



City of Boston  
Board of Appeal

**Tuesday, October 5, 2021**

**BOARD OF APPEAL**

**City Hall, Room 801**

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## **Hearing Minutes**

Board Chair Araujo 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 Mark Fortune:

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON OCTOBER 5, 2021 BEGINNING AT 9:30AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS OCTOBER 5, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE OCTOBER 5, 2021 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.**

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/zbaOctober5Hearing> or by calling 1-617-315-0704 and entering access code 2331 284 2612 If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaOctober5CommentUpdatedLink> to 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/zbaOctober5CommentUpdatedLink>, calling 617-635-5300 or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).



City of Boston  
Board of Appeal

The ZBA Ambassador will be available within the WebEx 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 WebEx. 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, if connected by video, or dial \*3, if connected by phone. The requester will be administratively unmuted and 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 8:30 AM 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 appear in person at 1010 Mass Ave. 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. Individuals appearing 1010 Mass Ave without an appointment will not be permitted to enter.

**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 OR FROM BPDA BOARD ROOM. 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.**



City of Boston  
Board of Appeal

**EXTENSIONS: 9:30AM**

**Case: BOA-963960 Address: 500 Talbot Avenue Ward 16 Applicant: John Pulgini**

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

**Case: BOA-754388 Address: 63-69 Brimmer Street Ward 6 Applicant: John Pulgini**

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

**Case: BOA-754380 Address: 55-57 Brimmer Street Ward 6 Applicant: John Pulgini**

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

**Case: BOA-944276 Address: 98 Prescott Street Ward 1 Applicant: Celeste Ribeiro Hewitt**

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

**Case: BOA-894508 Address: 400-408 West Broadway Ward 6 Applicant: Michael P. Ross**

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

**Case: BOA-934019 Address: 154-156 Bayswater Street Ward 1 Applicant: Frank DelMuto Assoc, AIA**

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

**Case: BOA-965725 Address: 42-44 Russell Street Ward 3 Applicant: Timothy Burke**

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.



City of Boston  
Board of Appeal

**Case: BOA-954504 Address: 30 Orleans Street Ward 1 Applicant: Ricardo Robugkui**

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

### **BOARD FINAL ARBITER: 9:30AM**

**Case: BOA-1114533 Address: 1A Cottage Street Ward 7 Applicant: David Freed, AIA**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to confirm the address as 1 Cottage Street per ISD.

**Votes:** Board Member Erlich moved to approve, Ruggiero seconded, and the motion carried unanimously.

### **GCOD ONLY: 9:30AM**

**Case: BOA-1246108 Address: 642-648 Beacon Street Ward 5 Applicant: Brian Radomski**

**Article(s):** Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability

**Purpose :**Change Occupancy to include "Research/Development" Renovation Core/Shell of 42,000sf laboratory/research with 4000 sf 1st floor retail. Scope includes floor interconnections through back/ back party walls on all floors. All noncombustible construction as per plans. In conjunction with ALT1206265

**Discussion/Vote:** At the request of the Board, the applicant presented plans and letters from GCOD. GCOD commented that they have the letters on file. Board Member Ruggiero moved to approve, Erlich seconded and the motion carried unanimously.

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

**Case: BOA-1172592 Address: 68 Horace Street Ward 1 Applicant: Whitney Zelee**

**Article(s):**Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Side Yard Insufficient

Article 53, Section 9 Rear Yard Insufficient

**Purpose :** Renovate existing attic bathroom and frame new bedroom and closets per drawing specs.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate the attic.

Board members asked about the occupancy, plans, and basement space.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Edwards is in support.

