



City of Boston  
Board of Appeal

Tuesday, December 10, 2024

BOARD OF APPEALS

City Hall Room 801

## **HEARING MINUTES**

Board Chair Dong 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 Norm Stembridge:

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON DECEMBER 10, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS DECEMBER 10, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

**PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:**

**THE DECEMBER 10, 2024 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/ZBAHearings2024>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 819 2218 4516 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/December10Comment> 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.



City of Boston  
Board of Appeal

**For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/December10Comment>-635-4775, or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).**

**The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or**

**concerns can also be emailed to the ZBA Ambassador at [zba.ambassador@boston.gov](mailto: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 8:30AM 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 offer testimony. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing [isdboardofappeal@boston.gov](mailto: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](mailto:ZBAPublicInput@boston.gov) IN LIEU OF OFFERING TESTIMONY**



City of Boston  
Board of Appeal

**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.**

**APPROVAL OF HEARING MINUTES: 9:30 AM**

November 7, 2024 & November 19, 2024

**EXTENSIONS: 9:30 AM**

**Case: BOA-121309 Address: 1480 Blue Hill Avenue Ward: 18 Applicant: Yancarlo Fernandez**

**Discussion/Vote: The Board moved to unanimously approve the extension request to December 28, 2025**

**Case: BOA-1185582 Address: 12 George Street Ward: 18 Applicant: Don Tyler**

**Discussion/Vote: The Board moved to unanimously approve the extension request to March 12, 2026**

**Case: BOA-1349025 Address: 1153-1155 Washington Street Ward: 17 Applicant: George Morancy, ESQ**

**Discussion/Vote: The Board moved to unanimously approve the extension request to November 18, 2025.**

**RECOMMENDATIONS: 9:30 AM**

**Case: BOA-1629666 Address: 20 Flavia Street Ward: 16 Applicant: Michael Kerin**

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

**Purpose: Two story addition off back of house.**

**Discussion:** At the request of the Board, the applicant presented plans to erect a second story addition off the back of the home.

**Votes:** Board member Barraza motioned to approve, Valencia seconded, and the motion carried unanimously.

**Case: BOA-1577332 Address: 15 Packard Avenue Ward: 17 Applicant: Tony Tran**

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

**Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Floor Area Ratio Excessive**

**Purpose:** Addition third floor per plan. Please see the plan attachment

**Discussion:** At the request of the Board, the applicant presented plans to add a third floor to the dwelling.

**Votes:** Board member Barraza motioned to approve, Valencia seconded, and the motion carried unanimously.

**Case: BOA- 1626437 Address: 58 Cedrus Avenue Ward: 18 Applicant: James Declesiaste**

**Article(s): Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Add'l Lot Area Insufficient**

**Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Usable Open Space Insufficient**

**Article 67, Section 9 Side Yard Insufficient**



City of Boston

Board of Appeal

**Purpose:** Change occupancy from single family into a 2 family residential. Extend living space into the basement from unit 1. \*One family #3491/1928

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a single family to a two family as well as to extend living space into the basement for unit #1.

**Votes:** Board member Barraza motioned to approve, Valencia seconded, and the motion carried unanimously.

**Case: BOA- 1613879 Address: 43-45 Wood Avenue Ward: 18 Applicant: Aisha Celester**

**Article(s):** Art. 09 Sec 01 Extension of Non-Conforming Use Art 69 Sec 09 Insufficient open new driveway proposed

**Purpose:** Proposed driveway with two parking spots is being requested on the right side of 43 45 Wood Avenue per plan submitted dated 6/29/23

**Discussion:** The applicant requested a deferral until January 23, 2025.

**Votes:** Board member Barraza motioned to approve, Valencia seconded, and the motion to defer until January 23, 2025 carried unanimously.

