



City of Boston
Board of Appeal

Tuesday, November 10, 2020

BOARD OF APPEAL

Room 801

HEARING MINTUES

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 NOVEMBER 10, 2020 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS NOVEMBER 10, 2020 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE NOVEMBER 10, 2020 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 <http://bit.ly/zbaJan12hearing> or by calling 1-617-315-0704 and entering access code 179 728 0812.

If you wish to offer testimony on an appeal, please click <http://bit.ly/zbaJan12comment> 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 <http://bit.ly/zbaJan12comment>, calling 617-635-4775 or emailing isdboardofappeal@boston.gov.

The ZBA Ambassador will be available within the WebEx Event from at 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate



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in the hearing via WebEx. 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, 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 9:00 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 City Hall, in the BPDA board room, 9th Floor, Room 900. 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. Individuals appearing at City Hall 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 isdboardofappeal@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

The board will hold a hearing on, Tuesday November 10, 2020 at 9:30 a.m.



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EXTENSIONS: 9:30 A.M

Case: BOA-719823 Address: 29 A Street Ward 6 Applicant: George Morancy, Esq

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- 853913 Address: 160 West Seventh Street Ward 6 Applicant: Derric Small, Esq

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-873206 Address: 26 Mystic Street Ward 2 Applicant: Patrick Mahoney, Esq

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- 830090 Address: 4 Mystic Street Ward 2 Applicant: Timothy Sheehan

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 from the date of the hearing



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CALL OF THE CHAIR 9:30 A.M

Case: BOA-1006349 Address: 125 Addison Street Ward 1 Applicant: 125 Addison Street, LLC

Article(s): 27T(27T-5) 53(53-25)

Purpose: Raze existing dwelling and erect a new building consisting of nine (9) executive suites with parking for ten (10) vehicles.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a rehearing at the opinion of the Law Department

Board members asked about a potential violation of STR ordinance and difficulty to enhance provisions.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to deny, Fortune seconded, motion carried unanimously.

HEARINGS: 9:30 A.M

Case: BOA-1093253 Address: 97-101 Porter Street Ward 1 Applicant: Ninety Seven Porter, LLC

Articles: Article 27T 5East Boston IPOD Applicability Article 53 Section 8 Use Regulations MFR Forbidden Article 53 Section 9 Excessive height Article 53 Section 9# of allowed stories exceeded Article 53 Section 57 Application of Dimensional Req Conformity with existing street wall alignment Article 53 Section 56.5.a Parking maneuverability Article 53 Section 56 Off Street Parking & Loading Req Insufficient parking Article 53 Section 9 Dimensional Regulations Insufficient rear yard setback

Purpose: Combine parcel numbers 010576100, 010575300, 010575000, 0105751000, and 010575200 to create one lot consisting of 17,030 square feet (SEE ALT1090450) and erect a new 4 story residential dwelling consisting of 9 units with 17 parking spaces as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to landline parcels and erect a 4 story, 9 unit residential dwelling with 20 parking spaces.

Board members asked about the units accessibility, the penthouses, roof decks, screening and buffering, and the parking arrangement with the nearby restaurant.

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

Documents/Exhibits: Building Plans, 2 letters of opposition

Votes: Board Member Erlich moved for approval, Fortune seconded. The Board voted unanimously for approval.



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Case: BOA-1038179 Address: 142 Chelsea Street Ward 1 Applicant: MELS Chelsea LLC

Articles: Article 53 Section 56 Off Street Parking & Loading Req Article 53 Section 8 Use Regulations 4 family use Forbidden Article 53, Section 52 Roof Structure Restrictions 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 Article 53, Section 9 Rear Yard Insufficient Art. 27G E Boston IPOD

Purpose: Confirm occupancy as a three family and change to a four family. Also, to renovate the structure, erect a fourth story addition, rear addition, and rear decks and egress stairs.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change a 3 family to a 4 unit MFR, with a 4th story addition.

Board members asked about violations, the rear deck, and the 4th floor ceiling height.

