



City of Boston  
Board of Appeal

**Tuesday, March 12, 2019**

**BOARD OF APPEALS**

**Room 801**

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:**

February 26, 2019

Upon a motion and second, the Board voted unanimously to approve the minutes.

**GCOD: 9:30 a.m.**

**Case:** BOA-810868 **Address:** 9 Johnny Court **Ward** 3 **Applicant:** Tao Cai

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

**Purpose:** Change of Occupancy from two-family dwelling to five residential units. Proposed two story vertical addition with roof deck and renovate as per plans. Construct new means of egress to public way.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail, stating seeking GCOD Applicability. BWSC letter on file.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-918476 **Address:** 161 West Brookline Street **Ward** 4 **Applicant:** Alpine Advisory Services

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

**Purpose:** Amendment to ALT890379. Install new staircase to crawl space in basement. Excavate approximately 3' to create mechanical room and storage. Sprinkler tanks will be installed here per plan. Pour new slab. Install new sliding door at rear of top floor with guardrail.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail, stating seeking GCOD Applicability. BWSC letter on file.

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

**Documents/Exhibits:** Building Plans

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

**HEARING: 9:30 a.m.**

**Case:** BOA-911272 **Address:** 9 Chelsea Street **Ward** 1 **Applicant:** Linear Retail #18, LLC  
**Article(s):** 27GE 53(53-12: Excessive height (> 35'), Excessive F.A.R. & #5 insufficient side yard setback abutting a residential sub-district) 53(53-11: Restaurant 3rd flr - Conditional, General retail 2nd and 3rd flr - Conditional & Fitness gym 2nd flr and 3rd flr - Conditional) 52(52-25)  
**Purpose:** Erect a 3 story structure. First level to include general retail, 36A-Restaurant, Bank and sit down restaurant. Second level to include general retail, fitness and office. Third level to include general retail, fitness, office and restaurant.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to combined 4 parcel for 18,000 sf lot for retail use.

Board Members asked if there was any changes to Article 80 approval. The applicant stated no, always was multiple use retail with restaurants, shopping and fitness. Maximum height 35'; proposing 48-52 feet, FAR 1.0 required. Six (6) parking spaces but walk-able to Maverick T Station,.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Edwards, Carpenters Union and Local 103 are in support. Direct abutter opposed.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval with Proviso (BPDA) and Galvin seconded and the Board voted unanimously to approve.

**Case:** BOA-856175 **Address:** 101 Condor Street **Ward** 1 **Applicant:** PMT Realty, LLC  
**Article(s):** 53(53-8) 53(53-9: Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Rear yard insufficient & Front yard insufficient) 53(53-56: Off-street loading insufficient & Off-street parking insufficient) 53(53-57)  
**Purpose:** Raze existing Building. Erect a 4 story, Eighteen (18) Unit Residential Dwelling with Parking Garage for 18 Vehicles. There will be a Common Roof Deck for all Building Residents.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to erect a 4 story, eighteen (18) unit residential dwelling. Has been approved by BPDA small project review.

Board Members asked about parking. The applicant stated 18 parking spaces. Board Members inquired about FAR. FAR 2.72 prop; .8 max; 39 FT building height; 35 ft max. Board Members asked for the break-down of units. The applicant stated 17 (2) bedroom 850 sf and (1) 1 bedroom

600 sf. Board Members inquired about a roof deck. The applicant stated common roof deck with elevator 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 Proviso (BPDA) and Walsh-Logue seconded and the Board voted unanimously to approve.

**Case:** BOA-859149 **Address:** 251-253 Meridian Street **Ward 1** **Applicant:** Benjamin Hildebrand  
**Article(s):** 53(53-11: Cannabis establishment use - conditional & Accessory storage to main use in basement (1,000sf) - conditional

**Purpose:** BR, Inc. proposes to operate a Cannabis Establishment at 253 Meridian St, East Boston. Cannabis establishment to be co-terminus Medical Marijuana Dispensary with Recreational Retail Marijuana (Medical and Recreational, shared space). Alterations to the existing building to include typical interior and exterior upgrades for a retail establishment, as well as installation of access control measures and security systems.

