



City of Boston
Board of Appeal

Tuesday, April 30, 2019

**BOARD OF APPEALS
REVISED AGENDA**

Room 801

The board will hold a hearing on April 30, 2019 starting at 9:30 a.m.

APPROVAL OF HEARING MINUTES:

April 9, 2019

EXTENSIONS: 9:30a.m.

Case: BOA-667111 **Address:** 151 Liverpool Street **Ward 1 Applicant:** City Point Liverpool, LLC

BOARD FINAL ARBITER: 9:30a.m.

Case: BOA-764051 **Address:** 7 Jerusalem Place **Ward 3 Applicant:** Craig L. Buttner, AIA

Case: BOA-764049 **Address:** 5 Jerusalem Place **Ward 3 Applicant:** Craig L. Buttner, AIA

Case: BOA-837788 **Address:** 4623 Washington Street **Ward 20 Applicant:** John Lydon

GCOD 9:30a.m.

Case: BOA-931961 **Address:** 122 Commonwealth Avenue **Ward 5 Applicant:** Marc Lacasse
City Hall, upon the appeal of Marc Lacasse seeking with reference to the premises at 122 Commonwealth Avenue, Ward 05 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: GCOD
Article(s): 32(32-4)

Purpose: Change of occupancy from School to 3 residential units. Construct fourth floor addition and roof deck. Renovations per plans. Five off-street parking provided.
Addition is being performed to the front of an already existing fourth story @ <10'.

HEARING: 9:30 a.m.

Case: BOA-911494 **Address:** 91A Baker Street **Ward 20 Applicant:** John Pulgini

Article(s): 56(56-8)

Purpose: To erect a single family dwelling containing 4 bedrooms and 2.5 baths.

Case: BOA-927192 **Address:** 1 Rockwood Terrace **Ward 19 Applicant:** Marc LoPilato

Article(s): 55(55-9)

Purpose: Construct a new single family home with a 2 car garage on existing 9,008 sq ft Lot.

Case: BOA-935705 **Address:** 993-997 Hyde Park Avenue **Ward 18 Applicant:** 20 TEN HP Gas Inc.

Article(s): 69(69-8) 69(69-9: Lot Area, Usable Open Space, Rear Yard Insufficient; Floor Area Ratio, Building Height (# of Stories) Excessive) 69(69-29)

Purpose: Occupancy as a 4 family . Remodeling all 4 kitchens and bathrooms. Construct a new 2 story addition at the corner of the house, and construct new dormer at 3rd floor level. Expand living space to 3rd floor. Structural work in the basement. All work as per plans.

Case: BOA-928835 **Address:** 29-31 Mather Street **Ward 17 Applicant:** Luis Arjona

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

Purpose: To legalize already built up double dormer (House is by side), with a total net area of 80 s.f. (5'x16') to provide a legal headroom to existing stairs at landing and turning areas, at the attic level. Work already done. Please see Sf775919.

Case: BOA-931983 **Address:** 118-120 Granite Avenue **Ward 16 Applicant:** Daniel Perry

Article(s): 9(9-1)

Purpose: Roof deck.

Case: BOA-923261 **Address:** 1674-1680 Dorchester Avenue **Ward 16 Applicant:** Hua Zhao Yu

Article(s): 65(65-8)

Purpose: Change of occupancy to include beauty salon. Massage room, facial room, storage & restroom.

Case: BOA-926161 **Address:** 1970 Dorchester Avenue **Ward 16 Applicant:** Joseph Feaster

Article(s): 65(65-9: Add'l Lot Area Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Bldg Height Excessive(Feet), Front Yard Insufficient and Side Yard Insufficient), 65(65-41)

Purpose: Erect new 5 story building for 56 residential units with 2 retail spaces on grade. 5 parking spaces will be at the back of the building off of Beale Street. Common roof deck & headhouse on the roof as per plans.

