



City of Boston
Board of Appeal

Tuesday, August 14, 2018

BOARD OF APPEALS

Room 801

The board will hold a hearing on August 14, 2018 starting at 9:30 a.m.

APPROVAL OF HEARING MINUTES:

July 10, 2018 & July 31, 2018

Extension: 9:30a.m.

Case: BZC-33117 Address: 372 North Beacon, Ward 22 Applicant: Stephen Miller, Esq

BOARD FINAL ARBITER: 9:30a.m.

Case: BOA-837308 Address: 131hf West Third Street, Ward 6 Applicant: Neil Gulden

Case: BOA-550876 Address: 69-71 A Street, Ward 6 Applicant: Joseph Hanley, Esq

GCOD: 9:30 a.m.

Case: BOA-850598 Address: 258 West Newton Street, Ward 4 Applicant: Marc LaCase

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

Purpose: Renovations to 258 West Newton Street all floors. (Plans and specifications attached.) *Change occupancy from three family and doctors office to a two family as per plans submitted.

Case: BOA-850884 Address: 361 Beacon Street, Ward 5 Applicant: Alex Slote

Article(s): 32(32-4)

Purpose: Change of Occupancy from six-unit to three unit residential dwelling. Construct new rear bay over existing bay. Construct new fifth floor addition with rear deck. New rear roof deck on fourth floor. Excavate lower level to install vehicle ramp for access to basement parking. Extend living space to garden level. Full gut renovation. Installation of new fire alarm/sprinkler system.

Case: BOA-854658 Address: 200-202 Ipswich Street, Ward 5 Applicant: 1241 Boylston, LLC

Article(s): 32(32-9)

Purpose: Erect a 184 room hotel with a ground floor restaurant. Project will include approximately 105,000 square feet of building area and will be eight (8) stories with maximum height of ninety feet (90), there will be approximately 82 parking spaces in one below-grade level. Existing building to be removed by other permit.

HEARINGS: 9:30 a.m.

Case: BOA-846136, Address: 200-204 Old Colony Avenue, Ward 7, Applicant: Patrick Mahoney Esq

Article(s): 8(8-7: Multi family is a conditional use & Trade, professional or other school is conditional) 14(14-2) 15(15-1: Floor area ratio excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 13(13-13-1: Excessive height, # of of stories & Excessive height in feet)

Purpose: Erect six story mixed used building consisting of below grade parking, a school on first level and five floors of residential dwelling units; the building will contain 55 residential dwelling units; combine lot with 11 Fredrick (see ALT811089).

Case: BOA-818498 Address: 181 Cowper Street, Ward 1 Applicant: 181 Cowper LLC

Article(s): 53(53-9: Bldg height excessive (stories), Bldg height excessive (feet) & Rear yard insufficient) 53(53-8) 53(53-56) 53(53-57.2) 10(10-1)

Purpose: Erect new three-story building with nine (9) residential dwelling units and fourteen (14) parking spaces in a conditional lot of 13,350 square feet filed under ALT812201.

Case: BOA-818882 Address: 93-95 Prescott Street, Ward 1 Applicant: LAR Properties, LLC

Article(s): 53(53-8) 53(53-9: Insufficient additional lot area per unit (6,00 sf. lot req.), Excessive F.A.R. (1.0 max.), Insufficient open space per unit (300sf/unit), Insufficient rear yard setback (10' min.) & Insufficient side yard setback (2.5' req.)) 53(53-56) 53(53-54)

Purpose: Construction of 6 residential dwelling units. 3 story structure with dwelling units per floor and exterior; Combine two lots into one lot to be known as 93-95 Prescott Street. *AE Hazard Flood Zone (EL 10').

Case: BOA-822799 Address: 277 Webster Street, Ward 1 Applicant: Yegshemesh LLC

Article(s): 53(53-8: Use: multifamily dwelling: forbidden & Use: basement dwelling unit: forbidden) 53(53-9: Lot area for additional dwelling units insufficient & Floor area ratio excessive) 53(53-56)

Purpose: Confirm the Occupancy as a 3 Family Dwelling then change the Occupancy to a 4 Family Dwelling. Extend living space into Basement for a proposed Dwelling Unit. Construct new Rear Decks as per plans. Proposed Basement Unit to be fully Sprinklered. Permitting set to be submitted upon ZBA approval.

