



City of Boston  
Board of Appeal

Tuesday, November 14, 2017

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BOARD OF APPEALS  
**REVISED AGENDA**

Room 801

The board will hold a hearing on November 14, 2017 starting at 9:30 a.m.

**APPROVAL OF HEARING MINUTES:**

October 26, 2017 and October 31, 2017

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

**Case:** BZC-30642, **Address:** 340-360 Boylston Street, **Ward 3 Applicant:** The Arlington Boylston Realty Trust

**Case:** BOA-475033, **Address:** 108 Greenfield Street, **Ward 18 Applicant:** Virtudes Carrasco

**Case:** BOA-97221, **Address:** 815 East Fifth Street, **Ward 6 Applicant:** George Morancy, Esq

**Case:** BOA-489875, **Address:** 239 Boston Street, **Ward 7 Applicant:** George Morancy, Esq

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

**Case:** BOA-764199, **Address:** 135-139 Border Street, **Ward 1 Applicant:** Boston Industrial Group Realty Trust

**Article(s):** 53(53-56) 53(53-12) 25(25-5)

**Purpose:** Change occupancy from Offices, 1 Apartment and Accessory Storage to Office and 7 Apartment. Complete renovation, new sprinkler system as per plans.

**Case:** BO#764198, **Address:** 135-139 Border Street, **Ward 1 Applicant:** Boston Industrial Group Realty Trust

**Purpose:** Change occupancy from Offices, 1 Apartment and Accessory Storage to Office and 7 Apartment. Complete renovation, new sprinkler system as per plans. Section 8th 780CMR 705.8 Opening of exterior wall. Openings are not allowed in exterior wall where the fire separation distance is less than 3ft.

**Case:** BOA-756820, **Address:** 48-52 Boylston Street, **Ward 3 Applicant:** SFH Boylston Street LLC

**Article(s):** 23(23-1) 32(32-6)

**Purpose:** Change of Use to from a Recreational Facility, Offices and Retail to 46 Temporary Housing Shelters, Offices and Retail. The Temporary Residential Use will be located on Floors 2 thru 5. Selective interior demolition, and demolition of a 2-story portion of the Building. Exterior restorations including pointing and window replacement. Installation of all new MEP, Fire Alarm and Fire Sprinkler systems. TW's Cubicle fees deferred until permit is ready to be issued.

**Case:** BOA-753633, **Address:** 5 Acorn Street, **Ward 5 Applicant:** Karin Dumbaugh

**Article(s):** 13(13-13-1: The new bay on the lower level triggers the rear yard setback & The reconfiguration of space and additional floor area creates an excessive F.A.R.)

**Purpose:** Complete renovation all floors including existing roof deck and roofing.

**Case:** BOA-760305, **Address:** 667-669 Boylston Street, **Ward 5 Applicant:** Cava Mezze Grill

**Article(s):** 8(8-7)

**Purpose:** Propose 16 outdoor seating for restaurant filed under ALT753250.

**Case:** BOA-760307, **Address:** 667-669 Boylston Street, **Ward 5 Applicant:** Cava Mezze Grill

**Article(s):** 8(8-7: Use item #36A Take out restaurant (conditional) & Use item #37 restaurant (conditional)

**Purpose:** Change of Occupancy to Restaurant (37) with takeout (36A). Interior renovation for new tenant fit-up. Outdoor seating will be filed separately under U49753293. ZBA.

**Case:** BOA-736317, **Address:** 107 Jersey Street, **Ward 5 Applicant:** New Cingular Wireless PCS, LLC

**Article(s):** 86(86-6: Any antenna is a conditional use in any residential district & Insufficient setback from buildings used for residential)

**Purpose:** Change Occupancy to add Wireless telecommunications facility. Install 8 antennas inside concealment elements on the roof of an existing building and 4 antennas to the facade of the existing stairwell penthouse; install 21 remote radiohead units and 5 surge arrestors on ballast frames on ex-isting roof; install condenser unit on existing roof, construct equipment room in vacant space in building's basement; install fiber and power cabling; install vertical cable tray; all as more specifically shown on the plans submitted with the application.

**Case:** BOA-727018, **Address:** 331A-333 Newbury Street, **Ward 5 Applicant:** Geoffrey Reilinger

**Article(s):** 8(8-7)

**Purpose:** Change of Occupancy from Retail Store to Registered Marijuana Dispensary. Interior renovation for tenant fit-out. ZBA.

**Case:** BOA-763020, **Address:** 25 Dry Dock Avenue, **Ward 6 Applicant:** Patrick McLaughlin

**Article(s):** 8(8-3)

**Purpose:** No work. Change use to include fitness center/gym for the public on first and second floor, Gym construction occurred under permits ALT709412 and ALT709414. Space to be used for employees only until change of use is accepted.

