



City of Boston  
Board of Appeal

Tuesday, April 9, 2024

BOARD OF APPEAL

City Hall Room 801

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## **HEARING MINUTES**

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 Stenbridge:

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

**ALL MATTERS LISTED ON THIS APRIL 9, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

**PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:**

**THE APRIL 9, 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/ZBAHearings2024>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 819 2218 4516 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/April9Comment> 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.



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**For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/April9Comment> 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto: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](mailto:zba.ambassador@boston.gov).**

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

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

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

**Interested persons who are unable to participate in the hearing remotely may make an appointment to offer testimony. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing [isdboardofappeal@boston.gov](mailto: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](mailto:ZBAPublicInput@boston.gov) IN LIEU OF OFFERING TESTIMONY ONLINE. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS**



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**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.**

**EXTENSIONS: 9:30AM**

**Case: BOA-1266730 Address: 4-18 Cheney Street Ward 12 Applicant: Jamaica Plain Neighborhood Development Corp**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until April 15, 2025.

**Case: BOA-1266736 Address: 3 Schuyler Street Ward 12 Applicant: Jamaica Plain Neighborhood Development Corp**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until April 15, 2025.

**Case: BOA-1266732 Address: 20-28 Cheney Street Ward 12 Applicant: Jamaica Plain Neighborhood Development Corp**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until April 15, 2025.

**Case: BOA-1067117 Address: 6 Kelley Court Ward 2 Applicant: Patrick J. Sweeney**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until December 26, 2024.

**Case: BOA-1024095 Address: 11 Faneuil Street Ward 22 Applicant: Jeffrey Drago, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until April 23, 2025.

**Case: BOA-818377 Address: 111 Terrace Street Ward 10 Applicant: Michael P. Ross, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until April 25, 2025.

**Case: BOA-768729 Address: 79-89 West Broadway Ward 6 Applicant: Derric Small, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until May 11, 2025.

**Case: BOA- 1295864 Address: 6R Ericsson Street Ward 16 Applicant: Jared Eigerman**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until March 22, 2025.



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**Case: BOA-1295771 Address: 8R Ericsson Street Ward 16 Applicant: Jared Eigerman**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until March 22, 2025.

**Case: BOA-1295867 Address: 18R Ericsson Street Ward 16 Applicant: Jared Eigerman**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until March 22, 2025.

**Case: BOA-1295870 Address: 20R Ericsson Street Ward 16 Applicant: Jared Eigerman**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until March 22, 2025.

**Case: BOA-9427901 Address: 2 Starling Street Ward 20 Applicant: CAD Builders, LLC**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until April 9, 2025.

**Case: BOA-942824 Address: 12 Toucan Road Ward 20 Applicant: CAD Builders, LLC**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until April 9, 2025.

**Case: BOA-942825 Address: 14 Toucan Road Ward 20 Applicant: CAD Builders, LLC**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until April 9, 2025.

### **BOARD FINAL ARBITER: 9:30AM**

**Case: BOA-486152 Address: 270 Dorchester Avenue Ward 6 Applicant: Marc LaCasse, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the BFA request.

**Case: BOA-1433649 Address: 554-562 Columbia Road Ward 13 Applicant: Joseph P. Hanley, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the BFA request.

### **GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM**

**Case: BOA- 1573221 Address: 281-283 Franklin Street Ward 3 Applicant: Boston Pinnacle Properties**

**Article(s):** Article 32, Section 4 GCOD, Applicability

**Purpose:** Change of occupancy from existing offices on floors 2-6 into 15 residential rental apartment units (3 per floor) and to include ground floor shoe repair. existing ground floor deli to remain in place. Full gut of office spaces with residential build out. No exterior alterations will occur; façade will remain fully intact including fire protection.



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**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously approve the appeal.

