



City of Boston
Board of Appeal

Tuesday, March 6, 2018

BOARD OF APPEALS

Room 801

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The board will hold a hearing on March 6, 2018 starting at 9:30 a.m.

APPROVAL OF HEARING MINUTES:

January 30, 2018 & January 18, 2018

HEARINGS: 9:30 a.m.

Case: BOA-790485, **Address:** 71 Border Street , **Ward 1 Applicant:** Seventy One Border, LLC
Article(s): 53(53-8) 53(53-9): Lot area insufficient, Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 53(53-56)
Purpose: Combine Lots: parcel numbers 0105604000 and 0105605000 to create a new Lot consisting of 1,378 sf (See ALT763586). Erect a new 5 story Eight (8) Unit Residential building with a Common Roof Deck.

Case: BOA-789425, **Address:** 331 Chelsea Street , **Ward 1 Applicant:** 331 Chelsea Street, LLC
Article(s): 53(53-8) 53(53-56) 53(53-9): Insufficient lot size, Excessive F.A.R., Building height excessive, Maximum allowed # of stories has been exceeded, Insufficient open space per unit & Insufficient rear yard setback) 53(53-54)
Purpose: Raze existing building and erect a 4 Unit residential dwelling. *AE Flood Zone. **Existing structure requires to be razed on a separate permit.

Case: BOA-793907, **Address:** 346 Chelsea Street , **Ward 1 Applicant:** Three Forty Eight Chelsea, LLC
Article(s): 53(53-9): Insufficient lot size Lot A, Insufficient side yard setback to Lot A, Insufficient additional lot area per unit Lot A, Insufficient open space per unit & Excessive F.A.R.) 53(53-56)
Purpose: Subdividing 346 Chelsea Street Parcel # 0106927000 (395 sq ft) to be given to 348 Chelsea Street Parcel # 0106926000 to this lot to now have 1,200 s.f. each. See ERT773891.

Case: BOA-793908, **Address:** 348 Chelsea Street , **Ward 1 Applicant:** Three Forty Eight Chelsea, LLC
Article(s): 53(53-9): Insufficient lot size Lot A, Insufficient side yard setback to Lot A, Insufficient additional lot area per unit Lot A, Insufficient open space per unit & Excessive F.A.R.) 53(53-56)
Purpose: Subdividing 346 Chelsea Street Parcel # 0106927000 (395 sq ft) to be given to 348 Chelsea Street Parcel# 0106926000 to this lot now have 1,200 s.f. each. See ERT773891.

Case: BOA-798880, **Address:** 23 Everett Street , **Ward 1 Applicant:** IG Investments, LLC
Article(s): 53(53-52) 53(53-56) 53(53-9): Rear yard insufficient, Usable open space insufficient & Add'l lot area insufficient) 25(25-5)
Purpose: Seeking to change the occupancy of the existing building from a one-family dwelling to a two-family dwelling. Also, to renovate the building, create two rear decks, and one roof deck.

Case: BOA-788704, **Address:** 164 Leyden Street , **Ward 1 Applicant:** Cynthia Woolcock
Article(s): 53(53-8) 53(53-56) 53(53-54) 53(53-9)
Purpose: Change Occupancy from a 2 to a 3 unit residential dwelling.

Case: BOA-796542, **Address:** 179 London Street , **Ward 1 Applicant:** 179 London Street Realty Trust
Article(s): 53(53-8) 53(53-56) 53(53-9): Add'l lot area insufficient, Floor area ratio excessive, Building height excessive (stories), Building height excessive (feet), Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 25(25-5)
Purpose: Erect addition and change occupancy from a 3 to a 4 unit residential dwelling.

Case: BOA-796309, **Address:** 334 Bunker Hill Street , **Ward 2 Applicant:** Timothy Johnson
Article(s): 62(62-8): Insufficient lot size, Insufficient lot width, Insufficient lot frontage width, Maximum allowed # of stories has been exceeded & Maximum allowed height has been exceeded) 62(62-30)
Purpose: Demolish existing single-family structure and erect new 4-story, single-family dwelling w/rear decks and garage as per plans submitted.

Case: BOA-757150, **Address:** 312-320 Huntington Avenue , **Ward 4 Applicant:** T-Mobile Northeast LLC
Article(s): 66(66-38)
Purpose: Replace existing false flue with stealth enclosure, add (6) six antennas inside stealth enclosure, add (3) three remote radio units and associated cable.

