



**City of Everett**  
**BOARD OF APPEALS**  
**484 BROADWAY**  
**EVERETT, MASSACHUSETTS 02149**  
**PHONE 617-381-7445 FAX 617-394-2483**

RECEIVED  
CITY CLERK'S OFFICE  
EVERETT, MA

MAY -6 P 3:30

JOSEPH DESISTO, III – Chairman  
MICHAEL DANTONE – 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  
1st and 3rd Mondays  
Meetings 7:00 P.M.

**AGENDA**

**Meeting, Monday, May 20, 2019**  
**Everett City Hall, 3<sup>rd</sup> Floor, Keverian 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 #2419**

**Richard Aversa – VARIANCES**

**Re: 108 Ferry Street, Everett, MA 02149**

**(5) New Business**

**a. Petition #2426**

**Jennifer Lliades – VARIANCE**

**Re: 888 Broadway, Everett, MA 02149**

**b. Petition #2427**

**Paul G. DeLima - SPECIAL PERMIT**

**Re: 193 Bow Street, Everett, MA 02149**

**c. Petition #2428**

**Lucas Calixto – VARIANCE**

**Re: 122 Garland Street, Everett, MA 02149**

**d. Petition #2429**

**Boston Produce Company – ANNUL OR MODIFY DECISION**

**Re: 152 Beacham Street, Everett, MA 02149**

**e. Petition #2430**

**Joseph F. Navis – VARIANCES**

**Re: 15-17 Christina Circle, Everett, MA 02149**



# City of Everett

BOARD OF APPEALS

484 BROADWAY

EVERETT, MASSACHUSETTS 02149

PHONE 617-381-7445 FAX 617-394-2403

RECEIVED  
CITY CLERK'S OFFICE  
EVERETT, MA

2019 MAY -6 P 3:30

JOSEPH DESISTO, III – Chairman  
MICHAEL DANTONE – 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  
1st and 3rd Mondays  
Meetings 7:00 P.M.

f. Petition #2431

Kaura, LLC – SPECIAL PERMIT/VARIANCE

Re: 178-180 Elm Street, Everett, MA 02149

(6) Adjournment

Signed:

Joseph DeSisto  
Chairman

Open Meeting Law Certification:

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

on 5-6-19 at 3:30 pm

Attest:

City Clerk

A TRUE COPY ATTEST

CITY CLERK



**CITY OF EVERETT**

**BOARD OF APPEALS**

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

RECEIVED  
CITY CLERK'S OFFICE  
EVERETT, MA

2019 MAY -6 P 3:30

To Whom It May Concern:

***This notice is to inform you that a public hearing will be held on Monday, May 20, 2019 at 7:00 P.M., Everett City Hall, 3<sup>rd</sup> 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:

**Jennifer Liades  
750 W. Center Street  
West Bridgewater, MA 02379**

**RE: 888 Broadway, Everett, MA 02149**

To said Board of Appeals, asking for a **Variance** of the Building Zone Ordinance of the City, as applied: ***The applicant seeks to construct a roof top telecommunications facility.***

**REASON FOR DENIAL:**

Permit was denied in accordance to the City of Everett Zoning Ordinance:

**Violations:**

The use of a telecommunications is not permitted in this zoning district

**Zoning:**

**Section 4 Dwelling Districts (a) Uses**

Uses. Within any dwelling district as indicated on the zoning map, no building, structure or premises shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for any industry, trade, manufacturing, or commercial purposes, of for other than the following specified purposes:

1. 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 provided that the following standards are met:

Any addition shall comply with the front, side and rear yard requirements and height limitations of the Zoning Ordinance.