RECEIVED
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BOSTON, MA

Case: BOA-917818 **Address:** 19 Inwood Street **Ward 15 Applicant:** Jose Pina
Article(s): 9(9-1) 65(65-9)

Purpose: Build first floor rear addition as per plans and specifications.

Case: BOA-904945 **Address:** 1167 Dorchester Avenue **Ward 15 Applicant:** Trung Bui
Article(s): 9(9-2) 65(65-8)

Purpose: Change occupancy to include take-out coffee to existing pharmacy.

Case: BOA-918718 **Address:** 93 Ellington Street **Ward 14 Applicant:** Ronan Ryan
Article(s): 60(60-9: Add'l Lot Area Insufficient, Floor Area Ratio Excessive, Usable Open Space Insufficient and Side Yard Insufficient)

Purpose: Subdivide 93 Ellington with 6866 sf into two lots, consisting of 93 Ellington St with 2841 SF and 95 Ellington St (New lot) with 4025 SF. Part of an application for a new building - ERT829795.

Case: BOA-918720 **Address:** 95 Ellington Street **Ward 14 Applicant:** Ronan Ryan
Article(s): 60(60-9: Add'l Lot Area Insufficient, Front Yard Insufficient, Side Yard Insufficient, Usable Open Space Insufficient and Floor Area Ratio Excessive)

Purpose: Build new three family building on existing lot. Built on Subdivided lot see ALT857420.

Case: BOA-931967 **Address:** 101 Howard Avenue **Ward 13 Applicant:** Derric Small
Article(s): 50(50-29: Required lot width is insufficient, Lot frontage is insufficient, Lot size to erect a three family dwelling is insufficient, Lot area for the add'l units is insufficient, Floor area ratio is excessive, Usable open space is insufficient, Front yard setback requirement is insufficient and Side yard setback requirement is insufficient)

Purpose: New three-family construction on an empty lot with three on-site parking spaces in the rear.

Case: BOA-825727 **Address:** 1078-1082 Dorchester Avenue **Ward 13 Applicant:** Vargas Dasilveira
Article(s): 65(65-15: Restaurant with take out and Multifamily dwelling (conditional), 65(65-16: Floor Area ratio excessive, Usable Open Space insufficient and Rear Yard insufficient), 65(65-41)

Purpose: Raze the single story building and erect 3 story building on the same footprint the foundation to remain . 1st level restaurant with 36a take out(existing 36a) 2nd and 3rd floor 2 units each.

Case: BOA-909724 **Address:** 105 West Springfield Street **Ward 9 Applicant:** Eben Kunz
Article(s): 64(64-9) 64(64-9.4)

Purpose: Construct exterior deck on rear of 1st floor.

HEARINGS: 10:30 a.m.

Case: BOA-906287 **Address:** 127 East Cottage Street **Ward 7 Applicant:** Epsilon Partners, LLC
Article(s): 65(65-8), 65(65-41), 65(65-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Bldg Height Excessive (Feet), Front Yard Insufficient, Side Yard Insufficient and Rear Yard Insufficient)

Purpose: To combine the following Parcel IDs 0703701000 0703700000 & 0703699000 to form a 12,547 SF lot & to subdivide into two new lots: Lot A to have 6,172 SF & Lot B to have 6,375 SF. Also, to raze structures on Lot B (127 E. Cottage) & erect a 4 story building with 11 units and 10 parking spaces. See ALT898250 for subdivision of lot.

Case: BOA-906288 **Address:** 131 East Cottage Street **Ward 7 Applicant:** Epsilon Partners, LLC
Article(s): 65(65-9: Lot Width Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive and Side Yard Insufficient)

Purpose: To combine the following Parcel IDs 0703701000 0703700000 & 0703699000 to form a 12,547 SF lot & to subdivide into two new lots: Lot A to have 6,172 SF & Lot B to have 6,375 SF. Lot A to have existing single-family dwelling to remain with removal of attached garage. See also ERT898249.

Case: BOA-922047 **Address:** 613-619 East Broadway **Ward 6 Applicant:** Eat Real Food, LLC
Article(s): 27S(27S-5), 68(68-7)

Purpose: Change of occupancy from stores and nail and tanning salon to stores and restaurant.

