



City of Boston
Board of Appeal

Tuesday, April 24, 2018

BOARD OF APPEALS

Room 801

REVISED AGENDA

The board will hold a hearing on April 24, 2018 starting at 9:30 a.m.

APPROVAL OF HEARING MINUTES:

February 13, 2018, February 22, 2018 and February 27, 2018

EXTENSION: 9:30 a.m.

Case: BOA-482365, Address: 75 Bellevue Street, Ward 15 Applicant: Joao Depina

BOARD FINAL ARBITER: 9:30 a.m.

Case: BOA-587183, Address: 194 Havre Street, Ward 1 Applicant: Nonni Roz, LLC

Case: BOA-712843, Address: 243 Condor Street, Ward 1 Applicant: Condor Creek, LLC

HEARINGS: 9:30 a.m.

Case: BOA-799590, Address: 27-29 Everett Street, Ward 22 Applicant: Hao Quan

Article(s): 51(51-9)

Purpose: Legalize existing basement living space to be an extension of habitable space from first floor unit. Renovation to include changes to comply with building code, interior spiral staircase connecting 1st floor and basement, and some cosmetic enhancements.

Case: BOA-720063, Address: 81 Chestnut Hill Avenue, Ward 21 Applicant: Deborah O'Rourke

Article(s): 51(51-8) 51(51-9): Floor area ratio excessive, Height excessive, Front yard (51-57.2 EBA) insufficient, Front yard (other street) (51-57.2 EBA) insufficient & Side yard insufficient) 51(51-56) 51(51-57)

Purpose: Erect a new 15 unit residential building with parking below as per plans. Permit set to be submitted upon ZBA approval.

Case: BOA-754385, Address: 18 Bexley Road, Ward 19 Applicant: Christopher Miller

Article(s): 67(67-9): Insufficient minimum lot size, Insufficient minimum lot width, Insufficient minimum lot frontage, Excessive F.A.R., Excessive number of stories, Insufficient usable open space, Insufficient side yard setback & Insufficient rear yard setback)

Purpose: Demo existing garage structure and (see short form application) construct single dwelling with 2 car garage.

Case: BOA-768740, Address: 208 Neponset Valley Parkway, Ward 18 Applicant: Patrick Mahoney

Article(s): 69(69-12): Floor area ratio excessive, Height is excessive (35 ft max. allowed), Height is excessive (2 1/2 stories max. allowed), Front yard setback is insufficient, Rear yard setback is insufficient & Off street parking design (size 8.5' x 20.0')

Purpose: Combine lot A parcel # 1809836000 with Lot B Parcel # 1809835000 to become one lot and erect 9 unit building with under parking as per plans supplied.

Case: BOA-788469, Address: 6-8 Claridge Terrace, Ward 17 Applicant: Paulo Mendes

Article(s): 65(65-41) 64(64-8) 65(65-9)

Purpose: Change Occupancy by extending living space into basement into an in-law apartment with full kitchen.. and change from 2 family to 3 family.

Case: BOA-806800, Address: 136 Neponset Avenue, Ward 16 Applicant: John Pulgini

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

Purpose: To raze existing 2.5 story funeral home and erect a new 5 story 6 unit residential building with 10 parking spaces. (4 applications Reference ALT789999, ALT790003, ERT789863, ERT789870).

Case: BOA-806799, Address: 11-15 Tillesboro Street, Ward 16 Applicant: John Pulgini

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

Purpose: To raze existing 2 story building and erect a new 4 story 3 unit townhouse style residential building with 6 off street parking spots. (4 applications Reference ALT789999, ALT790003, ERT789863, ERT789870).

Case: BOA-786957, Address: 21 Woodworth Street, Ward 16 Applicant: John Lyons

Article(s): 65(65-9): Bldg height excessive (stories), Front yard insufficient, Rear yard insufficient, Side yard insufficient & Floor area ratio excessive) 65(65-7)

Purpose: Construct a new 3 story building for 6 homes with 10 below grade parking spaces and exterior porches for each home on roof.

