



City of Boston
Board of Appeal

TUESDAY, MAY 4, 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 MAY 4, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS MAY 4, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MAY 4, 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/zbaMay4hearing> or by calling 1-617-315-0704 and entering access code 173 440 6714.

If you wish to offer testimony on an appeal, please click <http://bit.ly/zbaMay4comment> 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/zbaMay4comment>, 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-878714 Address: 72 Dresser Street Ward 6 Applicant: Daniel Toscano

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- 659702, Address: 86-88 North Street Ward 3 Applicant: Scott Kirkwood

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 from May 4, 2021.

Case: BOA-853552 Address: 146-146A Bunker Hill Street Ward 2 Applicant: George Morancy

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.

BUILDING CODE ONLY: 9:30 AM

Case: BOA#1164272 Address: 119 West Newton Ward 4 Applicant: Tom Corcoran

Purpose: Roof deck to be constructed at 119 W Newton. Price reflected on Permit ALT924525.

Amendment to Permit ALT924525. All required files for permitting on Permit Application ALT924525.

Violation: Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 All stairways used for roof access to an occupied roof shall be via a penthouse not a hatch.

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 Ruggiero moved for approval and Ligris seconded. The Board voted unanimously to approve.



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HEARINGS: 9:30 AM

Case: BOA-1172896 Address: 34 Cottage Street Ward 1 Applicant: James Rissling

Articles :Art. 27G E Boston IPOD applicability Art. 53 Sec. 08 Forbidden 4 family use Art. 53 Sec. 56 Off street parking insufficient 1.5 space required. Provided 0 Art. 53 Sec. 09 Floor Area Ratio Excessive Max. allowed: 1 Existing/Proposed: 2.6 Article 53, Section 9 Rear Yard Insufficient Min. required: 30' Proposed 4th floor new/done without permits rear deck Article 53, Section 9 Usable Open Space Insufficient Required: 4*300= 1,200 sqft Proposed:0 Article 53, Section 9 Bldg Height Excessive (Feet) Max. allowed: 35' Existing: 40.42' Proposed new/done without permit rear deck structure Article 53, Section 9 Bldg Height Excessive (Stories) Max. allowed: 3 Proposed: 4 (area of 4th floor is >50% of 3rd floor area) Article 53, Section 9 Lot Area Insufficient Total required: 2,000 sqft Proposed: 952 sqft Article 53, Section 9 Add'l Lot Area Insufficient Total required: 4,000 sqft Proposed: 952 sqft Art. 53 Sec. 52 Roof Structure Restrictions new/done without permit rear deck on roof level.

Purpose: Change of occupancy of the existing four unit building from a three family into a four family. There is no construction work anticipated.

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 three family to a four family dwelling.

Board members asked about unpermitted work, a basement unit, if the building was sprinklered, an in-law unit.

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 Robinson moved for approval with no building code relief and Ligris seconded. The Board voted unanimously to approve.

Case: BOA-1151448 Address: 153 Everett Street Ward 1 Applicant: Dennis Topakov

Articles: Article 53, Section 52 Roof Structure Restrictions Article 27T East Boston IPOD

Purpose: Install deck framing, install composite decking, install railings.

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 roof deck.

Board members asked about prior provisos, prior Board relief, and a roof hatch.

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, letter of support



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

Case: BOA-1173196 Address: 65 Falcon Street Ward 1 Applicant: 65 Falcon Prime, LLC

Articles: Art. 53 Sec. 08 Forbidden Multi family dwelling unit building: Forbidden Art. 53, Section 9 Floor Area Ratio: Excessive Art. 53, Section 9 Height (stories): Excessive Art. 53, Section 9 Height (ft): Excessive Art. 53, Section 9 Side yard: Insufficient Art. 53, Section 9 Rear yard: Insufficient Article 27T 5 East Boston IPOD Applicability Art. 53 Sec. 56 Off street parking insufficient

Purpose: Erect a four (4) unit residential dwelling 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 build a new four unit dwelling.

Board members asked about the record owner, the height of the building compared to the neighborhood, and a roof deck.