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

Documents/Exhibits: Building Plans, 6 letters of support, 1 letter in opposition

Votes: Board Member Ruggiero moved for approval with BPDA design review with no building code relief, Erlich seconded. The Board voted unanimously for approval.

Case: BOA- 1104690 Address: 185 London Street Ward 1 Applicant: Coliseum Development Advisors, Inc

Articles: Article 27T East Boston IPOD Article 53 Section 9 Excessive f.a.r 1.0 max. Article 53 Section 9 Excessive height 3 story max Article 53 Section 9 Insufficient side yard setback 2.5' min. req.

Purpose: Extend and repair foundation within setback, add penthouse floor, increase FAR, renovate interior MEP, windows, roof, basement, and exterior finish siding & decks.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to extend the basement and add a penthouse.

Board members asked the occupancy in the basement, the number of bedrooms and bathrooms, and the basement ceiling height.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support and Councilors Edwards left it up to the discretion of the Board.

Documents/Exhibits: Building Plans, 2 letters in opposition.

Votes: Board Member Erlich moved for approval with BPDA design review and no living space in the basement, and Kindell Jr. seconded. The Board voted unanimously for approval.



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Case: BOA-996141 Address: 223 Everett Street Ward 1 Applicant: Timothy Johnson

Articles: Article 27T East Boston IPOD Article 53 Section 9 Excessive F.A.R.

Article 53 Section 9 Insufficient usable open space (Space suitable for recreation 75% open to the sky not devoted to parking and/or automotive traffic)

Purpose: New rear addition to existing 3 family , new kitchens and baths, new sprinkler system, new side and roof decks as per plans submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a rear addition to the 3rd floor, also adding side and rear decks.

Board members asked about basement living space and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Councilor Edwards left it up to the discretion of the Board, and abutters opposed.

Documents/Exhibits: Building Plans, 5 letters in opposition.

Votes: Board Member Erlich for approval with BPDA design review, and for no basement living space and Ruggiero seconded. The Board voted 5-1 for approval.

Case: BOA- 1098399 Address: 41 Mount Vernon Street Ward 2 Applicant: George Morancy

Articles: Article 62 Section 12 Roof Structure Restrictions Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Floor Area Ratio Excessive

Purpose: Renovate existing three family dwelling (see ALT1019151), extend living space into basement, new second floor bay window, construct rear addition and deck at third floor level, erect roof deck.

Discussion/Vote: Error in refusal letter, the correct hearing date is December 8, 2020. The Board moved to defer, it was seconded, and deferred until December 8, 2020 9:30am.

Case: BOA-1110403 Address:1-4 Mechanic Court Ward 3 Applicant: FDJGA, LLC

Article: Article 54 Section 12 Use Regulations Use: Executive Suites: Conditional

Purpose: Change Occupancy from 6 Apartments, Restaurant in sprinklered building to 6 Executive Suites, Restaurant existing condition no work to be done per plans shown for upper level units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a change of occupancy from residential uses to executive suites, which have been used as suites since 2015. They were originally intended for suite use but this was originally incorrectly applied for.

Board members asked about the unit sizes, and length of stay.

Testimony: The Board then requested testimony from neighbors and elected officials. Councilors Baker and Flaherty are in support. The Chinatown community land trust is in opposition. The Office of Neighborhood Services and Councilor Edwards left it up to the discretion of the Board.

Documents/Exhibits: Building Plans, letter of opposition

Votes: Board Member Ruggiero moved for approval, no one seconded. Member Erlich moved for denial, seconded by member Fortune. Robinson seconded. The Board voted 5-1 for denial with Ruggiero opposed.



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Case: BOA-1110391 Address: 239-243 Hanover Street Ward 3 Applicant: Bricco Realty, LLC

Article: Article 54 Section 12 Use Regulations Executive suite is a conditional use in the Hanover CC Sub district.

Purpose: Change occupancy from restaurant and 7 apartments to restaurant and 7 executive suites, existing conditions, no work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a change of occupancy from residential uses to executive suites, which have been used as suites since 2015. They were originally intended for suite use but this was originally incorrectly applied for.

Board members asked about the unit sizes, and length of stay.