## **HEARINGS: 9:30AM**

**Case: BOA-1571240 Address: 13 CleveMont Avenue Ward 22 Applicant: Josh Fetterman**

**Article(s):** Art. 51 Sec. 08 Use Regulations MFR- Use forbidden (4 units) Art. 51 Sec. 09 Insufficient lot size Art. 51 Sec. 09 Insufficient additional lot area per unit Art. 51 Sec. 09 Insufficient open space per unit Art. 51 Sec. 09 Art. 51 Sec. 09 Max allowed height exceeded Art. 51 Sec. 09 Excessive fa.r. Art. 51 Sec. 09 Insufficient side yard setback Art. 51 Sec. 09 Insufficient rear yard setback Art. 51 Sec. 09 Insufficient lot width Art. 51 Sec. 09 Insufficient lot width frontage Art. 51 Sec. 09 Insufficient front yard setback Article 51, Section 56 Off-Street Parking Insufficient

**Purpose:** Purpose Change occupancy from Fraternal Club & Temple to 4 family. Construct upper and rear addition. Requires ZBA relief, nominal fee.\*ASSIGNED TO FD 12.28.23 \*\* 7.9.24 ZBA requested review for updated Project/Plan review on behalf of the BOA: Four story reduced to 3 story with enlarged dormer, to include a new basement unit (4 units total to remain).

**Discussion:** At the request of the Board, the applicant presented plans to change the legal occupancy from a fraternal club and temple into a four family dwelling with the construction of an upper and rear addition. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Valencia moved to approve. Whewell seconded and the motion carried unanimously.

**Case: BOA- 1666624 Address: 112 Queensberry Street Ward 21 Applicant: Fenway Community Development Corporation**

**Article(s):** Article 32, Section 4. GCOD, Applicability Article 29 Section 4 GPOD Applicability Art. 66, Section 8 Use: Forbidden Basement unit Forbidden Article 66, Section 9 Floor Area Ratio Excessive Article 66, Section 9 Usable Open Space Insufficient Article 66, Section 9 Rear Yard Insufficient Art. 66 Sec. 43 Application of dimensional requirements 66 43.2 Conformity of Existing Building Alignment Article 66 Section 42 Off Street Parking & Loading Req Parking Article 66 Section 42 Off Street Parking & Loading Req Loading

**Purpose:** Erect a 6 story, multi family dwelling, with basement level, containing 24 units of affordable housing. Building features bike storage. Demolition of a 1 story abandoned commercial building to be filed under separate permit.



City of Boston

Board of Appeal

**Discussion:** At the request of the Board, the applicant presented plans to erect a 6 story 24 unit dwelling building. Board members asked about the plans and affordability.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Durkan, and a Fenway resident is in support.

**Votes:** Board member Whewell moved to approve. Board Member Pinado's computer froze and was not able to vote. Valencia seconded and the motion carried.

**Case: BOA-1653396 Address: 302 Summit Avenue Ward 21 Applicant: 302 Summit LLC**

**Article(s):** Article 51, Section 8 Use: Forbidden The applicant will need to seek relief for the change in use from a Three family to a Four family. The Four family is forbidden. Article 51, Section 9 Add'l Lot Area Insufficient The applicant will need to seek relief for the insufficient lot area per dwelling unit. Article 51, Section 9 Floor Area Ratio Excessive The applicant will need to seek relief for an excessive Floor Area Ratio (F.A.R.) of 1.39. Zoning requires .08. Article 51, Section 9 Bldg Height Excessive (Stories) The applicant will need to seek relief for excessive story height of 4 (four) stories. Zoning requires 3 (three ) stories as the maximum. Article 51, Section 9 Bldg Height Excessive (Feet) The applicant will need to seek relief for the building height of 42' 3". Zoning requires the maximum height not to exceed 35' (feet). Article 51, Section 56 Off Street Parking Insufficient The applicant will need to seek relief insufficient parking spaces. Zoning requires a minimum of seven parking spaces for 4 (four) units.