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Case: BOA-807032, **Address:** 21 Angell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 10(10-1)

Purpose: 21 Angell St. will be subdivided into two equal-sized 5,000 sq ft Lots where the right side lot will be considered 19 Angell St. and the left side lot will be considered 21 Angell St. A Single Family attached Home will be constructed on each of the lots with a party wall dividing the two houses on the lot line. This project is apart of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Case: BOA-807036, **Address:** 22 Angell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 10(10-1) 60(60-9) **Purpose:** 21 Angell St, Ward 14 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 10(10-1)

Purpose: 22 Angell St. will have a Single Family Home constructed on the currently vacant 5,334 sq ft Lot. 56 sq ft of the lot will be subdivided out and given to the neighbor at 20 Angell St. due to their walkway that is currently located in that area. This project is apart of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Case: BOA-807038, **Address:** 28 Angell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 10(10-1) 60(60-9)

Purpose: 21 Angell St, Ward 14 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 10(10-1) **Purpose:** 28 Angell St. is currently a vacant parcel of land. A Single Family Home will be constructed on the 5,420 sq ft Lot. This project is apart of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Case: BOA-807040 **Address:** 37 Angell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 10(10-1) 60(60-9) **Purpose:** 21 Angell St, Ward 14 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 10(10-1)

Purpose: 37 Angell St. will be subdivided into two equal-sized 3,313 sq ft Lots where the right side lot will be considered 37 Angell St. and the left side lot will be considered 39 Angell St. Construct a Single Family attached Home on each of the lots with a party wall dividing the two houses on the lot line. This project is apart of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Case: BOA-807041, **Address:** 39 Angell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 10(10-1) 60(60-9)

Purpose: 21 Angell St, Ward 14 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 10(10-1) **Purpose:** 37 Angell St. will be subdivided into two equal-sized 3,313 sq ft Lots where the right side lot will be considered 37 Angell St. and the left side lot will be considered 39 Angell St. Construct a Single Family attached Home on each of the lots with a party wall dividing the two homes on the lot line. This project is apart of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Case: BOA-807044, **Address:** 12 Lorne Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 60(60-9: Lot width insufficient, Lot frontage insufficient & Building height (# of stories) excessive) **Purpose:** 21 Angell St, Ward 14 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 10(10-1)

Purpose: 12 Lorne St. is currently a 3,214 sq ft vacant lot. Construct a Single Family attached Home with a party wall located on the lot line between 12 Lorne and 14 Lorne St. This project is apart of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Case: BOA-807046, **Address:** 14 Loren Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 10(10-1) 60(60-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient & Building height excessive)

Purpose: 14 Lorne St. is currently a 3,214 sq ft vacant Lot. Construct a Single Family attached Home with 12 Lorne St. Lot will be subdivided to provide a 9 foot wide strip of land totaling 723 S.F. to the neighbor located at 16 Lorne St. to provide them access for Driveway. The remaining lot will be 2,491 S.F. and will have a Single Family attached Home constructed. It will comprise of a party wall that will divide the two homes on the lot line that is between 12 Lorne St. and 14 Lorne St. This project is apart of the City of Boston's Department of (DND) NHI Middle Income Housing Program.

Case: BOA-807049, **Address:** 240 Norwell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 10(10-1) 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive & Building height (#of stories) excessive)

Purpose: 240 Norwell St and the subdivided land to the rear of the parcel that was given by 242 Norwell will be combined as one lot to be considered 240 Norwell St. 240 Norwell St will be subdivided in the rear of the lot providing a 3.8 foot wide strip of land totaling 112 S.F. to be given to the rear abutting neighbor. The remaining 2846 S.F. Lot will have a Single Family attached Home constructed on it with a party wall that is located on the lot line between 240 Norwell St and 242 Norwell St. This project is apart of the City of Boston's Department of (DND) NHI Middle Income Housing Pro-gram.

Case: BOA-807053, **Address:** 242 Norwell Street , **Ward** 14 **Applicant:** Oxbow Urban LLC

Article(s): 10(10-1) 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive & Building height (# of stories) excessive)

Purpose: 242 Norwell St and 244 Norwell St will be combined as one lot to be considered 242 Norwell St. and then the part of land that spans the width of 240 Norwell will be subdivided to be given to 240 Norwell. 242 Norwell will further subdivided in the rear of the lot to provide a 3.8 foot wide sliver of land totally 139 S.F. to be provided to the rear abutting neighbor. The remaining 3,519 sq ft Lot will have a new Single Family attached Home con-structed with a party wall that will be located on the lot line between 240 Norwell St and 242 Norwell St. This project is apart of the City of Boston's Department of (DND) NHI Middle Income Housing Program.

