



Tuesday, January 28, 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  
JANUARY 28, 2025 BEGINNING AT 9:30 AM AND RELATED  
ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS JANUARY 28, 2025 HEARING AGENDA  
HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE JANUARY 28, 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/ZBAHearings2025> . You may also participate by phone by calling into the Zoom Webinar at 1 (646) 931 3860 and entering the Webinar ID: 814 9024 3514 followed by # when prompted.

**If you wish to offer testimony on an appeal, please click**



<https://bit.ly/January28Comment> 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/January28Comment> 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 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.**

**EXTENSIONS: 9:30AM**

**Case: BOA-1423055 Address: 572-574 Columbia Road Ward 13 Applicant: Briana Kan**

Discussion/Votes: The Board moved to unanimously approve the extension request to April 21, 2026.

**Case: BZC-29846 Address: 1954 Commonwealth Ave Ward 21 Applicant: Paul Alan**

Discussion/Votes: The Board moved to unanimously approve the extension request to March 31, 2027.

**Case: BOA- 11398531 Address: 30 Leo M Birmingham Ward 22 Applicant: Paul Alan**

Discussion/Votes: The Board moved to unanimously approve the extension request to January 20, 2027.

**Case: BOA- 1280543 Address: 190-192 Dudley Street Ward 8 Applicant: Michael P. Ross, ESQ**

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

**Case: BOA- 1299109 Address: 252 Shawmut Avenue Ward 3 Applicant: Jeffrey Drago, ESQ**

Discussion/Votes: The Board moved to unanimously approve the extension request to May 19, 2026.

**Case: BOA- 824430 Address: 127 Amory Street Ward 11 Applicant: Andy Waxman**

Discussion/Votes: The Board moved to unanimously approve the extension request to September 14, 2026.

**Case: BOA- 1102209 Address: 99-105 Fairmount Avenue Ward 18 Applicant: John Pulgini, ESQ**

Discussion/Votes: The Board moved to unanimously approve the extension request to February 17, 2026.

**RECOMMENDATIONS: 9:30 AM**

**Case: BOA-1660267 Address: 305-307 Meridian Street Ward: 1 Applicant: Jose Pineda**

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

**Purpose** Remove proviso and grant to this petitioner only

**Discussion:** At the request of the Board, the applicant presented plans to remove the proviso. 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. Stembridge seconded and the motion carried unanimously.

**Case: BOA- 1599811 Address: 657 East Fifth Street Ward: 6 Applicant: Thomas Miller**

**Article(s)** Article 68, Section 8 Dimensional Regulations INSUFFICIENT ADDITIONAL LOT AREA PER UNIT Art 68 Sec 8 Dim reg app in res sub dist. INSUFFICIENT OPEN SPACE

**Purpose:** PHASE 2: Change occupancy from 1 family to 2 family home. \*Occupancy committee confirmed legal use as a single family only

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a single family to a two-family dwelling. Board members asked about the plans and if the applicant would be adding living space to the basement.

**Documents/Exhibits:** Building Plans



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**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn's office supports the project.

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

**Case: BOA-1654426 Address: 139 Beech Street Ward: 20 Applicant: Robin Hopkins and David L. Desmarais**

**Article(s)** Article 67, Section 9 Side Yard Insufficient The applicant will need to seek relief for the side yard setback requirements. Zoning requires at least 10' (feet).

**Purpose:** Remove portion of existing rear deck and erect two-story addition (approximately 595 sf of additional living area) at rear of existing single family, to enlarge kitchen and enlarge primary bedroom and to add one full bathroom.

**Discussion:** At the request of the Board, the applicant presented plans to remove a portion of an existing rear deck and construct a two-story addition. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Barraza moved to Approve. Stembridge seconded and the motion carried unanimously.

**Case: BOA- 1674592 Address: 121 Harvard Avenue Ward: 21 Applicant: Gen Allston LP**

**Article(s)** Art. 51 Sec. 56^ Off street parking requirements Insufficient parking Article 51, Section 16 Use Regulations conditional

**Purpose:** Submitting for Zoning Refusal, minimal filing fee letter included. Applying use permit for restaurant use on the second story. Work to include interior renovations of the 2nd story.