**Purpose:** Add a fourth dwelling unit by renovating the unfinished attic of the existing detached 3 1/2 story 3 family dwelling. scope includes adding shed dormers on both sides of the existing roof. There is no proposed change to the building footprint. The building will be sprinklered per NFPA 13R.

**Discussion:** The applicant requested a deferral.

**Votes:** Board member Barraza moved to defer until January 28, 2025, Valencia seconded, and the motion carried unanimously.

**Case: BOA-1653330 Address: 105 Green Street Ward 19 Applicant: Rebecca Robertson**

**Article(s):** Art.55 Sec.41 Traffic Visibility Across Corner Art. 55 Sec. 09 Front Yard Insufficient  
Art. 55 Sec. 09 Floor Area Ratio Excessive

**Purpose:** Enclosed existing porch with new front steps.

**Discussion:** At the request of the Board, the applicant presented plans to enclose the porch with new front stairs. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Collins moved to approve. Valencia seconded and the motion carried unanimously.

**Case: BOA- 1636283 Address: 9 Hillcroft Road Ward 19 Applicant: Lorraine Bophelo Mayo**

**Article(s):** Article 55, Section 9 Bldg Height Excessive (Stories) Article 55, Section 9 Floor Area Ratio Excessive

**Purpose:** Convert attic into living space with full bathroom and dormer

**Discussion:** The Applicant requested to defer.

**Votes:** Board member Barraza moved to defer until February 4, 2025, Valencia seconded, and the motion carried unanimously.



City of Boston

Board of Appeal

**Case: BOA-1645617 Address: 1182-1196 Hyde Park Avenue Ward 18 Applicant: Little Haiti International Cuisine**

**Article(s):** Art. 09 Sec. 02 Nonconforming Use Change Conditional

Art. 69 Sec. 11 Conditional Restaurant with take-out with live entertainment after 1030 pm- conditional

Article 69 Section 29 Off-Street Parking & Loading Req Insufficient parking

**Purpose:** Change my occupancy to include live entertainment

**Discussion:** At the request of the Board, the applicant presented plans to add a live entertainment license.

Board members asked about the plans, trash, and rodent issues.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Collins moved to approve. Valencia seconded and the motion carried unanimously.

**Case: BOA-1669715 Address: 155 Humboldt Avenue Ward 12 Applicant: Nuestra Comunidad Development**

**Article(s):** Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Floor Area Ratio Excessive

**Purpose:** Subdividing and reconfiguring the lot at 155 Humboldt Ave, due to the proposed project located at 157 Humboldt Ave and 64 Waumbeck Street; see ERT1527624. Lot at 155 Humboldt to give area to parcels 1203219000 & 120322100, new area to be 7,405 sqft. Lot at 157 Humboldt to be 15,457 after combination of parcels 1203219000 & 1203221000.

**Discussion:** At the request of the Board, the applicant presented plans to subdivide and reconfigure the lot due to the proposed project located at 157 Humboldt Ave and 64 Waumbeck Street. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to approve, Valencia seconded, and the motion carried unanimously.

**Case: BOA- 1669711 Address: 157 Humboldt Avenue Ward 12 Applicant: Nuestra Comundad Development**

**Article(s):** Art. 50, Section 28 Use: Forbidden Multi Family Dwelling Forbidden Art. 50, Section 28 Use: Conditional Community Room – Conditional Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Bldg Height Excessive (Stories)

Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient

Art. 50, Section 43 Off Street Parking Insufficient Art. 50, Section 43 Off Street Loading Insufficient

**Purpose:** The Nehemiah Development Project will be a newly constructed, 4 story, L shaped building providing 26 affordable housing and Community Room/Center. Building to have family rental units comprised of 8 one bedroom, 14 two bedroom, 4 three bedroom units, an elevator, laundry room, bike storage, solar panels (LEED Gold), green space, & parking. See ALT1627973 & ALT1667657 for subdivisions.

