

City of Boston
Board of Appeal

TUESDAY, APRIL 27, 2021

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 APRIL 27, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS APRIL 27, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE APRIL 27, 2021 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/Apr27hearing> or by calling 1-617-315-0704 and entering access code 129 353 7181.

If you wish to offer testimony on an appeal, please click <http://bit.ly/zbaApr27comment> 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.

For individuals who need translation assistance, please notify the Board at least **48 HOURS** in advance either by signing up at <http://bit.ly/zbaApr27comment>, calling 617-635-5300 or emailing zba.ambassador@boston.gov.



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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. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.



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EXTENSIONS: 9:30 AM

Case: BOA-799148 Address: 951-959A Dorchester Avenue Ward 13 Applicant: 959 Dot LLC

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application because of COVID-19 related project delays.

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

Case: BOA-803394 Address: 246-248 Dorchester Avenue Ward 6 Applicant: Evergreen Property Group LLC

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application because of COVID-19 related project delays.

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

Case: BOA-791475 Address: 8 Dorset Street Ward 8 Applicant: Garfield Boothe

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application and indicated that he is close to pulling the final permit.

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

Case: BOA-578766 Address: 5 Jackson Avenue Ward 3 Applicant: Charles & Carla Kim

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-738454 Address: 55 Chaucer Street Ward 1 Applicant: George Morancy 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-738449 Address: 57 Chaucer Street Ward 1 Applicant: George Morancy, 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-889396 Address: 59 West Walnut Park Ward 11 Applicant: Aigbe Irerua



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Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application and represented that he had acquired funding.

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

Case: BOA- 904095 Address: 1423-1425 Tremont Street Ward 9 Applicant: John Pulgini

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.

BOARD FINAL ARBITER: 9:30 AM

Case: BOA-943624 Address: 118-120 Marcella Street Ward 11 Applicant: Stephen Chung AIA

Discussion: The applicant informed the Board that this project initially received zoning relief to build a three family dwelling in 2019. The applicant is back before the Board to increase the dwelling to four units by removing parking from the envelope of the building and adding a ground floor unit.

The Board asked about changes in building dimensions and unit sizes.

Documents/Exhibits: Building Plans

Vote: Board Member Erlich moved for approval and Ligris seconded, the Board voted unanimously to approve the alteration to the plans.

Case: BOA- 831064 Address: 17 Madeline Street Ward 22 Applicant: Harold McGonagle, RA

Discussion: The applicant is back before the Board to enlarge a previously approved addition.

Documents/Exhibits: Building Plans

Vote: Board Member Erlich moved for approval and Ruggiero seconded, the Board voted unanimously to approve the alteration to the plans.

GCOD ONLY: 9:30 AM

Case: BOA-1172918 Address: 53 Marlborough Street Ward 5 Applicant: French Cultural Center

Article: Article 32, Section 4.GCOD, Applicability Due to Substantial Rehabilitation

Purpose: Combining and renovation of two buildings (53 Marlborough & 300 Berkeley) to be known as 53 Marlborough Street. Work includes demo, new finishes, elevator, sprinkler, FA, and updates to all MEPs. Refer to applications ALT1147273 (300 Berkeley) & ALT 1147267 (53 Marlborough) combination of lots.



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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.

BUILDING CODE ONLY: 9:30 AM

Case: BOA#1172851 Address: 33 Woodlawn Street Ward 11 Applicant: Richard C. Lynds, Esq

Purpose: Erect a new 3 story, Three (3) Family Dwelling. There will be a 6 Vehicle Parking Garage located beneath building. Parking Garage will also be used by 31 Woodlawn Street. Construct new exterior Decks in Rear Yard. Building will be fully Sprinklered.

Violations: Violation Descriptions: Violation Comments: 8th 780CMR Chapter 7 Fire & Smoke Protection 706.1.1 Party walls: Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a firewall in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings. 8th 780CMR 101.4.7 MAAB 521 CMR 10.1 General: The public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR. Public and common use spaces are those spaces inside or outside a building that are used by residents and/or visitors.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting building code relief required to erect a new three story building.

Documents/Exhibits: Building Plans.

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

HEARINGS: 9:30 AM

Case: BOA-1166809 Address: 6-8 Saint Andrew Road Ward 1 Applicant: Fouad Hamzeh

Articles: Article 53, Section 9 Side Yard Insufficient 5.3' < 7'min Article 53, Section 9 Rear Yard Insufficient 11.9' < 35'min (Shallow Lot) Article 27T East Boston IPOD

Purpose: Renovation of existing rear deck. Scope includes extending deck to upper floor, addition of an egress stair, and extension of first floor portion of deck. Renovation of rear basement access stair/door also included, 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 build a third floor, rear deck with stairs and to extend the first floor deck.

Board members asked about basement occupancy.

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.



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Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Ligris seconded. The Board voted 6-0 for approval with Ruggiero recused.

Case: BOA-1161771 Address: 168 Gove Street Ward 1 Applicant: 168 Gove Street, LLC

Articles: Article 27T-5E. Boston IP0D Applicability Article 53 Section 8 Use Regulations Use Table footnote (7) – Basement units Forbidden Article 53 Section 9 Excessive F.A.R. – 1.0 max Article 53 Section 9 # of allowed stories – 3 Story Max Article 53 Section 9 Max. allowed height exceeded – 35’ max. allowed Article 53 Section 9 Insufficient open space per unit – 200sf/unit required Article 53 Section 9 Insufficient rear yard – 30’ required Article 53 Section 9 Insufficient side yard – 5’ required Article 53 Section 9 Insufficient additional lot area per unit – 1000sf/unit req. Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off-Street Parking & Loading Req Insufficient parking spaces – 1.75/unit required Article 53, Section 56.5(a) Off-Street Pkg Maneuverability Article 9, Section 1 Extension of Nonconforming Building Dimensional - <25% Conditional

Purpose: Change of Occupancy from four (4) unit residential dwelling to eight (8) unit residential dwelling. Construct new fifth story addition with roof deck. Full renovation as per plans.

