



City of Boston
Board of Appeal

Tuesday, June 6, 2023

BOARD OF APPEAL
HEARING MINUTES

Room 801

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

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JUNE 6, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JUNE 6 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JUNE 6, 2023 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/ZBA2023Hearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 821 8044 0527 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/June6Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

For individuals who need translation assistance, please notify the Board at least **48 HOURS** in advance either by signing up at <https://bit.ly/June6Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

If you wish to offer comment within the meeting platform, please use the “Raise Hand” function that should appear on the bottom of your screen, if connected by computer or device, or dial *9, if connected by phone. On a computer or device, you will receive a request to unmute yourself from the event host. You must select yes before you can speak. On a phone, you will hear a prompt that the event



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host is asking you to unmute yourself. You must press *6 to unmute yourself before you can speak. Commenters will be asked to state their name, address and comment. Comments will be limited as time requires.

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

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

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

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



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EXTENSIONS: 9:30AM

Case: BOA-940697 Address: 1102-1106R Blue Hill Avenue Ward 14 Applicant: Evoke Inc.

Discussion/ Votes: Upon a motion and a second the Board granted an extension until May 7, 2024.

Case: BOA-1155218 Address: 22 Wordsworth Street Ward 1 Applicant: William Sheehy

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

Case: BOA-1143574 Address: 449 Cambridge Street Ward 22 Applicant: Adam R. Hundley, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until August 27, 2024.

Case: BOA-1143565 Address: 2 Emery Road Ward 22 Applicant: Adam R. Hundley, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until August 27, 2024.

Case: BOA-1066748 Address: 318-320 E Street Ward 6 Applicant: Nicholas Zozula, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until January 29, 2024.

Case: BOA-1066736 Address: 1-2 Church Avenue Ward 6 Applicant: Nicholas Zozula, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until April 23, 2024.

Case: BOA-1163856 Address: 1175 Dorchester Avenue Ward 15 Applicant: Nicholas Zozula, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until July 9, 2024.

Case: BOA-1156565 Address: 79 Corbet Street Ward 17 Applicant: Cesar DaSilva

Discussion/ Votes: At the request of the applicant, this appeal was withdrawn. Upon a motion and a second the Board moved to grant the withdrawal.

BOARD FINAL ARBITER: 9:30AM

Case: BOA-886016 Address: 882 South Street Ward 20 Applicant: Mitch Rosenfield

Discussion/Vote: Board member Barazza moved to approve this request with the proviso to remove the sunset proviso and change the hours of operation from 12:00-7:00. It was seconded and carried unanimously.

Case: BOA-1320835 Address: 9 Hewins Street Ward 14 Applicant: Joseph Feaster, Esq

Discussion/Vote: Board member Barazza moved to approve with the provisos that the drawings be submitted to the Board and that it is approved without building code relief. It was seconded and carried unanimously.

Case: BOA-1399265 Address: 60R Alban Street Ward 17 Applicant: Andrea Dietrich

Discussion/Vote: Board member Barazza moved to approve with BPDA design review. Whewell seconded and the motion carried unanimously.



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GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1463070 Address: 577 Massachusetts Avenue Ward 9 Applicant: Luis Santana

Article(s): Article 32, Section 4.GCOD, Applicability - Groundwater Conservation Overlay District Applicability

Purpose: Change occupancy from 17 lodgers to 4 family dwelling, interior renovations, structural, install sprinkler system and recharge system in accordance with BWSC approved plans and BGWT. Administrative review by ZBA for GCOD. required.

Discussion: The applicant is seeking to convert a lodging house that had 17 lodgers in it, to a 4-unit dwelling.

The Board asked about the plans

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

Documents: Building plans

Votes: Board member Valencia moved to approve with Boston Landmarks Review. Langham seconded and the motion carried unanimously.