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Case: BOA-835829 **Address:** 283 Webster Street , **Ward 1 Applicant:** Two Eighty Three Webster, LLC
Article(s): 53(53-9: Floor area ratio: excessive, Side yard setback required: insufficient & Rear yard setback required: insufficient)
Purpose: Extend living space into basement level and erect rear and roof decks.

Case: BOA-842339 **Address:** 87 Baldwin Street , **Ward 2 Applicant:** Kevin Joyce, Esq
Article(s): 9(9-1)
Purpose: This application is being filed to amend building permit ALT828055 to allow the application to expand the living space into basement, extend the dimensions of the rear deck and add a roof deck all as per plans filed herewith. Building to be used as a one family building after renovations are completed. ZBA.

Case: BOA-833265 **Address:** 194-198 Bunker Hill Avenue , **Ward 2 Applicant:** Daniel Toscano
Article(s): 62(62-14: Floor area ratio excessive, Usable open space insufficient & Rear yard insufficient) 62(62-25)
Purpose: Change Occupancy from 1 Store, Nail Salon, Restaurant # 37, and 2 Family Dwelling to a Nail Salon & 4 Family Dwelling with a 2 Car Garage at 198 Bunker Hill Street on existing footprint.

Case: BOA-821735 **Address:** 27 Sheafe Street, **Ward 3 Applicant:** Daniel Toscano
Article(s): 54(54-10: Floor area ratio excessive & Usable open space insufficient) 54(54-18) 54(54-21) 54(54-17)
Purpose: Change Occupancy from 5 to 8 units. Nominal Fee Request.

Case: BOA-835186 **Address:** 167 West Newton Street , **Ward 4 Applicant:** Eben Kunz
Article(s): 64(64-9)
Purpose: Refurbish existing interior spaces. Change occupancy from a two family to single family. Add 2 story bay window at ally side and 3 story bay at rear. Install open deck off 1st floor at rear. Replace in kind existing roof & build deck and access hatch. Provide light well in front yard for new window. Replace front windows following South End Landmarks guidance.

Case: BOA#835185 **Address:** 167 West Newton Street , **Ward 4 Applicant:** Eben Kunz
Purpose: Refurbish existing interior spaces. Change occupancy from a two family to single family. Add 2 story bay window at ally side and 3 story bay at rear. Install open deck off 1st floor at rear. Replace in kind existing roof & build deck access hatch. Provide light well in front yard for new window. Replace front windows following South End Landmarks guidance. Section 780 CMR 9th Edition. Building Code Refusal. Ch 10 Section 1011.12 Roof Access 4th story occupied roof; head house required.

Case: BOA-840320 **Address:** 955 Boylston Street , **Ward 5 Applicant:** Paul Wilson
Article(s): 8(8-3)
Purpose: Add #38 Live Entertainment (A2r) to current #37 Restaurant Certificate of Inspection.

Case: BOA-817068 **Address:** 1250 Boylston Street , **Ward 5 Applicant:** Jihad Hamed
Article(s): 66(66-14)
Purpose: Place Food Truck at @ 1250 Boylston Street - gas station location.

Case: BOA-841385 **Address:** 125 Newbury Street , **Ward 5 Applicant:** Jonquils Cafe LLC (by Doug Anderson)
Article(s): 8(8-7)
Purpose: Change Occupancy from Offices and Retail to Offices, Retail and Cafe for Floors B and 1. Nominal fee requested as this needs relief from the Zoning Board of Appeals. Outdoor Seating filed on U49831189.

Case: BOA-841388 **Address:** 125 Newbury Street , **Ward 5 Applicant:** Jonquils Cafe LLC (by Doug Anderson)
Article(s): 8(8-7)
Purpose: Outdoor seating with 22 seats for Cafe, reference ALT825953.

