



City of Boston
Board of Appeal

TUESDAY, SEPTEMBER 29, 2020

BOARD OF APPEAL

CITY HALL, ROOM 801

HEARING MINUTES

Board Chair Araujo called the meeting to order promptly at 9:30 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:

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON SEPTEMBER 29, 2020 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS SEPTEMBER 29, 2020 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

SOME MATTERS LISTED ON THIS AGENDA MAY HAVE BEEN SCHEDULED AND NOTICED FOR PRIOR HEARINGS WHICH WERE THEN DEFERRED TO A LATER HEARING DUE TO THE PUBLIC HEALTH EMERGENCY. ANY SUCH APPEALS ON THIS AGENDA HAVE BEEN RE-NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE SEPTEMBER 29, 2020 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <http://bit.ly/zbaSept29hearing> or by calling 1-617-315-0704 and entering access code 173 301 5713.

If you wish to offer testimony on an appeal, please click <http://bit.ly/zbaSept29comment> 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/zbaSept29comment>, calling 617-635-4775 or emailing isdboardofappeal@boston.gov.

The ZBA Ambassador will be available within the WebEx Event from at 8:30 AM to 9:30 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.

If you wish to offer comment within the meeting platform, please use the “raise hand” function, if connected by video, or dial *3, 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.

IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 9:00 AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

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. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING.



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EXTENSIONS: 9:30 AM

Case: BOA-725791 Address: 2-4 Wordsworth Street, Ward 1 Applicant: Richard Lynds, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.

Case: BOA-725794 Address: 6-8 Wordsworth Street, Ward 1 Applicant: Richard Lynds, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.

Case: BZC-30642 Address: 340-360 Boylston Street Ward 5 Applicant: The Arlington Boylston Realty Trust (by Adam Hundley, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.

Case: BOA-500504 Address: 10-18 Bowdoin Street Ward 14 Applicant: Joseph Feaster, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a two year extension.

Case: BOA-500502 Address: 100-104 Bowdoin Street Ward 14 Applicant: Joseph Feaster, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a two year extension.



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GCOD ONLY: 9:30 AM

Case: BOA-1099197 Address: 10 Claremont Park Ward 4 Applicant: 10 Claremont Park, LLC

Article(s): Article 32, Section 4. GCOD, Applicability

Purpose: Remodel existing Brownstone. All new framing, MEP's, new Fire Alarm and Sprinkler system, and all new finishes. Change Occupancy from a Four (4) Family Dwelling to a Two (2) Family Dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail, and requested a conditional use permit under Article 32 GCOD Applicability. The Board noted that the BWSC's letter of approval and letter of no harm were on file.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval, the motion was seconded and the Board voted unanimously to approve the applicant's request.

Case: BOA-1093051 Address: 264 Huntington Avenue Ward 4 Applicant: Regina Olivieri

Article(s): Art. 32 Sec. 04 GCOD Applicability

Purpose: Huntington Theatre Renovation and Expansion to theatre building to modernize the front and back of house spaces. Work to include; involves restoring the façade of the building, demo, MEP's, structural and architectural upgrades. Expansion to include arcade area.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail, and requested a conditional use permit under Article 32 GCOD Applicability. The Board noted that the BWSC's letter of approval and letter of no harm were on file.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval, the motion was seconded and the Board voted unanimously to approve the applicant's request.



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HEARINGS: 9:30 AM

Case: BOA-1056759 Address: 42 West Eagle Street Ward 1 Applicant: Mario Martinez
Article(s): Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 56 Off Street Parking & Loading Req
Purpose: Change occupancy from a three to a four unit residential 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 a 3F to a 4F residential building by adding a new walk-out unit on the lower level.

Board members asked about the basement ceiling height and a prior zoning appeal.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with provisos for no building code relief and Kindell seconded. The Board voted unanimously to approve.

Case: BOA- 1092261 Address: 273 Border Street Ward 1 Applicant: Holly Mulone
Article(s): Article 53 Section 8 Use Regulations
Purpose: Change occupancy of unit 1C from office to beauty salon.

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 to include a hair salon.

