



Tuesday, February 25, 2025

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
FEBRUARY 25, 2025 BEGINNING AT 9:30 AM AND RELATED
ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS FEBRUARY 25, 2025 HEARING
AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE
ENABLING ACT.**

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

**THE FEBRUARY 25, 2025 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/ZBATuesHearings2025>. You may also participate by phone by calling into the Zoom Webinar at (301) 715 8592 and entering the Webinar ID: 857 3265 6216 followed by # when prompted.



If you wish to offer testimony on an appeal, please click <https://bit.ly/February25ZBAComments> 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/February25ZBAComments> 617-635-4775, or emailing 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.

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 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

APPROVAL OF THE HEARING MINUTES: 9:30AM

December 3, 2024, December 5, 2024 & December 10, 2024

EXTENSIONS: 9:30AM

Case: BOA- 940063 Address: 3 Aspinwall Road Ward 17 Applicant: Michael P. Ross, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to February 28, 2026.

Case: BOA-1258631 Address: 1027-1029 Tremont Street Ward 9 Applicant: Jeffrey R. Drago, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to February 11, 2026.



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Case: BOA- 1228936 Address: 7-11 Curtis Street Ward 1 Applicant: Jeffrey R. Drago, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to February 6, 2027.

Case: BOA- 1279801 Address: 120 Braintree Street Ward 22 Applicant: Nicholas J. Zozula, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to March 11, 2026.

Case: BOA- 1333102 Address: 4-6 Woodville Park Ward 8 Applicant: Derrick D. Hobson Sr

Discussion/Votes: The Board moved to unanimously approve the extension request to March 31, 2026.

Case: BOA- 1296104 Address: 135 William T Morrissey BLVD Ward 13 Applicant: Jennifer R. Schultz

Discussion/Votes: The Board moved to unanimously approve the extension request to November 9, 2027.

Case: BOA- 1221855 Address: 671 East Sixth Street Ward 6 Applicant: Arthur Choo Jr., A.I.A

Discussion/Votes: The Board moved to unanimously approve the extension request to February 27, 2026.

Case: BOA- 1387903 Address: 773-775A Huntington Avenue Ward 10 Applicant: David Traggorth

Discussion/Votes: The Board moved to unanimously approve the extension request to April 7, 2027.

RECOMMENDATIONS: 9:30 AM

Case: BOA-1653711 Address: 268-274 Centre Street Ward: 10 Applicant: Lady Marcellu

Article(s): Art. 06 Sec. 04 Other Protectional Conditions

Purpose: Removing the proviso @ 270 Centre Street.

Discussion: At the request of the Board, the applicant presented plans to remove the proviso to allow for takeout. Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter was in support of the project.

Votes: Board member Whewell motioned for approval. Stembridge seconded and the motion carried unanimously

Case: BOA-1683041 Address: 55-57 Willow Street Ward: 20 Applicant: Larbi Hamri

Article(s): Article 56, Section 8 Rear Yard Insufficient - The rear yard setback of the proposed project doesn't clear the minimum limit for this district. Rear yard setback minimum: 30ft Proposed sunroom setback: 20ft

Purpose: Convert the 2nd floor open porch to 3 season sunroom following the plans.

Discussion: At the request of the Board, the applicant presented plans to convert the second-floor porch to a three-season sunroom. Board members asked about the plans.



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Documents/Exhibits: Building Plans

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

Votes: Board member Whewell motioned for approval. Stembridge seconded and the motion carried unanimously.

HEARINGS: 9:30AM

Case: BOA-1677515 Address: 1305 Hyde Park Avenue Ward 18 Applicant: Joseph Federico-ARTICLE 80

Article(s): Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg. Height Excessive (Stories) Article 69 Section 29 Off Street Parking & Loading Req

Purpose : (Construct a four-story multifamily building with 24 units and 24 on grade parking spaces.) This application has changed a few times. the latest edition is the following: PW Construct a 54 Unit apartment building with 21 Structured parking spaces.

Discussion: At the request of the Board, the applicant presented plans to construct a four-story multifamily building, including twenty-four units and twenty-four on grade 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. An abutter was in opposition.

