



City of Boston
Board of Appeal

TUESDAY, FEBRUARY 2, 2021

BOARD OF APPEAL

CITY HALL, ROOM 801

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 FEBRUARY 2, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS FEBRUARY 2, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE FEBRUARY 2, 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 <http://bit.ly/zbaFeb2hearing> or by calling 1-617-315-0704 and entering access code 179 172 9994.

If you wish to offer testimony on an appeal, please click <http://bit.ly/zbaFeb2comment> 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.



City of Boston
Board of Appeal

For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <http://bit.ly/zbaFeb2comment>, 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 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.



City of Boston
Board of Appeal

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.



City of Boston
Board of Appeal

EXTENSIONS: 9:30 AM

Case: BOA- 852459 Address: 5 Spring Garden Street Ward 13 Applicant: Richard Lynds

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-911272 Address: 9 Chelsea Street Ward 1 Applicant: Richard Lynds

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-450351 Address: 1181-1183 Bennington Street Ward 1 Applicant: Richard Lynds

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-839661 Address: 100-114 Hampden Street Ward 8 Applicant: Richard Lynds

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-694026 Address: 77-85 Liverpool Street Ward 1 Applicant: Lorene Schettino

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- BOA-822528 Address: 71 Mozart Street Ward 10 Applicant: Jason Hutchinson

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

HEARINGS: 9:30 AM

**Case: BOA-1069082 Address: 89 Trenton Street Ward 1 Applicant: Oliver Wahnschafft
Articles: Article 27T East Boston IPOD Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.
Article 53 Section 8 Use Regulations Four family Forbidden Article 53, Section 56 Off Street Parking & Loading
Req Insufficient Parking**

Purpose: Confirm as a three family dwelling. Change of occupancy from three to four family dwelling. The additional dwelling to be located on the basement. ZBA [Plans submitted] EPLAN

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change a 3 family to a 4 family with a rear unit in the basement

Board Members asked the basement ceiling height, rear access, unit size, location of the utilities, floor to ceiling height, and office.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved for approval with a proviso, Fortune seconded, the Board voted 4-2 and the motion did not carry. The project was denied.



City of Boston
Board of Appeal

Case: BOA-1138961 Address: 147-149 Charles Street Ward 5 Applicant: The Greatest Boston Bar Company, LLC

Articles: Art. 15 Sec. 01 Floor Area Ratio Excessive Art. 19 Sec. 01 Side yard insufficient Art. 20 Sec. 01 Rear Yard Insufficient Art. 23 Sec. 01 Off street parking requirements Off street parking for the dwelling units: Insufficient

Purpose: Seeking to change the occupancy from a restaurant/bar and six residential units to a restaurant and nine residential units. Also, to erect a rear addition and renovate. ZBA.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy from restaurant/bar and 6 residential units to a restaurant and 9 units with a 3 story addition.

Board Members asked if it had an elevator and if there would be a handicap accessible unit.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Bok, and Councilor Essaibi-Georgeare in support.

Documents/Exhibits: Building Plans, 3 letters of support.

Votes: Board Member Ruggiero moved for approval with a proviso to remove the office in 3 additional units, Robinson seconded, the motion was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1046403 Address: 515 East Second Street Ward 6 Applicant: 515 East Second Street, LLC
Articles: Article 68, Section 29 Roof Structure Restrictions Access to roof decks is via multiple head houses
Article 68, Section 8 Bldg Height Excessive (Feet) Article 68, Section 8 Floor Area Ratio Excessive
Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Rear Yard Insufficient
Article 68, Section 8 Additional lot area is insufficient Article 68, Section 33 Off Street Parking & Loading Req
Off street parking is insufficient Article 68, Section 33 Off Street Parking & Loading Req Proposed parking has
lifts and tandem parking which limits maneuverability Article 68, Section 33 Off Street Parking & Loading Req
No loading area has been provided
Purpose: Demolish exiting one story building and erect new 5 story multi family building containing 30 units with
associated parking at first floor of building.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 5 story 30 unit dwelling.

Board Members asked about the unit sizes, affordable unit options, roof decks, parking, elevator, and head houses.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Flynn, Councilor Essaibi-George, and abutters are in support. Councilor Flaherty left it up to the discretion of the Board. BTB stated the parking had limited maneuverability and to limit it to 27 spaces.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review to replace the head houses with hatches, and for BTB to review the parking design. Robinson seconded and the motion carried unanimously.

