



City of Boston  
Board of Appeal

## HEARING MINUTES

Tuesday, March 6, 2018

BOARD OF APPEALS

Room 801

Board Chairperson Araujo called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

### **APPROVAL OF HEARING MINUTES:**

January 18, 2018 & January 30, 2018

Upon a motion and second, the Board voted unanimously to approve the Minutes.

### **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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed 5 story 8 unit building, including demolition of the existing structure, which is within walking distance of the Maverick Square T Station. The project will be a mix of studio and 2 Bedroom units. The Board inquired and the applicant discussed, the building height relative to surrounding buildings, the unit sizes and bedroom counts and sizes. No parking proposed. Upper units will include exclusive roof decks.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edward's representative spoke in support.

**Documents/Exhibits:** Building Plans

**Vote:** Board Member Pisani moved for approval with BPDA Design Review, Member St. Fleur seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Chair's request the applicant presented plans and described the proposal in detail stating the reasons for the appeal. The applicant stated their intent to demolish an existing structure and build a new 4 unit building. Similar to other buildings in the area, all built with zoning relief, the units will be 2 bedroom/2 bath 1000 sf and close to public transportation. The Board inquired about roof decks and whether the project fell within the flood zone. The applicant stated that there would not be roof decks and the project was newly added to the flood zone.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edwards spoke in favor.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review and the Board voted unanimously to approve.

**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.

**Discussion:** The applicant requested a deferral of the hearing

**Vote:** A Board Member Galvin moved for deferral, a member seconded and the Board voted unanimously to approve the motion to defer to 3/27/2018

**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.

**Discussion:** The applicant requested a deferral of the hearing

**Vote:** A Board Member moved for deferral, a member seconded and the Board voted unanimously to approve the motion to defer to 3/27/2018.

**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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed change of occupancy from a single to a two family residence with a roof deck and head house with spiral stair access. The applicant described the dimensional violations stating the proposed and required dimensions. Board members then inquired about the head house, flood zone and habitable space in the basement and noted that the head house was not contextual as proposed.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edward's representative spoke in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved for approval with BPDA Design Review regarding the head house, Member Bickerstaff seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed change of occupancy from a 2 family to 3 family residence stating that the use was a pre-existing but is not occupied at this time. The applicant described the proposal as transit oriented and noted several manufacturing buildings up and down the street. Parking for 1 vehicle is proposed. Board members inquired about the 3rd unit located in the rear and about the sizes of the units, entrances, floor to ceiling heights and when the building was constructed.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edward's representative spoke in support.

**Documents/Exhibits:** Building Plans

**Vote:** Board Member Galvin moved for approval, Member St. Fleur seconded and the Board voted unanimously to approve.

**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.

**Discussion:** The applicant requested a deferral of the hearing.

**Vote:** A Board Member moved for deferral, a member seconded and the Board voted unanimously to approve the motion to defer to 5/8/2018.

**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.

**Discussion:** At the Chair's request the applicant presented plans and described the proposal in detail stating the reasons for the appeal. The applicant stated they will demolish an existing 3 story single family dwelling which is in significant disrepair and covers the full lot. The new building will be 4 stories, which exceeds the required 35' with parking on the ground level. The Board inquired about privacy concerns and the size of the units. The applicant stated that they had moved or removed windows and reduced the size of decks in response to community concerns.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edwards spoke in favor. Abutters spoke in opposition raising concerns about privacy, light, building height and the rear deck.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, Member Pisani seconded and the Board voted unanimously to approve.

**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.

**Discussion:** The applicant requested a deferral of the hearing.

**Vote:** A Board Member moved for deferral, a member seconded and the Board voted unanimously to approve the motion to defer to 5/8/2018.