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

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

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

Case: BOA-1173987 Address: 42 Everett Street Ward 1 Applicant: Sunrise Bay, LLC

Articles: Article 27T East Boston IPOD Art. 53 Sec. 09 Insufficient open space Article 53 Section 8 Use Regulations Six units(MFR) – Forbidden Article 53 Section 9 Insufficient additional lot area/unit Article 53 Section 9 Excessive F.A.R. Article 53 Section 9 Excessive # of stories Article 53 Section 9 Rear yard insufficient Article 53 Section 9 Max allowed height exceeded (3.31.20 New plans provided show an increase of two feet height; changed to 38'-7"/37') Article 53, Section 52 Roof Structure Restrictions Article 53, Section 52 Off-Street Loading Reg's Insufficient parking

Purpose: Change occupancy to a seven (7 removed) 6 unit residential dwelling by erecting an addition and adding a unit to the basement. Work description updated 3.8.21

Discussion/Vote: Upon a request from the applicant, the Board voted unanimously to defer this matter to the June 29, 2021 hearing.



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Case: BOA- 1071314 Address: 273 Havre Street Ward 1 Applicant: John Fetterman

Articles: Art. 53 Sec. 56 Off-Street Parking Insufficient parking Art. 53 Sec. 56 Off-St. Parking Requirements (a) clear access and maneuvering areas on own lot Art. 53 Sec. 56 Off-St. Parking Requirements (d) Design size of spaces Article 27T-5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations Use – Forbidden Article 53 Section 9 Excessive F.A.R. Article 53 Section 9 # of stories exceeded Article 53 Section 9 Max allowed height – Exceeded Article 53 Section 9 Insufficient usable open space Article 53 Section 9 Insufficient side yard setback Article 53 Section 9 Insufficient additional lot area per unit

Purpose: Seeking to raze the existing structure Combine lots as shown on ALT1065133 and then erect a four family residential dwelling with associated parking. *Existing structure to be razed on a separate permit.

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 new four unit dwelling with parking.

Board members asked about an easement and parking.

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.

BTD recommended reducing parking spaces, BLMC noted that there was no Article 85 opposition, and BPDA recommended a denial without prejudice because of building height and to reduce spaces.

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

Votes: Board Member Ruggiero moved for denial without prejudice and Robinson seconded. The Board voted 6-0 to deny without prejudice with Ligris recused.

Case: BOA-1128243 Address: 14 Murray CT Ward 1 Applicant: Daniel Griffith

Articles: Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Article 53, Section 52 Roof Structure Restrictions

Purpose: Nominal fee letter. Spiral stairwell on balcony leading to roof deck, and construction of roof deck.

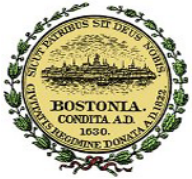
Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a roof deck with spiral staircase access.

Board members asked about plans, new construction, and the owner of a garage door.

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, letter of support

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



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Case: BOA-1163168 Address: 18R Union Park Ward 3 Applicant: Marc LaCasse

Articles: Art. 32 Sec. 04 GCOD Applicability Article 64 Section 9 Accessory Building - > 25% of rear yard open space Article 64, Section 36 Off-Street Parking & Loading Req Design/size Article 64, Section 37.4 Accessory Bldg in Rear Yards rear yard setback – 4’ min.

Purpose: Construct new two car garage at rear of existing single family home at 18 Union Park; Amendment to ALT1010357 issued on July 9, 2020. Entrance to garage from Public Alley 701 at rear of 18 Union Park.

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 new two car garage.

Board members asked about garage functions on site, alley setback, and construction materials.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilors Flynn, Flaherty and Essaibi-George are in support. BTM recommended adding a video and audio alarm.

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

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

Case: BOA-11425432 Address: 50 Von Hillern Street Ward 7 Applicant: George Morancy

Articles: Article 65, Section 15 Use: Forbidden Outdoor sale of used motor vehicles. Article 6, Section 3A Add'l Cond in Restricted Parking District

Purpose: Looking for permit to operate an office supporting outdoor sale of used car business. No work on site, will be contracted with a service company in another part of the city. Parking lot holds more than 30 cars but we would leave parking for office staff and visitors.

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 for an existing business to sell vehicles rather than operate a shuttle service.

Board members asked about screening and buffering, total cars, new signage, and an existing billboard.

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. BTM recommended that the applicant submit better plans prior to approval.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with relief for this applicant only, a two year sunset proviso, and for legalizing the billboard if required and Erlich seconded. The Board voted unanimously to approve.

Case: BOA- 1144288 Address: 150-152 State Street Ward 3 Applicant: LDJ Development, LLC



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Articles: Article 45 Section 14 Use Regulations Cannabis Establishment Use: Conditional Article 45 Section 14 Use Regulations Cannabis Establishment Location shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment.

