



City of Boston
Board of Appeal

Tuesday, October 31, 2023

BOARD OF APPEAL

City Hall Room 801

HEARING AGENDA

Board Chair Dong called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Chair announced that the hearing was being conducted remotely via an online meeting platform and subject to the below advisory which was part of the publicly posted hearing agenda. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Norm Stembridge:

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON OCTOBER 31, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS OCTOBER 31, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE OCTOBER 31, 2023 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/ZBA2023Hearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 821 8044 0527 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/October31Comment> 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/October31Comment>, 617-635-4775, or emailing zba.ambassador@boston.gov.



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The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or

concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

If you wish to offer comment within the meeting platform, please use the “Raise Hand” function that should appear on the bottom of your screen, if connected by computer or device, or dial *9, if connected by phone. On a computer or device, you will receive a request to unmute yourself from the event host. You must select yes before you can speak. On a phone, you will hear a prompt that the event host is asking you to unmute yourself. You must press *6 to unmute yourself before you can speak. Commenters will be asked to state their name, address and comment. Comments will be limited as time requires.

IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 8:30AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

The hearing can also be viewed via live-stream on the City’s website at <https://www.boston.gov/departments/broadband-and-cable/watch-boston-city-tv>. Closed captioning is available.

Interested persons who are unable to participate in the hearing remotely may make an appointment to offer testimony. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov for accommodations to be made.

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.



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EXTENSIONS: 9:30AM

Case: BOA-1164405 Address: 353-355B Hanover Street Ward 3 Applicant: Dennis Quilty, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until November 5, 2024.

Case: BOA-1164409 Address: 353-355B Hanover Street Ward 3 Applicant: Dennis Quilty, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until November 5, 2024.

Case: BOA-1216057 Address: 9 Joseph Street Ward 16 Applicant: Matt Mueller

Discussion/ Votes: Upon a motion and a second the Board granted an extension until November 5, 2024.

Case: BOA-799147 Address: 30 Thorn Street Ward 18 Applicant: Nicholas Zozula, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until November 6, 2024.

BOARD FINAL ARBITERS: 9:30AM

Case: BOA- 759563 Address: 80 Marginal Street Ward 1 Applicant: Richard Lynds,Esq

Discussion/ Votes: Upon a motion and a second the Board moved to deny without prejudice.

BUILDING CODE: 9:30AM

Case: BOA-1527248 Address: 106 Marlborough Street Ward 5 Applicant: Doug Anderson

Purpose: To correct violation V477275. Request approval of a "Building Code Compliance Alternative" to allow for one means of egress from Unit #4 on the 3rd Floor.

Violation Violation Description Violation Comments 9th 780CMR 1001 Administration 1001.2 Minimum requirements. It shall be unlawful to alter a building or structure in a manner that will reduce the number of exits or the minimum width or required capacity of the means of egress to less than required by this code. Existing Dwelling Unit on 3rd Floor has been altered creating a new Dwelling Unit without a 2nd Means of Egress 9th 780CMR 1006 Number of Exits and Exit Access Doorways 1006.1 General. The number of exits or exit access doorways required within the means of egress system shall comply with the provisions of Section 1006.2 for spaces, including mezzanines, and Section 1006.3 for stories. Unit # 4 requires a 2nd Means of Egress

Discussion: The applicant is seeking to add a second means of egress, sprinkler, and perform necessary updates.

The Board asked about the plans, proposal, open space

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. The back bay association is in opposition.

Documents: Building plans,

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



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HEARINGS: 9:30AM

Case: BOA-1335853 Address: 46 Parsons Street Ward 22 Applicant: Brian McKay

Article(s) Article 51, Section 8 Use: Forbidden Multifamily Article 51 Section 9.4 Dim Reg: Location of Main Entrance Shall face the front lot line (for units 4 and 5) Article 51, Section 9 Floor Area Ratio Excessive Max. allowed: 0.6 Proposed: 1.06 Article 51, Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5 Proposed: 3 Article 51, Section 9 Front Yard Insufficient Min. required: 20' Proposed vertical extension of 3rd story at 11.7' Article 51, Section 9 Side Yard Insufficient Min. required: 10' Proposed: R: 0.9' L: 9.1' Article 51, Section 9 Rear Yard Insufficient Min. required: 30' Proposed: 26.3' Article 51, Section 56 Off Street Loading Insufficient Total spaces required: 8.75 Proposed: 7

Purpose: Proposed vertical and rear additions to change use from a two family to five dwelling units and renovate as per plans.