### **HEARINGS: 9:30AM**

**Case: BOA-1565083 Address: 144 Worcester Street Ward 4 Applicant: Marc LaCasse**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability Art 64.9.4 Town/Rowhouse extension into rear Art.64 Sec.09 Floor Area Ratio is Excessive Art. 64 Sec. 34 Restricted Roof Structur Regs

**Purpose:** Amendment to ALT1492188 to include penthouse addition, facade work, elevator, and sitework/utilities per construction Documents

**Case: BOA-1563167 Address: 647 Tremont Street Ward 4 Applicant: Joe Consalvo**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use - >25% Conditional Art. 64 Sec. 09 Dimensional Regulations Applicable in Residential Sub - Excessive f.a.r Art. 64 Sec. 36 Off-St.Parking Requirements - Insufficient parking for additional seating Article 64 Section 8 Use Regulations Conditional

**Purpose:** Furnish and Install additional stairwell including structural modifications per plans. New kitchen layout as per plan. Upgraded MEPs. Convert basement storage into additional sit down restaurant space, Furnish and Install additional stairwell including structural modifications per plans. New kitchen layout as per plan. Upgraded MEPs. per plans provided. (38 patrons) restaurant 1st flr, basement storage and five apartments #872/1995

**Case: BOA-1505167 Address: 847 East Fifth Street Ward 6 Applicant: James McClure**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions Art 29, Section 4 Greenbelt Protection Overlay District

**Purpose:** Combine parcel #'s 0604429000 and 0604430000 into one lot as filed on alt1476796 for subdivision and then change occupancy from a 2 to a five family by constructing an addition on the left side and rear of the structure to include newly proposed parking in rear per plans submitted. Existing: 2 Family, ALT1146441/2020

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to combine two parcels into one and change the occupancy from a 2 family to a 5 family.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal, parking, trash room

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Murphy, Flynn and abutters are in support.

**Votes:** Board Member Barraza moved to deny without prejudice. Langham seconded and the motion carried unanimously.

**Case: BOA-1549728 Address: 88 G Street Ward 7 Applicant: Laura Watkin**

**Article(s):**Art 68 Sec 29 Roof Structure Restrictions - Proposed roof deck on lower roof conditional

**Purpose:** Deck extension onto existing rubber roof

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to expand the existing roofdeck.

Board members asked about the plans

**Documents/Exhibits:** Building Plans,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn is in opposition.



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**Votes:** Board Member Valencia moved to approve. Whewell seconded and the motion carried unanimously..

**Case: BOA-1542408 Address: 27-28 Kenilworth Street Ward 9 Applicant: Evan Smith**

**Article(s):** Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 43 Off Street Parking & Loading Req Art. 50, Section 32 Use: Forbidden

**Purpose:** Construct New 9 unit passive house condo building on vacant corner lot. Requires ZBA approval.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 9 unit condo on a vacant lot with a corner lot condition.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition.

**Votes:** Upon a motion and a second the Board moved to defer until May 21, 2024.

**Case: BOA-1561862 Address: 353-359 Blue Hill Avenue Ward 12 Applicant: Norfolk Design & Construction-MOH**

**Article(s):** Art. 50, Section 28 Use: Conditional - Local Retail Conditional Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Lot Area Insufficient Art. 50, Section 43 Off Street Parking Insufficient Article 50, Section 44.3 Traffic Visibility Across Corner

**Purpose:** Erect a new 3 story dwelling (5 units) with one ground floor local retail space (core/shell) on vacant lot. Project in conjunction with MOH.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to develop two vacant lots and erect a 5 unit dwelling and a 10 unit dwelling.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal, parking, trash room

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. The Mayors Office of Housing is in support.

**Votes:** Board Member Valencia moved to approve with BPDA design review with attention to improving the open space. Langham seconded and the motion carried unanimously.