**Discussion:** At the request of the Board, the applicant presented plans to construct a four story building with 26 affordable housing units. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to approve, Valencia seconded, and the motion carried unanimously. **Case: BOA-1667294 Address: 31 Gay Head Street Ward 10 Applicant: Cesar DaSilva**



## City of Boston

### Board of Appeal

**Article(s):** Art. 55, Section 8 Use: Forbidden MFR Forbidden Art. 55 Sec. 55 40 Off street parking insufficient  
Article 55, Section 9 Lot Area Insufficient Article 55, Section 9 Floor Area Ratio Excessive

Article 55, Section 9 Usable Open Space Insufficient Art. 55, Section 8 Use: Forbidden Basement unit Forbidden

**Purpose:** Change occupancy from three-family to four-family. Build a new kitchen on the ground floor, new sprinkler, and fire alarm systems. [ePlan]

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a three family to a four family dwelling. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to approve, Valencia seconded, and the motion carried unanimously.

**Case: BOA- 1537047 Address: 85 Mount Pleasant Avenue Ward 8 Applicant: Xuesong Gu**

**Article(s):** Art. 50, Section 32 Use: Forbidden

**Purpose:** Seeking to renovate the existing structure including erecting a rear addition. Also, to change the occupancy from a single-family dwelling to a multi-family building with five units and five parking spaces. Nominal Fee

**Discussion:** At the request of the Board, the applicant presented plans to renovate and add an addition and change the occupancy from a single family to a 5 unit dwelling with 5 off street parking spaces. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Two abutters are in opposition. The local Councilor requested a deferral.

**Votes:** Board member Whewell moved to approve, and Board Member Pinado seconded. Board Member Langham and Board Secretary Stenbridge voted in opposition. The motion carried.

**Case: BOA- 1632757 Address: 509-509A East Eighth Street Ward 7 Applicant: Nicole Lopreato**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions Article 68, Section 8 Side Yard Insufficient

**Purpose:** Nominal fee requested. Add roof deck and stairs.

**Discussion:** At the request of the Board, the applicant presented plans to add a roof deck and stairs. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to approve, Valencia seconded, and the motion carried unanimously.

**Case: BOA-1600486 Address: 7 Beaver Place Ward 5 Applicant: Stephen Payne**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability Art. 13 Sec. 13 1 Rear yard setback

**Purpose:** Reconstruction of 7 beaver previous ALT937727 time expanse ran out before updating more info request. will not be installing car Lift\*CLARIFICATION: Previous BOA variances granted were not complied with prior to 5/2023 were deemed null and void. Applicant is now looking to respectfully reconstruct building in accordance with new plan submittals and to reduce off street parking by eliminating the car lift.

**Discussion:** At the request of the Board, the applicant presented plans to reconstruct the building and to reduce off-street parking by eliminating the car lift. Board members asked about the plans.



City of Boston

Board of Appeal

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to approve the proviso that the project undergo review by the Boston Landmarks Commission, Valencia seconded, and the motion carried unanimously.

**Case: BOA- 1623668 Address: 39 Charles Street Ward 5 Applicant: Jason Indelicato**

**Article(s):** Art. 08 Sec. 04 Forbidden Use Use item 37 is forbidden in H districts. Art. 23 Sec. 01 Off street parking requirements Art. 08 Sec. 04 Forbidden Use Use item 36A is forbidden in H districts.

**Purpose:** Change occupancy from Coin Operated Laundry and 5 Residential Units to Restaurant with 5 Residential Units. Work to include tenant fit out for restaurant as per plans attached. Restaurant to include takeout.

**Discussion:** At the request of the Board, the applicant presented plans to change the use from a laundromat and 5 residential units to a restaurant with takeout and five residential units. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Durkan and the Beacon Hill Association is in support.