Case: BOA-807054, **Address:** 76 Spencer Street , **Ward 14 Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 65(65-9: Lot area insufficient, Floor area ratio excessive, Building height (# of stories) excessive & Front yard insufficient)
Purpose: 76 Spencer is currently a vacant parcel of land that will have a Single Family Home constructed on the existing 4,612 sq ft Lot. This project is part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Case: BOA-807055 **Address:** 113 Wheatland Avenue , **Ward 14 Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive & Building height (# of stories) excessive)
Purpose: 115 Wheatland Ave. will be subdivided into two equal sized lots where the right side lot will be considered 115 Wheatland Ave. 113 Wheatland Ave will further subdivide an 83 S.F. sliver of land in the rear of the lot to be provided to the neighbor located at 111 Wheatland Ave. The remaining 2667 S.F. lot will have a Single Family attached Home constructed on it with a party wall located on the lot line between 113 Wheatland Ave and 115 Wheatland Ave. This project is part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Case: BOA-807056, **Address:** 115 Wheatland Avenue , **Ward 17 Applicant:** Oxbow Urban LLC
Article(s): 10(10-1) 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive & Building height (# of stories) excessive)
Purpose: 115 Wheatland Ave. will be subdivided into two equal sized lots where the right side lot will be considered 113 Wheatland Ave and the left side lot will be considered 115 Wheatland Ave. A Single Family attached Home will be constructed on the lot with a party wall located on the lot line between 113 Wheatland Ave and 115 Wheatland Ave. This project is part of the City of Boston's Department of Neighborhood Development (DND) NHI Middle Income Housing Program.

Case: BOA-799148, **Address:** 951-959A Dorchester Avenue , **Ward13 Applicant:** 959 Dot LLC
Article(s): 65(65-8) 65(65-9: Lot area for additional dwelling units insufficient, Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 65(65-41: Off-street parking insufficient & Off-street parking design/maneuverability (Tandem Parking))
Purpose: Construct a new 5 Story Mixed-Used Building. On the Ground Floor will be 2 Commercial spaces. On the Upper Floors will be 38 Residential Units. There will be a Parking Garage located under Building at the Basement Level with 26 Parking spaces.

Case: BOA-793533, **Address:** 49 Copeland Street , **Ward 12 Applicant:** Catherine Xesternos
Article(s): 50(50-29)
Purpose: Extend living space from first floor to basement. Install new stairs from first Floor to basement. Install 20x30 basement window for emergency escape from dwelling unit - To correct violation V373264. ZBA.

Case: BOA-801461, **Address:** 36 Hall Street , **Ward 11 Applicant:** Tim McGovern
Article(s): 55(55-9: Add'l lot area insufficient, Floor area ratio excessive & Usable open space insufficient)
Purpose: Complete removal of existing MEP systems and interior/exterior finishes (Demo to be filed under separate SF permit). Install new MEP systems, fire alarm and sprinkler, new interior layouts that require structural work, new interior finishes. Remove roof and construct full 3rd floor with roof deck. 3 off street parking spaces. Change use from existing 2-family to 3 apartments.

HEARINGS: 10:30 a.m.

Case: BOA-803394, **Address:** 246-248 Dorchester Avenue , **Ward 6 Applicant:** Evergreen Property Group, LLC
Article(s): 8(8-7) 13(13-4) 15(15-1) 16(16-1: Building height excessive & Building height (# of stories) excessive) 20(20-1)
Purpose: New construction 159 room hotel with amenity spaces and retail spaces with spaces with 60 valet parking spaces. Variances will be sought. Existing building to be razed.

Case: BOA-799594, **Address:** 443 Marlborough Street , **Ward 5 Applicant:** Aaron Weinert
Article(s): 20(20-1)
Purpose: Work includes converting existing tandem Garage to 2-car wide, side by side garage, replace all existing windows. Replace existing roof deck on First Floor, and add new Second Floor deck w/new exterior doorway in masonry wall. Direct replacement of finishes throughout Basement, First, Second and Third floors, including millwork, fixtures, lighting, trims, tile, stone, hardwood flooring, paint, new staircase to Basement. No sprinkler work. All work to coincide with Architectural Stamped set of drawings dated 1.9.2018.

Case: BOA-795620, **Address:** 131 Saint Botolph Street , **Ward 4 Applicant:** John Pulgini
Article(s): 41(41-18: Floor area ratio excessive & Rear yard setback insufficient) 41(41-6) 13(13-1) 16(16-8)
Purpose: Amend ALT758268. Proposed fifth story vertical addition, roof deck, cantilevered rear decks and interior renovations to the 3rd and 4th floors as per plans.