Testimony: The Board then requested testimony from neighbors and elected officials. Councilor Edwards and is in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review and Kindell seconded. The Board voted unanimously to approve.



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Case: BOA-1024089 Address: 303 Maverick Street Ward 1 Applicant: Top Goose, LLC
Article(s): Article 27T East Boston IPOD Article 53 Section 62 Basement units Article 53 Section 8 MFR – Forbidden Article 53 Section 9 Insufficient addition lot area/unit – 1000sf/unit req Article 53 Section 9 Excessive F.A.R. – 1.0 max. Article 53 Section 9 Max allowed height exceeded – 35’ max Article 53 Section 9 Insufficient open space per unit – 300sf/unit req Article 53 Section 9 Insufficient side yard Art. 53 Sec. 56 Off street parking insufficient

Purpose: Seeking to change the occupancy from a three family residential dwelling to a four family residential dwelling and add a rear third story addition. Also, to add a fourth story addition, extend living space into the basement and renovate.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change a 3F to a 4F with a three story rear addition and by adding basement living space.

Board members asked about the need for a 4th floor addition, surrounding 3Fs, basement ceiling height, window well height, and basement occupancy.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services, Councilor Edwards, and abutters are in support.

Documents/Exhibits: Building Plans, 5 letters of support

Votes: Board Member Erlich moved for approval with provisos for no building code relief and BPDA design review and Deveau seconded. The Board voted 6-1 to approve with Araujo opposed.

Case: BOA-1047745 Address: 492 Sumner Street Ward 1 Applicant: Eagle Hill Venture 1, LLC
Article(s): Article 53 Section 8 4 family use forbidden Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 56 Off Street Parking & Loading Req
Purpose: Seeking to confirm occupancy as a three family residential dwelling and change to a four family residential dwelling and renovate.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change a 3F to a 4F and add a basement unit.

Board members asked about the side yard setback and egress windows.

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

Documents/Exhibits: Building Plans, 1 letter of support

Votes: Board Member Erlich moved for approval and Walsh Logue seconded. The Board voted 6-0 to approve with Deveau recused.



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Case: BOA-1006765 Address: 407 Saratoga Street Ward 1 Applicant: Jim Chen

Article(s): Article 53, Section 9 Floor Area Ratio Excessive

Purpose: Extend living area of unit 1 into the basement by building an interior wall partitions according to proposed architectural plans. Enlarge 2 windows and 1 door opening to meet basement egress requirements.

Discussion: Upon request of the Appellant, the Board voted to defer this matter until the November 17, 2020 hearing.

Case: BOA- 1112173 Address: 65-69 Atlantic Avenue Ward 3 Applicant: Maria Freddura

Article(s): Art. 09 Sec. 01 ** Extension of Non-Conforming Use

Article 54, Section 9 Use Regulations – Accessory use Outdoor seating for 80 persons – Conditional

Purpose: First floor storefront; expand from existing restaurant, [The Daily Catch], 1700 sq ft to abutting premises; office/retail [Laser salon], 650 sq ft. Three existing egress, two bathrooms, ventilation, sprinkler and Kitchen/Hood/PCU will remain same. Remove demising walls to create 'open' floor plan.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to expand existing restaurant space by 650 square feet, remove a demising wall, and add outdoor seating for 80 persons.

Board members asked about the future plan for outdoor eating and hours of operation.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and an abutter are in support. Councilors Essaibi-George and Edwards chose to leave the matter to the Board's discretion. Multiple abutters are opposed.

Documents/Exhibits: Building Plans, 1 letters of support, 2 letters of opposition.

Votes: Board Member Erlich moved for approval with provisos for installation of a new state-of-the-art ventilation system and for service to conclude at 10PM and Kindell seconded. The Board voted unanimously to approve.

Case: BOA- 1025549 Address: 22 Braddock Park Ward 4 Applicant: Tait and Laura Nielsn

Article(s): Article 64, Section 9.4 Town House/Row House Extension Article 32, Section 4. GCOD, Applicability

Purpose: Confirm occupancy as existing single family. Construct a new rear deck and roof deck also extend living space into basement and propose rear patio and 2 off street parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to confirm 1F occupancy, add a rear deck and roof deck, extend living space to the basement, add a rear patio, and add two off-street parking spaces.

