



City of Boston
Board of Appeal

Tuesday, July 10 2018

BOARD OF APPEALS

Room 801

HEARING MINUTES

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:

APPROVAL OF HEARING MINUTES:

June 21, 2018 & June 26, 2018

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

EXTENSIONS: 9:30 a.m.

Case: BZC-33494, **Address:** 68 Willow Court, **Ward 7, Applicant:** Willow Ct, LLC

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

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

Case: BOA-576951, **Address:** 240 Hancock Street, **Ward 15, Applicant:** Wintergold, LLC

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

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

Case: BOA-576976, **Address:** 1203-1211 Dorchester Avenue, **Ward 15, Applicant:** Wintergold, LLC

Case: BOA-576954, **Address:** 166 Pleasant Street, **Ward 15, Applicant:** Wintergold, LLC

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

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

Case: BOA-589339, **Address:** 240 Tremont Street, **Ward 3, Applicant:** Boston Planning & Development Agency

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

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

Case: BOA-585276, **Address:** 1472 Tremont Street, **Ward 10, Applicant:** Savage Properties, LLC

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

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

Case: BOA-585275, **Address:** 1474 Tremont Street, **Ward 10, Applicant:** Savage Properties, LLC

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

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

Case: BOA-600522, **Address:** 4 Winthrop Street, **Ward 1, Applicant:** Winthrop Maverick, LLC

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

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

Case: BOA-600523, **Address:** 8 Winthrop Street, **Ward 1, Applicant:** Winthrop Maverick, LLC

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

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

Case: BOA-590676, **Address:** 387-391 Sumner Street, **Ward 1, Applicant:** Sumner Development Partners, LLC

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

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

Case: BOA-588063, **Address:** 23 Brooks Street, **Ward 1, Applicant:** Julio C. DeOliveira

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

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

Case: BOA-463157, **Address:** 202 Maverick Street, **Ward 1, Applicant:** East Boston Management and Development, LLC

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

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

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

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

Case: BOA-463162, **Address:** 210 Maverick Street, **Ward 1, Applicant:** East Boston Management and Development, LLC

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

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

Case: BOA-463160, **Address:** 212 Maverick Street, **Ward 1, Applicant:** East Boston Management and Development, LLC

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

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

Case: BOA-463164, **Address:** 208 Maverick Street, **Ward 1, Applicant:** East Boston Management and Development LLC

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

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

BUILDING CODE: 9:30 a.m.

Case: BOA#836537, **Address:** 140 West Canton Street , **Ward 4 Applicant:** Matthew Serreze

Purpose: Supplementary permit for SF781585. New work on this permit to include reinforce roof rafters to support new Roof Deck and new interior stairs to the Roof Deck. Also, Change Building Occupancy from a Two Family Dwelling to a Single Family Dwelling. 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.

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 his request to construct a new roof deck with access thru hatch not penthouse as required by building code. Landmarks Commission will not allow head house.

Testimony: The Board then requested testimony from neighbors and elected officials.

Documents/Exhibits: Building Plans

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

GCOD: 9:30 a.m.

Case: BOA-802283, **Address:** 270-280 Huntington Avenue, **Ward 4 Applicant:** Larry Borins

Article(s): 32(32-9)

Purpose: Interior renovations throughout building including recharge surface run off at a building located in the Groundwater Conservation Overlay District

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 his proposal to complete interior renovations and to recharge surface runoff. Boston Water and Sewer Commission letter received and recharge system approved.

Testimony: The Board then requested testimony from neighbors and elected officials.

Documents/Exhibits: Building Plans

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

HEARINGS: 9:30 a.m.

Case: BOA-802785, **Address:** 116-120 Moore Street, **Ward 1 Applicant:** Debbie White

Article(s): 9(9-1) 53(53-9) 53(53-56)

Purpose: Combine 3 lots with parcel ids: 0104288000, 0104289000, and 0104289010, and to subdivide into two lots. Lot A will contain 6,149 square feet and Lot B will contain 3,745 square feet. Existing house to remain on Lot B. See ERT789792. Existing above ground pool to be removed. *Plans attached to ERT789792.