**Discussion:** At the request of the Board, the applicant presented plans of a change of occupancy, going from office space to a restaurant. The petitioner is seeking a conditional use permit for restaurant use on the second floor of the building as well as removing a rear deck. The Board members asked about the plans and said the project is appropriate for the neighborhood.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. **Votes:** Board member Barraza moved to approve. Stembridge seconded and the motion carried unanimously.

**Case: BOA- 1662652 Address: 10-12 Bagnal Street Ward: 22 Applicant: David McNair**

**Article(s)** Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg. Height Excessive (Stories)

**Purpose:** Adding a shed dormer to accommodate additional living space. Confirming occupancy of 2 family home in existence for many years.

**Discussion:** At the request of the Board, the applicant presented plans to confirm the occupancy of a two-family house as well as add a shed dormer to the second floor, a new roof, and to remove a chimney. 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. Stembridge seconded and the motion carried unanimously.

**BOA-1673742 Address: 64 Etna Street Ward: 22 Applicant: Emily Horjus**

**Article(s)** Article 51, Section 9-Dimensional Regulations Max allowed f.a.r. exceeded (i.e. Finished basement finished attic.) Article 51, Section 9 Dimensional Regulations Max allowed number of habitable stories has been exceeded (e. 2.5 stories max>.)

**Purpose** Finish existing 3rd floor into 2 bedrooms with play area and legalize extension of living space into the basement area. Owner needs to apply for variance and needs rejection letter for 1. FAR, 2. Gross area, and 3. Usable open space. Please bill for permit reduced fee.

**Discussion:** At the request of the Board, the applicant presented plans to add two additional units to the attic and to legalize living space in the basement. 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.

**Votes:** Board member Barraza moved to approve. Stembridge 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:** At the request of the Board, the applicant presented plans to add a second driveway. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. BPD was in opposition to the project and BTM was in favor..

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

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

**Case: BOA-1659172 Address: 85-93 Glenville Avenue Ward 21 Applicant: George Morancy, ESQ**

**Article(s)** Art. 09 Sec. 02 Nonconforming Use Change > 25% - Forbidden Art. 51 Sec. 08 Use Regulations

MFR USE (14 units) in a two-family subdistrict Forbidden Art. 51 Sec. 09 Insufficient lot size

Art. 51 Sec. 09 Excessive f.a.r. Art. 51 Sec. 09 Max allowed number of stories exceeded Art. 51 Sec. 09

Max allowed height exceeded Art. 51 Sec. 09 Insufficient front yard setback Art. 51 Sec. 09

Insufficient Side yard setback Art. 51 Sec. 09 Insufficient rear yard setback Article 51, Section 56

Off-Street Loading Insufficient Article 51, Section 56 Off-Street Parking Insufficient

**Purpose:** Proposed 4-story residential addition above existing. 14 residential units plus ground level bar/restaurant

**Discussion:** At the request of the Board, the applicant presented plans to erect a four story, fourteen-unit addition above an existing restaurant and to increase the legal occupancy by adding the fourteen units. Board members asked about the plans, number of IDP units, and if the units would be rented out to students or used as short-term rentals.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Valencia moved to approve with the provisos of (1) Planning Department design review and (2) that the applicant execute an affordable housing agreement with the Mayor's Office of Housing for three affordable units. Langham seconded and the motion carried unanimously.

**Case: BOA-1653968 Address: 115 Belgrade Avenue Ward 20 Applicant: Rui Guo**

**Article(s)** Art. 67 Sec. 08 Use Regulations Applicable in Residential Sub Districts Multifamily use

Article 67, Section 33.1 Conformity Ex Bldg. Alignment Street modal calculation not provided to verify its compliance.

