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 Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

**APPROVAL OF HEARING MINUTES:**
November 12, 2019 - Upon a Motion and second, the Board voted unanimously to approve the November 12, 2019 Hearing Minutes.

**EXTENSION: 9:30 a.m.**

**Case:** BOA-594105 **Address:** 157 Cottage Street **Ward:** 1 **Applicant:** Brian Scagliola

**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.

**GCOD: 9:30 a.m.**

**Case:** BOA-1016770 **Address:** 121 Saint Stephen Street **Ward:** 4 **Applicant:** Timothy Burke

**Article(s):** 32(32-4)

**Purpose:** Foundation & Structural repairs as per Structural Engineers plans, Pointing & Repairs to Exterior Masonry, New Roof, Upgrade Electrical & Plumbing systems to code, Sprinkler System, Fire & Security System, Insulation, Sheetrock, Carpentry, Upgrade Kitchens/Bathrooms per Architects plans, Painting.

**Discussion:** Applicant’s appeal requested a conditional use permit under Article 32 GCOD Applicability. The Board noted that the BWSC’s letter of compliance was on file.

**Documents/Exhibits:** Building Plans

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

**Case:** BOA-1015980 **Address:** 374-382 Congress Street **Ward:** 6 **Applicant:** Kevin Joyce

**Article(s):** 32(32-4)

**Purpose:** Erect entry trellis structure and construct outdoor patio seating and service area for use by Pink Taco Restaurant as per plans filed herewith. Electrical and plumbing under separate permit. Use of premises applied for under application no. U491005454.

**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. The Board noted that a letter of no harm from a registered engineer was on file.
Documents/Exhibits: Building Plans

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

BUILDING CODE: 9:30 a.m.

Case: BOA#1015627 Address: 920-926 Morton Street Ward 17 Applicant: Johnson Ogbeide  
Purpose: Change legal occupancy from store to 2 retail stores, restaurant, & Beauty salon. All work done on SF281391, SF244243. Section: 9th Edition 780 CMR CHPT 09 Chapter 09. [F] 903.2.11.1 Stories without openings. An automatic sprinkler system shall be installed throughout all stories, including basements, of all buildings where the floor area exceeds 1,500 square feet (139.4 m²) and where there is not provided not fewer than one of the following types of exterior wall openings: 1.1 Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1011 or an outside ramp complying with Section 1012. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side. The required openings shall be distributed such that the linear distance between adjacent openings does not exceed 50 feet (15 240 mm).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting building code relief from sprinkler system requirements for the requested change in occupancy.

Board Members asked about the relief requested. The applicant stated that the building is now in compliance with the building code and the requested relief is no longer required.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for denial and Kindell seconded and the Board voted unanimously to deny.

Case: BOA#1015422 Address: 411 Shawmut Avenue Ward 9 Applicant: Adam Grassi  
Purpose: Add new roof deck w/spiral staircase, frame new skylight openings, replace roofing and renovated bathroom. Section: 9th 780 CMR 1011 Stairways. 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. Section 780 CMR 1011 Stairways. 1011.3 Headroom. Spiral stairway complying with Section 1011.10 are permitted a 78 inch headroom clearance.

Discussion: At the applicant’s request, the matter was deferred to the December 17, 2019 Hearing.

HEARING: 9:30 a.m.

Case: BOA-961472 Address: 210 Bremen Street Ward 1 Applicant: 210 Bremen Street, LLC  
Article(s): 27T-5 53(53-9)  
Purpose: Amend ALT897671 to include a roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a roof deck for use by unit three. No hatch or head house needed for access.

Board Members asked about the dimensions of the deck and about access to the deck.

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

Documents/Exhibits: Building Plans

Votes: Board Member Deveau moved for approval and Kindell seconded and the Board voted unanimously to approve.
Case: BOA-997894  Address: 37 Horace Street  Ward: 1  Applicant: Joseph Trichilo
Article(s): 53(53-8) 53(53-9): Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Side yard insufficient & Rear yard insufficient) 53(53-56) 27T(27T-9)
Purpose: Raze existing building and combine lots with parcel numbers 0104274145 and 0104275000 to create one lot consisting of 7,268 s.f. Erect a Nine (9) Unit Residential Dwelling with Parking for Fourteen (14) Vehicles. See ALT952947.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to combine parcels and erect a 9 unit residential dwelling with 9 parking spaces and 3 roof decks.

Board Members asked about access to the roof decks and about green space.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services is in support, as are multiple abutters.

