



City of Boston  
Board of Appeal

## HEARING MINUTES

Tuesday, September 17, 2019

BOARD OF APPEALS

Room 801

Board Chair 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:

### **EXTENSIONS: 9:30a.m.**

**Case:** BOA-600913 **Address:** 175 Gove Street **Ward 1 Applicant:** Charles Diprima

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a motion for approval and second, the Board voted unanimously to approve the request for a one year extension.

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

**Case:** BOA-986945 **Address:** 6 Melrose Street **Ward 5 Applicant:** Lee Harvey

City Hall, upon the appeal of Lee Harvey seeking with reference to the premises at 6 Melrose Street, Ward 05 for the

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

**Purpose:** Full removal and replacement of interior finishes. Restoration of windows. All new HVAC, plumbing and electrical. Design & install of groundwater recharge system. Structural work pending engineer review of existing conditions.

**Discussion:** The appeal requested a conditional use permit under Article 32 GCOD Applicability. The appellant was not present at the hearing. Christian Simonelli of the Boston Groundwater Trust stated the appellant had received a BWSC approval letter. The Board noted that BWSC approval letter is on file.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Fortune moved for approval, the motion was seconded and the Board voted unanimously to approve the applicant's request.

**Case:** BOA-992198 **Address:** 686 Massachusetts Avenue **Ward 8 Applicant:** Volunteers of America of Massachusetts Inc

**Article(s):** 32 (32-9)

**Purpose:** Change occupancy from group care residence, general to group residence, limited and increase residents from 24 to 28 Install storm water system in Groundwater Conservation Overlay District Install roof-top mechanical equipment in Restricted Roof Structure District.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail, and requested a conditional use permit under Article 32 GCOD Applicability. Christian Simonelli of the Boston Groundwater Trust stated that the plans are under review and pending a BWSC approval letter.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval with a hold for signature pending receipt of the BWSC approval letter, the motion was seconded and the Board voted unanimously to approve the applicant's request.

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

**Case:** BOA#990144 **Address:** 142 Chandler Street **Ward 4 Applicant:** Thomas Lambert  
**Purpose:** Construct new roof deck, interior stairway leading up to roof deck, new Kitchen and bathroom.  
**SECTION:** 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting building code relief to allow for roof access via hatch instead of via a required penthouse.

Board Members asked if the roof deck is for exclusive use.

**Testimony:** The Board then requested testimony from neighbors and elected officials. No individuals spoke in favor of or opposition to the request for relief.

**Documents/Exhibits:** Building Plans

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

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

**Case:** BOA-983023 **Address:** 54 Waverly Street **Ward 22 Applicant:** Marc Savatsky  
**Article(s):** 51(51-9.4)  
51(51-9: Add'l Lot Area Insufficient & Floor Area Ratio Excessive)  
**Purpose:** Erect new three-family dwelling with two private roof decks and two rear deck. Propose six off street parking spaces.

**Discussion:** The applicant appeared before the Board and requested to withdraw the proposal.

**Votes:** Upon a motion for dismissal without prejudice and a second, the Board voted unanimously to dismiss without prejudice.

**Case:** BOA-970041 **Address:** 19 Ellis Street **Ward 18 Applicant:** Tim Longden  
**Article(s):** 10(10-1) 69(69-8) 69(69-29)  
69(69-9: Lot Area Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories) & Usable Open Space Insufficient)  
**Purpose:** Erect 3 family residential building with shared driveway and 3 parking spaces in rear. Subdivision approved on ALT966071.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-family dwelling with off-street parking.

Board Members asked about the driveway, location of mechanical equipment and whether the units would be condos or rentals.

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

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval with BPDA design review and Walsh Logue seconded and the Board voted unanimously to approve.

**Case:** BOA-970039 **Address:** 17 Ellis Street **Ward 18 Applicant:** Tim Longden

**Article(s):**10(10-1) 69(69-8) 69(69-29)

69(69-9: Lot Area Insufficient, Lot Width Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Usable Open Space Insufficient & Side Yard Insufficient)

**Purpose:** Erect 3 family residential building with shared driveway and 3 parking spaces in rear. Subdivision approved on ALT966071.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-family dwelling with off-street parking.