Discussion/Vote: The Appellant requested a deferral to update their plans. Upon a motion and a second, the Board voted unanimously to defer this matter until the June 22, 2021 hearing .

Case: BOA-1153771 Address: 78 Tyler Street Ward 3 Applicant: Nancy Lo

Articles: Article 32, Section 4.GCOD, Applicability Art. 43 Sec. 23 Off Street Parking 0 Provided < 4 Req'd

Purpose: Change of occupancy from convent to eight apartments, add addition in the rear to 3rd and 4th floor levels, solar panels on roof, repointing, window replacement, and renovations according to plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to convert a convent to an 8 unit dwelling with third and fourth floor additions.

Board members asked about parking and unit types and sizes.

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

Documents/Exhibits: Building Plans, BWSC letter, no harm letter, letters of support

Votes: Board Member Erlich moved for approval with BPDA design review and Ligris seconded. The Board voted unanimously for approval.

Case: BOA-1130052 Address: 30 Chestnut Street Ward 5 Applicant: Hezekiah Pratt

Article: Article 15, Section 1Floor Area Ratio Excessive

Purpose: Renovate three family. Demolish and renovate kitchens and bathrooms, new interior finishes, new electrical and mechanical systems, repair masonry. sprinkler fire alarm new elevator repair interior exterior masonry new roof deck repair garage in rear replace garage roof per plans. all structural work per approved plans.



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Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to reduce occupancy from a three family to a two family and add a roof deck.

Board members asked about an increase in the size of the building and basement occupancy.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Bok, an attorney for 20 Chestnut, and three abutters are opposed.

Documents/Exhibits: Building Plans, 3 letters of opposition

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

Case: BOA- 1153925 Address: 639 East Sixth Street Ward 6 Applicant: Benson & Jenifer Miller

Article: Article 68, Section 8 Side Yard Insufficient Required: 3' Proposed addition: less than 3 feet.

Purpose: Add addition to right rear of building, move sink and stove to outside wall and install center island. Swap office and bedroom on second floor using new addition for additional bedroom space. Amendment for existing permit ALT1089038.

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 right side addition.

Board members asked about single family occupancy and basement ceiling height.

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

Documents/Exhibits: Building Plans, letters of opposition

Votes: Board Member Ruggiero moved for approval with no building code relief provided by this decision and Erlich seconded. The Board voted unanimously to approve.

Case: BOA-1160163 Address: 25 Doris Street Ward 13 Applicant: Nancy Sheehy

Articles: Art. 65 Sec. 9 Insufficient lot size – 3000sf req. Art. 65 Sec. 9 Insufficient lot size – 1500sf/unit > 1

Purpose: New two family construction.

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 three family dwelling. Front porches were removed from a prior design.

Board members asked about neighborhood context, the garage, and curb cut width.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Baker, Flaherty, and Essaibi-George, and an abutter are in support. Two abutters are opposed.

Documents/Exhibits: Building Plans, letters of opposition, letters of support



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

Case: BOA-1134705 Address: 37 Wales Street Ward 14 Applicant: Heading Home, Inc

Articles: Article 60, Section 8 Use Regulations MFR Forbidden Article 60, Section 9 Additional lot area per unit Article 60, Section 9 Excessive F.A.R. Article 60, Section 9# of allowed stories exceeded Article 60, Section 9 Max. allowed height exceeded Article 60, Section 9 Insufficient usable open space per unit Article 60, Section 9 Insufficient rear yard setback Article 60, Section 40 Off Street Parking & Loading Req

Purpose: Demolition of existing building to construct a new multi family building.

Clarification: Construction of a 5 story (59.5') Low income permanent housing building with 28,760sf/GFA that shall consist of 23 low income permanent housing units made up of 19 2 bedroom, 4 3 bedroom units and 1 management office per plans submitted.

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 five story multifamily dwelling with 23 low income units.

Board members asked about parking, density, and the number of units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Flaherty and Essaibi-George, the BPDA, the DND, and the Greater Mattapan Neighborhood Council are in support. Abutters are opposed.

Documents/Exhibits: Building Plans, letters of support.

Votes: Board Member Erlich moved for denial without prejudice and Ligris seconded. The Board voted 6-1 to deny without prejudice with Ruggiero opposed.

Case: BOA- 1152642 Address: 31 Senator Bolling Circle Ward 14 Applicant: Edgar J. Carrere

Articles: Article 60, Section 11 Use: Conditional Single family dwelling is a conditional use in a EPS Subdistrict Article 60, Section 12 Front yard setback is insufficient

Purpose: Construct a 2 Story, wood frame, 2268 sf single family dwelling on a 7,015 sf lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two single family dwellings. Companion case with BOA 1152640.

Board members asked whether the properties were in an EPS subdistrict.

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 no bedroom in the basement and BPDA design review and Erlich Ligris. The Board voted unanimously to approve.



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Case: BOA-1152640 Address: 41 Senator Bolling Circle Ward 14 Applicant: Edgar J. Carrere

Articles: Article 60, Section 11 Use: Conditional Single family is a conditional use in a EPS Subdistrict Article 60, Section 12 Front yard setback is insufficient

Purpose: Construct a 2 Story, wood frame, 2340 sf single dwelling on a 5,900 sf lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two single family dwellings. Companion case with BOA 1152642.