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

Votes: Board Member Ruggiero moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve. Board Member Deveau recused himself from hearing the appeal.

Case: BOA-998964  Address: 38 Lexington Street  Ward: 1  Applicant: 38 Lexington Street, LLC
Article(s): 53(53-8) 53(53-9): Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Front yard insufficient, Side yard insufficient & Rear yard insufficient) 53(53-56.5(a) Off-street pkg maneuverability) 53(53-56: Off-street parking & loading req) 53(53-57) 27T(27T-5)
Purpose: Raze existing building and erect a 4 unit residential dwelling with rear and roof decks and parking in rear.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a 4 unit residential dwelling with 3 parking spaces. The roof deck and head house were eliminated from the proposal.

Board Members asked about parking access and the history of the existing building.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support. An abutter is in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Fortune moved for approval with BPDA design review and Deveau seconded and the Board voted unanimously to approve. Board Member Ruggiero recused himself from hearing the appeal.

Case: BOA-998963  Address: 100 Lexington Street  Ward: 1  Applicant: Volnay Capital LLC
Article(s): 53(53-8) 53(53-9): Floor area ratio is excessive, Height is excessive (stories), Height is excessive (ft), Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient) 53(53-56: Off street parking insufficient & Off-street parking req'mnt) 27T(27T-5)
Purpose: Raze existing buildings and erect a 9 unit residential dwelling with parking for 9 vehicles on newly created lot. See ALT940733 and ALT940730.

Discussion: At the applicant’s request, the matter was deferred to the February 25, 2020 Hearing.
Case: BOA-1013472  Address: 154 Lexington Street  Ward 1  Applicant: 154 Lexington Street LLC
Article(s): 27T-5 53(53-9: Floor area ratio excessive & Rear yard insufficient) 53(53-52)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a partial rear addition and add roof deck.

Board Members asked about the occupancy of the building and the square footage of the addition.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Deveau moved for approval and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-1003908  Address: 224 Princeton Street  Ward 1  Applicant: Ryan Acone
Article(s): 53(53-9: Lot area for the add'l dwelling units is insufficient, Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Front yard setback requirement is insufficient, Side yard setback requirement is insufficient, Rear yard setback requirement is insufficient & Usable open space is insufficient) 53(53-56) 53(53-8) 27T-5
Purpose: Four story with a four unit building, with one unit on each story. No parking. Exterior stair at rear of building, private roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a 4 unit residential dwelling.

Board Members asked about the roof deck and head house and about parking.

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

Documents/Exhibits: Building Plans, Letters of support, Letter of opposition

Votes: Board Member Ruggiero moved for approval with BPDA design review and Logue seconded and the Board voted unanimously to approve.

Case: BOA-993940  Address: 60-66 Cambridge Street  Ward 2  Applicant: Edward Owens
Article(s): 62(62-17)
Purpose: Increase existing open-air parking lot license (OPAIR-78695) from 193 vehicles to 431 vehicles and demo existing warehouse building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to increase the capacity of an open air parking lot from 193 vehicles to 431 vehicles.

Board Members asked about hours of operation, billboards or signage on site, screening and buffering and about the intended use as an employee lot with shuttle services.

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

Documents/Exhibits: Building Plans, letters of support, photographs, letter of opposition
Votes: Board Member Fortune moved for approval with BPDA design review for screening and buffering, BTD review for the number of parking spaces, relief to the petitioner only and for relief to expire in 3 years and Fallon seconded and the Board voted 5 to 2 to approve. Board Members Ruggiero and Deveau voted in opposition.

Case: BOA-1016697  Address: 7 Cook Street  Ward 2  Applicant: James Kingston  
Article(s): 62(62-8) 62(62-25)  
Purpose: Interior gut renovation and extension of living space to basement. Add roof deck and replace exterior siding and trim.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space to the basement and to add a roof deck.

Board Members asked about the basement ceiling height and the intended use of the basement space.

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

Documents/Exhibits: Building Plans, letter of opposition

Votes: Board Member Ruggiero moved for approval with BPDA design review and Logue seconded and the Board voted unanimously to approve.

Case: BOA-971179  Address: 8-12 Battery Street  Ward 3  Applicant: Mark Little  
Article(s): 54(54-18) 54(54-10)  
Purpose: Construct roof deck as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a roof deck to replace a prior non-permitted roof deck.

Board Members asked about access to the roof deck, size of the roof deck and if use was available to all tenants of the building.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support, as is the trustee for the property.