Board Members asked about the driveway, location of mechanical equipment and whether the units would be condos or rentals.

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

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval with BPDA design review and Walsh Logue seconded and the Board voted unanimously to approve.

**Case:** BOA-969080 **Address:** 13B 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: Lot Area Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Building Height Excessive (ft), Building Height (# of Stories) Excessive, Usable Open Space Insufficient & Rear 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 ERT892724 ( 13A River Street ) and ALT892712 existing building at 13 River Street.

**Discussion:** At the applicant's request, the matter was deferred to the November 19, 2019 Hearing.

**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.

**Discussion:** At the applicant's request, the matter was deferred to the November 19, 2019 Hearing.

**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.

**Discussion:** At the applicant's request, the matter was deferred to the November 19, 2019 Hearing.

**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

**Discussion:** At the applicant's request, the matter was deferred to the November 19, 2019 Hearing.

**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.

**Discussion:** At the applicant's request, the matter was deferred to the November 19, 2019 Hearing.

**Case:** BOA-947294 **Address:** 265 Hancock Street **Ward** 15 **Applicant:** Abraham Alvarez

**Article(s):**65(65-8) 65(65-41) 65(65-42)

65(65-9: Floor area ratio is excessive, Height 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 in-sufficient)

**Purpose:** Demolish existing single family at 265 Hancock Street and construct new six family at 265 Hancock Street (ERT919443) on the combined lot with 259 Hancock Street existing three family (ALT919428) and 271-273 Hancock Street existing four family (ALT919433). 13 parking spaces shown on plans with this application

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a 6 unit residential dwelling.

Board Members asked about the lot size, violation, parking, floor area ratio, unit sizes and bedroom counts.

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

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Fallon recused herself from the hearing of this matter. Board Member Erlich moved for approval with BPDA design review and Kindell seconded and the Board voted unanimously to approve.

**Case:** BOA-970446 **Address:** 13 Hendry Street **Ward** 15 **Applicant:** Alexandra Fryzer

**Article(s):** 10(10-1) 65(65-9) 65(65-41)

**Purpose:** Shared driveway between and 11 and 13 Hendry St. for 5 parking spaces. See U49949362.

**Discussion:** The applicant appeared before the Board and requested to withdraw the proposal.

**Votes:** Upon a motion for dismissal without prejudice and a second, the Board voted unanimously to dismiss without prejudice.

**Case:** BOA-970448 **Address:** 11 Hendry Street **Ward** 15 **Applicant:** Alexandra Fryzer

**Article(s):** 65(65-9) 65(65-41)

**Purpose:** Shared driveway between 11 and 13 Hendry St. for 5 parking spaces. See U49949357.

**Discussion:** The applicant appeared before the Board and requested to withdraw the proposal.

**Votes:** Upon a motion for dismissal without prejudice and a second, the Board voted unanimously to dismiss without prejudice.

**Case:** BOA- 966548 **Address:** 86 Rosseter Street **Ward 14 Applicant:** Erick Bayard

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

**Purpose:** Extend living space to basement for Unit #1 on existing three-family dwelling.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space for unit one into the basement.

Board Members asked about the use of the basement space and basement ceiling height.

**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 Ruggiero moved for approval and Kindell seconded and the Board voted unanimously to approve.

**Case:** BOA-832253 **Address:** 36 Goodale Road **Ward 14 Applicant:** Castle Rock Norfolk, LLC c/o Eric Berke

**Article(s):** 60(60-41) 60(60-9: Lot Area Insufficient & Side Yard Insufficient)

**Purpose:** Construct a new Single Family Dwelling. Work as per plans.

City of Boston Neighborhood Homes Initiative Project

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect new dwellings as part of a Neighborhood Homes Initiative Project.

