,276 sq ft lot. This will be 1 of 2 Dwellings located on the same lot. \*Structure in front (Existing structure to be demolished on a separate permit).

**Case:** BOA-754369, **Address:** 56-56A Williams Avenue, **Ward 18 Applicant:** John Pulgini

**Article(s):** 8(8-4) 69(69-29.4) 69(69-9: Insufficient rear yard set back, Insufficient lot frontage width & # of allowed stories exceeded) 69(69-37) 69(69-30)

**Purpose:** Construct a new Two (2) Family Dwelling on existing 25,276 sq ft Lot. This will be 1 of 2 Dwellings located on the Same Lot. \*To the rear of # 54-54B Williams.

**Case:** BOA-745722, **Address:** 36 Colonial Avenue, **Ward 17 Applicant:** Charles Aggouras

**Article(s):** 65(65-9: Lot area insufficient, Floor area ration excessive, Height excessive & Front yard (65-42.2 CEBA) insufficient) 65(65-41)

**Purpose:** New energy positive Two Family Semi-Attached. ZBA.

**Case:** BOA-745726, **Address:** 38 Colonial Avenue, **Ward 17 Applicant:** Charles Aggouras

**Article(s):** 65(65-9: Lot area insufficient, Floor area ratio excessive, Height excessive & Front yard (65-42.2 CEBA) insufficient) 65(65-41)

**Purpose:** New energy positive Two Family Semi-Attached. ZBA.

**Case:** BOA-669523, **Address:** 16 Nixon Street, **Ward 16 Applicant:** Andy Duong

**Article(s):** 65(65-8) 65(65-41)

**Purpose:** Change of Occupancy from Guest House since (1946) and Confirm as a 3 family dwelling - Existing condition. Request Occupancy Committee. No work to be done.

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2017 OCT 25 A 9:09  
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**Case:** BOA-680240, **Address:** 82 Devon Street, **Ward 14 Applicant:** Francisca Evans  
**Article(s):** 50(50-29)

**Purpose:** Construct two-story rear addition to existing building.

**Case:** BOA-664957, **Address:** 289 Washington Street, **Ward 14 Applicant:** Tyrone Davis  
**Article(s):** 65(65-8) 65(65-41) 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Side yard insufficient and Rear yard insufficient)

**Purpose:** Tear down existing building. Erect a new 3 story Commercial Office Building.

**Case:** BOA#764721, **Address:** 289 Washington Street **Ward 14 Applicant:** Tyrone Davis  
**Purpose:** Tear down existing Building. Erect a new 3 story Commercial Office Building. Section 8th 780CMR 705 Exterior Walls. 705.8 Openings. Openings in exterior walls shall comply with Section 705.8.1 through 705.8.6. 8th 780CMR 1009.9 Spiral Stairways. 1009.9 Spiral stairways. Spiral stairways are permitted to be used as a component in the means of egress only within dwelling units or from a space not more than 250 square feet (23 m2) in area and serving not more than five occupants, or from galleries, catwalks and grid-rons in accordance with Section 1015.6.

**Case:** BOA-713534, **Address:** 26-26A Dewey Street, **Ward 13 Applicant:** Thomas Rovero  
**Article(s):** 50(50-29: Rear yard insufficient, Usable open space insufficient, Add'l lot area insufficient, Floor area ratio excessive & Side yard insufficient)

**Purpose:** Erect new 2 family dwelling on empty lot.

**Case:** BOA-734181, **Address:** 40 Clifford Street, **Ward 12 Applicant:** Frank Sparrow  
**Article(s):** 50(50-29)

**Purpose:** Rebuild and enclose existing exterior porch. Minor alternations inside of building. Exterior work will consist of new framing, siding, and windows. Interior work will consist of insulation, dry wall, plumbing, electrical, heat, and finish floor.

