



City of Boston
Board of Appeal

HEARING MINUTES

Tuesday, October 29, 2019

BOARD OF APPEALS

Room 801

Board Chair 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:

September 10, 2019 and September 17, 2019 - Upon a Motion and second, the Board voted unanimously to approve the September 10, 2019 and September 17, 2019 Hearing Minutes.

EXTENSIONS: 9:30a.m.

Case: BOA-723437 **Address:** 20 Seaver Street **Ward** 12 **Applicant:** Pamela Alexander

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

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

Case: BOA- 505714 **Address:** 15 Commonwealth Avenue **Ward** 5 **Applicant:** Eugene Kelly, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

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

Case: BOA-759563 **Address:** 80 Marginal Street **Ward** 1 **Applicant:** Richard Lynds, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

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

Case: BOA-712280 **Address:** 47-55 LaGrange Street **Ward** 3 **Applicant:** FPG LaGrange Holdings, LLC (by Jared Eigerman)

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

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

Case: BOA-544302 **Address:** 22 Hendry Street **Ward** 15 **Applicant:** Georgina Alfonseca

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a two year extension.

HEARING: 9:30 a.m.

Case: BOA-995699 **Address:** 273 Highland Street **Ward** 11 **Applicant:** Rees-Larkin Development LLC
Article(s): 50(50-44) 50(50-28: Multifamily Dwelling;Forbidden & Accessory Parking:Forbidden) 50(50-29: Lot Area for Additional Dwelling Units Insufficient, Floor Area Ratio Excessive, Building Height Excessive, Building Height (# of Stories) Excessive, Usable Open Space Insufficient, Front Yard Insufficient & Rear Yard Insufficient)
50(50-43: Off-Street Parking Insufficient, Off-Street Parking Design / Maneuverability & Off-Street Loading Insufficient)
Purpose: New construction of E+ 4-story (plus lower-level Garage) Apartment Building with 23 Family Units under the City of Boston Energy Positive Housing Program. Also combine existing 7 lots into one lot to be known as 273 Highland Street.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a 23 residential unit building.

Board Members asked about units sizes, affordable units, street improvements, and about the proposed gallery use.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Janey and Essaibi-George are in support, as are DND and BPDA.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-983442 **Address:** 7 Waumbeck Street **Ward 12 Applicant:** Dorox, LLC

Article(s): 50(50-29: Lot area for the add'l dwelling unit is insufficient & Usable open space is insufficient)

Purpose: Reconfiguration of the interior, changing from 2 to 3 units, see blueprints and site plan. Change of occupancy from 2 to 3 units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a two-family to three-family dwelling.

Board Members asked about the size of the dwelling units.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and no building code relief and Deveau seconded and the Board voted unanimously to approve.

Case: BOA-983441 **Address:** 87 Maple Street **Ward 12 Applicant:** Dorox, LLC

Article(s): 50(50-43) 50(50-29: Insufficient additional lot area per unit & Insufficient usable open space per unit)

Purpose: Reconfiguration of rooms, change the number of units from 2 to 4, see attached blueprints, site plan. Change of occupancy from 2 units to 4 units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a two-family dwelling to a four unit multifamily dwelling.

Board Members asked about parking.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-986516 **Address:** 43 Withington Street **Ward 17 Applicant:** Stephen Siuda

Article(s): 65(65-8)

65(65-9: Bldg Height Excessive (Stories), Bldg Height Excessive (Feet), Floor Area Ratio Excessive & Rear Yard Insufficient)

Purpose: Construct new 4 story building with 8 residential units and 16 parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect an 8 unit residential dwelling.

Board Members asked about unit sizes, bedroom counts, if a roof deck was proposed and about parking.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-975318 **Address:** 41 Wood Avenue **Ward** 18 **Applicant:** Aisha Yasin

Article(s): 9(9-1)

69(69-9: Insufficient lot size, Excessive F.A.R., Insufficient side yard setback & Insufficient open space per unit)

Purpose: Combine 3 existing lots into one and subdivide into 2 lots (Lot A 4800sf and Lot B 4800sf) NOTE: Lot A to have Lot B #41 Wood Avenue TWO FAMILY STRUCTURE TO REMAIN.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide the lot with existing two-family dwelling to remain.

