



City of Boston
Board of Appeal

Tuesday, November 19, 2024

BOARD OF APPEAL

City Hall Room 801

HEARING MINUTES

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON NOVEMBER 19, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS NOVEMBER 19, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE NOVEMBER 19, 2024 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/ZBAHearings2024>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 819 2218 4516 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/November19Commentto> 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/November19Comment> 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



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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



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APPROVAL OF HEARING MINUTES: 9:30 AM

October 24, 2024 & October 29, 2024

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the hearing minutes.

EXTENSIONS: 9:30AM

Case: BOA-1173599 Address: 535-537B Washington Street Ward 22 Applicant: Michael P. Ross, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until December 23, 2025.

Case: BOA-1392781 Address: 9 West Broadway Ward 6 Applicant: Nicholas Zozula, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until November 18, 2025.

Case: BOA-1298301 Address: 17 Warren Place Ward 12 Applicant: Nicholas Zozula, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until November 18, 2025.

Case: BOA-1101366 Address: 75 Willow Court Ward 7 Applicant: Nicholas Zozula, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until December 3, 2025.

Case: BOA-1101368 Address: 78 Willow Court Ward 7 Applicant: Nicholas Zozula, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until December 3, 2025.

Case: BOA-1374777 Address: 7 Dana Avenue Ward 18 Applicant: John Pulgini, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until November 22, 2025.

Case: BOA-1360285 Address: 301 Mount Vernon Street Ward 13 Applicant: Paul Momnie, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until December 23, 2025.



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Case: BOA-946259 Address: 30 Cumberland Street Ward 4 Applicant: Hezekiah Pratt, AIA

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until May 28, 2025.

Case: BOA-919610 Address: 120 Gove Street Ward 1 Applicant: Richard Lynds, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until September 19, 2025.

Case: BOA-919609 Address: 25-37 Frankfort Street Ward 1 Applicant: Richard Lynds, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until September 19 2025.

Case: BOA-657089 Address: 157 Howard Avenue Ward 13 Applicant: Lisa Beasley

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until December 5 2025.

Case: BOA-1344283 Address: 1 Raldne Road Ward 18 Applicant: Vanessa Prince

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until November 19, 2025.

GROUNDWATER CONSERVATION OVERLAY DISTRICT: 9:30AM

Case: BOA- 1658855 Address: 207-209 South Street Ward 3 Applicant: George Morancy, ESQ

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

Purpose: Renovation and change occupancy from office building to hotel with two restaurants and a café. Nominal fee, requires building code relief and GCOD approval.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request.

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

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

Purpose: Confirming Occupancy of Existing 2 Family. Application for zoning review refusal letter, nominal fee



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Discussion/Votes: Upon a motion and a second, the Board voted unanimously to defer until December 10, 2024.

GROUNDWATER CONSERVATION OVERLAY DISTRICT/HEARINGS: 9:30AM

Case: BOA-1634586 Address: 334 Shawmut Avenue Ward 3 Applicant: Casas Borinquen Apartments Limited Partnership

Article(s) Article 32, Section 4 GCOD, Applicability

Purpose: Interior/exterior work to include remodel of kitchens, baths, brick repairs, new roof, and repair entry stairs. Refer to plans and attached letter for full description of scope. Fire escapes to remain.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request.

Case: BOA-1634585 Address: 328-330 Shawmut Avenue Ward 3 Applicant: Casas Borinquen Apartments Limited Partnership

Article(s) Article 32, Section 4 GCOD, Applicability

Purpose: Change occupancy to 8 apartments by combining 328 Shawmut Ave & 330 Shawmut Ave to be known as 328 330 Shawmut Ave. Interior/exterior work to include remodel of kitchens and baths, bricks repairs, as per plans and attached letter. No major envelope upgrades, but a new rubber roof will be installed. See ALT1623064 & ALT1623065 for combination of existing buildings.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request.

Case: BOA-1634600 Address: 79 West Brookline Street Ward 9 Applicant: Casas Borinquen Apartments Limited Partnership

Article(s) Article 32, Section 4 GCOD, Applicability

Purpose: Interior/exterior work to include remodel of kitchens and baths, brick repairs, and rear retaining wall repairs. Refer to plans and attached letter for full description of scope. Fire escapes to remain.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request.