Where the existing building is already non-conforming, any alteration shall not increase the existing non-conformity. Parking in accordance with this Zoning Ordinance shall be provided for any additional dwelling units. (Ord. of 4-29-91)

2. The offices of a doctor, dentist or other member of a recognized profession, teacher or musician residing on the premises; provided there is no display or advertising except for a small professional name plate.
3. Customary home occupations, such as dressmaking or millinery or the leasing of rooms or the taking of boarders, conducted by owner occupants only; provided there is no display or advertising visible from outside, except for an announcement card or sign of not more than two (2) feet square area, and that such uses be confined to not over one-third of the total floor area occupied by each family.
4. Schools, except private vocational schools, public libraries, fire stations, art museums, churches, parish houses and Sunday School buildings, membership clubs and social and recreational buildings and premises, park, water supply reservations, soldiers and sailors memorial buildings, except those chief activity of which is one customarily carried on as a gainful business.
5. Real estate signs, referring only to the premises or tract on which they are located, and having an area not exceeding eight (8) square feet.
6. Truck gardens and greenhouses, provided that any greenhouse heating plant shall be distant not less than twenty (20) feet from any street or lot line.
7. Hospitals, not for the insane or feeble-minded; provided that no building be within thirty (30) feet of any street or lot line.
8. Public or charitable institutional buildings not of a correctional nature, providing that no building thereon be within thirty (30) feet of any street or lot line.
9. Railroad or street railroad passenger stations or rights-of-way including customary accessory services therein; not including switching, storage, or freight yards or sidings.
10. Cemeteries, including any crematory therein, which is not within a distance of thirty feet of any street or lot line.
11. Telephone central buildings without garages or yards for service or storage.
12. A garage in which no business, service or industry is conducted is permitted but only on the same lot with a principal building to which it is accessory. On any such lot, such garage space may be provided for two (2) motor vehicles, and for one (1) additional motor vehicle for each two thousand (2,000) square feet by which the area of the lot exceeds three thousand (3,000) square feet. However, garage space for one (1) motor vehicle may be provided in any case for each family for which residence is arranged on the lot. Not more than one (1) such vehicle shall be a commercial vehicle, and it shall not exceed two and one-half, (2 ½) tons capacity. In such a garage, space shall not be leased to non-residents for a commercial vehicle, nor for more than one (1) vehicle of any kind for each resident on the lot. Such a conforming garage may be erected on the lot previous to the erection of a principal building on the same lot but where thus erected earlier than the principal building the garage shall be so placed on the lot as not to prevent the eventual practicable and conforming location of the principal building. Community or group garages: which may be permitted on the otherwise vacant lot, shall only be permitted in the Dwelling District upon the grant of a Special Permit by the Zoning Board of Appeals. There

shall be no service for gain to other the owners or tenants of such garages. No such garage shall conduct a repair shop. (Ord. of 4-29-91)

13. Agriculture, horticulture or floriculture and the expansion or reconstruction of existing structures thereon for the primary purpose of agriculture, horticulture or floriculture. (Ord. of 4-29-91)

14. Temporary mobile home placed on the site of a residence destroyed by fire or other holocaust, for the purpose of providing temporary shelter while the residence is being rebuilt, but not to exceed twelve (12) months. (Ord. of 4-29-91)

15. The following uses shall only be permitted in the Dwelling District upon the grant of a Special Permit by the Zoning Board of Appeals:

a. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production. The Zoning Board of Appeals may grant such permit provided that it finds that the proposed accessory use does not substantially derogate from the public good.

b. Community or group garages which may be permitted on an otherwise vacant lot. There shall be no service for gain to other than the owners or tenants of such garages. No such garages shall conduct a repair shop.

16. Open-air markets of any type shall be prohibited. The sale of used household goods by residential occupants on their premises, normally referred to as garage sales, shall be allowed providing that such sale not continue for a period of more than seven (7) days in any year, except by Special Permit of the Zoning Board of Appeals. (Ord. of 4-29-91)

17. Conversion of Dwelling. No new dwelling unit created by the conversion of an existing dwelling shall be permitted unless the requirements of minimum lot area and off street parking are satisfied for all dwelling units in existence and proposed in the dwelling after the conversion or enlargement. (Ord. 02-046 of Oct. 22, 2003)

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

on 5-6-19 at 3:30 pm BOARD OF APPEALS FOR THE CITY OF EVERETT, MASSACHUSETTS

Attest



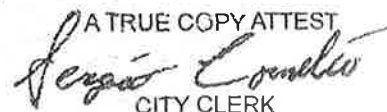
City Clerk



Joseph DeSisto, III - Chairman



Kimberly Raused - Clerk  
Board of Appeals

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 MAY -6 P 3:31

To Whom It May Concern:

**This notice is to inform you that a public hearing will be held on Monday, May 20, 2019 at 7:00 P.M., Everett City Hall, 3<sup>rd</sup> 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:

**Paul G. Delima  
193 Bow Street  
Everett, MA 02149**

**RE: 193 Bow Street, Everett, MA 02149**

To said Board of Appeals, asking for a **Special Permit** of the Building Zone Ordinance of the City, as applied: **The applicant seeks to convert the existing two family dwelling into a three family dwelling on a preexisting nonconforming lot and structure located within the LB- Residential Detached district. The proposed three family use is allowed in the district; however, the lot size, setbacks, open space and parking are nonconforming.**

**Permit was denied in accordance to the City of Everett Zoning Ordinance Appendix A Section 30. They shall seek relief from the Zoning Board of Appeals as follows:**

**Section 30 (9) B. Non-Conforming Structures or Uses.**

*"Existing non-conforming structure or uses may be extended or altered, provided that such extension, alteration or change of use shall be permitted only upon the grant of a special permit by the Zoning Board of Appeals after a public hearing and a finding 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."*

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

on 5-6-19 at 3:31 pm

BOARD OF APPEALS FOR THE CITY OF EVERETT, MASSACHUSETTS

Attest:

Joseph DeSisto, III - Chairman

Kimberly Rauseo - Clerk  
Board of Appeals

A TRUE COPY ATTEST  
  
CITY CLERK



**CITY OF EVERETT**

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

RECEIVED  
CITY CLERK'S OFFICE  
EVERETT, MA

2019 MAY -6 P 3:31

To Whom It May Concern:

***This notice is to inform you that a public hearing will be held on Monday, May 20, 2018 at 7:00 PM, Everett City Hall, 3<sup>rd</sup> 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:

**Lucas Calixto**  
122 Garland Street  
Everett, MA 02149

**RE: 122 Garland Street, Everett, MA 02149**

To said Board of Appeals, asking for a **Variance** of the Building Zone Ordinance of the City, as applied: ***The applicant seeks a permit to construct an extension to an existing deck. The new proposed deck extension will be an additional 14 feet 8 inches deep into the rear yard and 31 feet 9 inches wide located in the Dwelling District on a 6,600 sf lot. Plan submitted April 18<sup>th</sup> by Whole Construction Solutions LLC.***


**Reason for Denial:**


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

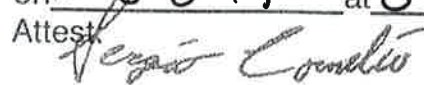
1. Appendix A section 4 (b)(7). Rear Yard: Requires minimum rear yard setback of 15' for open decks. The previously compliant rear yard setback on the existing structure has been reduced to 6'-8" requiring a variance of 8'-4".

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

  
Joseph DeSisto, III – Chairman

  
Posted in accordance with the  
Provisions of Mass. General Laws  
Chapter 30A - Sections 18-25  
Kimberly Rauseo  
Board of Appeals

A TRUE COPY ATTEST  
  
CITY CLERK

on S-6-19 at 3:31 pm  
Attest:  
  
\_\_\_\_\_  
City Clerk



**CITY OF EVERETT**

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

POSTED  
CITY CLERK'S OFFICE  
EVERETT, MA

2019 MAY -6 P 3:31

To Whom It May Concern:

**This notice is to inform you that a public hearing will be held on Monday, May 20, 2019 at 7:00 P.M., Everett City Hall, 3<sup>rd</sup> 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:

**Boston Produce Company**  
152 Beacham Street  
Everett, MA 02149

**RE: 152 Beacham Street, Everett, MA 02149**

To said Board of Appeals, asking to **Annul or Modify the decision of the Building Inspector Under Section 12A-42 Right of Appeals** as applied: **Applicant seeks a permit for the installation of an "Electric Message Center" with dimensions 8'-4" x 53.5". Section 12A-64 "Prohibited Signs" which specifically prohibits "'Signs which have blinking, flashing or fluttering lights or other illuminated devices which have changing light intensity, brightness, or color".**

