



City of Boston
Board of Appeal

Tuesday, August 10, 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 AUGUST 10, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS AUGUST 10, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

SOME MATTERS LISTED ON THIS AGENDA MAY HAVE BEEN SCHEDULED AND NOTICED FOR PRIOR HEARINGS WHICH WERE THEN DEFERRED TO A LATER HEARING DUE TO THE PUBLIC HEALTH EMERGENCY. ANY SUCH APPEALS ON THIS AGENDA HAVE BEEN RE-NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE AUGUST 10, 2021 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/zbaAugust10Hearing> or by calling 1-617-315-0704 and entering access code 179 077 2709.

If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaAugust10Comment> to sign up. Please provide your name, address,



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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/zbaAugust10Comment> 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.

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 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.



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APPROVAL OF THE MINUTES:

January 26, 2021

February 2, 2021

Discussion/Vote: Board Member Ruggiero moved to approve the hearing minutes and Erlich seconded. The Board voted unanimously to approve the minutes.

EXTENSIONS: 9:30AM

Case: BOA- 746305 Address:4-8 Tileston Street Ward 18 Applicant: Robert Burk

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-827500 Address: 72 Burbank Street Ward 4 Applicant: Leah Camhi

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- 826724 Address: 1199-1203 Blue Hill Avenue Ward 14 Applicant: Armand Veliaj

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-785812 Address: 86 Princeton Street Ward 1 Applicant: Salvatore Latina

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.

Case: BOA- 667111 Address: 151 Liverpool Street Ward 1 Applicant: City Point Liverpool, LLC (by Anthony Leccese, 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.



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Case: BOA- 955733 Address: 95 Prescott Street Ward 1 Applicant: Celeste Ribeiro Hewitt

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

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

Case: BOA-901824 Address: 23 Blake Street Ward 18 Applicant: Kandaraj Krishnakumar

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.

Case: BOA-788662 Address: 587 Albany Street Ward 8 Applicant: Jeffrey Drago, 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.

BOARD FINAL ARBITER: 9:30AM

Case: BOA-1066920 Address: 532-534 East Third Street Ward 6 Applicant: George Morancy, Esq

Discussion: The applicant informed the Board that this project initially received zoning relief to renovate a six unit building but needed to return to have the Board review the correct set of plans for the project.

Documents/Exhibits: Building Plans

Vote: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-1044698 Address: 512-514 Poplar Street Ward 18 Applicant: John Pulgini, Esq

Discussion: The applicant informed the Board that this project initially received zoning relief to construct a new two-family home with a basement level garage but needed to return to the Board to remove the proviso that the garage be eliminated because doing so would incur a parking violation.

Documents/Exhibits: Building Plans

Vote: Upon a Motion and second, the Board voted unanimously to approve the request.



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GCOD: 9:30AM

Case: BOA-1210644 Address: 39 Appleton Street Ward 5 Applicant: John M. Moran, Esq

Articles: Article 32, Section 4. GCOD, Applicability

Purpose : Amend ALT1157969. Excavate new basement below seven (7) feet above Boston City Base to finish garden level per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail, and requested a conditional use permit under Article 32 GCOD Applicability.

Documents/Exhibits: Building Plans, BWSC letter of approval, no harm letter

Votes: Board Member Ruggiero moved for approval, the motion was seconded and the Board voted unanimously to approve the applicant's request.

HEARINGS: 9:30AM

Case: BOA-1215340 Address: 96 Beachview Road Ward 1 Applicant: Derric Small

Articles: Art. 09 Sec. 01 Reconstruction /Extension of Nonconforming Bldg Article 53 Section 9 Excessive f.a.r. Article 53 Section 9 # of allowed stories exceeded Article 53 Section 9 Insufficient side yard setback Article 53 Section 9 Insufficient rear yard setback Art. 53 Sec. 56 Off Street Parking Article 27T 5 East Boston IPOD Applicability

Purpose: Renovate the interior and exterior of the existing two family dwelling and extend living space into the attic area.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to renovate the interior and exterior of a two family dwelling.

Board Members asked about plans, confusion in the community, the rear, and extensions.

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

Documents/Exhibits: Building Plans, letter of opposition.

Votes: Board Member Barraza moved to approve with BPDA design review attention to the roofline and massing and Pinado seconded. The Board voted unanimously to approve.