Testimony: The Board then requested testimony from neighbors and elected officials. Councilors Baker and Flaherty are in support. The Chinatown community land trust is in opposition. The Office of Neighborhood Services and Councilor Edwards left it up to the discretion of the Board.

Documents/Exhibits: Building Plans, letter of opposition

Votes: Board Member Ruggiero moved for approval, no one seconded. Member Erlich moved for denial, seconded by member Fortune. Robinson seconded. The Board voted 5-1 for denial with Ruggiero opposed.

Case: BOA- 1110414 Address:11 Board Aly Ward 3 Applicant: FDJGA, LLC

Article: Article 54, Section 12, Use Regulations Use: Executive Suites: Conditional

Purpose: Change Occupancy from 3 Apartments, 1 Retail Store to 3 Executive Suites, 1 Retail Store no work to be done existing condition

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a change of occupancy from residential uses to executive suites, which have been used as suites since 2015. They were originally intended for suite use but this was originally incorrectly applied for.

Board members asked about the unit sizes, and length of stay.

Testimony: The Board then requested testimony from neighbors and elected officials. Councilors Baker and Flaherty are in support. The Chinatown community land trust is in opposition. The Office of Neighborhood Services and Councilor Edwards left it up to the discretion of the Board.

Documents/Exhibits: Building Plans, letter of opposition

Votes: Board Member Ruggiero moved for approval, no one seconded. Member Erlich moved for denial, seconded by member Fortune. Robinson seconded. The Board voted 5-1 for denial with Ruggiero opposed.



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Case: BOA-1110423 Address: 2 Board ALy Ward 3 Applicant: Bricco Realty, LLC

Article: Article 54, Section 12, Use Regulations Use: Executive Suites: Conditional

Purpose: Change Occupancy from existing condition 8 Apartments and Commercial space in Basement (Bakery) to 8 Executive Suites and Bakery no work to be done –

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a change of occupancy from residential uses to executive suites, which have been used as suites since 2015. They were originally intended for suite use but this was originally incorrectly applied for.

Board members asked about the unit sizes, and length of stay.

Testimony: The Board then requested testimony from neighbors and elected officials. Councilors Baker and Flaherty are in support. The Chinatown community land trust is in opposition. The Office of Neighborhood Services and Councilor Edwards left it up to the discretion of the Board.

Documents/Exhibits: Building Plans, letter of opposition

Votes: Board Member Ruggiero moved for approval, no one seconded. Member Erlich moved for denial, seconded by member Fortune. Robinson seconded. The Board voted 5-1 for denial with Ruggiero opposed.

Case: BOA-1092076 Address: 847-847C East Fifth Street Ward 6 Applicant: Jim McClure

Articles: Art. 29, Section 4 Greenbelt Protection Overlay District

Article 68, Section 8.3 Dim Regs: Location of Main Entrance All entry doors shall face the front lot line

Article 68, Section 29 Roof Structure Restrictions Proposed building exceeds the height of the existing building being removed.

Purpose: Combine parcel 429 (3125sf) with parcel 430 (3125sf) new lot to have 6250sf. Demolish existing 2 family. Erect 4 townhouses with 7 parking spaces per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build 4 townhouses with 7 parking spaces.

Board members asked about roof decks, and a delay in demo.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, abutters, Councilors Edwards, Essaibi-George, and Flynn are all in opposition.

Documents/Exhibits: Building Plans, 5 letters of support, 13 letters of opposition.

Votes: Board Member Erlich moved denial without prejudice, Ruggiero seconded. The Board voted unanimously for denial without prejudice.



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Case: BOA-1028692 Address: 57 L Street Ward 6 Applicant: Douglas Stefanov

Articles: Art 68 Sec 29 Roof Structure Restrictions Article 68, Section 8 Bldg Height Excessive (Feet)
Article 68, Section 8 Floor Area Ratio Excessive

Purpose: Extend existing southern stair up to the roof in a headhouse, build a connection walkway to the northern headhouse and build four roof decks off the walkway.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members did not have questions, this had already gone to the Board previously

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayors Office of Neighborhood services and Councilor Flynn are in support.