**Discussion:** At the request of the applicant **this case has been deferred to 03/26/2019**

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

**Case:** BOA-922475 **Address:** 69-71 Maverick Square **Ward 1** **Applicant:** Julius Sokol  
**Article(s):** 53(53-11)

**Purpose:** Change Occupancy from a Dry Cleaning Store w/accy Storage to 6 Apartments and a Registered Marijuana Dispensary.

**Discussion:** At the request of the applicant **this case has been deferred to 03/26/2019**

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

**Case:** BOA-885364 **Address:** 301 Saratoga Street **Ward 1** **Applicant:** Jonathan Ryan  
**Article(s):** 53(53-9: Usable open space is insufficient & Lot area for the add'l dwelling unit is insufficient)

**Purpose:** Change occupancy from a two family and store to a 3 family and renovate to include new electrical, plumbing, hvac, kitchen and baths. (Roof deck to be applied for on a separate amendment due to ZBA requirements).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating **change** occupancy from a two family and store to a 3 family

Board Members asked break-down of units. The applicants stated Unit 1, 813 sf , (2) bedroom, Unit 2, 846sf, and Unit #3 900 sf (2bedroom, 2 baths).

**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 Galvin moved for approval and Bickerstaff seconded and the Board voted unanimously to approve.

**Case:** BOA-919606 **Address:** 187 Sumner Street **Ward** 1 **Applicant:** East Boston Community Development Corporation

**Article(s):** 27T(27T-5) 53(53-9: Insufficient additional lot area per unit, Excessive F.A.R., # of allowed stories has been exceeded, Max. allowed height exceeded, Insufficient usable open space & Insufficient rear yard setback) 53(53-56) **Purpose:** Subdivide the existing 16,259 sq ft lot into 2 lots. First lot to be known as 191-201 Sumner St, will contain 8,978 sq. ft. Second lot to be known as 187 Sumner St will contain 7,281 sq. ft. Also, to erect a 7-story building with 42 affordable residential units & 5 parking spaces. See ALT914336.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to erect a 7 story building with 42 affordable residential units, and 5 parking spaces, 11 required (close to Maverick T Station).

Board Members asked break-down of units. The applicants stated the average unit size is 606 sf. FAR 1.0, 4.69 proposed; Height 3 stories 35 ft, Height for 7 stories is 70 ft proposed.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service, Councilor Edwards, Carpenters Unions, DND are in support. Abutter opposed,

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-919605 **Address:** 191-201 Sumner Street **Ward** 1 **Applicant:** East Boston Community Development Corporation

**Article(s):** 27T 53(53-9: Insufficient additional lot area per unit, Excessive F.A.R., Insufficient open space per unit & Insufficient side yard) 53(53-56)

**Purpose:** To subdivide the existing 16,259 square foot lot into 2 lots. The first lot, to be known as 191-201 Sumner St, will contain 8,978 sq ft, and the existing 3-story, mixed-use building will remain. No work to be done. The second lot, to be known as 187 Sumner St, will contain 7,281 sq ft. See ERT914346.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to erect a 7 story building with 42 affordable residential units, and 5 parking spaces, 11 required (close to Maverick T Station).

Board Members asked break-down of units. The applicants stated the average unit size is 606 sf. FAR 1.0, 4.69 proposed; Height 3 stories 35 ft, Height for 7 stories is 70 ft proposed.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service, Councilor Edwards, Carpenters Unions, DND are in support. Abutter opposed,

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-878698 **Address:** 173 Trenton Street **Ward 1 Applicant:** ELK RE2, INC  
**Article(s):** 53(53-8) 53(53-56: Off-street parking insufficient & Maneuverability areas insufficient (Driveway aisle less than 10'-0")) 53(53-9: Usable open space insufficient, Add'l lot area insufficient & Floor area ratio excessive)

**Purpose:** Change occupancy from a three-family dwelling to a four-family dwelling by legalizing the existing fourth unit. Also to renovate the building, including reconstructing existing rear decks and installing a sprinkler system in the building. Propose (4) off-street parking.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to change from a 3 family to a 4 family with 4 parking spaces, existing curb cut, using only existing space, not enlarging building.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service, Councilor Edwards and abutters are in support.  
Abutter opposed,

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-916798 **Address:** 80-82 Summer Street **Ward 3 Applicant:** Paul Zerola  
**Article(s):** 13(13-4) 17(17-1)  
**Purpose:** Change Occupancy from an Office, Restaurant and 3 Apartments, to a Restaurant & 4 Apartments.