Case: BOA-834611 **Address:** 48-54 Queensberry Street , **Ward 5 Applicant:** Jihad Hamed
Article(s): 6(6-4)
Purpose: Remove proviso for takeout from previous petitioner only.

HEARINGS: 10:30 a.m.

Case: BOA-823589 **Address:** 73 Rutland Street , **Ward 9 Applicant:** Michael Gauthier
Article(s): 64(64-9) 64(64-34)
Purpose: Work to be performed in Unit # 5 located on the 4th (top) story of the building and the roof. Enlarge dormer on the rear exterior wall of the building. Rebuild existing roof deck to same footprint. No change to F.A.R.

Case: BOA-854647 **Address:** 52 Fisher Avenue , **Ward 10 Applicant:** Evan Smith
Article(s): 59(59-7) 59(59-8: Lot area for the add'l dwelling unit is insufficient, Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Usable open space is insufficient & Front yard setback requirement is insufficient)
Purpose: Erect six (6) residential units building with roof deck. Proposed four (4) parking spaces in garage and two (2) off-street parking. ZBA.

Case: BOA-854924 **Address:** 77-81 Terrace Street , **Ward 10 Applicant:** Mission Hill Living, LLC
Article(s): 59(59-7) 59(59-8: Lot area for additional dwelling unit (s) insufficient (3F-3000) & Front yard (other street) (59-38.1) (59-38.9) insufficient (3F-3000) 59(59-18: Multi-family dwelling (forbidden) (LI) & Local retail business (conditional) (LI)) 59(59-19) 59(59-37: Off-street parking insufficient & Off-street loading insufficient)
Purpose: The project proposes new construction of a three (3) story (approximately thirty-five (35) foot high) 49,534 square foot mixed use building, which includes sixty (60) residential units, three (3) ground floor commercial spaces (office, retail, art gallery, art use, restaurant), and thirty (33) parking spaces. Lot consolidation of the following parcels: 1000428000, 1000429000, 1000430000, 1000431000, 1000432000, 1000433000, 1000434000, 1000435000, 1000436000, 1000437000, 1000396000.

Case: BOA-833588 **Address:** 21 Wensley Street , **Ward 10 Applicant:** Evan Smith
Article(s): 59(59-8: Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet) & Front yard insufficient) 59(59-8.3)
Purpose: Erect new three-family dwelling. Propose three (3) parking spaces in garage.

Case: BOA-814973 **Address:** 21-23 Wyman Street , **Ward 10 Applicant:** Timothy Burke
Article(s): 55(55-8) 55(55-9) 55(55-40)
Purpose: Change Occupancy from a Two Family Dwelling to a Three Family Dwelling. Renovate existing unfinished Basement to create one additional Dwelling Unit. Construct new exterior entry to Basement at front of house and add windows wells for bedroom windows. Work includes a new slab to provide 7'-6" ceiling height, new mechanical, plumbing and electrical work. A new Sprinkler system is being installed under a separate permit.

Case: BOA-828431 **Address:** 196 Boylston Street , **Ward 11 Applicant:** Matthew Brett
Article(s): 55(55-9: Add'l lot area insufficient, Front yard insufficient, Floor area ratio excessive, Bldg height excessive (feet), Side yard insufficient, Rear yard insufficient & Usable open space insufficient)
Purpose: Build new ground up three family home on vacant parcel of land located at 196 Boylston Street in Jamaica Plain.

Case: BOA-851215 **Address:** 106 Forest Hill Street , **Ward 11 Applicant:** 106 Forest Hills, LLC
Article(s): 55(55-8) 55(55-9: Floor area ratio excessive, Bldg height excessive (feet) & Bldg height excessive (stories)) 55(55-40)
Purpose: Seeking to raze the existing building and erect a three-story building with nine residential units and ten parking spaces.

Case: BOA-835809 **Address:** 12 Marcella Street , **Ward 11 Applicant:** Leah Daniels
Article(s): 50(50-28) 50(50-29: Insufficient additional lot area per dwelling unit, Insufficient usable open space (650/unit req.) & Insufficient side yard setback) 50(50-43)
Purpose: Confirm as a one family and then change occupancy to four units by adding a 20x50 ft addition in rear as per plans submitted for ZBA review.

