



City of Boston  
Board of Appeal

## Hearing Minutes

**Tuesday, March 27, 2018**

**BOARD OF APPEALS**

**Room 801**

Board Chairperson Araujo called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

### **APPROVAL OF HEARING MINUTES:**

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

The Board deferred action on the Minutes due technical difficulties with the draft minutes.

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

The applicant, Urbanica, requested from the Board a one year extension to exercise the zoning relief it was previously granted with respect to the following properties. The Board approved the one year extension.

**Case:** BOA-415116, **Address:** 137-141 Hyde Park Avenue, **Ward 19 Applicant:** Urbanica

**Case:** BOA-415015, **Address:** 133-135 Hyde Park Avenue, **Ward 19 Applicant:** Urbanica

**Case:** BOA-415113, **Address:** 127-131 Hyde Park Avenue, **Ward 19 Applicant:** Urbanica

**Case:** BOA-415012, **Address:** 119-125 Hyde Park Avenue, **Ward 19 Applicant:** Urbanica

**Case:** BOA-415047, **Address:** 93-95 Hyde Park Avenue, **Ward 19 Applicant:** Urbanica

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

**Case:** BOA-769079, **Address:** 90-90D Bigelow Street , **Ward 22 Applicant:** Ninety-2 Bigelow Street LLC

**Article(s):** 51(51-8)

**Purpose:** Erect a 5 family townhouse as per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed 5 unit townhouse which will be built on a large parcel (44,000+ square feet). The Board inquired and applicant confirmed that this new structure will not be one of two dwellings on the same lot.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Ciommo's office, the Brighton Allston Improvement Association and two abutters spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval with BPDA Design Review, member Bickerstaff seconded and the Board voted unanimously to approve.

**Case:** BOA-772697, **Address:** 103-105 Kenrick Street , **Ward 22 Applicant:** Shakeel Hossain  
**Article(s):** 9(9-1) 51(51-9: Excessive F.A.R., Excessive number of stories, Insufficient front yard setback, Insufficient side yard setback & Insufficient rear yard setback)

**Purpose:** 1) Front Decks with 6' French Doors - 1st Floor added 4'x6' deck; 2nd new 4'x16' deck; 3rd floor new 4'x10' deck. 2) 27x12 ft Dormer on west side of the existing roof. 3) 3 30"x48" skylights on the east side of the roof.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed renovations including three new front decks, a new dormer on the roof and three new skylights. The new dormer will allow for additional habitable space.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Ciommo's office, Councilor Essaibi-George's office and the Brighton Allston Improvement Association spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval with BPDA Design Review, member St. Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-755659, **Address:** 58 Lake Street, **Ward 22 Applicant:** Charles Donners

**Article(s):** 9(9-1) 10(10-1) 51(51-56)

**Purpose:** Off street parking for 4 vehicles curb cut to be on Undine Road side of house.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed curb cut and driveway for four vehicles for an existing two-family dwelling. The proposed curb cut and driveway will be off of Undine Road. The Board inquired and the applicant discussed the long existing curb at the front of the property on Lake Street. The applicant stated he would remove this curb cut.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Ciommo's office, Councilor Essaibi-George's office and the Brighton Allston Improvement Association spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Fortune moved for approval with the following provisos: BPDA Design Review for screening and buffering and the applicant is to remove the curb cut in front of the house. The Board voted unanimously to approve.

**Case:** BOA-684107, **Address:** 1432-1400 Commonwealth Avenue, **Ward 21 Applicant:** Philip Hresko

**Article(s):** 29(29-8) 51(51-16) 51(51-17: Floor area ratio excessive, Height excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 51(51-56: Off-street parking insufficient & Off-street loading insufficient)

**Purpose:** Erect new 7 story apartment 37 residential units building with 2 retail stores on first floor with 18 parking spaces underground.

**Discussion:** The applicant withdrew his appeal.

**Vote:** The Board voted unanimously to deny the appeal without prejudice.

**Case:** BOA-792293, **Address:** 1470-1474 Commonwealth Avenue, **Ward 21 Applicant:** Jamie Chow

**Article(s):** 51(51-8) 51(51-9: Excessive F.A.R. & Dimensional Regulations) 51(51-56)

**Purpose:** Change occupancy from 7 residential units and one professional office to 8 residential units, existing condition.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed change of occupancy from 7 residential units and 1 professional office to 8 residential units. This is an existing condition. The Board expressed concern that the existing condition is not in compliance with the Building Code.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Ciommo's office and the Brighton Allston Improvement Association spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval, member Bickerstaff seconded and the Board voted unanimously to approve.

**Case:** BOA#792294, **Address:** 1470-1474 Commonwealth Avenue, **Ward 21 Applicant:** Jamie Chow

**Purpose:** Change occupancy from 7 residential units and one professional office to 8 residential units, existing condition. Section 780CMR, 8th Edition 107 Construction Documents Insufficient documents provided for review. (I.e. Sprinkler, fire alarm, MEPs, framing, slab design, damp proofing etc.).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed change of occupancy from 7 residential units and 1 professional office to 8 residential units. This is an existing condition. The Board expressed concern that the existing condition is not in compliance with the Building Code.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, Councilor Ciommo's office and the Brighton Allston Improvement Association spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for denial of Building Code relief, member Fortune seconded and the Board voted unanimously to deny the appeal.

**Case:** BOA-778523, **Address:** 548 Lagrange Street, **Ward 20 Applicant:** Josephine Bonomo

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

**Purpose:** Parking for 3 cars total (1 existing and 2 ne), as per plans filed.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to install a 12' curb cut and driveway for three vehicles which will be accessed off of Pender Street. There currently exists at the site off-street parking for one vehicle. The Board inquired whether or not there is currently a curb cut at the property. The applicant stated there was not.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and representatives of Councilors O'Malley, Flaherty and Essaibi-George spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review for screening and buffering, member Fortune seconded and the Board voted unanimously to approve.