**Documents/Exhibits:** Building Plans, letters in support.

**Votes:** Board Member Erlich moved to approve with the proviso that there is no work in the basement. Robinson seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

**Case: BOA-1159048 Address: 377 Maverick Street Ward 1 Applicant: 377 Maverick, LLC**

**Article(s):** Art. 27G E Boston IPOD Art. 53, Sec. 09 Floor Area Ratio Excessive Art. 53, Sec. 09 Side yard insufficient Art. 53, Sec.09 Rear yard. Required: 40' Proposed: 24.4' Art. 53, Sec. 52 Roof Structure Restrictions - Roof deck proposed > 330sqft

**Purpose :** Renovate the existing structure, extend living space into basement, and erect a rear addition with rear and roof decks.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral because GCOD was not cited in the refusal letter.

**Votes:** Board Member Fortune moved to approve a deferral, Dong seconded, and the motion carried unanimously. The new hearing date is December 7<sup>th</sup>, 2021 at 12:30.

**Case: BOA-1065886 Address: 57 Webster Street Ward 1 Applicant: Katherine Glaropoulos**

**Article(s):** Article 53 Section 8 Use: Multifamily Dwelling: Forbidden Article 53 Section 9 Lot Area Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Building Height ( # of Stories ) Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53 Section 9 Side Yard Insufficient Article 53 Section 9 Rear Yard Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 27T Section 9 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions Article 25 Section 5 Flood Plain Regulations

**Purpose :** Change Occupancy from a Three Family Dwelling to a Four Family Dwelling. Construct a new 4 story Rear Yard addition. Also, construct a new 5th Floor addition with Roof Deck onto Building. Remodel entire Building. Installation of a new Sprinkler system.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral needing more time for a plan review with ISD.

**Votes:** Board Member Fortune moved to defer, Ruggiero seconded, and the motion carried unanimously. The new date is December 7<sup>th</sup>, 2021 at 12:30.

**Case: BOA-1240760 Address: 46 Everett Street Ward 1 Applicant: Konstantin Novakivsky**

**Article(s):** Art. 53 Sec. 08 Forbidden- Multifamily use Art. 53 Sec. 52 Roof Structure Restrictions Art. 53 Sec. 56^ Off street parking insufficient -Required: 3 parking spaces more Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Art. 27GE Boston IPOD

**Purpose :** Erect additions and change occupancy from a three (3) to a five (5) unit residential dwelling with roof and rear decks.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting above grade upper level units with entry at the third level.

Board members asked about plans, size of units, lower level units, scope, roof deck and affordability.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Edwards are in support.

**Documents/Exhibits:** Building Plans, letter in support, and letter in opposition.

**Votes:** Board Member Ruggiero moved to approve with BPDA design review with special attention to the overhang, Erlich seconded and the motion carried unanimously. Robinson moved to approve the building code relief, Erlich seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

**Case: BOA#1240917 Address: 46 Everett Street Ward 1 Applicant: Konstantin Novakivsky**

**Purpose:** Erect additions and change occupancy from a three (3) to a five (5) unit residential dwelling with roof and rear decks.

**Violation:** Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access through a penthouse

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting above grade upper level units with entry at the third level.

Board members asked about plans, size of units, lower level units, scope, roof deck and affordability.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Edwards are in support.

**Documents/Exhibits:** Building Plans, letter in support, and letter in opposition.

**Votes:** Board Member Ruggiero moved to approve with BPDA design review with special attention to the overhang, Erlich seconded and the motion carried unanimously. Robinson moved to approve the building code relief, Erlich seconded and the motion carried unanimously.

**Case: BOA-1240765 Address: 48 Everett Street Ward 1 Applicant: Konstantin Novakivsky**

**Article(s):** Art. 27G E Boston IPOD Art. 53 Sec. 08 Forbidden - Multifamily use Art. 53 Sec. 52 Roof Structure Restrictions Art. 53 Sec. 56^ Off street parking insufficient - Required: 2 parking spaces more Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient

**Purpose:** Erect additions and change occupancy from a three (3) to a five (5) unit residential dwelling with roof and rear decks.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting above grade upper level units with entry at the third level.