Board members asked whether the properties were in an EPS subdistrict.

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 no bedroom in the basement and BPDA design review and Erlich Ligris. The Board voted unanimously to approve.

Case: BOA-1163856 Address: 1175 Dorchester Avenue Ward 15 Applicant: The Broadway Company, LLC

Articles: Article 65, Section 41 Off Street Parking & Loading Req Off street parking and loading is insufficient. Article 65, Section 8 Use Regulations MFR and Retail are forbidden in a 3F D 3000 Sub district Article 65, Section 9 Add'l Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Erect 3 new stories of residential over an existing 1 story 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 three story, 9 unit dwelling over an existing commercial space.

Board members asked about unit types and sizes, parking, roof deck, use of basement, and building mechanicals.

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

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved for approval with BPDA design review and Ruggiero seconded. The Board voted 6-0 to approve with Ligris recused.



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Case: BOA-1160268 Address: 23 Arcadia Street Ward 15 Applicant: John Barry

Articles: Art.65 Sec. 8 Use: Forbidden Multifamily Forbidden Article 65, Section 9 Floor Area Ratio Excessive 1.0 > 0.5max Article 65, Section 9 Bldg Height Excessive (Stories) 3 > 2 1/2max Article 65, Section 9 Bldg Height Excessive (Feet) 36.3' > 35' max Article 65, Section 9 Side Yard Insufficient 8.4' avg < 10' min avg (Non parallel rule) Article 65, Section 9.2 Dim Regs: Location of Main Entrance Art. 65 Sec. 65 41.5 Parking Size & Maneuverability Art. 10 Sec. 01 Limitation of off street parking areas Parking less than 5ft from side lot line.

Purpose: Change occupancy from two (2) family to six (6) family residence. Construct rear addition to extend living space to existing structure. Addition of nine (9) private parking spaces on lot.

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 a two family to a six unit dwelling with a rear addition.

Board members asked about unit types and sizes, parking, and the curb cut.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Baker, Flaherty, and Essaibi-George, and two abutters are in support. BTB recommended reducing the curb cut.

Documents/Exhibits: Building Plans, letters of support

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

Case: BOA-1007093 Address: 37 River Street Ward 17 Applicant: George S. Dabney

Articles: Article 65, Section 8 Use Regulations Use: Multi family Dwelling: Forbidden Article 65, Section 8 Use Regulations Use: Accessory Parking: Forbidden Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Building Height (# of Stories) Excessive Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Erect a new 3 story Building with Seven (7) Residential Units and 12 Parking spaces. There will be individual Roof Decks built for the top floor Dwelling Units. Building will be fully Sprinklered.

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 three story, seven unit multifamily building with 12 parking spaces and one affordable unit.

Testimony: The Board then requested testimony from neighbors and elected officials. An abutter is in support. Mayor's Office of Neighborhood Services, Councilor Campbell, the Greater Mattapan Neighborhood Council, and an abutter are opposed.

Documents/Exhibits: Building Plans, letters of opposition

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



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Case: BOA-1161026 Address: 85-93 Sutherland Road Ward 21 Applicant: Octagon Property Management Corporation

Articles: Article 51, Section 9 Front Yard Insufficient

Purpose: Demolish the front entrance canopy of an existing 4 storey apartment building and replace it with a new canopy over a new package storage enclosure (to one side of the entrance) underneath; no change in gross floor area. The demolished canopy and proposed work are within the required front yard.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to demolish and replace a front entrance canopy.

Board members asked about the size of the enclosure.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Breadon and Essaibi-George, and the Brighton/Allston Improvement Association are in support.

Documents/Exhibits: Building Plans, letters of support

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

Case: BOA-1115005 Address: 230 Harvard Avenue Ward 21 Applicant: Mayflower Medicinals, Inc.

Articles: Article 51, Section 16 Use Regulations Cannabis Establishment Use: Conditional Article 9, Section 2 Change in Non Conforming Use

Purpose: Change of occupancy from a Medical Marijuana Treatment Center to a Cannabis Establishment. No work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change use to a cannabis establishment from a medical marijuana business.

Board members asked about customer queuing, hours of operation, parking, and proximity to schools.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and the Allston Civic Association are in support.

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Ruggiero moved for approval with relief granted to this applicant only and for BPDA design review for screening and buffering and Erlich seconded. The Board voted 6-1 to approve with Ligris opposed.



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HEARINGS: 11:00 AM

Case: BOA-1128259 Address: 546 Saratoga Street Ward 1 Applicant: 546 Saratoga Street, LLC

Articles: Article 27T 5 East Boston IPOD Applicability Article 53 Section 56 Off Street Parking & Loading Req Insufficient parking 1.5/unit (6 spaces required) Article 53 Section 12 Excessive F.A.R. 1.0 Max. Article 53 Section 12 Height Exceeded 35' Max.

Purpose: Raze existing structure. Erect 4 story 4 unit multifamily dwelling containing 4,860 square feet of gross floor area with private direct access roof decks for unit # 3 and #4. Plans submitted for zoning review only. Full construction drawings to be submitted after ZBA Approval. **Nominal Fee requested.**

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 four story, four unit dwelling with two roof decks.

Board members asked about parking and neighborhood context.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Councilor Edwards chose to leave it to the Board's discretion.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review and Ligris seconded. The Board voted unanimously to approve.

Case: BOA- 1167625 Address: 125 Saratoga Street Ward 1 Applicant: 125 Saratoga Street, LLC

Articles: Article 53, Section 56 Off Street Parking & Loading Req Insufficient. Existing 0. Required with COO: 1 Article 53, Section 9 Floor Area Ratio Excessive Max. allowed: 0.8 Existing: 1.16 Proposed: 1.52

Purpose: Seeking to change the occupancy from a single family residential dwelling to a two family residential dwelling. Also, to erect rear decks, 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 single family to a two family and build rear decks.