Purpose: Change of occupancy to Cannabis Establishment. Modify existing layout and conditions of building interior.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to open a Cannabis Establishment.

Board members asked about security, retail design, hours of operation, amount of retail space, proximity to schools and parks, and hiring practices.

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 support

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

HEARINGS: 11:00 AM

Case: BOA-1176325 Address: 270-272 Paris Street Ward 1 Applicant: Thomas Falcucci

Articles: Article 53 Section 56 Off Street Parking & Loading Req Article 53, Section 9 Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Art. 27G E Boston IPOD

Purpose: Proposed 3 story addition above existing garage for 8 new residential units and a roof deck, as per plans. Permit set to be submitted upon zba approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add three stories above an existing garage for eight residential units.

Board members asked about stories and plans.

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

Documents/Exhibits: Building Plans, letter of support

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

Case: BOA-1133492 Address: 2 Putnam Street Ward 1 Applicant: David Choi



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Articles: Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations Multi Family Dwelling (4 units) Use: Forbidden Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off Street Parking & Loading Req Off street Parking Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 9, Section 2 Change in Non Conforming Use Article 10, Section 1 Limitation of Area Off street parking shall not be located less than 5' 0" from side lot line
Purpose: Change of occupancy from three family to four family dwelling. Construct new third story addition for fourth unit. Propose roof deck and rear deck. Propose (1) 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 change a three family to a four family with a new floor addition and a roof deck.

Board members asked about building code issues, prior Board relief, basement living space, unit size, parking, and roof deck access.

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, letter of opposition

Votes: Board Member Robinson moved for denial of the building code relief and Erlich seconded. The Board voted unanimously to deny the building code relief. Board Member Erlich moved for approval of the zoning code relief with BPDA design review for landscaping and Robinson seconded. The Board voted unanimously to approve the zoning code relief.

Case: BOA#1133544 Address: 2 Putnam Street Ward 1 Applicant: David Choi

Purpose: Change of occupancy from three family to four family dwelling. Construct new third story addition for fourth unit. Propose roof deck and rear deck. Propose (1) off street parking.

Violation: Violation Description Violation Comments 9th 780 CMR 705 Exterior Walls 705.8.1 Allowable area of openings. The maximum area of unprotected and protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in Table 705.8.

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 three family to a four family with a new floor addition and a roof deck.

Board members asked about building code issues, prior Board relief, basement living space, unit size, parking, and roof deck access.

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, letter of opposition



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Votes: Board Member Robinson moved for denial of the building code relief and Erlich seconded. The Board voted unanimously to deny the building code relief. Board Member Erlich moved for approval of the zoning code relief with BPDA design review for landscaping and Robinson seconded. The Board voted unanimously to approve the zoning code relief.

Case: BOA- 1161114 Address: 116 London Street Ward 1 Applicant: 116 London Street, LLC

Articles: Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations Use: Multi family Dwelling: Forbidden Article 53 Section 9 Lot Area for Additional Dwelling Units Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Building Height (# of Stories) Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient Art. 25 Sec. 5 Flood Hazard Districts Residential Construction in a Floodplain District

Purpose: Change Occupancy from a Two (2) Family Dwelling and Office to a Four Family Dwelling. Also, to erect a 4th story addition onto existing building and renovate. 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 change occupant to a four family by adding a fourth floor.

Board members asked about flood hazard utilities and street trees.

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

Documents/Exhibits: Building Plans, letter of support

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

Case: BOA-1164514 Address: 44 West Seventh Street Ward 6 Applicant: Boston Housing Authority

Article: Art. 08 Sec. 04Forbidden Use Storage building is a forbidden use in an H1 Subdistrict

Purpose: 6000 sq.ft. Pre Engineered single story storage building to be used by The Boston Housing Authority for BHA Central Stores Facility.

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 new storage building for the BHA.

Board members asked about what the project is replacing and any loss of parking.

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

Documents/Exhibits: Building Plans



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Votes: Board Member Robinson moved for approval and Erlich seconded. The Board voted 6-0 to approve with Secretary Fortune recused.

Case: BOA-1046789 Address: 9 Hewins Street Ward 14 Applicant: Eric Lindsey

Articles: Article 10, Section 1 Limitation of Area Off street parking shall not be located less than 5' 0" from side lot line Article 60, Section 40 Off Street Parking & Loading Req Location. Off street parking shall not be located in any part of a Front Yard Article 60, Section 8 Use Regulations Multi Family Dwelling Use : Forbidden Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Front Yard Insufficient

Purpose: Erect a new four (4) units residential dwelling as per plans. Proposed (4) 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 build a new four unit building with parking.