Board members asked about plans, size of units, lower level units, scope, roof deck and affordability.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Edwards are in support.

**Documents/Exhibits:** Building Plans, letter in support, and letter in opposition.

**Votes:** Board Member Ruggiero moved to approve with BPDA design review with special attention to the overhang, Erlich seconded and the motion carried unanimously. Robinson moved to approve the building code relief, Erlich seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

**Case: BOA#1240920 Address: 48 Everett Street Ward 1 Applicant: Konstantin Novaskivsky**

**Purpose:** Erect additions and change occupancy from a three (3) to a five (5) unit residential dwelling with roof and rear decks.

**Violation:** Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access through a penthouse

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting above grade upper level units with entry at the third level.

Board members asked about plans, size of units, lower level units, scope, roof deck and affordability.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Edwards are in support.

**Documents/Exhibits:** Building Plans, letter in support, and letter in opposition.

**Votes:** Board Member Ruggiero moved to approve with BPDA design review with special attention to the overhang, Erlich seconded and the motion carried unanimously. Robinson moved to approve the building code relief, Erlich seconded and the motion carried unanimously.

**Case: BOA- 1246029 Address: 43 Stillman Street Ward 3 Applicant: Joseph V. Scarfo**

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

Purpose : Combine two lots (Parcel ID 0302528000 and 0302529005) into a newly created single lot to be 1405 SF. Erect new two family dwelling with ground level garage parking and 4 stories of living space above. Top unit to have roof deck. Building to be sprinkled.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting ground level parking and building code relief.

**Testimony:** The Board then requested testimony from neighbors and elected officials. GCOD supports a deferral.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Ruggiero moved to deny the building code, Erlich seconded and the motion carried unanimously. Erlich moved to defer the application, Ruggiero seconded and the motion carried unanimously. The new hearing date is December 7<sup>th</sup>, 2021 at 12:30.



City of Boston  
Board of Appeal

**Case: BOA#1246356 Address: 43 Stillman Street Ward 3 Applicant: Joseph V. Scarfo**

Purpose: Combine two lots (Parcel ID 0302528000 and 0302529005) into a newly created single lot to be 1405 SF. Erect new two family dwelling with ground level garage parking and 4 stories of living space above. Top unit to have roof deck. Building to be sprinkled.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. 9th 780 CMR 705 Exterior Walls705.8 Openings. Openings in exterior walls where fire separation less than 3' 0" is not permitted.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting ground level parking and building code relief.

**Testimony:** The Board then requested testimony from neighbors and elected officials. GCOD supports a deferral.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Ruggiero moved to deny the building code, Erlich seconded and the motion carried unanimously. Erlich moved to defer the application, Ruggiero seconded and the motion carried unanimously. The new hearing date is December 7<sup>th</sup>, 2021 at 12:30.

**Case: BOA-1224583 Address: 1 Washington Mall Ward 3 Applicant: Five Iron Golf, by Daniel Brennan**

**Article(s):** Art. 45, Section 14 Use: Forbidden

**Purpose :** Tenant fit up of a virtual indoor golf establishment. The space was formerly the "wax museum". The new space includes food service and bar. We are applying for a zoning determination to check if the use will be allowed.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to open an indoor virtual golf entertainment space with a bar.

Board members asked about hours of operation, a liquor license, plans, and does the applicant own others locally?

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flynn, Councilor Flaherty and the Carpenter's Union are in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Ruggiero moved to approve, Robinson seconded, and the motion carried unanimously.





City of Boston  
Board of Appeal

**Case: BOA-1242333 Address: 174 Savin Hill Avenue Ward 13 Applicant: Catherine M O'Neil**

**Article(s):** Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 42 Application of Dimensional Req - Conformity with Existing Building Alignment Article 10, Section 1 Limitation of Area - Limitation of Area of Accessory Uses Article 65, Section 9 Lot Area Insufficient

**Purpose :** Construct a new Single Family Dwelling. The home is designed to fit within the Savin Hill Neighborhood context in scale and character. It includes 2 bedrooms and 2.5 baths, a study, and open living space. There is a single car Garage set back 18' from the sidewalk as well as space for two additional vehicles along.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a proposed single family.