Board members asked about unit types and sizes and the basement bedroom in relation to the grade.

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, letters of support

Votes: Board Member Erlich moved for approval with BPDA design review and no bedrooms in the basement and Ligris seconded. The Board voted unanimously to approve.



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Case: BOA-1171278 Address: 748-750 East Broadway Ward 6 Applicant: George Morancy

Articles: Article 68, Section 33 Off Street Parking & Loading Req Required for Restaurant use: 120 seats * 0.3= 36 parking spaces Residential: 9*1.5= 13.5 parking spaces Article 68, Section 8 Lot area minimum. Required: 5,000 sqft Proposed: 4,500 sqft Article 68, Section 8 Floor Area Ratio Excessive Max. allowed: 1.5 Proposed: 3.62 Article 68, Section 8 Bldg Height Excessive (Feet) Max. allowed: 35' Proposed: 42' 11" Article 68, Section 8 Usable Open Space Insufficient Required: 200*9= 1,800 sqft Provided insufficient Article 68, Section 8 Front Yard Insufficient for L street only. East Broadway is in compliance with street modal Article 68, Section 8 Side Yard Insufficient Required: 3' Provided: 5' L Street (R). Not provided on East Broadway (L). Article 68, Section 8 Rear Yard Insufficient Required: 20' Proposed: 5' Article 68, Section 8.3 Dim Regs: Location of Main Entrance Article 68, Section 34.2 Traffic Visibility Across Corner Article 68, Section 7 Use Regulations Restaurant use: Conditional

Purpose: construct new 4 Story Building with 11 9 residential units and retail space restaurant at the first floor on combined lots at 748 E Broadway (0603511000), 750 E Broadway (0603510000), 65 L Street (0603509000) and L Street (0603508000) and demolish all existing buildings.

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 four story, nine unit building with a ground floor restaurant and no roof deck.

Board members asked about restaurant capacity and an elevator in the building.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Flynn and Essaibi-George are in support. Councilor Flaherty chose to leave the matter to the Board's discretion.

Documents/Exhibits: Building Plans, letters of opposition

Votes: Board Member Ligris moved for approval with BPDA design review and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA-1170963 Address: 1258-1272 Massachusetts Avenue Ward 7 Applicant: Douglas George

Article: Article 65 Section 15 Use Regulations Use: Restaurant inclusive of Take Out Use: Conditional

Purpose: Proposed new Restaurant fit out on 1st Floor. Change use from 40 Dwelling Units and 1 Commercial space to 40 Dwelling Units and 1 Restaurant inclusive of Take Out (Use item 36A), as per plans. (last long form ALT1026532).

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 takeout restaurant.

Board members asked about the type of restaurant, the name of the restaurant, the owner's takeout experience, and grates in the front of the building.

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



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Votes: Board Member Erlich moved for approval with relief granted to this applicant only and to include standard takeout provisos and Ligris seconded. The Board voted unanimously to approve.

Case: BOA-1167376 Address: 50-52 Dorset Street Ward 7 Applicant: George Morancy

Article: Article 65, Section 8 Use Regulations 3 Family is a forbidden use in a 2F 5000 Sub district

Purpose: Change occupancy from two family dwelling to three family dwelling; add 3 accessory off street parking spaces to rear yard w/ access via existing curb cut & driveway; demo garage in rear yard. All work except demo of garage included in scope of issued permit ALT1112471 w/ declared value of \$245,000.

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 two family to a three family with three parking spaces.

The presenter discussed the unit types and sizes, removing the existing rear garage, and a roof deck.

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

Documents/Exhibits: Building Plans

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

Case: BOA-1129048 Address: 1589 Columbus Avenue Ward 11 Applicant: FPG 17 Wensley, LLC

Article: Article 55 Section 19 Use Regs in Local Industrial Cannabis Establishment Use: Conditional

Purpose: Change occupancy from dry cleaner to adult use retail cannabis store. Interior alterations & exterior renovation. The building will remain the same size; no additions of any kind. The work being completed will include the installation of new mechanical systems, drywall, framing of walls, tile floor, relocation of restrooms, exterior repairs & facade modifications.

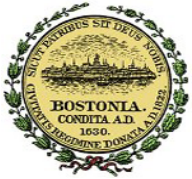
Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to a cannabis establishment.

Board members asked about customer queuing, security, hours of operation, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors O'Malley and Essaibi-George, and the Eggleston Square Neighborhood Association are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and for relief granted to this applicant only and Ruggiero seconded. The Board voted 6-1 to approve with Ligris opposed.



City of Boston
Board of Appeal

Case: BOA- 1156475 Address: 31 Savin Hill Avenue Ward 15 Applicant: Joey Arcari

Articles: Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 42 Application of Dimensional Req 42.14 Two or more buildings on the same lot. Article 65, Section 41 Off Street Parking & Loading Req Off street parking is insufficient

Purpose: Erect a new 3 story, 3 family building as part of a larger development at 1121 Dorchester Ave. This building is tied to ALT1124474 and ERT1075671.

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 four story building with 21 units and a restaurant and also to build a three story three family building.

Board members asked about the number of bedrooms in the three family building, roof decks, unit types and sizes in the mixed use building, and parking.