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 project in detail proposing to combine 3 lots and subdivide into 2 lots. Existing house on one of lots will remain. Construction of 4 family on other lots.

Board members discussed violations proposed vs. required. Board members inquired about the original lot lines. Board members asked if parking lot was a flag shaped lot. The applicant stated yes. Board members asked if there existed a deed restriction for parking. The applicant stated yes.

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

Documents/Exhibits: Building Plans

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

Case: BOA-802786, **Address:** 126 Moore Street , **Ward 1 Applicant:** Debbie White
Article(s): 53(53-8) 53(53-9: Excessive F.A.R., # of allowed stories has been exceeded (2 1/2 story max.), Insufficient side yard setback (5' min.), Insufficient rear yard setback (30' min.) & Front yard setback (5' req.)) 53(53-54) 53(53-56) **Purpose:** Combine 3 lots with parcel ids: 0104288000, 0104289000, and to subdivide into two lots. Also, seeking to erect a three-story building with four residential units and four parking spaces at 126 Moore Street, which will contain 6,149 square feet. 116-120 Moore Street will contain 3,745 square feet and the existing residential building will remain on this lot. See ALT789688.

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 project in detail proposing to combine 3 lots and subdivide into 2 lots. Existing house on one of lots will remain. Construction of 4 family on other lots.

Board members discussed violations proposed vs. required. Board members inquired about the original lot lines. Board members asked if parking lot was a flag shaped lot. The applicant stated yes. Board members asked if deed restriction for parking. The applicant stated yes.

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

Documents/Exhibits: Building Plans

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

Case: BOA-826533, **Address:** 217 Paris Street, **Ward 1 Applicant:** Tom Falcucci
Article(s): 53(53-8) 53(53-9: Insufficient additional lot area per unit, Max allowed F.A.R. exceeded, # of allowed stories exceeded, Max allowed height exceeded, Insufficient usable open space/unit, Insufficient side yard setback (2.5' min required) & Insufficient rear yard setback (30' min req.)) 53(53-56.5(a)) 53(53-54)

Purpose: Demolish the existing structure. Erect a four story building with five residential units and five interior parking spaces. ZBA. *Flood Hazard District.

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 project in detail proposing to construct a new 4 story 5 residential condo units and 5 interior parking spaces.

Board members discussed the unit configurations and rear decks. Revisions were made to reduce massing of building. Board members asked if there was an elevator in the building. The applicant stated just handicap lift to second floor. Board members asked if footprint same as existing building. The applicant stated yes, 1 family structure.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Service, Councilor Flaherty and Councilor Edwards are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BRA approval St. Fleur seconded and the Board voted unanimously to approve.

Case: BOA-819701, **Address:** 4 Monument Square , **Ward 2 Applicant:** David McDonald

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

Purpose: Raise existing rear second floor deck as per engineering 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 project in detail proposing to raise the 2nd floor deck at rear almost 4'.

Board members inquired if visible from street.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with BRA visibility of deck from rear, Fortune seconded and the Board voted unanimously to approve.

Case: BOA-680615, **Address:** 10 Bond Street , **Ward 3 Applicant:** Frederick Bates by Theodore Touloukian

Article(s): 64(64-34)

Purpose: Construction of an approximately 290 square foot Roof Deck on top of the existing flat roof ell of the Single Family Dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing to construct 290 sf roof deck, similar to decks at 8 and 12 Bond Street. Applicant submitted photos and letters. There are many decks in this area.

Board members asked how many units. The applicant state single family, property owner works in Argentina rents to a couple with one child. The Board members asked about screening and buffering. The applicant stated yes.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Service, Councilor Edwards , Councilor Flynn, Councilor Flaherty,

Councilor Essabi-George, Councilor Wu and Councilor Michelwicz and two (2) abutters are in support. Several abutters opposed primarily because not owner occupied.