Board Members asked about the zoning requirements and proposal, about parking and about modular design.

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

Documents/Exhibits: Building Plans

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

Case: BOA-975323 **Address:** 43-45 Wood Avenue **Ward** 18 **Applicant:** Aisha Yasin

Article(s): 69(69-8)

69(69-9: Insufficient lot size, Excessive F.A.R, Insufficient rear yard setback, Insufficient Front Yard setback, Excessive F.A.R & Insufficient open space per unit)

69(69-29: Access/Maneuvering areas (Tandem) & Insufficient parking)

Purpose: Construct 2 family dwelling on 4800sf lot. Please see ALT954695 for combining of lots and then to subdivide to create new lot. * Modular construction-TBD.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide the lot at 41 Wood Ave and erect a new two-family dwelling on the new lot.

Board Members asked about the zoning requirements and proposal, about parking and about modular design.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-978292 **Address:** 30-32 Greenview Avenue **Ward** 19 **Applicant:** Aamodt/Plumb Architects

Article(s): 9(9-1) 55(55-9)

Purpose: Adding an addition to the back of the house. New finishes throughout. Including one room of the second floor condo to the town house.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a rear addition.

Board Members asked about total additional square footage and floor area ratio.

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

Documents/Exhibits: Building Plans

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

Case: BOA-970966 **Address:** 55-57 Hooker Street **Ward** 22 **Applicant:** Edio Galvez

Article(s): 51(51-9: F.A.R Excessive; Front Yard Setback & Side Yard Setback Insufficient)

Purpose: Enclose front and back porches, also extend living space in basement as part of 1st floor unit. amending permit ALT938519

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to enclose porches and extend living space to basement.

Board Members asked about the square footage and intended use of the basement space, basement ceiling height and access to utilities.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Ciommo are in support. The Allston Civic Association is in opposition.

Documents/Exhibits: Building Plans

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

Case: BOA-919043 **Address:** 88-94 Lincoln Street **Ward 22 Applicant:** Maverick Media, LLC
Article(s): 51(51-17 Height Excessive, Front Yard (51-52.1 Street Wall Continuity; 51-57.2 CEBA) 51(51-55)
Purpose: Erect a 14'x48', two sided, digital billboard on a monopole.

Discussion: At the applicant's request the matter was deferred to the December 17, 2019 Hearing.

RE-DISCUSSION/HEARINGS: 10:30 a.m.

Case: BOA-938015 **Address:** 31-33 Boardman Street **Ward 1 Applicant:** Derric Small
Article(s): 27T-5 53(53-8) 53(53-52)

Purpose: Combine parcel # 0101734000 with parcel #0101735000 to become one lot to be known as 31-33 Boardman St. Change of occupancy to 9 units. Renovate existing dwellings as stated on previous permits. Construct new addition as per plans. Sprinkler plan to be filed. Construction cost does not include cost on previous short forms. *AE Flood Zone (EL 10').

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to combine parcels and build addition to change occupancy to nine residential units.

Board Members asked about the size of the roof deck, if the basement would be occupied and about parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support, as is the Carpenters Union.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-874130 **Address:** 18-20 Crestway Road **Ward 1 Applicant:** Timothy Johnson

Article(s): 53(53-8) 53(53-9: Floor area ratio excessive, Height excessive, Front yard (53-57.2 CEBA) insufficient, Side yard insufficient & Rear yard insufficient) 53(53-56)

Purpose: Combine parcel per ALT860012 to create 8,431 SF parcel. Demolish existing structure and erect new 3 story, 9-unit residential building w/14 car garage, front, side & roof decks as per plans submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a five unit residential dwelling.