**Case:** BOA-795624, **Address:** 5251 Washington Street, **Ward 20 Applicant:** John Pulgini

**Article(s):** 56(56-7) 56(56-8: Floor area ratio excessive, Building height excessive (feet), Usable open space insufficient & Side yard insufficient) 56(56-40.1) 56(56-39)

**Purpose:** Combining lots: Parcel (2010998000 & 2010797000) to single lot, total 14,904 SF lot areas under ALT704589. Raze all existing buildings. Erect new (9) unit residential building with roof deck and (19) off-street parking at garage.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to combine two parcels to create a new 14,904 square foot lot. The applicant proposes to raze the existing buildings and to erect a new nine-unit residential building with a roof deck and 19 off-street parking spaces. The Board inquired as to the style of the building and it's consistency with other buildings on the area.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and representatives of Councilors O'Malley and Flaherty spoke in support.

**Documents/Exhibits:** Building plans and 15 letters of support from abutters

**Vote:** Board member Galvin moved for approval with BPDA Design Review, member Pisani seconded and the Board voted unanimously to approve.

**Case:** BOA-782342, **Address:** 73-73A Cummins Highway, **Ward 19 Applicant:** Patrick Mahoney

**Article(s):** 67(67-9: Additional lot area insufficient, Lot frontage insufficient, Parking insufficient, Building height excessive, Usable open space insufficient, Side yard insufficient, Rear yard insufficient & 67-9.3 main entrance to face the front lot line)

**Purpose:** Erect an unattached two family on the same lot as another unattached two family (see 75-75A Cummins HWY permits should be appealed together ERT714310).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to demolish an existing two-family dwelling and to build a new, unattached two-family dwelling. This will be one of two dwellings on the same lot. The lot is approximately 15,000 square feet. The Board inquired regarding the character of the surrounding neighborhood and as to whether there exists an easement for access to the predominantly land locked parcel.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and representatives of Councilors McCarthy and Flaherty spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Erlich moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to deny the appeal. Member Pisani recused himself from this hearing.

**Case:** BOA-782338, **Address:** 75-75A Cummins Highway, **Ward** 19 **Applicant:** Patrick Mahoney  
**Article(s):** 67(67-32) 67(67-9): 67-9.3 main entrance to face front lot line, Additional lot area insufficient, Lot frontage insufficient, Floor area ratio excessive, Building height excessive, Open space insufficient, Side yard insufficient & Rear yard insufficient)

**Purpose:** Erect an unattached two family on the same lot as ERT714307 (please review and appeal together).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to demolish an existing two-family dwelling and to build a new, unattached two-family dwelling. This will be one of two dwellings on the same lot. The lot is approximately 15,000 square feet. The Board inquired regarding the character of the surrounding neighborhood and as to whether there exists an easement for access to the predominantly land locked parcel.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and representatives of Councilors McCarthy and Flaherty spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Erlich moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to deny the appeal. Member Pisani recused himself from this hearing.

**Case:** BOA-799540, **Address:** 16 Everett Street, **Ward** 19 **Applicant:** Lee Goodman

**Article(s):** 55(55-8) 55(55-9) 55(55-40)

**Purpose:** Build a new 3 story, Residential Condominium for 9 Units on existing 22,102 sq. ft. Lot. There will be 9 at-grade Parking spaces for Building.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to construct a new 3-story, 9-unit residential building on an existing 22,000+ square foot lot with 9 parking spaces

at grade. The Board requested more information from the applicant with respect to how the parking would work; location and design.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and representatives of Councilors O'Malley, Flaherty and Essaibi-George spoke in support.

**Vote:** Board member Pisani moved for approval with BPDA Design Review, member St. Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-805721, **Address:** 66 Edson Street, **Ward** 17

**Applicant:** Derric Small

**Article(s):** 65(65-41) 65(65-8) 65(65-9: Lot area insufficient, Add'l lot area insufficient, Lot width insufficient, Frontage insufficient, Floor area ratio excessive, Building height excessive (stories), Usable open space insufficient, Rear yard insufficient & Side yard insufficient) 65(65-42.13)

**Purpose:** Raze existing single-family dwelling. Erect new three-family dwelling with rear deck, and accessible ramp. Proposed five (5) off-street parking. See also ERT792361.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to demolish an existing single family dwelling to build in its place a new three-family dwelling with a rear deck and 5 off-street parking spaces. The Board inquired regarding the sizes of the units and asked the applicant to discuss the violations in detail. The applicant discussed each violation and what is allowed in this subdistrict under the zoning code.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a representative of Councilor Campbell spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval with BPDA Design Review, member Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA-805724, **Address:** 68 Edson Street, **Ward** 17 **Applicant:** Derric Small

**Article(s):** 65(65-41) 65(65-42.13) 65(65-8) 65(65-9: Lot area insufficient, Add'l lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive, Building height excessive (stories), Usable open space insufficient, Building height excessive (feet), Side yard insufficient & Rear yard insufficient)

**Purpose:** Erect new three-family dwelling with rear deck, and accessible ramp. Proposed five (5) off-street parking. See plan under ERT761013.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to demolish an existing single family dwelling to build in its place a new three-family dwelling with a rear deck and 5 off-street parking spaces. The Board inquired regarding the sizes of the units and asked the applicant to discuss the violations in detail. The applicant discussed each violation and what is allowed in this subdistrict under the zoning code.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a representative of Councilor Campbell spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval with BPDA Design Review, member Erlich seconded and the Board voted unanimously to approve.