Case: BOA-1103476 Address: 156 Webster Street Ward 1 Applicant: Oz DBA

Articles: Article 53 Section 8 Use: Basement Apartment : Forbidden Article 53 Section 8 Use: Multi family Dwelling : Forbidden Article 53 Section 9 Lot Area for Additional Dwelling Units Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53, Section 56 Off Street Parking Insufficient Article 27T Section 9 East Boston IPOD Applicability Article 53 Section 57 Application of Dimensional Req Article 53 Section 9 Location of a Main Entrance of a Dwelling shall face the Front Lot Line Article 53, Section 56 Off Street Parking & Loading Req

Purpose : Present existing conditions; Garden Unit #4 Floor Plan Change Occupancy from Three (3) Dwelling Units to Four (4) Dwelling Units

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy from three to four units.

Board Members asked about floor to ceiling height, egress, unit sizes, flooding, and basement space.



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Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services is in support. Councilor Edwards left the matter to the Board's discretion. BTB recommended removing a space on the common passageway.

Documents/Exhibits: Building Plans

Votes: Board Member Barraza moved to approve but failed to receive a second. Board Member Erlich moved to deny without prejudice and Ruggiero seconded. The Board voted 6-1 to deny without prejudice with Barraza opposed.

Case: BOA- 1160527 Address: 19-21 Lancaster Street Ward 3 Applicant: Lancaster Parking, LLC Articles: Art. 06 Sec. 03A Additional Conditions in Restricted Parking District - Relief is required from BOA for extension of use
Purpose : The Applicant seeks to continue to use the premises for an open air public parking lot for a fee, capacity 17 spaces beyond existing expiration date of December 31, 2021, under Permit #U49821150 in conjunction with use of adjoining premises at 73 75 Causeway Street and 31 39 Lancaster Street.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to extend the relief needed to operate a parking lot.

Board Members asked about handicap spaces on Causeway Street.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Flynn are in support. BTB recommended removing tandem spaces.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved to approve with an extension of the relief until December 21, 2023 and Erlich seconded. The Board voted unanimously to approve.

Case: BOA-1160297 Address: 73-75 Causeway Street Ward 3 Applicant: Lancaster Parking, LLC
Articles: Section 6 3A Restricted Parking District -Relief is required from BOA for extension use
Purpose :The Applicant seeks to continue to use the premises for an open air public parking lot for a fee capacity two (2) handicap parking spaces beyond expiration date of December 31, 2021, under Permit #U49821161, in conjunction with 19 21 Lancaster Street and 31 39 Lancaster Street.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to extend the relief needed to operate a parking lot.

Board Members asked about handicap spaces on Causeway Street.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Flynn are in support. BTB recommended removing tandem spaces.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved to approve with an extension of the relief until December 21, 2023 and Erlich seconded. The Board voted unanimously to approve.



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Case: BOA-1160299 Address: 31-39 Lancaster Street Ward 3 Applicant: Lancaster Parking, LLC

Articles: Art. 06 Sec. 03A Additional Conditions in Restricted Parking District - Relief is required from BOA for extension of use

Purpose : The Applicant seeks to continue to use the premises for an open air public parking lot for a fee, capacity 31 spaces beyond existing expiration date of December 31, 2021, under Permit #U49821167, in conjunction with use of adjoining premises at 19 21 Lancaster Street and 73 75 Causeway Street.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to extend the relief needed to operate a parking lot.

Board Members asked about handicap spaces on Causeway Street.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Flynn are in support. BTB recommended removing tandem spaces.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved to approve with an extension of the relief until December 21, 2023 and Erlich seconded. The Board voted unanimously to approve.

Case: BOA-1194015 Address: 5 Durham Street Ward 4 Applicant: Duane Lefevre & John Burke

Articles: Article 16, Section 8 Roof Structure Restrictions Art. 41, Sec. 5 Excessive F.A.R. Article 41 Section 6 Rooftop Addtns. in Prot. Area

Purpose : Renovate kitchen and bathroom. Headhouse addition on roof deck. Extend existing stairway.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to do interior renovations and add a roof deck and head house.

Board Members asked about units, elevators, head house, plans, and the size of the head house.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, abutters, and the St. Botolph Neighborhood Association are in support.

Documents/Exhibits: Building Plans, letters of support

Votes: Chair Araujo moved to approve with Landmarks review of the head house to see if head house could be reduced in size and Member Erlich seconded. The Board voted unanimously to approve.

Case: BOA- 1214293 Address: 276-278 Newbury Street Ward 5 Applicant: Kojam, LLC

Articles: Art. 08 Sec. 03 Restaurant is a conditional use in a B 3 65 Subdistrict.