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

Documents/Exhibits: Building Plans, letters of support, letters of opposition

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

Case: BOA-1156470 Address: 1121 Dorchester Avenue Ward 15 Applicant: Joey Arcari

Articles: Article 65 Section 15 Use Regulations MFR is a conditional use in a LC sub district Article 65, Section 16 Building height in feet is excessive Article 65, Section 16 Usable open space is insufficient Article 65, Section 16 Rear yard is insufficient Article 65, Section 16 Floor area ratio is excessive Article 65, Section 41 Off Street Parking & Loading Req Off street parking is insufficient Article 65, Section 42 Application of Dimensional Req 42.14 Two or more buildings on the same lot Article 65 Section 15 Use Regulations Restaurant is a conditional use in a L/C subdistrict

Purpose: Demolish (2) small industrial buildings and (1) single family. Combine the two lots. Erect a new 5 story mix use building, and a 3 story residential building. The project is comprised of commercial space on the ground level, as well as office space on the second level, with residential above.

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 four story building with 21 units and a restaurant and also to build a three story three family building.

Board members asked about the number of bedrooms in the three family building, roof decks, unit types and sizes in the mixed use building, and parking.

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

Documents/Exhibits: Building Plans, letters of support, letters of opposition



City of Boston
Board of Appeal

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

Case: BOA- 1163038 Address: 44-46 Soldiers Field PL Ward 22 Applicant: 1500 SFR, LLC

Articles: Article 51 Section 16 Use Regulations Multifamily (102 units) Conditional Article 51 Section 17 Floor Area Ratio 3.9 > 1.0max Article 51, Section 17 Building Height 69.2' > 35'max Article 51 Section 17 Front Yard (Through Lot) 6.6'/0.3' < 7'min Article 29 Section 4 GPOD Applicability

Purpose: Construct a new six (6) story building of approximately 101,000 gross square feet consisting of 102 residential units and a small restaurant with takeout of approximately 870 square feet with 62 on site 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 build a six story, 102 unit building with 102 parking spaces.

Board members asked about the unit types and sizes and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Breadon and Essaibi-George, the Allston Civic Association, the Brighton Allston Improvement Association, and the Carpenter's Union are in support. An attorney for several abutters presented their opposition.

Documents/Exhibits: Building Plans

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

RECOMMENDATIONS: 11:30 AM

Case: BOA-1142725 Address: 9 Kelley Court Ward: 2 Applicant: Chandler Miller

Articles: Article 62, Section 25 Roof Structure Restrictions Access and design Article 62, Section 8 Insufficient rear yard setback Article 62, Section 8 Insufficient side yard setback

Purpose: Convert existing roof into family recreational space and install 6ft high fence. Install landing and stairs as required for access.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans



City of Boston
Board of Appeal

Case: BOA-1158578 Address: 2 Laurel Street Ward: 2 Applicant: Eliza Becton and Glen Kruger

Articles: Article 62, Section 8 Insufficient rear yard setback Article 62, Section 25 Roof Structure Restrictions Third story addition (reconfiguration of existing roof profile)

Purpose: Build another story onto the existing 2 story 10x7"ell" at the rear of the building to expand the bathroom and also renovate the second floor bathroom.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1130851 Address: 2 Mount Vernon Street Ward: 2 Applicant: Timothy Sheehan Articles: Article 62, Section 8 Floor Area Ratio Excessive Article 62, Section 8 Building Height Excessive Article 62, Section 8 Building Height (# of Stories) Excessive Article 62, Section 8 Rear Yard Insufficient Article 62, Section 25 Roof Structure Restrictions

Purpose: This job will require ZBA / BPDA approvals. The NOMINAL FEE is requested. This application is for a new shed dormer on an existing habitable attic floor with a roof deck accessed through a hatch will be located on the roof. This project will mirror the adjacent house at 4 Mount Vernon Street.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-#1130850 Address: 2 Mount Vernon Street Ward: 2 Applicant: Timothy Sheehan Purpose: This job will require ZBA / BPDA approvals. The NOMINAL FEE is requested. This application is for a new shed dormer on an existing habitable attic floor with a roof deck accessed through a hatch will be located on the roof. This project will mirror the adjacent house at 4 Mount Vernon Street.

Violation: 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. Exception : In buildings without an occupied roof, access to the roof shall be permitted to be a roof hatch or trap door not less than 16 square feet in area and having a minimum dimension of 2 feet.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans



City of Boston
Board of Appeal

Case: BOA-1156955 Address: 477-479 East Third Street Ward: 6 Applicant: Claudette Bosman Article: Article 68, Section 29 Roof Structure Restrictions Access via spiral

Purpose: Install exterior spiral staircase and roof deck.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1150451 Address: 583-583R Eighth Street Ward: 7 Applicant: Derek Hogan

Articles: Article 68, Section 33 Off Street Parking & Loading Req Article 68 33.4 Location. Off street parking facilities shall be provided on the same lot as the main use. Article 68, Section 33 Off Street Parking & Loading Req Article 68 33.5 Design. Driveway shall be a minimum of 10' 0" for appropriate means of vehicular access to a Street Article 68, Section 8 Usable Open Space Insufficient

Purpose: Propose three (3) off street parking via easement access from 581 East Eighth Street.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1156978 Address: 23-25 Arbroth Street Ward: 16 Applicant: Gary Deans

Articles: Article 65, Section 9 # of allowed stories has been exceeded 2.5 stories max. Article 65, Section 9 Excessive f.a.r. 5 max. Article 65, Section 9 Insufficient side yard setback 10' min. req. **Purpose:** Interior and exterior renovation of 2 family to include new 2 story exterior deck and 2nd floor exterior stairs; 3rd floor dormer and roof deck, new kitchens and baths, new electric, new heating.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans



City of Boston
Board of Appeal

Case: BOA- 1161773 Address: 54 Westmoreland Street Ward:16 Applicant: Corey Clark

Articles: Article 65, Section 9 # of allowed stories has been exceeded 2.5 stories max Article 65, Section 9 Excessive f.a.r. .4 max Article 65, Section 9 Insufficient side yard setback 10' req.