Board members asked about the unit breakdown, square footage, basement occupancy, and basement unit dimensions.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Campbell are in support. BTB recommended no front yard parking.

Documents/Exhibits: Building Plans

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

Case: BOA- 1160937 Address: 1 Westinghouse PZ Ward 18 Applicant: John Barry

Article: Article 69 Section 29 Off Street Parking & Loading Req Project has insufficient parking and loading

Purpose: Renovate Building F at site to include a recreational fitness facility. Bosse Sports facility will include indoor basketball courts, and tennis courts as per plans filed. NOMINAL FEE LETTER ATTACHED. Relief from ZBA needed for parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate a building for a new training facility for athletes.

Board members asked about training facility, current space, parking, and staffing.

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

Documents/Exhibits: Building Plans, four letters of support

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

Case: BOA- 1164916 Address: 8 Libbey Street Ward 20 Applicant: Dennis Sullivan



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Articles: Article 56, Section 8 Lot Area Insufficient Article 56, Section 8 Floor Area Ratio Excessive Article 56, Section 8 Lot Width Insufficient Article 56, Section 8 Lot Frontage Insufficient Article 56, Section 8 Side Yard Insufficient Art. 10 Sec. 01 Limitation of Area of Accessory Uses

Purpose: Erect a one family home on a vacant lot to include a driveway suitable for minimum off street parking requirements.

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 home on a vacant lot.

Board members asked about dimensions and plans.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors O'Malley and Essaibi-George, abutters, and neighbors are in support. Abutters also spoke in opposition.

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

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

Case: BOA-921789 Address: 175 Maple Street Ward 20 Applicant: John Pulgini

Articles: Art. 56, Section 8 Floor area ratio is excessive Art. 56, Section 8 Front yard setback is insufficient

Purpose: Renovate existing, single family dwelling as follows: perform exterior and interior renovations to the existing first story, including a covered front porch and uncovered side/rear porch per plans. Remove existing attic to replace with a second story of habitable living space and a new attic for storage. Remove all pre existing, non permitted work that resulted in habitable living space in basement.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to remove unpermitted work and add a new floor with an attic and convert an existing attic to living space.

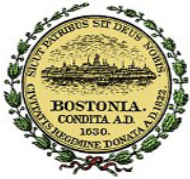
Board members asked about basement occupancy, existing foot print, zoning district, and the community process.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Wu and O'Malley, and abutters are opposed.

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

Votes: Board Member Ruggiero moved for approval with BPDA design review and no living space in the attick and Robinson seconded. The Board voted 6-1 to approve with Ligris opposed.

Case: BOA-1163050 Address: 372 North Beacon Street Ward 22 Applicant:Michelle Ciccuolo



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Articles: Article 51, Section 16 Use Regulations Parking lot use: Conditional Article 51, Section 57.3 Traffic Visibility Across Corner proposed 10' security fence Article 51, Section 53 Screening & Buffering Req Proposed fence abutting the street shall be no more than 4 feet.

Purpose: Change use of parking lot to vehicle impound lot (tow lot).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to move a tow lot to this existing parking lot.

Board members asked about zoning district, the lot owner, number of vehicles, screening and buffering, and an existing billboard.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Councilor Breadon is opposed. BTDA recommended increasing the size of the spaces. BPDA recommended approval with provisos. The BAIA did not oppose the project but expressed issues with fencing design.

Documents/Exhibits: Building Plans, four letters of opposition

Votes: Board Member Ruggiero moved for approval with BPDA design review for screening and buffering, BTDA review, and a two year sunset provision and Secretary Fortune seconded. The Board voted 5-2 to approve with Chair Araujo and Member Robinson opposed.

RE-DISCUSSIONS: 12:30 PM

Case: BOA- 1158608 Address: 254 Paris Street Ward 1 Applicant: SG Paris Development, LLC

Articles: Article 27T-5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations Multi-Family Dwelling: Forbidden Article 53, Section 56 Off-Street Parking & Loading Req Off-Street Parking Insufficient Article 53, Section 9 Lot Area Insufficient Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose: Seeking to raze the existing and erect a building with six residential units and five parking spaces. [ZBA ePlan]

Discussion/Vote: Upon a request from the applicant, the Board voted unanimously to defer this matter to the June 22, 2021 hearing at 12:30PM.



