



City of Boston
Board of Appeal

Tuesday, November 28, 2017

BOARD OF APPEALS

Room 801

The board will hold a hearing on November 28, 2017 starting at 9:30 a.m.

APPROVAL OF HEARING MINUTES:

October 26, 2017 and October 31, 2017

BOARD FINAL ARBITER: 9:30a.m.

Case: BZC--33356, Address: 39 A Street, Ward 6 Applicant: George Morancy

GCOD: 9:30 a.m.

Case: BOA-769077, Address: 276-278 Newbury Street, Ward 5 Applicant: Nader Golestaneh
Article(s): 32(32-4)

Purpose: Change occupancy from spa/salon and accessory retail uses to 2 retail spaces and 3 dwelling units on floors 2-5, Construct new rear addition on lower level and first floor. Installation of new elevator and elevator shaft. ZBA.

Case: BOA-769080, Address: 12 Byron Street, Ward 5 Applicant: Michael G. Conlon Jr.

Article(s): 32(32-4)

Purpose: Renovate interior of existing single family house to construct a third floor addition and roof deck. Work to include new framing, mechanical, electrical and plumbing systems, sprinkler system and new kitchen and bedrooms.

HEARINGS: 9:30 a.m.

Case: BOA-773376, Address: 7 Sparhawk Street, Ward 22 Applicant: Patrick Mahoney

Article(s): 51(51-9) 51(51-56) 51(51-57) 9(9-1)

Purpose: Confirm occupancy as existing 2 family dwelling on 15,463 sq ft lot. Part of ERT710893. Combine 7 Sparhawk St and 9 Sparhawk to be known as 7-9 Sparhawk St. to be a total of 4 apartments.

Case: BOA-773401, Address: 7A-7B Sparkhawk Street, Ward 22 Applicant: Patrick Mahoney

Article(s): 51(51-9) 51(51-56) 51(51-57)

Purpose: Erect a new Two (2) Family Dwelling built to the rear of an existing four (4) Family Dwelling on existing 15,476 sq ft lot. This will be 1 of 2 dwellings located on the same lot. See ALT710873 & ALT747550.

Case: BOA-730716, Address: 177 Glenellen Road, Ward 20 Applicant: John Harrington

Article(s): 56(56-8)

Purpose: On existing parcel #2010194000 (with 4,300 s.q.f.t) erect new construction single family dwelling as per attached plans.

Case: BOA-721544, Address: 17-19 Walk Hill Street, Ward 19 Applicant: A Limited Liability Company, LLC

Article(s): 55(55-9) 10(10-1)

Purpose: Change occupancy from a two family dwelling to a three family dwelling, and to renovate and add two dormers to the building. Installation of fire sprinkler system.

Case: BOA-725724, Address: 32 Rockne Avenue, Ward 16 Applicant: Laura J Penney

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

Purpose: Demolish existing garage at rear of property; in its place/area, construct new one family dwelling as per attached building plans TS to A-5. See also ALT688861

Case: BOA-725722, Address: 44-46 Crockett Avenue, Ward 16 Applicant: Laura J Penney

Article(s): 65(65-9)

Purpose: No work to be done; existing 2 family home; application as requested by plans examiner counter 2; filed in conjunction with new building permit ERT687748.

Case: BOA-728847, Address: 29 Carruth Street, Ward 16 Applicant: Michael Courtney

Article(s): 65(65-9) 65(65-8) (65-41)

Purpose: Change of occupancy to three-family residential dwelling. Raze existing two-car garage to construct new rear addition for third unit. Renovate existing building per plans.

Case: BOA-649285, Address: 197-207 Adams Street, Ward 15 Applicant: Andre Gomes

Article(s): 65(65-15)

Purpose: change occupancy to include live entertainment to restaurant (Churrascaria Vulcao) til 12:30 A.M and change hours of operation from existing 5:00 A.M. – 11:00 A.M. to 6:00 A.M. – 1:00 A.M.

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Case: BOA-553022-, **Address:** 25 William T Morrissey Blvd, **Ward 13 Applicant:** Clear Channel
Article(s): 65(65-40) 11(11-7)
Purpose: Replace existing 2 sided 14 x 48 static billboard with 2 sided 14 x 48 digital billboard.