Board members asked about BWSC and no harm letters on file, dimensions of decks, and bracket supports.



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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review to ensure that the deck extends no more than 6 feet and is bracket supported and Walsh Logue seconded. The Board voted unanimously to approve.

Case: BOA-1092752 **Address:** 582 East Broadway **Ward** 6 **Applicant:** Douglas Stefanov
Article(s) : Art 68 Sec 29 **Roof Structure Restrictions** Art 68 Sec 8 **Floor area ratio is excessive** Art 68 Sec 8 **Height requirement is insufficient** Art 68 Sec 8 **Usable open space requirements is insufficient** Art 68 Sec 8 **Side yard setback requirements is insufficient** **Article 27S 5** **IPOD Applicability** Art. 68 Sec.33 **Off Street parking Req.**

Purpose: Renovating existing 3 unit building, adding 2 new units for total of 5 units. Add a new top story, headhouse and roof deck. 4 Parking spaces accessible from back.

Discussion: The Appellant requested to withdraw their appeal. Accordingly, the Board voted unanimously to deny the appeal without prejudice.

Case: BOA-1092866 **Address:** 16 Preble Street **Ward** 7 **Applicant:** George Morancy

Article(s): Article 16 Section 1 **Building Height Excessive**

Purpose: Install roof deck to access from existing head house. Roof deck for exclusive use of top floor unit. Roof decking to be existing rubber roof pavers, no change in height. [e-Plan]

Discussion: Upon request of the Appellant, the Board voted to defer this matter until the December 1, 2020 hearing.

Case: BOA- 1098228 **Address:** 18 Preble Street **Ward** 7 **Applicant:** George Morancy

Article(s): Art. 15 Sec. 01 **Floor Area Ratio excessive** Art. 19 Sec. 01 **Side yard insufficient** Article 16 Section 1 **Building Height Excessive**

Purpose: Install roof deck to access from existing head house. Roof deck for exclusive use of top floor unit. Roof decking to be existing rubber roof pavers, no change in height. [e-Plan]

Discussion: Upon request of the Appellant, the Board voted to defer this matter until the December 1, 2020 hearing.



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RE-DISCUSSIONS:11:30AM

**Case: BOA-1003148 Address: 50 Elm ST Ward: 2 Applicant: Christine Hajdin
Article: 10(10-1)
Purpose: Installation of driveway and accompanying curb cut 2 parking spots.**

Discussion: The Appellant did not present for the hearing. Upon motion and second, the Board voted unanimously to deny the appeal without prejudice.

**Case: BOA-999497 Address: 7 Smith CT Ward: 3 Applicant: Timothy Burke
Article: 15(15-15-1) 20(20-4)
Purpose: Construct addition on Third Floor for new family room and bathroom. Construct new roof Deck. For permit ALT903609.**

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add a third story. A roof deck was removed from a previous proposal.

Board members asked about the ceiling height, roof deck, and square footage addition.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Flynn, an abutter, and the Beacon Hill Civic Association are opposed. A different abutter is also in support.

Documents/Exhibits: Building Plans, 30 letters of support, 10 letter of opposition.

Votes: Board Member Erlich moved to deny without prejudice and Kindell seconded. The Board voted unanimously to deny without prejudice.

**Case: BOA-993501 Address: 11 Pacific ST Ward: 7 Applicant: John Barry
Article: 68(68-27S-5) 68(68-8: Insufficient side yard setbacks, Insufficient open space per unit & Excessive f.a.r.)
68(68-33)
Purpose: To construct a new rear addition and confirm occupancy as a single family and change to a three family residential building.**

Discussion: Upon request of the Appellant, the Board voted to defer this matter until the December 1, 2020 hearing.

**Case: BOA-992849 Address: 190 Calumet Street Ward 10 Applicant: Timothy Burke
Article(s): 59(59-8)
Purpose: Extend living space for Unit 1 into a portion of the Basement. Work requires ZBA approval for floor to area ratio.**

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space to the basement for two bedrooms.



