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BOARD OF APPEALS

BOSTON, MA

Tuesday, June 27, 2017

The board will hold a hearing on June 27, 2017 starting at 9:30 a.m.

# APPROVAL OF HEARING MINUTES:

June 13, 2017

## EXTENSION 9:30a.m.

Case: BOA-459848, Address: 132 Quincy Street , Ward 13 Applicant: Adnan Salam

Case: BZC-33169, Address: 917 Bennington Street, Ward 1 Applicant: Constitution Apartment, LLC

Case: BOA453352, Address: 191 Paris Street, Ward 1 Applicant: E.B.C.D.C

### **BOARD FINAL ARBITER 9:30a.m.**

Case: BOA-634850, Address: 27 Holton Street aka 54-56 Athol Street , Ward 22 Applicant: Dina B. Browne

### GCOD 9:30a.m.

Case: BOA-699741, Address: 31 Burbank Street , Ward 4 Applicant: Andre Jones

Article(s): 32(32-5; Specific Requirements GCOD)

Purpose: We are submitting plans for Article 32 Compliance (zoning approval will be required) Window replacements,

unit renovation, masonry repair, heating system upgrade, elevator replacement.

## HEARINGS: 9:30 a.m

Case: BOA-698172, Address: 76 Lake Shore Road, Ward 22 Applicant: Eduardo Matosinho

Article(s): 51(51-9; Dimensional Regulations; Insufficient Side Yard Setback (10'req)

**Purpose:** Build addition to construct full bathroom on first floor, master bedroom on second floor, frame new master bedroom entrance, walk in closet, bring laundry basement to second floor, new deck on second floor, build new stairs on the basement, install new floors, trims, cabinets, granite, drywall, and paint

Case: BOA-633286, Address: 11 West Sorrento Street, Ward 22 Applicant: Denis Scanlon

Article(s) 51(51-8; Multiple Family Dwelling units and a single family zone is forbidden) 51(51-9; Floor Area Ratio is excessive, Usable Open Space is insufficient, Rear Yard Setback is insufficient,) 51(51-40-5(a) Off Street Parking requirement is Insufficient) 51(51-57; Two Dwellings on the same lot, Two main buildings on one lot)

**Purpose:** Erect a new single family dwelling on same lot as an existing single family dwelling with an address of 36 Hopedale Street.

Case: BOA-633298, Address: 36 Hopedale Street , Ward 22 Applicant: Denis Scanlon

Article(s): 51(51-8; Multiple Dwelling units and a single family zone is forbidden) 51(51-9; Floor Area Ratio is excessive, Usable Open Space is insufficient, Rear Yard Setback is insufficient,) 51(51-40-5(a) Off Street Parking requirement is Insufficient) 51(51-57; Appl. of Dimensional Req. Two Dwellings on the same lot, Two main buildings on one lot)

**Purpose:** Confirm Occupancy as a One Family Dwelling - existing building is on the same lot as a proposed one family at 11 West Sorrento Street; this application is filed for zoning review

Case: BOA-557810, Address: 82 Albano Street , Ward 20 Applicant: Steven Apollonatos

Article(s) 67(67-9; Excessive Building Height Feet; Insufficient Side Yard Setback; Excessive Building Height Feet; Excessive Floor Area Ratio; Excessive Building Height Feet; Insufficient Add, Lot area for each Add'l Dwelling Unit) 67(67-9.3; Location of Main Entrance; Within the Residential Sub districts, the main entrance of a dwelling shall face the Front Lot Line) 67(67-32; Off Street Parking and Loading; Insufficient Off Street Parking; Off Street Parking and Loading; Location of off-street parking shall not be located in any part of a front yard)

**Purpose:** Change occupancy from single family to two-family. Remove roof and construct 1-1/2 story addition. Construct new rear deck and exteriors stairs. Relocate front retaining wall to propose additional 1 off-street parking.

Case: BOA-702594, Address: 4000 Washington Street, Ward 19 Applicant: William Mohan

Article(s): 6(6-4; Other Cond Necc as Protection)

Purpose: Remove Proviso "Take-out use granted to this petitioner only for this use only"

Case: BOA-675065, Address: 7 Dana Avenue, Ward 18 Applicant: Patrick Mahoney

Article(s): 69(69-11 Use Regulations) 69(69-29; Off-Street Parking/Loading Req's) 69(69-30; Application Dimensional

Req's.