Documents/Exhibits: Building Plans

Votes: Board Member Fallon moved for approval and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-957171  Address: 49-49R Charter Street  Ward 3  Applicant: Simcha Weller  
Article(s): 54(54-10: Floor area ratio excessive, usable open space insufficient & Rear yard insufficient) 54(54-18) 54(54-21)  
Purpose: Seeking to change the occupancy from a six-family residential dwelling to an seven-family residential dwelling. Also, to erect a one-story addition to expand living space for unit 6, legalize the existing basement living space, and to renovate the building to have a full sprinkler system.

Discussion: At the applicant’s request, the matter was deferred to the February 25, 2020 Hearing.

Case: BOA- 995641  Address: 23 Unity Street  Ward 3  Applicant: Doug Scire  
Article(s): 54(54-10: Excessive F.A.R. & Insufficient rear yard setback (10’ minimum))  
Purpose: Seeking to erect a first floor rear addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a first floor rear addition.

Board Members asked about the floor area ratio and if there is a wall around the building.
Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support.

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Fallon moved for approval and Deveau seconded and the Board voted unanimously to approve.

Case: BOA-990942 Address: 131 Appleton Street Ward 4 Applicant: Lan Ho
Article(s): 64(64-8: Forbidden use hair salon, Forbidden use attorney office (professional office) & Forbidden use art gallery)
Purpose: Original two apartments and two stores on the ground floor. Ground floor was previously two commercial uses. The ground floor was altered prior to purchase to accommodate three commercial uses. These uses are a hair salon, attorney office and art gallery. No changes to exterior elevation, change occupancy to include a third commercial space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to include a third commercial use space.

Board Members asked about the amount of square footage for each commercial space and if all commercial space was located on the ground floor.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval and Fallon seconded and the Board voted unanimously to approve.

Case: BOA-1003817 Address: 32 Appleton Street Ward 5 Applicant: Eric Seitz
Article(s): 64(64-9: Town house/row house extension into rear yard & Dimensional regulations applicable in residential sub districts) 64(64-34)
Purpose: Add rear balcony and roof deck - to amend ALT968574.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a rear balcony and roof deck.

Board Members asked about how support for the balcony and access to the roof deck.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review and Deveau seconded and the Board voted unanimously to approve.

Case: BOA-1014209 Address: 87 O Street Ward 6 Applicant: Melissa Hughes
Article(s): 68(68-8: Front yard setback requirement is insufficient & Side yard setback requirement is insufficient) 68(68-29) 27S(27S-5)
Purpose: Addition of 3rd floor & basement renovation.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a third story addition and extend living space to the basement.

Board Members asked about basement ceiling height, intended use for the basement space, egress, if a roof deck is proposed and the number of bedrooms.
Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilor Flynn are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review and no building code relief and Logue seconded and the Board voted unanimously to approve.

HEARINGS: 10:30 a.m.

Case: BOA-982800 Address: 74 Brookley Road Ward 11 Applicant: Marcy Ostberg Article(s): 55(55-9)
Purpose: We are turning the existing basement into a conditional living space with a bathroom, bedroom, office, family room and workshop.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space to the basement. Extension to basement provides no independent access to mechanical equipment for other 2 units.

Board Members asked about access to mechanicals for other tenants, alternative proposals and intended us for basement space. Applicants stated each unit has own individual access to HVAC and water shutoff; but master water shutoff and sprinkler shutoff accessible only through unit one.

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

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Ruggiero moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA#982802 Address: 74 Brookley Road Ward 11 Applicant: Marcy Ostberg
Purpose: We are turning the existing basement into a conditional living space with a bathroom, bedroom, office, family room and workshop. Section: 9th Edition 780 CMR CHPT 02 Chapter 02. Section 202. Dwelling unit definition a single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space to the basement. Extension to basement provides no independent access to mechanical equipment for other 2 units.

Board Members asked about access to mechanicals for other tenants, alternative proposals and intended us for basement space. Applicants stated each unit has own individual access to HVAC and water shutoff; but master water shutoff and sprinkler shutoff accessible only through unit one.

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

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Ruggiero moved for approval and Kindell seconded and the Board voted unanimously to approve.
Case: BOA-1004357  Address: 71-73 Humboldt Avenue  Ward 12  Applicant: Niles Sutphin  
Article(s): 53(53-8) 53(53-56) 50(50-29)  
Purpose: Change of Use and Occupancy; Existing Use Day School; Demolish existing Day School; Renovate existing space to construct two (2) new dwelling units; All new systems; Existing building is currently multi-family non sprinklered.  