**Case: BOA- 1561863 Address: 391-395 Blue Hill Avenue Ward 12 Applicant: Norfolk Design & Construction\_MOH**

**Article(s):** Art. 50 Sec. 29 Insufficient lot size Art. 50 Sec. 29 Insufficient additional lot area per unit Art. 50 Sec. 29 excessive f.a.r. Art. 50 Sec. 29 Height excessive Art. 50 Sec. 29 Insufficient open space Art. 50 Sec. 29 Insufficient front



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yard setback Art. 50 Sec. 29 Insufficient side yard Art. 50 Sec. 29 Insufficient rear yard Art. 50 Sec. 43 Off street parking insufficient - Insufficient parking Art. 50 Sec. 37 Boulevard Planning District Art. 50 Sec. 44 Traffic visibility across a corner lot.

**Purpose :** Seeking to combine parcel ID 1202673000 and 1202672000 to form one new 3,363 square foot lot. Also, to erect a new building with 10 affordable residential units and 1 retail space. Project in conjunction with MOH.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to develop two vacant lots and erect a 5 unit dwelling and a 10 unit dwelling.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal, parking, trash room

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. The Mayors Office of Housing is in support.

**Votes:** Board Member Valencia moved to approve with BPDA design review with attention to improving the open space. Langham seconded and the motion carried unanimously.

**Case: BOA-1567009 Address: 13 Alexander Street Ward 13 Applicant: Derric Small**

**Article(s):** Article 50, Section 29 Lot Area Insufficient – Insufficient Article 50, Section 29 Add'l Lot Area Insufficient – Insufficient Art. 50 Sec. 29 Dimensional Requirements - Rear yard insufficient. Art. 50 Sec. 29 Dimensional Requirements - Usable open space insufficient. Art. 50 Sec. 50 41.2 Screening & Buffering - Screen and Buffering requirement. Art. 10 Sec. 01 Limitation of parking areas - Front yard parking space. Article 50, Section 29 Lot Width Insufficient - Required 45' Article 50, Section 29 Lot Frontage Insufficient - Required 45' Article 50, Section 29 Floor Area Ratio Excessive - FAR Excessive.

**Purpose:** Confirm occupancy as a one family dwelling and change to a three family dwelling.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 1 to a 3-family dwelling.

Board members asked about the plans

**Documents/Exhibits:** Building Plans,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. The Mayors Office of Housing is in support.

**Votes:** Board Member Collins moved to approve. Logue seconded and the motion carried unanimously.

**Case: BOA-1554601 Address: 62 North Beacon Street Ward 21 Applicant: 62 North Beacon Street LLC**

**Article(s):** Art. 51 Sec. 08 Use Regualtions -Multifamily use forbidden Article 51, Section 9 Side Yard Insufficient - Required: 10' Proposed rear deck: 4.7' Article 51, Section 9 Rear Yard Insufficient - required: 30' Proposed rear deck: 25.9' Art. 51 Sec. 56 Off street parking requirements - Insufficient parking spaces. Required: 5.25 Existing: 3

**Purpose:** Turning single family house to three family house.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to a three family dwelling.



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Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. A local association is in support.

**Votes:** Board Member Collins moved to approve. Whewell seconded and the motion carried unanimously.

### **HEARINGS: 11:00AM**

**Case: BOA-1565595 Address: 15 Geneva Street Ward 1 Applicant: Stephen A. LaMattina Trust**

**Article(s):** Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Lot Width Insufficient Article 53, Section 9 Lot Frontage Insufficient Article 53, Section 56 Off Street Parking & Loading Req Art. 32 Sec. 04 GCOD Applicability

**Purpose:** Erect a four (4) story four (4) unit residential dwelling with a roof deck exclusive to unit 4 and rear decks

**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 auto repair that is MBTA accessible.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Coletta and the Carpenters Union are in support.

**Votes:** Board Member Barraza moved to approve. Stenbridge seconded and the motion carried unanimously.

**Case: BOA-1563668 Address: 28 Swan Avenue Ward 1 Applicant: Swan Avenue Realty Trust**

**Article(s):** Art. 53, Section 8 Use: Forbidden - MFR Forbidden Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Art. 53, Section 56 Off Street Parking Insufficient Article 53, Section 57.2 Conformity Ex Bldg Alignment Article 27T 5 East Boston IPOD Applicability Art. 10 Sec. 01 Limitation of parking areas - Parking within 5ft of side lot line.