Case: BOA-694031 **Address:** 31 Woodlawn Street , **Ward 11 Applicant:** 31 Woodlawn Realty Trust
Article(s): 55(55-9: Lot area for additional dwelling units insufficient, Floor area ratio excessive, Building height (# of stories) excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 55(55-40)
Purpose: Demolish existing Attic Roof and construct a new 3rd Floor Level. Construct new exterior Decks in Rear Yard. Change Occupancy from a Two (2) Family Dwelling to a Three (3) Family Dwelling. Building will be fully Sprinklered. Off-Street Parking for this building will be located at 33 Woodlawn Street.

Case: BOA-694028 **Address:** 33 Woodlawn Street , **Ward 11 Applicant:** 31 Woodlawn Realty Trust
Article(s): 55(55-8) 55(55-9: Lot area insufficient, Floor area ratio excessive, Building height (# of stories) excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 55(55-40)
Purpose: Erect a new 3 story, Three (3) Family Dwelling. There will be a 6 Vehicle Parking Garage located beneath building. Parking Garage will also be used by 31 Woodlawn Street. Construct new exterior Decks in Rear Yard. Building will be fully Sprinklered.

Case: BOA-840653 **Address:** 12 Carson Street , **Ward 13 Applicant:** Ace One Investments, LLC by Eric Zachrison
Article(s): 65(65-41) 65(65-9: Excessive F.A.R., # of allowed habitable stories has been exceeded & Insufficient side yard setback) 65(65-8)
Purpose: Confirming occupancy as a one family and changing to a three family, renovating existing house and adding addition at the rear. (This was previously a new build project ERT729526 and had been assigned to the board of appeals under BOA 787985, however after review with the neighborhood it was determined that we would not demolish the existing building, but instead, we would renovate and add the addition).

Case: BOA-826724 **Address:** 1199-1203 Blue Hill Avenue , **Ward 14 Applicant:** Armand Veliaj
Article(s): 60(60-17: Floor area ratio: excessive, Height: excessive, Front yard: insufficient, Side yard: insufficient, Rear yard: insufficient & Front yard: insufficient (Deering Road)) 60(60-40) 60(60-41)
Purpose: Erect a new 21 residential units and commercial/retail space mixed-use 5 level building that will be built as one project, containing a gross floor area of approximately 41,520 square feet including the below-grade parking garage. Raze existing structure. See ALT804140 for combined parcels. ZBA.

Case: BOA-827431 **Address:** 469 Adams Street , **Ward 16 Applicant:** An H Tran
Article(s): 65(65-9)
Purpose: Remove rear first floor deck. Construct new rear decks on first, second, and third floor on existing three-family dwelling.

Case: BOA-830281 **Address:** 158 Walnut Street, **Ward 16 Applicant:** John Roche
Article(s): 65(65-8) 9(9-1)
Purpose: Work as per plans to exchange the existing location of apts. 2 floor front to existing garden level currently occupied by apartment 1.

Case: BOA-819279 **Address:** 79 Milton Avenue, **Ward 17 Applicant:** Tom Malone
Article(s): 65(65-9: Lot area insufficient, Floor area ratio excessive & Side yard insufficient) 65(65-41)
Purpose: Construction of a new 2 family, 2.5 story home (with shed dormers on 3rd floor) on currently vacant lot. Home will be modular-type, built off-site, and shipped to 79 Milton for assembly.

Case: BOA-808985 **Address:** 69-73 Almont Street, **Ward 18 Applicant:** GBM Porfolio, LLC
Article(s): 9(9-1) 60(60-8) 60(60-9: Insufficient F.A.R. & Insufficient usable open space per dwelling unit)
Purpose: Change of occupancy from 9 residential units to a total of 12 residential units (three dwelling units in basement) add three additional parking spaces as shown on the plans. No change to structure or building footprint.