**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.

**Discussion:** At the Chair's request the applicant presented plans and described the proposal in detail stating the reasons for this zoning appeal and the related building code appeal (BOA# 789984), which was also called by the Board Secretary. Specifically, the applicant described the proposed new roof deck and balcony with hatch access instead of head house as required for 4 story plus structures. The proposed hatched is commonly approved and therefore compliant with the Building Code and presents no life safety issue. The applicant noted that the application was approved by the SELC. Board members raised questions regarding glazing of the hatch dome and the handrail to which the applicant responded the dome would be constructed of shatter proof material.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Pisani moved for approval except for the request for a continuous handrail, Member Bickerstaff seconded and the Board voted unanimously to approve.

**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.

**Discussion:** See Discussion of BOA# 789980

**Vote:** See Vote in BOA#789980

**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.

**Discussion:** At the Chair's request the applicant presented plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described replacing and enlarging the rear deck at the parlor level of the dwelling. The current deck is deteriorating and the applicants would like to enlarge it to increase the limited outdoor space at this small property. The deck is the only outdoor space.

Board members raised questions regarding the dimensions and current setback and the applicant responded 20'1" x 14'2" and a 13 ft rear setback.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Pisani moved for approval with BPDA Design Review, Member Erlich seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Chair's request the applicant presented plans and described the proposal in detail stating the reasons for this zoning appeal and the related building code appeal (BOA#) 783401, which was also called by the Board Secretary. Specifically, the applicant described the proposal to construct a rear and a roof deck.

Board members raised questions regarding the dimensions and current setback and the applicant responded 20'1" x 14'2" and a 13 ft rear setback.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Pisani moved for approval with BPDA Design Review, Member Bickerstaff seconded and the Board voted unanimously to approve the requested zoning relief and the building code relief, except for the relief requested for handrail continuity and the mechanical vents.

**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.

**Discussion:** See discussion in BOA# 783399

**Vote:** See vote in BOA# 783399.

**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.

**Discussion:** At the Chair's request the applicant presented plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to change the legal occupancy of the existing structure to include a wireless communications facility constructed on the roof of 72 and 76 Peterborough with 12 penthouse facade mounted antennae 20' from the roof's edge with faux chimneys to house 3 antennae

Board members raised questions about whether these installations worked better on taller buildings and the building materials for the faux chimneys. The applicant responded that installations on taller buildings were not as effective and the faux chimneys will be made of fiberglass.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Erlich moved for approval with BPDA Design Review, Member Galvin seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Chair's request the applicant presented plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to change the legal occupancy of the existing structure to include a wireless communications facility constructed on the roof of 72 and 76 Peterborough with 12 penthouse facade mounted antennae 20' from the roof's edge with faux chimneys to house 3 antennae

Board members raised questions about the whether these installations worked better on taller buildings and the building materials for the faux chimneys. The applicant responded that installations on taller buildings were not as effective and the faux chimneys will be made of fiberglass.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Erlich moved for approval with BPDA Design Review, Member Galvin seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to change the legal occupancy of the existing from 2 stores with takeout and 4 apartments to 5 apartments and one restaurant with takeout. This is a request to legalize an existing use and occupancy that was created in 1993.

Board members questioned whether the property had been taxed as residential or commercial and the applicant responded the property was taxed as residential and commercial.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a Councilor Flynn's office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Erlich moved for approval, Member Bickerstaff seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to renovate an existing three family residence and expand the living space on each floor. The applicant stated that they had modified the project to eliminate a roof structure, parking and rear yard setback and that they were only seeking relief from the IPOD. The units would be 2 BR to bath.

Board members questioned whether there would be rear decks and the applicant stated there would not be.



**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office Councilor, Flaherty, Wu, Essaibi-George's, Pressley and Flynn's office spoke in opposition as well as several abutters based on the size, density and proximity to side and rear neighbors.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Erlich moved for denial, Member Galvin seconded and the Board voted unanimously to deny.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to extend living space into the basement and to reduce the size of previously approved decks. This was an amendment to a previous application and an appeal from 2010.

Board members questioned what was previously approved by the Board and the applicant responded the Board had approved 9 units of 700-975 sq feet, and the building and the project had been purchased out of bankruptcy.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a Councilor Baker's office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Pisani moved for approval, Member Galvin seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to rehab an existing 3 family and extend living space into the basement. The roof deck and stair would be removed and the only violation is IPOD.