Board Members asked about new plans and impact on violations, floor area ratio, if the front yard is modal, if a roof deck is proposed and if the basement would be occupied.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-972965 **Address:** 48 Geneva Street **Ward 1 Applicant:** Nicola R. Dilbero

Article(s): 25(25-5) 27T-5 53(53-9: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 53(53-56)

Purpose: Erect a 6 unit residential dwelling with parking for 3 vehicles.

Discussion: At the applicant's request the matter was deferred to the December 17, 2019 Hearing.

Case: BOA-972963 **Address:** 58 Lubec Street **Ward 1 Applicant:** 58 Lubec Street Trust

Article(s): 25(25-5) 53(53-9: Lot area for the add'l units is insufficient, Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Usable open space is insufficient, Side yard setback is insufficient, Rear yard setback requirement is insufficient & Required front yard setback is insufficient) 27T-5 53(53-56)

Purpose: Renovate, Change occupancy from 4 to a 9 unit dwelling, erect addition with roof deck and reconstruct rear decks

Discussion: At the applicant's request the matter was deferred to the December 17, 2019 Hearing.

Case: BOA-967782 **Address:** 34 Belmont Street **Ward 2 Applicant:** Timothy Sheehan

Article(s): 62(62-8: Insufficient additional lot area, Max. allowed height exceeded, Insufficient usable open space & Insufficient side yard setback)

Purpose: Erect new 2 family home as per plans. *Application filed in conjunction with ALT945502 to sub-divide existing lot (3090sf) into 2 new lots. lot A 1624sf. Lot B 1466sf - 34 Belmont St (semi-attached two family) to have one building and 36 Belmont St (one family) to have one building. (Attached to # 34) existing building to be razed on separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide lot and erect a two-family dwelling at 34 Belmont and a single-family dwelling at 36 Belmont.

Board Members asked about the zoning subdistrict, height requirement, size of the units, roof decks and roof access.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-967781 **Address:** 36 Belmont Street **Ward 2 Applicant:** Timothy Sheehan

Article(s): 62(62-8)

Purpose: Erect new attached single family home as per plans. *Application filed in conjunction with ALT945502 to sub-divide existing lot (3090sf) into 2 new lots. lot A 1624sf. Lot B 1466sf - 34 Belmont St (semi-attached two family) to have one building and 36 Belmont St (one family) to have one building. (Attached to # 34) existing building to be razed on separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide lot and erect a two-family dwelling at 34 Belmont and a single-family dwelling at 36 Belmont.

Board Members asked about the zoning subdistrict, height requirement, size of the units, roof decks and roof access.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-970404 **Address:** 416 Beason Street **Ward 5 Applicant:** Beta Nu House Corporation

Article(s): 32(32-9) 9(9-1)

Purpose: Interior and exterior renovations of a 4 story brick rowhouse. Proposed work includes repairs to exterior masonry, window replacement and energy efficiency upgrades, renovations to kitchen and bathrooms and reconfiguration of bedrooms with accessibility upgrades. Current use is R-2 Fraternity.

Discussion: At the applicant's request the matter was deferred to the December 17, 2019 Hearing.

Case: BOA-967897 **Address:** 296 Cambridge Street **Ward 5 Applicant:** Watermark Donut Company, Inc

Article(s): 8(8-7)

Purpose: Change occupancy from Retail Store to Restaurant with take out. Interior fit out for Dunkin' Donuts work to include interior partitions, ceilings floors, wall finishes, millwork, kitchen equipment, all associated MEP life safety including minor sprinkler and fire alarm system modifications, exterior signage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to operate a Dunkin Donuts takeout restaurant.