**Case:** BOA-799865, **Address:** 1837-1841 Dorchester Avenue, **Ward** 16 **Applicant:** Travis Lee  
**Article(s):** 65(65-9: Lot area insufficient, Add'l lot area insufficient, Floor area ratio excessive, Building height excessive (stories), Usable open space insufficient, Building height excessive (feet), Side yard insufficient & Rear yard insufficient) 65(65-41)  
**Purpose:** Erect new mixed-used building with ten (10) residential units with ground floor local retail space and three (3) off-street parking on existing vacant lot.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to build a new mixed-use building on a vacant lot to include 10 residential units, 3 off-street parking spaces and a ground floor commercial unit. The Board inquired regarding the sizes of the units, the character of the surrounding neighborhood and possible building code issues. The Board also inquired regarding ongoing discussions with neighbors relative to the potential impact of the new building on the neighborhood.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a representative of Councilor Campbell spoke in support. One abutter spoke in opposition.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval with BPDA Design Review, the motion was seconded and the Board voted to approve. Member Galvin voted in opposition.

**Case:** BOA-805229, **Address:** 65 Westmoreland Street, **Ward** 16 **Applicant:** Patrick Mahoney  
**Article(s):** 65(65-9: # of allowed stories has been exceeded, insufficient side yard setback & Excessive F.A.R.)  
**Purpose:** Build 2 shed dormers on either side of roof. Renovate interior and add full bath to third floor. (ZBA Requested).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to install two shed dormers in the roof to create additional habitable space. The new space will be for a full bathroom. This will be a small increase in F.A. R.

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

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, member Bickerstaff seconded and the Board voted to approve.

**Case:** BOA-777414, **Address:** 104 Hazleton Street, **Ward** 14 **Applicant:** Sandy Zamor Calixte

**Article(s):** 60(60-9: Floor area ratio excessive & Usable open space insufficient) 60(60-8) 60(60-40) 10(10-1)

**Purpose:** Change of Occupancy from two family to three family residential dwelling. Additional dwelling unit to be located in the basement.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposal to change the occupancy from a 2 to a 3 family dwelling by adding a new unit at the garden level. The Board inquired regarding the total square footage of living space of the new unit. The applicant responded that the new space will be approximately 1846 square feet. The Board also inquired as to the location of the mechanical room.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and representatives of City Councilors McCarthy and Campbell spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval, member St. Fleur seconded and the Board voted unanimously to approve.

**Case:** BOA-767529, **Address:** 190 Magnolia Street, **Ward** 14 **Applicant:** Kelvin Doan

**Article(s):** 50(50-29) 50(50-43) 10(10-1)

**Purpose:** Curb cut and driveway for 2 residential parking spots.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to install a curb cut and driveway for two off-street parking spaces. The Board inquired with a representative from the Boston Transportation Department (BTD) as to whether or not the proposed plan works adequately. The BTD representative conveyed to the Board that, in his opinion, the parking plan as proposed did not work.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for denial, member Bickerstaff seconded and the Board voted unanimously to deny.

**Case:** BOA-768736, **Address:** 19 Everett Avenue, **Ward** 13 **Applicant:** Patrick Mahoney

**Article(s):** 65(65-9: Floor area ratio excessive & Building height (# of stories) excessive) 65(65-42: Conformity with existing building alignment & Two or more dwellings on the same lot)

**Purpose:** Erect a new Two (2) Family Dwelling on existing 12,895 sq. ft. Lot as per plans. This is one of Two Family Houses to be built on the same lot (see ERT715590 for 21 Everett Avenue). Construction plans to be submitted upon ZBA approval. Existing Three (3) Family Dwelling to be razed under separate permit.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to demolish an existing three-family and to construct a new two-family dwelling on a 12,895 sq. ft. lot. This new dwelling will be one of two dwellings on the same lot (ERT715590). The Board asked the applicant to discuss each violation in detail and to state what is required under the Code. The Board also inquired regarding the distance between the two new dwellings.



**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a representative of Councilor Baker spoke in support. Three abutters testified in opposition.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, member Fortune seconded and the Board voted unanimously to approve.

**Case:** BOA-768738, **Address:** 21 Everett Avenue, **Ward 13 Applicant:** Patrick Mahoney  
**Article(s):** 65(65-9: Location of main entrance shall face the front lot line, Floor area ratio excessive & Building height (# of stories) excessive) 65(65-42)  
**Purpose:** Erect a new Two (2) Family Dwelling on existing 12,895 sq ft Lot as per plans. This is one of two Two Family Houses to be built on the same lot (see ERT715575 for 19 Everett Avenue). Construction plans to be submitted upon ZBA approval. Existing Three (3) Family Dwelling to be razed under separate permit.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to demolish an existing three-family and to construct a new two-family dwelling on a 12,895 sq. ft. lot. This new dwelling will be one of two dwellings on the same lot (ERT715575). The Board asked the applicant to discuss each violation in detail and to state what is required under the Code. The Board also inquired regarding the distance between the two new dwellings.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a representative of Councilor Baker spoke in support. Three abutters testified in opposition.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, member Fortune seconded and the Board voted unanimously to approve.

**Case:** BOA-,787613 **Address:** 18 Marbury Terrace , **Ward 11 Applicant:** Marbury Terrace, Inc.  
**Article(s):** 29(29-8) 55(55-20)  
**Purpose:** Combining Lot 4 (PID: 1101233080 - 15,408 SF) and Lot 5 (PID: 110123304 - 33,998 SF) to Lot 1 (PID 1101233020 - 30,497 SF) to be a total combined lot of 79,903 SF. Construct a new 17,000 sf addition to existing building of 13,400 sf of an existing catering establishment. Renovating approximately 8000 sf in existing building. Site work, landscaping and grading. ZBA.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposal to combine three lots creating a total of 79,903 sq. ft. and to construct a new addition to an existing structure. There will be 69 parking spaces. The addition will be approximately 8000 sq. ft. The Board inquired reading the purpose of the event patio. The applicant responded that it will be used to host events for volunteers and community members.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and representatives of Councilor O'Malley, Flaherty and Essaibi-George spoke in support. Three abutters testified in opposition.