HEARINGS:9:30AM

Case: BOA-1447018 Address: 43 Fremont Street Ward 18 Applicant: Nicholas Beaujean

Article(s): Article 60, Section 9 Bldg Height Excessive (Feet) - Allowed 35 ft. Proposed 37 ft. Article 60, Section 9 Usable Open Space Insufficient - Required 8,000 s.f. Proposed 5,873 s.f. Article 60, Section 9 Bldg Height Excessive (Stories) - Allowed 2 1/2 stories height. Proposed 3 stories + Head house Article 60, Section 9 Floor Area Ratio Excessive - Allowed .8 FAR. Proposed 9.5 FAR Article 60, Section 8 Use: Forbidden - Forbidden Use: MFR 10 Units Art. 65 Sec. 60 37 Off Street parking insufficient - Required 1/unit=10. Proposed 9

Purpose: The applicant seeks to erect a new 2.5 story, 10 unit residential building, with 9 off street parking spaces as per the attached plans. (Pending ZBA approval sub divided lot ALT1441696).

Discussion: The applicant is seeking to select a new 2 1/2 story dwelling with 10 dwelling units where 2 will be affordable. These will be owner occupied units and a fully electric building. 5 compact off street parking spaces and 4 regular parking spaces are also included.

The Board asked about the plans, proposal, AMI

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

Documents: Building plans, letters in support.

Votes: Board member Barazza moved to approve with BPDA design review with attention to the character on the exterior and to ensure 2 of the units are affordable. Langham seconded and the motion carried unanimously.



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Case: BOA-1407963 Address: 50 Belnel Road Ward 18 Applicant: Cesar Lopez Berrio

Article(s): Article 69, Section 9 Rear Yard Insufficient Article 69, Section 9 Side Yard Insufficient
Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 8 Use: Forbidden - 2 family: Use Forbidden
Art. 69 Sec. 29.5 Off St.Prk'g:Design - Off street pkg Maneuverability: Tandem parking Article 69, Section 8 Use:
Forbidden - Parking space: Forbidden Art. 10 Sec. 01 Limitation of Area of Accessory Uses - Front yard accessory use
Purpose: Change of occupancy from a one family dwelling to a two family dwelling with an attached addition.

Discussion: The applicant is seeking to change the occupancy from a 1 family to a 2 family.

The Board asked about the plans.

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

Documents: Building plans

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

Case: BOA-1417475 Address: 8 Knight Street Ward 18 Applicant: Michael P. Ross, Esq

Article(s): Article 69, Section 9 Side Yard Insufficient - Left side boundary goes through a driveway and a existing deck. Article 69, Section 9 Rear Yard Insufficient
Purpose: Divide existing 17,000 square ft into 2 distinct parcels. See application ERT1351186. *01 26 2023 updated plans show common drive access expand curb cut for vehicle parking for 10 Knight st Note: parcel 1 8 knight street/ 11133sf with common access drive and 4 off street parking spaces and Parcel 2 to be known as 10 knight st/6267sf with 4 off street parking spaces in rear and 2 in front.

Discussion: The applicant is seeking to split the lot into 2 parcels and erect a 3 family on one lot. The existing 2 family will remain on the additional lot. Tandem parking for 9 spaces is included. The curb cut is existing. The Board found that there were a lot of impervious surfaces.

The Board asked about the plans, proposal, layout

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

Documents: Building plans

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



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Case: BOA- 1417476 Address: 10 Knight Street Ward 18 Applicant: Michael P. Ross, Esq

Article(s): Article 69, Section 9 Floor Area Ratio Excessive - Building a 3 unit in a 2 F5000 zone. Article 69, Section 9 Bldg Height Excessive (Stories) - Building a 3 unit in a 2 F5000 zone. Article 69, Section 9 Side Yard Insufficient - Building a 3 unit in a 2 F5000 zone. Article 69, Section 8 Use: Forbidden - Building a 3 unit in a 2 F5000 zone. Art. 69 Sec. 30. 1 Bldg. Alignmnt Conformity Art. 69 Sec. 29 Off St. Prk'g/Load'g Art. 10 Sec. 01 Limitation of parking areas - Side yard buffer less than 5" in front driveway. Article 69, Section 9 Usable Open Space Insufficient - Parking in back lot Article 69 Section 29 Off Street Parking & Loading Req - 4(a) Parking in the front of the lot Art. 69 Sec. 11 Forbidden - Accessory parking for 3 family is forbidden Article 69, Section 9 Lot Area Insufficient
Purpose: I am hoping to build in the vacant lot where my current 2 family home is. The total lot size is 17,322 S.F. The new construction will consist of a 3 family home (3 beds, 1 bath, laundry area, and private parking).