**Case:** BOA-915460 **Address:** 71-73 Gainsborough Street **Ward 4 Applicant:** Peter Vanko  
**Article(s):** 66(66-9) 66(66-42) 32(32-4)  
**Purpose:** Within existing volume, create garden level unit to change the occupancy from a 9 unit building to a 10 unit building.

**Discussion:** At the request of the applicant **this case has been deferred to 06/25/2019**

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

**Case:** BOA-884514 **Address:** 120 Brookline Avenue **Ward 5 Applicant:** Fenway Enterprises  
120 Brookline Avenue LLC  
**Article(s):** 66(66-11)  
**Purpose:** Change of occupancy for the lowest level of a three story building from Office use to Cannabis Establishment use.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating change of occupancy to office use to Cannabis Establishment, close to Kenmore Square, need two (2) security guards at all times.

Board Members asked about the hours of operation. The applicant stated 9:00am-10:00pm?, Monday-Saturday, closed on Holidays. Board Members inquired the number of employees. The applicant stated 20 employees, educational training with hospitality assistance. No packing on site. Edibles in compliance with state regulation.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service is in support, MA Patient Advocacy, Abutters, Local 328 and Carpenters Union. The Owners lawyer for 109 Brookline Ave is in opposition.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin for approval, **Bickerstaff recused** himself, Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA-919270 **Address:** 52 Hereford Street **Ward 5 Applicant:** My Lam

**Article(s):** 8(8-6) 6(6-4)

**Purpose:** Change occupancy from 1 retail, 1 frozen yogurt shop w/take out & outdoor seating, 7 offices, hair salon w/massage to Cafe with takeout & outdoor seating, 1 retail, 7 offices, and hair salon w/massage. Work includes replacing floors and countertop. All safety systems to remain. Work to be done at 305 Newbury St.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating requesting takeout use for Coco Leaf.

Board Members inquired about the take out services. The applicant stated for coffee, tea and desserts.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service and Back Bay Neighborhood Station.

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-915720 **Address:** 85 Newbury Street **Ward 5 Applicant:** Thinking Cup Newbury LLC

**Article(s):** 8(8-7) 9(9-1)

**Purpose:** Expand existing restaurant (use item 37 and use item 36A) "Thinking Cup" into adjacent building 91 Newbury Street by creating an opening in the fire/party wall and installing a fire shutter. Tenant improvements per plans. companion to alt900340.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to expand the existing restaurant, Thinking Cup to accommodate the use regulations. The Building Code states two (2) separate buildings with separate utilities need and opening in "party wall" with installation of fire shutter.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service and Back Bay Neighborhood Station.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved for approval of Building Code relief and with Proviso, (usual take-out language), and Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA#915722 **Address:** 85 Newbury Street **Ward** 5 **Applicant:** Thinking Cup Newbury LLC

**Purpose:** Expand existing restaurant (use item 37 and use item 36A) "Thinking Cup" into adjacent building 91 Newbury Street by creating an opening in the fire/party wall and installing a fire shutter. Tenant improvements per plans. companion to alt900340. Section: 9th 780 CMR 706 Fire Walls. 706.1.1 Party walls. Any wall located on a lot line between adjacent building, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 406. Party walls shall be constructed without openings and shall create separate buildings.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to expand the existing restaurant, Thinking Cup to accommodate the use regulations. The Building Code states two (2) separate buildings with separate utilities need and opening in "party wall" with installation of fire shutter.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service and Back Bay Neighborhood Station.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved for approval of Building Code relief and with Proviso, (usual take-out language), and Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA-923530 **Address:** 91 Newbury Street **Ward** 5 **Applicant:** Thinking Cup Newbury LLC

