



City of Boston
Board of Appeal

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THURSDAY, July 20, 2023

BOARD OF APPEAL

1010 MASS. AVE, 5th FLOOR

ZONING ADVISORY SUBCOMMITTEE
HEARING AGENDA

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JULY 20, 2023 BEGINNING AT 5:00PM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JULY 20, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JULY 20, 2023 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/SubcommitteeZBA>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 832 9388 9736 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/July20Comment> 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 <https://bit.ly/July20Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the Zoom Webinar Event from 4:00PM to 5:00PM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or



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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 that should appear on the bottom of your screen, if connected by computer or device, or dial *9, if connected by phone. On a computer or device, you will receive a request to unmute yourself from the event host. You must select yes before you can speak. On a phone, you will hear a prompt that the event host is asking you to unmute yourself. You must press *6 to unmute yourself before you can speak. Commenters will be 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 4:00PM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

Interested persons who are unable to participate in the hearing remotely may make an appointment to offer testimony. 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.

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 ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE. 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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HEARINGS: 5:00 P.M

Case: BOA-1464901 Address: 44 Brooks Street Ward: 1 Applicant: Hector Martinez
Article(s): Art. 53 Sec. 08 Forbidden Take in in 3F 2000 is Forbidden
Purpose: Two (2) Residential Units and Grocery Store for Ice cream (incidental use) With Takeout

Case: BOA- 1416327 Address: 964 Saratoga Street Ward: 1 Applicant: MI Pueblito Orient Heights
Article(s): Art. 9 Sec. 1 Ncnfrm'g Use:Structl Change Art. 25 Sec. 5 Flood Hazard Districts
Article 27T Section 9 IPOD Enforcement
Purpose: Construct at the outdoor seating, a seasonal canopy over the existing outdoor patio, which is currently being utilized by the restaurant.

Case: BOA- 1480844 Address: 500 Boylston Street Ward: 4 Applicant: Oxford Properties Group
Article(s): Art. 08 Sec.07 Use: Conditional 36A Retail Catering for Starbucks Coffee Shop/Café Art. 08 Sec.07 Use: Conditional 37 Take out for Starbucks Coffee Shop/Cafe
Purpose: Former retail space "Talbots" to be converted to a new Starbucks Coffee café. We request a zoning use review with nominal fee as we are considered a takeout use 36A /37 and may need BOA.

Case: BOA- 1480839 Address: 2 Park Plaza Ward: 5 Applicant: Moskow Holdings LLC
Article(s): Art. 06 Sec. 04 Other Protectional Conditions Remove for this petitioner only
Purpose: Tenant fit up for a new Starbucks Coffee shop. The space is currently a Boloco restaurant. Remove the proviso of this petitioner only.

Case: BOA- 1447530 Address: 1250 Boylston Street Ward: 5 Applicant: Hashem Alatiyat
Article: Art. 06 Sec. 04 Other Protectional Conditions
Purpose: Food trailer

Case: BOA- 1467752 Address: 10 Saint Margaret Street Ward: 7 Applicant: Justin Byrnes
Article(s): Art. 07 Sec. 03 Conditions for Variance - Removal of previous BOA proviso order of record on parent permits conditions of variance approval; "No side yard variance granted" Art. 65 Sec. 9 Insufficient rear yard setback Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 Insufficient open space
Purpose: Project to construct a 2-story addition, including garage and bedroom, to an existing one family residence. The ALT associated with this amendment is ALT1174108. Additional two story addition on left side of dwelling.

Case: BOA- 1399573 Address: 16 Holborn Street Ward: 12 Applicant: Oswald Webbe
Article: Art. 50 Sec. 01 Floor Area Ratio excessive
Purpose: Extension of living space into the basement from unit 1. Repair concrete basement floor, frame walls according to plans, install plumbing for bathroom and laundry, new electrical work, frame and insulate walls, blue board walls and ceilings, install doors and trims, tile floors and paint all walls and trims.

Case: BOA- 1399546 Address: 45 Winthrop Street Ward: 12 Applicant: Steve Desmangles
Article(s): Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req
Purpose: Relocate existing curb cut.