Discussion: At the applicant’s request, the matter was deferred to the February 25, 2020 Hearing.  

Case: BOA-1003945  Address: 20 Winthrop Street  Ward 12  Applicant: Derric Small  
Article(s): 9(9-1) 50(50-1)  
Purpose: Unit One Basement Level will be undergoing level three alterations. to Amend ALT803509. *Unit #1 extension of living space into basement area.  

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space to the basement for 2 additional bedrooms for unit 1.  

Board Members asked about the number of units in the building, the total number of bedrooms in the building and if the building has a sprinkler system.  

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services, Councilor Janey, the Roxbury Path Forward and multiple abutters are in opposition. No individuals were recorded in support.  

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

Votes: Board Member Fortune moved for denial and Fallon seconded and the Board voted unanimously to deny.  

Case: BOA-1008317  Address: 94 Alexander Street  Ward 13  Applicant: Robert Nicholas  
Article(s): 65(65-8): Use multifamily dwelling forbidden & Use accessory parking forbidden) 65(65-9: Lot area for additional dwelling units insufficient, Floor area ratio excessive, Usable open space insufficient & Front yard insufficient) 65(65-41)  
Purpose: Combine existing Lots @ 92 / 94 Alexander Street. New Lot size to be 4,673 sq ft. Change Occupancy from a Single Family Dwelling to a Four (4) Family Dwelling. Construct a new 3 story addition onto existing 3 story Building. There will be Off-Street Parking located at-grade in Rear Yard. Dwelling will be fully Sprinklered.  

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build an addition and change occupancy from a single-family dwelling to 4 unit, multifamily dwelling.  

Board Members asked about the size of the addition and parking.  

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

Documents/Exhibits: Building Plans  

Votes: Board Member Ruggiero moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.  

Case: BOA-917193  Address: 18 Middleton Street  Ward 14  Applicant: Harold Raymond  
Article(s): 60(60-9: Lot area insufficient, Front yard insufficient, Rear yard insufficient, Side yard insufficient, Usable open space insufficient & Floor area ratio excessive) 60(60-37)  
Purpose: New construction of two family on vacant land.  

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a new two-family dwelling.
Board Members asked about unit sizes and bedrooms counts.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review and Deveau seconded and the Board voted unanimously to approve.

Case: BOA-980910 Address: 493 Washington Street Ward 17 Applicant: Andrew Bulman
Article(s): 65(65-15) 65(65-41)
Purpose: Interior fit-up work for new tenant "Dollar Tree" in existing retail building. Stockroom, office, employee area, two accessible restrooms, drinking fountain, mop sink.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to operate a Dollar Tree retail store.

Board Members asked about the zoning subdistrict, parking, size of the space, hours of operation and about deliveries.

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

Documents/Exhibits: Building Plans

Votes: Board Member Logue moved for approval and Kindell seconded, but the motion failed to carry. Then, Board Member Ruggiero moved for dismissal without prejudice and Fortune seconded and the Board voted to dismiss without prejudice.

Case: BOA-941673 Address: 717-721 American Legion Highway Ward 18 Applicant: Silver Therapeutics, Inc
Article(s): 67(67-11)
Purpose: Change of Occupancy and renovation of existing commercial greenhouse(nursery) to Cannabis Establishment. Applicant also proposes partial demolition of existing greenhouse structures, add a new building entrance/waiting area and modify the existing layout and conditions of the interior of the building pursuant plans submitted with application.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to a cannabis establishment.

Board Members asked about proximity to schools, product storage, deliveries of product, security procedures and if purchase was by appointment only.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilor Campbell are in support, as is the Mount Hope Canterbury Neighborhood Association.

Documents/Exhibits: Building Plans

Votes: Board Member Logue moved for approval with BPDA design review and Kindell seconded and the Board voted unanimously to approve.
Case: BOA-937921  Address: 1449-1453 Hyde Park Avenue  Ward 18  Applicant: 1449 LLC
Article(s): 69(69-29) 69(69-30) 69(69-8) 69(69-9)  Insufficient rear yard setback, Insufficient lot size, Excessive F.A.R., Number of allowed stories exceeded, Insufficient usable open space, Insufficient additional lot area/dwelling unit, Insufficient usable open space, Insufficient lot width & Insufficient lot area width frontage)
Purpose: Change occupancy of two family into an 11 unit MFR dwelling and construct addition per plan submitted. (This is one of two structures on the same lot, other structure is a two family (a.k.a. 8 Dacy Street).