Board Members asked about the location of the restaurant.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Beacon Hill Civic Association and Carpenters Union are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with general takeout provisions and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-975774 **Address:** 9 Leyland Street **Ward 8 Applicant:** Massachusetts Construction Land Trust, Inc. (by Leyland LLC)

Article(s): 10(10-1) 50(50-29): Lot area for additional dwelling units insufficient, Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Usable open space insufficient, Front yard insufficient & Rear yard insufficient) 50(50-43): Off-street parking insufficient & Off-street loading insufficient) 50(50-44)

Purpose: Combine Lots. Erect a new 5 story, 43 Unit Residential Building. This will be Affordable Housing for the Community. There will be at-Grade open-air Resident Parking spaces for Building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a 43 unit residential dwelling with nine parking spaces

Board Members asked about the number of staff on site and about unit sizes.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-903629 **Address:** 21-23 Wyman Street **Ward** 10 **Applicant:** Timothy Burke
Article(s): 55(55-8) 55(55-40)

Purpose: Change occupancy from a three-family dwelling to a boutique hotel with 13 bedrooms.

Discussion: The applicant appeared before the Board and requested to withdraw the proposal.

Votes: Board Member Fortune moved for denial without prejudice and Ruggiero seconded and the Board voted unanimously to deny without prejudice.

Case: BOA-959027 **Address:** 27 Thornley Street **Ward** 13 **Applicant:** Ellington Jackson
Article(s): 65(65-9)

Purpose: Amendment to ALT373517 (No additional cost).Changes to fire protection, add new rear exterior stair to replace inside stair, Create storage areas in basement (not to be living space) ,change 2nd floor pantry to an open porch , create a 3 rd floor rear deck, change 1 st and 2nd floors to open concept kitchen with LVLs with 3 bedrooms and 2 baths.

Discussion: At the applicant's request the matter was deferred to the December 17, 2019 Hearing.

Case: BOA#956275 **Address:** 27 Thornley Street **Ward** 13 **Applicant:** Ellington Jackson

Purpose: Amendment to ALT373517 (No additional cost).Changes to fire protection, add new rear exterior stair to replace inside stair, Create storage areas in basement (not to be living space) ,change 2nd floor pantry to an open porch , create a 3 rd floor rear deck, change 1 st and 2nd floors to open concept kitchen with LVLs with 3 bedrooms and 2 baths. Section: 8th 780CMR 1027 Exit Discharge 10.27.5.1 Location - min. fire separation distance of 10 feet from exterior stairway to adjacent lot line. 8th 780CMR Exit Discharge 10.27.6 Exit stairway shall be separated from interior of building as required by 1023.2 and openings shall be limited to those necessary for egress from normally occupied spaces

Discussion: At the applicant's request the matter was deferred to the December 17, 2019 Hearing.

Case: BOA-981150 **Address:** 63 Nahant Avenue **Ward** 16 **Applicant:** James Christopher

Article(s): 65(65-9: Lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient)

Purpose: To construct a new owner occupied single family on the new lot created by the subdivision of 66-68 Pierce Ave ALT965562 as per the attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide the lot at 66-68 Pierce, with existing two-family home to remain at 66-68 Pierce and to erect a new single-family dwelling at 63 Nahant.

Board Members asked about parking, roof decks and basement use.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-981146 **Address:** 66-68 Pierce Avenue **Ward** 16 **Applicant:** James Christopher

Article(s): 9(9-1) 65(65-9: Lot area insufficient, Floor area ratio excessive & Rear yard insufficient)

Purpose: To subdivide the existing 5,500 Square foot lot creating two new lots consisting of lot A 2,860 square feet with existing two family home. Lot B 2,640 square feet for a new single family home, as per attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to subdivide the lot at 66-68 Pierce, with existing two-family home to remain at 66-68 Pierce and to erect a new single-family dwelling at 63 Nahant.

Board Members asked about parking, roof decks and basement use.

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

Documents/Exhibits: Building Plans

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

Case: BOA-965021 **Address:** 59 Rockne Avenue **Ward** 16 **Applicant:** James Christopher
Article(s): 65(65-41) 65(65-9: Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Front yard insufficient, Side yard insufficient & Lot area insufficient)
Purpose: To raze the existing single family. Erect new single-family dwelling as per the attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a new single-family dwelling.

