



City of Boston
Board of Appeal

HEARING MINUTES

Tuesday, April 10, 2018

BOARD OF APPEALS

Room 801

HEARING CALLED TO ORDER:

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:

EXTENSION: 9:30a.m.

Case: BOA-558788, **Address:** 1012-1016 Boylston Street, **Ward 1 Applicant:** Jeff Drago, Esq

Discussion:, The applicant requested a one year extension on relief previously granted by the Board.

Vote: Upon Motion and second the Board unanimously voted for a one year extension.

GCOD: 9:30 a.m.

Case: BOA-802088, **Address:** 16-22 Haviland Street , **Ward 4 Applicant:** Burbank Apartments Co

Article(s): 32(32-4)

Purpose: Change of Occupancy to 52 Apts and Accessory Services (Management Office, Community Room, and Fitness Center). Common area and accessibility renovations at the Burbank Apartments Building, work includes: demolition of below street level former Fenway Health tenant space, laundry room and apartment maintenance office and shop; new construction at lower level space of new management office, tenant community room, fitness center, bike storage and laundry room; new building entrance with awning and interior HC ramp; new elevator shaft with new elevator cab and equipment; new fire protection, plumbing and mechanical, and electrical systems will be designed/engineered and installed in new areas of work.

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 to 52 apartments with extensive interior renovations.

The Board inquired whether or not the applicant had approval from the BW&SC. The applicant responded, yes.

Testimony: The Board then requested testimony from neighbors and elected officials. No one spoke in opposition.

Documents/Exhibits: Building Plans

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

HEARINGS: 9:30 a.m.

Case: BOA-794791, **Address:** 1225 Bennington Street , **Ward 1 Applicant:** Joseph Ruggiero
Article(s): 53(53-8) 53(53-9: Insufficient additional lot, Excessive F.A.R., # of allowed stories exceeded, Maximum allowed height exceeded, Insufficient front yard lot line setback, Insufficient side yard lot line setback & Insufficient rear yard lot line setback) 53(53-56) 53(53-54)

Purpose: To demolish the existing structure and erect a four story building with six residential units and two parking spaces.

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 proposal to demolish an existing structure and erect a 4 story building with 6 residential units with 2 parking spaces on 5000 sq ft lot.

Board members inquired about the roof decks, and the applicant described 2 roof decks exclusive to unit owners.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edward's representative spoke in support. No one spoke in opposition.

Documents/Exhibits: Building Plans

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

Case: BOA-800370, **Address:** 187 London Street , **Ward 1 Applicant:** Julius Sokol
Article(s): 53(53-8) 53(53-56) 53(53-54) 53(53-52) 53(53-9: Insufficient usable open space, Insufficient side yard setback, Insufficient additional lot area, Excessive F.A.R., Max. # of allowed stories exceeded, Max allowed height exceeded & Insufficient side yard setback)

Purpose: To change from a three family dwelling to a four family dwelling. Erect a fourth story addition and a rear addition with new egress stairs and decks. Also to renovate the building and extend living space into basement. *Correct Violation V204613 by removing level 3 porch as per plans.

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 3 family to a 4 family with exterior renovations, rear addition and new egress stairs and decks. The applicant described unit layouts and sizes and revisions made to the original proposal based on community feedback.

Member inquired re parking and the applicant responded.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Edward's representative spoke in opposition due to height.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval with BPDA Design Review, Member Fortune seconded and the Board voted to approve. Members Bickerstaff and St. Fleur voted to oppose. Board Chair Araujo voted in favor as the fifth concurring vote and the motion carried.

Case: BOA-806606, **Address:** 106-108 Maverick Street , **Ward 1 Applicant:** East Boston management & Development LLC

Article(s): 9(9-2) 53(53-56) 53(53-8)

Purpose: Change occupancy from four (4) apartments above and offices to four (4) apartments above and office and retail on first floor. Add partition wall on first floor as shown on plan. Application for refusal letter to seek ZBA approval. FP and FA plans to be provided prior to permit issuance. *Combining buildings was approved at ZBA in 2014 under BOA#278841.

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 4 apartments and offices to 4 apartments, offices and retail

The Board members asked the size of the units and the use of the retail space, which will be a Cingular Wireless retail store. The Board members asked if there are other commercial uses in the area. The applicant responded yes and described same.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Edward's and Councilor Flaherty's representatives spoke in support.

