



City of Boston
Board of Appeal

TUESDAY, JULY 14, 2020

BOARD OF APPEAL

CITY HALL, ROOM 801

HEARING MINUTES

Board Chair Araujo called the meeting to order promptly at 10:00 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Chair announced that the hearing was being conducted remotely via an online meeting platform and subject to the below advisory which was part of the publicly posted hearing agenda. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

THE SUBCOMMITTEE HEARING AND FULL HEARING OF ALL SCHEDULED APPEALS HAVE BEEN CONSOLIDATED AND WILL NOW BE HEARD ONLY ONCE BY A QUORUM OF THE BOARD.

All matters listed on this JULY 14, 2020 hearing agenda were originally scheduled and noticed, in accordance with the Enabling Act. Due to the public health emergency, those previously scheduled hearings were postponed and all matters deferred to this JULY 24, 2020 hearing.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JULY 14, 2020 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX MEETING PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to bit.ly/zbajuly14hearing or by calling 1-617-315-0704 and entering access code 129 919 9448.

If you wish to offer testimony on an appeal, please click bit.ly/zbajuly14comment to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.



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For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at http://bit.ly/zba_july14comment, calling 617-635-4775 or emailing isdboardofappeal@boston.gov.

The ZBA Ambassador will be available within the WebEx Event from at 9:00 AM to 10:00 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via WebEx. Questions and/or concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

To signal you wish to offer comment within the meeting platform, please use the “raise hand” function, if connected by video, or dial *9, if connected by phone. The requester will be administratively unmuted and asked to state their name, address and comment. Comments will be limited as time requires.

The hearing can also be viewed via live-stream on the City’s website at <https://www.boston.gov/departments/broadband-and-cable/watch-boston-city-tv>. Closed captioning is available.

Interested persons who are unable to participate in the hearing remotely may make an appointment to appear in person at City Hall, in the BPDA board room, 9th Floor Room 900. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov for accommodations to be made. Individuals appearing at City Hall without an appointment will not be permitted to enter.

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO isdboardofappeal@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM



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HEARINGS: 10:00 AM

Case: BOA- 1049041 Address: 52 Roland Street Ward: 2 Applicant: Michael Welsh

Article(s): 62(62-29: Off-Street Parking Insufficient)

Purpose: Combine 52 Roland Street with 56 Roland Street into one lot and subdivide 5,389SF to create new lot at 62 Roland Street, for new ERT to be developed on new lot. Zoning violation triggered for insufficient off-street parking created by new subdivision. Existing buildings to remain. Associated with ALT1026989.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to consolidate parcel in Charlestown and Somerville in accordance with a MOU with Somerville.

Board members asked about the MOU, the article 80 review process, and about the impact of the consolidation on the City of Boston.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1049040 Address: 56 Roland Street Ward: 2 Applicant: Michael Welsh

Article(s): 62(62-29: Off-Street Parking Insufficient)

Purpose: Combine 52 Roland Street with 56 Roland Street into one lot and subdivide 5,389SF to create new lot at 62 Roland Street, for new ERT to be developed on new lot. Zoning violation triggered for insufficient off-street parking created by new subdivision. Existing buildings to remain. Associated with ALT1026989.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to consolidate parcel in Charlestown and Somerville in accordance with a MOU with Somerville.

Board members asked about the MOU, the article 80 review process, and about the impact of the consolidation on the City of Boston.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.



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Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1049052 Address: 62 Roland Street Ward: 2 Applicant: Michael Welsh
Article(s): 62(62-17) 62(62-17) 62(62-18) 62(62-18) 62(62-29: Use Regulations, Use Regulations, Dimensional Regulations, Dimensional Regulations, Off-Street Parking Insufficient)
Purpose: Erect a new 7 story, mixed-use building; the majority of the building will be located in Somerville, on a newly created 85,615 sq ft lot associated with ALT1026984 and ALT1026989. On the Ground Floor will be a Parking Garage and a Bar/Country Club. On the Upper Floors will be Residential Use.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to consolidate parcel in Charlestown and Somerville in accordance with a MOU with Somerville.

Board members asked about the MOU, the article 80 review process, and about the impact of the consolidation on the City of Boston.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1003148 Address: 50 Elm Street Ward: 2 Applicant: Christine Hajdin
Article(s): 10(10-1: Limitation of Off Street Parking Areas)
Purpose: Installation of driveway and accompanying curb cut 2 parking spots.

Discussion: At the applicant's request, the matter was deferred to the September 29, 2020 Hearing.

Case: BOA-999497 Address: 7 Smith Court Ward: 3 Applicant: Timothy Burke
Article(s): 15(15-1) 20(20-4: Floor Area Ratio Excessive, Rear Yards in H Districts)
Purpose: Construct addition on Third Floor for new family room and bathroom. Construct new roof deck. For permit ALT903609.