Votes: Board member Barraza motioned for approval with the provisos that the applicant follows the BPD memorandum for seven IDP units and that the Planning department reviews the first-floor detailing along Dana Avenue. Collins seconded and the motion carried unanimously.

Case: BOA-1630352 Address: 77 Bailey Street Ward 17 Applicant: 77 Bailey Street LLC

Article(s): Article 65, Section 8 Use Regulations Multifamily Dwelling Forbidden Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Area Insufficient Art. 65 Sec. 41 Off street parking requirements Art. 65 Sec. 65 41.5 Parking Size & Maneuverability Article 65, Section 42.2 Conformity w Ex Bldg. Alignment Article 65, Section 42.13 Two or More Dwellings on Same Lot Article 65, Section 9 Floor Area Ratio Excessive

Purpose: Bldg. 1 of 2. Erect a 3 Story multifamily building with (6) 2bed and 2bath units. Building will have a front deck, common roof deck and 6 rear parking spots. We are building two separate (6) unit buildings on the same lot; see ERT1609270 for second building at 79 Bailey St. Demolition of existing building to be filed under a separate permit. [ePlan]

Discussion/Votes: Upon a motion and a second, the Board moved to defer until April 8, 2025.

Case: BOA- 1632750 Address: 79 Bailey Street Ward 17 Applicant: 77 Bailey Street LLC

Article(s): Art.65 Sec. 8 Use: Forbidden Multifamily Dwelling Forbidden Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg. Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Area



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Insufficient Article 65, Section 42.2 Conformity w Ex Bldg. Alignment Article 65, Section 42.13 Two or More Dwellings on Same Lot Art. 65 Sec. 65 41.5 Parking Size & Maneuverability Art. 65 Sec. 41 Off street parking requirements

Purpose: Bldg. 2 of 2. Erect a 3 Story multifamily building with (6) 2bed and 2bath units. Building will have front decks, common roof deck, and 6 rear parking spots. We are building two separate (6) unit buildings on the same lot; see ERT1605980 for second building at 79 Bailey St. Demolition of existing building to be filed under separate permit [ePlan]

Discussion/Votes: Upon a motion and a second, the Board moved to defer until April 8, 2025.

Case: BOA- 1679542 Address: 23 Nottingham Street Ward 14 Applicant: KZ Builders LLC-MOH

Article(s): Art. 65 Sec. 08 Forbidden MFR USE- Forbidden Art. 65 Sec. 41 Off street parking requirements insufficient off-street parking (Article 23 parking exemption is not applicable within the Dorchester Neighborhood District)) Art. 65 Sec. 9 Residential Dimensional Reg.s Max allowed height has been exceeded due to recent MOH staff requested changes on the project (Updated plans has resulted in an additional variance being triggered (1.29.25) Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient rear yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient front yard setback Article 65, Section 9 Dimensional Regulations Insufficient side yard setback Article 65, Section 9 Dimensional Regulations Excessive f.a.r. Article 65, Section 9 Dimensional Regulations # of allowed stories has been exceeded

Purpose: Combine three vacant land parcels into one 12,496sf lot and Erect a new 3-story multifamily residential building containing 12 affordable housing units and 8 off-street parking spaces on a vacant lot at 19-23 Nottingham Street. *10/23/24

Discussion: At the request of the Board, the applicant presented plans to combine three vacant parcels into one lot and erect a three-story residential building with twelve affordable units and eight off street parking spaces. Board members asked about the plans. The Board thought the project was a good use of city land and that the project isn't out of scale with the neighborhood.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Santana and the Mayor's Office of Housing were in support of the project. Two abutters opposed to the project.

Votes: Board member Valencia motioned for approval with the proviso of Planning department design review. Whewell seconded and the motion carried unanimously.