Case: BOA-1634598 Address: 75 West Brookline Street Ward 9 Applicant: Casas Borinquen Apartments Limited Partnership

Article(s) Article 32, Section 4 GCOD, Applicability

Purpose: Interior/exterior work to include remodel of kitchens and baths, brick repairs, and rear retaining wall repairs. Refer to plans and attached letter for full description of scope. Fire escapes to remain.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request.

Case: BOA- 1634592 Address: 10 Upton Street Ward 9 Applicant: Casas Borinquen Apartments Limited Partnership

Article(s) Article 32, Section 4 GCOD, Applicability

Purpose: Interior/exterior work to include remodel of kitchens, baths, and brick repairs. Refer to plans and attached letter for full description of scope. Fire escapes to remain.



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Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request.

Case: BOA- 1634591 Address: 638 Tremont Street Ward 9 Applicant: Casas Borinquen Apartments Limited Partnership

Article(s) Article 32, Section 4 GCOD, Applicability

Purpose: Interior/exterior work to include remodel of kitchens, baths, brick repairs, and new roof. Refer to plans and attached letter for full description of scope. Fire escapes to remain.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request.

Case: BOA-1634584 Address: 2 Aguadilla Street Ward 9 Applicant: Casas Borinquen Apartments Limited Partnership

Article(s) Article 32, Section 4. GCOD, Applicability

Purpose: Interior renovations to existing residential units only; 9 of 10 units. Residential scope includes remodel of kitchens, baths, interior finishes, with updates to life safety (FA/FP). Exterior work limited to brick repairs and new rooftop mechanical equipment. Refer to plans and attached letter for full description of work.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request.

Case: BOA- 1634588 Address: 401 Shawmut Avenue Ward 9 Applicant: Casas Borinquen Apartments Limited Partnership

Article(s) Article 32, Section 4 GCOD, Applicability

Purpose: Interior/exterior work to include remodel of kitchens, baths, and brick repairs. Refer to plans and attached letter for full description of scope. Fire escape to remain.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request.

Case: BOA-1634488 Address: 403-405 Shawmut Avenue Ward: 9 Applicant: Casas Borinquen Apartments Limited Partnership

Article(s) Article 64, Section 9 Usable Open Space Insufficient Article 64, Section 36 Off Street Parking Insufficient

Article 32, Section 4. GCOD, Applicability Article 64, Section 9 Floor Area Ratio Excessive

Purpose: Change occupancy to 6 residential units. Building's prior occupancy was a community center. Interior and exterior renovations and upgrades to convert to (6) apartment units. Including but not limited to select demo, concrete, masonry, structural repairs, new windows, new kitchen and bathroom finishes, MEP/FP upgrades.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request but to DWOP the other relief requested.

RECOMMENDATIONS: 9:30 AM

Case: BOA-1644118 Address: 4 Cross Street Ward: 2 Applicant: Stephanie Mashek



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Article(s): Article 62, Section 8 Floor Area Ratio Excessive

Purpose: Footprint of 88 sf Addition at Basement level for Living space and at 1st Floor for Kitchen contiguous with Living and Dining. Deck off added Kitchen and roof deck above added Kitchen.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA-1562426 Address: 30 Dwight Street Ward: 3 Applicant: Marc LaCasse

Article(s): Art 64.9.4 Town/Rowhouse extension into rear - Addition of a porch or balcony, above the first story (Garden level is considered the first floor).

Purpose: Install rear balcony/deck at parlor level [level 1 as shown on plan] extending 6' from rear façade and onto roof of existing ground level entry overhang.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA- 1649258 Address: 43 Bowdoin Street Ward: 3 Applicant: Steven Deering

Article(s): Art. 15 Sec. 15 1 Floor Area Ratio Excessive Art. 17 Section 1 Usable Open Space Insufficient Art. 23 Section 1 Off Street Parking (Residential) Insufficient

Purpose: Renovate Unit 1F and 2R per plans. Change of use from office to residential.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA- 1651513 Address: 20 Myrtle Street Ward: 5 Applicant: Revocable Trust of Heidi D McKeon

Article(s): Art. 09 Sec. 02 Nonconforming Use Change – Conditional Art. 08 Sec. 03 Conditional Uses- Existing nonconforming law office change to retail store Conditional

Purpose: Change occupancy from Office to Retail. Sub district: H 2 65 Legal occupancy record: Professional Office (Law)

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA-1660656 Address: 590 East Broadway Ward: 6 Applicant: Frank Knippenberg

Article(s): Article 68, Section 7 Use Regulations - Fitness center or gymnasium use is forbidden

Purpose: Install light fixtures, paint throughout. Change occupancy from 1 Professional Office and Two (2) Residences to 1 Professional Office, 1 Fitness Studio and Two (2) Residences. Submitting for Zoning Refusal Office (Law)



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Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA-1640459 Address: 5-7 Denvir Street Ward: 16 Applicant: Huy Tran

Article(s): Article 65, Section 9 Usable Open Space Insufficient **Purpose:** Apply for curb cut and propose 2 new parking spaces.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve with one parking space.