Purpose : Add Restaurant occupancy to accommodate the requested fit out on the ground and first floor. A total of 4600 square feet, the work to include a full service bar, 2 restrooms and prep kitchen in the ground level. 1st floor work to include a full service bar, hot kitchen line and full service dining room.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to extend restaurant space and use.

Board Members asked about layout, plans, and noise.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and the Back Bay Neighborhood Association are in support.

Documents/Exhibits: Building Plans



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Votes: Board Member Barraza moved to approve and Erlich seconded. The Board voted unanimously to approve.

Case: BOA-1193715 Address: 962-968 Massachusetts Avenue Ward 8 Applicant: Joseph Feaster

Articles: Article 90 Section 7 Residential use forbidden

Purpose : Change occupancy from Warehouse, Wholesale Business, Offices and Food Processing and Retail Store and add one (1) apartment dwelling unit." Removal of existing flooring and drop ceiling; install new flooring; carpentry & installation of cabinets and fixtures; new appliances and related plumbing & electrical work; painting and drywall repairs.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy to residential space.

Board Members asked about 24 hour use, square footage, and exterior security.

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

Documents/Exhibits: Building Plans

Votes: Board Member Barraza moved to approve with relief to this applicant only and to restrict the unit to management use only Erlich seconded. The Board voted 6-1 to approve with Ruggiero opposed.

Case: BOA-990440 Address: 195 Dudley Street Ward 12 Applicant: Rooted In, LLC

Articles: Art. 50, Section 10 Use: Conditional - Cannabis establishment use is a conditional use Art. 50, Section 10 Use: Forbidden - Cannabis establishment located less than 2640 ft away from another one is forbidden.

Purpose : Change of occupancy to add Recreational Cannabis Dispensary to existing occupancy.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to open a retail Cannabis Establishment.

Board Members asked about the applicant's cannabis experience, hours, security, online purchasing, parking, other nearby cannabis establishments, nearby childcare, and limiting public consumption.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services stated its non-opposition to the project. The Roxbury Neighborhood Association, a neighbor, and the Nubian Square Neighborhood Association are in support. Neighbors and the Nubian Square Coalition are opposed.

Documents/Exhibits: Building Plans, letters of opposition

Votes: Member Pinado recused herself from the vote. Board Member Ruggiero moved to deny without prejudice and Dong seconded. The motion failed 4-2 with Erlich and Barraza opposed. Erlich moved to approve with BPDA design review but failed to receive a second. Barraza moved to deny which Ruggiero seconded. The Board voted unanimously (6-0) to deny.



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Case: BOA-1166824 Address: 25 Mallon Road Ward 14 Applicant: Ralph Parent

Articles: 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 Building Height (# of Stories) Excessive Article 65, Section 9 Front Yard Insufficient

Purpose : Subdivide lot (Parcel ID: 1401230000) into two lots. Erect new semi attached single family dwelling (townhouse style) to ERT1112054. Propose one (1) off street parking. Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI).

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to subdivide a parcel and erect a single family home.

Board Members asked about plans.

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

Documents/Exhibits: Building Plans

Votes: Board Member Barraza moved to approve and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA-1213919 Address: 2200 Dorchester Avenue Ward 16 Applicant: Gavin Foundation, INC

Articles: Article 65, Section 8 Use Regulations - General Group Care Residence Use : Forbidden Article 65, Section 8 Use Regulations - Administrative Office Use : Forbidden

Purpose : Change occupancy to General Group Care Residence and Administration Office. Galvin House will renovate existing building and use building as part of their substance abuse program. Interior renovations, new structural openings for new windows, entrances, facade upgrades.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to build a 30 bed women's recovery home and program with a four to six month stay.

Board Members asked about children allowed, structure of program, visiting hours, and the zoning district.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilors Baker, Flaherty, and Flynn, Senator Collins, Father Ahern, the Carpenters' Union and Erin Murphy are in support. A neighbor is opposed.

Documents/Exhibits: Building Plans, letters of opposition

Votes: Board Member Ruggiero moved to approve and Erlich seconded. The Board voted 6-0 to approve with Member Barraza recused.

Case: BOA-1181513 Address: 61 Lyndhurst Street Ward 17 Applicant: Lu McPherson

Articles: Art.65 Sec. 8 Use: Forbidden Art. 65 Sec. 42^ Conformity with Existing Building Alignment

Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Floor Area Ratio Excessive

Purpose : To erect a new 3 family dwelling with rear balconies and parking at the rear of the building.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to build a new three family on a vacant lot with three parking spaces.

