



City of Boston
Board of Appeal

Tuesday, November 19, 2019

BOARD OF APPEALS

Room 801

Revised agenda

The board will hold a hearing on November 19, 2019 starting at 9:30 a.m.

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BOSTON, MA

APPROVAL OF HEARING MINUTES:

October 29, 2019

EXTENSIONS: 9:30a.m.

Case:773858 **Address:** 6 Evelyn Street **Ward** 14 **Applicant:** Mitali Biswas

Case: 696299 **Address:** 250 Centre Street **Ward** 11 **Applicant:** The Community Builders, Inc

GCOD: 9:30a.m.

Case: 1013586 **Address:** 173-175 Ipswich Street **Ward** 5 **Applicant:** Christine McMahon

Article(s): 32(32-4)

Purpose: Partial demolition of existing brick building, addition of a 5300+ seat theater and addition, renovations and improvements to existing Laundry Building at Fenway Park. Also see Phase one ALT1009160 renovation and reprogramming for laundry building to accommodate this new addition and for the existing building uses to be ready for April of 2020.

Case: 997827 **Address:** 31 Worcester Street **Ward** 9 **Applicant:** Patrick Mahoney, Esq

Article(s): 32(32-4)

Purpose: Confirm occupancy as a lodging house and change to a single family home with interior renovations to existing living area. New fire protection system.

HEARING: 9:30 a.m.

Case:990738 **Address:** 1581-1597 Commonwealth Avenue **Ward** 21 **Applicant:** Anil Patel

Article(s): 51(51-16)

Purpose: Change Use from "2 Restaurants, Stores, Offices, Chinese Hand Laundry, Barber Shop" to "2 Restaurants, Stores, Offices, Chinese Hand Laundry, Barber Shop, and Liquor Store.

Case:1005174 **Address:** 248R Corey Road **Ward** 21 **Applicant:** Joel G. Kinney

Article(s):51(51-57.13)

51(51-9: Lot Frontage Insufficient, Front Yard Insufficient, Side Yard Insufficient, Rear Yard Insufficient, Usable Open Space Insufficient & Floor Area Ratio Excessive)

Purpose: Erect new detached single family dwelling in the rear of existing 2 family on same lot replace existing garage with new garage and attached living unit. The property will have 3 living units and 3 parking spots. Refer to application ALT948332.

Case: 1005175 **Address:** 248-250 Corey Road **Ward** 21 **Applicant:** Joel G.Kinney

Article(s): 51(51-9: Floor Area Ratio Excessive, Usable Open Space Insufficient & Rear Yard Insufficient)

Purpose: This application being filed for Zoning variance purposes; please see ERT894226 for detached separate building for additional unit for a total of three units total on lot.

Case: 990401**Address:** 378-380 Centre Street **Ward** 19 **Applicant:** Michael Soltani

Article(s): 55(55-12) 55(55-40)

Purpose: Add outdoor patio for 23 seats. Access to exiting bar. No work to be done.

Case: 972357**Address:** 6-8 Cheshire Street **Ward** 19 **Applicant:** Comprehensive Building & Remodeling, LLC

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

Purpose: Finish Basement. Erect 2x4 walls on the perimeter, insulate, blueboard & plaster walls & ceiling, paint, carpet.

Case: 880415 **Address:** 1292A-1292 Blue Hill Avenue **Ward** 18 **Applicant:** Jody Mendoza Pekala

Article(s): 60(60-16)

Purpose: Change of Occupancy from VFW Post to Cannabis Establishment (Recreational Marijuana).

Case: 927288 **Address:** 11-13 Pierce Street **Ward** 18 **Applicant:** Charles Donovan

Article(s): 9(9-1) 69(69-29)

68(68-8: Use: Forbidden- MFR is a forbidden use in a 2F-5000 sub-district & Use: Forbidden- Dwelling units in basements are forbidden)

69(69-9: Floor Area Ratio Excessive& Usable Open Space Insufficient)

Purpose: Add 5th dwelling unit in basement

Case: 998180 **Address:** 36-40 Winthrop Street **Ward 18 Applicant:** CBC Design
Article(s): 10(10-1) 69(69-12) 69(69-29)
Purpose: Attached addition on right side of existing building. USE: Community Center with offices.