Case: BOA-882215 **Address:** 111 B Street **Ward 6 Applicant:** Mark Little
Article(s): 68(68-8) 68(68-29)

Purpose: Frame out new roof deck according to spec in plans

Case: BOA-878714 **Address:** 72 Dresser Street **Ward 6 Applicant:** Daniel Toscano
Article(s): 27S(27S-5), 68(68-33), 68(68-8: Floor Area Ratio Excessive, Bldg Height Excessive (Feet), Front Yard Insufficient and Rear Yard Insufficient)

Purpose: Combine Parcel ID (0602887000, 0602886000, 0602885000, 0602884000, and 0602883000) into a new single lot to be 5,049 SF. Erect a new, five-story multi-family dwelling for eight (8) units with roof deck. Propose eight (8) off-street parking.

Case: BOA-926367 **Address:** 94 Beacon Street **Ward 5 Applicant:** Timothy Burke
Article(s): 13(13-1)

Purpose: Amendment to ALT896570. Enlarge existing roof deck as shown on drawings, install new exterior stair to deck, construct screen wall at new deck on rear El and raise roof level at rear wall to install new windows and skylight. Cost of work has been paid under ALT896570.

Case: BOA-897717 **Address:** 84-100 Peterborough Street **Ward 5 Applicant:** Brendin McCord
Article(s): 66(66-8), 66(66-8)

Purpose: Separate 84 & 86 Peterborough St. with a demizing wall, build out new sub shop in 84 Peterborough according to plans submitted.

Case: BOA-920465 **Address:** 19 Dartmouth Street **Ward 4 Applicant:** Catherine O'Byrne

Article(s): 9(9-2)

Purpose: Eliminate kitchen and install new bathroom at kitchen place , remove no structure wall ,close kitchen entry door and install new framing to new bathroom. Cost is reflected on SF821586. Change occupancy from a 3 family to a 2 family.

Case: BOA-919027 **Address:** 162 West Brookline Street **Ward 4 Applicant:** Alpine Advisory Services by John Moran

Article(s): 64(64-9.4)

Purpose: Amend ALT839482. Install 6'x20' cantilevered deck at rear of parlor level. Frame and railings to be steel with composite decking.

Case: BOA-928027 **Address:** 258 West Newton Street **Ward 4 Applicant:** Prosper Realty Trust by Marc LaCasse

Article(s): 41(41-6)

Purpose: Amendment to ALT836090. Construct 4 cantilevered Juliet balconies at existing openings and new roof deck per plans.

LUNCH BREAK 45 MINUTES:

Case: BOA-935353 **Address:** 64-70 Broad Street **Ward 3 Applicant:** Harbor One Bank

Article(s): 49A(49A-5)

Purpose: The project is to change the use and occupancy of the building from Restaurant, Office and Retail Use per document 2065/97 to Office, Retail and Bank Branch Office Use at this property.

Case: BOA-913511 **Address:** 213 Albany Street **Ward 3 Applicant:** Anthony Virgilio

Article(s): 64(64-35)

Purpose: To relocate existing digital billboard structure to north east corner of lot.

Case: BOA-851400 **Address:** 217 Albany Street **Ward 3 Applicant:** Marc LaCasse

Article(s): 32(32-4) 64(64-16)

Purpose: Demolish existing structure and construct new 14 story, 250-unit residential building. The new building will be constructed on lot consisting of 36,070 square feet to be created by subdividing a portion of 300 Harrison Avenue and combining it with the existing lot at 217 Albany Street. The subdivision/lot combination application is ALT836020 (LOT 4).

Case: BOA-903635 **Address:** 235 Leyden Street **Ward 1 Applicant:** Dayna Antenucci

Article(s): 53(53-9: Lot 2 insufficient lot size for subdivision (2,000sf req.), Lot 1 Insufficient lot size, Lot 2 Insufficient lot width and Lot 1 insufficient Side yard setback (7' Req.).