**Purpose:** Erect a 3 story, 4 unit, residential dwelling unit with at grade parking for four (4) vehicles. Building features decks and lot shares a driveway with 30 Swan Ave.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to had 2 separate 4 unit dwellings with curb cut and sidewalk additions

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Coletta, Murphy and an abutter are in support.





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**Votes:** Board Member Collins moved to deny without prejudice. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1563671 Address: 30 Swan Avenue Ward 1 Applicant: Swan Avenue Realty Trust**

**Article(s):** Art. 53, Section 8 Use: Forbidden - MFR Forbidden Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Art. 53, Section 56 Off Street Parking Insufficient Article 53, Section 57.2 Conformity Ex Bldg Alignment Art. 10 Sec. 01 Limitation of parking areas - Parking less than 5ft from side lot line. Article 27T 5 East Boston IPOD Applicability

**Purpose:** Combine Parcels 0101531001 and 0101531000 to create one lot consisting of 5,246 s.f. and to erect a 3 story, four (4) unit residential dwelling with parking for four (4) vehicles. Building features decks and lot shares a driveway with 28 Swan Ave.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to had 2 separate 4 unit dwellings with curb cut and sidewalk additions

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Coletta, Murphy and an abutter are in support.

**Votes:** Board Member Collins moved to deny without prejudice. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1570041 Address: 131 Hancock Street Ward 15 Applicant: Daniel McSweeney**

**Article(s):** Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Front Yard Insufficient

**Purpose:** The Conservatory Lab Charter School located at 131 133 Hancock Street. The proposed project is to renovate the existing building (approx. 18,975 SF) and build a new construction addition (approx. 5,725 SF).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to expand class space for an existing charter school without increasing enrollment.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board Member Barraza moved to approve. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1529408 Address: 31 Rosedale Street Ward 17 Applicant: Design Build Boston Construction**

**Article(s):** Article 65, Section 8.2 Use Regulations: Basement Units - Basement Unit Forbidden Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9.2 Dim Regs: Location of Main Entrance - Basement unit side entrance Art. 65 Sec. 41 Off street parking requirements

**Purpose:** Changing occupancy from a two family into three. Scope includes new basement unit, addition of roof dormers, new front addition of interior stair tower, and complete gut renovation. Also includes new interior layouts,



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superinsulation for energy efficiency, and installation of high performance windows. Enhance the building's functionality and sustainability through meticulous craftsmanship. FA/FP included.

**Discussion:** The applicant requested a deferral to update the refusal letter and re-advertise.

**Votes:** Upon a motion and a second the Board moved to defer until May 21, 2024.

**Case: BOA-1526561 Address: 1015 Hyde Park Avenue Ward 18 Applicant: Eilas Akiki & Sons, Inc**

**Article(s):** Article 69, Section 8 Use: Forbidden - Multiple Family Use: Forbidden. Art. 69 Sec. 09 Building Height (Stories) Art. 69 Sec. 09 Building Height In Feet. Art. 69 Sec. 09 Usable open space insufficient. Art. 69 Sec. 09 Side yard insufficient. Article 69, Section 9 Floor Area Ratio Excessive - FAR Excessive. Art. 69 Sec. 09 Off street parking Insufficient.

**Purpose:** Erect new 4 story 9 unit residential building with accessory parking under and on site. 3 residential levels with elevator

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 4 story 9 unit dwelling.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in opposition.