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Board members asked about basement ceiling height, intended use of the space, location of utilities, and whether the rooms would be condos.

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 Fortune seconded. The Board voted 6-1 to approve with Araujo opposed.

Case: BOA-978496 Address: 95-99 Freeport Street Ward 15 Applicant: Mai Phung
Article(s): 65(65-21)

Purpose: Proposed to change occupancy to include 10 apartments (as per plans).

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 of a residential building to 6 units rather than 10 as had been originally indicated.

Board members asked about the frontage, occupancy on upper floors, and unit sizes.

Testimony: The Board then requested testimony from neighbors and elected officials. No one presented in support or opposition to the project.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for denial and Walsh Logue seconded. The Board voted unanimously to deny.

Case: BOA-1019761 Address: 21 Fenton Street Ward 15 Applicant: Modern Contracting Inc
Article(s): 65(65-9: Lot Area Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Usable Open Space Insufficient, Front Yard Insufficient & Side Yard Insufficient)

Purpose: Build a two family.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a new 2F dwelling.

Board members asked about the unit sizes and basement living space.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Baker are opposed.

Documents/Exhibits: Building Plans



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Votes: Board Member Erlich moved for denial without prejudice and Deveau seconded. The Board voted unanimously to deny without prejudice.

Case: BOA-981052 **Address:** 31 Lonsdale Street Ward 16 **Applicant:** Phung Porzio, Inc
Article(s): 65(65-8) 65(65-41) 65(65-9): **Lot Area Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Front Yard Insufficient & Side Yard Insufficient)**
Purpose: Construction of a new unit on the third floor, permit was previously issued for 3 family but work never completed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change a 2F to a 3F with a third-story addition.

Board members asked about the size of the new unit.

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

Documents/Exhibits: Building Plans

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

Case: BOA- 1047724 **Address:** 130 Chestnut Hill Avenue Ward 21 **Applicant:** 2 Life Development Inc.
Article(s): 51(51-8: **Multi unit dwelling use is forbidden use, Retail use is a forbidden use & Medical clinic use is a forbidden use)** 51(51-9: **Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Front yard setback requirement is insufficient, Rear yard setback requirement is insufficient & Side yard setback requirement is insufficient)**
Purpose: Demolition of 64 Boston Housing Authority units (the J.J. Carroll Apartments) and new construction of approximately 144 apartments, approximately 11,000 sf for a PACE Center (medical clinic), ground floor common space, and neighborhood-oriented retail.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to demolish a 64 unit BHA building and erect 144 new units of affordable housing, common space, and retail space.

Board members asked about units for the elderly, the zoning district, parking, unit sizes, and bedroom counts.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, a representative from Councilor Essaibi-George's office, and Councilor Breadon herself are in support.

Documents/Exhibits: Building Plans, 1 letter of opposition



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Votes: Board Member Erlich moved for approval with a proviso for BPDA design review and Walsh Logue seconded. The Board voted 6-0 to approve with Secretary Fortune recused.

Case: BOA-1051356 Address: 132 Chestnut Hill Avenue Ward 21 Applicant: 2 Life Development Inc.

Article(s): 51(51-9) 9(9-1)

Purpose: A proposed development at 130 Chestnut Hill Ave includes an enclosed pedestrian bridge to the adjacent existing building at 132 Chestnut Hill Ave. The 130 Chestnut Hill Ave project has Permit Application number ERT1016280.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to demolish a 64 unit BHA building and erect 144 new units of affordable housing, common space, and retail space.

Board members asked about units for the elderly, the zoning district, parking, unit sizes, and bedroom counts.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, a representative from Councilor Essaibi-George's office, and Councilor Breadon herself are in support.

Documents/Exhibits: Building Plans, 1 letter of opposition

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review and Walsh Logue seconded. The Board voted 6-0 to approve with Secretary Fortune recused.

