



City of Boston  
Board of Appeal

**RECEIVED**

**By 135872 at 11:23 am, Apr 25, 2025**

**Tuesday, May 06, 2025**

**BOARD OF APPEALS**

**City Hall Room 801**

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### **HEARING AGENDA**

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MAY 06, 2025 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS MAY 06, 2025 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE MAY 06, 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/May6ZBAComments> 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/May6ZBAComments> 617-635-4775, 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**



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**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**



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**BUILDING CODE: 9:30AM**

**Case: BOA- 1696076 Address: 421 E Sixth Street Ward 7 Applicant: 421 E Sixth Street LLC**

9th Edition 780 CMR CHPT 10 Chapter 10 780 CMR ch 10, section 1011.12.2 Roof Access to an occupied roof deck of a four story R2 dwelling

**Purpose:** Construction of new multifamily dwelling with four units and eight garage spaces. Building to include sprinklers. Full set of construction plans by architect and engineers to be submitted after zoning review determination. Demolition to be included in separate permit application.

**Case: BOA- 1699255 Address: 320 Washington Street Ward 22 Applicant: Vugar Khudiyev**

9th Edition 780 CMR CHPT 03 Chapter 03 308.6.1 Classification as Group E. A child day care facility that provides care for more than five but not more than 100 children 21/2 years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

**Purpose:** We have already got our occupancy license for toddlers and preschoolers, we want to extend it to infants. All the physical preparations are done and infants rooms are ready. Detailed evacuation procedures are posted on the emergency exits. Approved evacuation plan and evacuation cribs are in place. Looking for refusal

**HEARINGS: 9:30AM**

**Case: BOA-1663421 Address: 869 Saratoga Street Ward 1 Applicant: Mohammed Najmi**

**Article(s)** Art. 25 Sec. 5 Flood Hazard Districts Article 53, Section 5.3 Dimensional Regulations(Residential Subdistrict) Building Height (Stories) Excessive Article 53, Section 5.3 Dimensional Regulations(Residential Subdistrict) Building Height (Feet) Excessive Article 53, Section 5.3 Dimensional Regulations(Residential Subdistrict) Building Lot Coverage (Mid Block Lot) Excessive Article 53, Section 5.3 Dimensional Regulations(Residential Subdistrict) Building Depth (Feet) Excessive Article 53, Section 5.3 Dimensional Regulations(Residential Subdistrict) Permeable Area of Lot Insufficient Article 53, Section 5.3 Dimensional Regulations(Residential Subdistrict) Side Yard Insufficient Article 53, Section 5.3 Dimensional Regulations(Residential Subdistrict) Rear Yard Insufficient

**Purpose:** Erect a four story building with three residential units on floors 2 4; a common entry lobby, elevator, roof deck, rear exterior stair, and parking space on the ground floor level. building also features a basement with utility rooms, and 2 additional parking spaces in rear yard. Demolition of existing house will be on separate permit.

**Case: BOA-1661355 Address: 18 Symphony Road Ward 4 Applicant: 18 Symphony Road, LLC**

**Article(s)** Art. 32 Sec. 04 GCOD Applicability Excessive 50 sf. & paving. Article 66, Section 40 Screening & Buffering Req Screening and Buffering Required

**Purpose:** Interior Renovation, Deck Addition to the first floor of the back wall. Change of Use from Single Family to Congregate Living.

**Case: BOA- 1697845 Address: 175 Newbury Street Ward 5 Applicant: UMNV 175 Newbury LLC by Wei Lin**

**Article(s)** Art. 08 Sec. 03 Conditional Uses According to Article 8, Section 8 2, Table B, a restaurant use is considered conditional. Therefore, obtaining conditional use permit is required.

**Purpose:** change from retail to restaurant per to plan

**Case: BOA-1692966 Address: 81 South Huntington Avenue Ward 10 Applicant: Victory Program, Inc-MOH**

**Article(s)** Art. 55, Section 25 Use: Conditional

**Purpose:** Conversion from Hotel to Homeless Shelter



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**Case: BOA-1664180 Address: 100-102 Warren Street Ward 12 Applicant: Andrea James**

**Article(s)** Article 9 Section 1 Extension of Nonconforming Use Article 50, Section 29 Rear Yard Insufficient

Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Floor Area Ratio Excessive

Art. 50, Section 43 Off Street Parking Insufficient

**Purpose:** NCCFIW. Change of occupancy to include Accessory Food Pantry. Scope of work includes the demolition of two existing portions of the building (front & middle) and the erection of a 2 story addition (middle) to remain an office use, new food pantry to be located in basement. The new complex, in the Moreland Street historic district, to have a complete remodel and build a new roof deck with roof pergola. Site work will include new grading and retaining walls.

