



Tuesday, March 04, 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 MARCH 04, 2025 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS MARCH 04, 2025 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MARCH 04, 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/March4ZBAComments> 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/March4ZBAComments> 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.

EXTENSIONS: 9:30AM

Case: BOA-1385793 Address: 9 Downer Court Ward 15 Applicant: Charles R. Tevnan

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

Case: BOA-1272203 Address: 5 Parker Street Ward 2 Applicant: Jeffrey Drago, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to March 17, 2027.

Case: BOA- 1033475 Address: 334-362 Cambridge Street Ward 22 Applicant: Jeffrey Drago, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to March 13, 2027.

Case: BOA-1033474 Address: 1 Highgate Street Ward 22 Applicant: Jeffrey Drago, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to March 13, 2027.

Case: BOA- 1033472 Address: 8-12 Wilton Street Ward 22 Applicant: Jeffrey Drago, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to March 13, 2027.

Case: BOA-1033469 Address: 20 Braintree Street Ward 22 Applicant: Jeffrey Drago, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to March 13, 2027.

Case: BOA- 1395268 Address: 1017 River Street Ward 18 Applicant: Jeffrey Drago, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to March 17, 2027.

Case: BOA- 1433779 Address: 800 William T. Morrissey Boulevard Ward 16 Applicant: Matthew Lawlor

Discussion/Votes: The Board moved to unanimously approve the extension request to May 19, 2027.

Case: BOA- 11283800 Address: 128 Webster Street Ward 1 Applicant: Lorene A. Schettino, ESQ

Discussion/Votes: The Board moved to unanimously approve the extension request to March 25, 2026.

Case: BOA- 1094129 Address: 4011-4019 Washington Street Ward 19 Applicant: Neal Gold

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

Case: BOA- 1368532 Address: 60 Chesterfield Street Ward 18 Applicant: Tania Polanco

Discussion/Votes: The Board moved to unanimously approve the extension request to March 7, 2026.



BOARD FINAL ARBITER: 9:30AM

Case: BOA-1467752 Address: 10 Saint Margaret Street Ward 7 Applicant: Justin Byrnes, ESQ

Discussion/Votes: Upon a motion and a second, the Board moved to approve.

HEARINGS: 9:30AM

Case: BOA-1659785 Address: 8 Brooks Street, Ward 1 Applicant: Tom Walsh & Peter Ryan

Article(s) Art. 09 Sec. 02 Nonconforming Use Change Nonconforming retail store use on lot Article 53 East Boston Neighborhood District Section 53 5 Residential Dimensional Regulations Insufficient rear yard setback Article 53 East Boston Neighborhood District Section 53 5 Residential Dimensional Regulations Max allowed building height has been exceeded Article 53 East Boston Neighborhood District Section 53 5 Residential Dimensional Regulations Max. allowed number of stories has been exceeded Article 53 East Boston Neighborhood District Section 53 5 Residential

Dimensional Regulations Building lot coverage > 60% Article 53 East Boston Neighborhood District Section 53 5 Residential Dimensional Regulations Minimum permeable surface reduced @ <30% Article 53 East Boston Neighborhood District Section 53 29 Allowed Encroachments into the rear yard of a shallow lot <10' Art. 32 Sec. 32 4 Groundwater Conservation Substantial Renovation Article 53 East Boston Neighborhood District Section 53 25 Roof structure restrictions. Reconfiguration of exiting roof structure via proposed 3 story vertical addition

Purpose: To change occupancy from commercial space to commercial space and three units; to erect a 3-story vertical addition and rear egress stairs **CLARIFICATION:** Change occupancy of attached one story buildings retail store into a retail store and 3 units by erecting a 3-story vertical addition on top of the existing structure per submitted plans.

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

Case: BOA- 1686079 Address: 124-126 Bunker Hill Street Ward 2 Applicant: Gabe Mater

Article(s) Art. 62 Sec. 25 Roof Structure Restrictions

Purpose: Request a refusal letter to go to the board for approval. Add a roof deck per attached plans. Currently already an interior stair and roof hatch to access the roof.