Board Members asked about the violations, parking and about change to the current building footprint.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Baker, Essaibi-George and Flaherty are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-945787 **Address:** 41-43 Alabama Street **Ward** 18 **Applicant:** Lu Mcpherson
Article(s): 60(60-8) 60(60-9: Lot area to erect a dwelling is insufficient, Minimum lot width required is insufficient, Minimum lot frontage required is insufficient, Minimum usable open space required is insufficient & Minimum side yard required is insufficient)
Purpose: To erect new 2 story building for a new 2 family as per plans.

Discussion: The applicant appeared before the Board and requested to withdraw the proposal.

Votes: Board Member Fortune moved for denial without prejudice and Ruggiero seconded and the Board voted unanimously to deny without prejudice.

Case: BOA-948520 **Address:** 5 Orlando Street **Ward** 18 **Applicant:** 5 Orlando Street, LLC Brian T. Holland Manager
Article(s): 60(60-8) 60(60-9: Floor area ratio excessive & Usable open space insufficient) 60(60-37) 9(9-2)
Purpose: Change Occupancy from 11 Apartments to 12 Apartments. Renovate existing storage area and convert to Unit #3 in accordance with plans submitted, in compliance 780CMR ninth edition Mass Building Code. No structural changes.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from 11 units to 12 units. Applicant requested to withdraw the request for building code relief.

Board Members asked about unit breakdown, units sizes, and about current use of the proposed new unit.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Fortune seconded. Chair Araujo was recorded in opposition and the motion failed to carry with 4 in favor and 1 in opposition. Upon the failure of the motion to carry the request for relief was denied.

Case: BOA#948519 **Address:** 5 Orlando Street **Ward** 18 **Applicant:** 5 Orlando Street, LLC Brian T. Holland Manager
Purpose: Change Occupancy from 11 Apartments to 12 Apartments. Renovate existing storage area and convert to Unit #3 in accordance with plans submitted, in compliance 780CMR ninth edition Mass Building Code. No structural changes. Section: 9th 780CMR 903.2.8 Use Group R [F] 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. Plans submitted do not indicate the installation of a Fire Sprinkler system.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from 11 units to 12 units. Applicant requested to withdraw the request for building code relief.

Board Members asked about unit breakdown, units sizes, and about current use of the proposed new unit.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for dismissal without prejudice and Fortune seconded and the Board voted unanimously to dismiss without prejudice.

Case: BOA-948772 **Address:** 99 Brooks Street **Ward** 22 **Applicant:** Daniel Toscano

Article(s): 51(51-8) 51(51-9: Building height (# of stories) excessive & Side yard insufficient) 51(51-56)

Purpose: Seeking to renovate the existing structure and to Change the Occupancy from a Single Family Dwelling to a Two Family Dwelling. Construct new dormers. Expand living space into Basement and Attic.

Discussion: At the applicant's request the matter was deferred to the December 17, 2019 Hearing.

45 Minute Lunch Break

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-937977 **Address:** 69 Lubec Street **Ward 1 Applicant:** Epsilon Partners, LLC

Article(s): 25(25-5) 27T(27T-9) 53(53-56) 53(53-56.5(a)

53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9) 53(53-9)

Purpose: Seeking to erect a 5-story building with 8 residential units and 8 parking spaces.

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-889514 **Address:** 343-345 Chelsea Street **Ward 1 Applicant:** 343-345 Chelsea Street, Realty Trust

Article(s): 53(53-54) 53(53-56) 53(53-57.3)

54(54-12: Insufficient open space, insufficient rear yard setback & Excessive FAR)

Purpose: Raze existing building and erect three story building with retail at grade and six (6)residential units on floors 2-3.

*Modified on 5.21.19 to 8 residential units. * Modified on 8/26/19 three story building retail and 6 residential units.