Board Members asked about plans and parking.



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

Documents/Exhibits: Building Plans, letter of support, letter of opposition

Votes: Board Member Barraza moved to deny without prejudice and Erlich seconded. The Board voted 6-1 to deny without prejudice with Ruggiero opposed.

Case: BOA-1016312 Address: 69 Bailey Street Ward 17 Applicant: Timothy Johnson

Articles: Article 65, Section 8 Use: Multifamily Dwelling : Forbidden Article 65, Section 8 Use: Accessory Parking : Forbidden Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Building Height Excessive Article 65, Section 9 Building Height (# of Stories) Excessive Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 41 Off Street Parking Insufficient Article 65, Section 41 Off Street Loading Insufficient Article 65, Section 42 Conformity with Existing Building Alignment

Purpose : Combine Parcels 4522 & 4523. Demolish existing Building. Erect a new 3 story, 21 Unit Residential Building with Solar Panels on Roof. Units will be Compact Living Units. All Units will have individual exterior patios or exterior decks. Off Street Parking will be at grade and located in the Rear Yard.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a new three story 21 unit, compact living building.

Board Members asked about side yard setback, plans, how many units are compact, common space, and affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and an abutter are in support. BTD recommended installation of buffering.

Documents/Exhibits: Building Plans, letters of support, letters of opposition

Votes: Board Member Barraza moved to approve with BPDA design review and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA-1190415 Address: 713 River Street Ward 18 Applicant: Michelle Pierre-Vilmont

Articles: Article 69, Section 9 Lot Area Insufficient Article 69, Section 9 Add'l Lot Area Insufficient Article 69, Section 9 Side Yard Insufficient Article 69 Section 29 Off Street Parking & Loading Req

Purpose : Subdivision of Parcel 1801548000 to build a three family house at 715 River Street Hyde Park, MA. Also see ERT1174038

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

Board Members asked about occupancy in basement, parking, square footage, and prefabrication.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Arroyo and the local neighborhood association are in support. BTD recommended no parking onsite.

Documents/Exhibits: Building Plans

Votes: Board Member Barraza moved to approve with BDPA design review attention to massing, no onsite parking, and no encroaching beyond five feet into the side yard setback and Ruggiero seconded. The Board voted unanimously to approve.



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Case: BOA-1186247 Address: 715 River Street Ward 18 Applicant: Michelle Pierre-VilmontArticles:

Article 69, Section 9 Lot Area Insufficient Article 69, Section 9 Add'l Lot Area Insufficient Article 69, Section 30.1Conformity Ex Bldg Alignment Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient Article 69, Section 9 Usable Open Space Insufficient Article 69 Section 29 Off Street Parking & Loading Req Art. 10 Sec. 01 Limitation of off street parking areas

Purpose : 715 River Street. Building a three family house with front and rear decks. Also see ALT1152509

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

Board Members asked about occupancy in basement, parking, square footage, and prefabrication.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Arroyo and the local neighborhood association are in support. BTB recommended no parking onsite.

Documents/Exhibits: Building Plans

Votes: Board Member Barraza moved to approve with BDPA design review, no onsite parking, and no encroaching beyond five feet into the side yard setback and Ruggiero seconded. The Board voted unanimously to approve.

HEARINGS:11:00AM

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

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

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

Discussion/Vote: The applicant requested a deferral. Upon a motion and second, the Board voted unanimously to defer until October 5, 2021 at 12:30PM.

Case: BOA-1176283 Address: 74 G Street Ward 7 Applicant: Holly O'Brien

Articles: Article 68, Section 29 Roof Structure Restrictions Article 68, Section 33 Off Street Parking & Loading Req- Off Street Parking Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Bldg Height Excessive (Feet) Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Add'l Lot Area Insufficient

Purpose : Confirm occupancy as existing single family and change to a three family and renovate. Proposed third story addition, enlarge existing head house and add a roof deck, as per plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy from a one to a three family.

Board Members asked about unit sizes, configuration, garden level, deck, and size of head house.

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

Documents/Exhibits: Building Plans



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Votes: Board Member Barraza moved to approve with BDPA design review attention to context, the headhouse, and the view of the roof structures from the street and Erlich seconded. The Board voted unanimously to approve.

Case: BOA-1203941 Address: 903-909 Massachusetts Avenue Ward 8 Applicant: WeDriveU, A Division of National Express

Articles: Article 50, Section 32 Use Regulations in IDA-Bus servicing and storage is a conditional use in an IDA sub district

Purpose: No construction change from taxi parking lot back to bus parking lot.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change parking lot from taxi use to bus use.