Discussion: At the request of the Board, the applicant presented plans to add a roof deck to an existing two-family building, which currently includes an interior stair and 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 Whewell motioned for approval with the proviso for Planning department design review due to its location in the Charlestown Neighborhood Design District. Board member Turner seconded and the motion carried unanimously.

Case: BOA-1685710 Address: 597 East Second Street Ward 6 Applicant: George Morancy, ESQ

Article: Art 68 Sec 29 Roof Structure Restrictions Reconfiguration of existing roof profile (i.e. Roof Dormers front and rear; 2 story building conversion to a three-story structure)

Purpose: Confirm occupancy of single family. The owner seeks to renovate the existing single-family home as per the attached plans. With no change to footprint or occupancy.

Discussion: At the request of the Board, the applicant presented plans to confirm the occupancy as a single-family dwelling, renovating the building and adding front and rear dormers. 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 Valencia motioned for approval. Board member Whewell seconded and the motion carried unanimously.



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Case: BOA- 1658178 Address: 674-676 East Broadway Ward 6 Applicant: Joy Lee Real Estate Trust

Article(s) Article 68, Section 8 Lot Area Insufficient Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Bldg. Height Excessive (Feet) Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 29 Roof Structure Restrictions Art. 68 Sec. 33 Off Street parking Req.

Purpose: Change of occupancy from a restaurant and one residential unit to a restaurant and three residential units. Vertical addition by adding an additional floor, roof deck, and headhouse.

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

Case: BOA-1644826 Address: 32 Vinton Street Ward 7 Applicant: Felix Ramos

Article(s) Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 29 Roof Structure Restrictions

Purpose: Confirm occupancy as 3 family. Frame new addition bedroom with a closet according engineer plans. Remove and reframe new emergency stairs at the back of the house, according plans.

Discussion: At the request of the Board, the applicant presented plans to confirm the occupancy of a three-family dwelling by extending the structure toward the rear, constructing a bedroom on a third floor, and adding new emergency stairs. 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.

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

Case: BOA- 1650298 Address: 99 Boston Street Ward 7 Applicant: The Fortress Boston Corporation Article(s)

Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Reduction of lot size > 25% of a nonconforming use – Conditional Article 65 Section 16 Dimensional Regulations EXCESSIVE F.A.R

Purpose: Seeking zoning refusal. Subdividing lot for the purposes of maintaining the current commercial use on one lot and building a new mixed use building on second lot. There will be a companion ERT application filed for the new building. Note: New building address to be known as 101 109 BOSTON STREET and this structures address to now be known as 99 BOSTON STREET.

Discussion: At the request of the Board, the applicant presented plans to subdivide an existing parcel, into two parcels. One parcel will have a new six story mix used building while the other parcel will allow for a long existing self-storage facility. Board members asked about the plans.

Documents/Exhibits: Building Plans

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

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

Case: BOA- 1650301 Address: 101-109 Boston Street Ward 7 Applicant: Cobalt Development Partners LLC

Article(s) Art. 65 Sec. 41 Off street parking requirements Insufficient off street parking Art. 65 Sec. 41 Off street parking requirements Off street parking design and clear maneuvering areas Art.65 Sec.15 Use: Conditional takeout uses- conditional Article 25A Section4 CFROD Applicability Applicability- Proposed construction of >15 units, >49,899gsf structure Article 65 Section 15 Use Regulations MFR -conditional Article 65 Section 16 Dimensional Regulations excessive f.a.r Article 65, Section 16-Dimensional Regulations Max allowed building height exceeded

Purpose: Zoning refusal submission Companion application for subdivision application ALT1628275. Erect new mixed-use building (59 residential units, ground floor retail and restaurants with takeout and 10 onsite garaged parking spaces)

Discussion: At the request of the Board, the applicant presented plans to construct a new six story mixed use building with up to fifty-nine units, ground floor retail and or restaurant, ten on-site parking spaces. Board members asked about the plans, public access and open spaces on the roof.