Purpose: Proposed Dormer addition to extend living space to the third floor and add a deck, as per plans. Permit set to be submitted upon ZBA approval.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1137028 Address: 19 Weyanoke Street Ward: 16 Applicant: Robert Cabral

Article: Art. 65 Sec. 9 Residential Dimensional Reg.s Minimum side yard setback requirement is insufficient

Purpose: Proposed 800 SF second story addition and 100 SF single story rear addition to existing 1 1/2 story existing Cape style dwelling located at 19 Weyanoke Street in Dorchester.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1156565 Address: 79 Corbet Street Ward: 17 Applicant: Cesar DaSilva

Article: Art. 10 Sec. 01 Limitation of off street parking areas occupying front and side yard (not located at more than 5 feet the side lot line)

Purpose: Asphalt driveway for 2 off street parking.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA- 1160443 Address: 8 Oakcrest Road Ward: 18 Applicant: Horizon Construction & Development, LLC

Article: Art. 69 Sec. 09 Floor area ratio is excessive (greater than 50%)

Purpose: Gut Renovation including structure repairs 10'x10' 1 story addition New M/E/P New layout to have 4 total bedrooms, 3 bathrooms New Roof.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans



City of Boston
Board of Appeal

Case: BOA- 1160969 Address: 11 Porter Terrace Ward: 20 Applicant: Derek Rubinoff

Articles: Article 56, Section 8 Floor Area Ratio Excessive Article 56. Section 8 Side Yard Insufficient **Purpose:** Create a 130 sf addition on the 2nd floor of an existing detached 2 storey single family house. The addition is proposed above an existing enclosed sunroom and will include a master bath, a laundry closet, a gambrel roof, and a shed dormer on the front and rear. No change in building footprint.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA- 1160818 Address: 53 Tyndale Street Ward: 20 Applicant: James Zigmont

Article: Art. 20, Section 2 Accessory Buildings Existing accessory building closer than 4' to side lot lines, but now increasing height

Purpose: Renovation of an existing garage, to an art studio (Accessory building) As per plans from Richard Alvord Architects. Reconfigure roofing frame, install new roof, new windows, new exterior door, new electrical, frame the perimeter and apply insulation, install new HVAC.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1158404 Address: 214 Beech Street Ward: 20 Applicant: Laura and Drew Watson

Articles: Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient

Purpose: Kitchen and powder room renovation with bump out addition and new rear deck landing.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA- 1156154 Address: 94 Cass Street Ward: 20 Applicant: Christopher Roberts & Carlos Parra Herran

Articles: Article 56, Section 8 Excessive F.A.R. .4 max Article 56, Section 8 # of allowed habitable stories has been exceeded 2.5 stories max.

Purpose: Finish attic per drawing Specification. No other work to be done.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans



City of Boston
Board of Appeal

Case: BOA-1165692 Address: 109 Perham Street Ward: 20 Applicant: Gilmar Costa

Articles: Article 56, Section 8 Front Yard Insufficient Article 56, Section 8 Side Yard Insufficient

Purpose: Add dormer and roofing.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA- 1141289 Address: 11 Bagnal Street Ward: 22 Applicant: David McNair

Article: Article 51, Section 9 Floor Area Ratio Excessive Max. allowed: 0.6 Existing: 0.6 Proposed: 0.68 **Purpose:** Extension of living space to basement to existing single family dwelling. Renovate basement, add egress window and Bathroom.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA- 1155715 Address: 28 Rosebery Road Ward: 18 Applicant: Derric Small

Articles: Article 69 Section 29 Off Street Parking & Loading Req Off street parking is insufficient. Article 69, Section 9 Lot Area Insufficient Article 69, Section 9 Usable Open Space Insufficient Article 69 Section 9 Floor area ratio is excessive

Purpose: Change of Occupancy from a one family dwelling to a two family dwelling.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for no bedrooms in the basement.

Documents/Exhibits: Building plans



City of Boston
Board of Appeal

RE-DISCUSSIONS: 12:30 PM

Case: BOA-999494 Address: 6 Mount Vernon Avenue Ward: 2 Applicant: Timothy Burke

Article: Article 09-sec 1, Article 62-sec 25, Article 62-sec 8

Purpose: Amend permit to construct a new dormer on rear of house with roof deck above. Access to roof deck from new stair and hatch. Work includes new framing, cladding, windows, decking, roof hatch and railings. Work includes associated electrical, plumbing and mechanical work.

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 to the rear with a roof deck above and access via a hatch.

Board members asked about an existing cupola.

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

Documents/Exhibits: Building Plans, letters of support, letters of opposition

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

Case: BOA- 1152882 Address: 9 Eden Street Ward 2 Applicant: Pulgini & Norton, LLP

Articles: Art. 62 Sec. 62 25 Roof Structures Restricted Roof structures restricted district Art. 62 Sec. 08 Side yard setback requirement is insufficient Art. 62 Sec. 08 Usable open space requirement is insufficient Art. 62 Sec. 30 Side yard with driveway cannot be less than 10ft wide.

Purpose: Confirm occupancy as a two family. Change occupancy to a three family dwelling. Rebuild the rear elevation to add additional space to the rear of the structure to convert from a two family to a three family; build a driveway to access parking in the rear of the property. [ePlan]

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 two family to a three family with an addition above the rear second story.