Case: BOA- 962337 Address: 15 Mercer Street Ward 7 Applicant: Celora Caushi
Articles: Art. 27P South Boston IPOD Article 68, Section 8 Add'l Lot Area Insufficient, Article 68, Section 33 Off
Street Parking & Loading Req Parking insufficient
Purpose: Change the Occupancy from 2 units to 3 units.(basement storage)

Discussion/Vote: The applicant requested a deferral. The Board granted one unanimously and their new hearing date will be April 6th, 2021 at 12:30.



City of Boston
Board of Appeal

Case: BOA-1075706 Address: 22 Rogers Street Ward 7 Applicant: Timothy Johnson
Articles: Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Front Yard Insufficient Article 68, Section 33 Off Street Parking & Loading Req Insufficient number of off street parking spaces. Proposed parking has insufficient maneuverability.
Purpose: Demolish existing structure and erect new 4-story, 4 unit residential building w/garage and front, rear and roof decks as per plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 4 story, 4 unit dwelling with front and rear roof decks.

Board Members asked the height, garage, and garage door.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George and Councilor Flynn are in support. BTDA recommended fewer parking spaces.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review and BTDA review. Robinson seconded and the motion approved unanimously.

Case: BOA- 1125330 Address: 42 Shirley Street Ward 8 Applicant: Jack Zaylor
Articles: Article 50 Section 28 Use Regulations 14 family use: Forbidden Article 50, Section 29 Add'l Lot Area Insufficient total lot area required: 22,000 sqft Proposed: 8,995 sqft Article 50, Section 29 Floor Area Ratio Excessive Max. allowed: 0.8 Proposed: 2.0 Article 50, Section 29 Bldg Height Excessive (Feet) Max. allowed: 35' Proposed: 42' 7 3/4" Article 50, Section 29 Bldg Height Excessive (Stories) Max. allowed: 3 Proposed: 4 Article 50, Section 29 Usable Open Space Insufficient Required: 650sqft x 14 = 9,100 sqft Article 50, Section 29 Front Yard Insufficient Required: 20' Proposed: 12.4' Article 50, Section 29 Side Yard Insufficient Required: 10' Proposed: 4.5' Article 50, Section 29 Rear Yard Insufficient Required: 30' Proposed: 5.1' Article 50, Section 43 Off Street Parking & Loading Req 50.43.6.d) Insufficient parking space required dimensions Article 50, Section 44.2 Conformity Ex Bldg Alignment Modal not provided to verify conformity with existing building alignment
Purpose: New 14 Unit Multi family building to be on one lot resulting of combining two lots on application ALT1053976. Eplan > BOA

Discussion/Vote: The applicant requested a deferral. The Board granted one unanimously and their new hearing date will be April 6th, 2021 at 12:30.



City of Boston
Board of Appeal

Case: BOA- 1134876 Address: 10 Woodville Park Ward 8 Applicant: Gregory Hobson
Articles: Art. 50, Section 29 Lot area for the add'l dwelling unit is insufficient Art. 50, Section 29 Usable open requirements is insufficient Art. 50, Section 29 Rear yard setback requirements is insufficient Art. 50 Sec. 44.2 Existing Bldg Alignment Front modal alignment of the block has not met
Purpose: Combine lot 51000 of 1899sf with lot 49000 of 1659sf to become one lot of 3559sf.; erect a two story addition and change the occupancy from a 1 family to a 2 family dwelling as per plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change a 1 family to a 2 family with a 2 story addition and garage.

Board Members asked the lots, size of the units, the rear yard, and parking.

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.

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

Case: BOA-1131824 Address: 1785 Columbus Avenue Ward 11 Applicant: Boston Health Care for the Homeless Program

Article: Art. 55, Section 22 Use: Conditional Use: Clinic: Conditional

Purpose: Change Occupancy to include a 2600 sf Clinic; interior walls and finishes, MEP and FP scope on Level 3. E Plans

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change the occupancy to include a clinic

Board Members asked if the new occupancy would occupy all the building space, how many staff, and how many rooms would it include.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George and Councilor Flaherty are in support.

Documents/Exhibits: Building Plans, 6 letters of support.

