



City of Everett
BOARD OF APPEALS
484 BROADWAY
EVERETT, MASSACHUSETTS 02149
PHONE 617-381-7445 FAX 617-394-2433

JOSEPH DESISTO, III – Chairman
MICHAEL DANTONE – Member
JOHN CHRISTOFORO – Member
RICHARD ZULLO – Member
STEVEN OCONNOR – Member
ROGER THISTLE – Assoc. Member
MARY GERACE – Assoc. Member
KIMBERLY RAUSEO – Clerk

Speaker George Keverian Room
3rd Floor – City Hall
Meetings – 7:00 PM
1st and 3rd Mondays

AGENDA

Meeting, Monday, February 4, 2019
Everett City Hall, 3rd Floor, Kevearian Room
Everett, MA, 7:00 P.M.

Order of Business:

(1) Call to Order

(2) Roll Call

(3) Unfinished Business

(4) Old Business

a. Petition #2403

68 Tremont Street, LLC – VARIANCE

Re: 3 Air Force Road, Everett, MA 02149

b. Petition #2406

Donovan Bailey – SPECIAL PERMIT

Re: 141-151 Bow Street, Everett, MA 02149

c. Petition #2362

The Neighborhood Developers – VARIANCE 6 MONTH EXTENSION

Re: 787 Broadway, 801 Broadway, 16 Gledhill Ave., 18 Gledhill Ave., 0 Gledhill Ave., 0 Stevenson Ave., Everett, MA 02149

d. Petition #2372

The Neighborhood Developers – VARIANCE 6 MONTH EXTENSION

Re: 801 Broadway, 16 Gledhill Ave., 18 Gledhill Ave., 0 Gledhill Ave., Everett, MA 02149

(5) New Business

a. Petition #2408

Fabre Michaud – SPECIAL PERMIT

Re: 17 Elm Street, Everett, MA 02149

b. Petition #2409

Constantino Pannullo & Anna Pannullo, Trustees – VARIANCES

Re: 15-17 Argyle Street, Everett, MA 02149

c. Petition #2410

Lonano Property Holding LLC, Everett – VARIANCES

Re: 74 Garland Street, Everett, MA 02149

d. Petition #2411

Maria DiPierro – VARIANCE/SPECIAL PERMIT

Re: 56 Fremont Avenue, Everett, MA 02149

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2019 JAN 22 P 4: 06



City of Everett
BOARD OF APPEALS
484 BROADWAY
EVERETT, MASSACHUSETTS 02149
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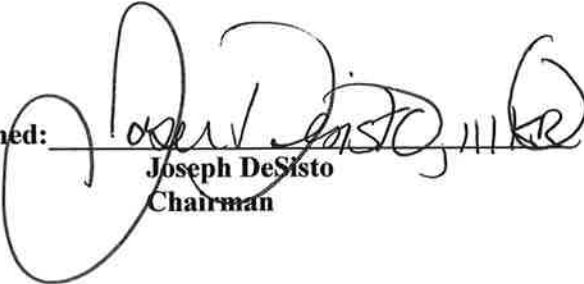
JOSEPH DESISTO, III – Chairman
MICHAEL DANTONE – Member
JOHN CHRISTOFORO- Member
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- e. Petition #2412
- f. Petition #2413
- g. Petition #2414


68 Tremont St., LLC - VARIANCE
Re: 3 Air Force Road, Everett, MA 02149
373 Second Street, LLC - SPECIAL PERMIT
Re: 373-383 Second Street, Everett, MA 02149
Richard Aversa - VARIANCE
Re: 108 Ferry Street, Everett, MA 02149


(6) Adjournment

Signed: 
Joseph DeSisto
Chairman

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EVERETT, MA
2019 JAN 22 P 4:06

Open Meeting Law Certification:

A TRUE COPY ATTEST

CITY CLERK

Posted in accordance with the
 provisions of Mass. General Laws
 Chapter 30A - Sections 18-25
 on 1-22-19 at 4:06 pm
 Attest:

City Clerk



CITY OF EVERETT

BOARD OF APPEALS
484 Broadway
Everett, Massachusetts 02149
(617) 381-7445

RECEIVED
CITY CLERKS OFFICE
EVERETT, MA

2019 JAN 22 P 4: 06

To Whom It May Concern:

This notice is to inform you that a public hearing will be held on Monday, February 4th, 2019 at 7:00 PM, Everett City Hall, 3rd Floor, George Keverian Hearing Room. All interested parties may attend and opinions will be heard regarding the following petition.

Whereas a petition has been presented by:

Fabre Michaud
17 Elm Street
Everett, MA 02149
RE: 17 Elm Street, Everett, MA 02149

To said Board of Appeals, asking for a **Special Permit** of the Building Zone Ordinance of the City, as applied: **Applicant seeks a building permit to raise the roof and construct an addition so that three bedrooms and a bathroom may be added for family members as per plans by Creative Home Plan dated July 2, 2018. The existing structure is located in the Dwelling District and is nonconforming as to the front and rear setbacks. The proposed addition to the third floor will increase the existing nonconforming nature of the structure**

REASON FOR DENIAL:

Permit was denied in accordance to the City of Everett Zoning Ordinance Appendix A Section 3 (3) requiring a special permit and a finding by the board that such extension, alteration or change of use shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure.

A TRUE COPY ATTEST
Sergio Condeiro
CITY CLERK

BOARD OF APPEALS FOR THE CITY OF
EVERETT, MASSACHUSETTS

Joseph DeSisto, III
Joseph DeSisto, III - Chairman
Kimberly Rauseo
Kimberly Rauseo - Clerk
Board of Appeals

Posted in accordance with the
provisions of Mass. General Laws
Chapter 30A - Sections 18-25
on 1-22-19 at 4:06 pm

Attest:
Sergio Condeiro
City Clerk



CITY OF EVERETT

BOARD OF APPEALS

484 Broadway
Everett, Massachusetts 02149
(617) 381-7445

RECEIVED
CITY CLERKS OFFICE
EVERETT, MA

2019 JAN 22 P 4: 07

To Whom It May Concern:

This notice is to inform you that a public hearing will be held on Monday, February 4th, 2019 at 7:00 PM, Everett City Hall, 3rd Floor, George Keverian Hearing Room. All interested parties may attend and opinions will be heard regarding the following petition.

Whereas a petition has been presented by:

***Constantino Pannullo and
Anna Pannullo, Trustees
Of The 11 Argyle Street
Nominee Trust
8 Corey Street
Everett, MA 02149***

RE: 15-17 Argyle Street, Everett, MA 02149

To said Board of Appeals, asking for the following ***Variances*** from the following sections of the Zoning Ordinance of the City, as applied:

Section 17. Off Street Parking (J): "Parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of another motor vehicle."

The parking plan submitted herewith shows the proposed parking of four motor vehicles serving the property and shows the motor vehicle #3 may not proceed to and from the parking stall provided for it without requiring the moving of motor vehicle #4. The applicants (who have already received a variance from this requirement to construct a two family dwelling) seek relief from Section 17. Off Street Parking (J) in the form of a variance from the Board of Appeals.

Section 17. Off Street Parking (K): "Parking facilities shall be designed so that no vehicles shall be parked nearer to any street lines than the minimum specified building setback for the zoning district in which the parking facility is located.

The parking plan attached hereto shows that vehicle #4 will be parked within the required minimum specified building setback of 20 feet, and thus the applicants seek relief from Section 17. Off Street Parking (K) in the form of a variance from the Board of Appeals.

Section 17. Off Street Parking (M): "No parking stall shall be located within eight (8') feet of any window of habitable rooms in the basement or first story level of any building."