Discussion: The applicant is seeking to split the lot into 2 parcels and erect a 3 family on one lot. The existing 2 family will remain on the additional lot. Tandem parking for 9 spaces is included. The curb cut is existing. The Board found that there were a lot of impervious surfaces.

The Board asked about the plans, proposal, layout

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

Documents: Building plans

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

Case: BOA-1444614 Address: 87 Parkton Road Ward 10 Applicant: E.K. Sanford Builders, Inc

Article(s): Art. 55 Sec. 40 Off-St. Parking/Loading Req'mnt - The access to the 2 proposed parking spaces is done through a shared driveway. Article 55, Section 9 Usable Open Space Insufficient - Open space reduced to proposed driveway and parking spaces.

Purpose: This application is in conjunction with ALT1360069 and U491435895. This application is proposing to extend the shared driveway and asphalt the rear yard of the property for 2 parking spaces.

Discussion: The applicant is seeking to increase the driveway from 2 to 4 parking spaces

The Board asked about the plans, proposal, configuration

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

Documents: Building plans

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



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Case: BOA-1444618 Address: 91 Parkton Road Ward 10 Applicant: E.K. Sanford Builders, Inc

Article(s): Art.55 Sec.40 Off St.Parking/Loading Req'mnt - The access to the 2 proposed parking spaces is done through a shared driveway. Article 55, Section 40.5a Parking Maneuverability - 2 tandem spaces Article 55, Section 9 Usable Open Space Insufficient - Open space reduced to propose driveway and parking spaces.

Purpose: This application is in conjunction with ALT1359877 and U491411118. This permit is to put down asphalt for a driveway and asphalt in the backyard for 2 parking spaces.

Discussion: The applicant is seeking to increase the driveway from 2 to 4 parking spaces

The Board asked about the plans, proposal, configuration

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

Documents: Building plans

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

Case: BOA-1463651 Address: 137 West Newton Street Ward 4 Applicant: Joseph Holland

Article(s): Art. 64 Sec. 09 Dimensional Regulations Applicable in Residential Sub - Proposed Rear deck off of the first floor level exceeds rear yard set backs Art. 64 Sec. 34 Restricted Roof Structure Regs - Roof Deck

Purpose: Build a roof deck and rear deck off first floor level.

Discussion: The applicant is seeking to add a new street level rear deck on an existing single family dwelling that are townhouse style units.

The Board asked about the plans

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

Documents: Building plans

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

Case: BOA- 1455681 Address: 2 Coppersmith Way Ward 1 Applicant: Trichilo Development, LLC

Article(s): Article 27T Section 9 IPOD Enforcement Article 53, Section 52 Roof Structure Restrictions
Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 12 Height Excessive
Art. 53 Sec. 56 Off Street Parking Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Lot Area Insufficient Art. 32 Sec. 32 4Groundwater Conservation Overlay District, Applicability Art. 53 Sec. 09 Usable Open space

Purpose: Erect a four story three unit residential dwelling with roof deck exclusive to unit 3.

Discussion: The applicant is seeking to erect a 3 unit 4 story dwelling with a rear garage.

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

Documents: Building plans, BGWT letters.

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



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Case: BOA-1463869 Address: 100 Swift Street Ward 1 Applicant: Charlie Tevnan

Article(s): Article 53 Section 55 Sign Regulations - (c) Free standing signs forbidden in a Neighborhood Shopping district.

