

(This form must be filed in quadruplicate with the Inspectional Services Division of the City of Boston. This form must also be completed and signed by the property owner or by an authorized agent. Please attach the appropriate authorization.)



INSPECTIONAL SERVICES DEPT.  
PERMIT DEPT.

JUL 19 2 55 PM '93  
APPEAL  
under Boston Zoning Code

# 150-

216  
072193

Boston, Massachusetts ..... July 9, 19 93...

To the Board of Appeal in the Inspectional Services Department of the City of Boston:

The undersigned, being James F. Tucci  
The Owner(s) or authorized agent

of the lot at 68 Phillips St. 05 Beacon Hill, Boston  
number street ward district

hereby appeal(s) under St. 1956, c. 665, s. 8, to the Board of Appeal in the Inspectional Services Department of the City of Boston the action taken by the Inspectional Services Commissioner as outlined in the attached refusal letter.

May 25, 1993

Asked to construct roof deck 12 feet back from edge of roof

Please set forth in detail what is sought by this appeal and the reasons therefor. Refer to instructions.

1. To seek permission to build a roof deck.
2. (a) This will provide a view. Our condo is on the 5th floor rear with no view.  
(b) Condo is extremely hot; roof deck will offer relief.  
(c) Only reason for purchasing 5th floor unit was it offered roof deck rights.
3. We should be allowed the variance because:
  - If we move deck back 12 feet, we have lost the best view of a small portion of the Charles.
  - The Historic Commission has given its approval.
  - We have photos of buildings next door with their decks built at edge of roof.

For official use only:

Appeal #.....

Permit #.....

Code #.....

PDA Y N

IPOD Y N

\*PDA=Planned Development Area

IPOD=Interim Planning Overlay District

Appellant James F. Tucci

By: James F. Tucci

Address 68 Phillips St., Unit #10  
Boston, Mass 02114

Telephone 1-800-553-8279 days

617-557-4833 ni

PARCEL #



APPLICANT MUST USE TYPEWRITER IN FILLING IN THIS APPLICATION  
CITY OF BOSTON  
INSPECTIONAL SERVICES DEPARTMENT

Certified Street Numbers  
8-70a Phillips St  
Ward 5  
Street Numbering Inspector.

Application to the Commissioner for Permit for Alterations, Repairs or Change of Occupancy

Description of Present Building

Location, 68-70a Phillips Street District, Beacon Hill Ward 5  
Name of owner is? Phillips Ct. Condo Assn. Address, same  
Name of architect or engineer is? Lic. No.  
Material of building is? brick Style of roof? flat Construction of roof? rubber  
Size of building, feet front? 29; feet rear? 29; feet deep? 52; No. of stories? 5  
No. of feet in height from sidewalk to highest point of roof? 50 Material of foundation? stone  
Thickness of external walls? Party walls?

LEGAL OCCUPANCY OR USE (Applicant is not to fill in this box)  
Ten (10) Apartments Doc#3608/1991

Front stairs?  Back stairs? Fire escape? Con. balconies?  Any other?  
Is building equipped with automatic sprinkler system? no  
Type of construction? Building to be occupied for Ten (10) Apartments Group occupancy?  
after alteration

Description of Proposed Extension

IF EXTENDED ON ANY SIDE OR VERTICALLY

Size of extension, No. of feet long?; No. of feet wide?; No. of feet high above sidewalk?  
No. of stories high?; style of roof?; material of roofing?  
Of what material will the extension be built? Foundation?  
How will the extension be occupied? Type of Construction

GENERAL DESCRIPTION OF THE PROPOSED WORK AND ITS LOCATION.  
(ALL STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., SHALL BE INCLUDED)

I swear that this application and plans conform to the ISSUED CERTIFICATE OF APPROPRIATENESS/DESIGN APPROVAL OR EXEMPTION/NON-APPLICABILITY OR NO EXTERIOR WORK IS INVOLVED

Construct a 9'x23'2" wood deck with pressure treated lumber. All work as per plans filed.

APPLICANT DATE Authorized ISD Witness

PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK

Date.....19.....

Estimated Cost, \$ 57,400.00  
Owner's Phone 617-557-4833

The facts I have set forth above in this application and accompanying plans are a true statement to the best of my knowledge and belief.