**REASON FOR DENIAL:**

**Permit was denied in accordance to the City of Everett Signs and Billboard Ordinance Section 12A.**

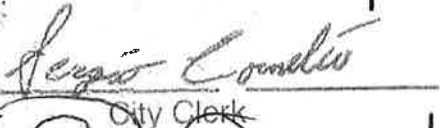
Posted in accordance with the  
provisions of Mass. General Laws  
Chapter 30A - Sections 18-25

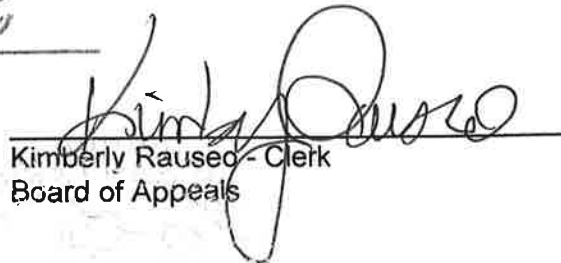
on 5-6-19 at 3:31 pm

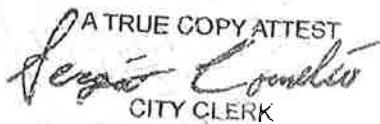
BOARD OF APPEALS FOR THE CITY OF  
EVERETT, MASSACHUSETTS

Attest:

  
Joseph DeSisto, III - Chairman

  
Sergio Comelio  
City Clerk

  
Kimberly Raused - Clerk  
Board of Appeals

A TRUE COPY ATTEST  
  
CITY CLERK





**CITY OF EVERETT**

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

RECEIVED  
CITY CLERK'S OFFICE  
EVERETT, MA

2019 MAY -6 P 3:31

To Whom It May Concern:

***This notice is to inform you that a public hearing will be held on Monday, May 20, 2019 at 7:00 PM, Everett City Hall, 3<sup>rd</sup> 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:

**Joseph F. Navis**  
15-17 Christina Circle  
Everett, MA 02149

**RE: 15-17 Christina Circle, Everett, MA 02149**

To said Board of Appeals, asking for ***Variances*** of the Building Zone Ordinance of the City, as applied: ***The applicant seeks to convert the existing two family dwelling to a three family dwelling on a 4982 sf lot located within the dwelling district as per plan by Medford Engineering & Surveying, dated 4/10/2019. The plan contains six (6) parking spaces 9' x 18'. A permit to build the existing structure was issued in March 17, 1992, subject to a special permit issued by the Board of Appeals on October 15, 1991(attached). The structure received an occupancy permit as a two family dwelling on January 22, 1993. The existing structure contains 2880 sf of gross floor area and has a current FAR of .57. The proposed three family use is not allowed as of right in the dwelling district.***

**REASON FOR DENIAL:**

Permit was denied in accordance to the City of Everett Zoning Ordinance Appendix A. The applicant shall seek relief from the Zoning Board of Appeals as follows:

1. 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 8.2'.
2. Everett Zoning Ordinance APPENDIX A Section 4(b)(2)c limits the floor area ratio for "all other uses" to a maximum of 0.5 (FAR). The applicant must seek relief in the form of a variance allowing the FAR to exceed the maximum required under "all other uses"
3. Everett Zoning Ordinance APPENDIX A Section 17(O)4 prohibits parking areas serving buildings of more than 2 units to be designed to allow vehicles to back into the street or driveway. The applicant must seek relief in the form of a variance to allow a vehicle to back into the street or driveway.

4. Everett Zoning Ordinance APPENDIX A Section 4 (17) requires no new dwelling unit created by the conversion of an existing dwelling shall be permitted unless the requirements of minimum lot area and off street parking are satisfied for all dwelling units in existence and proposed in the dwelling after the conversion or enlargement. The minimum lot area represented by the FAR will not be in compliance. The applicant must seek relief in the form of a variance to allow the conversion.