**Documents/Exhibits:** Building plans

**Vote:** Board member St. Fleur moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to approve.

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

**Case:** BOA-793898, **Address:** 1486 Columbia Road , **Ward 7 Applicant:** Patrick Mahoney

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

**Purpose:** Change of Occupancy from two-family and single-family dwelling. Full gut renovation to include replace siding, windows, roofing and rebuild existing roofing deck. Extend living space to basement. Remove fire escape.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to change the occupancy from a two-family to a single family, to renovate the interior and to extend the living space into the basement. The head house and roof deck are existing. The applicant testified that a permit has issued and the work has begun. The Board inquired whether or not this proposal has been previously presented to them. The applicant confirmed that it has not.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office, a representative of Councilor Flynn and an abutter spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-783103, **Address:** 24 Roseclair Street , **Ward 7 Applicant:** Daniel Rubin

**Article(s):** 65(65-8) 65(65-9: Floor area ratio excessive & Building height excessive (stories)) 65(65-42.7)

**Purpose:** Change occupancy from two family to three family and add a full height third story. Footprint of existing building to remain the same. Living space in basement will be part of unit 1. Construct rear deck. Proposed five (5) off-street parking in rear.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to change the occupancy from a two-family to a three-family and to add a third story and rear deck. The Board inquired regarding the sizes of the units and the total bedroom count (7).

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

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-788830, **Address:** 719A-719 East Fifth Street , **Ward 6 Applicant:** Timothy Johnson  
**Article(s):** 68(68-29) 68(68-27S-5) 68(68-8: Side yard insufficient & Rear yard insufficient)  
**Purpose:** Construct third floor addition with rear and roof deck on existing two family dwelling. New sprinkler/fire alarm systems as per plans submitted.

**Discussion:** The applicant requested a deferral.

**Vote:** The Board voted to defer the matter until 5/22/18.

**Case:** BOA-801443, **Address:** 772 East Sixth Street , **Ward 6 Applicant:** Anthony Monahan  
**Article(s):** 68(68-29) 68(68-8)  
**Purpose:** Demolition and renovation for proposed 2 family, addition at rear 14 x 17, rough end finishes. Per spec. plans dated April 23, 2017 project number 16087 (EMBARC).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to construct a 14' x 17' rear addition to a two-family dwelling. The proposal also includes renovation of the third floor. The Board inquired as to the use of the new space which will be additional bedrooms. The Board also asked whether or not there will be a roof deck to which the applicant responded yes, for the top unit only.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office spoke in support. A representative of Councilor Ed Flynn spoke in opposition.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-800115, **Address:** 3 Emmet Street, **Ward 6 Applicant:** Daniel Rubin  
**Article(s):** 27S(27S-5)  
**Purpose:** Confirm occupancy as a single family and change to a two family. Combine with parcel 0603256000 and add addition with three car garage parking.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to confirm the occupancy as a single family and to convert the building to two town house style units. The proposal includes the combination of two parcels and the construction of a three-car garage. The Board inquired whether or not a roof deck was proposed. The applicant responded no.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and an abutter spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Erlich moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-797675, **Address:** 457-469A West Broadway, **Ward 6 Applicant:** Patrick Mahoney  
**Article(s):** 27S(27S-9) 68(68-8: Side yard insufficient, Front yard insufficient, Usable open space insufficient, Building height excessive (stories) & Floor area ratio excessive)

**Purpose:** Demolish existing building. Erect new five-story mixed-used building with lower level garage parking, commercial on first floor, and residential floors above. 48 parking spaces (stack), two accessible spaces, 44 residential units and 3 retail spaces.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to construct a new mixed-use building featuring 44 residential units, 3 retail units and garage parking for 48 vehicles. The Board asked the applicant to discuss the violations in comparison to what is allowed under the applicable zoning scheme.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and representatives of City Councilors Flynn and Flaherty spoke in support. One abutter spoke in opposition.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-787977, **Address:** 173 Newbury Street, **Ward 5 Applicant:** J.P. Licks at Newbury Street, Inc

**Article(s):** 8(8-3)

**Purpose:** Provide outdoor seating for 16 in connection with ALT767213.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to include outdoor patio seating for 16 customers in relation to a companion application to operate a restaurant with takeout service (BOA787978).

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a representative of City Councilor Josh Zakim spoke in support. The Neighborhood Association of the Back Bay was not opposed to the proposal with certain conditions.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval with standard takeout language, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-787978, **Address:** 173 Newbury Street, **Ward 5 Applicant:** J.P. Licks at Newbury Street, Inc

**Article(s):** 8(8-3: Restaurant conditional & Take out conditional)

**Purpose:** Change existing building use from "(3) Family, One Store, One Nail Salon" to "(3) Family, One Nail Salon, One restaurant with use item 37 with take-out item 36A, and outdoor patio seating". \*Interior occupant load of 20 persons. \*\*Outdoor seating requires a UOP permit application to be filed separately. (see u49784231).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to change the occupancy to include a restaurant with takeout (J.P. Licks) and outdoor patio seating (see BOA787977). The restaurant will be approximately 1150 sq. ft. and will also include 20 seats inside.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a representative of City Councilor Josh Zakim spoke in support. The Neighborhood Association of the Back Bay was not opposed to the proposal with certain conditions.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval with standard takeout language, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-765856, **Address:** 46 Clarendon Street, **Ward 4 Applicant:** Andrew Brassard  
**Article(s):** 32(32-4) 64(64-9: Excessive F.A.R., Insufficient rear yard setback & Insufficient open space (Plans show two units)) 64(64-36)\_64(64-9.4)

**Purpose:** Confirm occupancy as one family and then change occupancy to a two family, construct two story addition in rear w/dormer on 4th story and perform all other prescribed work per plans submitted.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to convert the existing structure to a two-family dwelling and to build a new rear addition with a dormer. The applicant also proposes to add a patio below the top level of the building. The Board inquired as to the sizes of the units.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and a representative of City Councilor Ed Flynn spoke in support. A representative of the Boston Groundwater Trust spoke in support and provided to the Board a letter of approval from Boston Water and Sewer with respect to the proposed recharge system per Article 32.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-784861, **Address:** 21 Rutland Square, **Ward 4 Applicant:** Eben Kunz

**Article(s):** 64(64-9.4) 64(64-34) 64(64-9)

**Purpose:** Construct roof deck, roof access hatch, 4 story rear bay with deck off level 1, unit 2.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to construct a roof deck to be accessed by a hatch and to build a 4-story rear bay with decks off of levels 1 and 2. The Board inquired regarding the design of the four story bay window and how it fits into the neighborhood.