James F. Tucci  
(Signature of Owner)

Type Name of Person Signing James Tucci  
(Address)

(Signature of Licensed Builder)

Type Name of Person Signing

(Address)  
Lic. No. Class  
My license expires

(Name of Contractor)  
(Address)

Phone

Phone



INSPECTIONAL  
SERVICES  
DEPARTMENT  
CITY OF BOSTON

TO: Joseph McGinn  
66 Phillips St.  
Boston, MA.

DATE: July 30, 1991  
LOCATION: 68 Phillips St.  
APPLICATION NO. 3608  
WARD: 5

1010  
Massachusetts  
Avenue  
5th Floor  
Boston  
Massachusetts  
02118

617-442-0046

TeleFax  
617 427-6531

1. Certified Plot Plan Showing PROPOSED As Well As EXISTING Condition Is Required. Locate Deck
- 1a. Zoning Computation Form Is Required.
2. Floor Plans Are Required.
3. Additional Information Concerning The Plot Plan Is Required.
4. Additional Information Concerning The Application Is Required.
5. The Plot Plan Must Be Certified By A LAND SURVEYOR REGISTERED BY THE COMMONWEALTH OF MASSACHUSETTS.
6. Please Contact George Kincaid At 442-1345 Concerning Barrier Free Access.
7. Department Of Public Works Projection Permit Is Required.
8. Plans Are Required.
9. Affidavit For Owner Located Structures On Certified Plot Plan Required, Copy Of Affidavit Is Attached.
10. All Plans Must Be Submitted In DUPLICATE.

- ADDITIONAL COMMENTS: \_\_\_\_\_

IMPORTANT: If Information Requested Is Not Submitted Within Thirty (30) Days Of The Date Of This Letter, This Application Will Be Deemed To Be ABANDONED.

If You Require Further Explanation Please Call This Number (617) 442-1345.

Reviewer: TOD HM RF TW DW BY MD GK

Raymond L. Flynn  
Mayor

PARGEL #



APPLICANT MUST USE TYPEWRITER IN FILING IN

INSPECTIONAL SERVICES DEPT  
PERMIT DESK  
CITY OF BOSTON  
INSPECTIONAL SERVICES DEPARTMENT

BD 2  
Certified Street Numbers  
68  
Phelley  
Street Numbering Inspector.

Application to the Commissioner for Permit for Alterations, Repairs or Change of Occupancy

Location 68 Phillips Street District Boston Ward 5  
 Name of owner is? X Joseph McGinn Address Same  
 Name of architect or engineer is? \_\_\_\_\_ Lic. No. \_\_\_\_\_  
 Material of building is? Brick Style of roof? Flat Construction of roof? T.G.  
 Size of building, feet front? 29; feet rear? 24 12; feet deep? 52; No. of stories? 5  
 No. of feet in height from sidewalk to highest point of roof? 50 Material of foundation? Stone  
 Thickness of external walls? \_\_\_\_\_ Party walls? \_\_\_\_\_

LEGAL OCCUPANCY OR USE (Applicant is not to fill in this box)  
Ten Apartments 2700/1937

Front stairs? X Back stairs? \_\_\_\_\_ Fire escape? \_\_\_\_\_ Con. balconies? X Any other? \_\_\_\_\_  
 Is building equipped with automatic sprinkler system? \_\_\_\_\_  
 Type of construction? 3B Ten Apartments Group occupancy? \_\_\_\_\_  
 Building to be occupied for \_\_\_\_\_ after alteration

IF EXTENDED ON ANY SIDE OR VERTICALLY

Size of extension, No. of feet long? \_\_\_\_\_; No. of feet wide? \_\_\_\_\_; No. of feet high above sidewalk? \_\_\_\_\_  
 No. of stories high? \_\_\_\_\_; style of roof? \_\_\_\_\_; material of roofing? \_\_\_\_\_  
 Of what material will the extension be built? \_\_\_\_\_ Foundation? \_\_\_\_\_  
 How will the extension be occupied? \_\_\_\_\_ Type of Construction \_\_\_\_\_

GENERAL DESCRIPTION OF THE PROPOSED WORK AND ITS LOCATION.  
(ALL STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., SHALL BE INCLUDED)

install roof deck 12' x 16' 15' x 20' Joseph McGinn 10/2/91

REVIEW AND APPROVAL REQUIRED  
BEFORE  
PERMIT IS ISSUED

WORK INVOLVES REPAIRS TO: A Exterior Wall, B Foundation, C Basement Floor

CH. 436 SEC. 6 1977 ACIS. B.N.E.S.C. REQUIRES A PERMIT FOR  
ANY USE OF A FIRE HOBANT YES NO INITIALS

MAS. DEBRIS DISPOSAL LAW  
MGL 640, 554, 554A, 59 c111, 5190  
Will work result in any debris?  
Yes No Initials

Date 19  
 The facts I have set forth above in this application and accompanying plans are a true statement to the best of my knowledge and belief.