Discussion: At the applicant’s request, the matter was deferred to the May 5, 2020 Hearing.

Case: BOA-978482  Address: 9-11 Catherine Street  Ward 19  Applicant:  John Lydon
Article(s): 55(55-9): Add'l lot area insufficient, Side yard insufficient, Rear yard insufficient, Floor area ratio excessive, Usable open space insufficient, Bldg height excessive (feet) & Bldg height excessive (stories)) 55(55-41.12) 55(55-8)
Purpose: Construction of two shared wall, townhomes. To be one of two structures on the same lot (See. ERT950568). Each townhome to consist of three bedrooms, two and one half bathrooms, first floor garage parking sufficient for two cars, and a roof-deck.

Discussion: At the applicant’s request, the matter was deferred to the February 25, 2020 Hearing.

Case: BOA-978464  Address: 13-15 Catherine Street  Ward 19  Applicant:  John Lydon
Article(s): 55(55-9): Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (feet), Bldg height excessive (stories), Side yard insufficient & Usable open space insufficient) 55(55-8) 55(55-41.12)
Purpose: Construction of two shared wall, townhomes. To be one of two structures on the same lot (See. ERT950564). Each townhome to consist of three bedrooms, two and one half bathrooms, first floor garage parking sufficient for two cars, and a roof-deck.

Discussion: At the applicant’s request, the matter was deferred to the February 25, 2020 Hearing.

Case: BOA-1012285  Address: 17-31 Charles Park Road  Ward 20  Applicant:  West Brighton Acquisitions, LLC
Purpose: Conditional Use & Variance Article(s): 56(56-15) 56(56-16) 56(56-40.12) Purpose: Combine PID#2009237000-13977 SQFT and PID#209236000-12242 SQFT to create a new lot of 26219 sqft(SEE ALT 995947). for the construction of 8 new attached townhouses, numbers 17-31, fronting on Charles Park Rd, each with one garage parking space and one surface parking space. *This is one of two main dwellings on one lot (see ERT997994).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two townhouse dwellings, one with 8 units and one with 10 units, on the same lot and to also build a 70 unit residential dwelling with parking for all units.

Board Members asked about the ratio of parking to units. There is a ratio of 1 to 1 for the 70 unit dwelling and a ratio of 2 to 1 for all the townhouse units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilors O’Malley and Essaibi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.
Case: BOA-1012286  
**Address:** 180-198 Gardner Street  
**Ward:** 20  
**Applicant:** West Brighton Acquisitions, LLC  
**Article(s):** 56(56-15) 56(56-16) 56(56-40.12)  
**Purpose:** Combine PID#2009237000-13977 SQFT and PID#209236000-12242 SQFT to create a new lot of 26219 sqft (see ALT 995947). For the construction of 10 new attached townhouses, numbers 180-198, fronting on Gardner St each with one garage parking space and one surface parking space. *This is one of two main dwellings on one lot (see ERT997991).*

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two townhouse dwellings, one with 8 units and one with 10 units, on the same lot and to also build a 70 unit residential dwelling with parking for all units.

Board Members asked about the ratio of parking to units. There is a ratio of 1 to 1 for the 70 unit dwelling and a ratio of 2 to 1 for all the townhouse units.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilors O’Malley and Essaibi-George are in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Ruggiero moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

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Case: BOA-1012287  
**Address:** 199 Gardner Street  
**Ward:** 20  
**Applicant:** West Acquisitions, LLC  
**Article(s):** 56(56-15)  
**Purpose:** Combine PID# 2009220000-16,088 square feet and PID#2009221000-10,888 square feet (see ALT995958, to create a new lot of 36,183 square feet for construction of a new four story building comprised of 70 units with 44 garage parking spaces and 26 surface parking spaces for a total of 70 parking spaces.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two townhouse dwellings, one with 8 units and one with 10 units, on the same lot and to also build a 70 unit residential dwelling with parking for all units.

Board Members asked about the ratio of parking to units. There is a ratio of 1 to 1 for the 70 unit dwelling and a ratio of 2 to 1 for all the townhouse units.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilors O’Malley and Essaibi-George are in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Ruggiero moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

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Case: BOA-980075  
**Address:** 37 Colberg Avenue  
**Ward:** 20  
**Applicant:** Adam D. Rogoff Attorney at Law, P.C.  
**Article(s):** 67(67-8) 67(67-9): Lot area insufficient, Floor area ratio excessive & Usable open space insufficient) 67(67-32)  
**Purpose:** Change is use from two-family residential to three-family. The change of use will conform to existing conditions, which were present at the time owner purchased property.