Board members asked about the address, plans, square footage, number of bedrooms, rendering and the curb cut.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor Baker, Councilor Flaherty, an abutter, a neighbor and the Carpenter's Union are in support. Multiple abutters are in opposition. BTD says both side spots should be moved up to 10 feet. BPDA says this will be a design overlay district.

**Documents/Exhibits:** Building Plans, letter in support, and letter in opposition.

**Votes:** Board Member Ruggiero moved to approve with BPDA design review, no front yard parking, and a contextual design. Dong seconded and the motion carried 6-0.

**Case: BOA-1160563 Address: 41-43 Alabama Street Ward 18 Applicant: Lu McPherson**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas 5' Buffer Article 60 Section 9 Insufficient lot size Article 60 Section 9 Insufficient lot width Article 60 Section 9 Insufficient lot width frontage Article 60 Section 9 Insufficient side yard setback

**Purpose :** To construct a new single family home as per attached plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a single family.

Board members asked if they've been before the board before, the zoning district, plans, lot area, and building size.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Flaherty are in support. Abutters are in opposition.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with BPDA design review, Ruggiero seconded, and the motion carried unanimously.



City of Boston  
Board of Appeal

**Case: BOA-1201309 Address: 1480 Blue Hill Avenue Ward 18 Applicant: Jodaviya, LLC**

**Article(s):** Article 60 Section 37 Street Wall Continuity

**Purpose :** Build 2 level addition with block wall and flat roof 1st floor: seating area, bathroom, office 2nd floor: office and storage.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a 2 level addition and expand the auto shop to serve more people in the car wash.

Board members asked about plans, seating area, use, occupancy, and screening.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Arroyo are in support. The Greater Mattapan Association is in non-opposition.

**Documents/Exhibits:** Building Plans.

**Votes:** Board member Elich moved to approve, Robinson seconded, and the motion carried unanimously.

### **RECONSIDERATION: 11:00AM**

**Case: BOA- 1179009 Address: 70 Russell Street Ward 2 Applicant: Timothy Sheehan**

reconsideration of the Board Advisory Subcommittee's decision to deny relief on August 19, 2021 that was adopted by the full Board on August 24, 2021. Per Article 5, Section 5-3 of the Zoning Code, the applicant has requested to reopen the record to introduce additional facts to demonstrate that the basement of the property is not fully below grade and provides for sufficient egress from the basement level.

**Articles:** Article 62, Section 8 Floor Area Ratio Excessive

**Purpose:** Extend living space to basement for Unit #1. There will be exterior window replacement / enlargement. Level 2 work area will be under 50% of total building area - No sprinklers will be required.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to extend living space 6 inches below grade. The bathroom will be above grade.

Board members asked about plans, and height of the sill to the egress window.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to defer, the motion failed. Erlich then moved to deny the reconsideration, Dong seconded and the motion approved.



City of Boston  
Board of Appeal

## **RE-DISCUSSIONS: 12:30PM**

**Case: BOA-1167470 Address: 13 Norton Street Ward 18 Applicant: Falcucci Properties, LLC**

**Articles:** Art. 69 Sec. 09 Lot frontage is insufficient Art. 69 Sec. 30.1 Bldg. Alignment Conformity Front building alignment Art. 69 Sec. 30.12 2/More Dwellings on Same Lot Two or more dwellings on the same lot

**Purpose:** Seeking to erect a single family residential dwelling. One of three buildings on one lot. See ERT1050411 and ERT1050408.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting 1 additional parking spot, reduced number of units to 3 separate single families, each basement area has 2 parking spots.