Discussion: At the applicant's request, the matter was deferred to the September 29, 2020 Hearing.



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Case: BOA-1060476 Address: 75-77 Dartmouth Street Ward: 4 Applicant: Jacqueline Gannon Article(s): 6(6-4: Other Protectional Conditions)

Purpose: Interior renovations to existing restaurant. Work includes interior finishes, new millwork, and upgraded miscellaneous equipment. Add take out window (landmarks approval 12/3/19). The subject property has been previously granted take out proviso and this application seeks to remove this proviso and maintain restaurant with take-out accessory use. Applicant provides a letter affidavit indicating that the take out use will not suppose more than 75% of the business.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate the interior of the restaurant and add a takeout window; remove provisos from prior owner.

Board members asked about the name of the restaurant and the applicant's take-out experience.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and City Councilor Flynn are in support.

Documents/Exhibits: Building Plans, Letters of Support.

Votes: Board Member Erlich moved for approval with provisos for takeout use and to limit relief to the petitioner only and Deveau seconded and the Board voted unanimously to approve.

Case: BOA-993501 Address: 11 Pacific Street Ward: 7 Applicant: John Barry Article(s): 68(68-27S-5) 68(68-33) 68(68-8) 68(68-8) 68(68-8: IPOD Applicability, Off-Street Parking and Loading Req, Dimensional Regulations, Dimensional Regulations, Dimensional Regulations)

Purpose: To Construct a new rear addition and confirm occupancy as a single family and change to a three family residential building.

Discussion: At the applicant's request, the matter was deferred to the September 29, 2020 Hearing.

Case: BOA-995897 Address: 98 Forbes Street Ward: 10 Applicant: Carol Marsh Article(s): 9(9-1) 55(55-9) 55(55-9: Reconstruction/Extension of Nonconforming Bldg., Side Yard Insufficient, Floor Area Ratio Excessive)

Purpose: Confirm occupancy as a 1 family and add two story wood framed addition.

Discussion: The applicant did not appear for the hearing.

Votes: Secretary Fortune moved for a denial without prejudice and Kindell seconded and the Board voted unanimously to dismiss without prejudice.



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Case: BOA-1023329 Address: 21 Gayland Street Ward: 13 Applicant: Sean Smith
Article(s): 50(50-43), 50(50-29), 50(50-29), 50(50-29), 50(50-29), 50(50-29), 50(50-29), 50(50-29:
Off-Street Parking and Loading Req, Rear Yard Insufficient, Side Yard Insufficient, Front Yard
Insufficient, Bldg Height Excessive (Feet), Bldg Height Excessive (Stories), Floor Area Ratio
Excessive, Add'l Lot Area Insufficient)
Purpose: Construct double dormers and add basement unit and change occupancy from a 2
family dwelling to a 3 family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from two-family to a three-family; construct a dormer and a basement unit.

Board members asked about the basement space, ceiling height, storage and utility space, attic space, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans, Letter of Opposition.

Votes: Board Member Erlich moved for approval subject to BPDA design review and the provisos that there be a signature hold for more detailed plans and no building code relief and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1057558 Address: 94-96 Minot Street Ward: 16 Applicant: Paul Quinn
Article(s): 65(65-9), 65(65-9), 65(65-9), 65(65-9), 65(65-9:Floor Area Ratio Excessive, Bldg Height
Excessive (Stories), Bldg Height Excessive (Feet), Front Yard Insufficient, Side Yard Insufficient)
Purpose: To construct new third story shed dormers and increase living space as per attached
plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build new third story shed dormers for additional living space.

Board members asked about basement occupancy and if the dwelling was a two-family.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and City Councilor Essaibi-George are in support.

Documents/Exhibits: Building Plans.



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Votes: Board Member Erlich moved for approval subject to BPDA design review and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-997345 Address: 24-26 Rosaria Street Ward: 16 Applicant: John Kennedy Article(s): 65(65-41) 10(10-1: Off-Street Parking and Loading Req, Limitation of Off Street Parking Areas)

Purpose: Expand parking area to accommodate two vehicles toward rear.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to enlarge parking area for 2 cars.

Board members asked if the house is a two-family dwelling and about the size of the curb cut.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-975142 Address: 106R Clare Avenue Ward: 18 Applicant: Vernon Woodworth Article(s): 67(67-8) 67(67-32) 67(67-9) 67(67-9) 67(67-9) 67(67-9.3) 67(67-9) 67(67-9) 67(67-9) 67(67-33: Use Regulations, Off-Street Parking, Usable Open Space Insufficient, Front Yard Insufficient, Rear Yard Insufficient, Location of Main Entrance, Floor Area Ratio Excessive, Lot Width Insufficient, Dimensional Regulations, Application of Dimensional Req) Purpose: Eliminate garage parking, build a connection from garage to 16x16 shed. Convert garage and shed to an additional dwelling unit being 1 of 2 building on this lot as dwelling unit #3.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Secretary Fortune moved for a denial without prejudice and Deveau seconded and the Board voted unanimously to dismiss without prejudice.