Board members asked about basement occupancy, bedrooms in basement, basement ceiling height, relation of basement to the grade, a driveway, and a roof deck.

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. An abutter is opposed. BTM recommended that the driveway be narrowed.

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Ruggiero moved for approval with BPDA and BTM design review and Ligris seconded. The Board voted unanimously to approve.



City of Boston
Board of Appeal

Case: BOA-1121328 Address: 142 P Street Ward 6 Applicant: Ryan Hunt

Articles: Article 29 Section 4 GPOD Applicability Greenbelt Protection Overlay District Applicability Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Location of Main Entrance shall face the Front Lot Line Article 68, Section 29 Roof Structure Restrictions Building Height Excessive (Proposed new Building exceeds the Building Height of the previous Building) Article 68, Section 34 Application of Dimensional Req Traffic Visibility Across a Corner Lot

Purpose: Erect a 3 story, Seven (7) Unit Residential Building.

Discussion/Vote: The applicant requested a deferral to continue with the community process. Upon a motion and a second, the Board voted 6-0 to defer the matter to the June 22, 2021 hearing at 12:30PM with Ligris recused.

Case: BOA-1131644 Address: 97 Williams Street Ward 11 Applicant: Joseph Federico

Articles: Art. 55 Sec. 09 Lot size requirements is insufficient to support the existing building, due to subdivision Art. 55 Sec. 09 Floor area ratio is excessive, due to subdivision Art. 55 Sec. 09 Usable open space is insufficient, due to subdivision Art. 55, Section 9 Rear yard setback requirements is insufficient

Purpose: Subdividing 680 sf of land from 97 Williams St to 99 Williams St. See ERT1087525.

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 six unit building at 99 Williams that requires a small subdivision from the lot at 97 Williams.

Board members asked about the units in the building, the zoning subdistrict, lot size, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors O'Malley, and Essaibi-George, and a resident of 97 Williams are in support. Multiple abutters are opposed.

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

Votes: Board Member Erlich moved for denial without prejudice and Secretary Fortune seconded. The Board voted 5-1 to deny without prejudice with Ruggiero and Ligris opposed.

Case: BOA-1116715 Address: 99 Williams Street Ward 11 Applicant: Joseph Federico

Articles: Article 55, Section 8 Use Regulations Multi family dwelling unit use (6) is forbidden, Article 55, Section 9 Lot area for the add'l dwelling unit is insufficient, Article 55, Section 9 Floor area ratio is excessive, Article 55, Section 9 Side yard setback requirement is insufficient, Art. 55, Section 40 ** Off Street Parking Insufficient Off street parking requirement is insufficient

Purpose: Erect a new 6 unit residential building on two combined vacant lots. EPLAN

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 six unit building at 99 Williams that requires a small subdivision from the lot at 97 Williams.

Board members asked about the units in the building, the zoning subdistrict, lot size, and parking.



City of Boston
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Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors O'Malley, and Essaibi-George, and a resident of 97 Williams are in support. Multiple abutters are opposed.

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

Votes: Board Member Erlich moved for denial without prejudice and Secretary Fortune seconded. The Board voted 5-1 to deny without prejudice with Ruggiero and Ligris opposed.

Case: BOA-1120246 Address: 655 Morton Street Ward 14 Applicant: Alfonso Sira

Articles: Art. 60 Sec. 08 Use Regs appl in Res Subdistr Dwelling unit is forbidden in basement Art. 60 Sec. 08 Use Regs appl in Res Subdistr Lodging house use is a forbidden use Art. 60 Sec. 60 9 Additional Lot Area Insuff Lot area for the add'l unit is insufficient Article 60 Section 9 Dimensional Regulations Floor area ratio is excessive Article 60 Section 9 Dimensional Regulations Usable open required is insufficient Article 60, Section 37 Off Street Parking Insufficient Off street parking requirement is insufficient

Purpose: Renovation of basement into apartment and change of occupancy to a boarding house.

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

Board members asked about basement ceiling height and relation to grade. The Board also discussed concerns of safety about residents and the community posed by lodging houses.

Documents/Exhibits: Building Plans

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

Case: BOA-1071651 Address: 6 Magdala Street Ward 16 Applicant: Daniel Rubin

Articles: Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Erect three unit building with two garage parking spots and one surface parking spot

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 single family dwelling with parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Flaherty, Baker, and Essaibi-George are in support. An abutter is opposed.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Ligris seconded. The Board voted 6-0 to approve with Ligris recused.



City of Boston
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Case: BOA-1038331 Address: 151 Spencer Street Ward 17 Applicant: Jessica Graf

Articles: Article 65, Section 8 Use Regulations Use: Multi family Dwelling: Forbidden Article 65, Section 8 Use Regulations Use: Accessory Parking: Forbidden Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Building Height Excessive Article 65, Section 9 Building Height (# of Stories) Excessive Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 41 Off Street Parking & Loading Req Off Street Parking Insufficient Article 65, Section 41 Off Street Parking & Loading Req Off Street Loading Insufficient

Purpose: Construct a new 4 story Multi family Residential Building consisting of 19 Affordable Rental Housing Units. This will be a joint venture between Codman Square NDC Corporation and TLee Development to create 2 new Multi family Residential Housing Buildings where TLee will have 1 new Building fronting on Talbot Ave and CSNDC will have another new Building fronting on Spencer St.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two buildings; one with 19 affordable units; the other with 23 affordable units.

Board members asked about parking, how the buildings work together, unit types and sizes, roof decks, and common spaces.

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

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved for approval with BPDA design review and with the applicant to record the necessary easement from 151 Spencer and Ligris seconded. The Board voted unanimously to approve.