**Article(s):** 8(8-7) 9(9-1)

**Purpose:** Change Occupancy to include Restaurant ( Use item 37 and Use item 36A). Open fire / party wall to allow expansion of existing Restaurant "Thinking Cup" at 85 Newbury Street into the ground level of 91 Newbury Street. Install a fire shutter. Tenant improvements per plans. Companion to ALT900324.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to expand the existing restaurant, Thinking Cup to accommodate the use regulations. The Building Code states two (2) separate buildings with separate utilities need and opening in "party wall" with installation of fire shutter.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service and Back Bay Neighborhood Station.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved for approval of Building Code relief and with Proviso, (usual take-out language), and Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA#923522 **Address:** 91 Newbury Street **Ward 5 Applicant:** Thinking Cup Newbury LLC

**Purpose:** Change Occupancy to include Restaurant ( Use item 37 and Use item 36A). Open fire / party wall to allow expansion of existing Restaurant "Thinking Cup" at 85 Newbury Street into the ground level of 91 Newbury Street. Install a fire shutter. Tenant improvements per plans. Companion to ALT900324. Section: 9th 780 CMR 706 Fire Walls. 706.1.1 Party walls. Any wall located on a lot line between adjacent building, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 406. Party walls shall be constructed without openings and shall create separate buildings.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to expand the existing restaurant, Thinking Cup to accommodate the use regulations. The Building Code states two (2) separate buildings with separate utilities need and opening in "party wall" with installation of fire shutter.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service and Back Bay Neighborhood Station.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved for approval of Building Code relief and with Proviso, (usual take-out language), and Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA-913173 **Address:** 163 Newbury Street **Ward 5 Applicant:** Blue Bottle Coffee, Inc **Article(s):** 8(8-7: Use item #36A, take out restaurant, conditional & Use item #37, restaurant, conditional)

**Purpose:** Change occupancy to include second restaurant use item 37 and take-out use item 36A. Tenant fit-out on first floor. Add rear trash enclosure. Six seat front outdoor patio seating per companion "use of premise" application. in companion to U49900234.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating no onsite catering or bakery, will store trash indoors.

Board Members asked if Blue Bottle Coffee Store.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service and Back Bay Neighborhood Station.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Bickerstaff moved for approval of with Proviso, (usual take-out language), and Erlich seconded and the Board voted unanimously to approve.



**Case:** BOA-871937 **Address:** 1A Barnard Place **Ward** 6 **Applicant:** Patrick Cibotti  
**Article(s):** 68(68-34.2) 68(68-8: Front yard insufficient & Rear yard insufficient) 27S(27S-5)  
**Purpose:** Erect a new two-family dwelling with a roof deck and 4 parking at ground level, as per plans.

**Discussion:** At the request of the applicant **this case has been deferred to 04/09/2019 @11:30**

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

**Case:** BOA-905269 **Address:** 580 East Broadway **Ward** 6 **Applicant:** George Morancy  
**Article(s):** 68(68-8: Floor area ratio excessive, Bldg height excessive (feet), Front yard insufficient & Side yard insufficient) 27S(27S-5) 68(68-29) 68(68-33)  
**Purpose:** Change of occupancy form single-family dwelling & 1 store to five-family dwelling. Construct new rear addition, fourth story addition, and roof deck. Propose 4 car parking garage. Full renovation.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating 12x12 roof deck for top floor unit only with hatch access.

Board Members asked about parking. The applicant stated proposing 4 car tandem parking, 40 ft height, unit #1 966sf, unit #2 800 unit #3 800 sf, unit #4, 900 sf, unit #5, 1600sf

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved for approval of with Proviso, (BPDA), and Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA-912147 **Address:** 809 East Broadway **Ward** 6 **Applicant:** George Morancy  
**Article(s):** 27S(27S-5) 68(68-29) 68(68-8: Bldg height excessive (feet), Usable open space insufficient & Side yard insufficient)  
**Purpose:** Full interior renovation to existing four-family dwelling. Construct rear decks with egress to the rear of the property. Construct new roof deck with head house access. Extend living space to basement for Unit 1. Propose four (4) off-street parking at rear through private way.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating 12x12 roof deck , rear decks are egress system.