**Votes:** Board Member Barraza moved to approve with three provisos. 1) MOH agreement 2) BPDA design review 3) Enhance features. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1549196 Address: 20 Rockview Street Ward 19 Applicant: Sven Karlsson**

**Article(s):** Art. 55 Sec. 09 Insufficient additional lot area per unit. Art. 55 Sec. 09 Insufficient lot width Art. 55 Sec. 09 Insufficient lot width frontage Art. 55 Sec. 09 Insufficient open space per unit Art. 55 Sec. 09 Insufficient additional open space for each additional unit greater than one Art. 55 Sec. 09 Insufficient front yard setback Art. 55 Sec. 09 Insufficient side yard setback Art. 55 Sec. 09 Insufficient rear yard setback Art. 55 Sec. 40 Off St. Parking/Loading Req'mnt - Parking in required front yard not allowed Art. 55 Sec. 09 Excessive f.a.r.

**Purpose:** Construct a new detached 2 family dwelling which shall be one of two new dwellings on the same lot known as Lot 1 consisting of 5,034sf. This application has been filed in conjunction with pending subdivision permit # ALT1449789 and ERT1540590 for the other detached two family on the same lot. New construction of 1 of two buildings on 1 lot for 2 Unit Condominium in two separate structures on proposed sub division of lot (ALT1449789 with ZBA) of 5032 Sq. ft. All new utilities, foundation and construction.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to subdivide the existing lot- 1 curb cut for 4 off street parking spaces.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in support and an abutter is in opposition. Councilor Weber is also in support.



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**Votes:** Board Member Barraza moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1482958 Address: 22 Rockview Street Ward 19 Applicant: Sven Karlsson**

**Article(s):** Article 55, Section 9 Lot Frontage Insufficient - Frontage Insufficient. Article 55, Section 41.1 Conformity Ex Bldg Alignment - Conformity existing building Alignment. Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Lot Area Insufficient - Sub Divide lot Area insufficient

**Purpose:** Sub divide large 1 Family lot (19,535 sq. ft) into two separate lots. One containing the existing 1 Family on a Dog leg parcel (4,500 sq. ft, and a street side parcel with 2 units on it (5,000 sq. ft). The proposed project will need Zoning Relief and is being submitted with a "Minimum Fee Letter"

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to subdivide the existing lot- 1 curb cut for 4 off street parking spaces.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in support and an abutter is in opposition. Councilor Weber is also in support.

**Votes:** Board Member Barraza moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1549209 Address: 24 Rockview Street Ward 19 Applicant: Sven Karlsson**

**Article(s):** Art. 55 Sec. 09 Insufficient additional lot area per unit Art. 55 Sec. 09 Insufficient lot width Art. 55 Sec. 09 Insufficient lot width frontage Art. 55 Sec. 09 Excessive f.a.r. Art. 55 Sec. 09 Insufficient open space Art. 55 Sec. 09 Insufficient open space per additional unit Art. 55 Sec. 09 Insufficient front yard setback Art. 55 Sec. 09 Insufficient rear yard setback Art. 55 Sec. 09 Insufficient side yard setback Art. 55 Sec. 40 Off St. Parking/Loading Req'mnt - Parking in required front yard setback not allowed

**Purpose:** Construct a new detached 2 family dwelling which shall be one of two new dwellings on the same lot known as Lot 1 at 5,034sf. This application has been filed in conjunction with pending subdivision permit # ALT1449789 and ERT1539622 for the other detached two family on the same lot. New construction of 1 of two buildings on 1 lot for 2 Unit Condominium in two separate structures on proposed sub division of lot (ALT1449789 with ZBA) of 5032 Sq ft. All new utilities, foundation and construction.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to subdivide the existing lot- 1 curb cut for 4 off street parking spaces.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in support and an abutter is in opposition. Councilor Weber is also in support.