Discussion: The applicant is seeking to change the occupancy from a 2-3 family dwelling.

The Board asked about the plans, proposal

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Breadon and abutters are in support.

Documents: Building plans,

Votes: Board member Collins moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA-1487447 Address: 77-79 Litchfield Street Ward 22 Applicant: Nicolas Solban

Article(s): Art. 09 Sec. 01 Extension of non conforming use. Art. 51 Sec. 09 Side yard insufficient. Art. 51 Sec. 09 Rear yard Insufficient. Article 51, Section 9 Floor Area Ratio Excessive FAR Excessive. Article 51, Section 56 Off Street Parking Insufficient

Purpose: Change of occupancy from a 2-family dwelling to a 3-family dwelling. Extension of living space from Unit 1 into the Basement. Adding 2 dormers. Complete gut renovation and conversion to all electric systems, FP/FA

Discussion: The applicant is seeking to increase the size of the existing dormers and add living space into the basement area that is owner occupied. Change the occupancy from a 2 to a 3 family.

The Board asked about the plans, plans

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. The ACA, and Councilor Breadon are in support.

Documents: Building plans,

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



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Case: BOA-1513801 Address: 39-41 Murdock Street Ward 22 Applicant: Patrick O'Brien

Article Article 51, Section 8 Use: Forbidden3 Family Use: Forbidden.

Purpose: Change occupancy from 2 family dwelling to 3 family dwelling. No addition to structure or increases in floor area.

Discussion: The applicant is seeking to convert the existing 2 family dwelling to a 3 family dwelling.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. The BAIA is in support.

Documents: Building plans,

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

Case: BOA-1525307 Address: 1256-1262 River Street Ward 18 Applicant: Derric Small

Article: Art. 06 Sec. 04 Other Protectional Conditions

Purpose: Remove proviso (This relief expires one year after the Certificate of Occupancy issues for this permit, and the applicant must return to the Board per Alt1262808)

Discussion: The applicant is seeking to remove the previous proviso to allow the current tenant to use the space.

The Board asked about the plans, proposal

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

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



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Case: BOA-1424656 Address: 1471 Blue Hill Avenue Ward 18 Applicant: LAC Northeast Developer LLC

Article(s): Article 60 Section 37 Street Wall Continuity - To be determined by BPDA during Small Project Review process, for both, Blue Hill Ave and Culvert St. Article 60, Section 16 Use: Conditional - Multifamily use. Article 60, Section 17 Dimensional Regulations - In a Neighborhood business subdistrict, every front yard requirement by this code shall be at grade level along every lot line on which such yard abuts. Average grade: 86' 6". 1st floor grade: 82'

Purpose: Erect a 49,990 sf, 5 story building with 48 affordable rental units (reduced to 41 units 04/24/23), onsite parking for 12 vehicles, storage for 62 bicycles and a community art space/ workroom and one loading bay area. Demolition of existing billboard under SF: eplan subject to BPDA small project review.

Discussion: The applicant is seeking to erect a 5 story 41 unit dwelling with 12 off street parking spaces.

The Board asked about the plans, proposal

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilors Murphy, Arroyo, Flaherty, and an abutter are in support. Abutters and the local neighborhood association are in opposition.

Documents: Building plans,

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

Case: BOA-1485053 Address: 7-7G Sunnyside Street Ward 18 Applicant: Alfonso Sira

Article(s): Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Bldg Height Excessive (Feet) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Rear Yard Insufficient Article 69, Section 9 Lot Area Insufficient Article 69, Section 8 Use: Forbidden - MFR FORBIDDEN IN 1F 6000 Art. 69 Sec. 30.1 Bldg.Alignmnt Conformity - Front of building do not aline with houses on the street

Purpose: New residential building of 8 townhouses.

Discussion: The applicant is seeking to add 8 townhouse style units on the existing site

The Board asked about the plans, development

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Abutters and the local neighborhood association are in opposition.

Documents: Building plans,

Votes: Board member Collins moved to deny without prejudice. Langham seconded and the motion carried unanimously.