**Case:** BOA-754688, **Address:** 177 E Street, **Ward 7 Applicant:** William Davis

**Article(s):** 68(68-8: Side yard setback requirement is insufficient, Rear yard setback requirement is insufficient, Floor area ratio is excessive & Height requirement is excessive) 68(68-29) 27S(27S-5S)

**Purpose:** Head house addition.

**Case:** BOA-752309, **Address:** 169A-169 I Street, **Ward 7 Applicant:** Patrick Mahoney

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

**Purpose:** Renovate existing 3 family row house as per plans submitted.

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

**Case:** BOA-759918, **Address:** 2969 Washington Street, **Ward 11 Applicant:** 2969 Washington LLC

**Article(s):** 50(50-43) 50(50-29: Lot area for additional dwelling unit, insufficient, Floor area ratio excessive & Usable open space insufficient)

**Purpose:** Add a dwelling unit on Ground level. Change occupancy from 3 units to 4 dwelling units as per plans. Permit set to be submitted upon ZBA approval. (This is one of four main structures on this lot).

**Case:** BOA-744378, **Address:** 402 Warren Street, **Ward 12 Applicant:** Jimmy McNeil

**Article(s):** 50(50-43)

**Purpose:** Change occupancy from one family and insurance agency to a one family and a church. Install fire protection and sprinkler system install 1v1 beams.

**Case:** BOA#744379, **Address:** 402 Warren Street, **Ward 12 Applicant:** Jimmy McNeil

**Purpose:** Change occupancy from one family and insurance agency to a one family and a church. Install fire protection and sprinkler system install 1v1 beams. Section 521 CMR 16.00 House of Worship. Insufficient number of accessible seats. 521 CMR 25.00 Entrances. All public entrance(s) of a building or tenancy in a building shall be accessible.

**Case:** BOA-740342, **Address:** 36 Cushing Avenue, **Ward 13 Applicant:** 36 Cushing Avenue Realty Trust

**Article(s):** 65(65-9: Add'l lot area insufficient, Floor area ratio excessive & Side yard insufficient) 65(65-9.2) 65(65-8) 65(65-8.2) 65(65-41)

**Purpose:** Change of Occupancy from three-family to four family with two proposed off-street parking. Extend living space and adding 4th dwelling unit to basement. Construct new side entry porch.

**Case:** BOA-761601, **Address:** 54 Pleasant Street, **Ward 13 Applicant:** Travis Blake

**Article(s):** 65(65-65-41) 65(65-39) 65(65-42) 65(65-8) 65(65-9: # of allowed stories has been exceeded, Insufficient side setback, Max allowed height has been exceeded & Excessive F.A.R.)

**Purpose:** New construction of 17 unit residential project. Existing structures are to be razed on a separate permit.

**Case:** BOA-756628, **Address:** 16 Claybourne Street, **Ward 15 Applicant:** Ramiro Afonseca

**Article(s):** 10(10-1) 65(65-9)

**Purpose:** Proposed one (1) off street parking with proposed curb cut.

**Case:** BOA-763749, **Address:** 281-289 Adams Street, **Ward 16 Applicant:** Hiep Chu, Trustee

**Article(s):** 65(65-8: After school program - conditional use & Nail salon conditional use)

**Purpose:** Change of use and occupancy from "22 Apartments, 4 Retail Spaces" to 22 apartments, 2 restaurants (Alt665764 already approved), 1 beauty salon (shell only), 1 after-school learning program (shell only) and 1 retail. Tenant fit outs to be performed by others on separate applications.

**Case:** BOA-743366, **Address:** 13-19 Mill Street, **Ward 16 Applicant:** Lidia Szydlowska

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

**Purpose:** Deck replacement per architectural plans. Work being done at 17 Mill St. This is an existing Two Family Dwelling.

**Case:** BOA-758332, **Address:** 97R Child Street, **Ward 18 Applicant:** Joe Consalvo

**Article(s):** 69(69-30: Two or more main dwellings on one (#97 and 97R) & #97R Conformity with existing building alignment) 69(69-9: #97R Excessive F.A.R., #97R Insufficient lot width, #97R Insufficient open space & #97R Insufficient rear yard setback) 9(9-2)

**Purpose:** Legalize carriage house as a single family dwelling. This has been an existing condition for many years. No work to be done. ZBA. One of two structures on the same lot #97 Child Street is a two family dwelling.

