



City of Boston  
Board of Appeal

Tuesday, April 25, 2017

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BOARD OF APPEALS  
BOSTON, MA

Room 801

The board will hold a hearing on April 25, 2017 starting at 9:30 a.m.

**APPROVAL OF HEARING MINUTES:**

April 11, 2017

**BUILDING CODE: 9:30a.m.**

**Case:** BOA-#665878, **Address:** 7-9 Park Street **Ward:** 3, **Applicant:** Union Club of Boston, Inc  
**Purpose:** Repair the front entry steps to 8 Park Street, Boston, MA. Section 780CMR, 8th Edition Ch 32 Section 320.2.1 Encroaches into public way is > 12".

**HEARINGS: 9:30 a.m**

**Case:** BOA-630471, **Address:** 345-349 Washington Street , **Ward:** 22 , **Applicant:** Carolyn Conway  
**Article(s):** 51(51-16)

**Purpose:** Change of Occupancy to a restaurant, bar with live entertainment operating after 10:30 p.m., and billiard Parlor on the basement and first floor. Rear addition to accommodate a new elevator service first floor To basement as per plans.

**Case:** BOA-689556, **Address:** 2 Symmes Street, **Ward:** 20, **Applicant:** Estate of Henry Foster  
**Article(s):** 67(67-9)

**Purpose:** Change from one to two family, existing condition. Renovate 2 family as per plans.

**Case:** BOA-670635, **Address:** 18 Granfield Avenue , **Ward:** 19 , **Applicant:** Filomania Falcucci  
**Article(s):** 67(67-9) 67(67-32)

**Purpose:** Raze the existing single family building and erect a new 3-family building.

**Case:** BOA-670634, **Address:** 20 Granfield Avenue, **Ward:** 19, **Applicant:** Filomania Falcucci  
**Article(s):** 67(67-9) 67(67-32)

**Purpose:** Erect a new 3-Family building on the empty lot.

**Case:** BOA-676306, **Address:** 118 Arlington Street, **Ward:** 18, **Applicant:** John Pulgini  
**Article(s):** 9(9-1) 69(69-9)

**Purpose:** Add approx. 600 sq. ft. to third floor unit, using existing footprint. Amend ALT615679.

**Case:** BOA-646728, **Address:** 26 Walton Street, **Ward:** 17 , **Applicant:** Hong Nguyen  
**Article(s):** 9(9-1)

**Purpose:** Off street parking for 2 Cars (parking spaces).

**Case:** BOA-656043, **Address:** 34 Dix Street, **Ward:** 16, **Applicant:** Douglas George  
**Article(s):** 65(65-8) 65(65-9)

**Purpose:** Erect a new 6 unit residential building with rear parking as per plans. Existing building to be razed under separate permits.

**Case:** BOA-676263, **Address:** 78 Callender Street, **Ward:** 14, **Applicant:** Douglas Wohn  
**Article(s):** 60(60-9) 60(60-40) (5)

**Purpose:** Confirm occupancy as a Three family dwelling, for this is an existing condition for many years and paying Taxes as a three family. Requesting occupancy committee, occupancy in question.

**Case:** BOA-648324, **Address:** 106 Cushing Avenue, **Ward:** 13, **Applicant:** Agilio Monteiro  
**Article(s):** 65(65-9)

**Purpose:** Extend first floor living space in to the basement. New walls, new finished floors, new ceilings, new bathroom, new electrical and plumbing.

**Case:** BOA-673584, **Address:** 244R Savin Hill Avenue , **Ward:** 13 , **Applicant:** Romas Slezas  
City Hall, upon the appeal of Romas Slezas seeking with reference to the premises at 244R Savin Hill Ave, Ward 13 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 65(65-9) 65(65-42) 65(65-41) Purpose: Confirm occupancy of an existing carriage house in the rear of an existing two family dwelling And then change it to a one family dwelling. All on the same lot. Plans refiled with revisions. \*See previously filed ALT441473 with BOA zoning approval BOA447842.

**Case:** BOA-664763, **Address:** 8 Clifford Street , **Ward:** 12, **Applicant:** Joseph Feaster  
**Article(s):** 50(50-29)

**Purpose:** 280-290 Warren Street - Construct a 5 story Mixed-Use Commercial/Residential building of approx.. 84,779 sq. ft. There will be 74 Underground Parking Spaces on 32,000 sq ft. lot. Occupancy to be 51 Residential Units and Offices.

**Case:** BOA-664762, **Address:** 1 Waverly Street , **Ward:** 12, **Applicant:** Joseph Feaster  
**Article(s):** 50(50-29)

**Purpose:** 280-290 Warren Street - Construct a Mixed-Use Commercial/Residential building of approx.. 56,000 sq. ft. including 28 Underground Parking spaces on a 38,000 sq. ft. lot. Occupancy to be restaurant, Coffee shop & 44 Residential Units with Underground Parking Garage .