Case: BOA- 1473068 Address: 3 Cedar Square Ward 9 Applicant: Celiberti Realty, LLC By Matthew Eckel, Esq

Article(s): Art. 50 Sec. 29 Usable open space insufficient Min. required: 5,850 sqft Art. 50 Sec. 43 Off street parking insufficient Parking spaces required: 1 per unit (9 total). Proposed:8 spaces. Art. 50, Section 28 Use: Forbidden Multifamily Article 50, Section 29 Add'l Lot Area Insufficient Lot area required: 18,000 sqft. Proposed: 7,000 sqft

Article 50, Section 29 Floor Area Ratio Excessive Max. required: 0.8 Proposed: 1.2 Article 50, Section 29 Front Yard Insufficient Min. required: 20' Proposed: 15.4' Article 50, Section 29 Side Yard Insufficient Min. required: 10' Proposed L: 4'-2" R: 6.3' Article 50, Section 29 Rear Yard Insufficient Min. required: 30' Proposed: 10'- 3 1/2"



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Purpose: Purpose: Construct new 12-unit residential building (reduced to 9 units on 01/27/25) and 12 off-street parking spaces (reduced to 8 on 01/27/25). Application in conjunction with ALT1452832 to subdivide the lot. Project includes one ground level affordable unit. w/ Plan --- BOA re-review 01/27/25

Discussion: At the request of the Board, the applicant presented plans to construct a new building with nine residential units and eight off street parking spaces. The project includes one ground level affordable unit. 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 motioned for approval with the proviso that the applicant execute an affordable housing agreement with the Mayor's Office of Housing for the proposed affordable unit. Langham seconded and the motion carried unanimously

Case: BOA-1674434 Address: 232 West Third Street Ward 6 Applicant: David Winick

Article(s): Art 68 Sec 8 Dim reg app in res sub dist. Insufficient lot size Art 68 Sec 8 Dim reg app in res sub dist. Excessive f.a.r. Art 68 Sec 8 Dim reg app in res sub dist. Insufficient side yard setback Art 68 Sec 8 Dim reg app in res sub dist. Insufficient rear yard setback Art. 68 Sec. 33 Off Street parking Req. Insufficient parking Art 68 Sec 8 Dim reg app in res sub dist. Insufficient front yard setback Art 68 Sec 8 Dim reg app in res sub dist. Max allowed height has been exceeded Art. 68 Sec. 34 Appl. of Dim. Req. Corner lot traffic visibility obstructed

Purpose: Erect new single-family dwelling per approved plans. *9.2.24 filed application assigned to FD by Dept Head Paul Williams on 10.2.24

Discussion: At the request of the Board, the applicant presented plans to erect a single-family dwelling with a roof deck. Board members asked about the plans.

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia motioned for approval with the proviso of Planning department design review. Collins seconded and the motion carried unanimously.

Case: BOA- 1674435 Address: 234 West Third Street Ward 6 Applicant: David Winick

Article(s): Art 68 Sec 29 Roof Structure Restrictions Max allowed height on parcel exceeded Art 68 Sec 8 Dim reg app in res sub dist. Insufficient lot size Art 68 Sec 8 Dim reg app in res sub dist. Insufficient side yard setback Art 68 Sec 8 Dim reg app in res sub dist. Insufficient rear yard setback Art 68 Sec 8 Dim reg app in res sub dist. Excessive f.a.r. Art. 68 Sec. 33 Off Street parking Req.

Purpose: Erect new single-family dwelling according to plans. *9.2.24 filed application assigned to FD by Dept Head Paul Williams on 10.2.24

Discussion: At the request of the Board, the applicant presented plans to erect a single-family dwelling, with off street parking. Board members asked about the plans.

Documents/Exhibits: Building Plans



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Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn was in support of the project.

Votes: Board member Collins motioned for approval with the proviso of Planning Department design review. Valencia seconded and the motion carried unanimously

BOA-1669115 105 P Street Ward 6 Applicant: Fran Adams

Article: Art 68 Sec 29 Roof Structure Restrictions Alter. change roof line profile.

Purpose: "Amend scope of work under issued Permit ALT1619411 to add shed dormer to each side of roof to increase living space on third floor. Create new rear deck at third floor level with exterior spiral staircase leading to new roof deck."