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Case: BOA-1102145 Address: 43 Union Park Ward 3 Applicant: Timothy Sheehan

Article: Art. 64 Sec. 34 Restricted Roof Structure Regs removing roof stairs, proposing hatch and roof deck (238 sqft)

Purpose: Gut renovation of an existing duplex condominium. A new private roof deck accessed via a stair and hatch, a new kitchen, new bedrooms and bathrooms. Two front existing dormers will be attached, existing rear dormer will be enlarged. ZBA and SELC approval req'd.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate an existing duplex and add a roof deck.

Board members asked about the necessary building code relief.

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

Votes: Board Member Robinson moved for approval of the building code relief and Erlich seconded. The Board voted unanimously to approve the building code relief. Board Member Erlich moved for approval of the zoning code relief and Robinson seconded. The Board voted unanimously to approve the zoning code relief.

Case: BOA#1102146 Address: 43 Union Park Ward 3 Applicant: Timothy Sheehan

Purpose: Gut renovation of an existing duplex condominium. A new private roof deck accessed via a stair and hatch, a new kitchen, new bedrooms and bathrooms. Two front existing dormers will be attached, existing rear dormer will be enlarged. ZBA and SELC approval req'd.

Violation: Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access shall be through a penthouse

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate an existing duplex and add a roof deck.

Board members asked about the necessary building code relief.

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

Votes: Board Member Robinson moved for approval of the building code relief and Erlich seconded. The Board voted unanimously to approve the building code relief. Board Member Erlich moved for approval of the zoning code relief and Robinson seconded. The Board voted unanimously to approve the zoning code relief.



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Case: BOA-1155320 Address: 760 East Broadway Ward 6 Applicant: Pulgini & Norton, LLP

Articles: Article 68, Section 7.2 Basement Units Forbidden Article 68, Section 8 Add'l Lot Area Insufficient lot already undersized adding a unit will add to the non conformance Article 68, Section 33 Off Street Parking & Loading Req Off street parking is insufficient. None provided

Purpose: Confirm occupancy as a 3 family. Renovate entire structure and convert to a 4 family residential building.

Discussion/Vote: The applicant withdrew their appeal. Upon a motion and a second, the Board voted to deny this matter without prejudice.

Case: BOA-1150584 Address: 267A-269 Dorchester Street Ward 7 Applicant: Patrick Mahoney, Esq

Articles: Article 13, Section 1 Lot Area Insufficient 806sqft < 5,000sqft min Article 13, Section 1 Add'l Lot Area Insufficient 806 sqft < 7,000 total sqft min Article 13, Section 1 Lot Width Insufficient 20ft < 50ft min Article 13, Section 1 Floor Area Ratio Excessive 3.3 > 1.0max Article 13, Section 1 Usable Open Space Insufficient 134 sqft < 1,200 sqft min Article 13, Section 1 Rear Yard Insufficient 5.1' < 20.7'min Art. 23 Section 1 Off Street Parking (Residential) Insufficient 0 provided < 3 req'd

Purpose: Erect a new three family townhouse style building, as per plans. permit set to be submitted upon ZBA approval.

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 new three family, town house style building.

Board members asked about unit sizes, zoning district, below grade windows, and the presence of three front doors.

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

Documents/Exhibits: Building Plans, letter of opposition

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

Case: BOA- 1051313 Address: 14 Meehan Street Ward 11 Applicant: Scott Dabney

Article: Art. 55, Section 19 Use: Forbidden Two family residential use is a forbidden use.

Purpose: Seeking to change the occupancy from One Family & Accessory Artist Studio and One Car Garage to an Office in first floor extended to portion of the basement space and two Residential Dwellings. Also, to renovate the building including a roof deck and to create four 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 change use from a garage to an office and from an art studio into a residential unit to make a two family residence and to build a roof deck.



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Board members asked about the size of the office, local industrial district, front yard parking, size of the sidewalk, and a BWSC easement.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Councilor O'Malley and the Stony Brook Neighborhood Association are opposed.

Documents/Exhibits: Building Plans, 8 letters of opposition

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

Case: BOA- 1156551 Address: 18-26 Bradshaw Street Ward 14 Applicant: Corey Anderson

Articles: Article 60, Section 8 Use Regulations Use: Multifamily Dwelling: Forbidden Article 60, Section 9 Lot Area for Additional Dwelling Units Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient

Purpose: Erect a 3 story, Five (5) Unit Townhouse Building with Parking below. Construction Permit Set to be submitted upon ZBA approval.