Documents/Exhibits: Building Plans, 17 letters of support.

Votes: Board Member Erlich moved for approval and Ruggiero seconded. The Board voted unanimously for approval.

Case: BOA-1079344 Address: 502 East Eighth Street Ward 7 Applicant: Phil Wallace

Article: Article 68 Section 29 Roof structure restrictions

Purpose: Add a new roof deck as per plans. Permit set to be submitted upon Zoning approval. [ePlan]

Discussion: The applicant was a no show.

Documents/Exhibits: Building Plans,

Votes: Board Member Fortune moved denial without prejudice and Ruggiero seconded. The Board voted unanimously for denial without prejudice.



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Case: BOA- 1053178 Address: 289 Dorchester Street Ward 7 Applicant: James Christopher

Articles: Art. 13 Sec. 13 1 Excessive F.A.R. 1.0 max Art. 13 Sec. 13 1# of allowed stories exceeded 3 story max. Art. 13 Sec. 13 1 Max allowed height exceed 35' max. Art. 23 Sec. 01 Off street parking requirements Insufficient parking Art. 13 Sec. 04 Dwellings in Nonresidential district Insufficient lot size 5,000sf min. Art. 13 Sec. 04 Dwellings in Nonresidential district Insufficient additional lot area per unit 1,000sf/unit req. Art. 13 Sec. 04 Dwellings in Nonresidential district Insufficient lot width 50' req. Art. 13 Sec. 04 Dwellings in Nonresidential district Insufficient open space 400sf/unit req. Art. 13 Sec. 04 Dwellings in Nonresidential district Insufficient rear yard setback Art. 13 Sec. 04 Dwellings in Nonresidential district Front yard (modal) Art. 13 Sec. 04 Dwellings in Nonresidential district Insufficient side yard setback

Purpose: To raze the existing single-story building, and construct a new four story four unit residential building as per the attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a 4 story 4-unit building.

Board members asked about the height and surrounding buildings.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Flynn and Essaibi-George are in opposition.

Documents/Exhibits: Building Plans, 4 letters in opposition.

Votes: Board Member Erlich moved to deny without prejudice, and Fortune seconded. The Board voted unanimously to deny without prejudice. The BPDA agreed due to the 4th story.

Case: BOA- 953865 Address: 561 Dudley Street Ward 13 Applicant: Massachusetts for Citizens for Social Equit, LLC

Articles: Article 50 Section 28 Use Regulations Cannabis Establishment is a Forbidden use in a MFR/LS Sub district Article 50, Section 29 Side Yard Insufficient Proposed addition has insufficient side yard.

Article 50, Section 29 Lot Area Insufficient Article 50, Section 29 Lot Frontage Insufficient 50, Section 29 Front Yard Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 43 Off Street Parking & Loading Req Parking on adjacent lot

Purpose: Change occupancy to include cannabis dispensary.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the current occupancy to include a cannabis establishment, with 8 parking spaces.

Board members asked about the lot shape, hours of operation, parking, and client lines.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilors Janey, Essaibi-George, and Baker are in support. One abutter in support and one abutter in denial.

Documents/Exhibits: Building Plans, 565 letters of support, one letter in opposition.

Votes: Board Member Erlich moved to approve, and Fortune seconded. The Board voted unanimously for approval.



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RE-DISCUSSIONS: 11:30 A.M

Case: BOA- 979930 Address: 16 Whitby Street Ward 1 Applicant: Arco, LLC

Article: 27T(27T-5) 53(53-8) 53(53-9): # of allowed stories has been exceeded (2.5 stories max.), Height exceeded (35' max.), Excessive F.A.R. (.8 max.) & Insufficient rear yard setback (35' req.) 53(53-56) 53(53-54) 53(53-56.5.a) 53(53-57.2)

Purpose: Seeking to erect a four-story building with ten residential units and ten parking spaces. Also to combine two lots, 0101753000 and 01011752000 into one lot of 9,000 sf ft. Also raze existing structure on lot on separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting the raze the structure, combine the lots, creating a 3 story 7 unit building with 13 parking spaces. Looking to renovate the roof deck.