Joseph McGinn  
(Signature of Owner)  
 Type Name of Person Signing Noel McGinn  
 (Address) 52 ROBIN ROAD ARLINGTON

James E. Hervey  
(Signature of Licensed Builder)  
 Type Name of Person Signing \_\_\_\_\_  
 (Address) 25 Pleasant St Sagamore, MA  
 Lic. No. 044027 Class CS (Name of Contractor) Sherrinon Bros. Inc.  
 My license expires \_\_\_\_\_ (Address) 29 W. Williams St  
 Phone 508-888-4495 Phone 617-227-5480

PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK

A-2-65

No. 000008

107290 APPLICATION FOR Permit for Alterations, Repairs or Change of Occupancy

No. 68 Phillips St Location

10081

Ward 5

CONDUCTIONS

FRIS LOZANGE

Dec 11 11 11

9/17/91 King

PERMIT ISSUED

OCT 2 1991

Permit granted

Date issued

EXAMINATION OF PLANS

Approved

Oct 2 1991

Supervisor of Plans

Arch./Struct./Safety

APPROVED as shown on plans

Handwritten signature

EXAMINATION OF PLANS

PERMIT NUMBERS

Electrical Gas

Plumbing Sprinklers

Electrical APPROVED as shown on plans

NO WORK TO BE DONE

Egress APPROVED as shown on plans

NO WORK TO BE DONE

Plumbing Gas

H.V.A.C. Sprinklers

Mechanical APPROVED as shown on plans

NO WORK TO BE DONE

ZONING

INSPECTORIAL SERVICES DEPT. CITY OF BOSTON ZONING DIVISION APPROVED

Handwritten signature and date 9/17/91

NO WORK TO BE DONE

DATE 19

INSPECTOR'S REPORT

This building is approved for satisfactory Egress.

Signature of Inspector



CITY OF BOSTON

## BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

BZC - 16561

Date of Hearing: 11/23/93

Page #2

Decision of the Board of Appeal on the Appeal of Phillips Court Condo Association  
(by James Tucci)

The purpose of the appeal is to obtain a variance for constructing a roofdeck on a ten unit building.

The appellant purchased the unit with the rights to the roof and wishes to build a safe environment for the use of the roof.

The Board should grant relief because this use would not be detrimental to the neighborhood and the roofdeck is similar to many others in the community and the area.

The Board of Appeals finds that all of the following conditions are met:

- A. That there are special described circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood and that such circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- B. That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- C. That the granting of the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



CITY OF BOSTON

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

BZC-16561

Date of Hearing: 11/23/93

Page: 3

Decision of the Board of Appeal on the Appeal of

In determining its findings, the Board of Appeal has taken into account:

- 1) The number of persons residing or working upon such land or structure;
- 2) The character and use of adjoining lots and those in the neighborhood;
- 3) traffic conditions in the neighborhood.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 of the Zoning Code have been met and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code. Therefore, acting under its discretionary power, the Board (the members and/or substitute members sitting on this appeal) unanimously voted to grant the requested variance as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit, in accordance with this decision, with the following proviso(s) which, if not complied with, shall render this decision null and void.

PROVISO(S): Subject to design review by the BRA.

Approved as to form:

Assistant Corporation Counsel

MAR 8 1994

A True Copy,  
Attest  
*Carol A. Mc Donough*  
CAROL A. MC DONOUGH  
Principal Administrative Asst.

SIGNED

~~\* JOHN BOULMAN - SUB~~

~~\* RICHARD J. DENNIS CHAIRMAN - ABSENT~~

*James Farmer*  
JAMES FARMER SECRETARY

*Paul Parks*  
PAUL PARKS - ACTING CHAIRMAN

*J. Edward Roche*  
J. EDWARD ROCHE

*Angelo Buongiorno*  
ANGELO BUONGIORNO

June 7, 1993

BEACON HILL ARCHITECTURAL COMMISSION

James Tucci  
68 Phillips Street  
Boston, MA 02114

NOTICE OF DECISION  
Application #93.844BH  
68 PHILLIPS STREET

CERTIFICATE OF EXEMPTION  
Administrative Review

Dear Mr. Tucci:

The staff of the Beacon Hill Architectural Commission have reviewed your application for the installation of a roofdeck on the rear roof of 68 Phillips Street and determined that it is not visible from a public way. The proposed work is, therefore, exempt from review.