**Votes:** Board Member Barraza moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.



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**Case: BOA-1542615 Address: 87-89 Nottinghill Road Ward 21 Applicant: George Morancy**

**Article(s):** Article 51, Section 8 Use: Forbidden - Multifamily Article 51, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.6 Proposed: 0.85 Article 51, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 2.5 Proposed: 4 Article 51, Section 9 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: 36' 11 1/2" Article 51, Section 9 Front Yard Insufficient - Min. required: 20' Proposed: 14.9' Article 51, Section 9 Side Yard Insufficient - Min. required: 10' Proposed: 9.9' Article 51, Section 9 Rear Yard Insufficient - Min. required: 30' Proposed: 15.6' Article 51, Section 56 Off Street Parking Insufficient - Min. required: 10.5 Proposed: 3 Existing: 3

**Purpose:** Change occupancy from 2 to 6 units, combine existing 3 lots: lot id: 2102644000 with 3,282 sqft and lot id: 2102643000 with 2,312 sqft and lot id 2102642000 with 2,433 sqft totaling: 8,027 sqft construct upper and rear addition.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 3 lots and change the occupancy from 2-6 units.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Breadon is in support. Abutters are in opposition.

**Votes:** Board Member Valencia moved to approve with parks and rec review. Stembidge seconded and the motion carried unanimously.

### **RE-DISCUSSIONS: 11:30 AM**

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

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

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

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

**Reason for Prior Deferral: The Board moved to defer.**

**Discussion:** The applicant withdrew the proposal.

**Votes:** Upon a motion and a second the withdrawal was granted.

**Case: BOA-1534938 Address: 250 Bremen Street Ward 1 Applicant: Ciampa Investments, Inc**

**Article(s):** Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 25A Section 4 CFROD Applicability Art. 27G E Boston IPOD Article 53, Section 9 Floor Area Ratio Excessive Art. 53 Sec. 08 Forbidden Article 53, Section 9 Front Yard Insufficient Art. 32 Sec. 04 GCOD Applicability Article 53, Section 56 Off Street Parking & Loading Req Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient

**Purpose:** Erect a new eight (8) unit residential dwelling with ground level Commercial / Retail.

**Reason for Prior Deferral:**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect an 8 unit dwelling with ground level commercial.



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Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Coletta and Murphy are in support.

**Votes:** Board Member Valenci moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1548361 Address: 27 Mystic Street Ward 2 Applicant: Rose Locke**

**Article(s):** Art. 62 Sec. 62 25 Roof Structures Restricted - The project proposes to build a roof deck exclusively for Unit #3. Article 68, Section 8 Floor Area Ratio Excessive

**Purpose:** New addition for extension of kitchens in the rear of building for all 3 story's, plumbing, electric, siding, board plaster, fire alarm, sprinkler and new windows; new roof deck.

**Reason for Prior Deferral:**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a roof deck to an existing 3 family dwelling to increase the amount of livable space.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in opposition.

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

**Case: BOA- 1548795 Address: 189 West Fifth Street Ward 6 Applicant: Ina & Leo Shollo**

**Article(s):** Art 68 Sec 8 Insufficient lot size Art 68 Sec 8 Excessive f.a.r Art 68 Sec 8 Insufficient usable open space Art 68 Sec 8 Insufficient front yard setback Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Insufficient rear yard setback Art 68 Sec 8 Insufficient additional lot area per unit Art. 68 Sec. 33 Off Street parking Req. - Insufficient parking Art.68 Sec. 33 Off Street Loading Req. - Design: Size and Maneuvering areas

**Purpose:** Erect a new four story residential building with three units and two parking spaces.

**Reason for Prior Deferral:**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 4 story 3 unit dwelling on a vacant lot with the occupancy in context with the neighborhood.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn is in support.



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

**Case: BOA-1522524 Address: 79 West Milton Street Ward 18 Applicant: Samantha Jean**

**Article(s):** Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 8 Use: Forbidden Article 69 Section 29 Off Street Parking & Loading Req Article 69, Section 9 Usable Open Space Insufficient

**Purpose:** Change occupancy from 1 family to 3 family including an ADU. Nominal fee request, ZBA zoning relief required

**Reason for Prior Deferral:**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 1 family to a 3 family with living in the basement.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Votes:** Board Member Barraza moved to approve. Stembridge seconded and the motion carried unanimously.