The parking plan attached hereto shows that the parking stalls for vehicles #1, #2 and #4 shall be located within 8 feet of any window have habitable rooms in the

basement or first story level of the building, and thus the applicants seek relief from Section 17. Off Street Parking (M) in the form of a variance from the Board of Appeals.

Section 4. Dwelling Districts (b) Dimensional Regulations (1) Frontage (a): "50 Foot minimum frontage."

The attached plan shows the lot contains 35.41 feet of frontage, less than the 50 foot requirement. The Applicants (who have already received a variance from this requirement to construct a two family dwelling) seek relief from Section 4 Dwelling Districts (b) Dimensional Regulations (1) Frontage (a) in the form of a variance from the Board of Appeals.

Section 4 Dwelling Districts (b) Dimensional Regulations (2) Lot Area (c): "7,000 square foot minimum lot size."

The existing lot is 3734.5 square feet in size. The Applicants (who have already received a variance from this requirement to construct a two family dwelling) seek relief from Section 4 Dwelling Districts (b) Dimensional Regulations (2) Lot Area (c) in the form of a variance from the Board of Appeals.

Section 4 Dwelling Districts (b) Dimensional Regulations (4) Rear Yard (a): "25 feet minimum, except for open decks and porches which may encroach into the required rear yard providing that in no case shall the rear yard be less than 15 feet measured to any part of the porch or deck."

The Applicants seek permission to use and maintain a seven and one half foot (7.5') deep by twenty three foot (23') wide three story enclosed rear stairway addition, constructed without a permit, that encroaches seven feet (7') into the rear yard setback, and thus seek relief from Section 4 Dwelling Districts (b) Dimensional Regulations (1) Frontage (a) in the form of a variance from the Board of Appeals.

Section 4 Dwelling Districts (b) Dimensional Regulations (4) Front Yard: "Twenty (20) feet minimum except where the average front yard of at least two (2) buildings on the same side of the street and within two hundred (200) feet of the lot are less than twenty (20) feet, and the front yard maybe equal to the average of those buildings but not less than ten (10) feet. Porches may encroach ten (10) feet onto the required front yard. Stairs shall be excluded from any front yard restrictions."

The Applicants seek permission to locate and maintain front egress steps constructed without a permit within the required front yard setback a minimum of 10 feet and thus seeks relief from Section 4 Dwelling Districts (b) Dimensional Regulations (4) Front Yard from the Board of Appeals.

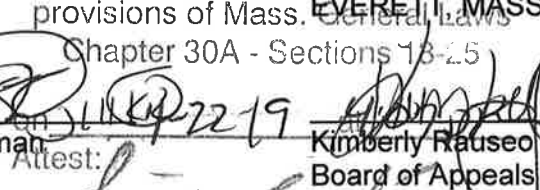
REASON FOR DENIAL:

Permit was denied in accordance to the City of Everett Zoning Ordinance Section 11(1)(c).

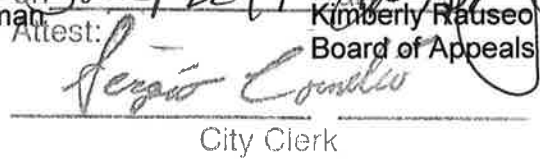
Posted in accordance with the provisions of Mass. General Laws Chapter 30A - Sections 13-25

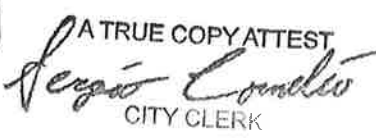
BOARD OF APPEALS FOR THE CITY OF EVERETT, MASSACHUSETTS


Joseph DeSisto, III - Chairman


Attest: Kimberly Raused
Board of Appeals


Clerk


Sergio Conditio
City Clerk

A TRUE COPY ATTEST

CITY CLERK



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CITY CLERKS OFFICE
EVERETT, MA

2019 JAN 22 P 4: 07

CITY OF EVERETT

BOARD OF APPEALS

484 Broadway
Everett, Massachusetts 02149
(617) 381-7445

To Whom It May Concern:

This notice is to inform you that a public hearing will be held on Monday, February 4, 2019 at 7:00 PM, Everett City Hall, 3rd Floor, George Keverian Hearing Room. All interested parties may attend and opinions will be heard regarding the following petition.