Case: BOA-789980, **Address:** 107 Pembroke Street , **Ward 4 Applicant:** BBP 107 Owner LLC by Alpine Advisory Services
Article(s): 64(64-9)
Purpose: Install new roof deck and new rear balcony per plans. New hatch was installed within the scope of work for application ALT715423. Locus is in the South End Landmarks District and a contribution structure to the historic district and designated as historic. Landmarks has approved the roof deck and hatch.

Case: BOA#789984, **Address:** 107 Pembroke Street , **Ward 4 Applicant:** BBP 107 Owner LLC by Alpine Advisory
Purpose: Install new roof deck and new rear balcony per plans. New hatch was installed within the scope of work for application ALT715423. Locus is in the South End Landmarks District and a contribution structure to the historic district and designated as historic. Landmarks has approved the roof deck and hatch. Section 8th 780CMR Chapter 10 Means of Egress Headroom 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. 8th 780CMR Chapter 10 Means of Egress 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 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. 8th 780CMR Chapter 10 Means of Egress Handrail Extension 1012.6 Handrail extensions. Handrails shall return to a wall, guard or the walking surface or shall be continuous to the handrail of an adjacent stair flight or ramp run. 8th 780CMR Chapter 10 Means of Egress Opening Protection 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 (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. 8th 780CMR Chapter 10 Means of Egress Safety Glazing 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.

Case: BOA-788942, **Address:** 134 Saint Botolph Street , **Ward 4 Applicant:** Frank Dill
Article(s): 41(41-18)
Purpose: Replace and enlarge existing 1st Floor (Parlor Level) Rear Deck.

Case: BOA-783399, **Address:** 166 West Brookline Street , **Ward 4 Applicant:** Alpine Advisory Services
Article(s): 64(64-9)
Purpose: Add a rear deck and a roof deck.

Case: BOA#783401, **Address:** 166 West Brookline Street , **Ward 4 Applicant:** Alpine Advisory Services
Purpose: Add a rear deck and a roof deck. Section 2009 IMC Chapter 8 Chimneys and Vents Vent Termination 804.3 Mechanical Draft Systems. Mechanical draft systems of either forced or induced draft design shall comply with Sections 804.3.1 through 804.3.7. 8th 780CMR Chapter 10 Means of Egress Roof Stair Headroom 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. Such headroom shall be continuous above the stairway to the point where the line intersects the landing below, one tread depth beyond the bottom riser. 8th 780CMR Chapter 10 Means of Egress Roof Deck 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). 8th 780CMR Chapter 10 Means of Egress Handrail continuity 1012.4 Continuity. Handrail-gripping surface shall be continuous, without interruption by newel posts or other obstructions. 8th 780CMR Chapter 10 Means of Egress Handrail Extension 1012.6 Handrail extensions. Handrails shall return to a wall, guard or the walking surface or shall be continuous to the handrail of an adjacent stair flight or ramp run. 8th 780 CMR Chapter 24 Glass and Glazing Safety Glazing 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.

Case: BOA-799938, **Address:** 72 Peterborough Street , **Ward 5 Applicant:** T-Mobile Northeast LLC
Article(s):86(86-6)
Purpose: Change of occupancy to include wireless communications facility. The Applicant proposes to construct a new wireless facility on the roof and facade of the existing building. The Applicant will be installing twelve (12) panel antennas, together with supporting equipment and proposed 8'-0" high fence. All work will be done pursuant to the plans provided herein. Plans filed in conjunction with ALT773043.

Case: BOA-799937, **Address:** 76 Peterborough Street , **Ward 5 Applicant:** T-Mobile Northeast LLC
Article(s): 86(86-6)
Purpose: Change of occupancy to include wireless communications facility. The Applicant proposes to construct a new wireless facility on the roof and facade of the existing building. The Applicant will be installing twelve (12) panel antennas, together with supporting equipment and proposed 8'-0" high fence. All work will be done pursuant to the plans provided herein. Plan and cost filed in conjunction with ALT743042.

Case: BOA-794452, **Address:** 245-249 East Street , **Ward 6 Applicant:** Jason Dimanno
Article(s): 68(68-33) 68(68-8)
Purpose: Change Occupancy from 2 store/Rest #36A & 4 Apts to 1 store/Rest #36A & 5 Apts for this is an existing condition for many years. Reframe rear wall to accept nex six foot sliding door finish electrical, plumbing for kitchen and bath, finish interior framing finish all dry wall. New cabinets, new oak floor and new heating system. To correct violation V368081.