Statutory reviews by other agencies in conflict with this decision may affect the status of this certificate. The applicant is required to notify the Commission of any changes to this proposal, and failure to do so may affect the status of this certificate. Please present this letter at the Inspectional Services Department (1010 Massachusetts Avenue) when applying for permits. Please submit photographs of the completed work to confirm compliance with this certificate. If you have any questions, please contact the Commission staff at 635-3850.

Sincerely,



Eric E. Dray  
Historic Districts Administrator  
Beacon Hill Architectural Commission

cc: Joel Pierce, Commission Chair



City of Boston  
The Environment  
Department

Raymond L. Flynn  
Mayor

Lorraine M. Downey  
Director

Boston City Hall/Room 805  
Boston, Massachusetts 02201  
617/635-4416 or 635-3850



O'CONNELL DESIGN BUILD LTD.


9 Raymond Place  
 Winchester, Massachusetts 01890  
 (617) 729-2449

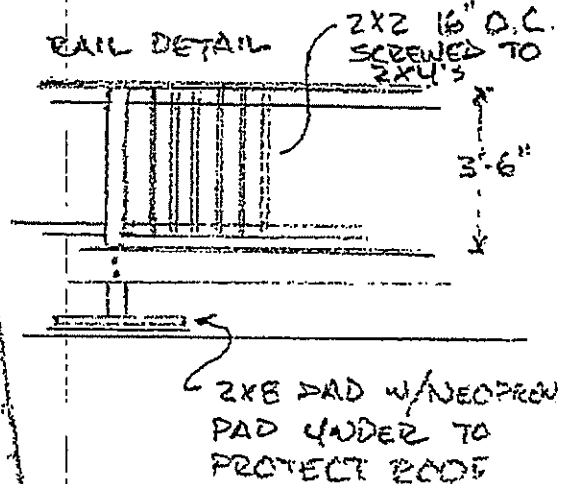
D Build  
 Gener Contracting  
 Er: ering

SCALE: 1/4" = 1'-0"

11' ±

ALL FRAMING AND DECKING  
 TO BE OF HOOPER EXTERIOR  
 FIRE RATED LUMBER  
 FRAMING 2XB 16" .C.  
 DECKING 5/4 X 6 SPACED 1/4"

DIVISION	APPROVED	INITIALS
EGRESS		Per Paul Tech
ELECTRICAL		
MECHANICAL		N/A
STRUCTURAL		PROPOSED
ZONING		4/10/94
BOARD OF APPEALS		B.O.A.
& ACCESS		
BFD		
PLANS APPROVED BY		
 DATE 4/10/94		



EXISTING  
 HEAD HOUSE

DUPLICATE  
 OF PLAN  
 FILED WITH  
 INSPECTIONAL SERVICES DEPARTMENT  
 CITY OF BOSTON  
 2059  
 RF

EXISTING  
 DECK

These plans are approved by the Inspectional Services Department subject to their complete conformity to legal requirements regarding the State Building Code, other applicable Codes, and applicable City Ordinances and regulations.