Article 67, Section 32 Off Street Parking Spaces required: 8 Proposed: 4 Article 67, Section 9 Lot Area Insufficient Min. required: 8,000 sqft Proposed: 4,400 sqft Article 67, Section 9 Lot Width Insufficient Min. required:

45' Proposed: 44' Article 67, Section 9 Lot Frontage Insufficient Min. required: 45' Proposed: 44' Article 67, Section 9

Floor Area Ratio Excessive Max. required: 0.8 Proposed: 1.34 Article 67, Section 9 Bldg. Height Excessive (Stories)

Max. allowed: 3 Proposed: 4 Article 67, Section 9 Bldg Height Excessive (Feet)Max. allowed: 35' Proposed: 43' 10"

Art. 67 Sec. 09 Open Space insufficient Min. required: 3,200 sqft Proposed: 380 sqft Article 67, Section 9 Front Yard

Insufficient Min. required: 20' Proposed: 1' Art. 67 Sec. 09 Side Yard Insufficient Min. required: 10' Proposed: 4' (R)

**Purpose:** Construct a new 4 family, 4 story building. building will be fully sprinklered and have no elevator. Demolition of existing structure under SF#

**Discussion/Votes:** Upon a motion and a second, the Board moved to defer until March 4, 2025.





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**Case: BOA-1631614 Address: 679 Cummins Highway Ward 18 Applicant: Mr. Jose Valdez**

**Article(s):** Article 60 Section 60-4 Dim. Regs Applicable in Residential Subdistricts (Table D) Building lot allowed coverage exceeded- 40% max Article 60 Section 60-4 Dim. Regs Applicable in Residential Subdistricts (Table D) Permeable Area pf Lot minimum insufficient- 25% reg.

Article 60 Section 60-4 Dim. Regs Applicable in Residential Subdistricts (Table D) Insufficient side yard setbacks -3' min ,14' cumulative

Article 60 Section 60-4 Dim. Regs Applicable in Residential Subdistricts (Table D) Insufficient rear yard setback -20' min req. Article 60, Section 60-32 Off-Street Parking and Loading Requirements Insufficient Parking -.75 spaces/ unit required Article 60, Section 60-32 Off-Street Parking and Loading Requirements LOCATION (4) No parking allowed in a required front yard unless if it also a side yard to where frontage taken by the parking space does not be

**Purpose:** Subdivision of existing parcel and create w/ new parcel to have address of 679 Cummins Hwy. This application is for the Erection of new 3 family home with 2 off street parking spaces & new curb cut, basement storage and utilities. 3 bedrooms, 2 bathrooms per unit. Common interior and exterior stairs. Solar ready. \*ASSIGNED TO FD 12.28.23 NOTE: OPEN BUILDING CODE REVIEW UNDER THE DIRECTION OF IT MANAGER (Application filed in conjunction with 677 Cummins HWY ALT1564037 for subdivision yet to be processed and assigned by Admin for review) \*\*ALT1564037 issued by DB.

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

**Case: BOA- 1561858 Address: 17 Wichita Terrace Ward 17 Applicant: William Callahan**

Art.65 Sec. 8 Use: Forbidden Multi Family Dwelling Forbidden Article 65, Section 9 Rear Yard Insufficient 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 Bldg. Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Art. 65 Sec. 65 41.5 Parking Size & Maneuverability Size

**Purpose:** Erect a 4 story Multi Family Dwelling with 7 units and garaged parking on newly created lot. Building features balconies and roof decks. See ALT1637085 for combination of lots. Raze existing 2 family dwelling under separate permit.

**Discussion/Votes:** Upon a motion and a second, the Board moved to defer until March 4, 2025.

**Case:BOA-1658038 Address: 28 Supple Road Ward 14 Applicant: Servulo Depina Goncalves**

**Article(s)** Article 50, Section 43 Off-Street Parking & Loading Req Insufficient parking Article 50 Section 28 Use Regulations Three family dwelling- Conditional Article 50 Section 29 Dimensional Regulations

**Purpose:** Change use from 2 family to three family by finishing the basement for new residential unit. no changes to footprint. New well on side to access the partially below grade new unit \*Application assigned to FD by PW 6.13.24

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a two-family dwelling to a three-family dwelling by converting the basement into a dwelling unit with parking. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Collins moved to Approve with BPD design review. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1677707 Address: 639-643H Warren Street Ward 12 Applicant: 639 Warren Street LLC**

**Article(s)** Art. 50, Section 19 Use: Conditional Multi Family Dwelling (Bsmt. & First Story) Conditional Article 50 Section 20-Dimensional Business Dist. Floor Area Ratio Excessive Article 50 Section 20Dimensional Business

Dist. Building Height Excessive Article 50 Section 20Dimensional Business Dist. Rear Yard Insufficient

**Purpose:** Combine parcels 1202543000 & 1202537000 to erect a 6 story Mixed Use Building with 2 Ground Floor Retail (core/shell) and Multi Family dwelling with 63 units. Affordable housing and commercial building containing 63



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units of housing and 2000sf of ground floor retail commercial space, and off-street parking spaces. Building features amenity spaces and a bike room.