Board Members asked about plans, configuration, and screening and buffering.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved to approve with BDPA design review attention to significant screening and buffering and to return to the Board in two years and Erlich seconded. The Board voted unanimously to approve.

Case: BOA- 1197612 Address: 10 Northampton Street Ward 8 Applicant: Christopher Corey

Articles: Article 50, Section 32 Use Regulations-Use : Clinic : Conditional

Purpose : No proposed construction. Commonwealth Community Care currently leases this space as Office space. They would to add Clinic to their approved uses. The Tenant occupies this building as well as the building next door at 30 Northampton Street, which received a change of use for Clinic in 2015.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to add a clinic to the use of the property.

Board Members asked about the current use, plans, 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, letters of support

Votes: Board Member Barraza moved to approve with BDPA design review attention to screening and buffering and with the use limited to the applied for occupancy only and Dong seconded. The Board voted unanimously to approve.

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

Articles: Art. 59, Section 18 Use: Forbidden - MFR in LI zone Article 59, Section 19 Building Height

Article 59, Section 19 Rear Yard Article 59, Section 19 Usable Open Space Article 59, Section 19 Floor Area Ratio

Art. 59, Section 37 Off Street Parking Insufficient

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

Discussion/Vote: The applicant requested a deferral. Upon a motion and second, the Board unanimously voted to defer until October 5, 2021 at 12:30PM.



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Case: BOA-1101900 Address: 123 Terrace Street Ward 10 Applicant: Raices On The Hill, LLC

Articles: Article 59, Section 18 Use Regulations - Cannabis establishment use Conditional

Purpose : Change of Occupancy to include a Cannabis Establishment. The Applicant also proposes to modify the existing layout and conditions of the interior of the Building.

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

Board Members asked about security, online ordering, flow of customers, staff, and hours of operation.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved to approve with BDPA design review and with relief granted to this applicant only and Erlich seconded. The Board voted unanimously to approve.

Case: BOA-1216892 Address: 35 Braintree Street Ward 22 Applicant: JSIP Braintree Street, LLC
Articles:
Article 51, Section 19 Multi Family Dwelling Use : Forbidden Article 51, Section 20 Floor Area Ratio Excessive
Article 51, Section 19 Use Regulations- Artists' Mixed Use (Live/Work Units): Forbidden Article 51, Section 20
Building Height Excessive Article 51, Section 20 Usable Open Space Insufficient Article 51, Section 20 Rear Yard
Setback Insufficient

Purpose : 149 rental units including 25 IDP units of various sizes and 4 artist live/work loft units.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to build a new 149 rental unit building with 28 IDP units and 4 artist units.

Board Members asked about plans, parking, loading, open space, layout, unit sizes, amenity space, small units, and outdoor space.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved to approve with BDPA design review and Erlich seconded. The Board voted 6-1 to approve with Chair Araujo opposed.

RE-DISCUSSIONS: 12:30PM

Case: BOA-1053181 Address: 661-661A Tremont Street Ward 4 Applicant: James Christopher

Articles: Article 64, Section 9.4 Town House/Row House Extension Article 64, Section 9 Rear Yard Insufficient Article 64, Section 9 Building Height Excessive Article 64, Section 9 Floor Area Ratio Excessive Article 64 Section 9 Insufficient side yard setback Article 64, Section 34 Roof Structure Restrictions Proposed penthouse with wet bar and roof deck Article 64 Section 9 Insufficient usable open space Art. 32 Sec. 04 GCOD Applicability

Purpose: To construct a rear addition, and head house as per the attached plans. No change to occupancy.

Discussion/Vote: The applicant requested a deferral. Upon a motion and second, the Board voted unanimously to defer this matter to October 19, 2021 at 12:30PM.



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Case: BOA-1172719 Address: 136 West Eighth Street Ward 6 Applicant: Homegrown Builders, LLC

Articles: Article 68, Section 8 Lot Area Insufficient 1,311sqft < 2,000sqft min. Article 68, Section 8 Add'l Lot Area Insufficient 1,311sqft < 4,000sqft min. Article 68, Section 8 Floor Area Ratio Excessive 2.4 > 2.0max Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Side Yard Insufficient 0' < 3'min Article 68, Section 8 Rear Yard Insufficient 2'avg/0.8 < 15'min (Shallow Lot & Non parallel lot line) Article 68, Section 29 Roof Structure Restrictions Article 68, Section 33 Off Street Parking & Loading Req 2 provided < 4 min.