**Case:** BOA-672571, **Address:** 25 Amory Street , **Ward:** 11, **Applicant:** Jamaica Plain Neighborhood Development Corp.

**Article(s):** 55(55-16) 55(55-17)

**Purpose:** New Construction - 44 Unit Affordable Housing - Jackson Square Master Plan (Building M).

**Case:** BOA-555340, **Address:** 178 Thornton Street , **Ward:** 11 , **Applicant:** Timothy Johnson

**Article(s):** 50(50-28) 50(50-29) 50(50-44)

**Purpose:** Erect new 3-story, 7-Unit residential building w/8 car garage, exterior balconies and decks on a vacant parcel as per plans submitted.

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

**Case:** BOA-598705 **Address:** 420 East Fifth Street **Ward:** 7 , **Applicant:** Alex Lanstein

**Article(s):** 15(15-1) 17(17-1) 23(23-1) 23(23-9) 14(14-1)

**Purpose:** Raze existing garage. Erect a new 3-story, Two (2) Family Dwelling with Off-street parking located in front yard.

**Case:** BOA-673812 **Address:** 117 H Street **Ward:** 7, **Applicant:** Daniel Walsh

**Article(s):** 2(2-R202)

**Purpose:** Finish basement using Owens Corning Basement Finishing system, 288 sf+/-, 2x2 drop ceiling finish Height 6'9", room to be used as a family room.

**Case:** BOA-#673813 **Address:** 117 H Street **Ward:** 7, **Applicant:** Daniel Walsh

**Purpose:** Finish basement using Owens Corning basement Finishing system, 288+/-, 2x2' drop ceiling finish height 6'9", room to be used as a family room. Ch. 2 Sec. R202 1 & 2 Family/Definitions IRC-CH2-Sec-2-202. A dwelling unit is an independent and complete facility for living, bathing, cooking, and sleeping. (Note that The proposed unit 1 space in the basement provides access to unit 2 utility equipment violates the independency of unit 1).

**Case:** BOA-652703 **Address:** 86 Old Harbor Street **Ward:** 7 , **Applicant:** Patrick Mahoney

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

**Purpose:** Construct curb cut and driveway for residential parking for 2 vehicles for detached single family home.

**Case:** BOA-674105 **Address:** 543 East Third Street **Ward:** 6 , **Applicant:** Timothy Johnson

**Article(s):** 57(57-9) 59(59-37)

**Purpose:** Erect new 3-story, 2 Family dwelling over open parking w/roof deck as per plans submitted.

**Case:** BOA-668412 **Address:** 194 K Street **Ward:** 6, **Applicant:** Timothy Johnson

**Article(s):** 14(14-14-1) 14(14-14-2) 14(14-14-3) 14(14-4) 15(15-1) 17(17-1) 20(20-1)

**Purpose:** Demolish existing 1-story garage and erect new 4-story, 3-Family dwelling w/garage, rear and roof decks as per plans submitted.

**Case:** BOA-676735 **Address:** 400-408 Tremont Street **Ward:** 5 , **Applicant:** Chang Xin Global Creations

**Article(s):** 64(64-8)

**Purpose:** Change occupancy from Pet Care to Restaurant and outdoor seating for 44 patrons.

**Case:** BOA-690267 **Address:** 99 High Street **Ward:** 3, **Applicant:** Teachers Insurance and Annuity Association of America

**Article(s):** 13(13-1)

**Purpose:** Interior renovations to the 1st floor lobby of 99 High Street, to include selective demolition, architectural finishes such as GWB partitions, millwork, glazing, floor, paint, ACT ceilings, and MEP/ structural upgrades, Project will be a phased construction project LPR.

**Case:** BOA-662224, **Address:** 191 Condor Street **Ward:** 1 , **Applicant:** Joe Hassell

**Article(s):** 53(53-9) 53(53-8) 53(53-54) 53(53-56) 53(53-57.3)

**Purpose:** Construct new 9 unit residential building with 11 parking spaces.

**Case:** BOA-662222, **Address:** 211 Condor Street **Ward:** 1 , **Applicant:** Joe Hassell

**Article(s):** 53(53-54) 53(53-56) 53(53-9) 52(52-8)

**Purpose:** Build new 14 unit building with parking spaces.

**Case:** BOA-650553, **Address:** 99 Lexington Street **Ward:** 1 , **Applicant:** Mai Phung

**Article(s):** 53(53-8) 53(53-9) 53(53-52) 53(53-56)

**Purpose:** Proposed to change occupancy from one family to 2 family (as per plans).

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

**Case:** BOA-659237, **Address:** 25-27 Aldie Street **Ward:** 22 , **Applicant:** Denise Monteiro  
**Article(s):** 56(56-39)  
**Purpose:** Off-street parking for 1 car on right side front of house per PWD pre-approval for curb-cut.