Case: BOA- 1038330 Address: 25 New England Avenue Ward 17 Applicant: Jessica Graf

Articles: Article 60, Section 19 Use Regulations Use: Multi family Dwelling: Forbidden Article 60, Section 19 Use Regulations Use: Accessory Parking: Forbidden Article 60, Section 20 Building Height Excessive Article 60, Section 20 Floor Area Ratio Excessive Article 60, Section 20 Rear Yard Insufficient Article 60 Section 40 Off Street Parking & Loading Req Off Street Parking Insufficient Article 60 Section 40 Off Street Parking & Loading Req Off Street Loading Insufficient

Purpose: Combine existing parcels which includes demolition of structures at 5, 9, 21 and 23 New England Avenue. Construct a new 4 story Multi family Residential Dwelling. This new structure will include 23 Affordable Rental Units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two buildings; one with 19 affordable units; the other with 23 affordable units.

Board members asked about parking, how the buildings work together, unit types and sizes, roof decks, and common spaces.

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

Documents/Exhibits: Building Plans, letters of support



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Votes: Board Member Erlich moved for approval with BPDA design review and with the applicant to record the necessary easement from 151 Spencer and Ligris seconded. The Board voted unanimously to approve.

Case: BOA-1082341 Address: 8 Reddy Avenue Ward 18 Applicant: Paul Britton

Articles: Article 69, Section 8 Use: Forbidden Article 69, Section 9 * * Add'l Lot Area Insufficient Article 69, Section 9 ** Floor Area Ratio Excessive Article 69, Section 9 ** * Usable Open Space Insufficient Article 69, Section 9 *** Front Yard Insufficient Article 69, Section 9 *** * Side Yard Insufficient Article 69, Section 8 ** Use Regulations Basement units are not allowed Article 69 Section 29 Off Street Parking & Loading Req Off street parking is insufficient
Purpose: Change occupancy from 2 family to 3 family. Interior renovations of existing basement & conversion into a 2 bedroom apartment with living, dining, kitchen, and bathroom 2 new remote egress doors provided and egress windows at each bedroom.

Discussion/Vote: The applicant failed to appear for the hearing. Upon a motion and a second, the Board voted unanimously to the deny without prejudice.

Case: BOA-1098890 Address: 35 Avalon Road Ward 20 Applicant: John Pulgini

Articles: Article 56, Section 8 Lot Area Insufficient 4710sqft < 6000sqft min. Article 56, Section 8 Lot Width Insufficient 50' < 60' min. Article 56, Section 8 Lot Frontage Insufficient 50' < 60'min Article 56, Section 8 Floor Area Ratio Excessive 0.5 > 0.4max Art. 56 Sec. 39 Off street parking requirements #4a (Location) Parking in front yard. Art. 10 Sec. 01 Limitation of parking areas Proposed easement for off street parking serving abutting lot located within 5ft of side lot line. See U491171381.

Purpose: Erect single family 2 story house with garage on vacant lot. Also see U491171381

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer the matter until the July 13, 2021 hearing at 12:30PM.

Case: BOA-174692 Address: 39 Avalon Road Ward 20 Applicant: John Pulgini

Articles: Art. 10 Sec. 01 Limitation of parking areas Parking proposed with less than 5ft from side lot line. Article 56. Section 8 Side Yard Insufficient 10ft wide driveway not provided within lot. Pending decision of proposed easement on ERT1085831.

Purpose: Laydown of driveway for the existing single family at 39 Avalon Road, which currently benefits from off street parking on the 35 Avalon Road parcel. Please see companion case ERT1085831.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer the matter until the July 13, 2021 hearing at 12:30PM.



City of Boston
Board of Appeal

Case: BOA-1065297 Address: 16 Dustin Street Ward: 22 Applicant: Alex Norman

Article: Article 51, Section 9 Floor Area Ratio Excessive

Purpose: Amendment to ALT399170. Built out basement according to submitted 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 convert a basement to a gym space.

Board members asked about whether the property is single family or two family, bedrooms in the basement, basement ceiling height, and a kitchen.

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

Documents/Exhibits: Building Plans, letters of support

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

OPEN MEETING LAW COMPLAINT: 1:00 PM

Case: BOA1133941 & BOA1133951 Address: 42 Irving Street

Purpose: Discussion of Open Meeting Law Complaint received April 13, 2021 alleging violation of the OML during the hearing of the above appeals at the April 6, 2021 hearing of the Board of Appeal.

Discussion: The Board requested that the Executive Secretary explain what administrative measures were in place to ensure those interested in offering testimony could offer testimony. The Executive Secretary explained that there is a WebEx session in the afternoon on the day before every scheduled hearing date for people to check whether their audio/visual equipment functions with the WebEx software. At the hearing, the Board also includes slides at the beginning of the hearing and after each break explaining how to indicate an interest in participation and verbally reviews those slides each time.

The Board then asked whether the complainant in this matter would have had the opportunity participate in the equipment check session. The Executive Secretary confirmed that the equipment check session was held on April 5, 2021. The Board then asked whether it had any written submissions from the complainant in the case file. The Executive Secretary confirmed that the Board had received a written submission prior from the complainant prior to the hearing that was part of the record at the hearing.

Vote: Board Member Ruggiero moved to allow the Executive Secretary of the Board to file a response to the complaint with the complainant and with the Attorney General's Office expressing the Board's position that it did not violate the Open Meeting Law in this matter. The motion was seconded, and the Board voted unanimously to allow the response.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
JOSEPH RUGGIERO
KOSTA LIGRIS
SHERRY DONG

SUBSTITUTE MEMBERS:

EDWARD DEVEAU

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 April 27, 2021 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.