Documents/Exhibits: Building Plans



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

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

Case: BOA- 1648030 Address: 2164-2168 Washington Street Ward 8 Applicant: Community Music Center of Boston, Inc.

Article(s) Art. 50 Sec. 43 Off street parking insufficient More parking spaces required due conversion of basement from storage into conditionate space. Article 50, Section 11 Dimensional Regulations in Roxbury EDA FAR exceeded. Max. allowed 2.0

Purpose: The proposed redevelopment project involves the change in occupancy and interior/roof renovation of the existing three-story building located at 2164 2168 Washington Street, Roxbury, MA (Parcel ID: 0802478000). The basement of the existing building is currently excluded from the building's GFA; in addition to renovating the existing building, Applicant proposes to fit out the basement to accommodate the project's proposed uses, which will include studio (arts/music), community center, and accessory office uses. Applicant does not propose to continue any of the building's currently permitted uses, including storage, store, gallery and art exhibit, and sales. In connection with the project, Applicant and the Boston Planning Department will enter into an easement agreement, which will grant Applicant the exclusive right to use portions of two adjacent parcels owned by the Boston Redevelopment Authority (Parcel ID: 0802472000; Parcel ID: 0802479000) on which the existing building encroaches.

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

Case: BOA- 1653182 Address: 59 Worcester Street Ward 9 Applicant: Derric Small

Article(s): Art 64.9.4 Town/Rowhouse extension into rear Art. 64 Sec. 09 Dimensional Regulations Applicable in Residential Sub Excessive f.a.r Art. 64 Sec. 09 Dimensional Regulations Applicable in Residential Sub Insufficient side yard setback Art. 64 Sec. 09 Dimensional Regulations Applicable in Residential Sub Insufficient rear yard setback Art. 64 Sec. 09 Dimensional Regulations Applicable in Residential Sub Basement units are forbidden Art. 64 Sec. 36 Off-St. Parking Requirements Insufficient off-street parking Art. 64 Sec. 36 Off-St. Parking Requirements Design/maneuvering areas Art. 65 Sec. 64-34 Restricted Roof Structure District Proposed Dormer Article 64 Section 8 Use Regulations Basement units are forbidden

Purpose: Change the legal occupancy from a two-family dwelling to five residential units. Correct V755689

Discussion/Votes: Upon a motion and a second, the Board moved to defer until April 29, 2025.

Case: BOA-1661327 Address: 26 Wabon Street Ward 12 Applicant: Simba Development Group

Article(s) Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Add'l Lot Area Insufficient Art. 50 Sec. 43 Off street parking requirements (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas, and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.

Purpose: Convert single family home into 2 family residence #1 unit: a new entrance, a new bedroom & bathroom in the basement & new bedroom & bathroom on the first floor. #2 unit: a new entrance, new kitchen on the second floor, & new bathroom on the third floor. deck addition, egress, stairs

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from a single family to a two-family dwelling. Unit one will occupy the first floor and living space in the basement and unit two will consist of floors two and three. 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. Board member Turner seconded and the motion carried unanimously.



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Case: BOA-1669646 Address: 59 Wales Street Ward 14 Applicant: Miguel Gomes

Article(s) Article 60, Section 37 Off-Street Parking Insufficient Article 60, Section 8 Use: Forbidden Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient

Purpose: Adding additional unit to the basement of the approved 5 family dwelling. ALT1506144 pending, approved by the BOA.

Discussion: At the request of the Board, the applicant presented plans to add an additional dwelling unit into an already finished basement, complete with basement walk out. 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. Board member Whewell seconded and the motion carried unanimously.

Case: BOA- 1658677 Address: 55-57 River Street Ward 17 Applicant: Cynthia Edwards

Article(s) 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 (Stories) Article 65, Section 9 Floor Area Ratio Excessive Art. 65 Sec. 65 41.5 Parking Size & Maneuverability Article 65, Section 41 Off Street Parking Regulations

Purpose: Change of occupancy from a 2-family dwelling to a 14 Unit multifamily building with garage parking, as per plans. Scope includes partial demolition of existing dwelling and the erection of a 3-story addition at the rear to accommodate 12 additional units with balconies. The existing building to have the addition of new front facing dormers. Life safety upgrades included.