**Discussion/Votes:** Upon a motion and a second, the Board moved to defer until March 4, 2025.

**Case: BOA-1644639 Address: 71A Williams Street Ward 14 Applicant: Chole Manning Choo & Company**

**Article(s):** Art. 55, Section 8 Use: Forbidden Multifamily Dwelling Forbidden Art. 55, Section 8 Use: Forbidden Basement unit Forbidden Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Add'l Lot Area Insufficient Article 55, Section 9 Lot Area Insufficient Article 55, Section 9.3 Dim Reg: Location of Main Entrance Basement unit side entrance Article 55, Section 40.5a Parking Maneuverability Art. 55, Section 40 Off Street Parking Insufficient Article 55, Section 41.1 Conformity Ex Bldg. Alignment Art. 10 Sec. 01 Limitation of off-street parking areas Parking less than 5 feet from side lot line

**Purpose:** Proposed new 3 story, 4 family residence, with front & rear decks and parking at the rear of property; as per plans. Parking accessed through proposed easement with 69 Williams Street.

**Discussion:** At the request of the Board, the applicant presented plans to erect a three story, four family residence. Board members asked about parking, easements, and the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters were in support of the project

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

**Case: BOA- 1657430 Address: 450-454 Amory Street Ward 11 Applicant: Chris DeSisto**

**Article(s)** Art. 55, Section 19 Use: Forbidden Multifamily Article 55 Section 20 Dimensional Regulations in LI Max. FAR allowed: 1 Proposed: 2.33 Article 55 Section 20 Dimensional Regulations in LI Min. building height allowed: 35' Proposed: 52' 6" Article 55 Section 20 Dimensional Regulations in LI Min. rear yard required: 20' Proposed: 5.9' Article 55, Section 41.1 Conformity Ex Bldg. Alignment Street modal not provided to verify compliance on Amory St. Art. 55 Sec. 41 Dimensional Application 55.41.2 Traffic visibility across corner. Art. 55 Sec. 41 Dimensional Application 55.41.3 Front wall on Amory St. is not parallel to front lot line. Art. 55, Section 40 Off Street Parking Insufficient Spaces required for Retail use: 4 Spaces required for Residential use: 21 Total propose: 14 Art. 55, Section 40 Off Street Loading Insufficient 1 required, none proposed.

**Purpose:** Construct 22 → reduced to 14 residences above 2 commercial spaces and 10 → increased to 14 garage parking spaces on a vacant lot.

**Discussion:** At the request of the Board, the applicant presented plans to construct fourteen condo units above two commercial spaces with fourteen covered parking spaces, with a sixteen-foot driveway. Board members asked about the number of IDP units and plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Webber's office is in support of the project.

**Votes:** Board member Valencia moved to approve with the provisos of (1) BPD review and (2) a housing agreement with MOH for affordable housing. Pinado seconded and the motion carried unanimously.

**BOA- 1642917 67 Harvest Street Ward 7 Applicant: Matthew Johannesen**

Art. 65 Sec. 8 Use: Forbidden Multifamily Dwelling Forbidden Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Add'l Lot Area Insufficient Art. 65 Sec. 65 41.5 Parking Size & Maneuverability Art. 65 Sec. 41 Off street parking requirements Article 65, Section 42.2 Conformity w Ex Bldg. Alignment Article 65, Section 42.13 Two or More Dwellings on Same Lot

**Purpose:** Erect a new 3 story, six unit, building on the parcel which has an existing three family building, as per plans. Remove the two existing garages under separate permits. See ALT1624927 for Two Dwellings on the Same lot.



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**Discussion:** At the request of the Board, the applicant presented plans to erect a three story, six-unit building, with underground parking. Board members asked about the plans and quality of life in the neighborhood.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Fitzgerald and Murphy are in support of the project.