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval with BRA visibility of deck from rear, Fortune seconded and the Board voted unanimously to approve.

Case: BOA-835668, **Address:** 2 Hull Street Court , **Ward 3 Applicant:** Robert Onessimo

Article(s): 54(54-10) 54(54-18)

Purpose: This application is filed to amend issued permit ALT232542 by installing bronzed metal siding on exterior and new roof deck 10x15, also private elevator, - 5 units at Hull Street Court with 5 units at 1 Hull Street Court - see plans filed - see costs and fees paid on original issued ALT232542.

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 project in detail proposing to construct roof deck and elevator accessed by hatch

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

Documents/Exhibits: Building Plans

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

Case: BOA-777098, **Address:** 29 Oak Street , **Ward 3 Applicant:** Patrick Mahoney

Article(s): 43(43-19) 32(32-9)

Purpose: Change occupancy from 3 family to 4 family dwelling and then construct addition as per plans.

Discussion: At the request of the applicant **this case has been deferred to 8/28/2018**

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

Case: BOA-819770, **Address:** 32 Temple Street , **Ward 3 Applicant:** Shane Early

Article(s): 10(10-1) 23(23-9)

Purpose: Proposed parking for one compact car.

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 project in detail proposing parking spot for one (1) car, 5" from the property line and parking dimensions.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Service, and Councilor Flynn are in support.

Documents/Exhibits: Building Plans

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

Case: BOA-808988, **Address:** 67 Saint Botolph Street , **Ward 4 Applicant:** Alpine Advisory Services

Article(s): 41(41-6)

Purpose: Amend ALT777434. Construct new roof deck and move the head house forward and over the staircase. 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 project in detail proposing to construct roof deck and move head house forward. New deck slightly larger than existing deck.

Board members asked why not a hatch.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Service and Councilor Flynn are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval Bickerstaff seconded and the Board voted unanimously to approve. Board Members Araujo and Erlich opposed.

Case: BOA-793578, **Address:** 66 West Rutland Square , **Ward 4 Applicant:** Jason Arndt

Article(s): 64(64-9: Floor area ratio is excessive & Extension into rear yard is not permitted) 64(64-34)

Purpose: Change occupancy from a single family and 4 lodgers to a two family. Construct 3' window bay on street level through 3rd story. Excavate basement slab to provide additional head height. Construct rear balconies on parlor and 2nd story and a roof deck, and perform all other prescribed work per submitted plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating change occupancy from single family and lodging to 2 family. The third floor is a gut rehab with roof deck exclusive to one unit.

Board members asked if it is a sale or rental. The applicant stated sale.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Service and Councilor Campbell are in support.

Documents/Exhibits: Building Plans

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

Case: BOA-820986, **Address:** 217 Commonwealth Avenue , **Ward 5 Applicant:** Patrick Mahoney
Article(s): 9(9-1) 13(13-13-1: Excessive floor area ratio, Insufficient side yard & Insufficient rear yard) 32(32-4) **Purpose:** Application to renovate existing private club; proposed renovation is exclusively for private use for its members.

Discussion: At the request of the applicant **this case has been deferred to 7/31/2018**

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

Case: BOA-787634, **Address:** 500-502A East Broadway , **Ward 6 Applicant:** James Christopher
Article(s): 27S(27S-5S) 68(68-8: Lot area for the add'l dwelling units is insufficient, Floor area ratio is excessive, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Usable open space is insufficient) 68(68-33)

Purpose: To raze existing single story building, and erect a new 3 story mixed use building to include a commercial space with 6 Residential Units at grade with 6 interior parking spots.

Discussion: At the request of the applicant **this case has been deferred to 8/28/2018**

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

Case: BOA-830926, **Address:** 927-929 East Broadway , **Ward 6 Applicant:** Giselle Bamberg
Article(s): 68(68-29) 27S(27S-5S)

Purpose: Add new doorway to access from dormer and construct new roof deck per accompanying architectural and structural plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating 24 x 14 roof deck accessed by door converted from dormer window.