Documents/Exhibits: Building Plans

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

Case: BOA-802782, **Address:** 36 Monmouth Street , **Ward 1 Applicant:** JP School, LLC
Article(s): 53(53-8) 53(53-9: Excessive F.A.R. & Insufficient usable open space per dwelling unit) 53(53-56)

Purpose: To change occupancy from a two family dwelling to a three family dwelling. No work to be done.

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 as legalizing change of occupancy from a 2 family to 3 family. All units are 2 bed 1 bath. The property has been pre-existing condition since the 1980's. There is no work .

The Board members asked what the basement use is. The applicant stated that the basement is used for storage.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Edward's representatives spoke in support.

Documents/Exhibits: Building Plans

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

Case: BOA-775545, **Address:** 512-514 Saratoga Street , **Ward 1 Applicant:** Kevin Roy & James Cavaleri

Article(s): 53(53-11) 53(53-12) 53(53-56)

Purpose: Change Occupancy from Beauty Salon to 2 family dwelling with 1 Retail Store as per plans. Legalize existing conditions. No work to be done. ZBA.

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 beauty salon to a retail store and 2 family dwelling units.

The Board members asked, how large are the units. The applicant stated 850 sf. The Board then asked if there are other similar uses in the area. The applicant stated, yes and described same.

Testimony: The Board then requested testimony from neighbors and elected officials. No one spoke in favor or in opposition.

Documents/Exhibits: Building Plans

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

Case: BOA-798584, **Address:** 228 Webster Street , **Ward 1 Applicant:** James A. Sartori and Patricia Sartori

Article(s): 53(53-8) 53(53-9: Insufficient additional lot area per unit, Excessive F.A.R., Building height exceeded, Insufficient open space, Insufficient rear yard setback, Location of main entrance, # of allowed stories exceeded & Insufficient side yard setback) 53(53-54) 53(53-56) 10(10-1)

Purpose: Change Occupancy from a 3 unit residential dwelling to a 5 unit residential dwelling. Renovate for new units. *Construction of a fourth story on top of existing dwelling, to include, four story addition in rear.

Discussion: At the request of the applicant **this case has been deferred to May 8, 2018.**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-802872, **Address:** 9 Cook Street Court , **Ward 2 Applicant:** Stephen Robinson

Article(s): 62(62-30) 62(62-25)

Purpose: Confirm occupancy as a Single family dwelling. Gut rehab new bathrooms and kitchens add new level, finish basement, and roof deck according to plans.

Discussion: At the request of the applicant **this case has been deferred to June 12, 2018.**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-798376, **Address:**5 Hill Street, **Ward 2 Applicant:** Timothy Burke

Article(s): 62(62-25) 62(62-8)

Purpose: Renovate kitchen and install new interior finishes. Construct dormers on front and rear of third floor and construct a new bathroom. Lower slab elevation of basement and finish basement space. Install new siding and windows. Install new HVAC, plumbing and electrical work. *Full gut rehab, demo all floors.

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 is proposing construct a front and rear dormers and new bathroom.

The Board members asked size of the dormers.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Edward's and abutter spoke in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved to approve with BRA review and member Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-788239, **Address:** 20 Dwight Street , **Ward 3 Applicant:** Brian Roberts

Article(s): 64(64-34)

Purpose: Build a head house in place of the existing bubble hatch to again access existing 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 is proposing construct a head house in place of the existing bubble hatch.

The Board members asked if they are subject to Landmarks review. The applicant stated that the head house cannot be seen from the street.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Edward's and Councilor Flynn's representatives spoke in support..

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved to approve, member Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-805934, **Address:** 3 Snelling Place , **Ward 3 Applicant:** Snelling Place Family Trust By Rochelle Luongo

Article(s): 54(54-9: Excessive F.A.R. (3.0), Insufficient open space & Insufficient rear yard setback (10' Min)) 54(54-18)

Purpose: Confirm Occupancy as a Three (3) Family Dwelling. Construct 4th floor addition and roof decks. Extend living space top basement for Unit # 1.

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 is proposing to confirm occupancy as a three family. Construct a fourth floor addition with head house for roof access and extend living space in unit one to basement.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Edward's and Councilor Essabi-George representatives spoke in support. Two abutters opposed.

Documents/Exhibits: Building Plans

Votes: Board Member moved to approve with BRA design review, Board Member Galvin seconded and the Board voted unanimously to approve.