**Votes:** Board member Collins moved to approve with the proviso of BPDA design review. Whewell seconded and the motion carried unanimously.

**Case: BOA#1642935 Address: 67 Harvest Street Ward 7 Applicant: Matthew Johannesen**

**Article(s):** 521 CMR 28.12 Wheelchair Lifts/Limited Use Elevator 521 CMR 28.12.1 General: Vertical wheelchair lift devices and Limited use elevators may be used as a part of an accessible route of travel in lieu of an elevator under any of the following circumstances. e. To provide vertical access where the distance between floors is less than a full story and where a ramp is not feasible. [Lift traveling more than a full story proposed]

**Purpose:** Erect a new 3 story, six unit, building on the parcel which has an existing three family building, as per plans. Remove the two existing garages under separate permits. See ALT1624927 for Two Dwellings on the Same lot.

**Discussion:** At the request of the Board, the applicant presented plans to erect a three story, six-unit building, underground parking. Removing two existing garages on the lot. Board members asked about the plans and quality of life in the neighborhood.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Fitzgerald and Murphy are in support of the project.

**Votes:** Board member Collins moved to approve with the proviso of BPDA design review. Whewell seconded and the motion carried unanimously.

**Case: BOA- 1652922 Address: 663 Columbia Road Ward 7 Applicant: Eleni Kaplan**

**Article(s)** Article 65, Section 9 Front Yard Insufficient Applicant will need to seek relief for the approved areaway in the front yard setback. Article 65, Section 9 Floor Area Ratio Excessive Applicant will need to seek relief for excessive floor area ratio of 1.38. Art. 55 Sec. 65 41 Off Street parking insufficient Applicant will need to seek relief for off street parking for three units.

**Purpose:** Complete interior gut, new plumbing, electrical, HVAC, sprinklers. Structural, new partition walls, basement window wells, decks, all new windows / closing some windows. Legalization of Extension of living space into the basement for Unit #1.

**Discussion:** At the request of the Board, the applicant presented plans to legalize living space in the basement, adding an office space and bathrooms. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Fitzgerald's office was in support. Abutters were in support.

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

**Case: BOA- 1662174 Address: 641 East Eighth Street Ward 7 Applicant: Kevin Donovan**

**Article(s)** Article 68, Section 8 Bldg. Height Excessive (Feet) Applicant will need to seek relief for proposed building height of 44' 1 1/2" Art 68 Sec 29 Roof Structure Restrictions Applicant will need to seek relief for Roof Restrictions

**Purpose:** Looking to create an addition to the existing roof structure. Today, there is a roof deck and Head House. The permit is to add a living space of around 650sq feet with outdoor deck space for Unit #302.

**Discussion:** At the request of the Board, the applicant presented plans to convert an existing headhouse and roof deck on a three-family structure to a covered living space for the second unit. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters were in support and Councilor Flynn's office is opposed to the project.





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**Votes:** Board member Collins moved to approve with the proviso of BPD design review. Valencia seconded and the motion carried unanimously.

**Case: BOA-1649371 Address: 105 North Washington Ward 3 Applicant: Adimir Toska**

**Article(s):** Art. 54 Section 12 Use: Conditional 3 family Article 54 Section 13 Dimensional Regulations Open space required for new unit: 50 sqft Article 54, Section 21 Off Street Parking & Loading Req 1 parking space required for the new unit.

**Purpose:** Proposed change of occupancy (from 3 offices and 2 apartments to only residential use 3 units) and interior renovation in unit 1 and unit 2 on the basement, 1st and 2nd floor.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from three offices and two apartments to three apartments. Board members asked about the building having units in a flooding zone and asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. BPDA opposed the project and Councilor Colletta's office was in support.

**Votes:** Board member Whewell moved to deny without prejudice. Pinado seconded and the motion carried unanimously.

**Case: BOA- 1595729 Address: 60 South Street Ward 3 Applicant: David Linhart**

**Article(s):** Article 44, Section 6 Roof Additions in Leather Dist.

**Purpose:** Change of use from office to office and research laboratory. Base building renovation to include six floors conversion to office and research lab and mechanical equipment on roof to support lab use. Zoning relief required.

**Discussion:** At the request of the Board, the applicant presented plans to change the use of the building from office to an office and research lab along with the relocation of a 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. Councilor Flynn's office supports the project.