Case#998181 Address: 36-40 Winthrop Street **Ward 18 Applicant:** CBC Design
Purpose: Attached addition on right side of existing building. USE: Community Center with offices.
SECTION: 9th Edition 780 CMR CHPT 07 - Chapter 07 - Openings in exterior walls <3' from lot line is not allowed.

Case: 940020 **Address:** 41 Armandine Street **Ward 17 Applicant:** Devon Morgan
Article(s): 65(65-8)
Purpose: Change of occupancy from a 3 family to 4 family; install new sprinkler system in building.

Case#940019 Address: 41 Armandine Street **Ward 17 Applicant:** Devon Morgan
Purpose: Change of occupancy from a 3 family to 4 family; install new sprinkler system in building.
SECTION: 9th 780CMR 1016- Exit Access - Chapter 1016.2.4 problem could be resolved with installation of NFPA13- Chapter 903.3.1.1

Case: 995419 **Address:** 2 Mellen Street **Ward 17 Applicant:** Timothy Burke
Article(s): 65(65-8) 65(65-41)
65(65-9: Usable Open Space Insufficient & Floor Area Ratio Excessive)
Purpose: Change occupancy from at two family dwelling to a three family dwelling.

Case: 993386 **Address:** 11 Greenmount Street **Ward 15 Applicant:** Edward Ahern
Article(s): 65(65-8)
65(65-9: Lot area for the add'l dwelling unit is insufficient, Floor area ratio is excessive, Height is excessive (# of stories), Height is excessive (ft), Usable open space required is insufficient, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient)
Purpose: Erect new four unit building and parking per attached plans . BOA

Case: 981072 **Address:** 90 Hamilton Street **Ward 15 Applicant:** William Onessimo
Article(s): 65(65-9)
Purpose: Change of occupancy from a three family dwelling to a three family dwelling and basement common living space for all 3 units and storage.

Case: 971287 **Address:** 643 Morton Street **Ward 14 Applicant:** Holy Tabernacle Church Apostolic, Inc
Article(s): 60(60-9)
Purpose: Change of Occupancy from Childcare Center to Three-Family Dwelling. No work to be done.

Case#971286 Address: 643 Morton Street **Ward 14 Applicant:** Holy Tabernacle Church Apostolic, Inc
Purpose: Change of Occupancy from Childcare Center to Three-Family Dwelling. No work to be done.
SECTION: 9th Edition 780CMR 903.2 (MA Amend)- Occupancy Automatic Sprinkler Requiren. All Use Group R requires automatic sprinkler system.

Case: 969343 **Address:** 102 Nightingale Street **Ward 14 Applicant:** Hubert West
Article(s): 60(60-40) 60(60-8)
60(60-9: Lot Area Insufficient, Add'l Lot Area Insufficient, Lot Frontage Insufficient, Lot Width Insufficient, Floor Area Ratio Excessive, Usable Open Space Insufficient, Front Yard Insufficient, Side Yard Insufficient & Rear Yard Insufficient)
Purpose: Erect a new Multi family Dwelling (4 Units) on a vacant parcel.

Case: 1008451 **Address:** 89 Sydney Street **Ward 13 Applicant:** Michael Ferrara
Article(s): 10(10-1) 65(65-9)
65(65-41: 65-41.5d proposed parking does not meet minimum size dimensions & 65-41.5 insufficient maneuverability due to tandem parking setup)
Purpose: App.#ERT849071, approved by the Board of Appeal on 10/30/2018 under BOA-868750, to include driveway for 3 vehicles. Driveway will conform with Board of Appeal proviso #2 under BOA-868750 (parking of front vehicle in driveway shall not protrude beyond the front of structure).

Case: 1013092 **Address:** 570 Warren Street **Ward 12 Applicant:** 570 Warren Street, LLC
Article(s): 2(2-2-1) 9(9-1) 10(10-1) 50(50-43)
Purpose: Change occupancy from 9 lodgers and 1 owner occupant to 17 lodgers and 1 owner occupant; interior work only to create additional bedrooms for lodgers from existing under-utilized space in the existing structure.