**Votes:** Board member Valencia moved to approve, Board member Whewell seconded, and the motion carried unanimously.

**Case: BOA- 1671553 Address: 31 Massachusetts Avenue Ward 5 Applicant: Elite Ink Tattoo Co.**

**Article(s):** Art. 08 Sec. 03 Conditional Uses Body Art establishment

**Purpose:** Change of occupancy to include a Body Art Establishment.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy to include a body art establishment. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. The condo HOA, and the Back Bay association is in support.

**Votes:** Board member Collins moved to support. Whewell seconded and the motion carried unanimously.

**Case: BOA-1660634 Address: 372 Marlborough Street Ward 5 Applicant: George Haroutiouian**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability Art. 13 Sec. 13 1 Insufficient rear yard setback. Public alley in rear is less than 20' .Article 19, Section 4 Side Yards in H Districts Insufficient side yard setback Article 20 Section 4 Rear Yards in H Districts Insufficient rear yard setback

**Purpose:** Complete renovation of existing building. Covert from (14) units to (4) units. Addition of proposed garage extension. Installation of new electrical, plumbing, HVAC, Fire Alarm, sprinkler system throughout building. Addition of deck at Level 3 rear, Level 1 and at roof.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from 14 to 4 units with a garage addition and extension with an additional deck.

Board members asked about the plans and fire escapes.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.



City of Boston  
Board of Appeal

**Votes:** Board member Collins moved to approve with the provisos that the project undergo Boston Landmarks Commission review, and Boston Water and Sewer Review. Langham seconded and the motion carried unanimously.

**Case: BOA-1639584 Address: 149-151 Pearl Street Ward 3 Applicant: Siam Bistro Thai Cuisine**  
**Article(s):** Art. 08 Sec. 03 Conditional Use Remove provisional and grant this petitioner only  
**Purpose:** Remove provisional and grant this petitioner only (Adisorn Wiwatyukhan).

**Discussion:** At the request of the Board, the applicant presented plans to remove the current proviso limiting it to this petitioner only. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Coletta and the local neighborhood association are in support.

**Votes:** Board member Whewell moved to approve. Pinado seconded and the motion carried unanimously.

**Case: BOA- 1611821 Address: 2 Brooks Street Ward 1 Applicant: Agui Desouza**  
**Article(s):** 9th780 CMR R311 Means of Egress R311.1 MEANS OF EGRESS "The primary means of egress shall not require travel through a garage, but the secondary means of egress may."  
**Purpose:** Adding new automatic garage door \*one family #3660/2005

**Discussion:** The applicant requested a deferral.

**Votes:** Board member Collins moved to defer until February 4, 2025, Valencia seconded, and the motion carried unanimously.

**RE-DISCUSSIONS: 11:30 AM**

**Case: BOA- 1663235 Address: 3-17 Lothrop Street Ward 22 Applicant: Fraser Allan**  
**Article(s):** Art. 51 Sec. 08 MFR USE of 8 units is forbidden in the subdistrict Art. 51 Sec. 09 Insufficient additional lot area per dwelling unit Art. 51 Sec. 09 Excessive f.a.r. Art. 51 Sec. 09 Insufficient open space per dwelling unit Art. 51 Sec. 09 Insufficient side yard setback Art. 51 Sec. 09 Insufficient rear yard setback Art. 51 Sec. 09 Insufficient lot frontage width for proposed townhouse style design Article 51, Section 56 Off Street Parking & Loading Req Insufficient parking Art. 51 Sec. 09 Insufficient front yard setback  
**Purpose:** To erect eight three story townhouses with an interior one car garage  
**CLARIFICATION:** To erect an eight unit three story townhouse style building with an interior one car garage below each unit on the newly created 12,273sf lot filed under the companion subdivision applications to combine lots into one (i.e. ALT1629894 and ALT1633082). Existing structures on lots are to be filed, reviewed and approved to be razed on separately secured demolition permits.