Purpose: Subdivide existing lot to create two separate lots (235 Leyden to have 3,275 s.f. and 237 Leyden to have 1,772 s.f.) and erect a two family residential dwelling with parking (ERT889227).

Case: BOA-903636 **Address:** 237 Leyden Street **Ward 1 Applicant:** Dayna Anenucci

Article(s): 53(53-9: Insufficient lot size for a 2 family (4,000sf req.), Insufficient lot width for a two family (40' req.), Insufficient lot width frontage (40' req.), Insufficient side yard setback (7' req.), Excessive f.a.r. (.8 max), Insufficient open space (750sf/unit req.), insufficient rear yard setback (21.65' req.) and # of allowed stories has been exceeded (2.5 stories max.)

Purpose: Subdivide existing lot to create two separate lots. 235 Leyden to have 3,275 s.f. and 237 Leyden to have 1,772 s.f. (ALT889226) and erect a two family residential dwelling with parking.

Case: BOA-919610 **Address:** 120 Gove Street **Ward 1 Applicant:** Frankfort Gove, LLC

Article(s): 27T(27T-9), 53(53-9: Floor Area Ratio Excessive, Usable Open Space Insufficient, Front Yard Insufficient and Rear Yard Insufficient), 53(53-56: Off-Street Parking Insufficient and Off-Street Loading Insufficient)

Purpose: Combine parcels 0104015000 and 0104010000 to form a new Lot with 16,735 square feet. Change the Occupancy from a Church to Fourteen (14) Residential Units. Renovate the entire Building to create Dwelling Units. Building will be fully Sprinklered.

Case: BOA-919609 **Address:** 25-37 Frankfort Street **Ward 1 Applicant:** Frankfort Gove, LLC

Article(s): 27T(27T-9), 53(53-57), 53(53-9: Lot Area for Additional Dwelling Units Insufficient, Floor Area Ratio Excessive, Building Height Excessive, Building Height (# of Stories) Excessive, Usable Open Space Insufficient, Side Yard Insufficient and Rear Yard Insufficient), 53(53-56: Off-Street Parking Insufficient and Off-Street Loading Insufficient)

Purpose: Combine parcels 0103988002 and 0103988001 to form a new 32,390 square foot Lot. Erect a new 6 story Residential Building with 98 Dwelling Units. There will be a 71 space Parking Garage under Building. See also Alt906155.

Case: BOA-881803 **Address:** 131 Condor Street **Ward 1 Applicant:** Neighborhood of Affordable Housing, Inc

Article(s): 53(53-8), 53(53-56), 53(53-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Bldg Height Excessive (Feet), Front Yard Insufficient and Side Yard Insufficient)

Purpose: Combine parcel ID #'s 0103366000, 0103365000, 0103364000 and to subdivide the newly created lot into two separate lots. 131 Condor Street to have 3,937 square feet. Also, to erect a 4-story residential building with 7 units. See ERT871916.

Case: BOA- 881804 **Address:** 141-151 Condor Street **Ward 1 Applicant:** Neighborhood of Affordable Housing, Inc
Article(s): 53(53-56), 53(53-8): Workbar/Gallery is Forbidden Use, Artist Studio is Forbidden Use, Multi-Family Dwelling is Forbidden Use, Workshop is Forbidden Use and Community Studio is Forbidden Use), 53(53-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Bldg Height Excessive (Feet), Front Yard Insufficient, Side Yard Insufficient and Rear Yard Insufficient)

Purpose: Combine parcel ID #'s 0103366000, 0103365000, 0103364000 and to subdivide the newly created lot into two separate lots. 141-151 Condor Street to have 22,313 square feet. Also, to erect a 5-story, mixed-use building containing ground floor workbar/gallery, shared studio, and workshop, 17 artist studios, 33 residential units, and 35 parking spaces. See also ERT871934.