**Discussion:** At the applicant’s request, the matter was deferred to the February 25, 2020 Hearing.
Case: BOA-1014145  Address: 11 Tafthill Terrace  Ward 20  Applicant:  Jay Walsh  
Article(s): 67(67-8) 67(67-9): Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient)  67(67-32)  
Purpose: Erect new 16 unit residential building as per plans. ZBA.  

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a 16 unit dwelling with 14 parking spaces. 

Board Members asked about parking, unit sizes and bedroom counts, affordable units and about roof decks.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilor McCarthy are in support, as is an abutter.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-954154  Address: 48 Allston Street  Ward 21  Applicant: Patrick Foley  
Article(s): 51(51-8) 51(51-9): Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Front yard setback requirement is insufficient, Side yard setback requirement is insufficient. Rear yard setback requirement is insufficient & Location of main entrance of a dwelling shall face the front lot line) 51(51-40-5(a))  
Purpose: Erect a new 9 unit residential building with parking on ground level, as per plans. Existing house to be razed under separate permit. Permit set to be submitted upon ZBA approval.  

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect an 8 unit dwelling (reduced from 9 units) with 10 parking spaces. 

Board Members asked about the size of the units, floor area ratio, parking, elevator access and types of building in the surrounding area.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilor Essaibi-George are in opposition, as is an abutter. Councilors Ciommo and Flaherty are in support.

Documents/Exhibits: Building Plans, letters of opposition

Votes: Board Member Ruggiero moved for denial and Fortune seconded and the Board voted 5 to 2 to deny. Board Members Fallon and Deveau voted in opposition.

Case: BOA-1012883  Address: 506-512A Park Drive  Ward 21  Applicant: William Mohan  
Article(s): 8(8-7)  
Purpose: Change of Occupancy from Convenience Store to Restaurant with Take-Out (Domino's Pizza).  

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to a restaurant with takeout for Domino’s Pizza. 

Board Members asked about the number of seats in the restaurant and the hours of operation.  

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services is in support, as is an abutter. An abutter/President of the Audubon Circle Civic Association is in opposition.

Documents/Exhibits: Building Plans
Votes: Board Member Ruggiero moved for approval with takeout conditions, relief to petitioner only and closing times of weekdays at 12 AM, weekends at 1 AM and delivery until 3 AM and Fortune seconded and the Board voted unanimously to approve.

45 Minute Lunch Break

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-961467 Address: 47-51 Webster Street Ward 1 Applicant: Fratt, LLC
Article(s): 9(9-1)
Purpose: Restaurant outdoor seating for 22 with food and alcohol service.

Discussion: At the applicant’s request, the matter was deferred to the December 17, 2019 Hearing.

Case: BOA-1005501 Address: 24-26 Elm Street Ward 2 Applicant: 24-26 Elm St, LLC
Article(s): 62(62-8)
Purpose: To change occupancy from a 2-family dwelling to a three-family dwelling. Also, to renovate the building, including a rear addition.

Discussion: At the applicant’s request, the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-885367 Address: 6 Lagrange Place Ward 8 Applicant: The Greenville Group
Article(s): 10(10-1) 50(50-28) 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29) 50(50-29) Purpose: To raze existing structure and erect a three story building with eight residential units and eight parking spaces.

Discussion: The applicant notified the Board of his request to withdraw the proposal.

Votes: Upon a motion for dismissal without prejudice and a second, the Board voted unanimously to dismiss without prejudice.

Case: BOA-969080 Address: 13B River Street Ward 17 Applicant: Lucio Trabucco
Article(s):65(65-42: Conformity with Existing Building Alignment & Two or More Dwellings on the Same Lot)
65(65-9: Lot Area Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Building Height Excessive (ft), Building Height (# of Stories) Excessive, Usable Open Space Insufficient & Rear Yard Insufficient)
Purpose: Erect a new 4 story, Two (2) Family Dwelling on existing 11,663 sq ft Lot. Parking will be located under Building. This will be 1 of 3 Dwellings located on the Same Lot. Building will be fully Sprinklered. Reference ERT892724 (13A River Street) and ALT892712 existing building at 13 River Street.

Discussion: At the applicant’s request, the matter was deferred to the January 14, 2020 Hearing.