Board Members asked about the total number of dwelling units.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-832252 **Address:** 527 Norfolk Street **Ward 14 Applicant:** Castle Rock Norfolk, LLC c/o Eric Berke

**Article(s):** 60(60-9) 60(60-41)

**Purpose:** Subdivide lot and construct a new Single Family Semi-Attached Dwelling. Work as per plans. City of Boston Neighborhood Homes Initiative Project

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect new dwellings as part of a Neighborhood Homes Initiative Project.

Board Members asked about the total number of dwelling units.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-832251 **Address:** 525 Norfolk Street **Ward 14 Applicant:** Castle Rock Norfolk, LLC c/o Eric Berke

**Article(s):** 60(60-41)

60(60-9: Lot Area Insufficient & Usable Open Space Insufficient)

**Purpose:** Subdivide lot and construct a new Single Family Semi-Attached Dwelling. Work as per plans. City of Boston Neighborhood Homes Initiative Project

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect new dwellings as part of a Neighborhood Homes Initiative Project.

Board Members asked about the total number of dwelling units.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-832249 **Address:** 523 Norfolk Street **Ward 14 Applicant:** Castle Rock Norfolk, LLC c/o Eric Berke

**Article(s):** 60(60-41)

60(60-9: Lot Area Insufficient, Lot Width Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive & Side Yard Insufficient)

**Purpose:** Subdivide lot and construct a new Two ( 2 ) Family Dwelling. Work as per plans. City of Boston Neighborhood Homes Initiative Project

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect new dwellings as part of a Neighborhood Homes Initiative Project.

Board Members asked about the total number of dwelling units.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-832261 **Address:** 9 Leston Street **Ward 14 Applicant:** Castle Rock Norfolk, LLC c/o Eric Berke

**Article(s):** 60(60-9: Lot Area Insufficient & Front Yard Insufficient)

**Purpose:** Construct a new Single Family Dwelling. Work as per plans.  
City of Boston Neighborhood Homes Initiative Project

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect new dwellings as part of a Neighborhood Homes Initiative Project.

Board Members asked about the total number of dwelling units.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-832259 **Address:** 13 Hosmer Street **Ward** 14 **Applicant:** Castle Rock Norfolk, LLC c/o Eric Berke

**Article(s):** 60(60-9)60(60-41)

**Purpose:** Subdivide Lot and construct a new Single Family Semi-Attached Dwelling. Work as per plans.  
City of Boston Neighborhood Homes Initiative Project

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect new dwellings as part of a Neighborhood Homes Initiative Project.

Board Members asked about the total number of dwelling units.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-832257 **Address:** 11 Hosmer Street **Ward** 14 **Applicant:** Castle Rock Norfolk, LLC c/o Eric Berke

**Article(s):** 60(60-41)

**Purpose:** Subdivide Lot and construct a new Single Family Semi-Attached Dwelling. Work as per plans. City of Boston Neighborhood Homes Initiative Project

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect new dwellings as part of a Neighborhood Homes Initiative Project.

Board Members asked about the total number of dwelling units.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-989008 **Address:** 24R Judson Street **Ward** 13 **Applicant:** Glenn Knowles

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

**Purpose:** Erect a one car garage. See plan filed under ERT919882.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-family dwelling with a one car garage.

Board Members asked about curb cuts and use of the garage.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-989001 **Address:** 24 Judson Street **Ward** 13 **Applicant:** Glenn Knowles

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

50(50-29: Add'l Lot Area Insufficient, Floor Area Ratio Excessive, Usable Open Space Insufficient, Front Yard Insufficient & Rear Yard Insufficient)

**Purpose:** Erect new three-family dwelling. This new triple-decker will have a front porch, rear deck and roof deck. Proposed detached one-car garage filed under ERT921799.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-family dwelling with a one car garage.

Board Members asked about curb cuts and use of the garage.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-975874 **Address:** 55 Dale Street **Ward** 12 **Applicant:** Tamara Montgomery

**Article(s):** 50(50-28) 50(50-29: Lot area for the add'l dwelling unit, Floor area ratio is excessive & Usable open space is insufficient)

**Purpose:** Splitting the first floor unit into two units as done on all other floors lic builder info will be at pick up homeowner is filing. Change occupancy from 6 units to 7 units.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to convert unit one into two units and change occupancy from a six-family to seven-family dwelling.