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-818471 **Address:** 97 Salem Street **Ward 3 Applicant:** 97 Salem Street Realty Trust

City Hall, upon the appeal of 97 Salem Street Realty Trust seeking with reference to the premises at 97 Salem Street, Ward 03 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance

Article(s): 54(54-18) 54(54-21) 54(54-13: open space insufficient, Rear yard insufficient & Floor area ratio excessive)

Purpose: To change occupancy from one real estate office to one retail space and 9 residential units. Also to erect a five story addition above the existing one story building.

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-938192 **Address:** 62-64 Baxter Street **Ward 6 Applicant:** George Morancy

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

Purpose: Combine two lots (parcel 0600761000 and 0600761000) to a newly created lot of 2,751 total SF to be known as 62-64 Baxter Street. Raze existing two-family structure on separate permit. Erect new 4-unit multi-family residential dwelling with roof decks and rear decks. Propose 4 parking spaces.

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-899613 **Address:** 97 Farragut Road **Ward 6 Applicant:** George Morancy

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

Purpose: Construct third floor addition with new rear deck and roof deck. Renovate existing two-family dwelling. Extend living space into the basement for Unit 1. Propose (1) off-street parking.

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-961962 **Address:** 110 Mount Pleasant Avenue **Ward 8 Applicant:** David France

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

Purpose: Change occupancy from a single-family to a three-family dwelling and renovate. Propose side addition, new decks and egress stairs. Propose (4) off-street parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a single-family dwelling to three-family dwelling.

Board Members asked about parking, curb cut and height of the building.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-808136 **Address:** 9 Burney Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC

Article(s): 59(59-7: Multifamily Dwelling : Forbidden & Accessory Parking : Forbidden)

59(59-8: 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)

59(59-37: Off-Street Parking Insufficient & Off-Street Loading Insufficient)

Purpose: Construct a new 4 story Building. On the Ground Floor will be a Building Amenity Space and an Accessory Parking Garage. On Floors 2 thru 4 will be 24 Units of Housing. There will be a Common Roof Deck. The Project will require the combination and alteration of several existing lots including 11 Burney, 1508-1514 Tremont, 1518 Tremont and 1520 Tremont. The project proposes to remove existing structures on 11 Burney. (See Related Application ALT792598)

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-982967 **Address:** 9 Burney Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC
Article(s): 59(59-37)

59(59-8: Floor Area Ratio Excessive & Rear Yard Insufficient)

Purpose: The parcels at 9 and 11 Burney will be taking some amount of area from 1508-1514 Tremont St, 1516-1518 Tremont St and 1520 Tremont St. This application should be considered at the same time as the application at 9 Burney St. ERT 792599.(TW).

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-982962 **Address:** 1508-1514 Tremont Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC

Article(s): 59(59-37)

59(59-16:Floor Area Ratio Excessive & Rear Yard Insufficient)

Purpose: Lot at 1508-1514 will be transferring some lot area to the lot at 9 Burney St. This transfer will require zoning relief to the parcel. This application should be reviewed at the same time as the permit application for 9 Burney St #ERT792599 (TW)

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-982965 **Address:** 1516-1518 Tremont Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC

Article(s): 59(59-37)

59(59-16:Floor Area Ratio Excessive & Rear Yard Insufficient)

Purpose: The parcel at 1518 Tremont will be transferring some amount of it's area to the proposed parcel at 9 Burney St. This transfer will create the need to zoning relief. This application should be considered at the same time as the application at 9 Burney St. ERT 792599. Being reviewed by Tom White.

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-982955 **Address:** 1520 Tremont Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC

Article(s): 59(59-37)

59(59-16: Floor Area Ratio Excessive & Rear Yard Insufficient)

Purpose: The parcel at 1520 Tremont will be transferring some amount of it's area to the proposed parcel at 9 Burney St. This transfer will create the need to zoning relief. This application should be considered at the same time as the application at 9 Burney St. ERT 792599.(TW)

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-992109 **Address:** 24 Rand Street **Ward 13 Applicant:** Kenneth Daddabbo

Article(s): 50(50-43)

50(50-44: 50-44.3Traffic Visibility Across Corner is Insufficient & 50-44.5Special provisions for corner lots. front yard along Julian Street is insuffi-cient)

50(50-29: Lot Area Insufficient, Add'l Lot Area Insufficient, Lot Width Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Usable Open Space Insufficient, Side Yard Insufficient & Rear Yard Insufficient)

Purpose: Erect 3-family dwelling as per plan. Nominal fee requested pending ZBA approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two adjacent three-family dwellings at 24 and 28 Rand Street.