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Case: BOA-1498055 Address: 11 Knox Street Ward 5 Applicant: Loic Minghetti

Article Article 63, Section 8 - Floor Area Ratio Excessive - Max. allowed: 2 Existing: 2.9 Proposed: 3.7

Purpose: Renovation of unit 1 including change of 2nd floor layout and extension of living space to basement by way of 1st floor. Rear deck is non impervious (GCOD exempt)

Discussion: The applicant is seeking to renovate the existing.

The Board asked about the plans, proposal

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

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

HEARINGS: 11:00AM

Case: BOA-1487905 Address: 51 Fairbanks Street Ward 22 Applicant: George Morancy

Article(s): Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Side Yard Insufficient

Article 51, Section 9 Front Yard Insufficient Art. 51 Sec. 09 Open Space insufficient Article 51, Section 56 Off Street Parking & Loading Req Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Add'l Lot Area Insufficient

Purpose: Change occupancy from single family house to three family. Construct upper and rear addition. Requires zoning relief.

Discussion: The applicant is seeking to change the occupancy from a 1 family to a 3 family dwelling with a rear addition and new upper and rear decks.

The Board asked about the plans, proposal

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Breadon and an abutter are in opposition.

Documents: Building plans,

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



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Case: BOA-1461380 Address: 931 Hyde Park Avenue Ward 18 Applicant: Russell Forsberg

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use - Pasta Factory Article 69 Section 29 Off-Street Parking & Loading Req - Insufficient parking and loading spaces Article 69, Section 8 Use: Forbidden - Display area Article 69, Section 8 Use: Forbidden - Caterer Article 69, Section 8 Use: Forbidden - Office Article 69, Section 8 Use: Forbidden - Retail Article 69, Section 8 Use: Forbidden - Warehouse Article 69, Section 8 Use: Forbidden - Distribution Article 69, Section 8 Use: Forbidden - Storage Article 69, Section 8 Use: Forbidden - Manufacturing Article 69, Section 8 Use: Forbidden - Preparation and manufacturing of food Article 69, Section 8 Use: Forbidden - Bakery Article 69, Section 8 Use: Forbidden - Laundry Article 69, Section 8 Use: Forbidden - Wholesale business Article 69, Section 8 Use: Forbidden - Product development and research

Purpose: Change occupancy from Pasta Factory & Church to Pasta Factory & Display Area, Caterer, Office, Retail, Warehouse, Distribution, Storage, Manufacturing, Preparation & Manufacturing of Food, Bakery, Laundry, Wholesale Business, Product Development & Research. Interior renovations.

Discussion: The applicant is seeking to change the occupancy in a split zone location.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilors Arroyo and Murphy are in support.

Documents: Building plans,

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

Case: BOA-1484059 Address: 993-997 Hyde Park Avenue Ward 18 Applicant: Juan Rojas

Article: Article 69, Section 8 Use: Forbidden - Nail Salon: Use Forbidden

Purpose: Change of occupancy from a Store to Nail Salon and renovate as per plans.

Discussion: The applicant did not show up at the hearing.

Votes: Board member Collins moved to deny without prejudice. Aiken seconded and the motion carried unanimously.

Case: BOA-1462138 Address: 558 Park Street Ward 17 Applicant: Eileen Brito-Rosa

Article(s): Article 65, Section 9 Side Yard Insufficient - Required 10'. Proposed 5' 1" Right side. Article 65, Section 9 Bldg Height Excessive (Stories) Allowed 2 1/2 stories. Proposed 3 stories Height Article 65, Section 9 Floor Area Ratio Excessive Allowed .4 FAR Proposed .6 FAR Article 65, Section 9 Lot Width Insufficient - Required 50 ft. Proposed 45ft. Article 65, Section 9 Lot Frontage Insufficient - Required 50 ft. Proposed 45ft.

Purpose: Renovation / extension of living space to change occupancy from single family to three family per plans.

Discussion: The applicant is seeking to change the occupancy to a single family to a 3 family dwelling with a small rear addition and vertical extension. The height is not changing.

The Board asked about the plans, hours of operation, parking

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. An abutter is in support. Councilors Flynn, Flaherty, multiple abutters and Rep. Moran are in opposition.

Documents: Building plans,

Votes: Board member Pinado moved to approve the proposal and the motion failed. Board member Valencia moved to deny without prejudice, and the motion carried 5-2.