1 Hour Lunch Break

HEARINGS: 1:00 PM

Case: BOA- 1028114 Address: 31-37 Beach Street Ward 3 Applicant: CDC Realty Corp & Media Vision by Richard Lynds, Esq

Article(s): Article 11, Sec. 7 Electronic Signs Article 11, Section 6 Billboards

Purpose: Propose 15' x 25' digital billboard on the corner of Harrison Ave and Beach St.

Discussion: Upon request of the Appellant, the Board voted to defer this matter until the December 8, 2020 hearing.



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Case: BOA- 110097 **Address:** 3 Oakhurst Street **Ward** 14 **Applicant:** Whiteacre Properties
Article(s): Article 60 Section 9 Insufficient lot size Article 60 Section 9 Insufficient additional lot area
Article 60 Section 9 Excessive F.A.R. Article 60 Section 9 Insufficient front yard setback Article 60 Section
9 Insufficient rear yard setback Article 60 Section 9 Insufficient side yard setback Article 60 Section
9 Insufficient open space per unit
Purpose: Erect a new 3 story, 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 erect new 3F residences at 3 and 5 Oakhurst.

Board members asked about the number of bedrooms, unit sizes, and parking.

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

Documents/Exhibits: Building Plans, 5 letters of support

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review and Kindell seconded. The Board voted unanimously to approve.

Case: BOA-1100107 **Address:** 5 Oakhurst Street **Ward** 14 **Applicant:** Whiteacre Properties
Article(s): Article 60 Section 9 Insufficient lot size Article 60 Section 9 Insufficient additional lot area per unit
Article 60 Section 9 Insufficient side yard setback Article 60 Section 9 Insufficient rear yard setback Article 60
Section 9 Insufficient front yard setback Article 60 Section 9 Insufficient open space Article 60 Section
9 Excessive F.A.R.
Purpose: Erect new 3 story, 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 erect new 3F residences at 3 and 5 Oakhurst.

Board members asked about the number of bedrooms, unit sizes, and parking.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review and Kindell seconded. The Board voted unanimously to approve.



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Case: BOA-1079502 Address: 5 Gleason Street Ward 14 Applicant: Paul Hamilton

Article(s): Article 60, Section 9 Rear Yard Insufficient Article 60, Section 40 Off Street Parking & Loading Req

Purpose: Change occupancy from a two family to a three family dwelling by adding an addition and constructing four new bedrooms on the existing house footprint, with one new bathroom, eight new windows and closets, siding and roof, new electrical and plumbing work.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change a 2F to a 3F with a new unit on the third floor.

Board members asked about the size of the new unit and the number of bedrooms.

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 with a proviso for BPDA design review and Kindell seconded. The Board voted unanimously to approve.

Case: BOA-1099089 Address: 17 Wrentham Street Ward 16 Applicant: Khai Vo

Article(s): Article 65, Section 9 Side Yard Insufficient

Purpose: I got approved for my curb cut application from Public Works Department, but they asked me to apply for a Use of Premises for parking spaces on my driveway and send them the ISD/ZBA permit number.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add a curb cut to a driveway for one car.

Board members asked about the use of the building, side yard setback, and whether there was pre-existing on street parking on the relevant side of the street.

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

Documents/Exhibits: Building Plans, 1 letter of opposition

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review and Kindell seconded. The Board voted unanimously to approve.



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Case: BOA- 1044194 Address: 34 Brookvale Street Ward 16 Applicant: John Barry

Article(s): Article 65, Section 8 Use Regulations – Three family – Forbidden Art. 09 Sec.

01 Reconstruction/Extension of Non-conforming Bldg. Article 65, Section 9 Dimensional Regulations Article 65, Section 9 Insufficient lot width – 60’ req. Article 65, Section 9 Insufficient lot width frontage – 60’ req. Article 65, Section 9 Excessive F.A.R. Article 65, Section 9 # of allowed stories exceeded – 2 ½ story max Article 65, Section 9 Insufficient front yard Article 65, Section 9 Insufficient side yard

Purpose: To construct a new rear and upper level addition and change occupancy from a single family to a three family as per attached plans.*To include Extend living space to basement and roof deck per plan.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change 1F to a 3F. A rear addition was removed from a prior proposal.