Board members asked about plans, parking access, shadow studies, and height.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Arroyo and Councilor Flaherty are in support. An abutter is in opposition.

**Documents/Exhibits:** Building Plans, letters in support, and letters in opposition.

**Votes:** Board Member Ruggiero moved to approve with BPDA design review to reduce and eliminate the attic space to lower the height, and to install 2 catch basins for storm water runoff. Dong seconded and the motion carried unanimously.

**Case: BOA-1167473 Address: 15 Norton Street Ward 18 Applicant: Falcucci Properties, LLC**

**Articles:** Art. 69 Sec. 09 Rear yard setback is insufficient Art. 69 Sec. 30.1 Bldg. Alignment Conformity Front building alignment Art. 69 Sec. 30.12 2/More Dwellings on Same Lot Two or more dwellings on same lot

**Purpose:** Seeking to erect a single family residential dwelling. One of three buildings on one lot. See ERT1050402 and ERT1050411.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting 1 additional parking spot, reduced number of units to 3 separate single families, each basement area has 2 parking spots.

Board members asked about plans, parking access, shadow studies, and height.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Arroyo and Councilor Flaherty are in support. An abutter is in opposition.

**Documents/Exhibits:** Building Plans, letters in support, and letters in opposition.

**Votes:** Board Member Ruggiero moved to approve with BPDA design review to reduce and eliminate the attic space to lower the height, and to install 2 catch basins for storm water runoff. Dong seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

**Case: BOA-1167475 Address: 17 Norton Street Ward 18 Applicant: Falcucci Properties, LLC**

**Articles:** Art. 69 Sec. 30.1 Bldg. Alignment Conformity Front building alignment Art. 69 Sec. 30.12 2/More Dwellings on Same Lot Two or more dwellings on the same lot

**Purpose:** Seeking to erect a single family residential dwelling. One of three buildings on one lot. See ERT1050402 and ERT1050408.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting 1 additional parking spot, reduced number of units to 3 separate single families, each basement area has 2 parking spots.

Board members asked about plans, parking access, shadow studies, and height.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Arroyo and Councilor Flaherty are in support. An abutter is in opposition.

**Documents/Exhibits:** Building Plans, letters in support, and letters in opposition.

**Votes:** Board Member Ruggiero moved to approve with BPDA design review to reduce and eliminate the attic space to lower the height, and to install 2 catch basins for storm water runoff. Dong seconded and the motion carried unanimously.

**Case: BOA-1198971 Address: 196 Havre Street Ward 1 Applicant: Eduardo Castillo**

**Articles:** Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use: Multifamily Dwelling: Forbidden Article 53 Section 9 Lot Area Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Building Height ( # of Stories ) Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53 Section 9 Side Yard Insufficient Article 53 Section 9 Rear Yard Insufficient Article 53, Section 56 Off Street Parking & Loading Req-Off Street Parking Insufficient Article 53, Section 56 Off Street Parking & Loading Req- Off Street Parking Design / Maneuverability

**Purpose :** Raze existing structure and erect a 5 Unit Residential Dwelling with rear decks and Parking for 5 vehicles.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to raise an existing one family and erect a five unit multifamily.

Board members asked about space to the property line and plans.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Edwards are in support. BTD said there is only room for 3 parking spaces and the curb cut would have to move.

**Documents/Exhibits:** Building Plans, letters in support.

**Votes:** Board Member Ruggiero moved to approve with BPDA design review, Robinson seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

**Case: BOA-1211031 Address: 134 Terrace Street Ward 10 Applicant: Terrace Charlie, LLC**

**Articles:** Art. 59, Section 18 Use: Forbidden - MFR in LI zone Article 59, Section 19 Building Height Article 59, Section 19 Rear Yard Article 59, Section 19 Usable Open Space Article 59, Section 19 Floor Area Ratio Art. 59, Section 37 Off Street Parking Insufficient

**Purpose :** New construction 6 story, 5-unit multifamily building.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting an accessible building with 6 story, 5 unit multifamily.