Case: BOA-833908 **Address:** 1516 Blue Hill Avenue, **Ward** 18 **Applicant:** Gerlens Cesar
Article(s): 9(9-1) 60(60-40(5))

Purpose: Curb cut for four (4) off-street parking spaces.

Case: BOA-809010 **Address:** 28 Wallingford Road, **Ward** 21 **Applicant:** JCHE Genesis LLC
Article(s): 9(9-1) 51(51-8) 51(51-9: Floor area ratio excessive, Bldg height excessive (stories) & Bldg height excessive (stories)) 51(51-56)

Purpose: Construct new 3rd and 4th floor addition over an existing two-story campus building for office use.

Case: BOA-827186 **Address:** 46 Brooksdale Road, **Ward** 22 **Applicant:** Patrick O'Brien
Article(s): 51(51-8) 51(51-9: Floor area ratio is excessive & Height is excessive)

Purpose: Change occupancy from 2 family to 3 family dwelling Complete interior renovation as per plans, no change in G.F.A.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-796981, **Address:** 78 Tyler Street , **Ward** 3 **Applicant:** 78 Tyler Street LLC
Article(s): 23(23-23-1)

Purpose: Renovate and interior fit-out of existing building; convert legal use and occupancy from Convent to 14 Affordable Studio Apartment Units, with no expansion of existing building envelope and existing basement to remain unfinished, as per plans. We are submitting this application for zoning turn-down.

Case: BOA-817801 **Address:** 16 Marmion Street , **Ward** 11 **Applicant:** John Pulgini
Article(s): 55(55-8)Multi family Dwelling (Forbidden), 55(55-9 Lot Area for addition Dwelling unit(s) insufficient, Floor Area Ration Excessive, Usable Open Space Insufficient, Front Yard insufficient, Side Yard insufficient, rear Yard insufficient) 55(55-40)Off-Street Parking & Loading Req- Off Street parking insufficient.

Purpose: Take down existing single family structure and replace with 5 unit building and under parking.

Case: BOA-796214, **Address:** 8 Pine Street **Ward:** 8, **Applicant:** Wood Hill Condominium Trusty (by Christopher Lydon, Trustee)

Article(s): 69(69-29) 69(69-30.12) 69(69-9)

Purpose: Building second building on same lot. No work to be done. See ERT763482 for drawings.

Case: BOA-796212, **Address:** 8R Pine Street **Ward:** 8 , **Applicant:** Wood Hill Condominium Trust (by Christopher Lydon Trustee)

Article(s): 69(69-29.4) 69(69-30) 69(69-9: Lot Frontage, Side Yard & Rear yard Insufficient, Usable Open Space Insufficient)

Purpose: Demo existing barn and rebuild as a single family dwelling one of 2 buildings on this lot .(see alt787889 for existing building violations)

Case: BOA-820964 **Address:** 18 Murdock Street , **Ward** 22 **Applicant:** Patrick Mahoney

Article(s): 51(51-56) 9(9-2) 9(9-1)

Purpose: Change of occupancy from 9 units to 12 units. Construct new addition to existing building. File in conjunction with ALT797211

Case: BOA-808048 **Address:** 95 Union Street , **Ward** 22 **Applicant:** David Weinstock

Article(s): 51(51-9: Insufficient Front Yard Setback, Insufficient Rear Yard Setback, Insufficient Side Yard Setback

Purpose: Remove existing roof and half story and add 1 new story to existing building. Structural work as necessary: remove and replace a framed roof (structurally unsafe), Remove 2nd story of rear addition (existing) and substitute roof deck, new siding at entire house. Work in conjunct with SF#768852.

Case: BOA-821060 **Address:** 5R Sparhawk Street , **Ward** 22 **Applicant:** Patrick Mahoney

Article(s): 51(51-56) 51(51-8) 51(51-9: Side yard insufficient & Rear yard insufficient)

Purpose: Confirm occupancy as a carriage house. Reconstructing existing house. Change of occupancy from carriage house to three-family dwelling. File conjunction with ALT797209.

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