Purpose: Install New Double Sided, Internally Illuminated Exterior Sign, 6' x 8' sign, mounted on 8' high steel post, at First Priority Credit Union, at corner of 100 Swift Street and Bennington Street, East Boston.

Discussion: The applicant is seeking to add a new billboard for a bank that is double sided and illuminated

The Board asked about the plans

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

Documents: Building plans

Votes: Board member Whewell moved to deny without prejudice. The motion was seconded and carried 2-5.

Case: BOA-1459116 Address: 770 Gallivan Boulevard Ward 16 Applicant: Jay Youmans-CANNABIS

Article(s): Article 65 Section 15 Use Regulations - Cannabis retail use- Conditional Article 65 Section 15 Use Regulations - Footnote 25. Cannabis Establishment, provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.-Otherwise Forbidden.

Purpose: Change of Occupancy from Commercial Retail/Wholesale/Services Use to Marijuana Retailer (or "cannabis retail facility") Use licensed pursuant to 935 CMR 500.000 et seq. and Boston Cannabis Board Rules and Regulations.

Discussion: The applicant is seeking to change the occupancy to a cannabis location with self-service and pickup. The proposal will include 25 off street parking spaces.

The Board asked about the plans, proposal, security, parking

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

Documents: Building plans

Votes: Board member Valencia moved to approve with BPDA design review . Valencia seconded and the motion carried 6-1.



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HEARINGS:11:00AM

Case: BOA-1174452 Address: 50-52 Wenham Street Ward 19 Applicant: David Loftus

Article(s): Article 55, Section 12 Side Yard Insufficient

Purpose: Remove deck Build new 3 season porch New siding windows New exit off homeowners second floor to new deck and spiral Staircase.

Discussion: The applicant is seeking to remove the existing deck due to current dilapidated conditions. And to rebuild to the same dimensions as before.

The Board asked about the plans, proposal,

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

Documents: Building plans

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

Case: BOA-1464287 Address: 13 Norwood Avenue Ward 16 Applicant: George Morancy, Esq-ARTICLE 80

Article(s): Article 65, Section 15 Use: Conditional - MFR Second Story & Above Conditional
Article 65 Section 16 FAR Excessive Article 65 Section 16 Building Height Excessive Article 65 Section 16 Rear Yard
Art. 65 Sec. 65 41.5 Parking Size & Maneuverability - Stacker Parking Article 65, Sec 65 41 Off Street Loading Req.
Art. 65 Sec. 41 Off street parking requirements Article 25A Section 4 CFROD Applicability Art. 25 Sec. 5 Flood
Hazard Districts

Purpose: New construction of a five (5) story residential building with fifty-two (52) dwelling units and fifty (50) parking spaces (stackered). The proposed structure features 5 stories above grade, decks, and rear terrace.

Discussion: The applicant is seeking to erect a 52 unit, 5 story dwelling with 9 affordable units. 50 off street parking spaces and contributions to local community spaces.

The Board asked about the plans, proposal, layout, construction, AMI

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

Documents: Building plans

Votes: Board member Barazza moved to approve with BPDA design review and to ensure 9 of the units are affordable. Valencia seconded and the motion carried unanimously.



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Case: BOA-1363694 Address: 1246 Dorchester Avenue Ward 15 Applicant: Maria Papoulidis

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Article 65, Section 16 Rear Yard

Purpose: Proposed single story addition to the retail space of the gas station at 1246 Dorchester Ave, in Boston. The rear addition expands the single room retail space by 683 square feet. The proposed addition is designed to be in keeping with the existing structure in height and building material.

Discussion: The applicant is seeking to add a small rear addition to the existing gas station with a single-story addition. This is a uniquely shaped lot and would allow the retail space to expand.