**Case:** BOA-749571, **Address:** 3 Laurel Street, **Ward 12 Applicant:** Jimmy McNeil  
**Article(s):** 50(50-29: Excessive F.A.R., Insufficient open space, Insufficient rear yard setback & Insufficient lot size for additional unit)

**Purpose:** Change occupancy from one family to two family. Construct roof dormer. Install stairs from 2nd floor to attic and stairs from first floor to basement install 1bl beam on first between living room and kitchen, install partition, wall in attic, install dormer in attic close up to door ways make opening for new door way on first floor install 2 kitchens. ZBA.

**Case:** BOA-723437, **Address:** 20 Seaver Street, **Ward 12 Applicant:** Simone LLC  
**Article(s):** 50(50-29: Off-street parking insufficient & Lot area for additional dwelling units insufficient) 50(50-43)  
**Purpose:** Change use of building from 16 units to 32 units.

**Case:** BOA-692756, **Address:** 2-4 Dolans Court, **Ward 11 Applicant:** Scott Mackay  
**Article(s):** 9(9-1) 55(55-40)

**Purpose:** Parking lot for 1 residential front yard space.

**Case:** BOA-718394, **Address:** 36-36A Haverford Street, **Ward 11 Applicant:** John Hall  
**Article(s):** 55(55-9: Insufficient additional lot area, Excessive F.A.R., Insufficient rear yard setback & Insufficient side yard setback) 10(10-1) 55(55-40)

**Purpose:** Actual Work Description: Construct addition in rear and then change occupancy from a single family #36 to a two family residence #36-36A in accordance with the submitted plans on a 2,509.2 sf lot. (ONE FAMILY #2769/1988 and #975/1985 ONE FAMILY w/deck) \*Plans for this application have been filed in conjunction with ALT695640.

**Case:** BOA-718397, **Address:** 38-38A Haverford Street, **Ward 11 Applicant:** John Hall  
**Article(s):** 9(9-2) 10(10-1) 55(55-40) 55(55-9: Insufficient additional lot area, Excessive F.A.R. & Insufficient open space)

**Purpose:** Partial demolition of structure in rear, then Change occupancy from single family and Dentist Office to 2 family in accordance with the submitted plans. (This application has been filed in conjunction with ALT695637).

**Case:** BOA-725235, **Address:** 140 Minden Street, **Ward 10 Applicant:** 140 Minden Street LLC  
**Article(s):** 55(55-9: Floor area ratio excessive, Usable open space insufficient & Side yard insufficient)  
**Purpose:** Proposed roof addition, add a 3 story rear addition and new balconies and decks as per plans. Construction set to be submitted upon ZBA approval.

**Case:** BOA-746034, **Address:** 839 Albany Street, **Ward 8 Applicant:** Gregory Hobson  
**Article(s):** 2A Fence height in a required rear yard setback cannot be more than 6ft  
**Purpose:** Install two commercial grade 8ft' black mesh chain link fence with gates at both ends of this private owned way called Pike street that interest fellows street on the north end, and Albany street on the south end. See attached easement agreement submitted with plans.

**Case:** BOA-757441, **Address:** 152 Hampden Street, **Ward 8 Applicant:** Helder Pimentel  
**Article(s):** 90(90-7) 50(50-43)  
**Purpose:** This is Phase 2 of the Backlashbeer Brewery project. This application is to Change Use and Occupancy from a warehouse and offices to Brewery with accessory retail (Allowed use under phase one,) to include, Taproom (BAR), Offices and Warehouse storage.

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

**Case:** BOA-734745, **Address:** 394 K Street , **Ward 7 Applicant:** George Morancy

**Article(s):** 68(68-29) 27S(27S-5S)

**Purpose:** Construct rear addition to property per plans.

**Case:** BOA-756297, **Address:** 246-248 West Broadway, **Ward 6 Applicant:** George Morancy

**Article(s):** 68(68-7: Large take-out restaurant use is forbidden use in this zoning sub district & Restaurant use is conditional) 68(68-8) 27S(27S-5S)

**Purpose:** Change use to a take out/dine in salad restaurant. See attached use of premise application request for outdoor seating.