Discussion: At the request of the Board, the applicant presented plans to add a shed dormer to each side of the building's roof to increase living space on the third-floor level and to add a new reach deck on the third floor with an exterior staircase leading to the roof deck. 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 motioned for approval with the proviso that there be no roof deck. Whewell seconded and the motion carried unanimously.

Case: BOA-1661505 Address: 64 Baxter Street Ward 6 Applicant: Matthew P Whalen

Article(s): Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Front Yard Insufficient Article 68, Section 29 Roof Structure Restrictions An open roof deck may be erected on the main roof of a Building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum Building Height allowed by this Article for the location of the Building; and (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6 2, 6 3, and 6 4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, two (2) feet for each foot of height of such appurtenant structure, from a roof edge that faces a Street more than twenty (20) feet wide. Article 68, Section 8 Bldg. Height Excessive (Feet)

Purpose: Nominal fee requested. Add a roof deck.

Discussion: At the request of the Board, the applicant presented plans to construct a roof deck with no additional changes. 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 motioned for approval. Whewell seconded and the motion carried unanimously.

Case: BOA-1682764 Address: 595 East Second Street Ward 6 Applicant: Cara Early

Article(s): Art 68 Sec 29 Roof Structure Restrictions



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Purpose: Take off roof of home and reframe to give greater space on 2nd floor Reframe layout of 2nd floor Add bathroom to 2nd floor. Confirming occupancy as a single-family row house in existence for many years.

Discussion: At the request of the Board, the applicant presented plans to confirm the occupancy as a single-family home and to expand existing dormers for an additional second floor bathroom. Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn was in support of the project along with one abutter.

Votes: Board member Whewell motioned for approval. Langham seconded and the motion carried unanimously.

Case: BOA- 1677115 Address: 701 East Second Street Ward 6 Applicant: 701 East Second Street LLC

Article(s): Article 68, Section 7.2 Basement Units Forbidden Article 68, Section 8 Usable Open Space Insufficient Required: 800 sqft Article 68, Section 8 Add'l Lot Area Insufficient Min. lot area required: 5,000 sqft Proposed: 3,875 sqft

Purpose: Change of occupancy from a 3-unit bldg. into a 4-unit bldg. by dividing Unit 1 (first and basement combined) into two separate units: Unit 1 remaining on the first floor and new Unit B within existing space in the basement. No additions or building expansion Building is sprinklered per NFPA 13. Increasing number of parking spaces from 5 to 6 eplan – BOA Application assigned by supervisor, Paul Williams, 15 days late. 10/17/24

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from a three unit to a four unit dwelling by dividing one unit into two separate units. A new unit would be created within the basement with no additional expansion needed. Parking spaces would be increased from five to six spots. 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 motioned for approval. Langham seconded and the motion carried unanimously

Case: BOA-1679431 Address: 1301-1305 Boylston Street Ward 5 Applicant: Fenway Enterprise 1301 Boylston

Article(s): Art. 06 Sec. 04 Other Protectional Conditions Removal of previous BOA site proviso's orders Article 66, Sec. 14 Use Regs in Business INTERIOR Restaurant use with indoor live entertainment. Article 66, Sec. 14 Use Regs in Business Exterior Brewery/Bar use w/live entertainment venue not after 10 pm. Forbidden

Purpose: Clarification 12/30/24: Change occupancy of brick and mortar building to restaurant w/live entertainment and renovate interior per plans provided. *Application filed in conjunction with UOP#491680073 for the parcels outdoor open-air parking occupancy change of use, to include, seasonal outdoor beer garden with outdoor live entertainment (limited to 10pm) by preparing site for movable containers to be used for a small acoustic stage, bars, merchandise, farm brewery, winery and distillery operations and supportive portable bathrooms. Update existing restaurant/bar interior space and convert existing surface parking lot to seasonal beer garden space. Change occupancy to include restaurant with live entertainment, such entertainment not operating after 10:00pm. Interior work: Modify booth/bench seats, install small performance stage, relocate existing host/POS stands, modify lighting, new finishes. Exterior work: Remove front porch area, install back deck, install perimeter fence and landscaping, prepare site for movable containers to be used for



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small acoustic stage, bars, merchandise and farm brewery, winery and distillery operations and portable bathrooms.
*10/15/24 filing assigned to FD by Dept Head Paul Williams on 11.1.24

Discussion: At the request of the Board, the applicant presented plans for an outdoor music and beer garden with a stage for live entertainment, serving 708 patrons. Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Durkin was in support of the project, while two abutters were opposed.