Purpose: Build new construction three family home at vacant parcel of land. Also see ALT1156178.

Discussion/Vote: The applicant requested a deferral. Upon a motion and second, the Board voted unanimously to defer this matter to October 19, 2021 at 12:30PM.

Case: BOA-1172724 Address: 138 Eighth Street Ward 6 Applicant: Homegrown Builders, LLC

Articles: Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8.4 Dim Regs: Extension in Rear Yard Article 68, Section 8 Side Yard Insufficient 0' < 3'min Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Rear Yard Insufficient 10.7'avg/9.9' < 15'min (Shallow Lot & Non Parallel Lot Line)

Purpose: Expand existing single family home located at 138 West 8th St. New rear and third floor finished additions. Gut renovate existing living spaces. All new systems throughout. Combining, to then sub divide, parcels 0600801000 & 0600802000, new square footage of each to be 970sqft & 1,311sqft, respectively. Also see ERT1156173.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to expand a single family home.

Board Members asked about plans, extensions, and parcels.

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

Documents/Exhibits: Building Plans

Votes: Board Member Barraza moved to approve with BDPA design review and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA-1173962 Address: 28 Hansborough Street Ward 14 Applicant: EJS Investments, Inc

Articles: Article 60, Section 8 Use Regulations Multi-Family Dwelling Use: Forbidden Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Bldg Height Excessive (Stories) Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Bldg Height Excessive (Feet) Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient Article 60, Section 40 Off-Street Parking & Loading Req Inappropriate maneuvering area. Proposed Driveway is less Than 10'-0"

Purpose: Seeking to erect a seven unit residential dwelling with seven parking spaces.

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

Board Members asked about unit sizes, buffering, plans, and parking.

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

Documents/Exhibits: Building Plans



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Votes: Board Member Erlich moved to approve with BDPA design review and Ruggiero seconded. The Board voted 5-2 to approve with Chair Araujo and Member Barraza opposed.

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

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

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

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 5, 2021 at 12:30PM.

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

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

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

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 5, 2021 at 12:30PM.

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

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

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

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 5, 2021 at 12:30PM.

Case: BOA-1151073 Address: 365 Western Avenue Ward 22 Applicant: Joe Hassell

Articles: Article 51, Section 16 Use Regulations MFR Use – Conditional Article 51, Section 17 Excessive F.A.R. Article 51, Section 17 Excessive Height Article 51, Section 17 Insufficient rear yard setback Article 51, Section 56 Off-Street Parking & Loading Req Insufficient parking Article 51, Section 56 Off-Street Parking & Loading Req Access/maneuvering areas Article 51, Section 57.2 Conformity Exist Bldg Alignment Front yard setback requirements Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability

Purpose: Raze existing 1 story building. Erect new 6 story, 60 unit building with 37 parking spaces.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect new 57 unit building with IDP units.

Board Members asked about plans, energy efficiency, solar panels, and retail space.

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

Documents/Exhibits: Building Plans

Votes: Board Member Barraza moved to approve with BDPA design review and Ruggiero seconded. The Board voted unanimously to approve.



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RECONSIDERATION: 1:00PM

Case: BOA-1038178 Address: 30-36 Batterymarch Street Ward 3 Applicant: Sonder USA, INC

reconsideration of the Board's March 30, 2021 vote 6-1 to approve the relief requested below. Per Article 5, Section 5-3 of the Zoning Code, the applicant has requested to reopen the record for the Board to remove provisos from its decision that entered with the Inspectional Services Department on May 21, 2021.

From the terms of the Boston Zoning Code (see Acts of 1956, c.665) in the following respects: Conditional Use Articles: Article 45 Section 14 Use Regulations Conditional

Purpose : To change the occupancy from commercial spaces and 26 residential units to commercial spaces and 26 executive suites. Also, to complete interior renovations. *Stores, Restaurant#36A, Medical Office, 26 Executive Suites & restaurant; renovations to unit 5A.

Discussion: The applicant requested that the Board remove provisos from the Board's original grant of the requested relief.

Vote: Board Member Erlich moved to deny the request for reconsideration and Secretary Fortune seconded. The Board voted 6-1 to deny the request for reconsideration with Ruggiero opposed.

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

BOARD MEMBERS:

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

SUBSTITUTE MEMBERS:

HANSY BETTER BARRAZA
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 August 10, 2021 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.