**Case: BOA- 1701377 Address: 34 Wales Street Ward 14 Applicant: Ambry Development Group, LLC-MOH**

**Article(s)** Article 60 Section 32 Off Street Parking and Loading Requirements Section 5 Design: the dimension of the

parking spaces are insufficient. 8.5'x20' is required for 50% of the spaces. Article 60 3 Proposed Use Table A

Multifamily use is forbidden Article 60, Section 60 4 Dimensional Regulations Table D Additional lot area. Lot area

required: 30,000 sqft Proposed: 11,108 sqft Article 60, Section 60 4 Dimensional Regulations Table D FAR max.

allowed: 0.8 Proposed: 1.5 Article 60, Section 60 4 Dimensional Regulations Table D Building height. Max. allowed:

35' Grade level is not shown on the elevations to determine compliance. (This information was requested but the

applicant didn't provide it.) Article 60, Section 60 4 Dimensional Regulations Table D Open space required: 4,800

sqft Article 60, Section 60 4 Dimensional Regulations Table D Rear yard. Required: 30' Proposed: 16.1'

**Purpose:** MOH Welcome Home Boston (Phase 2) Twelve (12) homeownership unit residential building with six (6) three (3) bedroom family units and six (6) two (2) bedroom family units. The proposed project is six (6) units at 80% AMI and six (6) units at 100% AMI. The project will also have nine parking spots.

**Case: BOA-1684453 Address: 77 Bushnell Street Ward 16 Applicant: Mario Faucher**

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

**Purpose:** Confirm occupancy as one family. Add a addition of rear of the main house 15.30 x 27.30 two story, two bathroom and master bedroom and dining room

**Case: BOA-1679758 Address: 76 Sanborn Avenue Ward 20 Applicant: Erik Owens**

**Article(s)** Article 56. Section 8 Side Yard Insufficient

**Purpose:** We are making a nominal fee request to go to the Board of Appeals for this 2 Story Addition. Dining Room extension/powder room on 1st floor, Primary bathroom/closet + laundry room on 2nd floor. [Update 7.24.2024:

Estimated cost uses \$350/SF x 343 additional SF + 61 altered SF = \$141,400]

**Case: BOA-1699534 Address: 470 Western Avenue Ward 22 Applicant: 470 Western Ave LLC-ARTICLE 80**

**Article(s)** Article 51, Section 16 Use Regulations Multi Family Dwelling (Bsmt. & First Story)

Conditional Article 51, Section 17 Dimensional Regulations Floor Area Ratio Excessive Article 51, Section 17

Dimensional Regulations Building Height (Feet) Excessive Article 51, Section 17 Dimensional Regulations Rear Yard

40ft req'd per Article 12 3 Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 56 Off Street

Loading Insufficient Art.51 Sec.56 Off St Parking Design 51 56.5.a Maneuvering areas insufficient

**Purpose:** Erect a new 6 story multi family dwelling with below grade garage consisting of 39 units and approximately 34,495 SF of GFA. Building features underground parking accessed through elevator, bike storage, and balconies. Existing building to be demolished on separate permit. See ALT1657376 for subdivision.

## **HEARINGS: 11:00 AM**

**Case: BOA-1704651 Address: 1-4 Percival Place Ward 1 Applicant: Holton Realty Trust**

**Article(s)** Art. 25 Sec. 5 Flood Hazard Districts ARTICLE 53; SECTION 53-28 Off-Street Parking & Loading

Insufficient parking ARTICLE 53; SECTION 53-5 Dimensional Regulations (Table F) Max building lot coverage

exceeded. ARTICLE 53; SECTION 53-5 Dimensional Regulations (Table F) Front yard maximum allowed setback exceeded