Board members asked about the change in violations, and unit sizes

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

Documents/Exhibits: Building Plans, 26 letters of support, 5 letters in opposition.

Votes: Board Member Erlich moved for approval with BPDA design review, Ruggiero seconded. The Board voted unanimously for approval.

Case: BOA-1012022 Address: 14 North Bennet Street Ward 3 Applicant: Epsilon Partners

Articles: Article 54, Section 10 Bldg Height Excessive (Feet) Article 54, Section 10 Usable Open Space Insufficient Article 54, Section 10 Floor Area Ratio Excessive Article 54, Section 21 Off Street Parking & Loading Req Off street parking is insufficient.

Purpose: Seeking to change the occupancy from a rectory to eight residential units. Also, to erect a one story addition roof decks and complete renovations.

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

Documents/Exhibits: Building Plans,

Votes: Board Member Ruggiero moved to defer until November 21, 2021. Forunte seconded it and it was deferred.

Case: BOA- 1054679 Address: 44 Glendale Street Ward 15 Applicant: Kristopher Proule

Article: 65(65-41) 65(65-8) 65(65-9): Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Front yard insufficient, Side yard insufficient & Rear yard insufficient)

Purpose: Build new 4 story, nine-unit building including MEP, Sprinkler, Fire Alarm.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral, which was approved and seconded. The deferral was granted for a later date, on February 2, 2021.



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Case: BOA- 1025837 Address: 79 Regis Road Ward 18 Applicant: Andrea Jules

Article: 60(60-40) 60(60-8) 60(60-9: Lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient)

Purpose: Change of Occupancy 2 to 3 family. Build two shed dormers per plan. Bring egress up to code. Install new roofing, siding, windows. Build partition walls per plan

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change a 2 family to a 3 family with addition of 2 dormers.

Board members asked about if this was homeowner occupied, and asked the basement occupancy.

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

Documents/Exhibits: Building Plans, 1 letter in opposition, 6 letters in support.

Votes: Board Member Erlich moved for approval with BPDA design review, and Ruggiero seconded. The Board voted unanimously for approval with BPDA design review.

Case: BOA-1027521 Address: 81-81A Wrentham Street Ward 16 Applicant: Paulette Whitaker

Article: 65(65-8) 65(65-9: Insufficient lot width – 50' req., Insufficient rear yard setback – 40' req. & # of allowed stories exceeded – 2 ½ stories max.) 65(65-41) 65(65-42)

Purpose: Construct a netwo-family dwelling on Lot B consisting See ALT1027510

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail

Documents/Exhibits: Building Plans.

Votes: Board Member Fortune moved to deny without prejudice, Ruggiero seconded. The Board voted unanimously to deny without prejudice.



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HEARINGS:12:30 P.M

Case: BOA- 1051289 Address: 293 Northampton Street Ward 9 Applicant: Northampton Parking, LLC

Article: Article 6 Section 4 Other Cond Necc as Protection Change in Previous Decision of the Zoning Board of Appeal

Purpose: The Applicant seeks to continue to use the Premises as a public parking lot for a fee, capacity nineteen (19) vehicles with one (1) handicap parking spaces and eighteen (18) regular parking spaces under Permit For Use of Premises

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a use of premises permit for a public parking lot for free with a 3-year extension of use.

Board members asked about screening and buffering maintenance.

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

Documents/Exhibits: Building Plans, 2 letters of support

Votes: Board Member Erlich moved for approval, Fortune seconded. The Board voted unanimously for approval.

Case: BOA-1119614 Address: 16 Gaston Street Ward 12 Applicant: Khanh Mass Home Construction Inc.

Article: Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg This is a 4 unit building in a 3F 4000 Sub district. Extension of unit 4 with dormer and roof deck.

Purpose: This is an amendment to the Long form application ALT1065612 The amendment is for the following scope of work: remove stairs from proposed porch decks drawings, add dormers to the third floor proposed drawings, and expand roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add dormer to the 3rd floor for additional living space, as well as a roof deck.

Board members asked unit sizes and the basement occupancy.