Votes: Board member Collins motioned for approval with the provisos of Planning Department design review, live entertainment ceases at 8:00 P.M., recorded music to cease at 10 P.M, exterior of the premises to display contact information of management, along with a three-year sunset provision, all applicable to only this applicant. Langham seconded and the motion carried unanimously

Case:BOA- 1684818 Address:1301-1305 Boylston Street Ward 5 Applicant: Fenway Enterprise 1301 Boylston

Article(s): Art. 07 Sec. 4 Other Protectional Conditions Dimensional setbacks and limitations of exterior uses on the lot (i.e. Screening, accessory structures//Mobil units, stage...) Art. 06 Sec. 04 Other Protectional Conditions Removal of BOA site proviso order Article 66, Sec. 14 Use Regs in Business Exterior brewery/bar with live entertainment (not operating after 10 pm) Forbidden Article 66, Sec. 14 Use Regs in Business Exterior Beer garden with beer/winery/distillery takeout Conditional

Purpose: Use of premises for outdoor music and beer garden venue with STAGE for live entertainment serving 708 patrons with accessory uses to include take out, incidental farm winery/distillery and retail. Venue use shall require a plumbing code variance from 248 cmr regulations (i.e. temp/mobile fixtures). This filing is associated with ALT1661877 with job cost covered in ALT permit fees.

Discussion: At the request of the Board, the applicant presented plans to convert existing parking lot into a seasonal beer garden and to change the occupancy to include restaurant with live entertainment, with entertainment ending at 10:30 P.M. Board members asked about the plans, hours of operation and noise mitigation.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Durkin was in support of the project, while two abutters were opposed.

Votes: Board member Collins motioned for approval with the proviso of Planning department design review. Valencia seconded and the motion carried unanimously

Case: BOA-1670931 Address: 14-40 Beach Street Ward 3 Applicant: NPG BOS 1 Beach, LLC

Article(s): Art. 43, Section 19 Use: Conditional You need relief from the BOA for the said violation

Purpose: Remove and replace 9 parking stalls of approximately 3,000 GSF in the basement (Level A) of existing parking garage and install approximately 80 accessory storage/locker units. Lockers are nonstructural, non-MEP units in a kit.

Discussion: At the request of the Board, the applicant presented plans to change the legal use and occupancy from a mixed use building with ground floor retail to a mixed use building with ground floor retail and Warehousing by



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replacing nine parking stalls with eighty lockers for storage of varying sizes. Board members asked about plans and hours of operation.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn was in support of the project.

Votes: Board member Collins motioned for approval with the proviso of a three-year sunset clause for the appellant to return to the board for review.

Case: BOA- 1668148 Address: 14-40 Beach Street Ward 3 Applicant: NPG BOS 1 Beach, LLC

Article(s): Art. 43, Section 19 Use: Forbidden Vehicular Uses. Repair garage; gasoline service station; car wash; sale of automobiles and trucks where operation is carried on within a structure; outdoor sale or display for sale of new or used motor vehicles; automobile rental agency; or establishment for sale and installation within a building of batteries, seat covers, tires, and similar automotive parts and accessories, except such vehicular uses are conditional in the Chinatown Gateway Special Study Area.

Purpose: Seeking zoning refusal. Change of use and occupancy from a commercial parking garage to a commercial parking garage and car rental use including an accessory car wash use private to car rental use. There will be no changes to the building exterior, size, nor dimensions.

Discussion: At the request of the Board, the applicant presented plans to change the legal use and occupancy to include a car rental service. Board members asked about the plans and hours of operations.