Votes: Board Member Ruggiero moved to approve with the proviso that this was applicable to this applicant only. Erlich seconded the motion and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA- 904516 Address: 1937 Beacon Street Ward 21 Applicant: HVV Massachusetts, Inc
Article: Article 51, Section 16 Use Regulations Cannabis establishment is a conditional use in this zoning subdistrict
Purpose: Change the occupancy from a bar/cafe to a Cannabis establishment and renovate building. ZBA

Discussion/Vote: The applicant requested a deferral. The Board granted one unanimously and their new hearing date will be April 6th, 2021 at 12:30.

HEARINGS: 12:30 PM

Case: BOA- 1149984 Address: 19 Buttonwood Street Ward 13 Applicant: Joshua Wild
Articles: Article 65 Section 41 Off Street Parking and Loading Proposed off street parking is insufficient, Article 65, Section 9 Add'l Lot Area Insufficient, Article 65, Section 9 Floor Area Ratio Excessive, Article 65, Section 9 Usable Open Space Insufficient, Article 65, Section 9 Side Yard Insufficient, Article 65, Section 9 Rear Yard Insufficient
Purpose: Renovation of existing two family dwelling to increase occupancy to a three family building with fire protection. Work to coincide with identical renovation to attached 21 Buttonwood under ALT1102994 as per Jim Kennedy.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change 2 2 family dwellings to 3 families. The rear decks have been removed from the proposal.

Board Members asked about the roof decks and the streetscape.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review. Robinson seconded the motion and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1149985 Address: 21 Buttonwood Street Ward 13 Applicant: Joshua Wild
Articles: Article 65, Section 9 Add'l Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive, Article 65, Section 9 Usable Open Space Insufficient, Article 65, Section 9 Side Yard Insufficient, Article 65, Section 9 Rear Yard Insufficient, Article 65, Section 41 Off Street Parking & Loading Req Proposed off street parking is insufficient

Purpose: Renovation of existing 2 family dwelling to increase occupancy to a 3 family building with fire protection. Work to coincide with identical renovation to attached 19 Buttonwood under ALT1118695.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change 2 2 family dwellings to 3 families. The rear decks have been removed from the proposal.

Board Members asked about the roof decks and the streetscape.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review. Robinson seconded the motion and it was approved unanimously.

Case: BOA-1141981 Address: 15 Baird Street Ward 14 Applicant: Sy Vo
Article: Article 60, Section 9 Lot Area Insufficient
Purpose: Proposed three family.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 3 family dwelling.

Board Members asked about basement living space, and if this would have roof decks.

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.

Votes: Board Member Erlich moved to approve with BPDA design review. Robinson seconded the motion and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1130282 Address: 25 Vassar Street Ward 14 Applicant: Peter Vanko
Articles: Article 65, Section 8 Use Regulations Multi family forbidden, Article 65, Section 9 Lot Area Insufficient, Article 65, Section 9 Lot Width Insufficient, Article 65, Section 9 Front Yard Insufficient, Article 65, Section 9 Rear Yard Insufficient, Article 65, Section 9 Bldg Height Excessive (Feet), Article 65, Section 9 Bldg Height Excessive (Stories), Article 65, Section 9 Floor Area Ratio Excessive, Article 65, Section 4 1Off Street Parking & Loading Req Parking insufficient, Article 65, Section 9.2 Dim Regs: Location of Main Entrance
Purpose: Erect new Multi Family Dwelling (4 units). Raze building on separate permit. [ZBA ePlan]

Discussion/Vote: The applicant requested a deferral. The Board granted one unanimously and their new hearing date will be April 6th, 2021 at 12:30.

Case: BOA-1068978 Address: 43 Freeport Street Ward 15 Applicant: Casey Brownell
Article: Article 65 Section 15 Use Regulations Cannabis Establishment Use: Conditional
Purpose: Change of Occupancy to include Cannabis Establishment at Ground Floor. Working to include MEP systems and storefront will be evaluated against relevant criteria.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to add a cannabis establishment on the ground floor.

Board Members asked about parking, number of employees, security, and exterior lighting.