Case: BOA#805933, **Address:** 3 Snelling Place , **Ward 3** **Applicant:** Snelling Place Family Trust By Rochelle Luongo

Purpose: Confirm Occupancy as a Three (3) Family Dwelling. Construct 4th floor addition and roof decks. Extend living space to basement for Unit # 1. Section 8th 780CMR 1009.13.1 Roof access. Head house requirements for occupied roof decks 4th flr.

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 is proposing to confirm occupancy as a three family. Construct a fourth floor addition with head house for roof access and extend living space in unit one to basement. The Board inquired regarding the Building Code violation and the basis for the variance.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support, Councilor Edward's and Councilor Essabi-George representatives spoke in support. Two abutters opposed.

Documents/Exhibits: Building Plans

Votes: Board Member moved to approve with BRA review, Board Member Galvin seconded and the Board voted unanimously to approve.

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.

Discussion: At the request of the applicant **this case has been deferred to 6/12/2018.**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-770654, **Address:** 1271-1275 Boylston Street , **Ward 5** **Applicant:** Fenway Enterpris 1271 Boylston Street LLC

Article(s): 6(6-3A) 66(66-14: Parking lot is forbidden Use & Ancillary parking is conditional use)

Purpose: Continue long-standing use of premises for paid public parking for approximately 80 vehicles, ancillary parking, and parking accessory to a restaurant use.

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 is proposing to continue long-standing use of premises for paid public parking for approximately 80 vehicles, ancillary parking, and parking accessory to a restaurant use. The applicant is requesting no sunset provision

The Board members inquired about the number of spaces. The applicant stated 80 spaces. Board Members inquired about how many for restaurant. The applicant stated 20 spaces. The Board asked how does the applicant distinguish spaces vs. Red Sox spaces. The applicant stated 100% valet at all times. Pisani had many question regarding how the parking works generally.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Zakim representatives spoke in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved to approve with a five (5) year sunset, the motion was seconded, and the Board voted unanimously to approve.

Case: BOA-795833, **Address:** 205-207 Newbury Street , **Ward 5 Applicant:** Patrick Mahoney
Article(s): 32(32-4)

Purpose: Life safety work and mechanical upgrade for future tenant improvements (Alt709819).
*Basement work is limited to building systems work only and not related to restaurant fit-out work which shall be performed by their own contractors/designers. (Liam White s68411475).

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 is proposing a restaurant fit-out in basement.

Testimony: The Board then requested testimony from neighbors and elected officials. The Groundwater Trust submitted a letter from BW&SC for approval

Documents/Exhibits: Building Plans.

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-797480, **Address:** 70 West Cedar Street, **Ward 5 Applicant:** Elisabeth McCord
Article(s):20(20-4)

Purpose: Replace and legalize existing roof decks.

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 is proposing to replace and legalize existing roof decks.

Testimony: The Board then requested testimony from neighbors and elected officials. No Testimony.

Documents/Exhibits: Building Plans

Votes: Board Member moved to approve, Galvin seconded and the Board voted unanimously to approve.

Case: BOA-804139, **Address:** 12 Dry Dock Avenue , **Ward 6 Applicant:** Anthony Zerilli

Article(s): 25(25-5) 8(8-7) 9(9-2) 42A(42A-10(d))

Purpose: Addition will include 5-levels to match the existing parking structure. *AE Flood Zone (EL10') ART 42;42A-19; MER-2-55 1-2/S.B.Maritime.

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 is proposing a five (5) story addition to match existing garage. 3,000sf of the garage will be used for BTD.

The Board members inquired about the number of spaces. The applicant stated 239 spaces. The Board inquired about being in a Flood Hazard District. The applicant stated that it is in a Flood District, but no habitable space.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilors Flynn and Zakim's representatives spoke in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved to approve, a member seconded and the Board voted unanimously to approve.

Case: BOA-791989, **Address:** 658 East Seventh Street , **Ward 6 Applicant:** Timothy Johnson

Article(s): 27S(27S-5) 68(68-33) 68(68-29) 68(68-8)

Purpose: Change occupancy from 3 family to 5 family. Erect new 2-story rear addition over open parking, new side & roof decks and new sprinkler/fire alarm systems as per plans submitted. In conjunction with SF754417.

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 is maintaining occupancy as a 3 family with 4 parking spaces. There will be no rear addition as originally proposed.

The Board members asked if the building will have sprinklers. The applicant stated yes.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and two (2) abutters are in support.

Documents/Exhibits: Building Plans

Votes: Board Member moved to approve, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-794377, **Address:** 201 West Eighth Street , **Ward 7 Applicant:** George Morancy
Article(s): 68(68-27S-5)

Purpose: Erect a new three family dwelling with proposed five off-street parking on vacant land.