Board members asked if it is a sale or rental. The applicant stated sale.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Services are in support. Councilor Flaherty and Councilor Flynn opposed Article 68

Documents/Exhibits: Building Plans

Votes: Board Member Galvin moved for approval with BRA Fortuned seconded and the Board voted unanimously to approve.

Case: BOA-836636, **Address:** 603 Dorchester Avenue , **Ward 7 Applicant:** George Morancy
Article(s): 13(13-1: Lot area insufficient, Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (feet), Usable open space insufficient, Side yard insufficient, Rear yard insufficient & Bldg height excessive (stories)) 23(23-1) 24(24-1)

Purpose: Erect a new six story mixed use building with commercial space on the first floor and twenty (25) residential units above as per plans. Existing structures to be razed under separate permit.

Case: BOA-674326, **Address:** 17 Eastman Street , **Ward 7 Applicant:** Boston Brokerage Group
Article(s): 65(65-41) 65(65-9: Lot size to erect dwelling is insufficient, Lot area for add'l dwelling units is insufficient, Floor area ratio is excessive, Height requirement is excessive (Headhouse is required to access roofdeck is required per IBC), Usable open space is insufficient, Minimum front yard requirement is insufficient, Minimum side yard requirement is insufficient, Minimum rear yard requirement is insufficient, Minimum lot width required is insufficient, Minimum lot frontage is insufficient & Minimum front yard requirement on Crawford Street is insufficient) 65(65-8)
Purpose: Erect new 4-family building with parking under.

Discussion: At the request of the applicant **this case has been DWOP/Withdrawn**

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

Case: BOA-832689, **Address:** 19 Old Harbor Street , **Ward 7 Applicant:** Timothy Norton

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

Purpose: Renovation to existing two-family dwelling. extend living space to basement for Unit #1. Work to include renovate bedrooms, bathrooms, kitchens, and replace windows.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating three bedroom 2 baths in new finished basement. 85-90% above grade

Board members assed if mechanical are separate from unit. The applicant stated yes.

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

Documents/Exhibits: Building Plans

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

HEARINGS: 10:30 a.m.

Case: BOA-809812, **Address:** 565 Massachusetts Avenue , **Ward 9 Applicant:** Gerry DiPierro

Article(s): 9(9-1)

Purpose: Construction of new roof deck:

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating that the roof is to be accessed by hatch rather than penthouse as required by building code. Landmarks Commission requires use of a hatch. Roof deck exclusive to top unit.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval St. Fleur seconded and the Board voted unanimously to approve.

Case: BOA#809813, **Address:** 565 Massachusetts Avenue , **Ward 9 Applicant:** Gerry DiPierro
Purpose: Construction of new roof deck. Section 1009.13.1 Roof Access 780 CMR 8th Edition 1009.13.1: In buildings 4 or more stories in height, roof access shall be by means of a penthouse.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating roof to be accessed by hatch rather than penthouse as required by building code. Landmarks want hatch. Roof deck exclusive to top unit.

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

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval St. Fleur seconded and the Board voted unanimously to approve.

Case: BOA-828021, **Address:** 51-53 Heath Street , **Ward 10 Applicant:** Carina Lopez
Article(s): 55(55-8)

Purpose: Change of occupancy from 3 family and a store to a 3 family and office with accessory retail. No work to be done. Zoning review only.

Discussion: At the request of the applicant **this case has been DWOP/Withdrawn**

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

Case: BOA-836883, **Address:** 7 Atherton Street , **Ward 11 Applicant:** Evan Smith
Article(s): 55(55-9)

Purpose: Requesting approval to submit a rejection set of plans for proposed additional conditional living space (increased FAR) in the basement level of Unit 1 located at 7 Atherton St. The proposal includes the addition of two bedrooms play.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating to extend living space(not floor unit) into basement and increase FAR 1 to 1.4, conforming already at .6 FAR. Two (2) unit building

Board members inquired about floor ceiling height in basement. The applicant state 7'9

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Services, Councilor Flaherty, Councilor O'Malley, and Councilor Essabi-George.