Case: BOA-800778, **Address:** 120 Everett Street , **Ward 1 Applicant:** Eddie Azevedo
Article(s): 53(53-9)
Purpose: Remodeling Basement, Attached Contract and Drawings.

Case: BOA-681219, **Address:** 19 Walley Street , **Ward 1 Applicant:** Walley Nineteen, LLC
Article(s): 53(53-25) 53(53-56: Insufficient off-street parking & Insufficient off-street loading) 53(53-26: Excessive F.A.R., Excessive building height & Insufficient rear yard setback)
Purpose: Erect 45 unit residential dwelling.

Case: BOA-,813658 **Address:** 76 White Street , **Ward 1 Applicant:** Smith & Townsend LLC

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

Purpose: Change occupancy of existing 3-family house to a 5 Family Residential. Complete Remodel and make addition on the rear of the property. Install new finishes on the interior and the exterior. Install new kitchens and bathrooms throughout, to include, 6 parking spaces in rear.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-786649, **Address:** 35 Cushing Avenue , **Ward 13 Applicant:** Peter Gammie

Article(s): 9(9-1) 65(65-41: Parking located in the front yard is not permitted if exceeded 10' in total width & The layout for the 2 proposed parking spaces does not provide proper maneuvering) 10(10-1)

Purpose: New 10' wide curb cut and pervious driveway for two compact electric car parking spaces.

Case: BOA-787985, **Address:** 12 Carson Street , **Ward 13 Applicant:** Ace One Investments, LLC by Eric Zachrison

Article(s): 1065(65-9: Insufficient front yard setback, Insufficient lot size, Insufficient lot width, Insufficient lot width frontage, Excessive F.A.R., # allowed stories exceeded, Insufficient side yard setback & Insufficient rear yard setback) 10(10-1)

Purpose: Demolish existing single family building to erect a new three-family residential dwelling with two-off street parking. ZBA.

Case: BOA#787986, **Address:** 12 Carson Street , **Ward 13 Applicant:** Ace One Investments, LLC by Eric Zachrison

Purpose: Demolish existing single family building to erect a new three family residential dwelling with two off street parking. ZBA. Section 780 CMR 8th Edition 101.4.7 Reference Codes, 521 CMR AA.

Case: BOA-757560, **Address:** 27-31 Woodford Street , **Ward 13 Applicant:** Alfonseca Ledys

Article(s): 50(50-29: Add'l Lot Area Insufficient, Front yard insufficient, Side yard insufficient, Rear yard insufficient, Building height excessive (Feet), Usable open space insufficient & Floor area ratio excessive)

Purpose: Erect a new (3) unit townhouse building with parking beneath.

INTERPRETATION:12:00Noon.

Case: BOA-789872, **Address:** 144-146 Maverick Street **Ward 1 Applicant:** Linear Retail Boston #19, LLC and Linear Retail Boston #21, LLC

City Hall, upon the appeal of Linear Retail Boston #19, LLC and Linear Retail Boston #21, LLC seeking with reference to the premises at 144-146 Maverick St, Ward 01 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Interpretation Purpose: The petitioner's seeks that Landmarks Commission erred in its determination to impose a 2 year moratorium under Article 85 with respect to those properties.

COURT REMAND:12:00Noon.

Case: BOA-448233, **Address:** 11 Virginia Street , **Ward 13 Applicant:** Vargas DaSilveira

Article(s): 65(65-9: Floor area ratio excessive, Front yard insufficient, Side yard insufficient & Rear yard insufficient) 65(65-42)

Purpose: Change occupancy as single family, then, Build dormers, construct addition in rear, install front and rear porches, & reconstruct front entrance, build attached garage with office over, and renovate all floors as per plans.

CALL OF THE CHAIR:12:00Noon.

Case: BOA-682855 **Address:** 13 Shetland Street, **Ward: 8, Applicant:** Joseph Holland

Article(s): 50(50-28) 50(50-29) 50(50-43)

Purpose: Demolish existing building, erect new 57 unit apartment complex. Permit application will require zoning relief & variances, please charge nominal fee permit application. Req ZBA

Case: BOA-732946, **Address:** 38 P Street, **Ward 6 Applicant:** Nick Zaferakis

Purpose: The petitioner's seek a determination that the Inspectional Services Department erred in issuing the permit ERT705883. The permit was issued as an allowed use.

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

BOARD MEMBERS:

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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