**Purpose:** Subdivide Parcel#010390900 into two lots. Lot 1 to contain 2,872 s.f. and Lot 2 to contain 2,127 s.f. (Change occupancy to a six unit residential dwelling as per plans. (See also ALT1642504 for subdivision of lot)



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**Case: BOA- 1704648 Address: 108-110 Orleans Street Ward 1 Applicant: Holton Realty Trust**

**Article(s)** ARTICLE 53; SECTION 53-5 Dimensional Regulations (Table F) Max building lot coverage on subdivided lot exceeded. ARTICLE 53; SECTION 53-5 Dimensional Regulations (Table F) Minimum permeable area of newly created lot size not met ARTICLE 53; SECTION 53-5 Dimensional Regulations (Table F) Insufficient side yard setback ARTICLE 53; SECTION 53-5 Dimensional Regulations (Table F) Insufficient rear yard setback  
**Purpose:** Subdivide Parcel#010390900 into two lots. Lot 1 to contain 2,872 s.f. and Lot 2 to contain 2,127 s.f. (See also ALT1642505 to change occupancy)

**Case: BOA- 1706457 Address: 77-81 Terrace Street Ward 10 Applicant: ODJ Dev LLC-ARTICLE 80-MOH**

**Article(s)** Art. 59, Section 18 Use: Forbidden Multi - Family Dwelling - Forbidden Art. 59, Section 18 Use: Conditional General Retail - Conditional Article 59, Section 19 Dimensional Regulations Building Height Excessive Article 59, Section 19 Dimensional Regulations Rear Yard Insufficient (Refer to Article 12 - 3) Art. 59, Section 37 Off - Street Loading Insufficient Art. 59, Section 37 Off - Street Parking Insufficient  
**Purpose:** Combination of 11 lots to subdivide into 6 lots. Parcels: 1000396000, 1000437000, 1000436000, 1000435000, 1000434000, 1000433000, 1000432000, 1000431000, 1000430000, 1000429000, & 1000428000; to become Parcel A (29,132sf), Parcel B(15,840sf), Parcel C (11,931sf), Parcel D (756sf), Parcel E (808sf), & Parcel F (598sf). Private way area of 407sf to remain clear. Erect new 5 - story, Mixed - Use Building, on newly created Parcel A. Building to include 48 - units for affordable homeownership, Ground Floor Retail, and Garage for off - street accessory parking. Building features bike storage room, outdoor open spaces, and amenity spaces.

**Case: BOA-1698825 Address: 496-500 Talbot Avenue Ward 16 Applicant: John Pulgini, ESQ**

**Article(s)** Art. 65 Sec. 08 Forbidden Fitness gym Art. 65 Sec. 08 Forbidden Grocery store Article 65, Section 41 Off Street Parking Regulations Insufficient parking Article 65, Sec 65 41 Off Street Loading Req. Insufficient parking  
**Purpose :** Complete fit out and change occupancy of the two ground floor commercial space components of a 5 story mixed use building. One space will be fit out as a fitness center (bTone Fitness Studio), the other as a grocery store (The Daily Market Ashmont).

**Case: BOA- 1670399 Address: 44R Bradlee Street Ward 18 Applicant: James Christopher**

**Article(s)** Article 69, Section 8 Use: Forbidden Applicant will need to seek relief for the use of an office, which is forbidden. Article 69, Section 9 Lot Width Insufficient Applicant will need to seek relief for the required lot width of 60' (feet). Article 69, Section 9 Floor Area Ratio Excessive Applicant will need to seek relief for F.A.R. (Floor Area Ratio) Article 69, Section 9 Bldg Height Excessive (Feet) Applicant will need to seek relief for the height of proposed the garage. Article 69, Section 9 Side Yard Insufficient Applicant will need to seek relief for the required side yard setback. Article 69, Section 9 Rear Yard Insufficient Applicant will need to seek relief for the required rear yard setback.  
**Purpose :** The home owner seeks to raze the existing single story garage (on building permit ALT1624321) and construct a new 2 story 3 car garage with an office above as per the attached plans.