Case: BOA-554620, **Address:** 77R William T Morrissey Blvd , **Ward 13 Applicant:** Clear Channel
Article(s): 9(9-1) 11(11-7)
Purpose: Replace existing 2 sided 14 x 48 static billboard with 2 sided 14 x 48 digital billboard.

Case: BOA-737496, **Address:** 49 East Concord Street , **Ward 8 Applicant:** Ghita Akkar
Article(s): 64(64-9)
Purpose: Construct a rear deck for unit 2 and unit 3. (Note that there are two other pending amendments for this address).

HEARINGS: 10:30 a.m.

Case: BOA-764809, **Address:**402 East Eighth Street , **Ward 7 Applicant:** Cindy Larson
Article(s): 27S(27S-5) 68(68-29) 68(68-8) 29(29-4)
Purpose: Add two floors to existing two family to create a third unit. Add one parking space for the new unit. Existing building footprint will not change. No work to the first and second levels. Change occupancy from two family to three family.

Case: BOA-762671, **Address:** 260-264 Gold Street , **Ward 7 Applicant:** Patrick Mahoney
Article(s): 27S(27S-5) 68(68-8)
Purpose: Erect new 3 dwelling unit building with 5 parking spaces per plans submitted.

Case: BOA-768729, **Address:** 79-89 West Broadway, **Ward 6 Applicant:** Patrick Mahoney
Article(s): 27S(27S-5) 68(68-8) 68(68-34) 68(68-7)
Purpose: Erect a new, 6-story mixed-use building with 88 car parking garage, two ground floor commercial space (A/B Retail and restaurant w/takeout use) and 65 units, with access to decks. * Other demolition permit required to raze structure and an additional alteration permit is required to combine lots #06001122000 (7,505 SF) with lot #0600113000 (12,218 SF) new address to be known as 79-89 West Broadway.

Case: BOA760021, **Address:**793 East Sixth Street , **Ward 6 Applicant:** Patrick Mahoney
Article(s): 27S(27S-5) 68(68-33) 29(29-4)
Purpose: Erect building for three (3) residential units with 5 parking spaces.

Case: BOA-764212, **Address:**564 East Broadway , **Ward 6 Applicant:** Marc LaCasse
Article(s): 68(68-7) 27S(27S-5)
Purpose: Change occupancy from 3 residential units and funeral home to 3 residential units and office. No work to be done, existing condition. And interior renovation of existing office space; no exterior work.

Case: BOA-757813, **Address:** 804 East Third Street , **Ward 6 Applicant:** William Doyle
Article(s): 68(68-29) 68(68-8)
Purpose: Construct new vertical 2-story addition on top of existing first floor at rear on existing three family residential dwelling. Construct rear cantilevered deck on second and third floor.

Case: BOA-759280, **Address:**35 Commonwealth Avenue , **Ward 5 Applicant:** 35 Commonwealth Avenue Associates LLC
Article(s): 32(32-4) 13(13-13-1)
Purpose: Change of occupancy from a school for modeling and dwelling to 3 dwelling units. Includes a 6th level addition and roof deck, renovation of exterior fire escape and windows, first floor parking garage, all new MEP and finishes throughout the building.

Case: BOA-754641, **Address:** 121 Charles Street , **Ward 5 Applicant:** Alexa Costa
Article(s): 8(8-7)
Purpose: Change of occupancy from retail to retail store/professional/medical office. No substantial alterations being made to the place.

Case: BOA-764049, **Address:** 5 Jerusalem Place , **Ward 3 Applicant:** 3 Jerusalem Place LLC
Article(s): 32(32-4) 54(54-10) 54(54-21)
Purpose: New Construction of a two family dwelling.