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

Documents: Building plans

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

Case: BOA-1452479 Address: 1-2 Thompson Square Ward 2 Applicant: John Pulgini, Esq

Article(s): Art. 62 Sec. 25 Roof Structure Restrictions

Art. 62 Sec. 29 Off street parking insufficient - Parking spaces required: $1.75 \times 9 = 15.75$ Proposed: Eliminating 2 existing parking spaces from rear parking area and creating 3 indoor spaces. Article 62, Section 14 Max. building height allowed: 35' Proposed: 67' Article 62, Section 14 This lot is abutting a residential district. Side yard min. required: 2.5' Proposed: 0'

Purpose: 5 story addition to existing structure and change occupancy to include (9) residential units, retail at ground level and parking.

Discussion: The applicant is seeking to add a 5 story addition to retail and change the occupancy to add a 9 residential unit dwelling with ground level retail space. This proposal would improve sidewalk, streetscape, and landscaping conditions.

The Board asked about the plans, proposal

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

Documents: Building plans

Votes: Board member Barazza moved to approve with landmarks review and to preserve the roof. Langham seconded and the motion carried unanimously.



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Case: BOA-1449324 Address: 203 Lexington Street Ward 1 Applicant: Travis Marks & Flore Uzan
Article(s): Article 53, Section 9 Add'l Lot Area Insufficient - Required 1000 sf. Art. 53 Sec. 04 Greenbelt Protection Overlay District Applicability Zoning overlays district: IPOD Art. 53 Sec. 56^ Off street parking insufficient - Required 1.0 per unit. Proposed None
Purpose: Add a door to provide mean of egress to a third-floor unit. Existing kitchen, existing bathroom, existing bedroom. Change occupancy to a 3 family dwelling.

Discussion: The applicant is seeking to replace a window and include a door to provide appropriate egress to the third floor unit with another unit

The Board asked about the plans, proposal, layout

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

Documents: Building plans

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

RE-DISCUSSION :11:30 AM

Case: BOA-1432486 Address: 46-48 Leo M Birmingham Parkway Ward 22 Applicant: Danny Moll-ARTICLE 80
Article(s): Article 51, Section 8 Use: Conditional 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 56. Off Street Parking & Loading Req
Purpose: Demo of existing building. New construction of a residential use building with thirty eight (38) dwelling units and thirteen (13) parking spaces at grade.
Reason for Prior Deferral: The applicant requested a deferral

Discussion: The applicant is seeking to erect a 38 residential dwelling with 13 off street parking spaces, green space, and green roofs.

The Board asked about the plans, proposal, parking, streetscape, layout, greenspace

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

Documents: Building plans

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



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Case: BOA-1330427 Address: 58 Murdock Street Ward 22 Applicant: Odessit Capital, Inc

Article(s): Article 51 Section 8 Use Regulations – Fobidden Art. 51 Sec. 09 Excessive f.a.r. Art. 51 Sec. 09 Max allowed height exceeded Art. 51 Sec. 09 # of allowed stories exceeded Art.51 Sec.53 Screening & Buffering Req Article 51, Section 56 Off Street Loading Insufficient Article 51, Section 56 Off Street Parking Insufficient

Purpose: Seeking to erect a new residential structure with 13 units and 13 parking spaces. Demo to be completed on separate short form.

Reason for Prior Deferral: The applicant requested a deferral

Discussion: The applicant is seeking to withdraw the proposal and file a new case due to extensive changes to their project.

Documents: Building plans

Votes: Board member Whewell moved to withdraw the proposal. Stembridge seconded and the withdraws was approved unanimously.

Case: BOA-1395905 Address: 4 Haynes Street Ward 1 Applicant: Thomas Walsh & Peter Ryan

Article(s): Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 12 Height Excessive Art. 53 Sec. 12 Rear Yard insufficient Art. 53 Sec. 12^ Floor area ratio excessive Art. 53 Sec. 56 Off St.Parking Requirements Art. 53, Section 36 Use: Forbidden Art. 53 Sec. 52 Roof Structure Restrictions Art. 53 Sec. 09 Dimensional Regulations - Usable open space Article 53, Section 9 Bldg Height Excessive (Stories)

Purpose: Seeking to combine Parcel ID 0104541000 and Parcel ID 0104540000 to form one new 1,800 square foot lot to be known as 4 Haynes Street. Also, to erect a new building with four residential units and three parking spaces.