Case: BOA-786254, **Address:** 662 East Fifth Street , **Ward 6 Applicant:** Douglas Stefanov
Article(s): 27S(27S-5) 68(68-8) 68(68-33) 68(68-29)
Purpose: Renovate existing three family residence. Expand living space on each floor, add rear decks for units 2 and three and roof decks accessed from the penthouse for the third floor only.

Case: BOA-568241, **Address:** 246 Boston Street , **Ward 7 Applicant:** Arthur Choo
Article(s): 66(66-9)
Purpose: Amendment to issued permit #08-3335 and ERT8842. Extension of living space into the basement for units 1, 2 and 3 as per plans; approval of the reduction of as build exterior decks.

Case: BOA-792516, **Address:** 202 L Street , **Ward 7 Applicant:** 202 L Street Realty, LLC
Article(s): 68(68-29) 68(68-27S-5)
Purpose: Gut renovation of existing 3 family dwelling; reconstruct existing rear porches; extend living space for Unit 1 from ground floor to basement; add roof deck exclusive to Unit 3; remove aluminum siding and install new siding on exterior; install patio and planting area in rear yard for usable open space. Building will have a new full sprinkler system accordance to NEPA 13R.

HEARINGS: 10:30 a.m.

Case: BOA-787263, **Address:** 706-712 Huntington Avenue , **Ward** 10 **Applicant:** Kate Le
Article(s): 59(59-15)

Purpose: Change occupancy to include Microblading/Body Art in existing Nail Salon at 712 Huntington Ave.

Case: BOA-796341, **Address:** 63-65 Moreland Street , **Ward** 12 **Applicant:** Evan Smith

Article(s): 50(50-29: Add'l lot area insufficient, Floor area ratio excessive, Building height excessive (feet), Front yard insufficient & Usable open space insufficient) 50(50-28)

Purpose: Construct New Sprinkler 8 Unit Building.

Case: BOA-790018, **Address:** 5 Crockett Avenue , **Ward** 16 **Applicant:** Bobby Flynn

Article(s): 65(65-9: Floor area ratio excessive, Side yard insufficient & Rear yard insufficient)

Purpose: Construct a new 16' x 25'-3" one story addition on back of House.

Case: BOA-796979, **Address:** 30 Milton Avenue , **Ward** 17 **Applicant:** Oxbow Urban LLC

Article(s): 65(65-9: Lot area insufficient, Front yard insufficient & Rear yard insufficient)

Purpose: Abandon ERT Application for 32 Milton Avenue (ERT619027), then subdivide Lot into 3 smaller parcels: Parcel 1 (4,332 sf), Parcel 2 (150 sf) and Parcel 3 (426 sf). Relocate new Single Family structure in accordance with new survey plan submitted. All cost have been reflected on open ERT filed.

Case: BOA-791478, **Address:** 50-52 Peacevale Road , **Ward** 17 **Applicant:** Oxbow Urban LLC

Article(s): 65(65-9)

Purpose: Extend living space to attic space from a newly constructed two-family residential dwelling ERT619469.

Case: BOA-791477, **Address:** 15-15A Whitman Street , **Ward** 17 **Applicant:** Oxbow Urban LLC

Article(s): 65(65-9: Floor area ratio excessive & Building height (# of stories) excessive)

Purpose: Attic bathroom was constructed on the opposite side of the attic from what the original architectural drawings show. In addition a walk-in closet was constructed.

Case: BOA-776842, **Address:** 36 Wyvern Street , **Ward** 19 **Applicant:** Joe DiSipio

Article(s): 55(55-9)

Purpose: Partially finish the basement in both units. The basement of 36 Wyvern (front unit) will have a finished family room along with laundry and utility areas. The basement of 38 Wyvern will have a finished family room and bathroom along with utility areas.

Case: BOA-787903, **Address:** 29 Pinehurst Street , **Ward** 20 **Applicant:** Leandra Brantle

Article(s): 67(67-9: Floor area ratio excessive, Building height excessive (stories), Front yard insufficient, Side yard insufficient & Rear yard insufficient)

Purpose: New roof change. Construct dormer addition, new front roof deck. Extend living space to attic.

Case: BOA-791768, **Address:** 1208C VFW Parkway , **Ward** 20 **Applicant:** Linda Neshemkin for 270 Baker Street, LLC

Article(s): 56(56-15) 56(56-39) 56(56-40: Conformity with existing building alignment & Two or more dwellings located on the same lot)

Purpose: 270 Baker Street - Building 1 -Erect a new 3 story, Eighteen (18) Unit Residential building with an Off-Street Parking Garage partially below-grade. This will be 1 of 2 Dwellings Located on the Same Lot.