**Testimony:** The Board then requested testimony from neighbors and elected officials. A representative from the Mayor's Office spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA#784860, **Address:** 21 Rutland Square , **Ward 4 Applicant:** Eben Kunz

**Purpose:** Construct roof deck, roof access hatch, 4 story rear bay with deck off level 1, unit 2. Section 780CMR 1009.13.1 Roof access Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1509.2.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to construct a roof deck to be accessed by a hatch and to build a 4-story rear bay with decks off of levels 1 and 2. The Board inquired regarding the Building Code violation and asked the applicant how he intended to address it. The Building Code states that where a stair is provided to access a roof, the access must be through a penthouse. However the South End Landmarks Commission prohibits penthouses. The applicant will utilize a hatch that can be lifted.

**Testimony:** The Board then requested testimony from neighbors and elected officials. A representative from the Mayor's Office spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-790614, **Address:** 8 Adams Street, **Ward 2 Applicant:** Keith Hinzman

**Article(s):** 9(9-1) 62(62-8)

**Purpose:** Build roof deck.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to build a new roof deck which he described as not visible from the public way. The Board inquired whether or not the deck was to be exclusive to one unit to which the applicant confirmed that it was.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office and City Councilor Edwards spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA#790619, **Address:** 8 Adams Street , **Ward 2 Applicant:** Keith Hinzman

Build roof deck. Section 780CMR, 8th Edition 1009.13.1. In buildings four or more stories in height access shall be through a penthouse.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to build a new roof deck which will not be visible from the public way. The deck will be accessed by an interior

stair from the top floor and through a bubble hatch in violation of 1009.13.1. The Board inquired whether or not the deck was to be exclusive to one unit to which the applicant confirmed that it was.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office and City Councilor Edwards spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-791879, **Address:** 9 Mount Vernon Street , **Ward 2 Applicant:** Timothy Burke  
**Article(s):** 10(10-1) 62(62-25) 62(62-8: Insufficient side yard setback, Excessive F.A.R., Excessive height & Insufficient open space)

**Purpose:** Construct addition on rear of existing house and new garage at rear of property as shown on the drawings.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to build an addition to the rear of the dwelling and to construct a new two-car garage. There is an existing roof deck accessed by way of a hatch. The deck is not visible from the street and the height of the hatch will not exceed the height of the existing roof ridge.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office and City Councilor Edwards spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-738454, **Address:** 55 Chaucer Street , **Ward 1 Applicant:** Patrick Mahoney  
**Article(s):** 53(53-56) 53(53-9: Lot size insufficient, Lot width insufficient, Open space insufficient, Lot front frontage insufficient & Side yard insufficient)

**Purpose:** Subdivision 55 & 57 Chaucer St into two lots as per plan. No work to be done on this application. 55 to have 1838 sq ft lot. 57 to have 2222 sq ft lot See 57 Chaucer alt67228 for drawings.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to subdivide the lot (see ALT709783), to confirm the occupancy of 55 Chaucer as a single family dwelling and to extend the living space into the attic. The application to subdivide and the application to renovate are companion applications. This will result in two dwellings on one lot; a single family and a two-family. The Board inquired as to the cause of the violations. The applicant responded that the violations were primarily due to the subdivision.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office and City Councilors Edwards and Flaherty spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-738449, **Address:** 57 Chaucer Street , **Ward 1 Applicant:** Patrick Mahoney  
**Article(s):** 53(53-9: Lot frontage insufficient, Side yard insufficient, Rear yard insufficient, Lot size insufficient & Lot width insufficient)

**Purpose:** Subdivide 57 and 55 Chaucer. 55 to have 1838 sq ft lot. 57 to have 2222 sq ft lot see alt 709783 Confirm occupancy as a single family dwelling. Extend living space into attic, interior renovation as per plan.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to subdivide the lot, to confirm the occupancy of 55 Chaucer as a single family dwelling and to extend the living space into the attic. The application to subdivide and the application to renovate are companion applications. This will result in two dwellings on one lot; a single family and a two-family. The Board inquired as to the cause of the violations. The applicant responded that the violations were primarily due to the subdivision.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office and City Councilors Edwards and Flaherty spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Galvin moved for approval with BPDA Design Review, the motion was seconded and the Board voted unanimously to approve.

**Case:** BOA-768036, **Address:** 309 Chelsea Street , **Ward 1 Applicant:** Elena Muench  
**Article(s):** 53(53-52) 53(53-9: Insufficient side yard setback (stair landing) & Insufficient rear yard setback)

**Purpose:** Erecting a roof deck on the flat roof section of 3 story building with staircase from existing deck erected in October 2013. Deck has been designed by architect John Lloyd, and will be constructed to withstand a reasonable load and to the standards of current applicable codes. Constructor we are planning to hire has asked that we have the plans approved by planning & zoning first.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to build a new roof deck which will be accessed by an exterior stair from an existing rear deck. The Board asked the applicant to describe in more detail the proposed access.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Representatives of the Mayor's Office and City Councilor Edwards spoke in support. An abutter also spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board member Pisani moved for approval, the motion was seconded and the Board voted unanimously to approve.