**Case:** BOA-579656, **Address:** 12-12C Glenmont Road **Ward:** 22, **Applicant:** Brookline Development Corp, LLC  
**Article(s):** 51(51-8) 51(51-9)  
**Purpose:** Build 4 new single family townhouses and demolish 20 garages per plans of Osullivan architects 1/29/16

**Case:** BOA-579659, **Address:** 12-12C Glenmont Road **Ward:** 22, **Applicant:** Brookline Development Corp, LLC  
**Article(s):** 51(51-8) 51(51-9)  
**Purpose:** Build 4 new single family townhouses and demolish 20 garages per plans of Osullivan architects 1/29/16

**Case:** BOA-585226, **Address:** 296 Neponset Avenue, **Ward:** 16 , **Applicant:** Mai Phung  
**Article(s):** 65(65-9)  
**Purpose:** Proposed to erect an addition at rear of an existing 2 family dwelling structure.

**Case:** BOA-674086, **Address:** 10 Moreland Street **Ward:** 16 , **Applicant:** Ann Huang  
**Article(s):** 52(52-9) 50(50-26) 50(50-43)  
**Purpose:** Change occupancy from a one family to a two family and extend living space into basement. Renovate basement, add one full bath, insulate, sheetrock the walls, see attached plan for basement.

**Case:** BOA-585221, **Address:** 11 Lafield Street , **Ward:** 16 , **Applicant:** Mai Phung  
**Article(s):** 65(65-9)  
**Purpose:** Proposed to renovate an existing basement and convert into additional living space for unit #1. And external rear stair case from second floor to ground level as new second mean of egress for unit # 2 & # 3 (as per plans) ref to alt558870

**Case:** BOA-651938, **Address:** 49 Hamilton Street, **Ward:** 15, **Applicant:** Vargas Dasilveira  
**Article(s):** 65(65-39) 65(65-65-42.13) 65(65-8) 65(65-9)  
**Purpose:** Construct two (3 family) structures on one lot; one to be known as 51 Hamilton ERT623489 and the other is 49 Hamilton ERT623211- see plans filed.

**Case:** BOA-651909, **Address:** 51 Hamilton Street, **Ward:** 15, **Applicant:** Vargas Dasilveira  
**Article(s):** 65(65-8) 65(65-9) 65(65-39)  
**Purpose:** Construct two (3 family) structures on one lot; one to be known as 49 Hamilton St. ERT623211 and the other shall be known as 51 Hamilton on ERT623489 – see plans filed.

**Case:** BOA-637441 **Address:** 38 Whiting Street, **Ward:** 12, **Applicant:** Mansour Dayanimr  
**Article(s):** 50(50-29) 50(50-43) 50(50-1)  
**Purpose:** Change from 2 family to 3 family dwelling and the work was already done. Existing condition.

**Case:** BOA-642903, **Address:** 2597-2601 Washington Street , **Ward:** 9 , **Applicant:** Jeffrey Drago  
**Article(s):** 50(50-43: off street parking & Loading)  
**Purpose:** This project is to allow vehicular access to 37R-39R Juniper Street over driveway access easement. Please see also ERT549966 and ALT561596.

**Case:** BOA-642897, **Address:** 37-39 Juniper Street , **Ward:** 9, **Applicant:** Jeffrey Drago  
**Article(s):** 50(50-29: Dimensional Requirements) 50(50-43: Off street parking & loading) 50(50-44: Dimensional Requirements)  
**Purpose:** Existing two (2) family dwelling. This will be on of two dwelling on same lot Please see ERT549966

**Case:** BOA-642893, **Address:** 37R-39R Juniper Street , **Ward:** 9 , **Applicant:** Jeffrey Drago  
**Article:** 50(50-29) 50(50-43) 50(50-44)  
**Purpose:** The proposed job is to erect two townhouses.

**Case:** BOA-642902, **Address:** 31-35 Juniper Street, **Ward:** 9, **Applicant:** Jeffrey Drago  
**Article(s):** 50(50-43)  
**Purpose:** This project is to allow vehicular access to 37R-39R Juniper Street over the driveway access easement. Please see also ERT549966 and ALT561596

**Case:** BOA-639307, **Address:** 12 Ward Street , **Ward:** 7, **Applicant:** Kenneth Morin  
**Article(s):** 14(14-14-2) 15(15-1) 17(17-1)  
**Purpose:** Change one family row house to a two family row house. No external work.