**Purpose:** Erect 2 1/2 story, 12 unit Townhouse. There will be exterior Off-Street Parking Spaces as per plans. Townhouse to be fully sprinklered.

Case: BOA-696957, Address: 147 Grampian Way , Ward 13 Applicant: John Moran

Article(s): 65(65-42.2; Conformity w Ex building Alignment; Use: Multifamily Dwelling: Forbidden) 65(65-9; Dimensional Regulations; Floor Area Ratio Excessive) 65(65-8; Use Regulations; Use: Multi-family Dwelling: Forbidden)

**Purpose:** Combine 147 Grampian Way [Parcel 13 02491-0001] 15,000sq ft and Lot Alpine Way [Parcel 13 02498-005] 9102 sq. ft. for total of 24,411sq. ft.; Change Occupancy from Two Dwelling Units to Seven Dwelling Units. Move the main structure forward and restore front facade with historic details and veranda. Demolish three rear additions and replace with 2 story addition containing 3 new dwelling units and connect the main structure to an existing Carriage House. : Reconstruct and enlarge the stable to 2 dwelling addition in a portion of 9102sq. ft lot with 12 garage parking spaces. Building will be fully sprinklered. All per plans filed herewith.

Case: BOA-700050, Address: 3690 Washington Street, Ward 11 Applicant: Criterion Property Company L.P. Article(s): 55(55-16; Use: Ancillary Parking is Forbidden) 55(55-17; Dimensional Regulations; Floor Area Ratio is excessive; Dimensional Regulations; Building height is excessive; Dimensional Regulations; Usable open space is insufficient Dimensional Regulations; Rear Yard is Insufficient) 55(55-4;1Application of Dim. Regs) 55(55-41.12; Two or more buildings on the same lot) 29(29-4 Greenbelt Pro-tection Overlay District)

**Purpose:** Construct a new 43,142, SF six story building with commercial /retail on the ground floor and 45 residential units on floors 2-6. Approved through Article 80 at the BPDA with 3686-3688 Washington Street.

Case: BOA#707927, Address: 3690 Washington Street, Ward 11 Applicant: Criterion Property Company L.P. Purpose: Construct a new 43,142 SF, six story building with commercial/retail on the ground floor and a 45 residential units on the floors 2-6. Approved through Article 80 at BPDA with 3686-3688 Washington Street. SECTION: 705.8 Opening in Exterior Walls; Per table 705.8 does not allow unprotected openings within 0-3 feet of a property line.

Case: BOA-700046, Address: 3686-3688 Washington Street , Ward 11 Applicant: Criterion Property Company L.P. Article(s): 29(29-4; Greenbelt Protection Overlay District) 55(55-8; Use: Multifamily Dwelling is Forbidden 55(55-8; Use: Retail/Service use is Forbidden; Use: Accessory Parking to Multi Family is Forbidden; Use: Ancillary Parking is Forbidden) 55(55-9 Lot Frontage Insufficient; Floor Area Ratio Excessive; Building Height Excessive; Rear Yard Insufficient) 55(55-41; Application of Dim. Regs. two or more buildings on same lot) 55(55-9; Front yard is Insufficient; Rear Yard is Insufficient)

**Purpose:** Construct a new 215,755 SF building, 42,460 SF underground garage connecting underground the two, six story buildings with commercial/retail on the ground floor and a total of 205 residential units on floors 2-6 and 121 parking below grade parking spaces. Approved through Article 80 at the BPDA with 3690 Washington Street ERT681875.

Case: BOA#707918, Address: 3686-3688 Washington Street, Ward 11 Applicant: Criterion Property Company L.P. Purpose: Construct a new 215,755 SF building, 42,460 SF underground garage connecting underground the two, six story buildings with commercial/retail on the ground floor and a total of 205 residential units on floors 2-6 and 121 parking below grade parking spaces. Approved through Article 80 at the BPDA with 3690 Washington Street ERT681875. SECTION: 705.8 Opening in Exterior Walls; Per table 705.8 exterior wall openings exceed allowed 25% of exterior wall within 5 to 10 feet property line.