Documents/Exhibits: Building Plans

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

Votes: Board member Collins motioned for approval. Langham seconded and the motion carried unanimously

Case: BOA- 1660692 Address: Street Ward 1 Applicant: Ryan Moran & Nicole Moran

Article(s): Art. 32 Sec. 04 GCOD Applicability Art. 53 Sec. 09 Insufficient additional lot area per unit -updated 10.9.24
Art. 53 Sec. 56 Off-Street Parking Insufficient Parking Art.53 Sec.08 Use Forbidden Article 53 Section 9
Number of allowed stories has been exceeded Article 53 Section 9 Max allowed height has been exceeded Article 53
Section 9 Excessive f.a.r. Article 53 Section 9 Insufficient rear yard setback Article 53 Section 9
Insufficient side yard setback Article 53 Section 9 Insufficient open space Article 53, Section 52 Roof Structure
Restrictions Additional story onto existing

Purpose: Erect an addition and change occupancy from three (3) to five (5) residential units as per plans. *Assigned to FD by PW 2.15.24

Discussion: At the request of the Board, the applicant presented plans to erect an addition to an existing building and change the occupancy from three units to five 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 Colletta was in support of the project.



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Votes: Board member Valencia motioned for approval with the proviso of Planning department review. Langham seconded and the motion carried unanimously

Case: BOA-1679893 Address: 36 Cottage Street Ward 1 Applicant: Cottage 36 Street LLC Article(s):

Art. 53 Sec. 08 Forbidden ARTICLE 53 EBR 3 Table A fn2; Lot frontage is less than 55 feet. You must have 55 feet of frontage for proposed unit #change Art. 53 Sec. 56 Off street parking insufficient One additional parking space is required. None are provided

Purpose: Change occupancy from three family and office to four family .

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from a three family and office, to a four-family house. Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Colleta was in opposition of the project.

Votes: Board member Barraza motioned for approval. Whewell seconded and the motion carried unanimously

RE-DISCUSSION: 11:30AM

Case: BOA-1640872 Address: 28 Alleyne Street Ward 20 Applicant: John Pulgini

Article(s): Art. 10 Sec. 01 Limitation of off-street parking areas Parking less than 5 feet from side lot line Art. 56 Sec. 08 Floor Area Ratio Excessive Art. 56 Sec. 08 Residential Subdistrict: Dimensional Requirements insufficient lot size, side yard setbacks, front yard setback Article 56, Section 8 Lot Width Insufficient Article 56, Section 8 Lot Frontage Insufficient

Purpose: Erect single-family structure on vacant lot known as (Parcel ID 2002742000). Nominal fee.

Discussion: At the request of the Board, the applicant presented plans to erect a single-family home on a vacant 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 Valencia motioned for approval with Planning department design review. Whewell seconded and the motion carried unanimously

Case: BOA- 1615071 Address 93 Howard Avenue Ward 13 Applicant: Jason Futrell

Art. 50, Section 28 Use: Forbidden Multi Family Dwelling Forbidden Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Bldg. Height Excessive (Feet) 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 Sec. 43 Off street parking requirements 50 43.6(d) Size Article 50, Section 44.2 Conformity Ex Bldg. Alignment



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Purpose: Erect a new 3 story, 12-unit apartment building, on newly created 10,973sqft lot. Scope includes decks and new parking at the rear of the building. See ALT1566047 for subdivision. Demolition of an existing 3 story home to be filed under separate permit.

Discussion/Votes: Upon a motion and a second, the Board moved to defer until March 25, 2025.

Case: BOA- 1591933 Address: 36 Akron Street Ward 12 Applicant: 32-36 Akron Street, LLC

Article(s): Art. 50 Sec. 29 Insufficient lot area per dwelling unit (8,000sf additional required)

Art. 50 Sec. 29 Excessive f.a.r.- .8 max Art. 50 Sec. 29 Number of allowed stories exceeded- 3 stories max. Art. 50 Sec. 29 Insufficient open space- 650sf/unit required Art. 50 Sec. 29 Insufficient front yard setback- 20' required Art. 50 Sec. 29 Insufficient side yard setback -10' required Art. 50 Sec. 29 Height exceeded -35' max Art. 50 Sec. 44 Traffic visibility across a corner lot Article 50, Section 43 Off-Street Parking & Loading Req Insufficient parking Article 50 Section 28 Use Regulations MFR 10 units - Forbidden