Discussion/Votes: Upon a motion and a second, the Board moved to defer until May 20, 2025.

Case: BOA#1658685 Address: 55-57 River Street Ward 17 Applicant: Cynthia Edwards

521 CMR 10.00 Public and Common Use Spaces 521 CMR 10.2 ACCESSIBLE ROUTES. There shall be an accessible route at least 36 inches (36" = 914mm) wide connecting accessible parking, accessible entrances, public and common use spaces, and dwelling units. Wherever possible, the accessible route shall be the shortest possible route, see 521 CMR 20.00: ACCESSIBLE ROUTE. [The addition of 12 additional units requires compliance with 521 CMR. No accessible paths provided.]

Purpose: Change of occupancy from a 2-family dwelling to a 14 Unit multifamily building with garage parking, as per plans. Scope includes partial demolition of existing dwelling and the erection of a 3-story addition at the rear to accommodate 12 additional units with balconies. The existing building to have the addition of new front facing dormers. Life safety upgrades included (FP/FA).

Discussion/Votes: Upon a motion and a second, the Board moved to defer until May 20, 2025.

Case: BOA-1663367 Address: 50 Bradlee Street Ward 18 Applicant: Jasmany Beato

Article(s): Article 69, Section 8 Use: Forbidden Applicant will need to seek relief for the use of a Two-family home in a Single-family zone. Article 69, Section 9 Lot Area Insufficient Applicant will need to seek relief for the lot area. Zoning requires the lot area to be a minimum of 6000 sq. ft. Proposed project has a lot size of 5,242 sq. ft. Article 69, Section 9 Lot Width Insufficient Applicant will need to seek relief for 42' lot width, not the required 60' feet. Article 69, Section 9 Lot Frontage Insufficient Applicant will need to seek relief for 42' feet frontage not the required 60' feet. Article 69, Section 9 Floor Area Ratio Excessive Applicant will need to seek relief for an excessive FAR of .66, not the required .5. Article 69, Section 9 Side Yard Insufficient Applicant will need to seek relief for side yard setback of 5' (Non-driveway side) and seek an easement for the driveway side to be 7' (feet) Plus. Article 69, Section 9 Usable Open Space Insufficient Applicant will need to seek relief for Insufficient usable open space.

Purpose: Subdivide lot for New Construction of a two-family house

Discussion: At the request of the Board, the applicant presented plans to subdivide a lot in order to erect a two-family dwelling with an easement for a shared driveway. Board members asked about the plans.

Documents/Exhibits: Building Plans

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



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Votes: Board member Stembridge motioned for approval with the proviso of Planning Department review with special attention to the rear yard and parking layout in order to preserve open space. Board member Whewell seconded and the motion carried unanimously.

Case: BOA-1685352 Address: 4471 Washington Street Ward 20 Applicant: Jon Wardwell

Article(s) Art. 67 Sec. 08 Use Regulations Applicable in MFR use - Forbidden Residential Sub Districts Article 67, Section 32 Off-Street Parking Insufficient Parking Article 67, Section 9 Dimensional Regulations Insufficient lot area - 8000sf req. Article 67, Section 9-Dimensional Regulations Max allowed F.A.R. exceeded Article 67, Section 9 Dimensional Regulations Max number of stories allowed has been exceeded Article 67, Section 9 Dimensional Regulations Insufficient usable open space per unit Article 67, Section 9 Dimensional Regulations Insufficient rear yard setback