Board Members asked about the zoning subdistrict and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Janey are in support, as is an abutter.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-992105 **Address:** 28 Rand Street **Ward 13 Applicant:** Kenneth Daddabbo

Article(s): 50(50-43)

50(50-44: 50-44.3Traffic Visibility Across Corner is Insufficient & 50-44.5Special provisions for corner lots. front yard along Julian Street is insuffi-cient)

50(50-29: Lot Area Insufficient, Add'l Lot Area Insufficient, Lot Width Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Usable Open Space Insufficient, Side Yard Insufficient & Rear Yard Insufficient)

Purpose: Erect 3-family dwelling as per plan. Nominal fee requested pending ZBA approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two adjacent three-family dwellings at 24 and 28 Rand Street.

Board Members asked about the zoning subdistrict and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Janey are in support, as is an abutter.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-947958 **Address:** 138 Centre Street **Ward** 17 **Applicant:** John Barry

Article(s): 9(9-2) 65(65-41) 65(65-8) 65(65-9: Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Side yard insufficient & Rear yard insufficient)

Purpose: Build addition to rear of building. Change occupancy from a 3 to a 6 family.

Discussion: At the applicant's request the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-970592 **Address:** 9-11 Seaverns Avenue **Ward** 19 **Applicant:** Seaverns Brown Realty Trust

Article(s): 9(9-1) 55(55-8) 55(55-9: Floor area ratio excessive, Side yard insufficient & Usable open space insufficient) 55(55-40) 80(80-80E)

Purpose: The existing 6-family apartment building at 5 Brown Terrace is to be combined with other existing attached 6-family buildings 9 Seaverns Ave., 11 Seaverns Ave., and 7 Brown Terrace, to become one building addressed as 9-11 Seaverns Ave. of 33 apartments. Change occupancy to include 9 additional units in the basement. Renovate the existing unfinished basement of the existing twenty-four unit brick-clad apartment building for nine new units in the existing basement (including 2 Group 2A). Minor modifications to the rear exterior for light, egress, & lift. The renovated basement will be fully sprinklered.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to combine existing buildings to create a 33 residential unit dwelling and change occupancy. The buildings are already connected and contain 24 units. Proposal to add additional 9 units.

Board Members asked about the types of units in the dwelling, about utilities, parking the square footage of the new units, and compliance with minimum square footage requirements.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors O'Malley and Essaibi-George are in support, as is an abutter.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for dismissal without prejudice and Fortune seconded and the Board voted unanimously to dismiss without prejudice.

Case: BOA-989017 **Address:** 709 VFW Parkway **Ward:** 20 **Applicant:** Brian Burke

Article(s): 56(56-7: Local retail business forbidden & Outdoor sale/ display use forbidden)

Purpose: Change of use and occupancy from Real Estate offices to retail store with outdoor monument display.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to allow for a retail store with monument display.

Board Members asked about parking, curb cut, and signage.

Testimony: The Board then requested testimony from neighbors and elected officials. An abutter is in support. Mayor's Office of Neighborhood Services and Councilors O'Malley, Flaherty and Essaibi-George are in opposition, as is an abutting business.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for denial and Fortune seconded and the Board voted unanimously to deny.

INTERPRETATION: 12:00 p.m.

Case: BOA-957741 **Address:** 55 Hull Street **Ward:** 3 **Applicant:** Michael Bonetti

Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit A940919, The permit was issued as an allowed use.