HEARINGS: 10:30 a.m.

Case: 1004367 **Address:** 83 Bolton Street **Ward 6 Applicant:** Fred Peterson, Trustee of the John Flaherty Revocable Trust-2016
Article(s): 68(68-8) 68(68-33)
Purpose: Change of occupancy from single-family to three-family dwelling. Existing condition. No work to be done.

Case: 997062 **Address:** 66-68 Berkeley Street **Ward 5 Applicant:** Lauren Cook
Article(s): 9(9-1)
Purpose: We'd like to add 7 kids to our basement the existing capacity is 19 we are seeking to increase to 26, which has ample square feet according to EEC requirements (see drawings attached). We' would also like to change the ages in our 2nd floor rm. to 0-14 years keeping the same capacity. No work to be done.

Case:1013094 **Address:** 23 Upton Street **Ward 3 Applicant:** 23 Upton Street LLC
Article(s): 32(32-4) 64(64-34)
64(64-9: Town House/Row House Extensions into Rear Yard & Floor area ratio excessive)
Purpose: Change occupancy from lodging/rooming house to 3 family dwelling units; complete gut renovation with new systems; addition of rear balconies and roof deck; accessory parking at rear for 3 vehicles. Install groundwater recharge system under Art. 32.

Case:1005501 **Address:** 24-26 Elm Street **Ward 2 Applicant:** 24-26 Elm St, LLC
Article(s): 53-(53-9)
Purpose: To change occupancy from a four-family dwelling to a three-family dwelling. Also, to renovate the building, including a rear addition

Case: 1004869 **Address:** 13 Monument Street **Ward 2 Applicant:** Richard Crespo
Article(s): 62(62-8: Rear Yard Insufficient & Usable Open Space Insufficient)
Purpose: Contractor to demo existing rear, metal fire escape, and install a (2) level rear porch. Frame to be pressure treated, and decking to be composite. Eplan changed to paper 8/19/19.

Case: 1013097 **Address:** 96 Cottage Street **Ward 1 Applicant:** 231 Maverick Street, LLC
Article(s): 25(25-5) 27T(27T-5) 53(53-57)
53(53-9: Lot area for the add'l dwelling unit is insufficient, Lot width minimum required is insufficient, Lot width minimum required is insufficient, Lot frontage minimum required is insufficient, Floor area ratio is excessive, Height is excessive (stories), Height is excessive (ft), Usable open space is insufficient & Front yard setback required is insufficient)
Purpose: Combine (4) lots - 231, 233, and 237 Maverick, and 96 Cottage - into a new-build multifamily project. and erect 4 story, 2 unit building as per plans also Ert929448 mail returned, applicant update address.

Case: 1013096 **Address:** 231 Maverick Street **Ward 1 Applicant:** 231 Maverick Street,
Article(s): 53(53-8) 56(56-40) 53(53-56) 80(80-80E-2) 27T(27T-5) 25(25-5)
53(53-9: Lot area for the add'l dwelling units is insufficient, Floor area ratio is excessive, Height requirement is insufficient (stories), Height requirement is insufficient (ft), Usable open space requirement is insufficient & Side yard setback requirement is insufficient)
Purpose: Combine (4) lots - 231, 233, and 237 Maverick, and 96 Cottage - into a new-build multifamily project. And erect 4 story,7 units building as per plans. In conjunction with Ert929454.

Case: 959516 **Address:** 139 Everett Street **Ward 1 Applicant:** Anthony Del Vecchio
Article(s): 53(53-9) 27T(27T-5)
Purpose: Confirm the Occupancy as a One Family Dwelling and Change to a Two Family Dwelling to include combining of lots, roof deck with new exterior rear egress per plans submitted. All interior work and full construction costs for project are filed under SF944100 issued 4/22/19.