**Case:** BOA-736937, **Address:** 52 Beacon Street, **Ward 5 Applicant:** 52 Beacon Street Development LLC

**Article(s):** 15(15-1) 32(32-32-4)

**Purpose:** Change occupancy from 10 residential units and 2 offices to 7 residential units. Renovate existing building as per plans with additions to existing building to increase FAR Two roof-decks, one for unit 5, one for unit 7.

**Case:** BOA-749903, **Address:** 127 Charles Street, **Ward 5 Applicant:** Allison Daroie

**Article(s):** 8(8-4)

**Purpose:** Change occupancy from "6 apts, dry cleaner drop off, office space" to "6 apts, dry cleaner drop off retail store". Replace existing signage with same dimensions. No work to be done on store.

**Case:** BOA-750104, **Address:** 126 West Newton Street, **Ward 4 Applicant:** Renaissance Real Estate Investments, LLC

**Article(s):** 64(64-9)

**Purpose:** Reconstruct and enlarge existing access hatch way and roof deck; and construct rear deck per plans, filed herewith. Amendment to ALT695059. ZBA.

**Case:** BOA#750103, **Address:** 126 West Newton Street, **Ward 4 Applicant:** Renaissance Real Estate Investments, LLC

**Purpose:** Reconstruct and enlarge existing access hatch way and roof deck; and construct rear deck per plans filed herewith. Amendment to ALT695059. ZBA. Section 8th 780CMR Chapter 10 Means of Egress. Violation - Penthouse/headhouse required for roof access. 1009.13 Stairway to roof. In buildings four or more stories above grade plane, one stairway shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33-percent slope). 1009.13.1 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1509.2. 1009.2 Headroom. Stairways shall have a minimum headroom clearance of 80 inches (2032 mm) measured vertically from a line connecting the edge of the nosing. Violation - Handrails do not extend/terminate as required. 101.26 Handrail extensions. Handrails shall return to a wall, guard or the walking surface or shall be continuous to the hand rail of an adjacent stair flight or ramp run. Violation - Due to hatch, the handrail will not be able to be continuous even if added to comply with 1012.6. 1012.4 Continuity. Handrail - gripping surfaces shall be continuous, without interruption by newel posts or other ob-structions. Violation - Guards are required around the hatch on all open sides. 1013.1 Where required. Guards shall be located along open-sided walking surfaces, including mezzanines, equipment platforms, stairs, ramps and landings that are located more than 30 inches (762mm)\_measured vertically to the floor or grade below at any point within 36 inches (914mm) horizontally to the edge of the open side. Guards shall be adequate in strength and attachment in accordance with Section 1607.7. 8th 780CMR Chapter 24 Glass and Glazing. Violation - Safety Glazing shall be required for the hatch where glass is used. 2406.1 Human impact loads. Individual glazed areas, including glass mirrors, in hazardous locations as defined in Section 2406.4 shall comply with Section 2406.1.1 through 2406.1.4. 2406.4 Hazardous locations. The following shall be considered specific hazardous locations requiring safety glazing materials: 1 Glazing in swinging doors except жалousies (see Section 2406.4.1).

**Case:** BOA-756475, **Address:** 80-82 Summer Street, **Ward 3 Applicant:** Christopher Knight

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

**Purpose:** Change use from an office space On 4th Floor to a one bedroom apartment.

**Case:** BOA-720071, **Address:** 34 Gladstone Street, **Ward 1 Applicant:** Rod Rivera

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

**Purpose:** Remodeling existing finished basement. Converting from a one-family to a two-family. Remodeling Kitchen and bathroom.

**Case:** BOA-755224, **Address:** 47-51 Webster Street, **Ward 1 Applicant:** Richard Lynds

**Article(s):** 9(9-2) 53(53-56) 53(53-9)

**Purpose:** Change the use of 1 office space to a residential unit. Work to be performed Occupancy will be Restaurant and Bar with Roof deck Dining, yoga studio/fitness center, professional offices, and 5 apts. (No new sprinkler work or revised fire alarm layout).