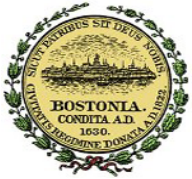
Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a new three story, five unit, building with parking below.

Board members asked about handicap accessibility.

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

Documents/Exhibits: Building Plans, 3 letters and 3 signatures in opposition

Votes: Board Member Erlich moved for denial and Secretary Fortune seconded. That motion failed to reach a quorum in support with Chair Araujo and Members Ruggiero and Ligris opposed. Board Member Ruggiero then moved for approval with BPDA design review and Ligris seconded. The Board voted 5-2 to approve with Erlich and Fortune opposed.



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Case: BOA-1087157 Address: 19-33 Ashland Street Ward 16 Applicant: 19 Ashland, LLC

Articles: Article 65, Section 41 Off Street Parking & Loading Req Maneuvering areas, Article 65, Section 8 Use Regulations Forbidden, Article 65, Section 9 Excessive F.A.R., Article 65, Section 9# of allowed stories exceeded, Article 65, Section 9 Insufficient front yard setback (Modal setback/street wall continuity), Article 65, Section 9 Insufficient rear yard setback

Purpose: Erect an 8 UNIT DWELLING new townhouse design, as per plans. Permit set to be submitted upon ZBA approval. Existing house to be razed under a separate permit. (EPLAN)

Discussion/Vote: The applicant requested a deferral because they were not ready to present their case. The BPDA recommended a new review by the BPDA. Secretary Fortune moved for denial without prejudice and Ligris seconded. The Board voted unanimously to deny without prejudice.

Case: BOA-1130362 Address: 59 Chellman Street Ward 20 Applicant: Pamela Bardhi

Articles: Article 56, Section 40.1 Conformity w Ex Bldg Alignment Chellman St.: Required (as per modal): 29' Proposed: 10' VFW Pkwy: Required (as per modal): 27' . Proposed: 34.2' Article 56, Section 8 Lot Width Insufficient Required on VFW Pkwy 60' Proposed: 55.11' Article 56, Section 8 Lot Frontage Insufficient Required on VFW Pkwy 60' Proposed: 55.11' Article 56, Section 8 Floor Area Ratio Excessive Max. allowed: 0.4 Proposed: 0.47 Article 56, Section 8 Rear Yard Insufficient Required: 30' Proposed: 9.9'

Purpose: Demolish existing single family home and garage damaged by severe fire in 2018. Building new construction single family home in it's place. The new project will keep existing garage location and existing curbcuts. [ePlan]

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to rebuild a single family home that burned down.

Board members asked about prior Board appearances, new plans, and a corner lot.

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

Documents/Exhibits: Building Plans, numerous letters of support, 8 letters of non-support

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



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Case: BOA- 1085225 Address: 3 Westford Street Ward 22 Applicant: Greg Hermetet

Articles: Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Extension of a nonconforming dwelling <25% Art. 51 Sec. 09 Insufficient rear yard setback Art. 51 Sec. 51 57 Appl.of Dimensional Req. Special provisions for corner lots 20'setback/modal alignment

Purpose: MODIFIED BOA PLAN set 3.4.21: Renovate existing 1 family dwelling and construct an attached two story addition to consist of a garage at ground level with an accessory office use on the second floor per updated 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 renovate a single family home to add a two story addition with a garage and office.

Board members asked about a prior deferral, no attached garage, and a bathroom above the garage.

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

Documents/Exhibits: Building Plans, 3 letters of support

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

Case: BOA- 907098 Address: 140-148 Bowdoin Street Ward 15 Applicant: 617 Therapeutic Health Care

Article: Article 64-14 Neighborhood Bus. Use Regs. Cannabis Establishment - Conditional

Purpose: Changing occupancy from Restaurant 37/36A, Sale & Service of Tires and 4 Retail Stores to Restaurant 37/36A, Retail Stores and Cannabis Dispensary.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to open a Cannabis Establishment

Board members asked about operational logistics, basement space, online orders, retail space, parking, schools, and playgrounds.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and a resident are in support. An abutter is opposed. Councilor Campbell expressed neutrality.

Documents/Exhibits: Building Plans, letter of opposition, BCB letter

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



City of Boston
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**STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775**

BOARD MEMBERS:

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SHERRY DONG**

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 May 4, 2021 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.