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

**BOA-1578094 Address: 218 Bremen Street Ward 1 Applicant: Mohamad Hayek**

Art. 25 Sec. 5 Flood Hazard Districts Article 32, Section 4. GCOD, Applicability Art. 53, Section 8 Use: Forbidden MFR Forbidden Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Usable Open Space 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 9 Add'l Lot Area Insufficient Article 53, Section 52 Roof Structure Restrictions Art. 53, Section 56 Off Street Parking Insufficient

**Purpose:** Change of occupancy to 4-unit dwelling. Scope involves rear and vertical additions to create a 4-story building and add a 4th floor apartment with rear decks and front facing balcony at 4th story. New foundation is also included with upgrades to life safety (FA/FP).

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

**HEARINGS: 11:30AM**

**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'



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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 for insufficient parking spaces. Zoning requires a minimum of seven parking spaces for 4 (four) units. Art. 51 Sec. 09 Open Space insufficient Applicant will need to seek relief for insufficient open space per dwelling unit. (Required to have 2,500 sq. ft. per unit).

**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:** At the request of the Board, the applicant presented plans to add a fourth dwelling unit to the property, finish out existing attic space, adding sprinklers and dormers for more space. 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 Pinado moved to approve with the proviso that plans be submitted to Parks and Recreation for review. Whewell seconded and the motion carried unanimously.

**Case: BOA-1663221 Address: 36 Wildwood Street Ward 14 Applicant: Samuel Ani**

Article(s) Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Lot Area Insufficient

Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 8 Use: Forbidden Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 37 Off Street Parking Insufficient

Purpose: Change occupancy from three family to four family; convert basement to residential unit

**Discussion:** At the request of the Board, the applicant presented plans for a change of occupancy from a three to a four-unit dwelling. Turning the basement into a one bedroom, one-bathroom unit. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Valencia moved to approve with the provisos of (1) BPA Design review and (2) a sprinkler system to be installed according to building code requirements. Whewell seconded and the motion carried unanimously.

**Case: BOA-1629989 Address: 44 Creighton Street Ward 10 Applicant: Xavier A Sepulveda**

Article(s) Art. 55 Sec. 09 Dimension Regulations Insufficient additional lot area per unit Art. 55 Sec. 09 Dimension Regulations Insufficient lot width frontage Art. 55 Sec. 09 Dimension Regulations Insufficient Lot width

Art. 55 Sec. 09 Dimension Regulations Insufficient open space per unit Art. 55 Sec. 09 Dimension Regulations Insufficient front yard setback Art. 55 Sec. 09 Dimension Regulations Insufficient side yard set back

Purpose : RENOVATION / EXTENSION OF LIVING SPACE CHANGE OF OCCUPANCY FROM SINGLE

FAMILY TO 3 FAMILY DWELLING Clarification: Change Use and Occupancy from a one to a three family dwelling and then fully renovate and extend structure towards the rear, as well as, construct a second and third floor addition per plans submitted

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a single family to a three family dwelling. Construction includes a second and third floor addition and extending the structure from the rear 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 with the proviso of BPD design review with special attention to open space and neighboring structures. Whewell seconded and the motion carried unanimously.

**Case: BOA- 1584253 Address: 2-14 Kenton Road Ward 11 Applicant: PKMJ LLC MASS LLC**

Article(s): Art. 53 Sec. 08 Use: Conditional



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**Purpose:** Construct covered gas pump island, site improvements & landscaping. Existing gas station use is allowed by conditional use permits & variance. Zoning relief required to expand this use. (Existing building at rear of site will be razed per a separate short form permit.) Please issue refusal letter.

**Discussion:** At the request of the Board, the applicant presented plans to construct a covered gas pump island. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Webbers office and numerous abutters opposed the project. **Votes:** Board member Whewell moved to deny without prejudice.

Langham 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 an existing 3 family in order to convert to a 6 family. Demolish existing 3 car garage.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy of an existing three family dwelling to a six-family dwelling, by way of an addition and interior renovation. Off street parking for seven vehicles. 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 and Murphy's office were both opposed to the project. There was one abutter in support and one abutter in opposition.