Whereas a petition has been presented by:

**Lonano Property Holding, LLC Everett
62 High Street
Everett, MA 02149**

RE: 74 Garland Street, Everett, MA 02149

To said Board of Appeals, asking for ***Variances*** from the Zoning Ordinance of the City, as applied: ***The applicant proposes to convert the existing single family structure located in the Dwelling District on a 12001 Sq Ft lot to a four (4) unit dwelling. The proposal includes a 30' x 33' three (3) story addition to the existing structure and shall be constructed as per the plans by Little Designs dated Jan. 4, 2019. The proposed addition will not increase the nonconforming nature of the structure as it will be compliant with current setbacks. The proposed addition will cause the structure to come into noncompliance with respect to FAR, where .05 is required and .61 has been proposed. The required parking area for eight (8) spaces will be provided on the lot.***

REASON FOR DENIAL:

The proposed addition/alteration will cause the structure to exceed the required FAR and create a multifamily use within the Dwelling District. Therefor the applicant must seek relief in the form of variances in accordance with the following:

Everett Zoning Ordinance APPENDIX A Section 4(A)1 which states the following:

"A single or double semi-detached dwelling existing at the time of the first enactment of the Zoning Ordinance may be converted to provide not more than a total of three (3) dwelling units"

The applicant must seek relief in the form of a variance allowing the conversion of a single family dwelling to a four (4) unit dwelling.

Everett Zoning Ordinance APPENDIX A Section 4(b)(2)c which limits the floor area ratio for "all other uses" to a maximum of 0.5 (FAR). The proposed addition results in an (FAR) of 61. The applicant must seek relief in the form of a variance allowing the structure to exceed the FAR requirement.

Everett Zoning Ordinance APPENDIX A Section 17(O)5 requires a minimum access road of 18' to allow ingress and egress of vehicles at the same time. The applicant must seek relief in the form of a dimensional variance to allow an access road of 12'.

**BOARD OF APPEALS FOR THE CITY OF
EVERETT, MASSACHUSETTS**



Joseph DeSisto, III - Chairman



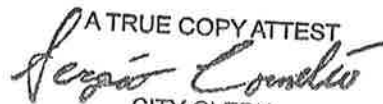
Kimberly Raused - Clerk
Board of Appeals

Filed in accordance with the
provisions of Mass. General Laws
Chapter 30A - Sections 18-25

on 1-22-19 at 4:07pm
Attest:



Sergio Conchito
City Clerk

A TRUE COPY ATTEST

CITY CLERK



CITY OF EVERETT

BOARD OF APPEALS
484 Broadway
Everett, Massachusetts 02149
(617) 381-7445

RECEIVED
CITY CLERKS OFFICE
EVERETT, MA
2019 JAN 22 P 4:08

To Whom It May Concern:

This notice is to inform you that a public hearing will be held on Monday, February 4, 2019 at 7:00 P.M., Everett City Hall, 3rd Floor, George Keverian Room. All interested parties may attend and opinions will be heard regarding the following petition.

Whereas a petition has been presented by:

Maria DiPierro
56 Fremont Avenue
Everett, MA 02149

RE: 56 Fremont Avenue, Everett, MA 02149

To said Board of Appeals, asking for a **Variance/Special Permit** of the Building Zone Ordinance of the City, as applied: **The applicant proposes to convert the existing single family structure located in the Dwelling District on a 3759 sq. ft. nonconforming lot to a two (2) family unit dwelling. The proposal includes a buildout of the existing basement to accommodate the additional dwelling unit. The required parking area for four (4) spaces (8' x 19') will be provided on the lot.**

REASON FOR DENIAL:

Everett Zoning Ordinance Appendix A: Section 17 (I): Requires each "car space to be not less than 9 feet in width and 18 feet in length". The applicant must seek relief in the form of a variance from the Board of Appeals.