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 is proposing to construct a three (3) family with (5) parking spaces. IPOD only violation otherwise zoning compliant.

The Board members inquired as to parking configuration. The applicant stated ground floor open not closed.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved to approve, member seconded and the Board voted unanimously to approve.

HEARINGS: 10:30 a.m.

Case: BOA-799149, **Address:** 37 Iroquois Street , **Ward 10 Applicant:** Iroquois LLC
Article(s): 59(59-8) 59(59-37)

Purpose: Change occupancy from a One Family to a Two Family (building is currently being used as a two family) no new work at this time. Also add 1 parking space as per U49744097.

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 is proposing to construct a three (3) family with (5) parking spaces. IPOD only violation otherwise zoning violation.

The Board members inquired as to parking configuration. The applicant stated ground floor open not closed.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Sanchez representatives spoke in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved to approve, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-,799150 **Address:** 37 Iroquois Street , **Ward** 10 **Applicant:** Iroquois LLC
Article(s): 10(10-1)

Purpose: Add 1 residential parking space.

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 is proposing to relocate a curb cut for existing driveway. Applicant purchases property as is.

The Board members inquired about the size of the driveway. The applicant stated 30' in length

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services is in support and Councilor Sanchez representatives spoke in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved to approve, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-795414, **Address:** 64 Alpine Street, **Ward** 12 **Applicant:** Joseph Feaster
Article(s): 50(50-28) 50(50-29: Lot area for the add'l dwelling units is insufficient, Lot width is insufficient, Lot frontage is insufficient, Floor area ratio is excessive, Height requirements is excessive, Height requirement is excessive, Usable open space is insufficient, Front yard setback requirement is insufficient, Side yard setback requirements is insufficient & Off-street parking requirements is insufficient) 50(50-43: Off-street parking insufficient & Off-street loading insufficient) 80(80-80E-2)

Purpose: 4 story residential building with 14 resi-dential units and roof decks, and outdoor parking (7) spaces.

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 is proposing to construct a four (4) story residential building with 14 units with roof decks.

The Board members inquired about the zoning violations. Proposed vs. required. The applicant described the violations in detail . The Board members asked if modal front yard. The applicant stated yes. The Board member asked how many parking spaces. The applicant is proposing 8 spaces. The Board member asked about access to parking. The applicant stated off Regent Street.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans

Votes: Board Member Bickerstaff moved to approve with BRA review, Fortune seconded and the Board voted unanimously to approve.

Case: BOA-773836, **Address:** 6 Saint James Place, **Ward** 12 **Applicant:** King of St. James LLC

Article(s): 50(50-29)

Purpose: Extension of living space into pre-existing walk-out basement space. Cost reflected on SF727208 and ALT714277.

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 is proposing to extend living space into walk-out basement area. Single family dwelling.

The Board members inquired about floor and ceiling height. The applicant stated 6'7".

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved to approve with no building code and the Board voted unanimously to approve.

Case: BOA-784510, **Address:** 6 Woodbine Street, **Ward** 12 **Applicant:** Christine Gathii

Article(s): 50(50-29)

Purpose: Change of occupancy from one-family to two-family dwelling with proposed five (5) off-street parking. Minor interior renovations.

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 is proposing to change occupancy from one (1) to two (2) with five (5) off street parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved to approve with BRA review, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-786030, **Address:** 15 Woodbine Street , **Ward 12 Applicant:** Evelyn Ortega
Article(s): 50(50-44) 50(50-43: Location off-street parking & Off-street parking design/maneuverability) 50(50-29) 10(10-1)
Purpose: Off-Street Parking for 2 Residential Vehicles.

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 is seeking appeal for two (2) off street parking spaces for two (2) vehicles in side yard, driveway existing.

The Board members inquired how many units. The applicant stated 2 units. The Board members asked if this is front yard space. The applicant stated said no, that we are asking to move curb cut to left side.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services spoke in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved to approve with proviso to remove asphalt in front yard and new plan submitted to show asphalt removed. BRA to visit site when done. A member seconded and the Board unanimously in support.

Case: BOA-798414, **Address:** 7 Rowell Street , **Ward 13 Applicant:** Christopher Montani
Article(s): 67(67-9)
Purpose: Fire damage restoration, build out basement level per submitted plans pre-existing conditions had been framed walls "family room" and Bathroom) spiral staircase/insulated plaster walls (work without a permit see 2010 refusal letter).