Board Members asked about the current size of the unit and parking.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Janey, Essaibi-George and Flaherty are in support.



**Documents/Exhibits:** Building Plans

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

**Case:** BOA-808136 **Address:** 9 Burney Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC

**Article(s):** 59(59-7: Retail Store:Forbidden, Multifamily Dwelling:Forbidden & Accessory Parking:Forbidden)

59(59-8: Lot Area 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)

59(59-37: Off-Street Parking Insufficient & Off-Street Parking Insufficient)

**Purpose:** Construct a 5 story, Mixed-Use Building. On the Ground Floor will be a Retail Space and Accessory Parking Garage. On Floors 2 thru 5 will be 31 Units of Housing. There will be a Common Roof Deck. The Project will require the combination and alteration of several existing lots including 11 Burney, 1508-1514 Tremont, 1518 Tremont and 1520 Tremont. The project proposes to remove existing structures on 11 Burney. (See Related Application ALT792598).

**Discussion:** At the applicant's request, the matter was deferred to the October 29, 2019 Hearing.

**Case:** BOA-982967 **Address:** 9 Burney Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC

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

59(59-8: Floor Area Ratio Excessive & Rear Yard Insufficient)

**Purpose:** The parcels at 9 and 11 Burney will be taking some amount of area from 1508-1514 Tremont St, 1516-1518 Tremont St and 1520 Tremont St. This application should be considered at the same time as the application at 9 Burney St. ERT 792599.(TW).

**Discussion:** At the applicant's request, the matter was deferred to the October 29, 2019 Hearing.

**Case:** BOA-982962 **Address:** 1508-1514 Tremont Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC

**Article(s):** 59(59-37) 59(59-16:Floor Area Ratio Excessive & Rear Yard Insufficient)

**Purpose:** Lot at 1508-1514 will be transferring some lot area to the lot at 9 Burney St. This transfer will require zoning relief to the parcel. This application should be reviewed at the same time as the permit application for 9 Burney St #ERT792599 (TW)

**Discussion:** At the applicant's request, the matter was deferred to the October 29, 2019 Hearing.

**Case:** BOA-982965 **Address:** 1516-1518 Tremont Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC

**Article(s):** 59(59-37) 59(59-16:Floor Area Ratio Excessive & Rear Yard Insufficient)

**Purpose:** The parcel at 1518 Tremont will be transferring some amount of it's area to the proposed parcel at 9 Burney St. This transfer will create the need to zoning relief. This application should be considered at the same time as the application at 9 Burney St. ERT 792599. Being reviewed by Tom White.

**Discussion:** At the applicant's request, the matter was deferred to the October 29, 2019 Hearing.

**Case:** BOA-982955 **Address:** 1520 Tremont Street **Ward 10 Applicant:** 11 Burney, LLC & Tremont & Burney, LLC

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

59(59-16:Floor Area Ratio Excessive & Rear Yard Insufficient)

**Purpose:** The parcel at 1520 Tremont will be transferring some amount of it's area to the proposed parcel at 9 Burney St. This transfer will create the need to zoning relief. This application should be considered at the same time as the application at 9 Burney St. ERT 792599.(TW)

**Discussion:** At the applicant's request, the matter was deferred to the October 29, 2019 Hearing.

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

**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.

**Discussion:** At the applicant's request, the matter was deferred to the November 19, 2019 Hearing.

**Case:** BOA-966578 **Address:** 111-113 H Street **Ward 7 Applicant:** Stephen Miller

**Article(s):** 68(68-7)

**Purpose:** Change Occupancy from 5 Family and Store with 36A to: 5 Family and Liquor Store. No work to be done.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to add a liquor store.

Board Members asked about if the current takeout use would remain, if the use is accessory to the main use and the number of coolers to contain beer and wine for sale.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support, as are two abutters. Councilors Flynn, Flaherty and Essaibi-George are in opposition, as are three abutters.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval, with relief granted to petitioner only and for one cooler only to be designated for beer and wine, and Kindell seconded and the Board voted to approve. Member Walsh Logue was opposed to the motion.