Board members asked about the basement, parking, and the basement ceiling height.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services, Councilor Baker, and several abutters are opposed. The BPDA recommended a denial without prejudice because of the one and two family nature of the neighborhood.

Documents/Exhibits: Building Plans, 1 letter of support, 6 letters of opposition

Votes: Board Member Erlich moved for denial and Kindell seconded. The Board voted unanimously to deny.

Case: BOA-1090426 Address: 582 Freeport Street Ward 16 Applicant: Zack Aicardi

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Non-conforming Bldg.

Purpose: Removing rear stairs and replacing them with a deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to remove the rear stairs and replace them with a deck.

Board members asked about building occupancy and whether a 3F occupancy issue had been before the Board previously.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Walsh Logue seconded. The Board voted unanimously to approve.



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Case: BOA- 1102209 Address: 99-105 Fairmount Avenue Ward 18 Applicant: John Pulgini
Article(s): Article 69 Section 8 General retail business use (2): forbidden Article 69 Section 8 47 Residential units use: forbidden Article 69 Section 29 Off Street Parking & Loading Req-Required: 94 spaces. Provided 33 Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Bldg Height Excessive (Feet)
Purpose: Erect mixed use, 4 story building with 47 residential units, 2 commercial spaces and 33 parking spots.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to building a new mixed-use building with 47 residential units, two commercial retail spaces, 6 affordable units, and 33 parking spaces.

Board members asked about the unit breakdown and accessibility.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, the Carpenter's Union, and an abutter are in support.

Documents/Exhibits: Building Plans, 1 letter of opposition.

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review and Walsh Logue seconded. The Board voted unanimously to approve.

Case: BOA- 1072124 Address: 295 Kittredge Street Ward 18 Applicant: Tom Timko
Article(s): Article 67, Section 9 Add'l Lot Area Insufficient Article 67, Section 9 Usable Open Space Insufficient Article 67, Section 9.3 Location of Main Entrance Article 67, Section 32 Off Street Parking is insufficient
Purpose: Change occupancy from 1 family to two family. Add Deck for additional egress/replace non compliant stair. No change to interior space footprint. Property is in a 2F 5000 zone and is divided into two units. Listed incorrectly as single family. Need to correct. Requesting relief lot size of 5,164 SF less than minimum for by right 2nd unit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change a 1F to a 2F to legalize a longstanding use and add a deck.

Board members asked about the unit layout and sizes and how the dwelling is taxed.

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 with a proviso for BPDA design review and Walsh Logue seconded. The Board voted unanimously to approve.



City of Boston
Board of Appeal

Case: BOA-1070807 Address: 150 River Street Ward 18 Applicant: Planning Office for Urban Affairs
Article(s): Article 60, Section 8 Multi family dwelling unit use is a forbidden use Article 60, Section 9 Floor area ratio requirement is excessive Article 60, Section 9 Height requirement is excessive Article 60, Section 9 Usable open space requirement is insufficient Article 60, Section 9 Rear yard setback requirement is insufficient Article 60, Section 41.1 Conformity Ex Bldg Alignment Article 60, Section 37 Off Street Loading Insufficient Art. 10 Sec. 01 Limitation of parking areas
Purpose: New construction of a 30 unit, mixed income, senior housing building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a new 30 unit senior housing building.

Board members asked about the zoning subdistrict.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Campbell, and the Department of Neighborhood Development are in support.

Documents/Exhibits: Building Plans, 2 letters of opposition

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review and Kindell seconded. The Board voted unanimously to approve.

Case: BOA- 1098798 Address: 28 Waterman Road Ward 19 Applicant: Michael Chaisson

Article(s): Article 55, Section 12 Side Yard Insufficient

Purpose: Add dormer addition for master bedroom and bathroom.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add a dormer for a master bedroom and bathroom.

Board members asked about the building occupancy.

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 with a proviso for BPDA design review and Walsh Logue seconded. The Board voted unanimously to approve.