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

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Ruggiero moved for approval with BPDA design review, and Erlich seconded. The Board voted unanimously for approval.



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Case: BOA- 1060086 Address:110-114A Stoughton Street Ward 13 Applicant: Kelmyn Investments, LLC

Article: Art. 06 Sec. 04 Other Protectional Conditions take out proviso granted to a petitioner. Change of petitioner.

Purpose: Remove proviso for takeout from previous owner and transfer to new owner's name.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to edit the proviso only for a new takeout restaurant.

Board members asked the name of the restaurant, and if the grates on the front operate until 10:00pm every day of the week.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with provisos, and Fortune seconded. The Board voted unanimously for approval.

Case: BOA- 1071651 Address: 6 Magdala Street Ward 16 Applicant: Daniel Rubin

Articles: Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Erect three unit building with two garage parking spots and one surface parking spot.

Discussion/Vote: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral. The Board moved and seconded, this was deferred until February 23, 2021.

Case: BOA-1075915 Address: 68 Armandine Street Ward 17 Applicant: Andrew Schena

Articles: Article 65, Section 8 Use Regulations 6 Family use: Forbidden Article 65, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Proposed: 1.03 Article 65, Section 9 Bldg Height Excessive (Stories) Allowed: 2.5 Proposed: 3 Article 65, Section 9.2 Dim Regs: Location of Main Entrance Location of the main entrance shall be on the front façade. Article 65, Section 9 Front Yard Insufficient Required: 15' Proposed: 12'. Otherwise provide modal certified by land surveyor Article 65, Section 9 Side Yard Insufficient Required: 10' Proposed: 5' (R)

Article 66 Section 42 Off Street Parking & Loading Req Required 8 spaces. Provided 6

Purpose: Currently a vacant lot. Proposed new construction of a three story, six unit residential building with six off street parking spaces behind the proposed building, accessed through the existing curb cut for the lot. New building to meet Stretch Energy Code and current MA State Building Code. eplan > BOA

Discussion/Vote: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral until the next possible hearing date. The Board moved for deferral, it was seconded, and moved until February 23, 2021.



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Case: BOA-1043402 Address: 5 Orlando Street Ward 18 Applicant: Brian Holland

Articles: Article 60, Section 8 Use Regulations Use: Basement Apartment: Forbidden Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 37 Off Street Parking & Loading Req Off Street Parking Insufficient Article 9, Section 2 Change in Non Conforming Use

Purpose: Change Occupancy from 11 Apartments to 12 Apartments. Renovate existing storage area and convert to Unit #3 in accordance with plans submitted, in compliance with 780 CMR ninth edition Mass. Building Code. No structural changes.

Discussion/Vote: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral until the next hearing date. The Board moved and seconded for a deferral, and this was moved to the next available date on February 23, 2021.

Case: BOA-1019220 Address: 645 River Street Ward 18 Applicant: Christian Louisworld

Articles: Art. 69 Sec. 8 Forbidden Self service laundry use is a forbidden use Art. 69 Sec. 8 Forbidden Multi family dwelling is a forbidden use Art. 69 Sec. 09 Lot size to erect a dwelling is insufficient Art. 69 Sec. 09 Floor area ratio is excessive Art. 69 Sec. 09 Height is excessive (stories) Art. 69 Sec. 09 Height is excessive (ft) Art. 69 Sec. 09 Usable open space requirement is insufficient Art. 69 Sec. 09 Front yard requirement is insufficient Art. 69 Sec. 09 Side yard requirement is insufficient Art. 69 Sec. 09 Rear yard requirement is insufficient Art. 69 Sec. 29 Off St.Prk'g/Load'g Off street parking requirement is insufficient

Purpose: Tear down of existing grocery store building to construct a new 3 story building with self service laundry of approximately 2,000 sf. in the first floor and 4 residential units in the floors above at 2 units per floor.

Discussion/Vote: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral until the next hearing date. The Board moved and seconded for a deferral, and this was moved to the next available date on February 23, 2021.