**Case:** BOA-982844 **Address:** 9 Douglas Street **Ward 7 Applicant:** Antonio Ferrara

**Article(s):** 68(68-8) 68(68-29)

**Purpose:** Add a 12x12 roof deck in conjunction with zba approved permit alt800545.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a roof deck.

Board Members asked about the visibility of the proposed roof deck from the street.

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

**Case:** BOA-984269 **Address:** 416-418 West Broadway **Ward 6 Applicant:** Eastern Point Hospitality LLC

**Article(s):** 27S(27S-5) 68(68-7)

**Purpose:** Ottos Pizza - Change of Occupancy from Commercial Retail to Restaurant

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to a pizza restaurant.

Board Members asked about takeout use and accessibility?

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-989342 **Address:** 171 K Street **Ward 6 Applicant:** Stephen Siuda

**Article(s):** 27S(27S-5) 68(68-29)

68(68-8: Floor Area Ratio Excessive, Front Yard Insufficient, Side Yard Insufficient & Rear Yard Insufficient)

**Purpose:** Extend 3rd story addition over existing second floor. Extend roof deck and headhouse. Full renovations to existing single-family dwelling.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect addition to existing single-family dwelling and extend roof deck and head house.

Board Members asked about the deck and head house.

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

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval with BPDA design review for reduction or removal of the head house and Kindell seconded and the Board voted unanimously to approve.

**Case:** BOA-970669 **Address:** 798B East Third Street **Ward 6 Applicant:** Michael & Maureen Murray

**Article(s):** 27S(27S-5) 68(68-8) 68(68-29)

**Purpose:** Construct rear addition and 1-story vertical addition on an attached single family dwelling. Extend living space to basement

**Discussion:** At the applicant's request, the matter was deferred to the November 12, 2019 Hearing.

**Case:** BOA-983060 **Address:** 28 Fenway **Ward 4 Applicant:** David Anderson

**Article(s):** 29(29-4) 32(32-4) 66(66-38)

66(66-9: Floor Area Ratio Excessive, Building Height Excessive & Rear Yard Insufficient)

**Purpose:** Change of Occupancy from Rooming House to Rooming House and Two Residential Dwelling Units. Change to increase rooming house to 42 rooms. Construct fifth and sixth story vertical addition with roof deck on existing footprint. Removal of fire-escape balcony and stairway.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy of rooming house to include 42 rooms and build an addition and roof deck.

Board Members asked about the size of the two residential units, about the occupants of the rooming house and about the roof deck.

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

**Documents/Exhibits:** Building Plans, Letters of support

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

**Case:** BOA-962018 **Address:** 60 South Street **Ward 3 Applicant:** Lincoln Property Company by John Cappellano

**Article(s):** 44(44-6)

**Purpose:** Improvement to office building, Phase 1: Reconfiguration of the restrooms, floors 2-7. Phase 2: Extension of an egress stairway to the roof (Levels 11 and 12), added stop for 1 elevator to roof level, build roof deck for tenants, Phase 3: building lobby addition of door & wall reconfiguration.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add a roof deck on top of an office building.

Board Members asked about the roof deck and fixed structures on the roof.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services requested a deferral for additional community process. Councilor Flynn and an abutter are in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for deferral and Kindell seconded and the Board voted unanimously to defer to October 8, 2019.

**Case:** BOA-946103 **Address:** 464 Sumner Street **Ward 1 Applicant:** CRM Property Management Corp

**Article(s):** 27T(27T-5) 53(53-8) 53(53-52) 53(53-54) 53(53-56)

53(53-9: Insufficient additional lot area per dwelling unit, Excessive F.A.R., Insufficient open space, Max # of allowed stories exceeded, Max allowed height exceeded & Insufficient side yard setback)

**Purpose:** To change the occupancy from a three-family to a four-family. Also to renovate the building, including a rear and fourth-story addition.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from three-family to four-family dwelling.

Board Members asked about the basement, gross square footage of additions, roof deck, and if the units are for rent or for sale.