**Case:** BOA-793907, **Address:** 346 Chelsea Street, **Ward 1 Applicant:** Three Forty Eight Chelsea, LLC

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

**Purpose:** Subdividing 346 Chelsea Street Parcel# 0106927000 (395 sq ft) to be given to 348 Chelsea Street Parcel# 0106926000 to this lot to now have 1,200 s.f. each. See ERT7738591.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for these companion appeals (see also BOA793908). The applicant described the proposal to subdivide the lot at 346 Chelsea Street, providing 395 sq. ft. to 348 Chelsea Street and to erect a 3 family dwelling with a proposed FAR of 2.85 (1.0 required), building height 35 feet and 3 stories required and 4 stories proposed. Board members asked about the use of the 4th floor living area and the applicant stated it would be living space and a kitchen area.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edward's representative spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board Member Galvin moved for approval with BPDA Design Review, a member seconded and the Board voted unanimously to approve.

**Case:** BOA-793908, **Address:** 348 Chelsea Street , **Ward 1 Applicant:** Three Forty Eight Chelsea, LLC

**Article(s):** 53(53-56) 53(53-9: Insufficient additional lot area per unit, Insufficient lot size, Insufficient side yard setback (2.5' min), Insufficient rear yard setback, Insufficient open space per unit, Excessive F.A.R., Max allowed height been exceeded (35' max.) & # allowed stories exceeded (3 story max.)

**Purpose:** Erect 3 unit residential dwelling. Taking 395sq ft from 346 Chelsea (parcel#0106927000) to become a total 1200 sq ft. See ALT773887.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for these companion appeals (see also BOA793907). The applicant described the proposal to subdivide the lot at 346 Chelsea Street, providing 395 sq. ft. to 348 Chelsea Street and to erect a 3 family dwelling with a proposed FAR of 2.85 (1.0 required), building height 35 feet and 3 stories required and 4 stories proposed. Board members asked about the use of the 4th floor living area and the applicant stated it would be living space and a kitchen area.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edward's representative spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board Member Galvin moved for approval with BPDA Design Review, a member seconded and the Board voted unanimously to approve.

**Case:** BOA-793904, **Address:** 4 Coppersmith Way, **Ward 1 Applicant:** 4 Coppersmith Way, LLC

**Article(s):** 53(53-9: Insufficient additional lot area/unit, Excessive F.A.R. & Insufficient open space unit) 53(53-56) **Purpose:** Change from a two family to a three family and renovate as per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to convert a two-family to a three-family dwelling with interior renovations. The footprint of the building will remain the same. The Board inquired as to the sizes of the units to which the applicant responded that the units will range between 581 to 594 sq. ft.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edward's representative spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board Member Pisani moved for approval, a member seconded and the Board voted unanimously to approve.

**Case:** BOA-790002, **Address:** 104 Faywood Avenue , **Ward 1 Applicant:** Victor Joita  
**Article(s):** 53(53-56: Location - Parking in the front yard cannot exceed 10' in width & Design - The parking spaces do not meet the minimum dimensions for parking spaces) 10(10-1)  
**Purpose:** Driveway extension - see doc with proposed retaining wall around proposed expanded driveway. Proposed one (1) additional off-street parking; two (2) off-street parking.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal expand an existing driveway to allow for one additional parking space to total two off-street parking spaces. The Board inquired as to the width of the proposed driveway. The applicant responded that the expanded driveway would be 20 feet wide.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edward's representative spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board Member Galvin moved for approval with BPDA Design Review and the condition that the two vehicles must not encroach upon the public sidewalk, a member seconded and the Board voted unanimously to approve.

**Case:** BOA-796118 **Address:** 375 Maverick Street , **Ward 1 Applicant:** Abdelijalil Krikib  
**Article(s):** 53(53-9) 53(53-56)  
**Purpose:** Raze existing structure and erect 3-family dwelling. Building to include emp and sprinklers. Private rear deck on 1st and second floor and private roof deck accessed via roof hatch on third floor. First floor to include private porch area; (existing structure to be razed on a separate permit). \*AE flood zone-letter of conditions to be complied with throughout construction operations.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to demolish an existing building and to construct in its place a new three-family dwelling with front porches and balconies for all three units and a roof deck for the exclusive use of the top unit. The units will range in size between 1100 and 1200 sq. ft. The Board inquired regarding the F.A.R. and parking violations. The applicant stated that he is proposing 1.14 F.A.R. whereas 1.0 required and he is no parking is proposed whereas one space per unit is required.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and Councilor Edward's representative spoke in support.

**Documents/Exhibits:** Building plans

**Vote:** Board Member Pisani moved for approval with BPDA Design Review, a member seconded and the Board voted unanimously to approve.

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

**Case:** BOA-777065, **Address:** 64 Lincoln Street, **Ward 22 Applicant:** Lincoln Street Trust of December 1993

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

**Purpose:** Amend plans to add mesh screen to Billboard to shield visibility of structural elements. No change in height, dimension, or orientation of approved structure. This application to amend issued permit (ALT24609 Tom W.).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to add a mesh screen to a proposed billboard so that, from the public way, one is unable to see the structural elements of the billboard. The applicant summarized the permitting and procedural history of this long existing billboard which has been the subject of litigation in the past. The purpose of the screen is to essentially block the billboard from view from the nearby public park in order to comply with a state law that prohibits billboards to be constructed anywhere where they are visible from a park.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and representatives of City Councilors Ciommo, Pressley and Essaibi-George spoke in opposition. A representative of the Allston Civic Association and several abutters also spoke in opposition.