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Case: BOA-1521709 Address: 14 Floyd Street Ward 14 Applicant: Delzy G. Barbosa

Article(s): Ar.60. Sec 38 Parking screening & buffering - Screen and buffering. Article 60 Section 9 Side yard insufficient. Art. 60 Sec. 09 Floor Area Ratio excessive - FAR Exvessive. Art. 60 Sec. 09 Usable open space insufficient - Usable open space insufficient. Art. 60 Sec. 60 9 Additional Lot Area Insuff - Additional lot area insufficient. Article 60, Section 9 Min. Lot Area insufficient.

Purpose: The project is a new construction proposing to construct a new three family dwelling approximately 3,675 gross square feet. Each unit to have 3 bedrooms and 1.5 bathroom. Each unit will be separated with an 1 hour fire separation and the building will be equipped with a fire sprinkler system.

Discussion: The applicant is seeking to erect a new 3 family dwelling that is MBTA accessible with a permeable driveway. The occupancy is in context with the neighborhood.

The Board asked about the plans, proposal

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Local neighborhood associations are in opposition.

Documents: Building plans,

Votes: Board member Collins moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA-1428422 Address: 551 East Seventh Street Ward 7 Applicant: Stuart Mullally

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Pre-established maximum height allowed on parcel exceeded Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback (Created via new submission 4.23.25) Art. 68 Sec. 33 Off Street parking Req. - Insufficient parking (Created via revised submission 4.25.23) Art. 68 Sec. 33 Off Street parking Req. - Manuevering areas/Design Article 68, Section 8 Dimensional Regulations Insufficient minimum lot area per unit

Purpose: Erect a new 3 story 3 family house as per plans, existing building to be razed under separate permit. 4.25.23 5' easement established on proposed survey.

Discussion/Votes: Upon a motion and a second the Board moved to defer this proposal until December 12, 2023.

Case: BOA-1448377 Address: 44 Mystic Street Ward 2 Applicant: James Poulos

Article(s): Art. 62 Sec. 19 Neighborhood Design Overlay Districts Article 62, Section 8 Usable Open Space Insufficient Article 62, Section 8 Rear Yard Insufficient Article 62, Section 8 Floor Area Ratio Excessive

Purpose: No Record of Occupancy. Confirm occupancy as a one family for this is an existing condition for many years and erect a one-story kitchen extension into the rear yard and the addition of habitable basement space.

Discussion: The applicant is seeking to include an extension to the rear of an existing dwelling to confirm the occupancy as a 1 family and extend living into the basement.

The Board asked about the plans, density

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans, letters in support.

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



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RECOMMENDATIONS: 11:30 AM

(The Zoning Advisory Subcommittee held hearings for the following cases October 26, 2023. Board Secretary Norm Stembridge reported the Subcommittee's recommendations from these hearings to the Board.)

Case: BOA-1513760 Address: 753 East Broadway Ward: 6 Applicant: Andromahe Nikollo

Articles (s): Art. 06 Sec. 04 Other Protectional Conditions - Remove proviso "to petitioner only"

Purpose: Remove proviso of takeout from previous tenant to current.

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 recommend approval.

Case: BOA-1496428 Address: 10 Linden Street Ward: 7 Applicant: Deborah & Joel McCarthy

Articles (s): Art 68 Sec 29Roof Structure Restrictions Art 68 Sec 8 Insufficient additional lot area per unit

Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Insufficient rear yard setback Art. 68 Sec. 33 Off Street parking Req. - Insufficient parking

Purpose: Confirm as single family detached house and change to a two family. Unit 1 to be the street and basement levels and unit 2 to be 1st, 2nd and attic floors. Construct rear addition for unit 1 with roof deck above for unit 2 use and two full length dormers on attic level to become third story.

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 recommend approval.

Case: BOA- 1253685 Address: 809-811 Harrison Avenue Ward: 8 Applicant: El Barrio MX, LLC

Articles (s): Art. 06 Sec. 04 Other Protectional Conditions

Purpose: I want to remove the proviso on this location and apply for a new take-out license.

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 recommend approval.

Case: BOA-1525804 Address: 54 John Eliot Square Ward: 9 Applicant: Gregg Donovan

Articles (s): Art. 50, Section 28 Use: Conditional - Proposing new structure to be used as a bank "oneUnited" which is a conditional use.