**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 Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

**Case:** BOA-934885 **Address:** 199 Trenton Street **Ward 1 Applicant:** 199 Trenton, LLC

**Article(s):**9(9-1) 27T East Boston IPOD, 53(53-52) 53(53-54) 53(53-56)

53(53-9: Insufficient additional lot area/unit, Insufficient open space/dwelling unit, Insufficient side yard setback per survey & Excessive F.A.R.)

**Purpose:** Erect an addition with roof deck, extend living space into basement and change occupancy from 2 to 4 units.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build an addition with a roof deck and change occupancy from a two-family to four-family dwelling.

Board Members asked if the roof deck is exclusive, about access to and size of the deck and basement ceiling height.

**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, Letter of support

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

**Case:** BOA-961467 **Address:** 47-51 Webster Street **Ward 1 Applicant:** Fratt, LLC

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

**Purpose:** Restaurant outdoor seating for 22 with food and alcohol service.

**Discussion:** At the applicant's request, the matter was deferred to the December 3, 2019 Hearing.

**Case:** BOA-956105 **Address:** 200 William F McClellan HWY **Ward 1 Applicant:** Albert Farrah

**Article(s):**27T(27T-5) 53(53-15)

**Purpose:** Change occupancy to auto body shop, build 45x25 ft addition to garage as per plan.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to auto body shop and erect addition.

Board Members asked about current use.

**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 BPDA design review for screening and buffering and Kindell seconded and the Board voted unanimously to approve.

**Case:** BOA-954504 **Address:** 30 Orleans Street **Ward 1 Applicant:** Ricardo Robugkui

**Article(s):** 25(25-5) 27T(27T-5) 53(53-9: Lot size to erect a two family dwelling unit is insufficient, Minimum lot width requirement is insufficient, Minimum lot frontage requirement is insufficient, Floor area ratio is excessive, Minimum usable open space requirement is insufficient, Minimum front yard setback requirement is insufficient, Minimum side yard setback requirement is insufficient & Minimum rear yard setback requirement is insufficient)

**Purpose:** The proposal involves constructing a new 2-family residential building with parking on 1008 square foot in rear - Parcel #0105386000.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a two-family dwelling.

Board Members asked if the property is in a flood hazard district, if basement space was proposed, if the units are rentals and about unit size and bedroom counts.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Edwards are in support, as is an abutter. An abutter is in opposition.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval with BPDA design review and Kindell seconded and the Board voted to approve. Member Ruggiero was in opposition to the motion.

#### **45 Minute Lunch Break**

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

**Case:** BOA-940761 **Address:** 64 Poydras Street **Ward 18 Applicant:** Thomas Piatt  
**Article(s):** 69(69-9: Lot area for additional dwelling units insufficient, Usable open space insufficient, Front yard insufficient & Rear yard insufficient) 69(69-29) 69(69-29.4)  
**Purpose:** Demolish existing House. Erect a new 3 story 15 Unit Multi-family Apartment building.

**Discussion:** At the applicant's request, the matter was deferred to the November 12, 2019 Hearing.

**Case:** BOA-959256 **Address:** 71 Stanton Street **Ward 17 Applicant:** Alex Edwards  
**Article(s):** 65(65-9: Lot Area Insufficient, Add'l Lot Area Insufficient, Lot Width Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Usable Open Space Insufficient, Bldg Height Excessive (Feet), Front Yard Insufficient & Side Yard Insufficient)  
**Purpose:** New construction of three-family on vacant lot.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-family dwelling with parking in rear.

Board Members asked about lot size, if a roof deck was proposed, size of the driveway and number of parking spaces.

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

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-880056 **Address:** 249-251 Minot Street **Ward 16 Applicant:** Timothy Johnson  
**Article(s):** 65(65-8)  
65(65-9: Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Bldg Height Excessive (Feet), Front Yard Insufficient & Side Yard Insufficient)  
**Purpose:** Demolish existing building and erect new 3 story, 9 unit residential building w/side & roof decks and 14 parking spaces in garage.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a six unit residential dwelling, reduced from nine units.