**Documents/Exhibits:** Building plans

**Vote:** Board Member Galvin moved for denial, a member seconded and the Board voted unanimously to deny.

**Case:** BOA-753496, **Address:** 37-39 Thetford Avenue, **Ward 17 Applicant:** Rui Rodrigues City Hall, upon the appeal of Rui Rodrigues seeking with reference to the premises at 37-39 Thetford Ave, Ward 17 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance Article(s): 65(65-9)

**Purpose:** Extend living space from 2nd floor to basement.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to extend living space into the basement. The Board inquired as to the use of the new basement space and regarding the floor to ceiling height. The applicant stated that the new living space will be for a family room and that the floor to ceiling height is 7'6.

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

**Documents/Exhibits:** Building plans

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

**Case:** BOA#753495, **Address:** 37-39 Thetford Avenue , **Ward 17 Applicant:** Rui Rodrigues  
**Purpose:** Extend living space from 2nd floor to the basement. Chapter 3 Definition of a Dwelling Unit: A unit must be completely independent, note that the extension of the second floor to the basement does not make the unit independent, since the stair connecting the second floor to the basement is a common stair it serves both units.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to extend living space into the basement. With respect to the Building Code violation, the Board asked the applicant why he couldn't seal the door at the bottom of the landing. The applicant stated that he would be willing to do that in order to comply with the Building Code.

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

**Documents/Exhibits:** Building plans

**Vote:** Board Member Pisani moved to deny Building Code relief, a member seconded and the Board voted unanimously to deny.

**Case:** BOA-613478, **Address:** 820 William T Morrissey BLVD, **Ward:** 16, **Applicant:** Outfront Media, LLC

**Article(s):** 65(65-40) 11(11-7)

**Purpose:** Replace both sides/faces of existing 48' wide by 14' high billboard, one side currently Static and the other side Tri-Vision, with new digital signage cabinets. Replace existing steel structure in kind. Change occupancy to include billboard See L/F 0876/2004.

The applicant requested a deferral on this matter. The Board voted to defer the hearing until 10/16/18.

**Case:** BOA-784713, **Address:** 20B-20C Hawthorne Street , **Ward 11 Applicant:** Anthony Dilietizia

**Article(s):** 50(50-44.13)

**Purpose:** Combine existing parcel #11-00203-000 (17,164 s.q.f.t.) subdivide this combined lot of 25,469 s.q.f.t. into 2 new lots. This new lot A to have 21,317 sq. ft and erect a new semi-attached two (2) family dwelling (under article 50-44-13). Dwelling to be fully sprinklered as per attached plans. This will be 1 of 2 dwellings on the same lot.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to combine two parcels and to subdivide the new 25,469 sq. ft. lot into two lots. On the proposed lot, the applicant will construct a new semi-attached two-family dwelling. This will be one of two dwellings on the same lot. There will be a perpetual easement for a shared driveway. The FAR, height and setbacks are all in compliance with the Zoning Code.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office and representatives of City Councilors Janey, Pressley, Wu, Flaherty and Essaibi-George spoke in support. Additionally, several abutters spoke in support. A representative of the Highland Park Neighborhood Coalition spoke in opposition.

**Documents/Exhibits:** Building plans

**Vote:** Board Member Galvin moved to approve with BPDA Design Review, a member seconded and the Board voted to approve. Members Erlich and St. Fleur voted to oppose. The motion to approve carried.

**Case:** BOA-725789, **Address:** 287-293 Maverick, **Ward 1 Applicant:** Diconstanzzo Properties LLC

**Article(s):** 53(53-8) 53(53-9) 53(53-56.5) 53(53-56) 53(53-54)

**Purpose:** Raze existing building, combine lots and erect a mixed-use structure consisting of retail on the first floor, 37 units On the above floors and parking for 30 vehicles. See ALT712862 for combing lots. Building to be razed on Separate permit. ZBA.

The applicant requested and was granted a deferral on this matter until 5/22/18.

**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.

The applicant requested and was granted a deferral on this matter until 4/24/18.

**COURT REMAND:12:00Noon.**

**Case:** BOA-719810, **Address:** 874 East Sixth Street , **Ward 6 Applicant:** George Morancy City Hall, upon the appeal of George Morancy seeking with reference to the premises at 874 E Sixth St, Ward 06 for the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: GPOD Article(s): 29(29-4) Purpose: Construct a new 3 story residential building comprising of 6 units and underground parking for 9 vehicles.

**Discussion:** The applicant discussed the procedural history of this application and how the matter was previously denied by the Board, appealed by the applicant and ultimately remanded to the Board for a new hearing. The remand order instructs the Board to approve the project with reasonable and applicable site plan conditions. At the request of the Board, the applicant then presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described his proposal to construct a new three-story, six-unit residential building with parking underground for nine vehicles. The proposed building is entirely compliant with the underlying zoning scheme; however it is located in a Greenbelt Protection Overlay District and therefore requires a Conditional Use Permit.

**Documents/Exhibits:** Building plans

**Vote:** Board Member Galvin moved to approve with BPDA Design Review for landscaping, a member seconded and the Board voted unanimously to approve

**Hearings/Recommendations**

The following appeals were heard by the Zoning Advisory Subcommittee on March 22, 2018. The Subcommittee's recommendations resulting from those hearings were then considered by the full ZBA on March 27, 2018.

**Case:** BOA-797520, **Address:** 31A Belmont Street **Ward:** 2, **Applicant:** Jeremy Crane  
**Article(s):** 62(62-62-25)  
**Purpose:** Enlarge existing dormer. \*Contact/License information required.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA Design Review.

**Documents/Exhibits:** Building plans

**Case:** BOA-797522, **Address:** 31 Belmont Street **Ward:** 2, **Applicant:** Jeremy Crane  
**Article(s):** 62(62-25)  
**Purpose:** Enlarge existing dormer.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA Design Review.