Case: BOA-694598, Address: 21D-35K Bismarck Street , Ward 11 Applicant: Shannon Pope Article(s): 55(55-19;Use: Conditional; Daycare is a conditional use in a local Industrial sub-district.

Purpose: Change Occupancy from office, light mfgr, food processing, dance studio, restaurant with live entertainment before 10:30pm & restaurant w/live entertainment, fitness ctr/gym to add.Daycare/ Preschool for 49 kids older than 2.9 years

Case: BOA-666733, Address: 1065 Tremont Street , Ward 9 Applicant: 1065 Tremont Street LLC Article(s) 50(50-11; Dimensional Regulations in Roxbury EDA) 50(50-43; Off-Street Parking & Loading) 50(50-41; Screening and Buffering)

**Purpose:** Construct new 6 story Type 1 Building in the rear of the existing building at 1065 Tremont Street. Proposed addition consists of 28 residential units. The proposed addition also includes expansion of the first floor unit in the existing building into the basement. The main entry of the building will be lo-cated on St. Syprian Street from Tremont Street.

Case: BOA-701080, Address: 16 East Cottage Street , Ward 8 Applicant: 16 East Cottage LLC

Article(s): 50(50-26; Establish of Res. Sub districts; Insufficient usable open space per unit) 50(50-43; Off Street

Parking & Loading; Design)

Purpose: Change residential parking from one to three parking spaces

Case: BOA-701072, Address: 16 East Cottage Street , Ward 8 Applicant: 16 East Cottage LLC Article(s): 50(50-29; Rear Yard Insufficient; Lot Area Insufficient; Dimensional Regulations; Lot width is insufficient; Dimensional Regulations; Floor Area Ratio is excessive; Dimensional Regulations; Side Yard is insufficient; Dimensional Regulations; Front Yard is Insufficient; Dimensional Regulations)

**Purpose:** Rebuild rear section of the structure by adding one floor of new construction to the third floor. Third Floor interior work consist of new framing, electrical, plumbing, HVAC, windows /doors, flooring and drywall/painting. Exterior work will consist of new siding and roofing. Additional interior and exterior for floors 1-2 will be completed under Short Form Permit SF664261.

# HEARINGS: 10:30 a.m.

Case: BOA-687606, Address: 497 East Fourth Street , Ward 7 Applicant: Andrew Schena

Article(s): 15(15-1; Floor Area Ratio excessive) 20(20-1; Rear Yard Insufficient)

**Purpose:** Full gut interior/ exterior renovation of existing three (3) residential. Legalize living space Basement Unit. Propose new rear addition on first and second floor, new side decks on three levels and new roof deck spiral staircase from side deck. Install new sprinkler system.

Case: BOA-702707, Address: 449A-449 West Broadway, Ward 6 Applicant: Austin Ludwig

**Article(s):** 68(68-8; Height is Excessive, Floor Area Ratio is Excessive, Usable open space is insufficient) 68(68-33; Off Street Parking Req. is Insufficient) 68(68-7; Restaurant use is conditional) 68(68-34; Appl. of Dim.Req.; Shallow lot rear yard setback be less than 15ft.

**Purpose:** Raze existing 1 story commercial structure. Erect new 4 story structure with commercial (restaurant) use at basement and ground level and residential use on 2nd, 3rd, and 4th level. Total of 2 residential units.

Case: BOA-486152, Address: 270 Dorchester Avenue , Ward 6 Applicant: Marc Lacasse

Article(s): 13(13-4; Dwellings in Nonresidential district) 14(14-14-2; Additional Lot area required, Lot area for the Add'l dwelling units is insufficient) 15(15-1; Floor Area Ratio excessive) 16(16-1; Building Height Excessive) 17(17-1; Usable Open Space Insufficient) 19(19-1; Side Yard Insufficient) 18(18-1; Front Yard Insufficient (Dorchester Ave), Front Yard Insufficient -West Sixth Street) 8(8-6; Pre-Existing Conditional Uses; 80B(80B-2; Large Project Applicability & 85(85-1; Demolition Day) 16(16-1; Building Height Exces-sive, 35ft Max 2 1/2 stories)

Purpose: This proposal is to combine two lots: 270-276 Dorchester Ave. to be known as 270Dorchester Ave; use to be mixed - use multifamily and 6,950 square feet of street level commercial; with underground parking garage for 120 vehicles; to include 114 residential units in a 6 story, 70' building. Demolish existing structures on both lots and erect new structure.