Case: BOA#764048, **Address:** 5 Jerusalem Place, **Ward 3 Applicant:** 3 Jerusalem Place LLC
Purpose: Allow for modification to IBC, Section 501.0; 705.5; 705.8 Section: 501.1 Scope The provisions of this chapter control the height and area of structures hereafter erected and additions to existing structures. (MA Amendments; 501.1 add two notes as follows; Note 1. Site plans may be required to contain fire lanes per 527 CMR 10.00: Fire prevention, general provisions, as may be deemed necessary by the head of the fire department). 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 from both sides. 705.8 Openings Openings in exterior walls shall comply with sections 705.8.1 through 705.86. 705.8.1 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-764051, **Address:** 7 Jerusalem Place, **Ward 3 Applicant:** 3 Jerusalem Place LLC
Article(s): 32(32-9) 54(54-10) 54(54-21)
Purpose: Erect a two family dwelling in between #5 Jerusalem Pl (ERT735208) and #9 Jerusalem Pl (ERT735249)

Case: BOA#764056, **Address:** 7 Jerusalem Place , **Ward 3 Applicant:** 3 Jerusalem Place LLC
Purpose: Allow for modification to IBC, Section 501.0; 705.5; 705.8 Section: 501.1 Scope The provisions of this chapter control the height and area of structures hereafter erected and additions to existing structures. (MA Amendments; 501.1 add two notes as follows; Note 1. Site plans may be required to contain fire lanes per 527 CMR 10.00: Fire prevention, general provisions, as may be deemed necessary by the head of the fire department). 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 from both sides. 705.8 Openings Openings in exterior walls shall comply with sections 705.8.1 through 705.8.6. 705.8.1 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-764043, **Address:** 9 Jerusalem Place, **Ward 3 Applicant:** 3 Jerusalem Place LLC
Article(s): 32(32-9)
Purpose: New construction for a 2 family dwelling attached by firewall to #7 Jerusalem PL (ERT735208) and #5 Jerusalem PL (ERT735249).

Case: BOA#764050, **Address:** 9 Jerusalem Place, **Ward 3 Applicant:** 3 Jerusalem Place LLC
Purpose: Allow for modification to IBC, Section 501.0; 705.5; 705.8 Section: 501.1 Scope The provisions of this chapter control the height and area of structures hereafter erected and additions to existing structures. (MA Amendments; 501.1 add two notes as follows; Note 1. Site plans may be required to contain fire lanes per 527 CMR 10.00: Fire prevention, general provisions, as may be deemed necessary by the head of the fire department). 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 from both sides. 705.8 Openings Openings in exterior walls shall comply with sections 705.8.1 through 705.8.6. 705.8.1 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-771539, **Address:** 25-29 Prince Street , **Ward 3 Applicant:** Anthony Longo
Article(s): 54(54-12)
Purpose: Proposing to change occupancy from one family dwelling and restaurant use #37 to only restaurant #37. ZBA required

Case: BOA#771538, **Address:**25-29 Prince Street , **Ward 3 Applicant:** Anthony Longo
Purpose: Proposing to change occupancy from one family dwelling and restaurant use #37 to only restaurant #37. ZBA required. Section: 521 CMR Handicap accessibility to the new 2nd floor restaurant area.

Case: BOA-767168, **Address:** 23 Dwight Street , **Ward 3 Applicant:** Jonathan Linehan
Article(s): 64(64-34)
Purpose: Legalize existing roof deck as per plans.

Case: BOA-744222, **Address:** 431-439 Hanover Street , **Ward 3 Applicant:** Anthony Virgilio
Article(s): 54(54-13)
Purpose: Renovate existing basement and add stair.

Case: BOA-734923, **Address:** 24-44 Kneeland Street , **Ward 3 Applicant:** Albert Li
Article(s): 43(43-19)
Purpose: Change from retail store to light food service #36A & 37 store as shown as on plans, 26 Kneeland. (No work to existing fire alarm and sprinkler system.)

Case: BOA-757051, **Address:** 30 Pearl Street , **Ward 2 Applicant:** Frank Dewey
Article(s): 62(62-8) 62(62-29)
Purpose: Demolish existing structure. Erect a new two (2) Family dwelling per plans.