**Documents/Exhibits:** Building plans

**Case:** BOA-787466, **Address:** 85 Cambridge Street **Ward:** 2, **Applicant:** Jerzy Gold  
**Article(s):** 62(62-8)  
**Purpose:** Enclose the open space in the garden unit on ground floor, within building lines. This space is below the dining/den space of the unit on the first floor above. The new space will be use as a living room/sun room for the ground level unit. New foundation will be dug out, new wall on two sides framed, french door and a window installed, a new entrance from the current dining area in the kitchen of the ground level unit created to access this new living room/sun room.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-798051, **Address:** 54 P Street **Ward:** 6 , **Applicant:** Ann McDonough  
**Article(s):** 68(68-29) 68(68-8)

**Purpose:** Construct new roof deck with penthouse and spiral staircase access.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA Design Review.

**Documents/Exhibits:** Building plans

**Case:** BOA-796983, **Address:** 397 West Broadway **Ward:** 6, **Applicant:** J.P. Licks at West Broadway, Inc.

**Article(s):** 68(68-27S-5) 68(68-7: Take-out restaurant is conditional use & Restaurant is conditional use)

**Purpose:** Change of Occupancy from Beauty Salon to Restaurant and Take-Out Restaurant (ice cream and coffee shop). Proposed occupant load of 17 persons.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-786983, **Address:** 51 Oakton Avenue **Ward:** 16 , **Applicant:** Joseph Delaney

**Article(s):** 65(65-9: Floor area ration excessive & Building height excessive (stories)

**Purpose:** Remove existing roof including framing. Construct new roof system including dormers as shown on prints.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA Design Review.

**Documents/Exhibits:** Building plans

**Case:** BOA-785625, **Address:** 41 Tolman Street **Ward:** 16, **Applicant:** Tran Nguyen

**Article(s):** 65(65-9: Floor area ratio excessive, Usable open space insufficient & Side yard insufficient)

**Purpose:** Added rear addition, enclosed sunroom in the rear of building. Extend living space to basement. Correct violation V357173.

The applicant requested and was granted a deferral of this matter until 4/26/18.

**Case:** BOA-798424, **Address:** 29 Asheville Road **Ward:** 18, **Applicant:** Ricardo's Baez

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

**Purpose:** Construct new shed dormer to rear of cape per drawings submitted. ZBA.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project.

Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA Design Review.

**Documents/Exhibits:** Building plans

**Case:** BOA-794575, **Address:** 13 Cleveland Street **Ward:** 18, **Applicant:** Antonio Nardelli  
**Article(s):** 69(69-8) 9(9-1)

**Purpose:** Change of occupancy to two-family dwelling (Legalize existing two-family). Interior renovation to include new kitchen and two new bathrooms. Construct new second floor side deck.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-782247, **Address:** 61 Clifftondale Street **Ward:** 18, **Applicant:** Kelly Thomson  
**Article(s):** 67(67-9: # of allowed habitable stories has been exceed & Insufficient side yard setback)

**Purpose:** Construct dormer and extend living space into attic area per plans submitted \*Modified description 1.19.18.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA Design Review.

**Documents/Exhibits:** Building plans

**Case:** BOA-789344, **Address:** 366 Metropolitan Avenue **Ward:** 18, **Applicant:** Fredrick Carr  
**Article(s):** 67(67-9)

**Purpose:** Extend existing front porch on existing single family dwelling. ZBA.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-789416, **Address:** 75-77 Sunnyside Street, **Ward:** 18, **Applicant:** Sonia Pierre  
**Article(s):** 9(9-1)

**Purpose:** Add 12'x12' section to 1st floor Deck.

The applicant has withdrawn her appeal relative to this proposal. Accordingly, the Subcommittee voted to recommend denial without prejudice.

**Case:** BOA-795132, **Address:** 23 Thompson Street **Ward:** 18, **Applicant:** Omar Borges  
**Article(s):** 69(69-29) 69(69-8)



**Purpose:** Change Occupancy from a One Family to Two Family (previously a two family) no work to be done on this permit - refer to prior alt for plan layout.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-791578, **Address:** 29 Oriole Street **Ward:** 20, **Applicant:** Danny Bakis  
**Article(s):** 56(56-8: Building height (# of stories) excessive, Side yard insufficient & Rear yard Insufficient) 9(9-1) **Purpose:** Amendment to ALT683793. Roof alteration. Existing hip roof. Remove and frame a mansard roof with dormers.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-787903, **Address:** 29 Pinehurst Street **Ward:** 20, **Applicant:** Leandrea Brantle  
**Article(s):** 67(67-9: Floor area ratio excessive, Building height excessive (stories), Front yard insufficient, Side yard insufficient & Rear yard insufficient)  
**Purpose:** New roof change. Construct dormer addition, new front roof deck. Extend living space to attic.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA Design Review.

**Documents/Exhibits:** Building plans

**Case:** BOA-802344, **Address:** 749-755 South Street **Ward:** 20, **Applicant:** Stephen Judge  
**Article(s):** 9(9-2) 68(68-10)  
**Purpose:** Change of occupancy from rooming house and restaurant to an a single unit apt and restaurant no work to be done.

**Discussion/Vote:** At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

The Board voted to adopt the above recommendations of the Subcommittee.

**EXECUTIVE SESSION:**

**Case:** BOA-604337, **Address:** 279 Marlborough Street **Ward:** 5, **Applicant:** Taylor Harrington  
Discussion with Corporation Counsel regarding Court Remand relative to Civil Action No. 17H84-  
CV-000238

The following BOARD MEMBERS were present:

CHRISTINE ARAUJO- CHAIR  
MARK FORTUNE-SECRETARY  
MARIE ST. FLEUR  
BRUCE BICKERSTAFF  
MARK ERLICH  
ANTHONY PISANI  
CRAIG GALVIN

SUBSTITUTE MEMBERS: None

**For a video recording of the March 27, 2018 Board of Appeal Hearings please go to:**  
**[https://www.cityofboston.gov/cable/video\\_library.asp](https://www.cityofboston.gov/cable/video_library.asp)**