Posted in accordance with the provisions of Mass. General Laws Chapter 30A - Sections 18-25

on 1-22-19 at 4:08 pm

Attest:

City Clerk

BOARD OF APPEALS FOR THE CITY OF
EVERETT, MASSACHUSETTS

Joseph DeSisto, III - Chairman

Kimberly Rausedo - Clerk
Board of Appeals

A TRUE COPY ATTEST

CITY CLERK



CITY OF EVERETT

BOARD OF APPEALS

484 Broadway
Everett, Massachusetts 02149
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EVERETT, MA

2019 JAN 22 P 4: 08

To Whom It May Concern:

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Whereas a petition has been presented by:

**68 Tremont St., LLC
101 Station Landing, Suite 2200
Medford, MA 02155
RE: 3 Air Force Road, Everett, MA 02149**

To said Board of Appeals, asking for a **Variance** of the Building Zone Ordinance of the City, as applied: **Applicant seeks a permit for the construction of an outdoor parking facility consisting of 625 spaces with a bus shelter located in the Riverfront Overlay District on 6.5 acres of land. Applicant also intends to open the parking as a high quality, pedestrian friendly, temporary community parking lot to be used for public parking, including use by residents of the City of Everett for the playground which is currently under construction. The project is proposed pursuant to plan titled "Rivergreen Parking Facility" submitted by Bohler Engineering, dated 10/25/2018 pages 1-6.**

REASON FOR DENIAL

The City of Everett Zoning Ordinances APPENDIX A section 26 (b) Uses: does not specifically allow an outdoor parking facility as a principle use. The applicant must seek relief in the form of a use variance from the Everett Zoning Board of Appeals.

provisions of Mass. General Laws
Chapter 30A - Sections 18-25

on 1-22-19 at 4:08 PM BOARD OF APPEALS FOR THE CITY OF
EVERETT, MASSACHUSETTS

Attest:

Sergio Conditio

City Clerk

Joseph DeSisto, III
Joseph DeSisto, III - Chairman

Kimberly Rauseo
Kimberly Rauseo - Clerk
Board of Appeals

A TRUE COPY ATTEST
Sergio Conditio
CITY CLERK



CITY OF EVERETT

BOARD OF APPEALS

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Whereas a petition has been presented by:

**373 Second Street, LLC
AW Perry Management Corp.
20 Winthrop Square
Boston, MA 02110**

RE: 373-383 Second Street, Everett, MA 02149

To said Board of Appeals, asking for a **Special Permit** of the Building Zone Ordinance of the City, as applied: **Applicant seeks a building permit to change the use of the existing structure and lot. The existing use is manufacturing and where the locus in in the Commercial Triangle Economic Development District (CTEDD) this use is pre-existing nonconforming. The applicant seeks to change the use to a bus terminal with repair. The proposed use is not allowed in the (CTEDD).**

REASON FOR DENIAL:

Permit was denied in accordance to the City of Everett Zoning Ordinance Appendix A Section 3 (3) requiring a special permit and a finding by the board that such extension, alteration or change of use shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure.