Board Members asked about the basement. The applicant stated living room space for unit 1.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Service are in support. Councilor Flynn, Councilor Flaherty, Councilor Essabi-George and abutters are in opposition.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved for approval of with Proviso, (BPDA attachment of decks and parking), and Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA-918458 **Address:** 832 East Third Street **Ward** 6 **Applicant:** Patrick Mahoney

**Article(s):** 67(67-9) 27S(27S-5)

**Purpose:** Construct new second floor addition above existing first floor footprint to existing single-family dwelling. Full renovation.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to expand a single family home with a 2<sup>nd</sup> floor addition.

Board Members asked about the parking. The applicant stated no additional parking required.

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

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved for approval of with Proviso, (BPDA attachment of decks and parking), and Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA-906847 **Address:** 202 West Broadway **Ward** 6 **Applicant:** George Morancy

**Article(s):** 27S(27S-5) 68(68-33) 68(68-8: Side yard insufficient, Bldg height excessive (feet) & Floor area ratio excessive) 68(68-7) 68(68-29)

**Purpose:** Change occupancy of building from 4 residential units with garage to 4 residential units with office space on ground floor. Permit seeks to change garage to a office use. Additionally, applicant seeks to add a private roof deck for top floor exclusive use with head house per plans (attached).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating seeking to change occupancy to 4 residential units and office space. Owner is seeking to change garage into office space.

Board Members asked about the roof deck. The applicant said no roof deck proposed.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Flynn, and Councilor Essabi-George are in support. Councilor Flaherty in opposition. Christine Araujo, Chair of Board Members opposed.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved for approval of with Proviso, (BPDA no roof deck and remove curb cut), and Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA-824773 **Address:** 19--23 Clapp Street **Ward** 7 **Applicant:** Timothy Johnson  
**Article(s):** 65(65-41) 65(65-9: Rear yard insufficient, Side yard insufficient, Front yard insufficient, Bldg height excessive (feet), Bldg height excessive (stories) & Floor area ratio excessive) 65(65-8)  
**Purpose:** Erect new 5 story, 12 unit building w/20 car garage and front, side and roof decks as per plans submitted.

**Discussion:** At the request of the applicant **this case has been deferred to 07/09/2019**

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

**Case:** BOA-907797 **Address:** 744-748 Dudley Street **Ward** 7 **Applicant:** Saturnino Guerrero  
**Article(s):** 65(65-15)  
**Purpose:** Change of occupancy to include Takeout #36A to existing Restaurant - no work to be done.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating existing Dominican Restaurant seeking to add takeout.

Board Members asked about grate on front of building.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Baker.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved for approval of with Proviso, (BPDA regular take out language and BPDA to review grates) and Erlich seconded and the Board voted unanimously to approve.

### **HEARINGS: 10:30 a.m.**

**Case:** BOA-910427 **Address:** 3231 Washington Street **Ward** 11 **Applicant:** Matthew Javitch  
**Article(s):** 55(55-8) 55(55-9: Add'l lot area insufficient & Floor area ratio excessive) 55(55-9.3) 55(55-40)  
**Purpose:** Change of occupancy from 2 to 4 units. Renovation of existing triple-decker including kitchens, baths, relocate building systems, sprinkler, paint or replace exterior siding.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to change occupancy to 2 to 4 units, approximately 1200 sf each unit; no change to foot print.

Board Members inquired about FAR, 1.6 proposed, 1.2 existing; 1 unit with rear entry. Board Members asked about ceiling height in attic. Board Member Pisani estimated 7'6".

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flaherty.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved for approval of with Proviso, (No Building Code Relief) and Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA-914494 **Address:** 10-12 Sagamore Street **Ward** 13 **Applicant:** Andrew Schena

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

**Purpose:** Curb Cut, grading of property, and paving area to accommodate 2 parking spaces.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating curb cut to accommodate 2 parking spaces.

Board Members asked about change of grade The applicant stated yes. Has a landscape contractor that address issue. Work has been done but no Certificate of Occupancy issued yet.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Baker.