APPROVED

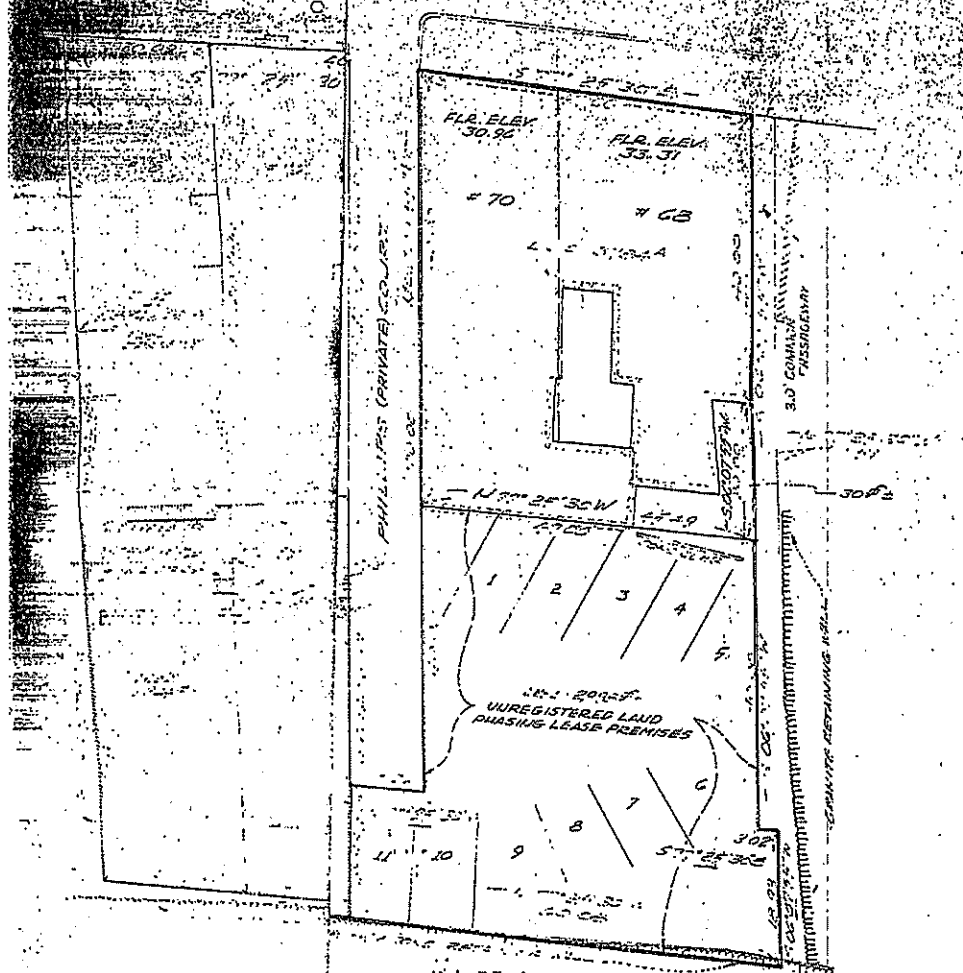
Design Section  
 BOSTON REDEVELOPMENT AUTHORITY

Design Review  
 for the  
 Board of Appeals

 4/16/94

# PHILLIPS STREET

ET AL TR.



**APPROVED**

Design Section  
**BOSTON REDEVELOPMENT AUTHORITY**

Design Review  
 for the  
 Board of Appeal

*Russell* 4/6/94  
 Signature Date

PLAN OF LAND  
 IN

**BOSTON-MASS.**

MARK HEALY & JAMES M. BRADLEY  
 STEES OF PHILLIPS COURT NOMINEE TR.

SCALE 1" = 10'  
 AUG 18, 1986  
 REV. 3-3-87  
 JAMESON HILL ASSOCIATES, INC.  
 CIVIL ENGINEERS  
 30 BEXLEY ST. SAGANORE, MASS.

**DUPLICATE**  
 OF PLAN  
 FILED WITH  
 INSPECTIONAL SERVICES DEPARTMENT  
 CITY OF BOSTON  
 2659  
 RE

These plans are approved by the Inspectional Services Department subject to their complete conformity to legal requirements regarding the State Building Code, other applicable Codes, and applicable City Ordinances and regulations.

NAME: Phillips CT. Condo Assn.

ADDRESS: 68-70A Phillips St.  
Boston, MA. H

LOCATION: 68-70A Phillips St.

APPLICATION NO. 2659



INSPECTIONAL  
SERVICES  
DEPARTMENT  
CITY OF BOSTON

DATE: May 25, 1993

PURPOSE: Construct roof deck.

DATE FILED: 3/22/93

WARD: 5 ZONE: H-2-65

RESIDENTIAL:  NONRESIDENTIAL:

YOUR APPLICATION IS HEREBY REFUSED AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED: ARTICLES

1010  
Massachusetts  
Avenue  
5th Floor  
Boston  
Massachusetts  
02118

( )	ART.	SEC.	TABLE	USE:
( )	ART.	SEC.	TABLE	USE:
( )	ART.	SEC.	TABLE	USE:
( )	ART.	SEC.	TABLE	USE:
( )	ART. 6	SEC. 6-3A	TABLE	Additional Relief Required in Restricted Parking District.
( )	ART. 9	SEC. 9-1	TABLE	Extension of Nonconforming Uses.
( )	ART. 9	SEC. 9-2	TABLE	Change in Nonconforming Use.
( )	ART. 11	SEC. 11-2	TABLE	Signage Not Allowed in Non-Residential District.
( )	ART.	SEC.	TABLE	Lot Area Insufficient.
( )	ART.	SEC.	TABLE	Lot Area for Additional Dwelling Units Insufficient.
( )	ART.	SEC.	TABLE	Lot Width Insufficient.
( )	ART.	SEC.	TABLE	Lot Frontage Insufficient.
( )	ART.	SEC.	TABLE	Floor Area Ratio Excessive.
( )	ART.	SEC.	TABLE	Height Excessive.
( )	ART.	SEC.	TABLE	Useable Open Space Insufficient.
( )	ART.	SEC.	TABLE	Front Yard Insufficient.
( )	ART.	SEC.	TABLE	Front Yard (Other Street) Insufficient.
( )	ART.	SEC.	TABLE	Side Yard Insufficient.
(X)	ART. 20	SEC. 20-1	TABLE	Rear Yard Insufficient.
( )	ART.	SEC.	TABLE	Setback of Parapet Insufficient.
( )	ART.	SEC.	TABLE	Off Street Parking Insufficient.
( )	ART.	SEC.	TABLE	Off Street Loading Insufficient.
( )	ART. 27		IPOD	- Interim Planning Overlay District Permit.
( )	ART. 30	SEC. 30-3		Barrier Free Access.
( )				
( )				
( )				
( )				
( )				
( )				
( )				

REFUSAL OF A PERMIT MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED THROUGH APRIL 1963. APPLICATIONS NOT APPEALED WITHIN THAT TIME PERIOD WILL BE DEEMED ABANDONED.

  
FOR THE COMMISSIONER

Raymond L. Flynn  
Mayor

Thomas J. McNicholas  
Commissioner

TO: Phillips St. Condo Assn.  
68-70<sup>A</sup> Phillips St.  
Boston, MA.



DATE: MARCH 25, 1993  
ADDRESS: 68-70<sup>A</sup> Phillips St.  
APPLICATION NO. 2659  
WARD: 5

FROM: Russell Forsberg

INSPECTIONAL  
SERVICES  
DEPARTMENT  
CITY OF BOSTON

1. Two sets of plans showing all architectural, structural, electrical and mechanical work, stamped by a Massachusetts Registered Architect or Engineer is required.
2. Two Sets of Floor Plans are Required.
3. Additional Information is required. IS DECK FOR SINGLE TENANT USE OR WHOLE BUILDING? Single
4. Your plans/permit have been approved. Please come in between 8 A.M. and 3 P.M. to pick up your permit. Please provide your application number when you arrive.
5. A Boston Licensed builders signature is required before your permit can be issued.
6. If there is no response after 30 days your document shall be deemed abandoned.
7. Approved plans must be microfilmed. Inspectional Services Department will provide this service at the rate of \$2.00 per sheet, payable by certified check or cash.
8. Your amendment as filed with this department has been approved. Please come in to pick up your plans.
9. Please call 635-5312 to set up an appointment in order to discuss your application for a permit and your plans with Russell Forsberg.
10. Additional information regarding your wood burning stove installation is required.
11. Boston Fire Department fee is required.
12. Design approval required from the Boston Redevelopment Authority. Please obtain plans from the Inspectional Services Department.
13. Two copies of Plot Plan certified by Land Surveyor Registered by the Commonwealth of Massachusetts is required showing PROPOSED as well as EXISTING conditions. LOCATE DECK
14. Affidavit for Owner Located Structures on certified Plot Plan required.

Additional Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1010  
Massachusetts  
Avenue  
5th Floor  
Boston  
Massachusetts  
02118  
  