Board members inquired about the ceiling and sill height in the basement and the applicant responded with the measurements.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a Councilor Flynn's office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Pisani moved for approval, Member Bickerstaff seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to change the legal occupancy of from the existing salon to a salon use and microblading and body art.

Board members inquired and the applicant described the process of microblading.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Galvin moved for approval, Member Bickerstaff seconded and the Board voted unanimously to approve.

**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.

**Discussion:** The Applicant requested a deferral of the hearing

**Vote:** Upon a motion and second, the Board voted unanimously to defer the matter to 5/22/18.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to construct a one story addition on the rear of the existing dwelling to add a living room and bedroom.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Essaibi-George and Cambell's offices spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Galvin moved for approval, a member seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to subdivide lot and relocate an existing single family. At present no companion building is proposed.

Board members inquired and the applicant discussed the proposed vs. required dimensional regulation cited in the zoning refusal.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Essaibi George spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Galvin moved for approval, Member St. Fleur seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to extend living space into the attic of an existing 2 family.

Board members inquired the applicant described the legal occupancy as a 2 family.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Essaibi-George and Campbell spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member moved for approval, Member seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described minor changes to the DND NHI program proposal which was previously before the board in 2016, including extending

living space into the attic for additional bedroom and living space which triggered FAR and Roof height violations

Board members inquired the applicant described the legal occupancy as a 2 family.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Essaibi-George and Campbell spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Galvin moved for approval, Member St. Fleur seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to finish the basement space to include a family room with laundry and utility areas extending the living space of both units at this existing two family, which triggered only a Floor Area Ratio violation.

Board members inquired about the ceiling height in the basement the applicant stated 7' 6".

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Pisani moved for approval, Member Galvin seconded and the Board voted unanimously to approve.

*(Board Secretary Mark Fortune called the next three related appeals on VFW Parkway in Ward 20 for the Board's consideration.)*

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described first subdividing 270 Baker and then the subdivision of 1208C and 1208D VFW Parkway for the construction of 60 Residential Units. The project started in June of 2014 involving numerous community meetings including an IAG.

Board Chair Araujo inquired and the applicant described the boundaries of the project as running from VFW Parkway to across the street from the Catholic Memorial School on Baker Street Araujo asked about vehicular access and the applicant described access exclusively from VFW Parkway which was a response to community concerns regarding Baker Street. Originally proposed for Baker Street, this entrance was eliminated at the communities request. Applicant described full support of IAG, BPDA Board, ONS, Parkway Little League and Catholic Memorial. The Board discussed off-street parking and project provides 90 off-street parking spaces. At the Chair's request the applicant described the breakdown of units 5- 1BR and 55 2 BR and square footage of 1050 and 750 sq ft.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in favor describing the extensive community process. BPDA Senior Planner spoke in favor. The Carpenters union spoke in favor. An abutter spoke in opposition citing parking, maintenance, continuity with existing 1F zoning and commercial, no community benefit.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Galvin moved for approval with continued BPDA Design Review, a Member seconded and the Board voted unanimously to approve.

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

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described how the proposed gas station/convenience store was originally approved and then he spent 3.5 years working with

Boston Water and Sewer to get approvals. The zoning relief therefore expired. The applicant submitted petitions of majority of abutting residential units. BPDA Design review was previously secured. No issues with curb cuts

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilors O'Malley and Flaherty's office spoke in favor. No one spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Pisani moved for approval with BPDA design review, Member Galvin seconded and the Board voted unanimously to approve.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to add parking off street and request for new driveways and curb cuts for his son and family and reduce parking pressure in Brighton.