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

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

Votes: Board Member Erlich moved to approve with BPDA design review with alterations to the facade with screening and buffering. Ligris seconded the motion and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1141860 Address: 32 Richfield Street Ward 15 Applicant: 32 Richfield Street, LLC
Articles: Article 65, Section 8 Use Regulations Multi Family Use: Forbidden, Article 65, Section 9 Lot Area Insufficient, Article 65, Section 9 Lot Width Insufficient, Article 65, Section 9 Lot Frontage Insufficient, Article 65, Section 9 Floor Area Ratio Excessive, Article 65, Section 9 Front Yard Insufficient, Article 65, Section 9 Side Yard Insufficient, Article 65, Section 9.2 Dim Regs: Location of Main Entrance Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line
Purpose: Erect new Multi Family Dwelling (4 units) with 6 parking spaces. [ZBA ePlan]

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 4 unit MFR dwelling.

Board Members asked about unit sizes, bedroom counts, roof deck access, basement occupancy and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review for the side entry door, context, parking, and screening and buffering. Also adding the provision to replace the head houses with hatches. Robinson seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1139018 Address: 5 Rice Street Ward 16 Applicant: Five Rice Street, LLC

Articles: Article 65, Section 8 Use Regulations 6 unit use: Forbidden, Article 65, Section 41 Off Street Parking & Loading Req 65.41.4&5 Design and Location, Article 65, Section 9 Front Yard Insufficient Required: 15' Proposed: 11.73', Article 65, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Proposed: 1.09, Article 65, Section 9 Bldg Height Excessive (Feet) Max. allowed: 35' Proposed: 36.8', Article 65, Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5 Proposed: 3, Article 65, Section 9 Side Yard Insufficient Required: 10' Proposed: 6.23' (R) & 5.56' (L), Article 65, Section 9 Rear Yard Insufficient Required: 30' Proposed: 5.56', Article 65, Section 9.2 Dim Regs: Location of Main Entrance For unit 2 does not face the front lot line, Article 65, Section 32 NDOD Review Required

Purpose: Change use from a one family to a six family. Proposed additions and renovation to the existing, as per plans. Permit set to be submitted upon ZBA approval.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change a 1 family to a 6 unit MFR with additions.

Board Members asked about the unit sizes, additions, parking, and curb cut.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and Councilor Baker are in support. BTM suggested reconfiguring the maneuverability.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to deny without prejudice and Robinson seconded. The motion carried 5-2 and this was denied without prejudice.



City of Boston
Board of Appeal

Case: BOA- 1118297 Address: 162-164 Walnut Ward 16 Applicant: John Pulgini

Articles: Article 65, Section 32 NDOD Review Required Article 65, Section 8 Use Regulations 2 family is a forbidden use in a 1F 5000 sub district Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Rear Yard Insufficient Article 65, Section 42.2 Conformity w Ex Bldg Alignment Modal is 29' Building is 23' Article 65, Section 41 Off Street Parking & Loading Req Off street parking is insufficient.

Purpose: Erect 2 family modular dwelling as per plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 2 family modular dwelling.

Board Members asked about the lot being created, modular, and parking.

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

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

Votes: Board Member Ruggiero moved to approve with BPDA design review with no front yard parking. Erlich seconded and the motion was approved unanimously.

Case: BOA-1056275 Address: 4 Danny Road Ward 18 Applicant: John Barry

Articles: Article 69, Section 8 Use: Forbidden Article 69 Section 9 Insufficient lot size Article 69 Section 9 Excessive f.a.r. Article 69 Section 9 # of allowed stories exceeded Article 69 Section 9 Insufficient open space Article 69 Section 9 Front yard setback Article 69 Section 9 Dimensional Regulations Article 60, Section 8 Use Regulations Accessory use Parking

Purpose: To construct a new three family residential building, with off street parking, as per attached plans.

Discussion/Vote: The applicant requested a deferral. The Board granted one unanimously and their new hearing date will be April 6th, 2021 at 12:30.



City of Boston
Board of Appeal

Case: BOA-1142022 Address: 25 Paine Street Ward 18 Applicant: John Walsh
Article: Article 67, Section 8 Use Regulations Two Family Dwelling Use: Forbidden
Purpose: Erect new two family dwelling. Propose (4) off street parking. [ZBA ePlan]

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 2 family dwelling.

Board Members asked about unit sizes, parking accommodations, bedrooms in the basement, and location of the driveway.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. 3 abutters are in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to deny the proposal and Ligris seconded the motion. The motion carried 6-1.

Case: BOA- 1135042 Address: 91 Anawan Avenue Ward 20 Applicant: Terry O'Reilly
Articles: Article 56, Section 8 Floor Area Ratio Excessive Article 56, Section 8 Rear Yard Insufficient
Purpose: For zoning purposes only (two dwellings on same lot) to be paired with permit number ALT1062838.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change the occupancy of an existing carriage house to a 1 family, putting 2 dwellings on 1 lot.