Case: BOA-969078 Address: 13A River Street Ward 17 Applicant: Lucio Trabucco
Article(s):65(65-42: Conformity with Existing Building Alignment & Two or More Dwellings on the Same Lot)
65(65-9: Main Entrance to a Dwelling shall Face the Front Lot line, Lot Area Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Building Height Excessive, Building Height (# of Stories) Excessive, Usable Open Space Insufficient, Front Yard Insufficient & Side Yard Insufficient)
Purpose: Erect a new 4 story, Two (2) Family Dwelling on existing 11,663 sq ft Lot. Parking will be located under Building. This will be 1 of 3 Dwellings located on the Same Lot. Building will be fully Sprinklered. Reference ERT892728 (13B River Street) and ALT892712 existing building at 13 River Street.

Discussion: At the applicant’s request, the matter was deferred to the January 14, 2020 Hearing.
**Case:** BOA-969070  **Address:** 13 River Street  **Ward** 17  **Applicant:** Lucio Trabucco  
**Article(s):** 65(65-42) 65(65-9: Floor Area Ratio Excessive, Building Height ( # of Stories ) Excessive, Usable Open Space Insufficient & Side Yard Insufficient)  
**Purpose:** Addition & Alterations to existing structure @ 13 River St - please see ERT892724 for 13A River St and ERT892728 for 13B River St (separate buildings in the rear of the lot.) ERT835368 incorrect application for work described.

**Discussion:** At the applicant’s request, the matter was deferred to the January 14, 2020 Hearing.

**Case:** BOA-878988  **Address:** 822 Canterbury Street  **Ward** 18  **Applicant:** Edwin Solano  
**Article(s):** 67(67-8: 2 Family is a forbidden use & Basement units are forbidden for this location) 67(67-9: Insufficient usable open space, Insufficient rear yard setback & Excessive F.A.R.) 67(67-32)  
**Purpose:** Add new basement unit and change occupancy from single family to two family per submitted plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a single-family dwelling to two-family dwelling with addition of basement dwelling unit.

Board Members asked about lot size, square footage of existing building, floor area ratio, square footage of the basement space and window wells.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and an abutter are in opposition. No individuals were recorded in support.

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

**Votes:** Board Member Ruggiero moved for dismissal without prejudice and Fortune seconded and the Board voted unanimously to dismiss without prejudice.

**RECOMMENDATIONS:** Upon a motion and a second, the Board voted unanimously to approve the recommendations of the subcommittee.

**Case:** BOA-981595  **Address:** 1531 Centre Street  **Ward:** 20  **Applicant:** Damon Darienzo  
**Article(s):** 9(9-1) 56(56-8)  
**Purpose:** Extend first floor unit of 2 family residential home into basement - adding 4 rooms (entertainment room, office, bathroom, wet bar area).

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

**Case:** BOA-991573  **Address:** 18 Caspar Street  **Ward:** 20  **Applicant:** Christine Kennedy  
**Article(s):** 56(56-8: Excessive F.A.R. & Insufficient side yard setback)  
**Purpose:** Extend existing level into attic area to create one living level. HOME OWNER APPLICATION. *Scope of work clarification: Gut rehab of 1.5 Story Bungalow structure and increase to a two story dwelling in accordance with the submitted architectural plans and survey which identifies "New Addition" to be constructed.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans
Case: BOA-997186  Address: 70 Fletcher Street  Ward: 20  Applicant: Gena Mavuli  
Article(s): 67(67-32) 67(67-9: Add'l lot area insufficient, Floor area ratio excessive & Bldg height excessive (stories)) 67(67-9.3)  
Purpose: Remove window on 3rd floor for new door and deck, Install 60” diameter spiral staircase. Enclose risers on all steps. Change occupancy to two family.  
Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend deferral to the February 13, 2020 hearing of the subcommittee.  
Documents/Exhibits: Building plans

Case: BOA-1004846 Address: 2R Perham Street  Ward: 20  Applicant: Steven Petitpas  
Article(s): 9(9-1)  
Purpose: Renovate total home from fire and add addition.  
Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.  
Documents/Exhibits: Building plans

Case: BOA-984586 Address: 11 Robin Street  Ward: 20  Applicant: Phillip Cheetham  
Article(s): 56(56-8)  
Purpose: Renovate kitchen and adding a full bathroom off master bedroom.  
Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.  
Documents/Exhibits: Building plans