Documents/Exhibits: Building Plans

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

Case: BOA-806805, **Address:** 40 Wilcock Street , **Ward** 14 **Applicant:** John Pulgini
Article(s): 60(60-8) 60(60-9: Lot area for add'l dwelling units is insufficient, Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Front yard setback is insufficient, Side yard setback is insufficient & Usable open space requirement is insufficient)

Purpose: Erect a 4 unit multifamily building as per plans. Permit set to be submitted upon ZBA approval.

Discussion: At the request of the applicant **this case has been deferred to 8/28/2018**

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

Case: BOA-797633, **Address:** 11 Linden Street , **Ward** 15 **Applicant:** Robert Susi
Article(s): 65(65-15: Parking garage (1st floor, NS) forbidden, Parking garage (2nd floor, NS) forbidden & Repair garage (NS) forbidden) 65(65-21) 65(65-16: Floor area ratio (NS) excessive & Rear yard (NS) insufficient) 65(65-22: Floor area ratio (LI) excessive & Rear yard (LI) insufficient) 65(65-41)

Purpose: 29000 sq ft garage and a 7000 sq ft addition to existing structure.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating applicant is seeking to eliminate parking garage to construct 7000 sf additional auto body shop..

Board Members inquired about violations and property dimensions vs. required.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Services and Councilor Baker are in support. BPDA representatives votes in favor given elimination of garage.

Documents/Exhibits: Building Plans

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

Case: BOA-792891, **Address:** 111 West Street , **Ward** 18 **Applicant:** Guimy Cesar
Article(s): 69(69-8) 69(69-9: Lot size is insufficient & Usable open space is insufficient) 69(69-29)

Purpose: Change occupancy from 1 family to a 2 family renovations of 1st and 2nd floor kitchens and install fire separation as per plan.

Discussion: At the request of the applicant **this case has been deferred to 8/28/2018**

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

Case: BOA-831672, **Address:** 597-605 Centre Street , **Ward** 19 **Applicant:** 605GF Inc., d/b/a Grass Fed

Article(s): 6(6-4)

Purpose: Remove proviso to this Petitioner (605GF, Inc. dba Grass Fed) only from a prior Board decision (BZC-32115, January 22, 2013, granted to Krista Kranyak dba Grass Fed) and grant a #36A take-out use to this business. This is a change of ownership only with no work being performed and no change to the name, concept or operating hours of the business and no new signage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating to remove proviso on relief granted to previous owner no changes to operation otherwise new owner owns Chilacates.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Services and Councilor Flaherty, Councilor O'Malley and Councilor Essabi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve takeout/this petitioner only St. Fleur seconded and the Board voted unanimously to approve.

Case: BOA-816057, **Address:** 101 Forbes Street , **Ward 19 Applicant:** Andre Matias

Article(s): 55(55-9)

Purpose: Add 2 dormers on existing roof - Demo chimney up to the second floor level and close floor - Refinish attic space adding new bathroom - New windows - Keep existing no confirming stairs (just refinish it) - Remodeling on second floor is not to be consider on this application, it will be applied next year. - New asphalt shingles roof - New hardie boards siding at the entire house - Repair basement floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating to extend living space into the attic. Single family home.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Services and Councilor Flaherty, Councilor O'Malley and Councilor Essabi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BRA St. Fleur seconded and the Board voted unanimously to approve.

Case: BOA-819288, **Address:** 97 Green Street , **Ward 19 Applicant:** Steven Petipas

Article(s): 55(55-9: Floor area ratio excessive, Bldg height excessive (Feet), Rear yard insufficient & Usable open space insufficient) 55(55-40)

Purpose: Construct new 3-story rear addition and side deck to existing three-family dwelling. Full interior renovation. Removal of existing garage. Installation of new fire sprinkler system.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating to construct a 3 story rear addition and side deck to a 3 family interior renovation no expansion of foot print. Approximately 1200sf addition.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Services and Councilor Flaherty, Councilor O'Malley and Councilor Essabi-George are in support.