Case: BOA- 1640461 Address: 5-7 Denvir Street Ward: 16 Applicant: Huy Tran

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

Purpose: Unit 1 and 2 kitchen renovations new bathroom on the first floor and second floor construction of new rear deck/stairway to replace rear deck (same print) Curb cut and proposed parking reflected under U491603250.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve with one parking space.



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Case: BOA-1649103 Address: 2 Michael Road Ward: 22 Applicant: Lea Overby

Article(s): Article 51, Section 9 Front Yard Insufficient

Purpose: Bump out front door, to correct existing code violation. Currently, there isn't enough space to fully open the front door.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

HEARINGS: 9:30AM

Case: BOA-1643227 Address: 423 William F. McClellan Highway Ward 1 Applicant: Maverick Media LLC

Article(s) Art. 11 Sec. 06 Signs Subject to Another Reg. No new billboards within 660 feet of a federally funded highway are allowed. Art 53 Sec 14 Dimensional Regulations in Insufficient front yard. Conservation Protection Art 53 Sec 27 Sign Regulations Excessive sign height and area. Art 53 Sec 27 Sign Regulations New billboards are forbidden in this district.

Purpose: Erect an outdoor advertising device (digital billboard) consisting of a single monopole with back to back digital faces with dimensions of 14.5 ' by 48 ' with a height of 60 ' facing William F. McClellan Highway, East Boston.

Discussion: At the request of the Board, the applicant presented plans to take down two billboards and replace with one double sided new and larger illuminated billboard. The current ones are in a dilapidated state.

Board members asked about the plans, distance, current agreement, conditions, who owns the land, and dimensions.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services spoke in favor. Councilors Coletta, Murphy, Senator Edwards, and residents are in support. A resident is in opposition.

Votes: Board member Barraza moved to approve with light blocking technology and to look into environmental measures, remove two current billboards, and to provide a landscape plan. Stembridge seconded, Whewell opposed, and the motion carried 6-1.

Case: BOA-1640825 Address: 261 Bunker Hill Street Ward 2 Applicant: Aaron Brown Sawitsky & Denice McClure Sawitsky

Article(s) Art. 62 Sec. 62 8 Rear Yard Insufficient Article 62, Section 8 Side Yard Insufficient Article 62,



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Section 25 Roof Structure Restrictions

Purpose: To rebuild roof deck and head house

Discussion: At the request of the Board, the applicant presented plans to repair a roof head and a head house that is in a dilapidated condition and replace and make it slightly larger.

Board members asked about the plans, visibility, and the dimensions.

Documents/Exhibits: Building Plans

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

Votes: Board member Stembridge moved to approve with failed 5-3. Board member Barraza then moved to approve with BPD review to reduce the roof deck, work with the elevations and drawings, and remove visibility from the public way Whewell seconded seconded and the motion carried unanimously.

Case: BOA-1619123 Address: 60-70 Cross Street Ward 3 Applicant: Anthony Virgilio

Article(s) Art. 54 Section 13 Dimensional Regulations Insufficient rear yard setback Art. 54 Section 18 Roof Structure and Building Max allowed height of pre-existing max allowed height Height Restrictions on lot exceeded

Art. 54 Section 18 Roof Structure and Building Private roof deck access Height Restrictions

Article 54, Section 18 Roof Structure Restrictions Roofline reconfiguration for additional stories

Purpose: Clarification: Combine all three parcels of land into one and then construct addition per plans to accommodate a Change occupancy from retail restaurant and three apartments to retail, coffee shop, Ice cream store with takeout, sit down restaurant with accessory Culinary Arts/education, outdoor veranda seating on upper story and three apartments with private roof deck per plans submitted.

Discussion: At the request of the Board, the applicant presented plans to add a partial second story addition on an existing dwelling for culinary school use, residential, and café use.