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-922089 **Address:** 430-454 Blue Hill Avenue **Ward** 14 **Applicant:** Pure Oasis LLC

**Article(s):** 50(50-19)

**Purpose:** Retail Build out for cannabis dispensary, including electrical, and plumbing work.

**Discussion:** At the request of the applicant **this case has been deferred to 03/26/2019**

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

**Case:** BOA-913728 **Address:** 1510-1514 Dorchester Avenue **Ward** 16 **Applicant:** Long Ngoc Le

**Article(s):** 65(65-15)

**Purpose:** Change of occupancy at 1512 Dorchester Ave. from convenience store to hair salon.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to change occupancy from convenient store to hair salon with 4 seats.

Board Members asked about the hours of operation. The applicant stated 9:00am to 7:00pm every day.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Baker.

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-916199 **Address:** 26 Ericsson Street **Ward** 16 **Applicant:** Ralph Bruno  
**Article(s):** 65(65-18: Use: Restaurant with function hall (conditional) & Use: Light manufacturing (winery) forbidden) **Purpose:** Change occupancy from wood working use to restaurant with function hall, light manufacturing (winery) Increasing Occupancy in existing restaurant/lounge from 49 persons to 120 persons. Install Fire Alarm system.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to have a function room to host special events, no intention to open a restaurant, wine tasting by reservation

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-914298 **Address:** 102 Neponset Avenue **Ward** 16 **Applicant:** Terence O'Reilly  
**Article(s):** 65(65-8) 65(65-9: Floor area ratio excessive, Bldg height excessive (stories) & Rear yard insufficient) 65(65-9.2) 10(10-1) 65(65-41: Off-street parking insufficient & Location. Off-street parking shall not be located in any part of a front yard)  
**Purpose:** Erect new multi-family dwelling (six residential units). Propose six (6) off-street parking.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating lot currently vacant, seeking to erect a new multifamily dwelling with 6 residential units, all two bedroom units, 900 sf.

Board Members asked about parking and number of stories. The applicant stated 3 stories, 33 feet height with 8 parking spaces.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Baker.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Galvin moved for approval with Proviso, (BPDA) and Bickerstaff seconded and the Board voted unanimously to approve

**Case:** BOA-921790 **Address:** 97 Pierce Avenue **Ward** 16 **Applicant:** John Pulgini

**Article(s):** 65(65-8) 9(9-2)

**Purpose:** Change occupancy from Two-Family Dwelling to Three-Family Dwelling. Renovate as per plans. Propose (1) additional off-street parking.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating change occupancy to 2 family to 3 family owner occupied building.

Board Members inquired about FAR. The applicant stated FAR .5 max, .31 currently. Unit (1) is 943 sf, unit (2) 1245 sf, and unit (3) 740 sf

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Baker.

**Documents/Exhibits:** Building Plans

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

**CASE:** BOA-897691 **Address:** 571 American Legion Hw **Ward** 18 **Applicant:** Matt Miller

**Article(s):** 67(67-33.1) 67(67-30)

**Purpose:** Construct detached commercial shell (Retail/Restaurant/Salon) building with (3) off street parking spaces in addition to (9) residential townhouse units filed on ERT860967. This shall be one of two structures on the same lot. E-Plan provided for courtesy purpose only; 2 sets will be submitted to counter #2.

**Discussion:** At the request of the applicant **this case has been Dismissed Without Prejudice.**

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

**Case:** BOA-897974 **Address:** 602 Canterbury Street **Ward** 18 **Applicant:** Matt Miller

**Article(s):** 67(67-33.1) 67(67-32) 67(67-30)

**Purpose:** Construct a (9) unit townhouse design building which shall be one of two structures on one lot. This application has been filed in conjunction with ERT868686 for the construction of a detached commercial use structure (shell only for either a Cafe/retail - TBD) E-Plan provided for courtesy purpose only; 2 sets will be submitted to counter #2.

**Discussion:** At the request of the applicant **this case has been Dismissed Without Prejudice.**

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

**Case:** BOA-900693 **Address:** 20 Rich Street **Ward** 18 **Applicant:** Phyllis Brown  
**Article(s):** 60(60-9: Front yard insufficient, Side yard insufficient & Rear yard insufficient)  
**Purpose:** Construct second floor addition with roof deck for existing single-family dwelling. Full interior renovation.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to building story written footprint; addition to 2<sup>nd</sup> floor.