Protested in accordance with the provisions of Mass. General Laws Chapter 30A - Sections 18-25


on 1-22-19 at 4:08 PM
Attest:

BOARD OF APPEALS FOR THE CITY OF
EVERETT, MASSACHUSETTS



City Clerk

Joseph DeSisto, III - Chairman



Kimberly Rauseo - Clerk
Board of Appeals

A TRUE COPY ATTEST

CITY CLERK



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BOARD OF APPEALS
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Whereas a petition has been presented by:

Richard Aversa
108 Ferry Street
Everett, MA 02149
RE: 108 Ferry Street, Everett, MA 02149

To said Board of Appeals, asking for a **Variance** of the Building Zone Ordinance of the City, as applied: **Applicant seeks to raze the existing structure and construct a mixed use building containing 30 residential units; a 39 space parking garage and a 1329 sf retail space locate within the Business district. Plan has been submitted by Lincoln architects LLC dated Jan. 8, 2019.**

REASON FOR DENIAL:

Permit was denied in accordance to the City of Everett Zoning Ordinance Appendix A as follows:

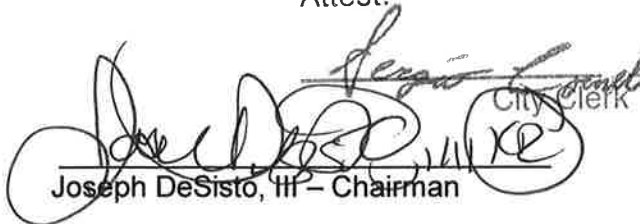
1. Appendix A Section (6) B.2 - Lot Area: Requires a maximum floor area ratio of 1.5 to 1. The proposed plan includes a floor area ratio of 5.16 to 1.
2. Appendix A section (6) B.3 – Height: Requires max of four (4) stories. The proposed plan includes a six (6) story structure requiring relief of 2 (two) stories.
3. Appendix A section (6) B.3 – Height: Requires max height of 65'. The proposed plan includes a 67'-3" high structure requiring relief of 2'-3".
4. Appendix A section (6) B.4 - Front Yard (High Street): Requires the minimum of 10' setback. The proposed plan includes a front yard setback of 0' requiring relief of 10'.
5. Appendix A section (6) B.5 - Side Yard: Requires the minimum of 7' setback. The proposed plan includes a side yard setback of 0' requiring relief of 7'.

6. Appendix A section (6) B.6 - Rear Yard: Requires the minimum of 25' setback. The proposed plan includes a rear yard setback of 0' requiring relief of 25'.
7. Appendix A section (6) B.8 – Corner Lot: Requires 7' setback when residential use (Ferry St). Requires the minimum of 7' setback. The proposed plan includes a setback of 0' requiring relief of 7'.
8. Appendix A section (17) - Off Street Parking: Requires 2 spaces for each dwelling unit and one space for each 300 sf of retail space: total needed of 64spaces. The proposed plan includes 39 parking spaces requiring relief of 25 spaces.
9. Appendix A section (17) J – *“Requires parking facilities to be designed so that each motor vehicle may proceed to and from the parking space provided without requiring the moving of another motor vehicle”*. The proposed plan included a parking plan requiring a vehicle to be moved to allow another to proceed to and from its space.
10. Appendix A Section 6(a)(8): Requires the City Council to grant a Special Exception when mixing residential and retail uses. The “Special Exception” may only be granted by the City Council and is subject to specific regulations. The following regulations have not been satisfied by the proposal and therefor prohibit the grant of the “Special Exception” by the City Council:
 - a. Minimum lot area of 30,000 square feet
 - b. Minimum frontage of 200 feet
 - c. The Applicant must seek a variance from these regulations to allow the Council to grant the “Special Exception”

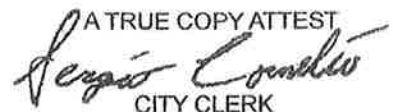
Applicant must seek relief in the form of variances from the City Everett Zoning Board of Appeals.

Posted in accordance with the provisions of Mass. General Laws Chapter 30A - Sections 18-25

on 1-22-19 at 4:08 PM BOARD OF APPEALS FOR THE CITY OF
 Attest: EVERETT, MASSACHUSETTS


 Joseph DeSisto, III – Chairman


 Kimberly Raused - Clerk
 Board of Appeals

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 CITY CLERK