Board members asked about the plans, elevations and renderings.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. The Carpenters Union and Rep. Michelwitz are in support. A Rep for an abutter and an additional abutter is in opposition.

Votes: Board member Barraza moved to approve with BPD review. Whewell seconded and the motion carried unanimously.



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Case: BOA-1633160 Address: 125 B Street Ward 6 Applicant: Robin Latour

Article(s) Article 86, Sec. 6 Use and Dimensional Regulations Wireless Communications Equipment required setback from roof edge not met.

Purpose: DISH Wireless Rooftop Cellular Installation/Eligible Facilities Request: Antennas w/support equipment (RRH, OVP Junction boxes + associated cabling & conduits) at the 67'9" foot RAD. Dish will require a lease area for ground equipment. Array on top of existing penthouse.

Discussion/Votes: Upon a motion and a second the Board moved to defer until December 3rd, 2024.

Case: BOA-1636406 Address: 617 Dorchester Avenue Ward 7 Applicant: George Morancy, ESQ

Article(s) Art. 23 Section 1 Off Street Parking (Residential) Insufficient Min. required: 11.7 spaces. Proposed: 0 Article 13, Section 1 Add'l Lot Area Insufficient Min. required: 15,000 sqft Proposed: 6,134 sqft Article 13, Section 1 Floor Area Ratio Excessive Max. allowed: 1 Proposed: 2.74 Article 13, Section 1 Bldg Height Excessive (Feet) Max. allowed: 40' Proposed: 41' Article 13, Section 1 Bldg Height Excessive (Stories) Max. allowed: 3 Proposed: 4 Article 13, Section 1 Usable Open Space Insufficient Min. required: 2,600 sqft Article 13, Section 1 Front Yard Insufficient Min. required: 5' Proposed on Dorchester Ave.: 4.1' Proposed on Boston St.: 3.4' Art. 18 Section 2 Conformity with existing building alignment Street modal calculations for Dorchester Ave. and Boston St. not provided to verify compliance.

Purpose: To construct a four story 13-unit multifamily building, fully sprinklered, with an elevator.

Discussion: At the request of the Board, the applicant presented plans to construct a 4 story 13-unit dwelling which has two front yards and no rear yard due to the unique conditions of the lot. Elevator functions.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Senator Collins is in support along with Councilor Fitzgerald.

Votes: Board member Valencia moved to approve with BPD review and 2 affordable units with MOH. Whewell seconded, Hansy opposed due to the density and lack of open space and the motion carried unanimously.

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

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

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



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Discussion/Votes: Upon a motion and a second the Board moved to defer until December 10th, 2024.

Case: BOA-1593227 Address: 282 Walnut Avenue Ward 12 Applicant: Chukwu X Dera Okoli

Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Floor Area Ratio Excessive

Art. 50, Section 43 Off Street Parking Insufficient Art. 50, Section 32 Use: Forbidden

Purpose: Change occupancy from 6 units to 7 units with the 7th unit in the basement. All work will be done according to the plans submitted including MEP's.

Discussion: At the request of the Board, the applicant presented plans change the occupancy from a 6 unit to a seven-unit dwelling. The contractor will shave the floor to make the ceiling height appropriate. This will not alter the footprint.

Board members asked about the plans and the ceiling height.

Documents/Exhibits: Building Plans

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

Votes: Board member Pinado moved to approve with no building code relief. Stembridge seconded and the motion carried unanimously.

Case: BOA- 1623617 Address: 13 Bird Street Ward 13 Applicant: Sean George

Article(s) Art. 65 Sec. 02 Conformity with Existing Building Alignment Street modal calculation not provided to verify its compliance. Art. 55 Sec. 65 41 Off Street parking insufficient Required: 3 spaces Provided: 0 Article 65, Section 9 Lot Area Insufficient Required: 5,000 sqft Proposed: 2,571 sqft Article 65, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Proposed: 1.81 Article 65, Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5 Proposed: Article 65, Section 9 Front Yard Insufficient Min. required: 15' Proposed: 0 Article 65, Section 9 Side Yard Insufficient Min. required: 10' Article 65, Section 9 Rear Yard Insufficient Min. required: 30' Proposed: 8.18' Article 65, Section 32 Neighborhood Design Overlay Districts

Purpose: Ground up construction of a new 3 family building. In conjunction with ALT1602047 5 Wheelock Ave. with lot id: 1301747000 and 3,362 sqft is reducing to 2,281 sqft. and 13 Bird St. with lot id: 1301753000 and 1,444 sqft is increasing to 2,571 sqft.