Board Members asked if the home would remain a 1 family, the size of the carriage house, and the size of the lot.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, Councilor O'Malley, and Councilor Flaherty are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Ruggiero seconded and the motion carried 6-1.



City of Boston
Board of Appeal

Case: BOA-1121558 Address: 91R Anawan Avenue Ward 20 Applicant: Terry O'Reilly
Articles: Article 56, Section 39 Off Street Parking & Loading Req Proposed off street parking is insufficient
Article 56, Section 8 Lot Area Insufficient Article 56, Section 8 Lot Frontage Insufficient Article 56, Section
8Floor Area Ratio Excessive Article 56, Section 8 Usable Open Space Insufficient Article 56, Section 8 Front Yard
Insufficient, Article 56, Section 8 Rear Yard Insufficient Article 56. Section 8 Side Yard Insufficient
Purpose: Change the Occupancy of an existing Carriage House in the rear to a Single Family dwelling and
remodel. See plans filed. Address to be known as 91R Anawan Avenue. ZBA

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change the occupancy of an existing carriage house to a 1 family, putting 2 dwellings on 1 lot.

Board Members asked if the home would remain a 1 family, the size of the carriage house, and the size of the lot.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, Councilor O'Malley, and Councilor Flaherty are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Ruggiero seconded and the motion carried 6-1.



City of Boston
Board of Appeal

**Case: BOA- 1143574 Address: 449 Cambridge Street Ward 22 Applicant: ALP-449 Cambridge Owner, LLC
Articles: Article 51, Section 16 Use Regulations MFR is a conditional use in a CC 1 subdistrict Article 51 Section 17 Floor area ratio is excessive Article 51, Section 17 Rear yard is insufficient Article 51, Section 17 Building height in feet is excessive Article 51, Section 17 Open usable space is insufficient Article 51, Section 56 Off Street Parking Insufficient**

Purpose: Demolish existing structure; construct new multi family residential building, with 127 units and approximately 80 parking spaces. Includes ground floor retail. Associated with 2 Emery Road project. Nominal fee requested. [ePlan]

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to demolish existing structure and construct a new multi family residential unit building.

Board Members asked about amenity space, roof space, ventilation, who are the rentals marketed to.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Breadon, and the Carpenters Union are in support. The Allston Brighton Improvement Association is skeptical but in support. Neighbors are in opposition.

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

Votes: Board Member Erlich made a motion to approve with BPDA design review, Ruggiero seconded. The motion did not carry 3-4, and the project was denied.



City of Boston
Board of Appeal

Case: BOA-1143565 Address: 2 Emery Road Ward 22 Applicant: ALP-449 Cambridge Owner, LLC
Articles: Article 51, Section 19 Use: Forbidden MFR is a Forbidden use in a LI 1 subdistrict Article 51, Section 20
Floor area ration is excessive Article 51, Section 20 Rear yard is insufficient Article 51, Section 20 Building
Height in feet is excessive Article 51, Section 20 usable space is insufficient Article 51, Section 56 Off Street
Parking Insufficient
Purpose: Demolish existing; construct new multi family residential building, with 39 units. Associated with 449
Cambridge Street, ERT1123317. Nominal fee requested.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to demolish existing structure and construct a new multi family residential unit building.

Board Members asked about amenity space, roof space, ventilation, and who are the rentals marketed to.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Breadon, and the Carpenters Union are in support. The Allston Brighton Improvement Association is skeptical but in support. Neighbors are in opposition.

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

Votes: Board Member Erlich made a motion to approve with BPDA design review, Ruggiero seconded. The motion did not carry 3-4, and the project was denied.