### **HEARINGS: 1:00PM**

**Case: BOA-1571297 Address: 50 Princeton Street Ward 1 Applicant: David Hannigan & Eric Pali**

**Article(s):** Art. 53 Sec. 09.3 Location of Main Entrance - Unit 1 at side Art. 53, Section 56 Off-Street Parking Insufficient Art. 53, Section 8 Use: Forbidden - MFR - Forbidden Article 27T – 5 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Rear Yard Insufficient

**Purpose:** Change of occupancy from two family with ADU into a three family. Scope includes vertical & rear additions to create a 4 story building. Also includes garaged parking for two cars. Underpinning of foundation, FA, and FP included.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 2 family with an ADU to a 3 family

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Murphy and Coletta are in support.

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

**Case: BOA-1552834 Address: 374 Athens Street Ward 6 Applicant: David Winick**

**Article(s):** Art 68 Sec 8 Dim reg app in res sub dist - Insufficient lot size 2,000sf req. Art 68 Sec 8 Dim reg app in res sub dist - Insufficient additional lot area per dwelling unit 1,000sf/ea. additional dwelling unit required.

Art 68 Sec 8 Dim reg app in res sub dist - Excessive f.a.r. Art 68 Sec 8 Dim reg app in res sub dist - Insufficient usable open space per unit 200sf/unit Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback 15' min req.



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Article 68, Section 33 Off Street Parking & Loading Req - Insufficient parking Art 68 Sec 8 Dim reg app in res sub dist - Insufficient side yard setback Art. 68 Sec. 33 Off Street parking Req. - Design and Clear maneuvering areas (Tandem parking proposed)

**Purpose:** Erect new four story,3 family dwelling with covered parking 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 3 family

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn is in support.

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

**Case: BOA-1571194 Address: 181 E Street Ward 7 Applicant: Marguerite Roberts**

**Article(s):** Art 68 Sec 8 Dim reg app in res sub dist Insufficient lot size Art 68 Sec 8 Dim reg app in res sub dist Insufficient lot width Art 68 Sec 8 Dim reg app in res sub dist Excessive f.a.r Art 68 Sec 8 Dim reg app in res sub dist Insufficient side yard setback (3' minimum set back required/Building code review has been deferred at this time) Art 68 Sec 8 Dim reg app in res sub dist Insufficient open space Art 68 Sec 8 Dim reg app in res sub dist Insufficient front yard setback Art. 68 Sec. 33 Off Street parking Req. Insufficient parking Art. 68 Sec. 34 Appl. of Dim. Req Rear yards of shallow lots in any event may not be less than 15' min

**Purpose:** Erect three-story building with ground-level parking. Proposed One family detached dwelling on 715sf parcel

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 story 1 family dwelling on a vacant lot.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn and abutters are in support.

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

**Case: BOA-1493570 Address: 18 Albion Street Ward 8 Applicant: Joy Builder LLC**

**Article(s):** Article 50 Section 28Use Regulations - Use: Multifamily Dwelling: Forbidden Article 50 Section 29 Lot Area for Additional Dwelling Units Insufficient Article 50 Section 29 Usable Open Space Insufficient Article 50 Section 29 Floor Area Ratio Excessive Article 50, Section 43Off Street Parking & Loading Req - Off Street Parking Insufficient

**Purpose:** Change of occupancy from 3 Family Dwelling plus ADU to 4 Family Dwelling including parking (rear).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 3 family and an ADU to a 4 family.



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Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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

**Case: BOA-1460985 Address: 53-57 Erie Street Ward 14 Applicant: Global Reach Evangelical Missionary**  
**Article(s):** Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive  
Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient Art. 60 Sec. 40 Off street parking insufficient  
**Purpose:** Vertical addition of new 2nd floor. Scope includes demolition of the existing roof structure, adding 5ft 5in to existing exterior walls of structure, and a new roof. Scope also includes all new interior finishes in spaces impacted by the aforementioned modifications. Limit of scope on second floor is new partitions only.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add 2<sup>nd</sup> floor vertical addition and demo the roof and rebuild.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in opposition.