Documents/Exhibits: Building Plans

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

Case: BOA-817811, **Address:** 9 Brahms Street , **Ward 20 Applicant:** Virginia M. Mara
Article(s): 67(67-9: Lot area insufficient, Floor area ratio excessive, Side yard insufficient & Rear yard insufficient)
Purpose: On existing parcel # 00619-000 (lot 155) erect new construction single family dwelling as per attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating to construct a single family dwelling on vacant lot. Same size lot as many abutting lots. Neighborhood mix of 1 and 2 family

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

Documents/Exhibits: Building Plans

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

Case: BOA-695061, **Address:** 1225-1229 Centre Street , **Ward 20 Applicant:** John Pulgini
Article(s): 56(56-11: Excessive floor area ratio, Excessive building height, Maximum number of dwelling units/acre, Insufficient lot size for residential use, Insufficient front yard, Insufficient side yard & Insufficient rear yard) 56(56-40.12)
Purpose: Erect new construction 6-unit townhouse dwelling with another dwelling (1231A-1231B Centre Street) on existing vacant 12,933 SF of land (Parcel ID: 2003597003) with a combined total of 12 off-street parking. Plan conjunction with ERT683877.

Discussion: At the request of the applicant **this case has been deferred to 8/28/2018**

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

Case: BOA-695062, **Address:** 1231A-1231B Centre Street , **Ward 20 Applicant:** John Pulgini

Article(s): 56(56-11: Excessive floor area ratio, Excessive building height, Maximum number of dwelling units/acre, Insufficient lot size for residential use, Insufficient front yard, Insufficient side yard & Insufficient rear yard) 56(56-40.12)

Purpose: Erect new construction two-family dwelling along with another dwelling (1225-1229 Centre Street) on existing vacant 12,933 SF land (Parcel ID: 2003597003) with a combined total of 12 off-street parking. Plan in conjunction ERT683875.

Discussion: At the request of the applicant **this case has been deferred to 8/28/2018**

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

Case: BOA-822014, **Address:** 36 Hopedale Street , **Ward 22 Applicant:** Denis Scanlon

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

Purpose: Confirm Occupancy as a Single Family Dwelling and build a 2 story addition to the rear of the House. Relocate the two existing Parking spaces to the back to accommodate the parking requirements. The purpose of this development is to provide independent living for Julie their 31 year old daughter who has William Syndrome. We have made a presentation in front of the Allston Civic Association and there was no objection to the proposed addition. Also there is no issue or objections from the abutters as they have been made aware of the proposed addition. It will remain a Single Family Dwelling with the same address.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating to construct a 2 story rear addition, relocate 2 parking spaces.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Services, Councilor Cuommo, and Councilor Flaherty are in support. ACA/BAIA are in support.

Documents/Exhibits: Building Plans

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

Case: BOA-836037, **Address:** 70 Leo M Birmingham Parkway , **Ward 22 Applicant:** Residence at Birmingham Condominium LLC

Article(s): 29(29-8) 51(51-8) 51(51-9: Lot area for additional dwelling unit (s) insufficient (3F-4000), Floor area ratio, excessive (3F-4000), Height excessive (3F-4000), Usable open space insufficient (3F-4000) & Side yard insufficient (3F-4000)) 51(51-16: Multi-family dwelling (1st floor) conditional (CC-1) & Multi-family dwelling (2nd floor and above) conditional (CC-1)) 51(51-17: Floor area ratio excessive (CC-1), Height excessive (CC-1) & Front yard insufficient (CC-1))

Purpose: Construction of new 79 dwelling units for sale over two levels of subterranean parking. Four floors of Type V-A over two levels of Type I-A construction.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating to construct a 79 unit residential building, 2 levels of underground parking, 1/2 acre site , near new Boston Landing. Homeownership proposal with 78 parking spaces.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-767363 **Address:** 238 Webster Street , **Ward 1 Applicant:** Tom Noto

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

Purpose: Erect a new multi unit building 15 units with 10 interior parking spaces garage as per plans. Permit set to be submitted upon ZBA approval. Existing house to be razed under separate permit. Combine two lots into one lot for new structure. ALT/plans for combining lots to follow.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating to construct a 4 story 9 unit condo (down from 14) proposal modified substantially.