RE-DISCUSSIONS: 12:30 PM

Case: BOA-1002790 Address: 17-33 Winter Street Ward 3 Applicant: Sonder USA, Inc
Article(s): 38(38-18)

Purpose: To change occupancy from Health club, fitness center, stores, offices, adult education center and 27
residential units to Health club, fitness center, stores, offices and thirty-four executive suites. Also, to
renovate.-LETTER SUBMITTED WITH THE INTENT TO WITHDRAW

Discussion/Vote: The applicant requested a withdrawal and Board member Fortune moved to deny without prejudice. Ruggiero seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1110007 Address: 47 Condor Street Ward 1 Applicant: 47 Condor Street, LLC
Articles: Article 27T Section 9 IPOD Enforcement East Boston IPOD Applicability 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 (Car Stacking Machine to be installed) Article 53, Section 8 Use Regulations Use: Multifamily Dwelling: Forbidden Article 53, Section 8 Use Regulations Use: Commercial Space: Forbidden, 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 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Purpose: Raze existing building. Erect a 4 story, Mixed Use Building consisting of one (1) Commercial Space on the Ground Floor, and an Eight (8) Unit Residential Dwelling above. There will be a Ground Level Parking Garage with Eleven (11) Parking spaces. Building will be fully Sprinklered.

Discussion/Vote: The applicant requested a deferral from the Board. The Board granted one and the new hearing date is April 4, 2021 at 12:30.

Case: BOA- 1121204 Address: 604 East Broadway Ward 6 Applicant: Sing Ming Chan
Articles: Art. 68 Sec.08 Floor area ratio is insufficient Art. 68 Sec.08 Height requirement is excessive, Art. 68 Sec.08 Front yard setback requirement is insufficient (E Broadway Street), Art. 68 Sec.08 Front yard setback requirement is insufficient (I Street side) Art. 68 Sec.08 Side yard setback requirement is insufficient, Art. 68 Sec.08 Rear yard setback requirement is insufficient Art. 68 Sec.08 Usable open space is insufficient, Art. 68 Sec. 33 Off Street parking Req. Off street parking requirement is insufficient, Article 68, Section 29 Roof Structure Restrictions Roof structures restricted district 5
Purpose: Proposed three story addition above existing local retail space to create 6 new residential units and renovate as per plans. Change occupancy from local retail space to local retail space and 6 dwelling units. Permit set to be submitted upon ZBA approval.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change the occupancy from retail to retail and 6 units with a 3 story addition.

Board Members asked about accessible units.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, and Councilor Flynn are in support. Councilor Flaherty left it up to the discretion of the Board.

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

Votes: Board Member Ruggiero moved to approve with BPDA design review and no building code relief. Ligris seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1068581 Address: 9 Batchelder Street Ward 8 Applicant: Tomasa Pujol
Articles: Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient
Purpose: Renovation 2 family unit: Framing, insulation, drywall, flooring, painting all new interior, electrical upgrade, new plumbing, new HVAC unit # 1: Add finish basement with 2 bedroom unit # 2: Add dormer and 2 bedrooms in the attic & roof deck.

Discussion/Vote: The applicant was not present at the hearing and did not appear before the Board. Board member Fortune moved to deny without prejudice, Robinson seconded, and it carried unanimously.

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 a 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 to erect a 3 story 3 unit dwelling with 3 parking spaces.

Board Members asked about parking, garages, unit sizes, and the roof deck.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, Councilor Baker, and an abutter are in support.

Documents/Exhibits: Building Plans, numerous letters of support and opposition.

Votes: Board Member Robinson moved to approve with BPDA design review and no roof deck. Ruggiero and Ligris recused, Fortune seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

RE-DISCUSSIONS: 1:00 PM

Case: BOA-1024093 Address: 7 Wordsworth Street Ward 1 Applicant: 7 Wordsworth Street, LLC
Article: 53(53-8) 53(53-9: Floor area ratio maximum requirement is excessive, Height requirement (stories) is excessive, Height requirement (ft) is excessive, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient) 53(53-56) 53(53-9.3)
Purpose: Proposing to demolish existing 2 family structure and erect new 9 unit structure. Please see attached nominal fee letter.

Discussion/Vote: The applicant requested a deferral. The Board granted one unanimously and the new hearing date will be March 9, 2021 at 12:30.

Case: BOA- 1069726 Address: 139 Harrishof Street Ward 12 Applicant: Tim Longden
Articles: Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Location. Off street parking facilities shall be provided on the same Lot as the main use to which they are accessory Purpose: Change of occupancy from Two Family Dwelling to Three Family Dwelling. Construct rear addition on first floor and third floor addition on existing footprint. Propose (4) off street parking accessed through a shared driveway with 135 Harrishof Street. File in conjunction with subdivision lot ALT1066529 and new 6 unit residential building ERT1066525. [ZBA ePlan]

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to subdivide 139, and change the 2 family to a 3 family with a rear addition. The applicant is also proposing to erect a 3 family at 135 with 3 parking spaces.