Purpose: To erect a new residential building with 8 units and 4 parking spaces

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

Case: BOA- 1564330 Address: 296 Summit Avenue Ward 21 Applicant: Rod Rivera

Article(s) Art. 51 Sec. 08 Use Regulations Proposed Main use Forbidden Art. 51 Sec. 08 Use Regulations Proposed accessory use parking forbidden Art. 51 Sec. 09 Dimensional Regulations Insufficient rear yard setback Art. 51 Sec. 09-Dimensional Regulations Number of allowed habitable stories has been exceeded Art. 51 Sec. 09 Dimensional Regulations Insufficient usable open space per unit Art. 51 Sec. 40 5(a) Off street parking design Clear maneuvering areas Art. 10 Sec. 01 Limitation of parking areas 5' side yard buffer Art. 51 Sec. 09 Dimensional Regulations Insufficient additional lot area per unit Art. 51 Sec. 09 Dimensional Regulations Excessive f.a.r.

Purpose : Change Occupancy from a 3 family to a 4 family. Make the Basement into a unit. work to include F/A, Sprinkler, MEP, framing and carpentry PROPOSE 10 9x20 PARKING SPACES IN SIDE AND REAR YARD.

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

HEARINGS: 11:00 AM

Case: BOA-1663313 Address: 546 East Broadway Ward 6 Applicant: Nicholas Landry

Article(s) Art.68 Sec 29 Roof Structure Restrictions Article 68, Section 8 Bldg. Height Excessive (Feet)Max. allowed: 35' Proposed: 59' 3" (Extension of non-conformity)

Purpose: Change of use from 1 apartment, professional office, and body art establishment to seven residential units. Interior renovation and rear 4 story addition. Reducing the parking spaces from 18 to 14. Combine two parcels into one: parcel ID0603001000 with 10,539 sqft and parcel ID 0602991000 with 2,992 sqft Resulting parcel: 13,531 sqft

Discussion: At the request of the Board, the applicant presented plans to change the use from one apartment, professional office and body art establishment to seven 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. Several abutters were in opposition to the project.

Votes: Board member Whewell motioned for approval with the proviso of Planning Department design review with special attention to visibility of the top floor. Board member Valencia seconded and the motion carried unanimously.

Case: BOA- 1685231 Address: 368-372 West Broadway Ward 6 Applicant: Jamie Moss Ward: 06

Article(s) Art. 68 Sec. 07 Use Regs. Use conditional

Purpose: Change Occupancy to include Community Center.

Discussion/Votes: Upon a motion and a second, the Board moved to defer until March 20, 2025.

Case: BOA-1680062 Address: 83 Wildwood Street Ward 14 Applicant: KNG Realty Corporation-MOH

Article(s) Article 60 3 Proposed Use Table MFR use Forbidden Article 60 Section 60 4 Dim. Regs Applicable in Residential Subdistricts (Table D) % of allowed Building lot coverage exceeded

Article 60 Section 60 4 Dim. Regs Applicable in Residential Subdistricts (Table D) Insufficient permeable lot area

Purpose: MOH project Erect a New Multi Family 9 Units.



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Discussion: At the request of the Board, the applicant presented plans to erect a three story, nine family structure with seven off street parking spaces. Board members asked about landscaping and the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Worrell, Santana and Murphy were in support of the project.

Votes: Board member Valencia motioned for approval with the proviso of Planning Department design review and that the applicant continue to engage with immediate abutters to work to mitigate concerns related to screening and buffering. Board member Turner seconded and the motion carried unanimously.

RE-DISCUSSION: 11:30AM

Case: BOA-1677707 Address: 639-643H Warren Street Ward 12 Applicant: 639 Warren Street LLC-ARTICLE 80

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 20-Dimensional Business Dist Building Height Excessive Article 50 Section 20-Dimensional 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 units of housing and 2000sf of ground floor retail commercial space, and off-street parking spaces. Building feature amenity spaces and bike room.

Discussion: At the request of the Board, the applicant presented plans to combine two lots and construct a six-story mixed used building with sixty-three fully affordable units, commercial space on the ground floor and twenty-two parking spaces. Board members asked about the plans, and affordability of the units.

Documents/Exhibits: Building Plans

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

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

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

Article(s): 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

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 April 29, 2025.