Case: BOA-791775, **Address:** 1208D VFW Parkway , **Ward** 20 **Applicant:** Linda Neshemkin for 207 Baker Street, LLC

Article(s): 56(56-15) 56(56-39: Off-street parking insufficient & Off-street parking loading insufficient) 56(56-40: Conformity with existing building alignment & Two or more dwellings located on the same lot)

Purpose: 270 Baker Street - Building 2 -Erect a new 3 story, Forty Two (42) Unit Residential building with an Off-Street Parking Garage partially below-grade. This will be 1 of 2 Dwellings Located on the Same Lot. Reference ERT781293.

Case: BOA-791773, **Address:** 1208R VFW Parkway , **Ward** 20 **Applicant:** Linda Neshemkin for 270 Baker Street, LLC

Article(s): 56(56-39)

Purpose: Subdivide of existing Lot at 270 Baker Street (124,270 sf/2.863 acres) into 2 Separate Lots. New Lot A is to be 55,644 sf/1.231 acre and New Lot B is to be 71,076 sf/1.632 acres). See ERT781293.

Case: BOA-773901, **Address:** 1465 VFW Parkway , **Ward** 20 **Applicant:** Mark Diarbakerly

Article(s): 56(56-15) 56(56-16: Front yard (56-40.1 CEBA) insufficient, Side yard insufficient & Rear yard insufficient)

Purpose: Combine two lots into one lot and construct a new 42'x50' one story gas station/convenience store structure and a new gasoline dispensing canopy. Raze existing building on lot.

Case: BOA-760318, **Address:** 106 Academy Hill Road , **Ward** 21 **Applicant:** Ce Shen

Article(s): 9(9-1) 10(10-1) 51(51-56: Location of off-street parking in front yard & Off-street parking design/maneuverability)

Purpose: Create Accessory Parking for existing Two Family Home located in both Side Yards. Each side will have 2 additional parking spaces total of 6 car parking.

Case: BOA-754988, **Address:** 57 Gerrish Street , **Ward** 22 **Applicant:** Mark Cabral

Article(s): 51(51-9: Insufficient additional lot area per unit & location of main entrance) 51(51-56)

Purpose: Change occupancy from One family dwelling to Two family dwelling in existing condition.

Case: BOA#794040, **Address:** 69 North Beacon , **Ward 22 Applicant:** James Murphy
Purpose: Structurally prepare to install an foot round window in existing brick wall. Section 705.8 Openings in Exterior Walls.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-712439, **Address:** 82 Kemble Street, **Ward 8 Applicant:** Kemble Street, LLC
Article(s): 50(50-32)
Purpose: Create Helicopter Landing (Helipad) on existing parking lot.

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:**
Propose: a new monopole billboard with two digital faces.

Case: BOA-710259, **Address:** 51 Lawley Street , **Ward 16 Applicant:** Timothy Johnson
Article(s): 65(65-41:Off Street Parking & Loading Req: Off Street Parking Design/ Maneuverability.
65(65-9: Dimensional Regulations: Lot Area Insufficient, Floor Area Ratio Excessive, Building Height Excessive, Building Height (# of stories) Excessive. 65(65-8: Use Regulations: Two Family Dwelling - Forbidden, Accessory Parking for a two family dwelling - Forbidden. 10(10-1: Limitation of Area: Limitation of Area of Accessory Uses)
Purpose: Erect a new 4 story, Two (2) Family Dwelling with Rear Deck on an existing 3,557 sq ft Lot There will be a Head house built to access a new roof deck for unit #2. Anticipate a ZBA hearing

Case: BOA-763031, **Address:** 101 Milton Avenue, **Ward 18 Applicant:** Michael Stallings
Article(s): 69(69-9) 69(69-29)
Purpose: Erect new single family dwelling with existing garage and driveway on vacant lot.

INTERPRETATION:12:00Noon.

Case: BOA-789872, **Address:** 144-146 Maverick Street **Ward 1 Applicant:** Linear Retail Boston #19, LLC and Linear Retail Boston #21, LLC
City Hall, upon the appeal of Linear Retail Boston #19, LLC and Linear Retail Boston #21, LLC seeking with reference to the premises at 144-146 Maverick St, Ward 01 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Interpretation Purpose: The petitioner's seeks that Landmarks Commission erred in its determination to impose a 2 year moratorium under Article 85 with respect to those properties.

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