Case: BOA-715524, Address: 655 East Fifth Street , Ward 6 Applicant: James Christopher

Article(s) 69(69-29; Roof Structures restrictions, Roof structures restricted district)

**Purpose:** To renovate existing 2 family & add 3rd floor addition as per plans.

Case: BOA-715525, Address: 729-731 East Fifth Street , Ward 6 Applicant: James Christopher

Article(s) 68(68-29; Roof Structures restrictions, Roof structures restricted district)

Purpose: To renovate existing 2 family & add 3rd floor addition as per plans.

Case: BOA-705408, Address: 14 David G Mugar Way, Ward 5 Applicant: Patrick Mahoney

**Article(s):** 8(8-7; Use Conditional) 9(9-1; Ext/Recons nonconforming uses/bldg) 32(32-9; GCOD Enforcement) **Purpose:** Construct, approximately 11,700 square feet, addition to existing hotel, and install new elevator in existing hotel.

Case: BOA-694192, Address: 620 Newbury Street, Ward 5 Applicant: David Gottlieb Article(s): 6(6-4; Other Cond necc protection.; Change in previous decision from ZBA, Proviso)

**Purpose:** The applicant seeks to continue to use the premises as fee paid public parking lot capacity 22 vehicles under Permit U49687554 which expires August 31, 2017 under BOA Decision 33614.

Case: BOA-702591, Address: 1252-1268 Boylston Street , Ward 5 Applicant: William Mohan

Article(s): 64(64-14 Neighborhood Bus. Use Regs.; Large Takeout is a conditional use, relief from the Board of

Appeals is required.

Purpose: Add section 36A to existing usage permit.

Case: BOA-706261, Address: 36 River Street, Ward 5 Applicant: Janet Lhunkel

Article(s): 13(13-1; Floor area Ratio Excessive: The modification of the Greenhouse increased in size.)

Purpose: Remove and replace Greenhouse structure on the fifth floor on the existing 5-unit dwelling. Modify

existing Greenhouse.

Case: BOA-703494, Address: 399 Boylston Street , Ward 5 Applicant: Tzurit Or

Article(s) 8(8-7; Use: Conditional; Cafe to include outdoor patio seating is conditional

Purpose: Change existing building use from Bank, accessory cafeteria, offices and restaurant use its, 37/36A. To: Bank

Accessory Cafeteria, Offices and cafe use item 37 w take-out. Use 36A and outdoor patio seating 30 Patrons.

Case: BOA-695201, Address: 85-95 Salem Street, Ward 3 Applicant: Rothman Family LPS

Article(s): 54(54-12; Use Reg NEIGH Buis Sub Dist; Fitness conditional)

Purpose: Change Occupancy to 89 Salem St. to include Fitness Center less than 2500sq. ft. See plans provided for build

Case: BOA-708902, Address: 65-71 Causeway Street, Ward 3 Applicant: Patrick Mahoney

Article(s): 46(46-8; Bul/Tri/Dist Des Review; No structure designed or used for human occupancy, access or storage

shall be erected or enlarged on the roof of any building with the Bulfinch Triangle District.)

Purpose: Construct a roof-top deck bar with additional egress on top of existing structure.

Case: BOA-698660, Address: 33 Upton Street , Ward 3 Applicant: Natalie Lemle

Article(s) 64(64-9; Dimensional Regulations; Townhouse/ Row House Extensions into Rear Yards: Conditional)

Purpose: Construct a new 8'x33' exterior Deck at 2nd Floor.