Board members asked about plans, size closeness, roof, parking, and height, and the abutting building.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Bok are in support. An abutter is in opposition.

**Documents/Exhibits:** Building Plans, letter in support, and letter in opposition.

**Votes:** Board Member Ruggiero moved to approve with BPDA design review with special attention to the overhang, Erlich seconded and the motion carried unanimously. Robinson moved to approve the building code relief, Erlich seconded and the motion carried unanimously.

**Case: BOA -1177020 Address: 120 Bellevue Street Ward 20 Applicant: John Halloran**

**Articles:** Article 56 Section 40 Two or More Dwellings on the Same Lot

**Purpose:** Application filed in conjunction with ALT1144069 (120R) for zoning code relief. No work to be performed at 120 Bellevue St see existing plans for square footage. For this one of 2 building on one (1) lot.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting renovate a carriage house to repurpose it.

Board members asked about violations, plans, use, square footage, a 2 car garage, and building.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor O'Malley, Councilor Flaherty, an abutter, and an attorney for abutters is in opposition. An abutter is in support.

**Documents/Exhibits:** Building Plans, letters in support, and letters in opposition.

**Votes:** Board Member Erlich moved to deny without prejudice, Ruggiero seconded, and the motion carried 6-1.



City of Boston  
Board of Appeal

**Case: BOA -1177024 Address: 120R Bellevue Street Ward 20 Applicant: John Holloran**

**Articles:** Article 56 Section 40 Conformity with Existing Building Alignment Article 56 Section 40 Two or More Dwellings on the Same Lot Article 56, Section 39 Off Street Parking & Loading Req (4) Location of Off Street Parking. Off Street Parking located in Front Yard is Forbidden

**Purpose:** Renovate and convert circa 1880's existing Carriage House (BARN) into a Single Family Dwelling. Retain architectural details as practical, move building 11' from side yard, to new to building code compliant construction foundation; extend foundation at rear to construct 2 car garage as per plans. No work @ 120 Bellevue St ALT1152240.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting renovate a carriage house to repurpose it.

Board members asked about violations, plans, use, square footage, a 2 car garage, and building.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor O'Malley, Councilor Flaherty, an abutter, and an attorney for abutters is in opposition. An abutter is in support.

**Documents/Exhibits:** Building Plans, letters in support, and letters in opposition.

**Votes:** Board Member Erlich moved to deny without prejudice, Ruggiero seconded, and the motion carried 6-1.

**Case: BOA -1209343 Address: 5 Winston Road Ward 14 Applicant: Whiteacre Properties**

**Articles:** Art. 60 Sec. 08 Use Regs appl in Res Subdistr Use is forbidden (4 family use) Article 60, Section 9 Lot size minimum to build a dwelling: Insufficient Article 60, Section 9 Lot area for the add'l dwelling units: Insufficient Article 60, Section 9 Floor Area Ratio: Excessive Article 60, Section 9 Height: Excessive (ft) Article 60, Section 9 Usable open space: Insufficient Article 60, Section 9 Front yard setback requirement: Insufficient Article 60, Section 9 Side yard setback requirement: Insufficient Article 60, Section 9 Rear yard setback requirement: Insufficient Art. 60 Sec. 40 Off street parking insufficient Off street parking requirement: Insufficient Article 60, Section 9 Height is Excessive (stories)

**Purpose:** Erect a new 4 story Multi Family Dwelling (4 units). No elevator. Building will have an automatic fire protection system at all levels. Propose (4) off street parking.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a 3 story 4 unit multifamily, and have 4 parking spots in the rear.

Board members asked about plans, parking, violations, the sub zoning district, and rear yard setback.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with BPDA design review with special attention to the rear year setback (to increase it). Ruggiero seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

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

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

**For a video recording of the October 5, 2021 Board of Appeal Hearing please go to: [https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).**