Purpose :3.27.24 Updated scope of work for clarification: Demolition of existing vacant/abandoned house, then combine the two lots owned in common into one lot and construct a new 10-unit residential multi-family building per plans submitted. Nominal Fee Letter. Demolition of building to be applied for and secured on a SF demolition permit. Redacted scope: Demolition of existing vacant/abandoned house. Proposed erection of new residential multi-family building housing 10 units. Nominal Fee Letter. * Demolition of building to be applied for and secured on a SF demolition permit.

Discussion/Votes: Upon a motion and a second, the Board moved to defer until March 25, 2025.

Case: BOA-1671334 Address: 14 Winthrop Street Ward 12 Applicant: Community Movement Commons

Article(s) Art. 50, Section 28 Use: Forbidden Neighborhood birth Center (clinic use) Art. 50, Section 28 Use: Forbidden Offices Art. 50, Section 28 Use: Conditional Community areas (Community center use) Article 50, Section 29 Front Yard Insufficient Min. required: 20' Proposed 6.6' on Winthrop St. and 7' on Kearsarge Ave.

Purpose: Combining 4 lots into 1 under applications ALT1642958 and ALT1640331. Construction of a new facility for the Community Movement Commons including a Neighborhood Birth Center (Clinic use), community areas (Community use), shared and rentable offices, and 10 outdoor parking spaces and 1 ambulance parking. Outdoor spaces will feature birth and community gardens. Existing structures on the site will be previously demolished.

Discussion: At the request of the Board, the applicant presented plans to combine lots and construct a birthing center, community areas, offices for rent, ten parking spaces and one parking space for an ambulance. Board members asked about the plans, and hours of operation.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Multiple abutters were both in support and opposition of the project. Councilors Fernández Anderson and Murphy were opposed to the project, while Senator Miranda and Councilors Rutzee, Worrell and Mejia were in support.

Votes: Board member Langham motioned for denial without prejudice. Stembridge seconded and the motion carried unanimously



City of Boston
Board of Appeal

Case: BOA- 1575584 Address: 81 Lexington Street Ward 1 Applicant: James Christopher

Article(s): Art.53 Sec. 08 Use: Forbidden MFR Forbidden Art.53 Sec. 08 Use: Forbidden Basement units Forbidden Art.53 Sec. 08 Use: Forbidden Local Retail Forbidden Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg. Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 57.2 Conformity Ex Bldg. Alignment Art. 53, Section 56 Off Street Parking Insufficient

Purpose: Erect a 3-story mixed used building on a newly created lot; 3,706sqft. Building consisting of 1 Local Retail space at grade and 8 residential units. Scope includes basement units, balconies, and common roof deck. See ALT1553019 for subdivision. Demolition of existing building on separate permit

Discussion/Votes: Upon a motion and a second, the Board moved to defer until March 25, 2025.

Case: BOA- 1675304 Address: 140 Chelsea Street Ward 1 Applicant: Richard Lynds

Article(s) Art. 32 Sec. 04 GCOD Applicability Basement excavation Art. 53 Sec. 08 Forbidden Basement units are forbidden Art. 53 Sec. 09-Dimensional Regulations Max allowed f.a.r. exceeded Art. 53 Sec. 09 Dimensional Regulations Insufficient additional lot area /unit Art. 53 Sec. 09-Dimensional Regulations Number of allowed habitable stories exceeded- 3 max Art. 53 Sec. 09 Dimensional Regulations Insufficient open space/unit Art. 53 Sec. 09 Dimensional Regulations Insufficient Parking Article 53 Section 8 Use Regulations Use forbidden

Purpose: Change occupancy from a three (3) unit residential dwelling to a four (4) unit residential dwelling as per plans.

Discussion/Votes: Upon a motion and a second, the Board moved to defer until March 25, 2025.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

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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