Discussion: At the request of the Board, the petitioner presented his argument that ISD erred in issuing an amendment permit as an allowed use to the applicant for 55 Hull Street. Petitioner argued that the BPDA small project review process was not followed and therefore ISD should not have issued the amendment permit.

Board Members asked about the amendment permit for the building façade and pending litigation relative to the issuance of the underlying permit. The Board asked if a design review component was required by ISD. Assistant Commissioner Thai stated small project review was not required. BPDA approved the design component and that was sufficient for ISD to issue the permit.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for denial and Fortune seconded and the Board voted unanimously to deny.

RECOMMENDATION/HEARINGS:

Case: BOA-961698 **Address:** 59 White Street **Ward:** 1 **Applicant:** David Lammers

Article(s): 53(53-52) 53(53-9: Excessive f.a.r.& Insufficient side yard setback)

Purpose: 12'x14'-11" addition above third story.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-985029 **Address:** 31 Prospect Street **Ward:** 2 **Applicant:** Courtney Kiernan

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

Purpose: Add roof deck and stairway head house.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-997852 **Address:** 9 Ingleside Street **Ward:** 13 **Applicant:** Daryl Greese

Article(s): 9(9-1) 50(50-29)

Purpose: Extend living space by building out basement space to add 3 bedrooms and 1 full bathroom to the existing first floor unit.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-995563 **Address:** 332 Savin Hill Avenue **Ward:** 13 **Applicant:** Brian Carthas

Article(s): 65(65-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Bldg Height Excessive (Feet) & Side Yard Insufficient)

Purpose: Altering an existing peaked dormer. Will be extending and creating a shed dormer. This will allow for the conversion of an unfinished room into a bedroom for a second child.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-992086 **Address:** 51 Charlotte Street **Ward:** 14 **Applicant:** Clayton Weston

Article(s): 60(60-9)

Purpose: Change occupancy from a one to a two family with living space in the basement. Install 2 new windows in basement, frame three bedrooms in basement, frame bathroom, install new framing and sub floor, strap ceiling, insulate exterior walls, drywall and plaster all walls and ceiling. Install interior doors and trims, tile floor area, paint walls and ceilings, install new plumbing for bathroom and laundry, install new duct work, install new electrical.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-976954 **Address:** 48 Murray Hill Road **Ward:** 19 **Applicant:** Juan Camilo Mendez Guzman

Article(s): 10(10-1) 67(67-32) 67(67-9)

Purpose: On existing parcel # 1903149000 with a single family dwelling install new driveway and 2 off –street parking as per plans.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA design review, no front yard parking and replacement of tree by applicant.

Documents/Exhibits: Building plans

Case: BOA-967352 **Address:** 1587 Centre Street **Ward:** 20 **Applicant:** Theresa Lynn

Article(s): 9(9-1) 56(56-8)

Purpose: Extend living area into the basement area as per plan.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-982876 **Address:** 57 Dent Street **Ward:** 20 **Applicant:** Venice Constructionk, LLC

Article(s):56(56-8)

Purpose: Remove rear porch and add mudroom addition per plans.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-965584 **Address:** 34 Linnet Street **Ward:** 20 **Applicant:** Edward Ahern

Article(s):56(56-39)

Purpose: Add driveway for off street parking.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-963024 **Address:** 111 Maple Street **Ward:** 20 **Applicant:** Franziska Amacher

Article(s):56(56-8: Floor Area Ratio Excessive, Front Yard Insufficient& Rear Yard Insufficient)

Purpose: Erect vertical addition on top of existing garage - see plans filed.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-978421 **Address:** 59 Penfield Street **Ward:** 20 **Applicant:** Todd Miles

Article(s): 67(67-9)

Purpose: Finish Basement. Build a new Office, Playroom and Bathroom. Install new windows. Homeowner waiver.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

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

BOARD MEMBERS:

**CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
JOSEPH RUGGIERO**

SUBSTITUTE MEMBERS:

EDWARD DEVEAU

**For a video recording of the October 29, 2019 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**