Reason for Prior Deferral: The applicant requested a deferral

Discussion: The applicant is seeking to combine two existing vacant parcels and erect a new 4 unit residential dwelling. The height is in context and there are 2 roof decks for the exclusive use of the top units. 3 off street parking spaces included. The Board noted the materials are in context.

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

Documents: Building plans

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



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Case: BOA-1290225 Address: 92 Waldemar Avenue Ward 1 Applicant: Richard Crespo, Crespo Group

Article(s): Article 27T 5 East Boston IPOD Applicability Art. 53, Section 56 Off Street Parking Insufficient Art.53 Sec.08 Use Forbidden Article 51, Section 53 Screening & Buffering Req Article 53Section 9 Insufficient lot size Article 53Section 9 Excessive height Article 53Section 9 # of allowed stories exceeded Article 53Section 9 Excessive f.a.r. Article 53Section 9 Insufficient side yard setback Article 53Section 9 Insufficient rear yard setback Article 53, Section 57.2 Conformity Ex Bldg Alignment Article 53Section 9 Insufficient usable open space

Purpose: Seeking to erect a new residential building with 5 units and 5 parking spaces. Demo to be completed on separate permit.

Reason for Prior Deferral: The applicant requested a deferral to update the plans

Purpose: Seeking to erect a new structure containing 5 units and 5 parking spaces. Demo to be completed on separate permit.

Discussion: The applicant is seeking to erect a new 5 unit dwelling with mixed unit counts. This is on a slope and has an affordability component.

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.the carpenters union and multiple abutters are in support. Councilors Coletta, Flaherty and multiple abutters are in opposition

Documents: Building plans

Votes: Three prior motions failed to carry. The fourth motion made by Board member Barazza to deny without prejudice was seconded by Stembridge, and carried unanimously.

Case: BOA-1290229 Address: 104 Waldemar Avenue Ward 1 Applicant: Richard Crespo, Crespo Group

Article(s): Art. 53 Sec.08 Forbidden

Article 53 Section 9 Insufficient lot size 4,000sf req. Article 53 Section 9 Excessive height 35' max Article 53 Section 9 # of allowed stories exceeded 2.5 max. Article 53 Section 9 Excessive f.a.r. .5 Article 53 Section 9 Front yard modal alignment req. Article 53 Section 9 Insufficient side yard setback 10' Article 53, Sec. 54 Screening & Buffering Req - Residential/residential MFR Use buffering from 1f sub district Art. 53 Sec. 56 Off Street Parking - Insufficient parking proposed 1.5 per unit req. Article 53 Section 9 Insufficient usable open space 1000sf/unit

Purpose: Seeking to erect a new structure containing 5 units and 5 parking spaces. Demo to be completed with a separate permit.

Reason for Prior Deferral:

Discussion: The applicant is seeking to erect a new 5 unit dwelling with mixed unit counts. This is on a slope and has an affordability component.

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.the carpenters union and multiple abutters are in support. Councilors Coletta, Flaherty and multiple abutters are in opposition

Documents: Building plans

Votes: Three prior motions failed to carry. The fourth motion made by Board member Barazza to deny without prejudice was seconded by Stembridge, and carried unanimously.



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HEARINGS: 1:00PM

Case: BOA-1466938 Address: 1-3 Lyford Street Ward 14 Applicant: Derric Small

Article(s): Art. 10 Sec. 01 Limitation of off street parking areas - Off street parking within 5 feet of side yard. Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive

Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Front Yard Insufficient

Article 60, Section 9 Rear Yard Insufficient Article 60, Section 41.2 Traffic Visibility Across Corner 2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one half (2 ½) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.

Purpose: Erect a two family dwelling on a vacant lot.

Discussion: The applicant is seeking to erect a 2 family dwelling on a vacant lot. For homeownership.

The Board asked about the plans, proposal

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

Documents: Building plans

Votes: Board member Barazza moved to approve with BPDA design review. Valencia seconded and the motion carried 6-1.