Purpose: Change of occupancy to the Conditional "Bank" use and Allowed "Local Retail Business" use for existing commercial building at 54 John Eliot Square, as per plans. Combining 52 54 John Eliot Sq PID #0903445000 with 7 9 Centre St PID #0903446000 under separate Longform #ALT1396378

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 recommend approval with no building code relief granted.



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Case: BOA-1517797 Address: 46 Linwood Street Ward: 11 Applicant: Robert Purinton

Articles (s): Article 50, Section 29 Side Yard Insufficient

Purpose: Curb cut for private driveway for electric plug-in vehicle.

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 recommend deferral until December 7, 2023.

Case: BOA-1506437 Address: 4 O'Donnell Terrace Ward: 16 Applicant: Daira Barr

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

Article 65, Section 9 Floor Area Ratio Excessive

Purpose: Build second story addition above existing porch to create third bedroom.

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 recommend approval.

Case: BOA-1449528 Address: 253 Huntington Avenue Ward: 18 Applicant: Carmen Cabreja

Articles (s): Article 69, Section 9 Side Yard Insufficient

Purpose: Raising the roof to add two bedrooms and one bathroom.

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 recommend approval with a proviso to submit updated scope for the 2 bedroom 2 bathroom.

Case: BOA-1467152 Address: 713-715 Centre Street Ward: 19 Applicant: Tres Gatos LLC

Articles (s): Art. 55, Section 17 Insufficient open space for existing uses on parcel

Purpose: Grant permission to Casa Verde restaurant, located on neighboring parcel (711 Centre Street) under common ownership, to use outdoor area on this parcel for outdoor seating. Filed in conjunction with ALT1438404 and U491439501. No work to be done.

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 recommend approval with accessible entry to the rear patio space.

Case: BOA-1462924 Address: 25 Burr Street Ward: 19 Applicant: Cameron Merrill

Articles (s): Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Front Yard Insufficient

Purpose: We are looking to widen the curb cut for our driveway. Proposing 4 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 recommend a deferral until December 7, 2023.



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RE-DISCUSSIONS: 11:30 AM

Case: BOA-1468247 Address: 277-279 Roslindale Avenue Ward 20 Applicant: Jose de La Rosa

Article(s): Article 67, Section 8.2 Use Regs: Basement Units Art. 67 Sec. 9.4 Location of Main Entrance - Entry to basement unit shall face the front lot line Article 67, Section 9 Lot Area Insufficient - Min. required: 8,000 sqft Proposed: 4,950 sqft Article 67, Section 9 Usable Open Space Insufficient - Min. required: 5,250 sqft Article 67, Section 9 Floor Area Ratio Excessive - Max allowed: 0.5 Proposed: 0.8 Art. 67 Sec. 08 Three family dwelling unit use is a forbidden use. Art. 67 Sec. 30 Off street parking screening & buffering - 2 off street parking spaces required

Purpose: Change of occupancy from two family to three family, relocate rear mechanical room add bulkhead door and egress window for additional bedroom, basement is existing finish space. Sprinkler system to be installed.

Reason for Prior Deferral: The Board moved to defer.

Discussion: The applicant is seeking to change the occupancy from a 2 to a 3 family in the existing dwelling. New sprinkler system and the FAR is existing non-conforming.

The Board asked about the plans,

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

Documents: Building plans,

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

Case: BOA- 1341023 Address: 81 Woodlawn Street Ward 11 Applicant: Highline Development

Articles (s): Article 55, Section 9 Lot Area Insufficient Article 55, Section 9 Lot Width Insufficient Article 55, Section 9 Lot Frontage Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Side Yard Insufficient

Purpose: New erection of a 3 family building on an empty lot per plans. To include 3 car indoor parking.

Reason for Prior Deferral: To address concerns with BPDA

Discussion: The applicant is seeking to erect a new 3 family residential dwelling on a sloped lot

The Board asked about the plans, hours of operation, parking

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. An abutter is in support. Abutters are in opposition.

Documents: Building plans,

Votes: Board member Collins moved to deny without prejudice, the motion carried unanimously.