Discussion: At the request of the Board, the applicant presented plans to erect a three-family dwelling

Board members asked about the plans.

Documents/Exhibits: Building Plans



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Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Fitzgerald is in support. An abutter is in opposition.

Votes: Board member Valencia moved to approve.

Case: BOA- 1623610 Address: 5 Wheelock Avenue Ward 13 Applicant: Sean George

Article 65, Section 9 Lot Area Insufficient Min. lot required: 5,000 sqft Existing: 3,262 sqft

Proposed: 2,281 sqft Article 65, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Existing: 0.73

Proposed: 1.05 It has been increased by reducing the lot area. Article 65, Section 9 Rear Yard Insufficient Min. required: 30' Proposed: Reduced

Purpose: House is being brought into violation due to subdivision: 5 Wheelock Ave with lot id: 1301747000 and 3,362 sqft is reducing to 2,281 sqft. and 13 Bird St. with lot id: 1301753000 and 1,444 sqft is increasing to 2,571 sqft. Plans filed in conjunction with ERT1602038 - 13 Bird St.

Discussion: At the request of the Board, the applicant presented plans to subdivide the lot and construct a new 3 family residence at 13 bird street. No off-street parking due to this being so close to MBTA areas.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Fitzgerald is in support. An abutter is in opposition.

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

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

Article(s) Art. 65 Sec. 08 Forbidden MFR- Forbidden Art. 65 Sec. 41 Off street parking requirements

Insufficient parking- 6 spaces required Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient additional

lot area per unit Art. 65 Sec. 9 Residential Dimensional Reg.s Excessive f.a.r. Art. 65 Sec. 9 Residential

Dimensional Reg.s Insufficient front yard setback Art. 65 Sec. 9 Residential Dimensional

Reg.s Insufficient side yard setback

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

Discussion: Votes: Upon a motion and a second the Board moved to defer until December 10, 2024.



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Case: BOA-1645854 Address: 251-253 Wood Avenue Ward 18 Applicant: Marguerite Roberts

Art. 09 Sec. 02 Nonconforming Use Change >25% forbidden Art. 69 Sec. 8 Forbidden MFR use
forbidden Art. 69 Sec. 09 Dimensional Reg. Insufficient lot width min Art. 69 Sec. 09 Dimensional
Reg. Excessive f.a.r. Art. 69 Sec. 09 Dimensional Reg. Insufficient usable open space Art. 69 Sec.
09 Dimensional Reg. Insufficient side yard Article 69 Section 29 Off Street Parking & Loading Req
Insufficient off street parking

Purpose: Combine two parcels under common ownership, 251 253 Wood Ave and 0 Ellard Rd, into a single
lot and construct an addition to the existing two-family dwelling thereby changing its occupancy to a 4-unit
multifamily dwelling, and add three (3) off street parking spaces.

Discussion: At the request of the Board, the applicant presented plans to combine two lots and change the
occupancy from a two-family to a four-family dwelling with a new two-story addition and 3 off street parking
spaces. This is a corner lot condition.

Board members asked about the plans and open space.



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Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in opposition.

Votes: Board member Valencia moved to approve with BPD review to remove one parking space and to improve open space. Pinado seconded and the motion carried unanimously.

Case: BOA-1586136 Address: 110-114 Business Street Ward 18 Applicant: Donald Rodriquez-CANNABIS

Article(s) Art. 69 Sec. 14 L I Use Reg.: Conditional Cannabis is a conditional use. This application is for the storage & delivery of Cannabis products. Art. 69 Sec. 27 Screening/Buffering Any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only. THERE IS A BUFFER ZONE CONFLICT WITH ANOTHER CANNABIS ESTABLISHMENT.

Purpose: Change Occupancy for a Cannabis delivery

Discussion: At the request of the Board, the applicant presented plans to change the occupancy to allow cannabis delivery. This will be a zero public access location and be strictly delivery. The company has three delivery cars.

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 moved to approve. Valencia seconded and the motion carried unanimously.