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

Article(s): 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: At the request of the Board, the applicant presented plans to raze and existing structure, combine two lots and erect a new four story, seven-unit residential dwelling unit with a ground floor parking garage with ten spaces. Board members asked about the plans.

Documents/Exhibits: Building Plans

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



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

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 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Rear Yard Insufficient Notes

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, create new front entry door, enclose rear porches and provide a 2-story addition to the rear, per attached plans.

Discussion: At the request of the Board, the applicant presented plans to living space now in the attic and basement. 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 Whewell motioned for approval. Board member Turner seconded and the motion carried unanimously.

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

9th 780 CMR 1011 Stairways 1011.5.3 Winder treads. Winder treads are not permitted in means of egress stairways except within a dwelling unit. [Winder stairs not allowed for common stairs.] 9th 780 CMR 1023 Interior Exit Stairways and Ramps 1023.1 General. Interior exit stairways and ramps serving as an exit component in a means of egress system shall comply with the requirements of this section. Interior exit stairways and ramps shall be enclosed and lead directly to the exterior of the building or shall be extended to the exterior of the building with an exit passageway conforming to the requirements of Section 1024, except as permitted in Section 1028.1. An interior exit stairway or ramp shall not be used for any purpose other than as a means of egress and a circulation path. [Closet within interior stairway is not permitted.]

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, create new front entry door, enclose rear porches and provide a 2-story addition to the rear, per attached plans.

Discussion: At the request of the Board, the applicant presented plans to renovate an existing living space now in the attic and basement. 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 Whewell motioned for approval. Turner 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: At the request of the Board, the applicant presented plans to raze and existing structure and erect a new four story, four-unit residential building with four parking spaces in the rear. Board members asked about the plans and parking.

Documents/Exhibits: Building Plans



City of Boston
Board of Appeal

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

Votes: Board member Whewell motioned for approval with the proviso of Planning Department design review with special attention to the parking design. Valencia seconded and the motion carried unanimously.

HEARINGS: 12:00 PM

Case: BOA- 1685377 Address: 40 William C Kelly Square Ward 1 Applicant: First Priority Credit Union by William Kelly Forty, LLC

Article(s) Article 53 East Boston Neighborhood District Section 53-7. Table B of this Article for use regulations is conditional use

Purpose: The petitioner seeks a Conditional Use Permit in accordance with the Provisions of Article 6 of the Code for the reasons set forth in the Inspectional Service Department's refusal letter. Change occupancy of ground level commercial space to Bank and ATM.

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from commercial space to bank with ATM. 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 Turner motioned for approval. Board member Whewell seconded and the motion carried unanimously.

INTERPRETATION: 12:00 PM

Case: BOA- 1685296 Address: 265-269 Maverick Street Ward 1 Applicant: 265 Maverick, LLC

Article(s) Article 53, Section 5.3 Dimensional Regulations Building Height (Stories) Excessive Article 53, Section 5.3 Dimensional Regulations Building Depth (Feet) Excessive Article 25A Section 4 CFROD Applicability Article 25, Section 5 Flood Plain Regulations Article 32, Section 4. GCOD, Applicability Art. 53 Sec.25 Roof Structure Restrictions

Purpose: The petitioner seeks a determination that the Inspectional Services Department erred in issuing a refusal letter citing Article 53-25 – Roof Top Restrictions; Article 53-5.3 – Building Height (Stories) – Excessive; and Article 53-5.3 – Building Height (Feet) – Excessive.

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

EXECUTIVE SESSION: 12:30 PM

Discussion of pending Suffolk Superior Court litigation - Breyer Corp. et al vs. OPCO Allston, LLC et al., Civil Action No. 2284CV01632

STEPHANIE HAYNES
BOARD OF APPEAL
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BOARD MEMBERS:
SHERRY DONG-CHAIR
NORMAN STEMBRIDGE-SECRETARY
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KATIE WHEWELL
SHAMALIAH TURNER

SUBSTITUTE MEMBERS:

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