Case: BOA-918232 **Address:** 197 Condor Street **Ward 1 Applicant:** 197-199 Condor, LLC

Article(s): 53(53-8), 53(53-56), 53(53-9: Floor area ratio is excessive, Height is excessive (stories), Height is excessive (ft), Front yard setback requirement is insufficient, Side yard setback requirement is insufficient and Rear yard setback requirement is insufficient)

Purpose: Seeking to raze the existing structure and erect a 4-story building with six residential units and six parking spaces. Also please see ALT908646 and ALT908643.

Case: BOA-903541 **Address:** 307 Maverick Street **Ward 1 Applicant:** Clevis Vilorio

Article(s): 10(10-1), 53(53-9), 53(53-56.5a)

Purpose: Permit for three parking spaces.

Case: BOA-936053 **Address:** 331 Sumner Street **Ward 1 Applicant:** 331 Sumner, LLC

Article(s): 9(9-1)

Purpose: Increase occupancy from 18 to 49.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-920781, **Address:** 47 Cummins Highway **Ward:** 19 **Applicant:** Kathleen McKeown

Article(s): 67(67-9)

Purpose: Renovate basement to extend living area for unit one into basement.

Case: BOA-853295, **Address:** 31 Dell Avenue **Ward:**18 **Applicant:** Elida Sanchez

Article(s): 09(9-1) 69(69-29.4)

Purpose: Install retaining walls and driveway on the front right of the house.

Case: BOA-793903 **Address:** 24 Arcadia Park , **Ward 15 Applicant:** Patrick Mahoney

Article(s): 09(9-1) 65(65-9) 65(65-9) 65(65-9) 65(65-9)

Purpose: Build addition to the existing 3 family building. Consolidate lots per the plans. Combine parcel ID 1501557000 and Parcel ID 1501556000. Add off street parking for four cars

Case: BOA-878967 **Address:** 11 Adams Street **Ward 15 Applicant:** Domingos Martins

Article(s): 69(69-8) 69-(69-9) 69(69-29)

Purpose: Change of occupancy from single family to single family and an office space

Case: BOA-889398 **Address:** 18A Rockville Park **Ward 12 Applicant:** K & K Development

Article(s): 50(50-28) 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-43)

Purpose: Change occupancy from a three to a four family. Also to add dormers and extend rear staircase to the fourth floor

Case: BOA-891497 **Address:** 271 West Fifth Street **Ward 7 Applicant:** Anthony Virgilio

Article(s): 27S(27S-5) 68(68-8) 68(68-8) 68(68-33)

Purpose: Change of occupancy from one-family to two-family dwelling. Legalize living space to basement. Full interior renovation. Propose new exterior egress stairs. Work to include fire alarm and sprinklers as per plans.

Case: BOA#891508 **Address:** 271 West Fifth Street **Ward 7 Applicant:** Anthony Virgilio

Purpose: Change of occupancy from one-family to two-family dwelling. Legalize living space to basement. Full interior renovation. Propose new exterior egress stairs. Work to include fire alarm and sprinklers as per plans. SECTION: 9th 780 CMR 1028 Exit Discharge. Section 1028.5 Access to a public way. The exit discharge shall provide a direct and unobstructed access to a public way.

HEARING/RECONSIDERATION: 12:00p.m.

Case: BOA-889104 **Address:** 306 K Street **Ward 5 Applicant:** Marc Lacasse

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

Purpose: Full interior renovation of an existing five-unit residential building. Reconfigure interior layout. Add bedrooms. New finishes throughout. Install new hard-piped sprinkler system with monitored alarm. New window. Updated plumbing and electrical. Install new Hydro Air heat and air conditioning system.

RECOMMENDATIONS:

Case: BOA-853552, **Address:** 146-146A Bunker Hill Street **Ward: 2 Applicant:** Vahid Nickpour

Article(s): 62(62-29) 62(62-13) 62(62-14)

Purpose: Legalize occupancy as to reflect real estate bill. Change from a one family to a two family. Existing condition, no work to be done. Has been used as a two family for years.