**Votes:** Board member Collins moved to approve with the proviso of design review. Whewell seconded and the motion carried unanimously.

**Case: BOA- 1652033 Address: 526 East Third Street Ward 6 Applicant: Timothy Johnson**

**Article(s):** Art. 68 Sec. 33 Off Street parking Req. Applicant will need to seek relief for the number of Off Street Parking spaces required. Applicant proposes three spaces less than 8.5' and one space is tandem. Zoning requires four spaces. Art. 68 Sec. 33 Off Street parking Req. Applicant will need to seek relief for Off-Street parking design &

appropriate maneuvering. Article 68, Section 8 Floor Area Ratio Excessive Applicant will need to seek relief for Excessive Floor Area Ratio of 2.9. Zoning requires 2.0. Article 68, Section 8 Usable Open Space Insufficient Applicant will need to seek relief for Insufficient Open Space per dwelling unit. Zoning requires 200 Sq. Ft. per unit. Article 68, Section 8 Front Yard Insufficient Applicant will need to seek relief for the front yard setback. Zoning Article 68, Section 8 Side Yard Insufficient Applicant will need to seek relief for Insufficient Side. Yard setback (overhang) Zoning requires 3' (feet) minimum. Article 68, Section 8 Lot Area Insufficient Applicant will need to seek relief for Insufficient lot size of 1020 Sq. Ft.

Zoning Article 68, Section 8 Add'l Lot Area Insufficient Applicant will need to seek relief for Insufficient Additional Lot Area for each Additional Dwelling Unit. Zoning requires 1000 Sq.

**Purpose:** Erect a 2-family residential building on existing lot with 2 garage parking spaces in rear of building. Building features 2 1/2 stories with decks.

**Discussion:** At the request of the Board, the applicant presented plans to erect a four story, three-unit multifamily dwelling with ground level parking for two vehicles 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. Councilor Flynn's office is in opposition to the project.



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**Votes:** Board member Valencia moved to approve with the proviso of BPD design review. Collins seconded and the motion carried unanimously.

**Case: BOA-1599326 Address: 46 High Street Ward 2 Applicant: 46 High Street Residences LLC**

Article(s) Art. 09 Sec. 02 Nonconforming Use Change Article 62, Section 25 Roof Structure Restrictions

Article 62, Section 29 Off-Street Loading Insufficient Article 62, Section 7 Use: Forbidden Multi-Family Dwelling –

Forbidden Article 62, Section 8 Bldg. Height Excessive (Stories) Article 62, Section 8 Bldg. Height Excessive (Feet)

Article 62, Section 8 Usable Open Space Insufficient

Purpose: Change occupancy from 5 residential units to 8 residential units by constructing a 4 Story addition in the rear with onsite parking. Building proposed to feature 4 stories with decks (at roof/floors), new elevator, and upgrades to life safety.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy of a five unit dwelling to an eight-unit residential building. A four-story addition in the rear along with onsite parking. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Murphy and Coletta are in support of the project. An abutter was in support.

**Votes:** Board member Collins moved to approve with the proviso of BPD design review. Langham seconded and the motion carried unanimously.

**RE-HEARING: 12:00 NOON**

**Case: BOA- 1667121 Address: 106 Webster Street Ward 1 Applicant: James Christopher**

**Article(s):** Violation Violation Description Violation Comments 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 Additional F.A.R. Art. 53 Sec. 09 BPDA approved plans show 40'; New height shown on

rudimentary AS-BUILT plans, shows roof decks and increase of roof structure

sizes. New height disclosed 51'-3" Art. 53 Sec. 52 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

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

**Discussion:** At the request of the Board, the applicant seeks permission to amend the plan as issued under building permit ERT593075. Board members asked about the plans.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board Member Collins recused himself from the matter. Board member Valencia moved to approve. Langham seconded and the motion carried unanimously.



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**STEPHANIE HAYNES BOARD OF APPEAL 617-635-4775**

BOARD MEMBERS:

SHERRY DONG-CHAIR

NORMAN STEMBRIDGE-SECRETARY

GIOVANNY VALENCIA

ALAN LANGHAM

KATIE WHEWELL

SUBSTITUTE MEMBERS:

DAVID COLLINS

JEANNE PINADO

**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)**