Case: BOA-975147 Address: 106 Clare Avenue Ward: 18 Applicant: Vernon Woodworth Article(s): 9(9-1) 9(9-1) 67(67-9) 67(67-32) 67(67-9) 67(67-9) 67(67-9: Extension of Non Conforming Use, Extension of Non Conforming Use, Side Yard Insufficient, Off-Street Parking and Loading Req, Lot Area Insufficient, Usable Open Space Insufficient, Rear Yard Insufficient) Purpose: Remodel 2-family with extension of living area of unit one into the basement. Build new platform and stairs left side, installation of additional kitchen in basement with renovations.



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Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Secretary Fortune moved for a denial without prejudice and Deveau seconded and the Board voted unanimously to dismiss without prejudice.

Case: BOA-988772 Address: 119 Hollingsworth Street Ward: 18 Applicant: Richard Liriano Article(s): 60(60-9) 10(10-1: Side Yard Insufficient, Limitation of Off Street Parking Areas) Purpose: Change occupancy from 1 to 3 family. Addition approved on ALT893928.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Secretary Fortune moved for a denial without prejudice and Deveau seconded and the Board voted unanimously to dismiss without prejudice.

Case: BOA-990532 Address: 571 Truman Pkway Ward: 18 Applicant: Rodolfo Aguilar Article(s): 68(68-8) 68(68-8: Floor Area Ratio Excessive, Bldg Height Excessive (Stories)) Purpose: Addition to an existing 1 family colonial garrison style house. Concrete foundation with wooden frame.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to expand living space with addition to right side of the home.

Board members asked if the dwelling was a one-family or a two-family and if the occupancy would be changed to a two-family.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval subject to BPDA design review and approval limited to proposed right side addition and Kindell seconded and the Board voted unanimously to approve.



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Case: BOA-1009396 Address: 125 Itasca Street Ward: 18 Applicant: Mary Mitchell

Article(s): 10(10-1: Limitation of Area)

Purpose: Install a driveway for two residential vehicles per plans submitted on adjacent vaunt lot owned in common. Note: curb cut application is already with DPW.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a driveway for two cars.

Board members asked if same relief had previously been requested, if the dwelling is a one or two family structure, and the location of on-street parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Greater Mattapan Neighborhood Council stood in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval with the provisos that the new curb cut be limited to 10 feet and the existing curb cut on left side of house be closed and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-990054 Address: 5 Martinwood Road Ward: 19 Applicant: Deacon Marvel

Article(s): 55-(55-9) 55(55-9) 55(55-9) 55(55-9) 55(55-9: Front Yard Insufficient, Rear Yard Insufficient, Side Yard Insufficient, Floor Area Ration Excessive, Usable Open Space Insufficient)

Purpose: Demolish the existing garage and build a 2 floor addition in a full foundation as per plans from Deacon Marvel dated of 5/27/2019.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Secretary Fortune moved for a denial without prejudice and Kindell seconded and the Board voted unanimously to dismiss without prejudice.

Case: BOA-1003978 Address: 56 Harriet Street Ward: 22 Applicant: Anna Galvin

Article(s): 51(51-9: Dimensional Regulations)

Purpose: Change first floor apartment entrance as a continuance to the basement, install new door, build new sheetrock wall in basement demo of the wall between basement and first finished room at the front in order to reduce finished area to meet Floor Area Ratio requirement, dig out window in corner of basement to fit a code-compliance egress window, add electric baseboard heat requiring one new circuit off of public circuit board.

Discussion: The applicant did not appear for the hearing.



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Votes: Secretary Fortune moved for a denial without prejudice and Erlich seconded and the Board voted unanimously to dismiss without prejudice.

Case: BOA-1006332 Address: 36 Morey Road Ward: 20 Applicant: James Shields
Article(s): 56(56-8) 56(56-8) 56(56-8: Dimensional Regulations, Dimensional Regulations,
Dimensional Regulations)

Purpose: Building a 2 floor addition with basement off the back of house. Addition approximately 15'x35'' adding approximately 1050 sq ft to home.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Erlich moved for a denial without prejudice and Kindell seconded and the Board voted unanimously to dismiss without prejudice.

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE- SECRETARY
MARK ERLICH

ALTERNATE MEMBERS:

TYRONE KINDELL, JR.
EDWARD DEVEAU

For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to https://ww.w.municode.com/library/ma/boston/codes/redevelopment_authority.

For a video recording of the July 14, 2020 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.