617-442-0046  
  
TeleFax  
617 427-6531

Raymond L. Flynn  
Mayor

Thomas J. McNicholas  
Commissioner



MAR 22 10 46 '93

A to B = 145  
B to C = 36

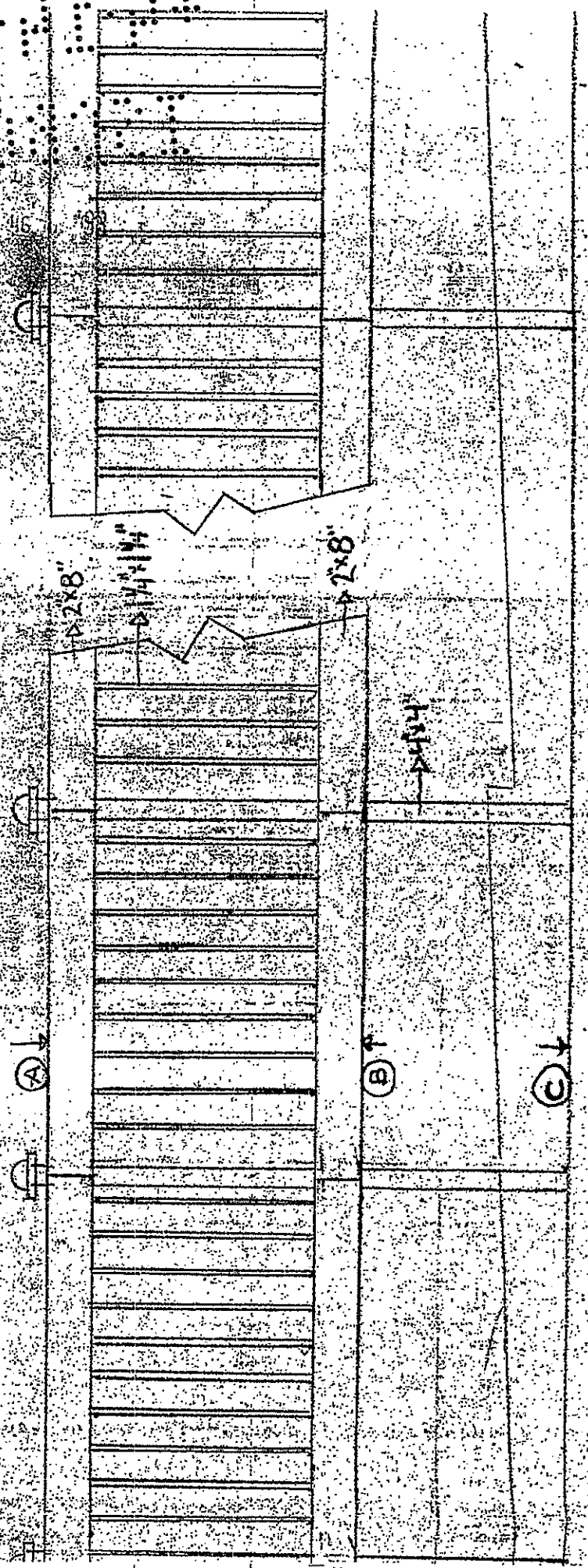
CITY OF BOSTON  
INSPECTIONAL SERVICES DEPT.  
BOARD OF APPEAL

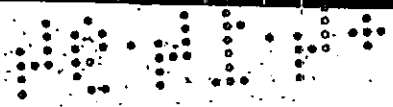
PLAN REVIEWED THIS DATE .....

SUBJECT TO REVISION

APPROVED AS SUBMITTED

with Des. Review  
JEN 11-23-93





- THE EDGE OF THE BUILDING IS 6 INCHES OR MORE FROM THE EDGE OF THE DECK.

MAR 22 10 46 AM '99

- ALL JOIST WILL BE MADE OF 2" X 8" MATERIAL THAT RUN ONE PIECE THE TOTAL WIDTH OF THE DECK

- DOWEL SPACING WILL BE 6 INCHES

- THE HEIGHT OF THE DECK IS SO GREAT BECAUSE OF THE PITCH OF THE ROOF ALSO FOR VIEWING

- ALL LUMBER USED WILL BE A GOOD GRADE PRESSURE TREATED LUMBER

- ALL MAJOR SUPPORTING LUMBER (EXCEPT DECKING) WILL EITHER BE BOLTED OR LAGGED

- DECKING BOARDS AND RAILING WILL BE SCREWED TOGETHER WITH ~~SAY~~ GALVANIZED SCREWS

- STRUCTURE WILL BE SECURED WITH RECOMMENDED PROCEDURE AND FASTENERS

1/2" - 0"

1/2" BORDER

1/4" CORNER POSTS

1 1/2" RAILING

1 1/2"

APR 22 10 46 AM '93  
NON-SERVICES AREA  
FRONT DESK

13'-2"

6" EDGE OF BUILDING  
SAFETY BORDER  
(SOME AREAS HAVE MORE)

12'-6"

1 1/2" DECKING

RAILING

STAIRS  
UP

10'-10"