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

**Case:** BOA-73500026, **Address:** 438 River Street , **Ward 18 Applicant:** Eric James

**Article(s):** 60(60-40) 60(60-8)

**Purpose:** Changing occupancy to 1 daycare center and Body Art Parlor Unit #1, No signage on this application. No work to be done other than painting.

**Case:** BOA-708001, **Address:** 23 Chamberlain Street, **Ward 17 Applicant:** Vargas Dasilveira

**Article(s):** Art. 65 Sec. 9 Residential Regulations - Insufficient minimum Lot Area, Insufficient Lot Frontage, Insufficient Side Yard Setback, Insufficient Rear Yard Setback.

**Purpose:** Erect detached garage (23R) as per plan.

**Case:** BOA-715525, **Address:** 729-731 East Fifth Street , **Ward 6 Applicant:** James Christopher  
**Article(s)** 68(68-29; Roof Structures restrictions, Roof structures restricted district)  
**Purpose:** To renovate existing 2 family & add 3rd floor addition as per plans.

**Case:** BOA-733841, **Address:** 29 Commonwealth Avenue , **Ward 5 Applicant:** Austin Samson  
**Article(s):** Art. 80 Section 07, Use: Conditional - Private Club use item #301D is conditional in a H-3-65 District. Art. 32 section 04 - GCOD Applicability.  
**Purpose:** Change in Occupancy from commercial office space to private club (private membership required to use all aspects to the proposed facility). Interior and Exterior renovation as per plans. Repair/ Replace windows. Provide new mechanical, electrical, and plumbing services. Clean and spot point masonry as needed. Existing entrance off Berkley to remain ZBA.

**Case:** BOA-698906, **Address:** 9 Chelsea Street , **Ward 1 Applicant:** Linear Retail #18, LLC  
**Article(s):** 53(53-12) 53(53-56) 53(53-11) 10(10-1) 53(53-57)  
**Purpose:** Erect 2 story commercial local retailing building on newly created 18,795 sf lot. See ALT685902 for subdivision

**Case:** BOA-692071 , **Address:** 265 Webster Street , **Ward 1 Applicant:** Saratoga Street Properties, LLC  
**Article(s):** 53(53-8) 53(53-9) 53(53-56)  
**Purpose:** Change occupancy from a three family dwelling to a four unit dwelling. Renovate with erect vertical addition and extend living space in basement and upper addition with deck as per plan.

#### **COURT REMAND 12:00p.m.**

**Case:** BOA-434579, **Address:** 222 Stuart Street , **Ward 5 Applicant:** Vasilios Kotzampaltiris  
**Article(s):** 63(63-7)  
**Purpose:** Parking lot (20) motor vehicles for a fee, Change in previous Proviso.

#### **INTERPRETATION 12:00p.m.**

**Case:** BOA-738120, **Address:** 14 Thomas Park , **Ward 7 Applicant:** Karen Carey  
**Purpose:** The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit ALT577395. The permit was issued as an allowed use.

#### **RECOMMENDATION/HEARINGS:**

**Case:** BOA-758471, **Address:** 689 Saratoga Street **Ward:** 1, **Applicant:** Matthew Gleason  
**Article(s):** 53(53-9: Building height excessive (stories), Front yard insufficient & Side yard insufficient)  
**Purpose:** Construct new dormer addition. Extend living space to attic on existing single-family residential dwelling.

**Case:** BOA-756533, **Address:** 10 School Street **Ward:** 2, **Applicant:** Tiffany V. L'Heureux  
**Article(s):** 62(62-8)  
**Purpose:** Construct outdoor deck at rear of building and roof with exterior stairs for access in existing single family residential.