Case: 1006360 **Address:** 8 Ford Street **Ward 1 Applicant:** 6-8 Ford Street, LLC
Article(s): 53(53-56)
53(53-9: Add'l Lot Area Insufficient, Side Yard Insufficient, Usable Open Space Insufficient & Floor Area Ratio Excessive)
Purpose: Subdivide this parcel 0101723000 of 5000 sf into two lots. this lot to keep 2391sf giving 2609sf to new lot known as 8C Ford St. ERT889494. No work on this building.

Case:1006358 **Address:** 8C Ford Street **Ward 1 Applicant:** 6-8 Ford Street, LLC
Article(s): 53(53-57.3) 53(53-56) 53(53-53-57.5) 25(25-5)
53(53-9: Usable Open Space Insufficient, Floor Area Ratio Excessive & Add'l Lot Area Insufficient)
Purpose: Erect 3 unit residential dwelling with parking on new lot by subdividing Parcel 0101723000 into two lots. this new lot to have 2609sf. Also see ALT889492

Case: 995226 **Address:** 90 Morris Street **Ward 1 Applicant:** Ali Abdullah
Article(s): 53(53-52) 27T(27T-9)
Purpose: Three Family #856/2003 – Installation on private roof deck onto main roof for Unit#3.

Case:932844 **Address:** 192 Gladstone Street **Ward 1 Applicant:** Catherine Clifford and Michael Barber
Article(s): 27T(27T-5) 52(52-25) 53(53-8) 53(53-54)
53(53-9: Insufficient rear yard setback- 27.5' req, Excessive f.a.r. - 0.5 max, Front yard setback - Conformity with existing building alignments, Insufficient side yard (10' setback required) & # of allowed stories has been exceeded - 2.5 story max)
Purpose: Demolish existing structure located at 192 Gladstone Street and erect a 3-story, 5 unit building with 7 parking spaces per plans provided. 10/3/19 Modified plans provided by BOA finalized 10/11/19.

Case: 1008589 **Address:** 104 Princeton Street **Ward 1 Applicant:** 104 Princeton St, LLC
Article(s): 27T(27T-9) 9(9-1) 53(53-52)
53(53-9: Floor Area Ratio Excessive, Building Height Excessive, Building Height (# of Stories) Excessive & Side Yard Insufficient)
Purpose: Renovate per ALT875141, erect addition, erect roof deck with head house, extend living space into basement and erect rear decks.

RE-DISCUSSIONS: 10:30a.m.

Case: BOA-984240 **Address:** 71 May Street **Ward 19 Applicant:** Meredith McGuirk
Article(s): 55(55-41.12)
Purpose: Companion application to 71R May Street ALT953471 which seeks to change occupancy of existing garage on this lot to a one family dwelling, the resulting condition to be two single family buildings on this single lot.

Case: BOA-984246 **Address:** 71R May Street **Ward** 19 **Applicant:** Meredith McGuirk
Article(s): 55(55-41.1) 55(55-41.12)
55(55-9: Side Yard Insufficient & Rear Yard Insufficient)
Purpose: Confirm Occupancy as a Garage and Change Occupancy to a One Family Dwelling and expand and renovate as per plans. See ALT970111.

Case: BOA-986767 **Address:** 63 Violet Street **Ward** 18 **Applicant:** Castle Rock norfolk LLC c/o Eric Berke, Manager
Article(s): 60(60-9: Lot size to erect a new dwelling is insufficient, Minimum lot width requirements is insufficient & Minimum lot frontage requirement is insufficient)
Purpose: Subdivide and reconfigure existing 63 Violet Street and 65 Violet Street lots into two lot such that 63 Violet Street new lot size is 5,203 square feet and 65 Violet Street new lot size is 3,800 square feet. Construct new single family dwelling at 63 Violet Street. Work as per plans.

Case: BOA-986769 **Address:** 65 Violet Street **Ward** 18 **Applicant:** Castle Rock Norfolk LLC c/o Eric Berke, Manager
Article(s): 60(60-9: Minimum lot size required to erect a dwelling is insufficient, Minimum lot width required is insufficient, Minimum lot frontage is insufficient, Minimum rear yard setback requirement is insufficient & Dimensional Regulations)
Purpose: Subdivide and reconfigure existing 63 Violet Street and 65 Violet Street lots into two new lots such that 63 Violet Street new lot size is 5,203 square feet and 65 Violet Street new lot size is 3,800 square feet. Construct new single family dwelling at 65 Violet Street. Work as per plan.