Board Members asked about change in violations, change in height, floor area ratio, parking, unit sizes and roof decks.

**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 Erlich moved for approval with BPDA design review and Kindell seconded and the Board voted unanimously to approve.

**Case:** BOA-945356 **Address:** 185 London Street **Ward 1 Applicant:** Derric Small

**Article(s):** 53(53-8) 53(53-9): Lot area for add'l dwelling unit is insufficient, Floor area ratio is excessive, Height is excessive (stories), Height is excessive (ft), Front yard setback is insufficient & Side yard setback is insufficient) 53(53-56) 25(25-5)

**Purpose:** Complete renovation and living space addition. Change occupancy from 3 family to 4 family.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build an addition and change occupancy from three-family to four-family dwelling.

Board Members asked about the fourth unit and if a roof deck was proposed.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Edwards are in opposition, as is an abutter.

**Documents/Exhibits:** Building Plans, letter of support, petition of support

**Votes:** Board Member Erlich moved for denial and Walsh Logue seconded and the Board voted unanimously to deny.

**Case:** BOA-952103 **Address:** 658-660 East Broadway **Ward 6 Applicant:** Anthony Virgilio

**Article(s):** 68(68-8) 69(69-9): Height is excessive, Usable open space is insufficient, Front yard requirement is insufficient, Side yard requirement is insufficient, Rear yard requirement is insufficient & Off street parking requirement is insufficient) 27S(27S-5) 68(68-29)

**Purpose:** Renovation of existing building at 658 E Broadway to include an addition in the rear yard and additional floor Combine lot 654 to 656, 660R and 658-660 E Broadway Street, and demolish the existing building at 654 E Broadway Street. Change occupancy from Restaurant, Offices and 3 units to Restaurant, Offices and 8 units.

**Discussion:** At the applicant's request, the matter was deferred to the November 12, 2019 Hearing.

**Case:** BOA-947223 **Address:** 63 Marion Street **Ward 1 Applicant:** Richard Jeffery

**Article(s):** 27T(27T-5) 53(53-9) 53(53-9) 53(53-52)

**Purpose:** Change occupancy from a 3 family into a 2 family, then extend living space into the basement level and add a new roof deck to be accessed by hatch per the submitted plans. Modified via a new set of plans on 1/11/19. MODIFIED again 4.26.19.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from three-family to two-family dwelling, extend living space to basement and add a roof deck.

Board Members asked about the intended use of the basement space, basement ceiling height, unit sizes and about the roof deck.

**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, letter of support

**Votes:** Board Member Erlich moved for approval with BPDA design review with attention to the head house and Kindell seconded and the Board voted unanimously to approve.

**Case:** BOA-892077 **Address:** 181-183 Coleridge Street **Ward 1 Applicant: Theodore Touloukian for Ryan Acone**

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

**Purpose:** Combine lots (PID 0104312000 and 0104311000) into a single lot to be 19,000 SF. Erect a three-story mixed-use building with 19 residential units, 22 off-street parking spaces below grade, and "facility of public accommodation" as per Chapter 91 Massachusetts Public Waterfront Act.

**Discussion:** At the applicant's request, the matter was deferred to the November 12, 2019 Hearing.

**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 Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to a cannabis establishment.

Board Members asked about the square footage of the facility, percentage of space available for retail versus storage, hours of operation, crowd control procedures and about the half mile buffer zone between establishments.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards and Flaherty are in support. Three abutters/neighbors are in opposition.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval and Fortune seconded and the Board voted to approve. Member Ruggiero was opposed to the motion.



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**BOARD MEMBERS:**

**CHRISTINE ARAUJO- CHAIR  
MARK FORTUNE-SECRETARY  
MARK ERLICH  
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**SUBSTITUTE MEMBERS:**

**TYRONE KINDELL  
KERRY LOGUE  
NADINE FALLON**

**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 September 17, 2019 Board of Appeal Hearings please go to: [https://www.cityofboston.gov/cable/video\\_library.asp](https://www.cityofboston.gov/cable/video_library.asp)**