Case: BOA-767366, **Address:** 4 Albion Place , **Ward 2 Applicant:** Daniel Toscano
Article(s): 62(62-8) 62(62-29) 62(62-25) 10(10-1)
Purpose: Change occupancy of the existing building from a two-family dwelling to a three-family dwelling. Also, to renovate the building, complete a third story rear addition, and create a curb cut to allow for the creation of two off-street parking spaces.

Case: BOA-749123, **Address:** 11 Essex Street , **Ward 2 Applicant:** Enda Madigan
Article(s): 62(62-25) 62(62-8)
Purpose: Build rear decks, add living space in basement, add two dormers full remodel going to ZBA.

Case: BOA-759562, **Address:** 189 Trenton Street , **Ward 1 Applicant:** Richard Beliveau
Article(s): 53(53-8) 53(53-54) 53(53-9) 53(53-2) 53(53-56)
Purpose: Renovate and change occupancy from 3 to 6 units.

Case: BOA-765850, **Address:** 84 Faywood Avenue, **Ward 1 Applicant:** Charles DiPrima
Article(s): 53(53-8) 53(53-9) 53(53-56)
Purpose: Demolish the existing residential structure and erect a three story building with three residential units and three parking spaces. ZBA

Case: BOA-759563, **Address:** 80 Marginal Street , **Ward 1 Applicant:** Cooper Forge Partners, LLC
Article(s): 53(53-8) 53(53-9) 53(53-56) 53(53-54)
Purpose: To erect a 9 unit residential building with underground parking for sale as condominium units.

Case: BOA-769789, **Address:** 67 Lubec Street, **Ward 1 Applicant:** Tom Falcucci

Article(s): 53(53-9) 53(53-56) 10(10-1)

Purpose: Demolish existing single story commercial structure and erect a four story structure with six residential units and six interior parking spaces. Building will have full sprinkler and alarm system. *Existing structures to be demolished on a separate permit.

Case: BOA-771046, **Address:** 90 Cottage Street, **Ward 1 Applicant:** Domenic Corsetti

Article(s): 53(53-8) 53(53-9) 53(53-56)

Purpose: Erect new 7-unit residential building with two private roof decks and outdoor decks. Relocate existing curb cut to accommodate access to accessory outdoor parking. Combine 90-92 Cottage St (0105334000) with vacant lot at 94 Cottage St (0105335000) address of new building to be known as 90 Cottage St.

RE-DISCUSSIONS: 11:30a.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.

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-668415, **Address:** 231 Gold Street, **Ward 6 Applicant:** Timothy Johnson

Article(s): 14(14-14-1) 14(14-14-2) 14(14-4) 15(15-1) 17(17-1) 20(20-1) 23(23-9)

Purpose: Erect new 4-story, 2-family dwelling w/garage and roof deck as per plans submitted.

Case: BOA-666196, **Address:** 173 Endicott Street **Ward: 3, Applicant:** Daniel Toscano

Article(s): 32(32-9) 54(54-10) 54(54-21)

Purpose: This is a new construction. Looking to construct 5 story 9 residential building with garage parking.

Case: BOA-737565, **Address:** 9-11 Belmont Street, **Ward 2 Applicant:** Doug MacDonald

Article(s): Art. 62. Sec. 8 Building Height Excessive - Feet; Building Height Excessive - Stories; Floor Area Ratio Excessive; Add'l Lot area insufficient.

Purpose: Erect new two (2) single-family townhouses with one (1) car garage on each townhouse on existing vacant lot.

Case: BOA#737566, **Address:** 9-11 Belmont Street, **Ward 2 Applicant:** Doug MacDonald

Purpose: Erect new two (2) single-family townhouses with one (1) car garage on each townhouse on existing vacant lot. SECTION: 8th 780CMR1009.13.1 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.

RECOMMENDATION/HEARINGS

Case: BOA-750482, **Address:** 61 Boardman Street **Ward: 1, Applicant:** Linda Rand

Article(s): 51(51-8)

Purpose: Change occupancy from 2 offices and an antique shop to 2 offices and a hair salon. No work to be done. To correct violation #V351220. *AE Flood Zone: Linda notified.