Case: BOA-992738 **Address:** 88 White Street **Ward** 1 **Applicant:** 88 White Street, LLC
Article(s): 27S(27S-5) 53(53-57) 53(53-52)
53(53-9: Insufficient rear yard setback (resulted from proposed addition @88R), Insufficient lot size (resulted from proposed addition @88R) & Excessive F.A.R. (resulted from proposed addition @88R)
Purpose: Renovate structure and construct new dormer per plans submitted. Note: "Further zoning violations triggered by proposed addition to existing second building on same lot. This will remain one of two buildings on the same lot as #88R White Street. Please see ALT960368".

Case: BOA-992744 **Address:** 88R White Street **Ward** 1 **Applicant:** 88 White Street, LLC
Article(s): 9(9-1) 27T(27T-5) 53(53-8) 53(53-52) 53(53-54) 53(53-56) 53(53-57)
53(53-9: Lot Area Insufficient, Excessive F.A.R. (#88R), # of allowed stories exceeded (#88R) & Insufficient rear yard setback (#88R)
Purpose: Seeking to renovate the existing structure and construct an addition on the rear building for a total of three residential dwelling units. One of two building on the same lot (#88 1 family). Please see alt984527

45 Minute Lunch Break

RE-DISCUSSIONS: 11:30a.m.

Case: 966831 **Address:** 21 Rushmore Street **Ward** 22 **Applicant:** Chris Pleim
Article(s): 51(51-8) 51(51-9: Excessive F.A.R. & Insufficient rear yard setback (40' Required)
Purpose: Scope of work reduction: Construct three unit dwelling (townhouse style design) with 2 interior parking spaces. Modification made on 9/26/19.

Case: BOA-969070 **Address:** 13 River Street **Ward** 17 **Applicant:** Lucio Trabucco
Article(s): 65(65-42) 65(65-9: Floor Area Ratio Excessive, Building Height (# of Stories) Excessive, Usable Open Space Insufficient & Side Yard Insufficient)
Purpose: Addition & Alterations to existing structure @ 13 River St - please see ERT892724 for 13A River St and ERT892728 for 13B River St (separate buildings in the rear of the lot.) ERT835368 incorrect application for work described.

Case: BOA-969078 **Address:** 13A River Street **Ward** 17 **Applicant:** Lucio Trabucco
Article(s): 65(65-42: Conformity with Existing Building Alignment & Two or More Dwellings on the Same Lot)
65(65-9: Main Entrance to a Dwelling shall Face the Front Lot line, Lot Area Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Building Height Excessive, Building Height (# of Stories) Excessive, Usable Open Space Insufficient, Front Yard Insufficient & Side Yard Insufficient)
Purpose: Erect a new 4 story, Two (2) Family Dwelling on existing 11,663 sq ft Lot. Parking will be located under Building. This will be 1 of 3 Dwellings located on the Same Lot. Building will be fully Sprinklered. Reference ERT892728 (13B River Street) and ALT892712 existing building at 13 River Street.

Case: BOA-940063 **Address:** 3 Aspinwall Road **Ward** 17 **Applicant:** Solmon Chowdhury
Article(s): 65(65-8) 65(65-41)
65(65-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Bldg Height Excessive (Feet), Front Yard Insufficient, Side Yard Insufficient & Rear Yard Insufficient)
Purpose: Erect new five story multi-family dwelling. The building consists of 38 residential units with 29 underground parking spaces.

Case: BOA-928844 **Address:** 81 Everdean Street **Ward** 16 **Applicant:** Stuart Schrier
Article(s): 65(65-41) 65(65-42)
Purpose: switching driveway from inside basement to out side LEFT of the house

Case: BOA-952066 **Address:** 81 Everdean Street **Ward** 16 **Applicant:** Stuart Schrier
Article(s): 65(65-8)
65(65-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Front Yard Insufficient, Side Yard Insufficient & Rear Yard Insufficient)
Purpose: Change occupancy from one Family to two Family. As per plans.