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

**Case: BOA#1462110 Address: 53-57 Erie Street Ward 14 Applicant: Global Reach Evangelical Missionary**  
**Purpose:** Vertical addition of new 2nd floor. Scope includes demolition of the existing roof structure, adding 5ft 5in to existing exterior walls of structure, and a new roof. Scope also includes all new interior finishes in spaces impacted by the aforementioned modifications. Limit of scope on second floor is new partitions only.  
**Violation** Violation Description Violation Comments 9th 780CMR 1006.3 Egress from stories or occupied roofs  
1006.3.1 Egress based on occupant load. Each story and occupied roof shall have the minimum number of independent exits, or access to exits, as specified in Table 1006.3.1. A single exit or access to a single exit shall be permitted in accordance with Section 1006.3.2. The required number of exits, or exit access stairways or ramps providing access to exits, from any story or occupied roof shall be maintained until arrival at the exit discharge or a public way. [Group A 3 with single means of egress at second story.] 9th 780 CMR 705 Exterior Walls 705.8.1 Allowable area of openings. The maximum area of unprotected and protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in Table 705.8. [Openings proposed, less than 3ft separation from interior lot lines.]

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add 2<sup>nd</sup> floor vertical addition and demo the roof and rebuild.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,





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**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in opposition.

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

**Case: BOA-1565345 Address: 1010-1020 William T Morrissey Boulevard Ward 16 Applicant: Patrick McNicholas Article(s):** Art. 06 Sec. 04 Other Protectional Conditions

**Purpose:** Milkweed. Change of occupancy to remove drive through, keep restaurant for new tenant. Change of layout to dining area. Installation of new cold bar station. New flooring. Cosmetic changes to dining area.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to remove the drive through. Change the layout and the interior.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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

**Case: BOA-1548380 Address:131 Kilsyth Road Ward 21 Applicant: Alan Berfield**

**Article(s):** Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Add'l Lot Area Insufficient

Article 51, Section 8 Use: Forbidden Article 51, Section 56 Off Street Parking Insufficient

**Purpose:** To change occupancy from 1 family to 4 family; erect new 1 story addition in rear; renovate to create 4 units, 3 interior parking spaces, and 1 parking space at grade.

**Discussion:** The applicant withdrew the proposal.

**Votes:** Upon a motion and a second the Board moved to approve with withdrawl.

**Case: BOA-1567789 Address: 1-7 Selkirk Road Ward 21 Applicant: Alan Berfield**

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

Section 56 Off Street Parking Insufficient Article 51, Section 9 Bldg Height Excessive (Stories)

**Purpose:** Erect 4 new 3 story townhouses with 4 parking spaces on a 9135 sq ft lot.

**Discussion:** The applicant requested a deferral.

**Votes:** Upon a motion and a second the Board moved to defer until May 21, 2024.

**Case: BOA-1571207 Address: 77 Bigelow Street Ward 22 Applicant: 77 Bigelow Street Realty Trust**

**Article(s):** Art. 51 Sec. 09 Max allowed height has been exceeded -35' max Art. 51 Sec. 09 Number of allowed stories/heights has been exceeded -2.5 stories/35' max Art. 51 Sec. 09 Excessive f.a.r.- .6 max Article 51 Section 8 Use Regulations - 5-unit dwelling-USE Forbidden Article 51, Section 56. Off-Street Parking & Loading Req - Insufficient parking

**Purpose:** Rear and side addition to the existing 2 family home with interior renovations to create a 5 unit multi family apartment building. Combine the lot with adjacent lot 220327600 on Bigelow Street for new 14000 sf lot, two family 4108/1996.



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**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail change the occupancy from a 2 family to a 5 family dwelling with screening and buffering.

Board members asked about the plans

**Documents/Exhibits:** Building Plans, proposal,

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition. Councilor Breadon is in support.

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

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

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ALAA MUKAHHAL

**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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**