Case: BOA-770210, **Address:** 23-27 Tyler Street **Ward: 3, Applicant:** Yukit Wu

Article(s): 43(43-19)

Purpose: Change of occupancy from 4 Apts, Restaurant, 2 Beauty Salons, to 4 Apts., Restaurant, 2 Beauty Salons and a Bubble Tea Shop.

Case: BOA-734238, **Address:** 3377-3379 Washington Street **Ward: 11, Applicant:** John Lincecum

Article(s): 55(55-19)

Purpose: Food truck operation next to approved patio with outdoor seating. The food trucks will be operated by independent, licensed operators and will be adjacent to the brewery.

Case: BOA-760391, **Address:** 9 Brinsley Street **Ward: 14, Applicant:** Moises Lendor

Article(s): 10(10-1) 50(50-43: Front yard location exceeds 10 feet, Design has insufficient maneuverability & Design dimensions do not meet minimum size)

Purpose: Public works curb cut permit was issued. This application is to request space for 2 compact cars to park on property.

Case: BOA-768033, **Address:** 9 Mount Everett Street **Ward: 15, Applicant:** Vargas DaSilveria

Article(s): 65(65-41) 65(65-9: Excessive numbers of stories. The dormer enlarging the 3rd floor creates a full story, Excessive F.A.R. & Insufficient usable open space per dwelling unit)

Purpose: Remove existing back porch and rebuild per attached drawings. Add dormer rear and change occupancy to a two family. Renovate.

Case: BOA-739621, **Address:** 722 Truman Parkway **Ward:** 18, **Applicant:** Yemi Adegboyega
Article(s): 69(69-9: Insufficient front yard setback at side lot line & Insufficient rear yard setback)
Purpose: Demolish rear wall kitchen to create opening for expansion of kitchen. Build new wall, install vinyl siding and rubber roof at the extension wall. Ceramic tile and sheet rock.

Case: BOA-749408, **Address:** 50 Eldridge Road **Ward:** 19, **Applicant:** Leila Hayes
Article(s): 9(9-1)
Purpose: Modify/enlarge existing 3rd Floor Dormer. Construction new Bathroom on 3rd Floor.

Case: BOA-753267, **Address:** 15 Revere Street **Ward:** 19, **Applicant:** Je Eun Lee
Article(s): 55(55-9: Side yard insufficient & Rear yard insufficient)
Purpose: Construct an attached Two Car Garage to the Rear of the House. There will also be a Roof Deck built on top of Garage.

Case: BOA-747902, **Address:** 13 Seymour Street **Ward:** 19, **Applicant:** Orisania Milli
Article(s): 9(9-1) 67(67-9: Insufficient front yard setback & Insufficient rear yard setback)
Purpose: Rebuild a deck with a 10 ft extension dimensions are 36' x 16' with railings and one division (connecting to unit 13), 4 posts. Conjunction with ALT680019.

Case: BOA-747900, **Address:** 15 Seymour Street **Ward:** 19, **Applicant:** Orisani Milli
Article(s): 9(9-1) 67(67-9: Insufficient front yard setback & Insufficient rear yard setback)
Purpose: Deck extension: replace a deck adding 10 ft extension in width, overhanging for a car parking and including proper railings, footings and posts. Conjunction with ALT705458.

Case: BOA-731677, **Address:** 11-17 Corinth Street **Ward:** 20, **Applicant:** Hae Robinson
Article(s): 67(67-11)
Purpose: Changing occupancy from store, beauty salon, restaurant and private club to store, beauty salon, restaurant and private club with body art to be added in existing beauty salon. Plans submitted to go before the ZBA.

Case: BOA-751706, **Address:** 14 Halford Road **Ward:** 20, **Applicant:** Brian Kenneally
Article(s): 9(9-1) 56(56-8: Building height excessive, Rear yard insufficient & Floor area ratio excessive)
Purpose: Add two dormers to 3rd floor.

Case: BOA-769484, **Address:** 10 Rhoda Street **Ward:** 20, **Applicant:** Scott Bortolotto
Article(s): 67(67-9: Side yard insufficient & Rear yard insufficient)
Purpose: Eight foot fence along the two sides of the property that directly abut the MBTA Commuter Rail Bellevue stop.

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