Case: BOA-927970 **Address:** 79-81 Clarkson Street **Ward 15 Applicant:** Mai Phung
Article(s): 65(65-9)
Purpose: Proposed to enclosed front porches and roof decks on top (as per plans).

Case: BOA-892898 **Address:** 267 Old Colony Avenue **Ward 7 Applicant:** Patrick Mahoney, Esq
Article(s): 19(19-1) 14(14-2) 17(17-1) 20(20-20-8) 23(23-23-1) 23(23-9) 27S(27S-9)
13(13-13-1: Floor Area Ratio, excessive (L-1) & Height, excessive (L-1)
Purpose: Raze existing building and Erect 56 residential dwelling units with semi automated parking on grade, and
retails on ground level.

Case: BOA-975133 **Address:** 411 East Third Street **Ward 6 Applicant:** George Morancy
Article(s): 27S(27S-5) 68(68-33: Off-street parking insufficient & Design: 50% of the required car space shall be no less
than 8-1/2 feet in width and 20 feet in length) 68(68-8: Floor area ratio excessive, Bldg height excessive (feet), Usable
open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient)
Purpose: Combining two parcels (0602960010 and 0602959010) into a single lot to be 4,447 SF. Erect a multi-family (6
unit) residential dwelling with proposed (6) off-street parking. Raze existing single-family dwelling on separate permit.

Case: BOA-937269 **Address:** 425 East Third Street **Ward 6 Applicant:** Douglas Stefanov
Article(s): 27S(27S-5) 68(68-8: Floor area ratio is excessive, Height requirement is excessive, Usable open space
requirement is insufficient, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient
& Rear yard setback requirement is insufficient) 68(68-33: Off street parking requirement is insufficient & Off street
parking design (access drive & maneuverability))
Purpose: Erect a three family building with en-closed mechanical parking as per plans.

Case: BOA-967936 **Address:** 424 Marlborough Street **Ward 5 Applicant:** John Barry
Article(s): 32(32-4)
Purpose: Interior renovations and building code upgrade as per attached plans.

Case: BOA-974123 **Address:** 60-70 Temple Place **Ward 3 Applicant:** George Morancy
Article(s): 11(11-7) 38(38-20B: Sign area excessive, Signs attached at right angles to a building & Use billboards
forbidden)
Purpose: Install to Washington Street façade of existing commercial building new perpendicular blade-style digital
billboard measuring 25 inches in width, with each sign face measuring 25 feet by 12 feet.

Case: BOA-978472 **Address:** 3 Bond Street **Ward 3 Applicant:** Alston Ryan
Article(s): 32(32-4) 64(64-9: Town house/row house extension into rear yard, Floor area ratio excessive & Rear yard
insufficient)
Purpose: Total renovation of single family dwelling per plans. Reconstruction of structurally compromised front and
rear exterior walls of this row house. Erect roof deck. Enlarge rear dormer.

INTERPRETATION: 12:00Noon

Case: 1002608 **Address:** 3 Brigham Street **Ward 1 Applicant:** Ronald W. Stoia
Purpose: The Petitioner's are seeking an order from the Zoning Board of Appeal to Inspectional Services enforce the
April 25, 2017 decision, that the Applicant remove the head house and replace it with an angled hatch as shown in the
plans approved
and stamped by the Board in 2012.

RECONSIDERATION: 12:00Noon

Case: 885365 **Address:** 28 Geneva Street **Ward 1 Applicant:** Joel Deluca
Reconsideration, pursuant to Article 5-3, of the Board's 7/30/19 Decision to Deny the requested relief so that the Appeal
may be heard by a seven member Board 51(51-9: Excessive F.A.R & Insufficient rear yard setback (40' Required)
Purpose: Raze the existing structures and erect a five story building with twenty-seven residential units and nineteen
parking spaces. Combining Parcel ID 0104084000 and parcel ID 0104083000 to create one 8,240 square foot lot filed
under ALT874929.

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

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

SUBSTITUTE MEMBERS:

TYRONE KINDELL, JR
NADINE FALLON
EDWARD DEVEAU

**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**