**Case: BOA-1696783 Address: 736-738 East Broadway Ward 6 Applicant: George Morancy, ESQ**

**Article(s)** Art 68 Sec 29 Roof Structure Restrictions Max allowed height on parcel exceeded Art. 68 Sec. 07 Use Regs. Restaurant use Conditional Art 68 Sec 8 Dim reg app in res sub dist Insufficient additional lot area per unit 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 8 Dim reg app in res sub dist Insufficient open space per unit Art 68 Sec 8 Dim reg app in res sub dist Max allowed height has been exceeded Article 68, Section 33 Off Street Parking & Loading Req Insufficient parking Art. 68 Sec. 33 Off Street parking Req. Design/maneuvering areas  
**Purpose :** Demolish existing 3 story mixed use building and Erect new (4) story mixed use building with Restaurant use at ground/first floor levels and (12) dwelling units above. Note that the existing lots (736 738 E Broadway and 740 742 E Broadway) are being combined under Permit # (ALT1680884)





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**Case: BOA- 1703885 Address: 222 Saint Theresa Avenue Ward 20 Applicant: Jorgji Shkurti**

**Article(s)** Article 56, Section 8 Lot Width Insufficient

**Purpose:** Erect new single family home, application in conjunction with ERT1661511. Demolition of existing structure under SF#

**Case: BOA-1703888 Address: 224 Saint Theresa Avenue Ward 20 Applicant: Jorgji Shkurti**

**Article(s)** Article 56, Section 8 Front Yard Insufficient Article 56, Section 8 Floor Area Ratio Excessive

Article 56, Section 8 Lot Width Insufficient Article 56, Section 8 Side Yard Insufficient

**Purpose :** Erect new single family dwelling. connected to ERT1661492. Lot subdivision on ALT1672129

**Case: BOA-1698184 Address: 1 Waverly Street Ward 12 Applicant: Timothy Fraser, ESQ-MOH**

**Article(s)** Art. 50 Sec.37 Blvd Planning Overlay District Art. 50, Section 28 Use: Conditional Restaurant with outdoor patio Art. 50, Section 28 Use: Conditional Coffee shop Article 50, Section 29 Add'l Lot Area Insufficient Min. lot area required: 49,000 sqft Proposed: 23,612 sqft Article 50, Section 29 Floor Area Ratio Excessive Max. allowed:1 Proposed: 2.95 Article 50, Section 29 Bldg Height Excessive (Stories) Max. allowed: 4 Proposed: 5 Article 50, Section 29 Bldg Height Excessive (Feet) Max. allowed: 45' Proposed: 55' Article 50, Section 29 Usable Open Space Insufficient Min. required: 9,600 sqft Proposed: 7,294 sqft Article 50, Section 29 Front Yard Insufficient Min. required: 20' Proposed: 0' Article 50, Section 29 Side Yard Insufficient Min. required: 10' Proposed: 0 Article 50, Section 29 Rear Yard Insufficient Min. required: 20' Proposed: 0

**Purpose:** Demolition of existing structure (under SF:#) and podium construction of a 5 story building with 48 residential apartments on floors 2 thru 5. Proposing 2,050 sqft of core shell restaurant with outdoor patio and 835 sqft of core shell Coffee shop. 74 space garage on the ground level.

### **HEARINGS: 11:30 AM**

**Case: BOA- 1691234 Address: 9 Oak Square Avenue Ward 22 Applicant: George Morancy, ESQ**

**Article(s)** Art. 09 Sec. 02 Nonconforming Use Change Change in a nonconforming use >25% -Forbidden

Art. 51 Sec. 08 Use Regulations MFR use- Forbidden Art. 51 Sec. 08 Use Regulations Basement unit forbidden Art. 51 Sec. 09 Dimensional Regulations Insufficient front yard setback Art. 51 Sec. 09 Dimensional Regulations Insufficient side yard setback

**Purpose:** Renovate and extend existing 4-unit dwelling building and change legal occupancy to 6 dwelling units, with 6 standard accessory off-street parking spaces at grade plus one van-accessible ADA space

**Case: BOA- 1669678 Address: 879-881 Blue Hill Avenue Ward 14 Applicant: Wandaly Ortiz Guerrero**

**Article(s):** Article 60, Section 11 Use: Forbidden Use Forbidden Art. 09 Sec. 02 Nonconforming Use Change

**Purpose:** change occupancy to include live entertainment in existing Restaurant #36A(Function Room/Hall) with an occupancy 351 occupants\*9/17/24 filing assigned to fd By Dept Head Paul Williams on 10.3.24

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

**Article(s):** 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).



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