**Case:** BOA-744749, **Address:** 282-284 Cambridge Street **Ward:** 5, **Applicant:** Christine McMahon  
**Article(s):** 8(8-7: Use Item #36A Conditional & Use Item #37 Conditional)  
**Purpose:** Change occupancy to juice bar/cafe. Interior renovation to accommodate new juice bar, per plans. More than 25% of business is eat-in.

**Case:** BOA-762362, **Address:** 44 Gates Street **Ward:** 7, **Applicant:** Timothy Johnson  
**Article(s):** 27P(27P-5) 68(68-29) 68(68-8)  
**Purpose:** Renovations to existing 2-family dwelling as per drawings submitted including new rear stair and decks and roof deck.

**Case:** BOA-740324, **Address:** 235-239 Dudley Street **Ward:** 8, **Applicant:** Gilberto Pena  
**Article(s):** (6-4)  
**Purpose:** Remove proviso for takeout for Dudley.

**Case:** BOA-754990, **Address:** 124 Devon Street **Ward:** 14, **Applicant:** Ines Carter  
**Article(s):** 10(10-1) 50(50-43: Proposed tandem parking has limited maneuverability & Dimensions of proposed parking space is insufficient)  
**Purpose:** Off-street parking for two residential vehicles.

**Case:** BOA-736227, **Address:** 18 Greenwich Street **Ward:** 15, **Applicant:** Kevin Yeung  
**Article(s):** 65(65-41) 68(68-8) 9(9-1)  
**Purpose:** Applying a permit for curb cut to make a driveway.

**Case:** BOA-752179, **Address:** 23 Grassmere Road **Ward:** 18, **Applicant:** Janet Peguero  
**Article(s):** 69(69-9: Floor area ratio excessive, Side yard insufficient & Rear yard insufficient)  
**Purpose:** Construct second floor addition with roof deck on existing first floor plan for master bedroom and master bathroom.

**Case:** BOA-753730, **Address:** 1225-1229 River Street **Ward:** 18, **Applicant:** Delores Facey  
**Article(s):** 69(69-11)  
**Purpose:** Change occupancy from "retail, hair salon and real estate office" to "retail, hair salon and real estate office with professional school". No work to be done.

**Case:** BOA-761289, **Address:** 570 Truman Parkway **Ward:** 18, **Applicant:** David Johnson  
**Article(s):** 69(69-30.1) 69(69-9) 69(69-30.12)

**Purpose:** Construct new 2 car garage at existing driveway.

**Case:** BOA-736446, **Address:** 11 Robinwood Avenue **Ward:** 19, **Applicant:** Timothy Becker  
**Article(s):** 55(55-9: Floor area ratio excessive, Height excessive & Side yard insufficient) 55(55-40)

**Purpose:** Construct new front dormer in existing single family residential dwelling. Full interior and partial exterior renovation.

**Case:** BOA-756862, **Address:** 23 Burard Street **Ward:** 20, **Applicant:** Stephen MacDonald  
**Article(s):** 56(56-8: Side yard insufficient & Floor area ratio excessive)

**Purpose:** Construct a new Dormer/Second Level onto existing Dwelling. Expand living space on Second Floor. Redo existing Kitchen & Bathrooms. See plans filed.

**Case:** BOA-763012, **Address:** 40 Coinston Road **Ward:** 20, **Applicant:** James Lesnick  
**Article(s):** 67(67-9)

**Purpose:** Create additional living/recreation space by remodeling existing basement as per attached plans. Add additional egress to exterior.

**Case:** BOA-733531, **Address:** 4 Weld Street **Ward:** 20, **Applicant:** Jennifer O'Donnell  
**Article(s):** 67(67-9)

**Purpose:** Extend living space to basement and attic spaces to existing single family residential dwelling.

**Case:** BOA-735990, **Address:** 275-277 Summit Avenue **Ward:** 21, **Applicant:** Mendy Gould  
**Article(s):** 51(51-09: Dimensional Regulations - Insufficient rear yard setback.

**Purpose:** Remove and replace existing rear porch to one that is somewhat a little larger - see plans filed.

**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)**