Board members inquired about use of the existing garage, front yard parking and why the applicant could not bring the parking all the way to the back and the applicant stated the garage is used for storage

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Ciommo's and Essaibi-George's offices and the BAIA spoke in opposition.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Pisani moved for denial, a member seconded and the Board voted unanimously to deny.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to convert the existing one family and two family, which is an existing condition. The applicant described rooming house conditions at the time of purchase and his removal of a kitchen, two bedrooms and locks on doors. The proposed square feet for each unit is 900 square feet. The intent to is to restore the property to the original and intended use.

Board members inquired about the original use and discussed the floor plans and layouts of the units.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Ciommo's and Essaibi-George's offices and the BAIA spoke in support. A rear abutter spoke opposition to any changes to an existing retaining wall. Not work on wall proposed.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Galvin moved for approval , a member seconded and the Board voted unanimously to support.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the building code appeal. Specifically, the applicant described the proposal to install a round window at this existing commercial building. The window will not be fire rated and sprinkler on the inside face of the glass on this lot line window.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Ciommo's and Essaibi-George's offices and the BAIA spoke in support. A rear abutter spoke opposition to any changes to an existing retaining wall. Not work on wall proposed.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Pisani moved for denial of building code relief, Mark Fortune seconded and the Board voted unanimously to deny.

**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.

Letter of withdrawal noted on the record.

Motion for denial without prejudice, second, and board voted unanimously to deny without prejudice.

**Case:** BOA-766691, **Address:** 222 Harvard Street , **Ward 14 Applicant:** Douglas Wohn  
**Article(s):** 60(60-8) 60(60-9)  
**Purpose:** ZBA case to be: Change of occupancy from three to six apartments by reconfiguring the interior layout with new egress stairways of 3-level porch. Cost reflected in the previous two permits for the same building envelope. Additional cost reflected, however. \*Previous examiner J.H. ZBA requested.

Applicant requested a deferral for additional community process.

Upon a motion, the matter was deferred to May 22, 2018.

**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.

Applicant requested a deferral based on Mayor's office recommendation to an April date. Board members inquired about repeated deferrals for this billboard. Chair stated last chance. No more deferrals.

Upon a motion, the matter was deferred to June 12, 2018 at 11:30.

**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

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to construct a new two family, duplex style with 2 BR units of approximately 1600 and 1900 sq feet each. Non habitable head house of 120 sq feet referred to as a story for the purpose of this appeal. No flood plain issues. Board members inquired about the previous deferral and the applicant described a community process to address neighborhood concerns. Off street parking discussed at Board's request. Pisani asks why not access roof with a hatch.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in favor. No opposition.

Date of drawings 3/21/17 confirmed on the record.

**Documents/Exhibits:** Building Plans

**Vote:** Board member Pisani moved for approval with BPDA Design Review/Proviso to remove head house, a member seconded and the Board voted unanimously to support.

**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.

**Discussion:** At the Board's request the applicant presented building plans and described the proposal in detail stating the reasons for the appeal. Specifically, the applicant described the proposal to construct a new 2500 square foot one family dwelling 4 bedrooms with 2 and half bath. The applicant described the parking plans and presented letters of support from neighbors.

Board members inquired about the original use and discussed the floor plans and layouts of the units.



**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor McCarthy's office spoke in support, direct abutters spoke in support

**Documents/Exhibits:** Building Plans

**Vote:** Board member Galvin moved for approval with BPDA design review, a member seconded and the Board voted unanimously to support.

**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.

Deferred to March 22, 2018 upon motion, second and unanimous vote.

**STEPHANIE HAYNES**

**BOARD OF APPEAL**

**617-635-4775**

BOARD MEMBERS Present:

CHRISTINE ARAUJO- CHAIR

MARK FORTUNE-SECRETARY

MARIE ST. FLEUR

BRUCE BICKERSTAFF

MARK ERLICH

ANTHONY PISANI

CRAIG GALVIN

SUBSTITUTE MEMBERS: None present.

**For a video recording of the March 6, 2018 Board of Appeal Hearings please go to:**

**[https://www.cityofboston.gov/cable/video\\_library.asp](https://www.cityofboston.gov/cable/video_library.asp)**