Case: BOA-1073979 Address: 60 Windham Road Ward 18 Applicant: William Bowler

Articles: Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Side Yard Insufficient

Purpose: Remove existing roof frame. Add a second floor and new roof frame.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a second story addition.

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

Documents/Exhibits: Building Plans, letter of support, a letter in opposition.

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded. The Board voted unanimously for approval with BPDA review.



City of Boston
Board of Appeal

Case: BOA-895482 Address: 1589-1893 Blue Hill Avenue Ward 18 Applicant: Rebecca Rutenberg

Article: Art. 60 Sec.16 Use reg neigh buis sub dist Cannabis Establishment is a Conditional Use.

Purpose: Change of occupancy from a check cashing facility to a Cannabis Establishment. Modify the existing layout and conditions of the interior of the building. *Project submission in anticipation of rejection notice and subsequent ZBA hearing *

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to a cannabis establishment 7 days a week from 10:00am-9:00pm, with secure delivering in the back.

Board members asked about line accommodations, as well as a security plan.

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

Documents/Exhibits: Building Plans, 83 letters in support.

Votes: Board Member Erlich moved for approval with provisos, Ruggiero seconded. The Board voted unanimously for approval with provisos.

Case: BOA-1082341 Address: 8 Reddy Avenue Ward 18 Applicant: Paul Britton

Articles: Article 69, Section 8 Use: Forbidden Article 69, Section 9 ** Add'l Lot Area Insufficient
Article 69, Section 9 ** Floor Area Ratio Excessive Article 69, Section 9 ** Usable Open Space
Insufficient Article 69, Section 9 *** Front Yard Insufficient Article 69, Section 9 *** * Side Yard
Insufficient Article 69, Section 8 ** Use Regulations Basement units are not allowed Article 69 Section 29
Off Street Parking & Loading Req Off street parking is insufficient

Purpose: Change occupancy from 2 family to 3 family. Interior renovations of existing basement & conversion into a 2 bedroom apartment with living, dining, kitchen, and bathroom 2 new remote egress doors provided and egress windows at each bedroom.

Discussion/Vote: The applicant requested a deferral in this matter. Upon a motion and a second, the Board voted unanimously to defer the case to April 27, 2021.

Case: BOA-1098890 Address: 35 Avalon Road Ward 20 Applicant: John Pulgini

Articles: Article 56, Section 8 Lot Area Insufficient 4710sqft < 6000sqft min.

Article 56, Section 8 Lot Width Insufficient 50' < 60' min.

Article 56, Section 8 Lot Frontage Insufficient 50' < 60'min

Article 56, Section 8 Floor Area Ratio Excessive 0.6 > 0.4max

Article 56, Section 8 Front Yard Insufficient 15' < 20'min

Purpose: Erect single family 2 story house with garage on vacant lot. [ePlan]

Discussion/Vote: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral until the next available date. The Board moved, it was seconded, and this was deferred until April 27, 2021.



City of Boston
Board of Appeal

Case: BOA- 1059524 Address: 324 Summit Avenue Ward 21 Applicant: 324 Summit Avenue, LLC

Articles: Article 51 Section 8 Use Regulations Use: Basement Apartment: Forbidden

Article 51 Section 9 Lot Area Insufficient

Article 51 Section 9 Floor Area Ratio Excessive

Article 51 Section 9 Usable Open Space Insufficient

Article 51, Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient

Article 51 Section 9 Location of Main Entrance shall Face the Front Lot Line

Purpose: Change Occupancy from a Three Family Dwelling to a Four Family Dwelling. Extend living space into the Basement to create Unit # 4. Installation of new Sprinkler and Fire Alarm systems.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the existing 3 family to 4 family with addition of the unit at basement level.

Board members asked about unit configuration, and access to facilities.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and the Brighton Allston Improvement Association are in support. Councilors Breadon and Essaibli-George are in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich deny without prejudice, Member Fortune seconded. The Board voted unanimously to deny without prejudice.

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

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
JOSEPH RUGGIERO

SUBSTITUTE MEMBERS:

TYRONE KINDELL, JR
EDWARD DEVEAU

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

For a video recording of the November 10, 2020 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.