**Discussion:** At the request of the Board, the applicant presented plans to erect an eight unit three story townhouse style building with an interior one car garage below each unit on the newly created lot. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to approve with the proviso that the project undergo BPD review with attention to curb cuts and pedestrian access. Valencia seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

**Case: BOA- 1538686 Address: 86 Astoria Street Ward 18 Applicant: Natalyn Francis**

**Article(s):** Article 60, Section 8 Use: Forbidden - Basement Unit Forbidden Article 60, Section 9.3 Dim Regs: Location of Main Entrance - Basement unit Article 60, Section 9 Rear Yard Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient

**Purpose:** Correct Violations V582833 and V582855. Renovate and reconfigure existing 3 family with addition & extension of living space to attic & basement. Scope includes relocating 3rd unit (previously at second story) to the basement; extending living space. Renovate basement into habitable space as the 3rd unit & renovate attic. Also, enclose rear porches and provide a 2 story addition to the rear, per attached plans. FA/FP included.

**Discussion:** The applicant requested a deferral.

**Votes:** Board member Barraza moved to defer until March 11, 2025, Valencia seconded, and the motion carried unanimously.

**Case: BOA-#1538740 Address: 86 Astoria Street Ward 18 Applicant: Natalyn Francis**

**Violations** V582833 and V582855. Renovate and reconfigure existing 3 family with addition & extension of living space to attic & basement. Scope includes relocating 3rd unit (previously at second story) to the basement; extending living space. Renovate basement into habitable space as the 3rd unit & renovates attic. Also, enclose rear porches and provide a 2 story addition to the rear, per attached plans. FA/FP included Violation Violation Description Violation Comments 9th 780 CMR 1007 Exit and Exit Access Doorway Configuration 1007.1.1 Two exits or exit access doorways. Where two exits, exit access doorways, exit access stairways or ramps, or any combination thereof, are required from any portion of the exit access, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. Interlocking or scissor stairways shall be counted as one exit stairway. [Basement unit with less than half the required exit separation; only a NFPA 13D sprinkler system provided] 9th 780 CMR 1028 Exit Discharge 1028.5 Access to a public way. The exit discharge shall provide a direct and unobstructed access to a public way. [Main entry encroaching onto driveway, not providing a dedicated 36" wide obstructed path to the public way.]

**Discussion:** The applicant requested a deferral.

**Votes:** Board member Barraza moved to defer until March 11, 2025, Valencia seconded, and the motion carried unanimously.

**Case: BOA- 1597917 Address: 5-11 Ashmont Park Ward 16 Applicant: Anthony Monahan**

**Article(s):** Art. 65 Sec. 08 Forbidden MFR- Forbidden Art. 65 Sec. 41 Off street parking requirements Insufficient parking- 6 spaces required Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient additional lot area per unit Art. 65 Sec. 9 Residential Dimensional Reg.s Excessive f.a.r. Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient front yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient side yard setback

**Purpose:** Purpose: Erect new 5-unit residential building with two private roof decks and 5 covered parking spaces on vacant lot per plans submitted

**Discussion:** At the request of the Board, the applicant presented plans to erect a five unit dwelling with two private roof decks and five covered parking spaces. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to approve with the proviso that the project undergo BPD review. Valencia seconded and the motion carried unanimously.



City of Boston

Board of Appeal

**Case: BOA- 1635245 Address: 64 Harvest Street Ward 7 Applicant: Theodore Hannibal**

**Article(s)** Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Side Yard Insufficient

**Purpose :** Build a roof deck for the exclusive use of Unit #3.

**Discussion:** At the request of the Board, the applicant presented plans to build a rood deck for the exclusive use of unit #3. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to approve, Valencia seconded, and the motion carried unanimously.