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 is proposing to renovate a basement unit after a fire in a three unit building.

The Board members asked was the living space in basement previously approved by BOA. The applicant stated, no record of approval and they are not clear what was permitted. The Board members inquired about access to basement. The applicant stated a legally combining of floor and basement.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Baker representatives spoke in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved to approve, a member seconded, and the Board voted unanimously to approve.

Case: BOA-795964, **Address:** 44 Orchardfield Street , **Ward 15 Applicant:** Michael Wong
Article(s): 65(65-9: Excessive F.A.R., Excessive number of stories, Insufficient front yard setback & Insufficient side yard setback)

Purpose: Demolish existing Roof and Framing Structure. Raise Framing and Roof to 35 feet to allow more living space for a bedroom.

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 is proposing to raise roof to extend living space in attic to be consistent with abutting homes.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Baker and Flaherty's representatives spoke in support.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved to approve with BRA design review, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-777122, **Address:** 67-69 Sanford Street , **Ward 17 Applicant:** Michael Liu
Article(s): 65(65-9: Insufficient lot width 60' required, insufficient lot size proposed 6,000sf req & Excessive F.A.R.) 9(9-1)

Purpose: Subdivide Lot into two lots. Lot A: 67-69 Sanford St (5,154 SF) and Lot B: 71 Sanford St (6,362 SF). Conjunction with ALT736913, U49691837, and ERT736947.

Discussion: **Deferred to 5/22/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-777126, **Address:** 67-69 Sanford Street, **Ward 17 Applicant:** Michael Liu

Article(s): 10(10-1) 65(65-42)

Purpose: 10/31/17 NEW work description: This application is to provide 4 parking spaces for the existing two family in accordance with the submitted plans. (See Lot subdivision on ALT773006, creating a new parcel for ERT736947.) *All plans filed in conjunction with ERT736947 subject to ZBA approval.

Discussion: Deferred to 5/22/2018

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-777136, **Address:** 67-69 Sanford Street , **Ward 17 Applicant:** Michael Liu
Article(s): 9(9-1) 65(65-9: Insufficient front yard setback, Excessive F.A.R., # of allowed stories exceeded & Pending a favorable ZBA decision, two complete sets of stamped construction documents shall be required) 10(10-1) 65(65-65-41) **Purpose:** In existing 2 family structure, renovate structure, construct addition and dormer in accordance with the submitted plans. *This application has been filed in conjunction with and contingent to ZBA approval of ALT773006 (subdivision) for subdivision and ERT736947 (new single family).

Case: BOA-777129, **Address:** 71 Sanford Street, **Ward 17 Applicant:** Michael Liu

Article(s): 65(65-9) 65(65-42)

Purpose: Subdivide lot on ALT773006, then Construction new one family home w/2 parking spaces to the rear. This new structure shall be located behind 67-69 Sandford.

Discussion: Deferred to 5/22/2018

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-746305, **Address:** 4-8 Tileston Street , **Ward 18 Applicant:** David O'Sullivan
Article(s): 69(69-12: Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Front yard insufficient & Rear yard insufficient) 69(69-29: Off-street parking insufficient & Off-street loading insufficient) 69(69-30)

Purpose: Erect a new 3 story Mixed-Use Commercial and Residential building with a 20 Car Parking Garage under. There will be a 2,100 sq ft Commercial Space on the First Floor. There will be 14 Residential Units on Floors 1 thru 3.

Discussion: Deferred to 6/12/2018.

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-747118, **Address:** 287 Chestnut Avenue , **Ward 19 Applicant:** Peter Rowe

Article(s): 55(55-55-40) 55(55-9: Add'l lot area insufficient & Floor area ratio excessive)

Purpose: Existing condition. Retroactively Modify from two (2) family classification to three (3) family classification.

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 is proposing to legalize existing three (3) family.

The Board members asked if the property is being taxed as a three (3) family. The applicant stated yes for 30 years and the applicant bought property as a three (3).

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services are in support and Councilor Flaherty's representative spoke in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved to approve, seconded and the Board voted unanimously to approve.

Case: BOA-775884, **Address:** 22-24 High view Avenue, **Ward** 20 **Applicant:** Edward Allen
Article(s): 56(56-8)

Purpose: Finish portion of basement with full bath using Owens Corning basement finishing system.

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 is proposing to finish basement with full bath.