City of Boston
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Case: BOA-1047748 Address: 3992-3996 Washington Street Ward 19 Applicant: Boston Building Company, LLC

Article(s): Art. 67 Sec. 12 Floor area ratio is excessive Art. 67 Sec. 12 Height requirement is excessive (stories) Art. 67 Sec. 12 Front yard setback requirement is insufficient (Washington St) Art. 67 Sec. 12 Rear yard setback requirement is insufficient Art. 67 Sec. 12 Front yard setback requirement is insufficient (Archdale Rd) Art 67 Sec. 12 Height requirement is excessive (ft) Art 67 Sec 32 Off Street Parking requirement is insufficient Art 67 Sec 32 Off Street loading requirement is insufficient

Purpose: Seeking to raze the existing structure and erect a 4 story building with 18 dwelling units, 1 commercial space, and 18 parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a new building with 18 units, 1 commercial space, and 18 parking spaces.

Board members asked about the zoning subdistrict, a roof deck and its size and head house entrance, parking.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review to minimize roof structures and Walsh Logue seconded. The Board voted unanimously to approve.

Case: BOA- 1054531 Address: 25-29 Poplar Street Ward 20 Applicant: Poplar Street Investments LLC
Article(s): Article 67,Section 12 Floor area ratio excessive Article 67,Section 12 Building height (feet) excessive Article 67,Section 12 Building height (stories) excessive Article 67,Section 12 Rear yard insufficient
Purpose: Change of Occupancy from Barbershop and Beauty Salon to Barbershop, Retail, and 9 Residential Dwelling Units. Construct 3 story addition above existing first floor. Construct new rear stairway addition.

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 to include a barbershop, retail, and 9 residential units by building a three-story addition above existing first floor.

Board members asked about the elevations, context, whether the builder would consider a mix of one and two bedroom units, and use of the basement.

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 with a proviso for BPDA design review and Kindell seconded. The Board voted unanimously to approve.



City of Boston
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Case: BOA-1088651 Address: 31 Taffhill Terrace Ward 20 Applicant: Michael Griffin
Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Non-conforming Bldg. Article 67, Section 9 Side Yard Insufficient
Purpose: Demo existing 3 story deck leaving the roof structure intact, rebuild to structural and architectural drawings.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to remove and replace a three-story deck.

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

Documents/Exhibits: Building Plans, 3 letters of support

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review and Kindell seconded. The Board voted unanimously to approve.

Case: BOA-1014112 Address: 59A Strathmore Road Ward 21 Applicant: A Limited Liability Company, LLC
Article(s): Article 51 Section 9 Insufficient additional lot area/unit Article 51 Section 9 Excessive F.A.R. Article 51 Section 9 Excessive height Article 51 Section 9 Insufficient open space/unit Article 51 Section 9 # of allowed stories exceeded Article 51 Section 9 Insufficient side yard setback Article 51 Section 9 Insufficient rear yard setback Article 51, Section 56 Off Street Parking Insufficient
Purpose: Seeking to change the occupancy from four residential units to five residential units. Also, to add a fifth floor addition and renovate.

Discussion: Upon request of the Appellant, the Board voted to defer this matter until the December 8, 2020 hearing.

Case: BOA-1058081 Address: 525 Lincoln Street Ward 22 Applicant: AUBP, LLC
Article(s): Article 51, Section 17 Floor area ratio excessive Article 51, Section 17 Building height excessive Article 51, Section 17 Rear yard insufficient
Purpose: Erect six story building, totaling approximately 135,000 sf consisting of 80 residential units, ground floor flexible community space, residential amenities and a parking garage at ground level.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a 6-story building with 80 units, community space, and a parking garage.

Board members asked about number of parking spaces, co-living plan, whether the units would be used as executive suites, and whether the units were long-term housing.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, a representative from Councilor Essaibi-George's office, Councilor Breadon herself, and the Carpenter's Union are in support.



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Documents/Exhibits: Building Plans, 242 letters of support

Votes: Board Member Erlich moved for approval with a proviso for BPDA design review and Walsh Logue seconded. The Board voted unanimously to approve.

**STEPHANIE HAYNES
BOARD OF APPEAL
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BOARD MEMBERS:

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SUBSTITUTE MEMBERS:

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

For a video recording of the September 29, 2020 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.