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Case: BOA-1361964 Address: 34 Cobden Street Ward 11 Applicant: Curtis Clemons

Article(s): Art. 50 Sec. 29 Insufficient Lot size Art. 50 Sec. 29 Insufficient additional lot area per unit
Art. 50 Sec. 29 Insufficient lot width Art. 50 Sec. 29 Insufficient lot width frontage Art. 50 Sec. 29 Excessive f.a.r.
Art. 50 Sec. 29 Insufficient side yard setback Art. 50 Sec. 29 Insufficient usable open space per unit Art. 50 Sec. 43 Off
street parking insufficient

Purpose : Erect three family dwelling as per plans.

**Reason for Prior Deferral: This application was deferred to allow time for further review from the ISD plans
examiner.**

Discussion: The applicant is seeking to erect a 3 family dwelling on a vacant lot with 4 tandem off street parking spaces.

The Board asked about the plans, parking, curb cut, and lot

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to
the Board. A local neighborhood association and abutters are in support.

Documents: Building plans,

Votes: Board member Collins made a motion to approve with BPDA and BTM review which failed. Whewell made a
motion to deny without prejudice which carried.

Case: BOA-1368388 Address: 1222 Washington Street Ward 3 Applicant: Rebecca Rutenberg

Article: Article 64, Section 12 - Use: Conditional - Cannabis establishment

Purpose: Change of occupancy to Cannabis Establishment.

Reason for Prior Deferral: Notice and advertising of companion case

Discussion: The applicant is seeking to change the occupancy to a cannabis establishment. There are no other cannabis
locations within the buffer zone and there will be 23 off street parking spaces.

The Board asked about the plans, hours of operation, parking

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to
the Board. An abutter is in support. Councilors Flynn, Flaherty, multiple abutters and Rep. Moran are in opposition.

Documents: Building plans,

Votes: Board member Pinado moved to approve the proposal and the motion failed. Board member Valencia moved to
deny without prejudice, and the motion carried 5-2.



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Case: BOA-1518572 Address: 443 Harrison Avenue Ward 3 Applicant: Rebecca Ruttenberg

Article: Article 64, Section 12 - Use: Conditional - Ancillary parking for cannabis establishment

Purpose: Use of premises of Parcel ID 0306431000: Laconia St. for ancillary parking for cannabis establishment proposal (ALT1345591) affiliated with parcel IDs 0306392000 (1226 Washington St); 0306393000 (1222 Washington St) and 0306393010: 1220 Washington St.

Discussion: The applicant is seeking to change the occupancy to a cannabis establishment. There are no other cannabis locations within the buffer zone and there will be 23 off street parking spaces.

The Board asked about the plans, hours of operation, parking

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. An abutter is in support. Councilors Flynn, Flaherty, multiple abutters and Rep. Moran are in opposition.

Documents: Building plans,

Votes: Board member Pinado moved to approve the proposal and the motion failed. Board member Valencia moved to deny without prejudice, and the motion carried 5-2.

Case: BOA-1304433 Address: 10 Thompson Square Ward 2 Applicant: Sing Ming Chan

Article(s): Art. 62 Sec. 14 Usable open space insufficient Article 62, Section 14 Excessive f.a.r.

Article 62, Section 14 Excessive height Article 62, Section 14 Insufficient rear yard setback Article 62, Section 29 Off-Street Loading Insufficient - None proposed Art. 62 Sec. 62-29 Off street parking requirements - None proposed

Purpose: Erect a new mixed use building with commercial space (RETAIL) on first floor and 12 dwelling units above. Existing building to be razed under separate permit. *4.10.23: Reduced project scope at ZBA to 12 units and 4 stories

Reason for Prior Deferral: To continue community process

Discussion/Votes: Upon a motion and a second the Board moved to defer this proposal until December 12, 2023.

Case: BOA- 1476876 Address: 246 Havre Street Ward 1 Applicant: Two M Realty Trust

Articles (s): Art. 25 Sec. 5 Flood Hazard Districts Art. 53, Section 56 Off-Street Parking Insufficient Art. 53, Section 8 Use: Forbidden - MFR - Forbidden Article 27T - 5 East Boston IPOD Applicability Article 32, Section 4. GCOD, Applicability Article 53, Section 57.2 Conformity Ex Bldg Alignment - Entry & Decks 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 Rear Yard Insufficient

Purpose : Erect a four (4) story building containing nine (9) residential units with eight (8) parking spaces. Building features front and rear decks, and ground level garage.