Case: BOA- 1461000 Address: 86 Grampian Way Ward: 13 Applicant: Maureen Marotta
Article(s): Article 65, Section 9 FAR insufficient Article 65, Section 9 Side Yard Insufficient Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - Extension of Non conforming use.
Purpose: 3rd floor rear addition extending the existing bedroom and adding a bathroom and rear balcony.



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Case: BOA- 1019280 Address: 10-12 Bentham Road Ward: 15 Applicant: Arlene Cruthird

Article(s): Article 65, Section 42 Application of Dimensional Req 65.42.7 driveway providing access to off street parking shall be not less than 10 feet Art. 10 Sec. 01 Limitation of off street parking areas

Purpose: Off street parking for two residential vehicles.

Case: BOA-1436951 Address: 10-10A Walk Hill Street Ward: 19 Applicant: Emiliano Amoroso

Article: Art. 06 Sec. 04 Other Protectional Conditions - Remove proviso for a "petitioner only"

Purpose: Remove proviso of this applicant only

Case: BOA-1472867 Address: 210 Roslindale Avenue Ward: 20 Applicant: William Seweryn

Article(s): Article 67, Section 9 Bldg Height Excessive (Stories) Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Side Yard Insufficient Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.

Purpose: New single story addition to rear of structure to serve as a family room. New back porch to accommodate addition. New dormers on 3rd floor to allow for unfinished attic to become master bedroom with full bath.

Case: BOA-1471763 Address: 247 Willow Street Ward: 20 Applicant: James Feeney

Article(s): Article 56, Section 8 Rear Yard Insufficient Article 56. Section 8 Side Yard Insufficient

Purpose: Amending ALT1165872 scope of work. Removal of Attic scope; shed dormers and third floor living area removed from original plans. New scope involves rear addition now extending 2 stories; instead of 1 story. Reconfiguration of interior spaces included.

Case: BOA- 1440414 Address: 89 Willowdean Avenue Ward: 20 Applicant: Matthew Palmer

Article: Article 56. Section 8 Side Yard Insufficient

Purpose: Construct 15x23 Addition and expand enclosed porch 8x14'2"

Case: BOA- 1431753 Address: 12 Amherst Street Ward: 20 Applicant: Anthony Ross

Article(s): Article 67, Section 8 Use Regulations Ancillary commercial parking for bank on adjacent lot Forbidden Article 67, Section 9 Dimensional Regulations Parking in minimal front yard setback on a lot is not allowed

Purpose: Raze existing 2 family dwelling on a separate permit, grading and paving of lot for use as ancillary parking (11 parking spaces) for employee parking for adjacent bank.

Case: BOA- 1433343 Address: 141 Colberg Avenue Ward: 20 Applicant: Eric Zachrison

Article(s): Article 67, Section 9 Rear Yard Insufficient Art. 29, Section 4 Greenbelt Protection Overlay District

Purpose: Addition to an existing single-family home.

RE-DISCUSSION: 5:00 P.M

Case: BOA-1412546 Address: 36 G Street Ward: 6 Applicant: James Christopher

Articles (s): Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of existing structures roof profile Art 68 Sec 8 Dim reg app in res sub dist - Extensions into rear >1,000GSF Conditional Art 68 Sec 8 Dim reg app in res sub dist - Extension of dimensional in an undersized lot 25% Insufficient lot size

Purpose: Confirm Occupancy as a One family dwelling and erect a rear addition as per the attached plans with no change to occupancy.

Reason for Prior Deferral: This was deferred due to the applicant changing the plans and having to refile with ISD.

Case: BOA-1450701 Address: 33-35 Shaw Street Ward: 20 Applicant: Ruben Rodriguez

Articles (s): Art. 56, Section 8 Excessive f.a.r. Article 56, Section 8 # of occupied stories has been exceeded Art. 09 Sec. 01 ,Extension of Non Conforming Use - Two family in a one family subdistrict <25% Conditional

Purpose : Confirm occupancy as 2 family and then perform extension of living space into attic from unit 2.

Reason for Prior Deferral: A deferral was requested to allow time to add more necessary details to the plans.



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BOARD MEMBERS:

SHERRY DONG-CHAIR
NORM STEMBRIDGE-SECRETARY
HANSY BETTER BARRAZA

SUBSTITUTE MEMBER:

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