**Case:** BOA-663803, **Address:** 71 Davison Street, **Ward 18 Applicant:** Seventy One Davison LLC

**Article(s):** 69(69-9: Rear yard insufficient, Floor area ratio excessive, Add'l lot area insufficient & Lot area insufficient)

**Purpose:** Subdivide existing 71 Davison Street 8,832 square foot lot into two lots 4,104 square foot lot for 71 Davison Street and 4,728 square lot for 88 Pierce Street for construction of new two family dwelling. No work to be done at 71 Davison Street.

**Case:** BOA-663799, **Address:** 88 Pierce Street, **Ward 18 Applicant:** Seventy One Davison LLC  
**Article(s):** 8(8-7) 69(69-8) 69(69-9): Insufficient lot size, Insufficient additional lot area per unit, Insufficient lot width, Insufficient lot frontage, Excessive F.A.R., # of allowed stories/height has been exceeded, Insufficient open space, Insufficient front yard setback, Insufficient rear yard setback & Insufficient side yard setback) 69(69-29)  
**Purpose:** Construct new two family dwelling on new subdivided lot created by subdividing 71 Davison Street lot 9552sf into two lots. New lot is for Pierce which shall consist of 4728sf and remaining shall be 4,104sf for 71 Davison.

**Case:** BOA-721391, **Address:** 6R Alveston Terrace, **Ward 19 Applicant:** Lori Pace  
**Article(s):** 55(55-8)  
**Purpose:** Installation of a 100 sq. ft. Chicken Coop and run in rear yard of house. See plans filed.

**Case:** BOA-742797, **Address:** 28 Cedarwood Road, **Ward 19 Applicant:** James Kennedy  
**Article(s):** 55(55-9)  
**Purpose:** Extend living space on attic from storage space to living space. Adding dormer windows to existing roof East side, adding skylights on west side roof. Replacing pull down 2nd floor ceiling entry to attic with stairs from 2nd to 3rd floor.

**Case:** BOA-719034, **Address:** 79 Linden Street, **Ward 21 Applicant:** 30 Gibson LLC  
**Article(s):** 51(51-8) 51(51-9): Lot area for additional dwelling units insufficient, Lot width insufficient, Floor area ratio excessive, Usable open space insufficient & Side yard insufficient) 51(51-56)  
**Purpose:** Change Occupancy from a Two (2) Family Dwelling with Four (4) Family Dwelling with 4 Off-Street Parking spaces. Also, to construct a new addition in Rear Yard. Renovate the existing structure.

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

**Case:** BOA-585382, **Address:** 6 Long Terrace, **Ward 20 Applicant:** Arthur Choo  
**Article(s)** 56(56-8 Residential Sub District: Dimensional Requirements)  
**Purpose:** Combine parcel ID 2009196000 with 2009195500 to erect a new single family house. Framing plans to be submitted upon ZBA approval.

**Case:** BOA-757453, **Address:** 653 Cummins Highway **Ward 18 Applicant:** Patrick Mahoney  
**Article(s):** 60(60-8) 60(60-9): Floor area ratio excessive, Height excessive, Rear yard insufficient, Side yard insufficient, Usable open space insufficient & Front yard insufficient) 60(60-40)  
**Purpose:** To erect new 5 story building with 13 residential units & 9 parking spaces as per plans.

**Case:** BOA-596654, **Address:** 875-877 Hyde Park Avenue, **Ward 18 Applicant:** Robert White  
**Article(s):** Art. 09 Section 1 - Extension of Nonconforming Use  
**Purpose:** Extend existing garage bay 10 feet for a new Registry of Motor inspection bay.

**Case:** BOA-678322, **Address:** 90-102 Tenean Street, **Ward 16 Applicant:** Sings By J  
**Article(s):** 65(65-40: Sign Regulations) 65(65-16: Excessive Height & Insufficient Rear Yard Setback) **Purpose:**  
**Purpose:** a new monopole billboard with two digital faces.

**Case:** BOA-739020, **Address:** 8 Chestnut Street, **Ward 2 Applicant:** Melissa Doherty  
**Article(s):** 58(58-8)  
**Purpose:** 600 g.s.f third floor addition on an existing two story single family residence. There will be a new stair as well as a master bedroom, master bath, an office and a walk-in-closet as per plan.

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

**Case:** BOA-740042, **Address:** 55 Hull Street, **Ward 3 Applicant:** Michael Bonetti  
**Purpose:** The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit ALT712386. The permit was issued as an allowed use.

**Case:** BOA-747215, **Address:** 117 Bolton Street, **Ward 6 Applicant:** Terrence Lee  
**Purpose:** The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit ERT689458. The permit was issued as an allowed use.

**Case:** BOA-751038, **Address:** 461 Massachusetts Avenue, **Ward 9 Applicant:** Gail Phaneuf & Robert Barney  
**Purpose:** The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit ALT676342. The permit was issued as an allowed use.

**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)**