**Case:** BOA-656951 **Address:** 277-277a Dorchester Street, **Ward:** 7, **Applicant:** Robert DiPierro  
**Article(s):** 14(14-14-1) 14(14-14-2) 14(14-14-3) 14(14-4) 15(15-1) 16(16-1) 17(17-1) 18(18-1) 20(20-1) 19(19-1) 8(8-7)  
**Purpose:** Erect new commercial with residential building on existing foundation. Occupancy to be 1 office with Storage space and 3 residential units.

**Case:** BOA-#656950 **Address:** 277-277a Dorchester Street **Ward:** 7, **Applicant:** Robert DiPierro  
**Purpose:** Erect a new commercial with residential building on the existing foundation. Occupancy to be 1 Office with storage space and 3 residential units. Section MSBC 10-SEC 1009.9 Spiral Stairways are permitted to be used as a component in the means of egress only within the dwelling unit. Note that proposed spiral stairways for this new building is not in compliance with the code.

**Case:** BOA-611372, **Address:** 12 Byron Street **Ward:** 5 , **Applicant:** Timothy Burke

**Article(s):** 13(13-13-1) 20(20-8)

**Purpose:** Renovate interior of existing single family house and construct a third floor addition and roof deck. Work to include new framing, mechanical, electrical and plumbing systems, sprinkler system and new kitchen and bathrooms.

**Case:** BOA-656955, **Address:** 124 M Street, **Ward** 6, **Applicant:** Robert DiPierro

**Article(s):** 20(20-1)

**Purpose:** Add second floor access to rear patio. Change window to exterior door. Add one small deck with stairs.

**Case:** BOA-629564, **Address:** 105 West Third Street, **Ward:** 6, **Applicant:** George Morancy

**Article(s):** 57(57-8) 57(57-9)

**Purpose:** Combining parcels 0601362000, 0601363000, 0601364000, 0601365000 to make new parcel 5,073 SF in total area. Erect a new 4 story residential building with 9 units and parking in garage for 9.

#### **BOARD FINAL ARBITER 11:30a.m.**

**Case:** BZC-32012, **Address:**3 Brigham Street , **Ward** 1 **Applicant:** Patricia McSherry

#### **INTERPRETATION: 12:00Noon**

**Case:** BOA-672562, **Address:** 42-43 Beacon Street , **Ward:** 5, **Applicant:** Linda Schubert Bodman

**Purpose:** The petitioner seeks a determination that the Inspection Services Department erred in issuing the Certificate of Inspection No. 68847.

#### **Hearings/Recommendations**

**Case:** BOA-662298, **Address:** 347 Sumner Street **Ward:** 1 , **Applicant:** Gaston Alberti

**Article(s):** 53(53-9)

**Purpose:** Confirm occupancy as a single family home. Remove 19x16 roof back of the house. Lift up walls 8'-6", New roof framing 2x10 oc, pitch will be 3 to 12 install siding match existing 18x19 long, install 3 new windows double hang, replace hardwood floor only in the new addition.

**Case:** BOA-686465, **Address:** 213 Harrison Avenue **Ward:** 3, **Applicant:** Jack P Milgram

**Article(s):** 43(43-19)

**Purpose:** Change occupancy from a retail store to a beauty spa to include massage therapy. Installation of interior partition walls as shown on plans.

**Case:** BOA-676744, **Address:** 14 Thomas Park **Ward:** 7 , **Applicant:** Patrick Mahoney

**Article(s):** 17(17-1) 23(23-1)

**Purpose:** Off street parking for two residential vehicles.

**Case:** BOA-661008, **Address:** 24 Nixon Street **Ward:** 16 , **Applicant:** Joel Bissonnette

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

**Purpose:** Extend living space into basement for Unit 1 and renovate w/bathroom, laundry room and open space.

**Case:** BOA-671702, **Address:** 2 Westmoreland Street **Ward:** 16 , **Applicant:** Michael Ahern

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

**Purpose:** Convert existing basement with bathroom, there will be no structural work required. Metal frame walls, and acoustical ceiling, recessed lighting and power to code. We will remodel existing to match plans submitted.

**Case:** BOA-682436, **Address:** 8 Paragon Road **Ward:** 20 , **Applicant:** Mariel Courtney

**Article(s):** 56(56-8)

**Purpose:** Convert existing unfinished basement into newly finished living area per plans.

**Case:** BOA-687013, **Address:** 36 Laurie Avenue **Ward:** 20 , **Applicant:** Daniel Murray

**Article(s):** 56(56-8)

**Purpose:** Full shed dormer on the rear of the residence. Increase existing bedrooms and bathroom size.

**Case:** BOA-688036, **Address:** 571-575 Washington Street **Ward:** 22 , **Applicant:** Peter Lydon

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

**Purpose:** Change of occupancy from retail to a Body Arts in preparation for the opening of a tattoo parlor. No work done, to renovate to be filed later.

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

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**For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to [https://www.municode.com/library/ma/boston/codes/redevelopment\\_authority](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**