Reason for Prior Deferral: To meet with BPDA

Discussion: The applicant is seeking to add eight off street parking spaces and erect a 9 unit dwelling with 1 affordable unit. Are ar deck and 9 balconies included. MBTA accessible.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Coletta is in support.

Documents: Building plans,

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



City of Boston
Board of Appeal

Case: BOA#1476878 Address: 246 Havre Street Ward 1 Applicant: Two M Realty Trust

Purpose: Erect a four (4) story building containing nine (9) residential units with eight (8) parking spaces. Building features front and rear decks, and ground level garage.

Violation: Description: Violation Comments: 9th 780 CMR 1011 Stairways 1011.12 Stairway to roof. In buildings four or more stories above grade plane, one stairway shall extend to the roof surface unless the roof has a slope steeper than four units vertical in 12 units horizontal (33-percent slope). Exception: Other than where required by Section 1011.12.1, in buildings without an occupied roof access to the roof from the top story shall be permitted to be by an alternating tread device, a ships ladder or a permanent ladder. [Four story building with flat roof, unoccupied, not provided with common stairway to roof.] 9th 780 CMR 1011 Exterior Walls 705.8.1 Allowable area of openings. The maximum area of unprotected and protected openings permitted in an exterior wall percentages in any story of a building shall not exceed the specified in Table 705.8. [Exceeds 15% at 3.25' setback] 9th 780CMR 1006.3 Egress from stories 1006.3.1 Egress based on occupant load or occupied roofs

Reason for Prior Deferral: To meet with BPDA

Discussion: The applicant is seeking to add eight off street parking spaces and erect a 9 unit dwelling with 1 affordable unit. Are ar deck and 9 balconies included. MBTA accessible.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Coletta is in support.

Documents: Building plans,

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

Case: BOA#1475953 Address: 169 Maverick Street Ward 1 Applicant: Trichilo Development, LLC

Purpose: Erect addition, renovate, and change occupancy from three (3) to four (4) residential units with rear and roof decks.

Violation: Violation Description: 9th 780 CMR 1006 Number of Exits and Exit Access Doorwa

Violation Comments: ART.IBC Table 1006.3.2(1) Fourth stories above grade: Not Permitted.

Reason for Prior Deferral: The Board moved to defer.

Discussion/Votes: Upon a motion and a second the Board moved to defer this proposal until December 12, 2023.

HEARINGS: 1:00PM

Case: BOA-1473941 Address: 820 Hyde Park Avenue Ward 18 Applicant: Tyrone Hardy & Cain Hardy

Article(s): Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Lot Area Insufficient Article 69, Section 9 Lot Frontage Insufficient Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg Height Excessive (Feet) Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Rear Yard Insufficient

Purpose: Erect new structure, and demolish existing. nine (9) condominium units. Proposed parking below structure, and in rear, adding seven (7) parking spots, as per plans. E Plans filed. Nominal fee letter filed with plans.

Discussion/Votes: Upon a motion and a second the Board moved to defer this proposal until December 12, 2023.



City of Boston
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Case: BOA-1448596 Address: 21R Druid Street Ward 17 Applicant: Silas Montrond

Article: Art. 65 Sec. 42 - 65 42.8 Accessory Building more than 15' height.

Purpose: Demo old garage and build a new one three car garage.

Discussion: The applicant is seeking to demo the existing garage and erect a new garage for 3 off street parking spaces.

The Board asked about the plans, proposal, main structure, height, size

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilors Worrell and Flaherty are in support.

Documents: Building plans,

Votes: Board member Pinado moved to approve with the garage being limited to 15 feet. Langham seconded and the motion carried 6-1.

Case: BOA-1521923 Address: 41 Houghton Street Ward 16 Applicant: Brian Griffin

Article(s): Art.65 Sec. 8 Use: Forbidden 3F in 2F Forbidden Art. 10 Sec. 01 Limitation of off street parking areas - Parking less than 5ft from side lot line.

Purpose: To change occupancy from a 2 family to a 3 family. construct a rear addition with rear decks. Third floor roof will change from a pitched roof to a mansard roof for additional living space on the third floor. The basement in the addition will be finished space for a family room as per plans.

Discussion: The applicant is seeking to change the occupancy from a 2 to a 3 family with BTD changes.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Baker is in support.

Documents: Building plans,

Votes: Board member Aiken moved to approve. Pinado seconded and the motion carried unanimously.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
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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