Case: BOA-1621738 Address: 77-79 Reedville Street Ward 18 Applicant: Timothy Burke

Article 69, Section 8 Use: Forbidden Professional office Forbidden Art. 69 Sec. 8 Forbidden 3 family Forbidden Art. 69 Sec. 09-Dimensional Reg. Insufficient open space per unit Art. 69 Sec. 29.5 Off St. Prk'g: Design Art. 69 Sec. 29 Off St. Prk'g/Load'g Insufficient parking Art. 09 Sec. 02 Nonconforming Use Change Change in a nonconforming use > 25% Forbidden

Purpose: Establish occupancy as a three family with accessory office use in former store. Renovate former store for office space. Zoning Board of Appeal approval is required for proposed use. Clarification: Change occupancy from a two family and store to a three family and office use per plans submitted ZBA Required

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from a twofamily and a store to a three family and office space. This will be for administrative use, and there are preexisting non-conformities. The Board noted that this had traditional business hours.



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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 is in opposition.

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

HEARING: 11:00AM

Case: BOA-1659217 Address: 355 Park Street Ward 17 Applicant: Boston Neighborhood Community Land Trust Inc. MOH

Article(s) Art. 65 Sec. 08 Forbidden MFR use not allowed Art. 65 Sec. 41 Off street parking requirements Insufficient parking Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient lot size Art. 65 Sec. 9 Residential Dimensional Reg.s Excessive f.a.r. Art. 65 Sec. 9 Residential Dimensional Reg.s Number of allowed stories has been exceeded Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient Front yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient side yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient rear yard setback

Purpose : CLARIFIED SCOPE OF WORK: MOH CERTIFICATE PROJECT REVIEW (#EO2415): Construct a new three story six-unit work force income restricted condo dwelling on a 3,431sf lot (parcel #1701163000) under the Welcome Home II RFP, Passive House certifiable with zero off street parking *(Proposed Restricted Unit Count (60% of units at 100% AMI or below): 100%)

Discussion: At the request of the Board, the applicant presented plans to erect 3 story 6 dwelling unit condos which are in an MOH affordable agreement. The Board noted that the additional units are beneficial.

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 and abutters are in opposition.

Votes: Board member Valencia moved to approve with BPD review. Whewell seconded, Langham opposed and the motion carried 6-1.



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RE-DISCUSSIONS: 11:30 AM

Case: BOA- 1616380 Address: 36 Leyden Street Ward 1 Applicant: David Gradus

Article(s): Article 53 Section 9 Rear Yard Insufficient Applicant will need to seek relief for rear yard set back of 23.8'(feet). Existing Non-Conforming Article 53 Section 9 Front Yard Insufficient Applicant will need to seek relief for front yard setback of 6.9' (feet). Existing Non-Conforming.

Purpose: To subdivide the lot at 36 Leyden St into two lots, Lot 1 to remain 36 Leyden St with a lot area of 2450 SF and Lot 2 to be known as 36A Leyden St with a lot area of 2450 SF; see companion case ERT1585421

Discussion: At the request of the Board, the applicant presented plans to subdivide into two lots, erect a threefamily dwelling with two off street parking spaces.

Board members asked about the plans and parking.

Documents/Exhibits: Building Plans

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

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

Case: BOA- 1616384 Address: 36A Leyden Street Ward 1 Applicant: David Gradus

Article(s): Article 53 Section 8 Use: Forbidden Applicant will need to seek relief for the change of use from a two family to a three family. Article 53 Section 9 Lot Width Insufficient Applicant will need to seek relief for insufficient lot width of 35' (feet). Article 53 Section 9 Lot Frontage Insufficient Applicant will need to seek relief for insufficient Lot Frontage of 35' (feet). Article 53 Section 9 Floor Area Ratio Excessive Applicant will need to seek relief for excessive Floor Area Ratio of 1.79. Article 53 Section 9 Bldg Height Excessive (Stories) Applicant will need to seek relief for excessive story building height of 3 stories. Article 53 Section 9 Front Yard Insufficient Applicant will need to seek relief for insufficient front yard setback of 5' (feet). Article 53 Section 9 Side yard insufficient Applicant will need to seek relief for insufficient side yard setback of 3' (feet). Article 53 Section 9 Rear Yard Insufficient Applicant will need to seek relief for insufficient rear yard setback of 10.2' (feet).

Purpose: Erect a new residential building with 3 units and 2 parking spaces on newly created lot with a total lot area of 2450 SF to be known as 36A Leyden St; see companion subdivision case at 36 Leyden St

Discussion: At the request of the Board, the applicant presented plans to subdivide into two lots, erect a threefamily dwelling with two off street parking spaces.