Board Members asked if the basement ceiling height, and basement bedrooms.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, and Councilor Essaibi-George are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review. Robinson seconded an the motion was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1069729 Address: 135 Harrishof Street Ward 12 Applicant: Tim Longden
Articles: Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Off Street Parking Insufficient Article 50 Section 28 Use Regulations Multi Family Dwelling Use : Forbidden Article 50, Section 43 Off Street Parking & Loading Req Location. Off street parking facilities shall be provided on the same Lot as the main use to which they are accessory Purpose: Erect 6 unit residential building with 5 exterior parking spaces and shared driveway with 139 Harrishof. Subdivision application is ALT1066529 and a proposed alteration to the existing 2 family building at 139 Harrishof is application ALT1066526. [ZBA ePlan]

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to subdivide 139, and change the 2 family to a 3 family with a rear addition. The applicant is also proposing to erect a 3 family at 135 with 3 parking spaces.

Board Members asked if the basement ceiling height, and basement bedrooms.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, and Councilor Essaibi-George are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review. Robinson seconded an the motion was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1097303 Address: 32 Pearl Street Ward 13 Applicant: Melissa Novaco
Articles: Article 65, Section 8 Use Regulations MFR Use Forbidden Article 65, Section 9 Excessive F.A.R. Article 65, Section 9 # of allowed stories exceeded Article 65, Section 9 Max allowed height exceeded Article 65, Section 9 Insufficient side yard setback Article 65, Section 9 Insufficient rear yard setback Art. 65 Sec. 41 Off street parking requirements Insufficient parking Art. 65 Sec. 41 Off street parking requirements Insufficient maneuvering areas Art. 65 Sec. 42 Conformity with Existing Building Alignment
Purpose: Seeking to raze the existing structure and erect a nine unit residential dwelling with three private roof decks and with nine parking spaces. E Plans. Nominal Fee. ZBA.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 6 unit dwelling with 8 parking spaces.

Board Members asked about the front and rear yard setbacks, and context of the design.

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

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

Votes: Board Member Robinson moved to approve with BPDA design review for context and location of the building to the street. Ruggiero seconded, Ligris recused and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1073949 Address: 233 Metropolitan Avenue Ward 18 Applicant: Pamela Bardhi

Article: Article 67, Section 9 Usable Open Space Insufficient

Purpose: In reference to permit #Ert1068572, the property on 233 Metropolitan Avenue is to be split into two lots. Total lot size of the parcel currently is 14,019 SF. The two lots will be split into lot A & lot B. Lot A is 7125 SF and Lot B is 689 No work to be done on the existing structure. Just subdivision.

Discussion/Vote: The applicant requested a deferral. The Board granted one unanimously and the new hearing date will be June 29, 2021 at 12:30.

Case: BOA-1073954 Address: 233R Metropolitan Avenue Ward 18 Applicant: Pamela Bardhi

Articles: Article 67, Section 9 Lot Frontage Insufficient Article 67, Section 28 2.2e Design and Architecture

Building orientation to the street. Proposed lot and building are behind another building and lot.

Purpose: Build new construction single family home as of right. [ePlan]

Discussion/Vote: The applicant requested a deferral. The Board granted one unanimously and the new hearing date will be June 29, 2021 at 12:30.

Case: BOA-1106430 Address: 2 Oakland Street Ward 22 Applicant: John Walsh

Articles: Article 51, Section 8 Use Regulations Townhouse Use: Forbidden Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9.4 Dim Reg: Location of Main Entrance The main entrance of a Dwelling shall face the Front Lot Line

Purpose: Erect new six (6) townhouse units. Proposed (13) parking spaces.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect 6 townhouse units with 12 parking spaces.

Board Members asked if they are rental or ownership units, parking, garage doors, grade change, adn screening and buffering.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, and the Brighton Allston Improvement Association are in support. Councilor Breadon is in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review. Robinson seconded, Ligris recused and the motion was approved unanimously.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
JOSEPH RUGGIERO
KOSTA LIGRIS
ERIC ROBINSON

SUBSTITUTE MEMBERS:

JEANNE PINADO

For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to https://www.municode.com/library/ma/boston/codes/redevelopment_authority.

For a video recording of the February 2, 2021 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.