Case: BOA-668023, Address: 15-17 Short Street , Ward 2 Applicant: Timothy Sheehan

**Article(s)** 62(62-8; Dimensional regulations; Lot Frontage Insufficient; Dimensional regulations; Rear Yard InsufficientDimensional regulations; Usable Open Space Insufficient; Dimensional regulations; Floor Area Ratio Excessive) 62(62-29; Off Street Prkg Insufficient 62(62-30; Conformity with existing building alignment)

**Purpose:** Construct a new 3 story, attached Two (2) Family dwelling on newly created 3,469sq ft Lot. Each dwelling unit will have access to private Roof Deck. Entire Dwelling to fully sprinklered. As per plans (see ALT 637367 for subdivision)

Case: BOA-668021, Address: 11 Short Street , Ward 2 Applicant: Timothy Sheehan

Article(s): Article 62, Section 29Off Street Prkg Insufficient

**Purpose:** Confirm Occupancy as an existing Two Family Dwelling. Subdivide existing 7,544sq ft Lot 11-13 Short Street into 2 lots. Lot 1 to be known as 11-13 Short Street and to contain 4,075sq ft. Lot 2 to be known as 15-17 Short Street and to contain 3,469 sq ft. There will be a new Two Family Dwelling constructed thereon. (see ERT 587445)

Case: BOA-706857, Address: 55 Byron Street , Ward 1 Applicant: Rock Development

Articles(s): 53(53-8; Forbidden; This is a 2F - 400 Sub District. 5 units forbidden use) 53(53-9; Building Height is excessive, Has Insufficient open space, Has Insufficient rear yard, Floor Area Ratio is excessive) Side Yard is Insufficient) 53(53-56; Off Street Parking is Insufficient)

Purpose: Remove two existing single family homes, construct a 5 condominium building as per plans.

Case: BOA-708625, Address: 263 Webster Street, Ward 1 Applicant: Two Sixty-Three Webster, LLC

Article(s): 53(53-9; Insufficient Rear Yard Setback, Insufficient Side Yard Setback, Excessive F.A.R.) 53(53-52; Roof

Structure Restrictions)

Purpose: Extend living space into basement, change floor plan layout and add rear roof decks. ZBA variance - see FD

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

Case: BOA-539624, Address: 61 Braintree Street, Ward: 22, Applicant: Sixty-One-83 Braintree Street

Article(s): 9(9-1) 51(51-55) 11(11-7) 51(51-20)

Purpose: Convert existing 14 x 48 two sided static billboard to a 14 x 48 two sided digital billboard.

Case: BOA-672867, Address: 549 Washington Street, Ward 22 Applicant: Joseph Keegan

Article(s): 51(51-16) 51(51-17) 51(51-56)

Purpose: Erect new building for 5 Residential Units and one retail space demolish existing building as per drawings.

Case: BOA-629541 Address: 85 Linden Street, Ward: 21, Applicant: James Christopher

**Article(s):** 51(51-9)

**Purpose:** Construct a new 3 story addition to the Rear of an existing Single Family Dwelling. Create three new Parking spaces at-grade and under the addition. To change Occupancy from a Single Family Dwelling to a Two (2) Family Dwelling.

Case: BOA-613890, Address: 1173 Adams Street, Ward 17 Applicant: Denis Keohane

Article(s): 65(65-8) 65(65-9) 65(65-42.2) 65(65-41)

Purpose: Erect a new four-story multi-family residential dwelling with nine (9) units and three (13) off-street parking.

Case: BOA-605455, Address: 734-742 Dudley Street Ward: 7, Applicant: Vargas Dasilveira

**Article(s):** 65(65-16) 65(65-41) 65(65-16)

Purpose: Raze existing structures on lot and erect new 5 stories 20 units and 3 stores with 36A take out.

## Hearings/Recommendations

Case: BOA-707972, Address: 816 Saratoga Street Ward: 1, Applicant: Cornelis Holtjer

Article(s): 53(53-9; Dimensional Regulations, Floor area ratio is excessive (basement & attic areas are new occupied

areas)

Purpose: 2 new bathrooms, new window in roof.

Case: BOA-704507, Address: 67 Rutherford Avenue Ward: 2, Applicant: Kevin Joyce, Esq

Article(s): 62(62-8: Insufficient side and yard setback)

Purpose: Second & Third floors bedroom addition. Applicant says the address is '67 Old Rutherford Avenue' but does

not appear in S.A.M. mapping as a primary address or secondary address just 67 Rutherford Avenue.

Case: BOA-707886, Address: 1 H Street Place Ward: 6, Applicant: Sean Harrington

Article(s): 68(68-8: Floor area ratio is excessive)

Purpose: Extend living space to existing single family residential.