Board members asked about the plans and parking.

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 moved to approve with BPD review. Whewell seconded and the motion carried unanimously.

Case: BOA-1599485 Address: 309-325 Old Colony Avenue Ward: 7 Applicant: Virtual Fulfillment Center, LLC

Article(s): Art. 06 Sec. 04 Other Protentional Conditions - To petitioner only

Purpose: Remove provisos Takeout granted to this petitioner only under BZC31897, Alt122900 of 2012

Discussion: At the request of the Board, the applicant presented plans to remove the proviso for take-out and allow the new petitioner to have take-out.

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 is in support.

Votes: Board member Valencia moved to approve. Stenbridge seconded, Barraza voted in opposition and the motion carried.

Case: BOA-1552298 Address: 27 Dudley Street Ward 9 Applicant: Cameron Merrill

Articles(s): Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Floor Area Ratio Excessive

Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Lot Area Insufficient Article 50, Section 32 Use: Forbidden

Purpose: Change occupancy from a 6 unit building to a 7 unit building by splitting unit 3 into 2 units making it 7 units

Discussion/Votes: Upon a motion and a second the Board moved to defer until December 3rd, 2024.

Case: BOA-1603160 Address: 20 Hinckley Street Ward 13 Applicant: Vazberg Properties

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Area Insufficient Article 65, Section 42.2

Conformity w Ex Bldg Alignment Article 65, Section 41 Off Street Parking Regulations **Purpose:**

Erect a 3 story, single family house, on a vacant parcel with front facing decks.

Discussion: At the request of the Board, the applicant presented plans to erect a three story one family dwelling on a vacant lot. The Board noted that the undersized lot was in context and that the open space is in balance.



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Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Fitzgerald and abutters are in support. Multiple Abutters, and local neighborhood association is in opposition.

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

Case: BOA-1553581 Address: 175 Savin Hill Avenue Ward 13 Applicant: Courtney Johnston

Article(s) Article 65, Section 9 Front Yard Insufficient Zoning requires a front yard setback of 15' (feet) The proposed roof deck project will be less than 15'. Article 65, Section 9 Side Yard Insufficient Zoning requires a side yard setback of 10' (feet). The proposed roof deck will be less than 10'. **Purpose:** Nominal fee requested to add Roof deck for Unit #3.

Discussion: At the request of the Board, the applicant presented plans to have a roof deck for the exclusive use of the 3rd unit.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

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

Case: BOA- 1515203 Address: 40-42 Temple Street Ward 17 Applicant: Hau Thi Minh Nguyen

Article(s) Article 65, Section 41 Off-Street Parking & Loading Req Off-Street Parking Insufficient Article 65, Section 42 Application of Dimensional Req Conformity with Existing Building Alignment Article 65, Section 8 Use Regulations Use : Accessory Parking : Forbidden Article 65, Section 8 Use Regulations Use : Multifamily Dwelling : Forbidden Article 65, Section 8 Use Regulations Use : Townhouse : Forbidden Article 65, Section 9 Dimensional Regulations Lot Width Insufficient Article 65, Section 9 Dimensional Regulations Lot Frontage Insufficient Article 65, Section 9 Dimensional Regulations Floor Area Ratio Excessive Article 65, Section 9 Dimensional Regulations Building Height (# of Stories) Excessive Article 65, Section 9 Dimensional Regulations Side Yard Insufficient

Purpose: Demolish existing Two-family building and Single-family building on lot (Raze on a separate permit). Construct a 3-story attached Five-Unit Townhouse. Building will be fully sprinklered. The lot will have 5 new on-grade Parking spaces. This lot to be known as 40-46B Temple Street.



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Discussion: At the request of the Board, the applicant presented plans to demo the current dwelling, and erect 3 story 5-unit townhouse style dwellings with 10 off street parking spaces. This project is MBTA accessible.

Board members asked about the plans, configuration and parking.

Documents/Exhibits: Building Plans

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

Votes: Board member Barraza moved to approve with BPD review to have the exterior design facing the street, attention to open area, and BTD review with attention to site parking. Langham seconded and the motion carried unanimously.

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:
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NORMAN STEMBRIDGE-SECRETARY
GIOVANNY VALENCIA
ALAN LANGHAM
HANSY BETTER BARRAZA
KATIE WHEWELL

SUBSTITUTE MEMBERS:
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