BOARD OF APPEALS FOR THE CITY OF  
EVERETT, MASSACHUSETTS


  
Joseph DeSisto, III - Chairman

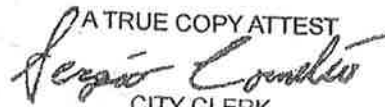
  
Kimberly Rauseo - Clerk  
Board of Appeals

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

on 5-6-19 at 3:31 pm

Attest:

  
\_\_\_\_\_  
City Clerk

A TRUE COPY ATTEST  
  
CITY CLERK



CITY OF EVERETT

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

RECEIVED  
CITY CLERK'S OFFICE  
EVERETT, MA  
2019 MAY -6 P 3:31

To Whom It May Concern:

***This notice is to inform you that a public hearing will be held on Monday, May 20, 2019 at 7:00 PM, Everett City Hall, 3<sup>rd</sup> 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:

**Kaura, LLC  
178 Elm Street  
Everett, MA 02149**

**RE: 178-180 Elm Street, Everett, MA 02149**

To said Board of Appeals, asking for a ***Special Permit/Variance*** of the Building Zone Ordinance of the City, as applied: ***Applicant seeks to construct a second and third floor addition containing eight (8) residential units over the existing first floor convenience store on located on a 3769 sf lot within the Business District, as per plan date January 18, 2019. The existing structure is nonconforming and the proposed extensions will increase the nonconformity. No additional parking is being provided for this proposal.***

**REASON FOR DENIAL:**

Permit was denied in accordance to the City of Everett Zoning Ordinance Appendix A and Massachusetts General Laws, Chapter 40A as follows:

1. Appendix A Section 3 paragraph (3) require existing non-conforming structure or uses may be extended or altered, provided that such extension, alteration or change of use shall be permitted only upon the grant of a Special Permit by the zoning board of appeals after a public hearing 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
2. Appendix A section (6) B.4 - Front Yard: Requires the minimum of 10' setback for residential use. The proposed plan includes a front yard setback of .1' requiring relief in the form of a variance of 9.9'.
3. Appendix A Section 17 (A) 2 "Off-Street Parking": Requires two (2) spaces for each dwelling unit within a multifamily dwelling. Appendix A Section 17 (E): Requires parking be provided for the area added and not for the existing portions of the structure. Therefor the applicant must seek relief in the form of a variance for 16 parking spaces.

4. Appendix A Section 6.(a)(8) The proposed retail and residential use are all within one structure and requires a "Special Exception" pursuant to the ordinance issued by the City Council. The "Special Exception" is subject to minimum requirements not present within this proposal as follows:

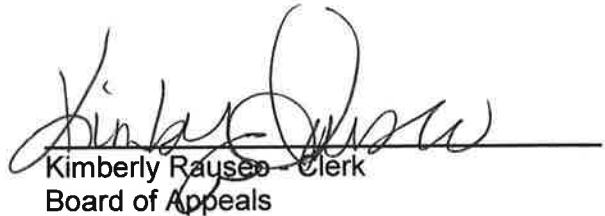
- a. Section 6.(a)(8)(1) Minimum lot area of 30,000 square feet and a minimum frontage of 200 feet.
- b. Section 6.(a)(8)(4) All residential units shall be located not lower than the second floor of the structure.

The applicant must seek relief in the form of variances for the insufficient lot area of 26241 sf, insufficient frontage of 150 lf. After receiving these variances the applicant must apply for and receive a "Special Exception" for the Everett City Council.

BOARD OF APPEALS FOR THE CITY OF  
EVERETT, MASSACHUSETTS



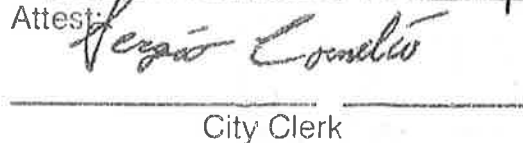
Joseph DeSisto, III - Chairman



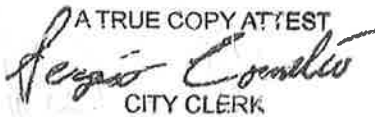
Kimberly Rauser - Clerk  
Board of Appeals

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

on 5-6-19 at 3:31 pm  
Attest:



City Clerk

A TRUE COPY ATTEST  
  
CITY CLERK