Board Members asked about size of roof deck. The applicant stated 6.5.x 16' deck below roof height.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor McCarthy.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Pisani moved for approval with Proviso and Galvin seconded and the Board voted unanimously to approve

**Case:** BOA-903904 **Address:** 231-233 West Street **Ward** 18 **Applicant:** Joseph Duca

**Article(s):** 9(9-1) 69(69-9)

**Purpose:** Adding shed dormers on the attic, making additional room.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating work already done owner intents to move family in.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor McCarthy.

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-893770 **Address:** 401A-405 Centre Street **Ward** 19 **Applicant:** Derric Small

**Article(s):** 55(55-16)

**Purpose:** Change the legal occupancy to include a retail Cannabis establishment.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to change occupancy to include a retail and Cannabis establishment with pick up and drop off option. Police detail for minimum of first month Product is pre-packed 24 staff total, 12 parking space lot 2 minute walk.

Board Members asked about how many people expected. The applicant stated 350 people per day, expected must show ID to enter reception area. Board Members asked about the hours of operation. The applicant stated 11:00am to 8:00pm every day.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor O'Malley and Multiple Neighborhood Members.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval with Proviso (this petitioner only) and Galvin seconded and the Board voted unanimously to approve.

**Case:** BOA-907735 **Address:** 4014 Washington Street **Ward** 19 **Applicant:** Felipe Duran

**Article(s):** 67(67-11)

**Purpose:** Add Live Entertainment to Restaurant.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to add a guitarist to entertain restaurant, add sound proofing.

Board Members asked the capacity of the restaurant The applicant stated 98.

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

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval and Walsh-Logue seconded and the Board voted unanimously to approve.

**Case:** BOA-99882 **Address:** 101 Kilmarnock Street **Ward** 21 **Applicant:** Stanhope Garage, Inc

**Article(s):** 6(6-3A) 66(66-8)

**Purpose:** The Applicant seeks to continue to use the premises as an open air public parking lot for fee, capacity 15 spaces beyond existing expiration date of December 31, 2019, under decision BOA626421.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating seeking to continue fee paid parking lot for 15 cars.

**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 Fortune moved for approval to extend for 3 years and Walsh-Logue seconded and the Board voted unanimously to approve.

**Case:** BOA-918834 **Address:** 190 North Beacon Street **Ward** 22 **Applicant:** Molly Pidgeon

**Article(s):** 51(51-16)

**Purpose:** Changing occupancy from Store to Brewery with small Restaurant and fit out for brewery in kitchen as per plans and specifications. Brewing onsite with grain room and support areas, bar, kitchen and dining area. Bathroom renovations and upgrades. New finishes to include, flooring, paint, wall finishes, new lighting package, reuse existing.



**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating change occupancy to Brewery, main use is for brewing for on-site consumption only.

Board Members inquired about parking. The applicant stated no onsite parking.

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

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Bickerstaff moved for approval with BPDA and Fortune seconded and the Board voted unanimously to approve.

**RE-DISCUSSIONS: 11:30a.m.**

**Case:** BOA-874955 **Address:** 134 Chelsea Street **Ward 1 Applicant:** 134 Chelsea RE LLC  
**Article(s):** 9(9-2) 53(53-8) 53(53-9: Insufficient additional lot area - 1000sf/unit req., Excessive F.A.R. - 1.0 max, Insufficient open space - 900sf/unit req., Insufficient side yard setback - 2.5' min req., Insufficient rear yard setback - 30' min. req., # of allowed stories exceeded - 3 story max & Max allowed height exceeded - 35' max.) 53(53-56) 53(53-52) 53(53-54)

**Purpose:** Seeking to change the occupancy from a 2 family & store to a four-family dwelling and renovate the building including a rear addition, a fourth-story addition the installation of a fire protection system.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating to add addition, 12.5" X 21.5" with balcony 6 ft long. Top floor with front deck of 10'4" length.\

**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 Bickerstaff moved for approval with BPDA and Fortune seconded and the Board voted unanimously to approve.