**Case: BOA-1634764 Address: 80 G Street Ward 7 Applicant: Matt Ramey**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions Reconfiguration of existing roof profile

Article 68, Section 8 Max allowed height in district exceeded Art 68 Sec 8 app in res sub dist Additional lot area per unit is insufficient Art. 68 Sec.08 Insufficient open space per dwelling unit Art 68 Sec 8 app in res sub dist Insufficient front yard setback Art 68 Sec 8 app in res sub dist Insufficient side yard setback Art 68 Sec 8 app in res sub dist Insufficient rear yard setback Article 68, Section 33 Off Street Parking & Loading Req Off street parking design/maneuvering areas Art 68 Sec 29 Roof Structure Restrictions Max allowed height on parcel exceeded Art 68 Sec 8 app in res sub dist Max allowed building extension of SF into rear yard is >1000gsf

**Purpose:** Build 3 story addition to existing 3 family to convert to 6 family. Demolish existing 3 car garage.

**Discussion:** The applicant requested a deferral.

**Votes:** Board member Barraza moved to defer until January 28, 2025. Valencia seconded, and the motion carried unanimously.

**Case: BOA- 1658107 Address: 21 Wellington Street Ward 4 Applicant: Fraser Allan**

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

**Purpose:** Interior Renovation and one story rear addition of this Two Family home. Add two parking spaces and roof deck.

**Discussion:** At the request of the Board, the applicant presented plans to add a one story addition to a two family dwelling. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to approve, Valencia seconded, and the motion carried unanimously.

### **INTERPRETATION: 12:00 NOON**

**Case: BOA- 1669915 Address: 36 Orient Avenue Ward 1 Applicant: Michael Ferrara**

**Article(s):** Article 53, Section 9 Bldg Height Excessive (Stories) Allowed EBR 2.5 Excessive 50% the area of the floor next below. ART. 2 "story, half"

**Purpose:** The petitioner seeks a determination that the Inspectional Services Department erred in issuing a refusal letter citing Article 53 Section 9-Building Height Excessive (Stories).



City of Boston  
Board of Appeal

**Discussion:** The Applicant sought a determination that ISD erred in issuing a refusal letter citing Article 53, Section 9. Board members asked why the project was cited for excessive height.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to determine that ISD erred in issuing a refusal letter citing Article 53, Section 9. Valencia seconded and the motion carried unanimously.

### **RECONSIDERATION: 12:00 NOON**

**Case: BOA-1667121 Address: 106 Webster Street Ward 1 Applicant: James Christopher Article(s):** Art 68 Sec 29 Roof Structure Restrictions Enlarged rooftop coverages from what previously reviewed at appeals hearing, approved by the BPDA and ISD dept which are in conflict with the terms of the ERT permit issued Art. 07 Sec. 4 Other Protectional Conditions Failure to comply with BOA proviso order to construct project in accordance with previous BPDA DESIGN REVIEWED approved plans: (i.e. Private roof deck conversion to a Common roof deck, Enlarged roof structures (Newly proposed Bathroom and wet bars on rooftop extensions) \*Building code review has been deferred at this time. Art. 53 Sec. 09 Dimensional Regulations Additional F.A.R. Art. 53 Sec. 09 Dimensional Regulations BPDA approved plans show 40'; New height shown on rudimentary ASBUILT plans, shows roof decks and increase of roof structure sizes. New height disclosed- 51'-3"

**Purpose:** The applicant seeks to amend the plan as issued under building permit ERT593075 as per the attached plan.

**Discussion:** The Applicant requested that the Board reconsider its previous decision, denying BOA-1667121 of its variances.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board member Barraza moved to reconsider this project and Valencia seconded. The motion carried unanimously.

STEPHANIE HAYNES  
BOARD OF APPEAL  
617-635-4775

**BOARD MEMBERS:**  
SHERRY DONG-CHAIR  
NORMAN STEMBRIDGE-SECRETARY  
GIOVANNY VALENCIA  
KATIE WHEWELL

#### **SUBSTITUTE MEMBERS:**

JEANNE PINADO  
DAVID COLLINS



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**For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to**  
[https://www.municode.com/library/ma/boston/codes/redevelopment\\_authority](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)