Board Members asked if a roof deck was being proposed. The applicant stated no, 25' pulled back on left side. The Board members asked how does the parking works. The applicant stated garage doors, and 8 spots. Board members asked what are the current violations. The applicant stated FAR/Use/Lot Area/Height. Rear setback, opens space with off street parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Services, Councilor Flaherty and Councilor Essabi-George are in support. Abutter support. Councilor Edward, JPNA , and 5 abutters opposed.

Documents/Exhibits: Building Plans

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

Case: BOA-812233 **Address:**15-17 Swallow Street **Ward 6 Applicant:** Brendon O'Heir

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

Purpose: This permit is to amend ERT722463 by installing two new roof decks accessed from each dwelling unit in the building.

Discussion: At the request of the applicant **this case has been DWOP/No Show**

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

Case: BOA-779357, **Address:**29-31 Ward Street , **Ward 7 Applicant:** 29-31 Ward Street LLC

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

Purpose: Erect new 4-story, 9 unit residential building with 10 parking spaces at grade. Building to contain 3 one bedroom units and 6 two bedroom units. Existing structure's to be razed on a separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating to construct a 4 story 9 unit residential building with 10 parking spaces. Applicant removed roof deck in response to community.

Board Members asked if there is an elevator in the building. The applicant stated yes. Pisani asked where is the parking easement.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's office of Neighborhood Services, Councilor Flaherty Councilor Flynn and Councilor Essabi-George are in support. Andrew Civic support.

Documents/Exhibits: Building Plans

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

Case: BOA-754552, **Address:** 34-36 Williams Avenue, **Ward 18 Applicant:** Rauny Baez

Article(s): 69(69-8: Lot width insufficient & Side yard insufficient)

Purpose: Subdividing lot at 36 Williams Ave, Hyde Park. This lot will have a total of 8,703 S.F. The new subdivided lot 38 Williams Ave will contain a total of 6,585 S.F. to accommodate new construction. Please reference ERT689194.

Discussion: At the request of the applicant **this case has been deferred to 9/11/2018 @ 11:30**

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

Case: BOA-754553, **Address:** 38 Williams Avenue, **Ward 18 Applicant:** Rauny Baez

Article(s): 69(69-9: Lot width insufficient & Rear yard insufficient) 69(69-8)

Purpose: Construction of a new 2 family house on lot next to existing single family house. (See alt725398 for subdivision of the lot).

Discussion: At the request of the applicant **this case has been deferred to 9/11/2018 @ 11:30**

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

Case: BOA-790909, **Address:** 15 Whitford Street, **Ward 18 Applicant:** Patrick Mahoney

Article(s): 67(67-8: Use: Basement apartment forbidden & Use: Three family dwelling forbidden) 67(67-9: Lot area insufficient, Floor area ratio insufficient, Building height (# of stories) excessive & Usable open space insufficient) 67(67-32)

Purpose: Change Occupancy from a Two (2) Family Dwelling to a Three (3) Family Dwelling. Existing condition no work to be performed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating to change occupancy from 2 to a 3 family, existing condition with living space in basement. FAR, Building Height, incorrectly cited per applicant, nothing changing. Proposed use consistent with neighborhood. The applicant is seeking to legalize size of unit. 1000sf, 7'6 ceiling.

Board members asked if there is a mechanical room. The applicant stated just for unit 1.

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

Documents/Exhibits: Building Plans

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

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

**MATTHEW FITZGERALD, ESQ. - EXECUTIVE SECRETARY
BOARD OF APPEAL
617-961-3361**

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

SUBSTITUTE MEMBERS: None present.

**For a video recording of the June 12, 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**