Case: BOA-676056, Address:11 Sagamore Street Ward: 13, Applicant: James Christopher

Article(s): 68(68-8: Floor area ratio is excessive)

Purpose: Extend living space to existing single family residential.

Case: BOA-701274, Address: 21 Port Norfolk Street Ward: 16, Applicant: Paul Nally

Article(s): 9(9-1: Extension of non conforming use) 65(65-9; Exceeded allowed F.A.R., Insufficient rear yard setback

and Insufficient side yard setback)

Purpose: Proposed dormer addition and replace previous deck and egress as per plans. Construction set to be submitted

upon ZBA approval.

Case: BOA-712506, Address: 68 Cliftondale Street Ward: 18, Applicant: Peter Hussey

**Article(s):** 67(67-9; Insufficient Lot Area, Floor area ratio is excessive,. Calculations given on drawings are incorrect. **Purpose:** Extend living space to basement in an existing single family dwelling. Work to include new insulation, interior door at (non-structural) framing, new drywall, new flooring. Replacement windows at existing locations, new exterior, door at existing locations, new interior door at existing location. New lighting and electrical. Please see revised set of plans.

Case: BOA-693753, Address: 71-73 Green Street Ward: 19, Applicant: Lon Sheritt

Article(s): 10(10-1; Limitation of Area of Accessory) 55(55-40; Off-Street Parking/Loading Reqs) 55(55-9; Open Space

Insufficient)

Purpose: Add two (tandem) parking spaces on right side of lot (See Diagram).

Case: BOA-694865, Address: 4337-4341 Washington Street Ward: 20, Applicant: Arisleyda Veras

Article(s): 67(67-8; Barber or Beauty shop forbidden)

Purpose: Change occupancy from Travel Agency to beauty shop (barber shop). Second beauty shop in building.

Case: BOA-705369, Address: 43 Manthorne Road Ward: 20, Applicant: Peter Brennan

Article(s): 56(56-8; Side Yard Insufficient)

Purpose: Renovation and addition to include renovated 1/2 bath, expanded kitchen with expanded bedroom above, and

a new sitting room.

Case: BOA-682914, Address: 311-315 Belgrade Avenue Ward: 20, Applicant: Rachael Nelson

**Article(s):** 67(67-11; Dog Day Care Forbidden) **Purpose:** Add Doggy Day Care" use group.

Case: BOA-711310, Address: 27 Caspar Street Ward: 20, Applicant: Lino Viola

Article(s): 56(56-8; Residential Subdistrict; Dimensional; Right side yard setback requirement is insufficient to build a

second story)

**Purpose:** Remove existing second floor. Build new second floor with full height walls (existing walls are only half height) and a new roof. Addition will have 3 bedrooms, one full bathroom and new laundry room. Change heating system from forced hot water to HVAC system.

Case: BOA-661121, Address: 145 Corey Street Ward: 20, Applicant: Kevin Dowd Article(s): 56(56-7; Use regulations, Accessory keeping animals (Chicken) is Forbidden Use

Purpose: Chicken Coop on existing 4'x6' shed.

Case: BOA-683295, Address: 17 Brookfield Street Ward: 20, Applicant: Ivan Hernandez

Article(s): 67(67-9; Dim reg applic in res sub dist: Floor Area Ratio Excessive)

Purpose: Finish remodel of existing basement space to create finished living space, as opposed to finished storage.

Basement space to include creation of game room and library. \*\* This amendment to BZC 33560.

Case: BOA-665759, Address: 145-145A East Berkeley Street Ward: 3, Applicant: Shan Chan

Article(s): 9(9-1) 64(64-19)

Purpose: Addition first floor on back for restaurant kitchen.

STEPHANIE HAYNES BOARD OF APPEAL 617-635-4775

### BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR MARK FORTUNE-SECRETARY PETER CHIN BRUCE BICKERSTAFF MARK ERLICH ANTHONY PISANI CRAIG GALVIN

### SUBSTITUTE MEMBERS:

For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to <a href="https://www.municode.com/library/ma/boston/codes/redevelopment\_authority">https://www.municode.com/library/ma/boston/codes/redevelopment\_authority</a>