Case: BOA-977602 Address: 56 Russett Road  Ward: 20  Applicant: Jingsong Cao  
Article(s): 9(9-1) 56(56-8: Floor area ratio excessive, Bldg height excessive (stories), Rear yard insufficient & Side yard insufficient)  
Purpose: Propose to have an addition of dormer in the attic level to extend the living area (vertical extension). The extended living area will belong to the 2nd floor unit (unit #2).  
Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.  
Documents/Exhibits: Building plans

Case: BOA-999433 Address: 44 Zeller Street  Ward: 20  Applicant: Jessie Lortie  
Article(s): 67(67-9)  
Purpose: Replace existing deck, rear with two stories addition. Remodel existing kitchen.  
Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.  
Documents/Exhibits: Building plans
Case: BOA-991005  Address: 6 Martinwood Road  Ward: 19  Applicant: Giannalda Fontana
Article(s): 55(55-40) 55(5-9: Side yard insufficient & Front yard insufficient)
Purpose: Construct carport and rear mudroom addition to existing one family dwelling.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-987407  Address: 10 Draper Road  Ward: 18  Applicant: Clayton Samuels
Article(s): 69(69-9)
Purpose: Extend living space to basement on existing single-family dwelling. Perform interior ONLY, Non-structural. ZBA.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-993725  Address: 123 Glendower Road  Ward: 18  Applicant: Guerda Conservce
Article(s): 67(67-9)
Purpose: Legalize existing work and basement and install new windows (2) and install new door.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-1001324  Address: 11 Walter Street  Ward: 18  Applicant: Pamela Bardhi
Article(s): 69(69-8)
Purpose: Change Occupancy from a One Family Dwelling to a Two (2) Family Dwelling & Workshop. Existing condition for many years. No work to be done. I am only confirming a pre-existing Occupancy that is not reflected on ISD files and filing the correct documentation to make sure this is listed under the correct Occupancy.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-934040  Address: 33 Moultrie Street  Ward: 17  Applicant: Nha Tran
Article(s): 9(9-1) 65(65-9)
Purpose: Adding a full bath in the basement.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans
Case: BOA-1001591  Address: 1664-1668 Dorchester Avenue  Ward: 16  Applicant: Future Leaders LLC  
Article(s): 65(65-8)  
Purpose: Change occupancy from cafe to daycare. Simple build out, sheet rock, painting, and flooring.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-989792  Address: 15-17 Tovar Street  Ward: 15  Applicant: Maria Gomes  
Article(s): 10(10-1) 65(65-41) 65(65-9)  
Purpose: Driveway Curb Cut. - I'm planning to remove a small shed on the side of the house to create extra space for parking, and pave the area. - I will also be removing a portion of the wall fence to create an entrance for the car. - Once the shed is removed the space would be 32' W x 16' L.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-984307  Address: 302-316 Bowdoin Street  Ward: 15  Applicant: Elliott Beale  
Article(s): 6(6-4)  
Purpose: Remove proviso for take-out granted to this petitioner owner only.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with proviso.

Documents/Exhibits: Building plans

Case: BOA-997066  Address: 34 Midland Street  Ward: 13  Applicant: Mark Collins  
Article(s): 65(65-9)  
Purpose: Repair landings. Extend living space into basement for family room.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans

Case: BOA-979443  Address: 78 Harbor View Street  Ward: 13  Applicant: Tuan Nguyen  
Article(s): 65(65-9): Floor area ratio excessive, Usable open space insufficient & Side yard insufficient)  
Purpose: Construct new side addition for kitchen expansion on existing two-family dwelling.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Documents/Exhibits: Building plans
**Case:** BOA-1003971  **Address:** 26 Jamaica Street  **Ward:** 11  **Applicant:** Rebecca Rollins  
**Article(s):** 55(55-9)  
**Purpose:** Confirm Occupancy as a One Family dwelling as well as renovate interior, add bathroom, add bump-out additions on front and side, expand second floor above bump-outs.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

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**Case:** BOA-1000963  **Address:** 4 Noble Court  **Ward:** 1  **Applicant:** Kristen Day  
**Article(s):** 53(53-9)  
**Purpose:** Confirm occupancy as single family dwelling and add a rear deck.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Documents/Exhibits:** Building plans

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

BOARD MEMBERS:  
CHRISTINE ARAUJO-CHAIR  
MARK FORTUNE-SECRETARY  
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EDWARD DEVEAU  
KERRY LOGUE

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 December 3, 2019 Board of Appeal Hearing please go to:  
https://www.cityofboston.gov/cable/video_library.asp