Case: BOA-1443969 Address: 404 West Second Street Ward 6 Applicant: Victoria Banos

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Roof deck access via stairs Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback

Purpose: Add roof deck and stair.

Discussion: The applicant is seeking to add an exclusive roof deck with a spiral staircase.

The Board asked about the plans, proposal, access

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

Documents: Building plans

Votes: Board member Barazza moved to defer this to allow the BPDA to review the plans. Langham seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1445801 Address: 35-39 Saratoga Street Ward 1 Applicant: Margo Cramer

Article(s): Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 52 Roof Structure Restrictions
Art. 27GE Boston IPOD

Purpose: Conversion of existing basement storage space into an extended living area (e.l.a.) and new rooftop deck.

Discussion: The applicant is seeking to convert the basement storage space in the existing dwelling to allow for livable space with 10ft ceilings and to add a roof deck to increase the livable space for a growing family. There are multiple forms of egress in the basement.

The Board asked about the plans, proposal,

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

Documents: Building plans

Votes: Board member Whewell moved to approve with BPDA design review and no building code relief. Langham seconded and the motion carried unanimously.

Case: BOA-1466722 Address: 40 Orient Avenue Ward 1 Applicant: Goal Line Realty, LLC

Article(s): Art. 53 Sec. 08 Use: Conditional - Parking space: Ancillary Use Condition

Purpose: Ancillary parking for 4 vehicles. See ERT1371317 and ALT1371316.

Discussion: The applicant is seeking to subdivide the lot and add a new 2 family next to an existing 2 family.

The Board asked about the plans, proposal, layout

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

Documents: Building plans

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

Case: BOA-1466726 Address: 40 Orient Avenue Ward 1 Applicant: Goal Line Realty, LLC

Article(s): Art. 53 Sec. 09 Side yard Insufficient

Purpose: Subdivide parcel number 0101928000 into two lots. Lot 30A to contain 7,824 s.f. of land Lot 31A to contain 7,176 s.f. of land and erect a three (3) story two unit dwelling with roof deck and parking for four vehicles in rear. No work on existing dwelling. See ERT1371317. Need Apply "UOP Ancillary Parking".

Discussion: The applicant is seeking to subdivide the lot and add a new 2 family next to an existing 2 family.

The Board asked about the plans, proposal, layout

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

Documents: Building plans

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



City of Boston
Board of Appeal

Case: BOA-1466729 Address: 36 Orient Avenue Ward 1 Applicant: Goal Line Realty, LLC

Article(s): Article 27D 5 IPOD Applicability - IPOD District Art. 53 Sec. 08 Use: Conditional - Ancillary Use: Parkings Art. 53 Sec. 09 Rear Yard Insufficient Article 53, Section 57.2 Conformity Existing building Alignment.

Purpose: Erect a three (3) story two unit dwelling with parking for four vehicles in rear (Lot 31A= 7,176 S.F.) "See UOP Ancillary Parking". No work on existing dwelling. Filed in conjunction with ALT1371316 (subdivision).

Discussion: The applicant is seeking to subdivide the lot and add a new 2 family next to an existing 2 family.

The Board asked about the plans, proposal, layout

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

Documents: Building plans

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

INTERPRETATION: 1:00PM

Case: BOA-1432589 Address:336R Pond Street Ward 19 Applicant: Antonio Ferrara

Purpose: Appellant seeks a determination that the Inspectional Services Department erred in its interpretation of the Zoning Code and refusal of a building permit application on grounds that the proposed project violates Article 55 of the Boston Zoning Code. Appellant contends that ISD incorrectly cited Article 55, Section 41.1, Conformity with Existing Building Alignment and improperly denied Permit # ERT1104783.

Discussion: The applicant is seeking to erect a 1 family dwelling.

The Board asked about the plans, interpretation

Documents: Building plans

Votes: Board member Barazza moved to defer to the City of Boston Law Department for review. Stembridge seconded and the motion carried unanimously.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

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