Case: BOA-903623, **Address:** 4 Melrose Street **Ward:** 5 **Applicant:** Timothy Burke

Article(s): 67(67-9)

Purpose: Construct new dormer on rear of house and roof deck on top of dormer. Install new bathrooms on fourth floor and in basement. Remove portion of wall at kitchen. Install new window and door at rear exterior wall on first floor. Install new mechanical, plumbing and electrical work.

Case: BOA#903638, **Address:** 4 Melrose Street **Ward:** 5 **Applicant:** Timothy Burke

Purpose: Construct new dormer on rear of house and roof deck on top of dormer. Install new bathrooms on fourth floor and in basement. Remove portion of wall at kitchen. Install new window and door at rear exterior wall on first floor. Install new mechanical, plumbing and electrical work. Section 9th 780 CMR 1011 Stairways. 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2.

Case: BOA-911535, **Address:** 546 East Broadway **Ward:** 6 **Applicant:** Nicolas Landry

Article(s): 68(68-7)

Purpose: Change occupancy to include body art establishment. No work to be done on premises.

Case: BOA-803677, **Address:** 65 Silver Street **Ward:** 6 **Applicant:** Isaura Rosa

Article(s): 13(13-1)

Purpose: Extend living space to basement on existing single family dwelling.

Case: BOA-892543, **Address:** 616-618 East Eighth Street **Ward:** 7 **Applicant:** Shayne Ferrara

Article(s): 68(68-29)

Purpose: Remove existing roof hatch, and install new head house.

Case: BOA-909589, **Address:** 143-153 Washington Street **Ward:** 14 **Applicant:** Murl's Kitchen, LLC

Article(s): 50(50-28)

Purpose: Change Occupancy from a Bakery to a Restaurant. (Murl's Kitchen.).

Case: BOA-925117, **Address:** 64 Radcliffe Road **Ward:** 18 **Applicant:** John Andrews

Article(s): 68(68-8: Floor area ratio excessive & Front yard insufficient) 69(69-9: Lot width insufficient, Side yard insufficient & Rear yard insufficient) 69(69-9.3)

Purpose: A new second floor addition with 3 bedrooms added and a bathroom.

Case: BOA-927697, **Address:** 12 Scribner Road **Ward:** 18 **Applicant:** Scott St. Coeur

Article(s): 69(69-9)

Purpose: Confirm occupancy as a single family and construct a second floor addition on to a single family Bungalow. The addition will be build on top of the existing structure. The addition is to have 3 bedrooms and 1 full bath.

Case: BOA-917620, **Address:** 16 Hawthorne Street **Ward:** 19 **Applicant:** Daniel Murray

Article(s): 67(67-9)

Purpose: Build addition on side of house per plans, build deck behind house per plans.

Case: BOA-909363, **Address:** 48 Murray Hill Road **Ward:** 19 **Applicant:** Halyard, Sheets and Rudder Inc

Article(s): 67(67-32: Off-street parking & loading req. The proposed parking spaces does not meet the minimum dimensions & Off-street parking & loading req. The driveway access does not meet the minimum width of 10')

Purpose: On existing parcel # 1903149000 with single family dwelling, install parking space driveway as per attached plans.

Case: BOA-918630, **Address:** 1100 VFW Parkway **Ward:** 20 **Applicant:** Kory Brown

Article(s): 9(9-1)

Purpose: Use of land for parking as granted in Exclusive Easement Agreement on deed. Doc#42256 Book 59609 Page 4. To correct violation V429607.

Case: BOA-923297, **Address:** 24 Bellamy Street **Ward:** 22 **Applicant:** Ron Bin Zeng and Jin Fan Huang, as Trustees of the J & F Trust u/d/t August 8, 2017

Article(s): 51(51-23) 53(53-8)

Purpose: Clarify the existing building as a two family use. No work to be done.

Case: BOA-893086, **Address:** 71R Grampian Way **Ward:** 13 **Applicant:** John Pulgini

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

Purpose: Erect detached 1 car garage with storage above.

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