Testimony: The Board then requested testimony from neighbors and elected officials. None presented.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved to approve, a member seconded, and the Board voted unanimously to approve.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-777271, **Address:** 606 Cambridge Street , **Ward** 21 **Applicant:** Nicholas Bouritsas

Article(s): 51(51-9) 51(51-56) 10(10-1)

Purpose: Open a new drive way for 2 car parking as per plan. (filed as e plan now paper).

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 is proposing a new driveway for 2 vehicles. Building is a 4 units. Next door neighbor was there to address the board regarding access and parking issues.

The Board members inquired as to bedroom count and number of unrelated occupants and requested that ISD inspect the abutting property for a possible lodging house violation.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Ciommo's office and the BAIA spoke in support of the proposal.

Documents/Exhibits: Site Plans

Votes: Board Member moved to deny and member Bickerstaff seconded. However, the motion failed as Members Pisani, St. Fleur, and Galvin were opposed. Chairperson Araujo then stated "so the driveway has been approved by your motion" and further that ISD would inspect the driveway at the abutting property. However, no member appear to respond to this statement. The Board did not offer a motion, second or vote to approve the requested relief.

Case: BOA-784513, **Address:** 1 Elm Street , **Ward** 16 **Applicant:** Patrick Mahoney

Article(s): 65(65-8) 65(65-42.13) 65(65-9)

Purpose: Erect a new 6 unit residential building as per plans. 1 of 2 buildings to be erected on same lot with shared driveway see ERT. Also see ALT701594 for combining lots.

Case: BOA-784528, **Address:** 3 Elm Street , **Ward** 16 **Applicant:** Patrick Mahoney

Article(s): 65(65-8) 65(65-42.13) 65(65-9)

Purpose: Erect a new 6 unit residential building as per plans. 1 of 2 buildings to be erected on same lot see ERT701594. Also see ALT701594 to combine the 2 lots.

Board Secretary called BOA 784513 and BOA-784528 together.

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 reminded the Board that this matter was originally before the Board but deferred for additional community process. As a result the number of units has been reduced from 12 to 9 units in one of the two buildings on the lot and other concessions, removing rear decks and roof deck.

The Board then inquired about the zoning violations and the required versus proposed dimensions. The applicant responded by discussing the proposed and required zoning dimensions and setbacks and removal of zoning violations by changes to the design. Off street parking and number bedrooms in the units discussed as well as square footage of the units.

The applicant submitted letters of support and petitions in support.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Baker's and Flaherty's office spoke in support of the proposal. No opposition.

Documents/Exhibits: Building Plans

Votes: Upon a motion by member Pisani and second by member Galvin, the Board voted unanimously to approve both matters.

(At approximately 11:30 am Board Secretary Mark Fortune asked if there were any deferrals and the applicant following applicant came forward.)

Case: BOA-554620, **Address:** 77R William T Morrissey Blvd , **Ward** 13 **Applicant:** Clear Channel

Article(s): 9(9-1) 11(11-7)

Purpose: Replace existing 2 sided 14 x 48 static billboard with 2 sided 14 x 48 digital billboard.

Discussion: The applicant requested a deferral. The Board noted that multiple deferrals had been granted.

Votes: Upon a motion and second, the Board voted unanimously to deny the request for a deferral.

Case: BOA-741372, **Address:** 174 Fisher Avenue , **Ward** 10 **Applicant:** David O'sullivan

Article(s): 59(59-7)

Purpose: Demolish existing single family, erect new 2 unit townhouse of 3 stories and basement.

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 is proposing to demolish an existing single family and build two 3 story building townhouses. Applicant stated the lot shape is unique as well as other uses allowed under the code in the sub district. Applicant described the project modifications as well as layouts and number of bedrooms in the unit and proposed deed restrictions.

The Board members inquired regarding Article 85 Demolition Delay and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's office opposed. Councilor O'Malley's office opposed, Representative Sanchez's office opposed. Abutters spoke in opposition because of the lack of window and the basement issues. An abutting Condominium association spoke in opposition and submitted a letter in opposition.

Documents/Exhibits: Site Plans

Votes: Member Galvin moved to deny without prejudice, a member seconded and Board voted unanimously to deny without prejudice.

**STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775**

BOARD MEMBERS Present:
CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARIE ST. FLEUR
BRUCE BICKERSTAFF
MARK
ANTHONY PISANI
CRAIG GALVIN

SUBSTITUTE MEMBERS: None present.

**For a video recording of the April 10, 2018 Board of Appeal Hearings please go to:
https://www.cityofboston.gov/cable/video_library.asp**

**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**