**Case:** BOA-889104 **Address:** 306 K Street **Ward 6 Applicant:** Marc LaCasse

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

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

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating 5 units with complete renovation. IPOD only no violation.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood is in support. Councilor Flynn, Councilor Essabi George and Direct abutter in opposition.

**Votes:** Upon a Motion and second, **this case has been Dismissed Without Prejudice.**

**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 03/26/2019 @11:30**

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

**Case:** BOA-896628 **Address:** 535 East Fourth Street **Ward 7 Applicant:** JM Investment, LLC  
**Article(s):** 27S(27S-5) 68(68-29) 68(68-8)

**Purpose:** Renovate the interior of an existing detached three-family apartment building, including changing the interior partition layout. The scope includes window replacement and refinishing exterior cladding. Add a private roof deck. There will be no expansion of the existing building envelope. The building will be sprinklered per NFPA 13D.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating occupancy to remain the same, roof deck proposed, 100sf. IPOD is only relief needed.

Board Members stated to remove head house and replace access with stay light hatch.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Councilor Flynn, Councilor Essabi-George, Councilor Flaherty and abutter are 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-872900 **Address:** 794R Shawmut Avenue **Ward 9 Applicant:** Jean P. Teleau  
**Article(s):** 50(50-29: Lot size for the two family is insufficient, Floor area ratio is excessive, Side yard requirement is insufficient, Rear yard requirement is insufficient & Usable open space is insufficient) 50(50-43)

**Purpose:** To proceed to ZBA to correct Violation v391790 per plans: 1) Approved roof deck enclosed with extended fire balcony; 2) Basement habitable spaces and other related works per plans filed. Change occupancy from a one to a two family

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating existing 1 family to convert into a 2 family.

Board Members inquired about the unit sizes. The applicant stated, unit (1), 1,200sf and unit (2) 1,311 sf, separate access for utilities.

**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 Proviso (BPDA deck not encroaching near lot line separate access for utilities and Fortune seconded and the Board voted unanimously to approve.

**Case:** BOA-851286 **Address:** 474 Hyde Park Avenue **Ward** 18 **Applicant:** Juan Rojas  
**Article(s):** 51(51-16)

**Purpose:** Changing occupancy from Store to Brewery with small Restaurant and fit out for brewery in kitchen as per plans and specifications. Brewing onsite with grain room and support areas, bar, kitchen and dining area. Bathroom renovations and upgrades. New finishes to include, flooring, paint, wall finishes, new lighting package, reuse existing.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail stating erect a new 2 family dwelling with 4 off street parking.

Board Members inquired about the unit sizes. The applicant 2,190 sf units.

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

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Bickerstaff moved for approval with Proviso (BPDA) and Fortune seconded and the Board voted unanimously to approve.

**Case:** BOA-872019 **Address:** 46 Sheridan Street **Ward** 19 **Applicant:** 211 South LLC  
**Article(s):** 09(9-1) 55(55-9) 55(55-9) 55(55-9) 55(55-9) 55(55-9)

**Purpose:** Construct a rear addition. Renovate the building including a sprinkler system to existing four-unit multi-family dwelling.

**Discussion:** At the request of the applicant **this case has been Dismissed Without Prejudice.**

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

**Case:** BOA-765159 **Address:** 139 Walter Street , **Ward** 20 **Applicant:** Nora Duclos  
**Article(s):** 69(69-9) 69(69-9) 69(69-9) 69(69-9) 69(69-9) 69(69-9) 69(69-29.5)

69(69-29)

**Purpose:** Construct new 2-family town house dwelling per plans

**Discussion:** At the request of the applicant **this case has been deferred to 04/9/2019 @11:30.**

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

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

**BOARD MEMBERS:**

CHRISTINE ARAUJO- CHAIR  
MARK FORTUNE-SECRETARY  
BRUCE BICKERSTAFF  
MARK ERLICH  
ANTHONY PISANI  
CRAIG GALVIN

**SUBSTITUTE MEMBERS:**

KERRY LOGUE

**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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**

**For a video recording of the March 12, 2018 Board of Appeal Hearings please go to: [https://www.cityofboston.gov/cable/video\\_library.asp](https://www.cityofboston.gov/cable/video_library.asp)**