



City of Boston
Board of Appeal

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TUESDAY, JULY 21, 2020

BOARD OF APPEAL

CITY HALL, ROOM 801

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JULY 21, 2020 AT 10:00 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JULY 21, 2020 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

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

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JULY 21, 2020 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/zbaJuly21hearing> or by calling 1-617-315-0704 and entering access code 129 400 7164.

If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaJuly21comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/zbaJuly21comment>, calling 617-635-4775 or emailing isdboardofappeal@boston.gov.



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The ZBA Ambassador will be available within the WebEx Event from at 9:00 AM to 10:00 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via WebEx. Questions and/or concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

If you wish to offer comment within the meeting platform, please use the “raise hand” function, if connected by video, or dial *3, if connected by phone. The requester will be administratively unmuted and asked to state their name, address and comment. Comments will be limited as time requires.

IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 9:30 AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

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

Interested persons who are unable to participate in the hearing remotely may make an appointment to appear in person at City Hall, in the BPDA board room, 9th Floor, Room 900. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov for accommodations to be made. Individuals appearing at City Hall without an appointment will not be permitted to enter.

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO isdboardofappeal@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM.



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EXTENSIONS: 10:00 AM

Case: BOA-803394 Address: 246-248 Dorchester Avenue Ward 6 Applicant: Joseph P Hanley, Esq

Case: BOA-630296 Address: 415-425A LaGrange Street Ward 20 Applicant: Joseph P. Hanley, Esq

Case: BOA-660625 Address: 24 Greenwood Street Ward 14 Applicant: Douglas Wohn, AIA

Case: BOA-805934 Address: 3 Snelling Place Ward 3 Applicant: William Ferullo, Esq

Case: BOA-558788 Address: 1012-1016 Bennington Street Ward 1 Applicant: Jeffrey Drago, Esq

Case: BOA-449621 Address: 135 Bremen Street Ward 1 Applicant: Jeffrey Drago, Esq

Case: BOA-738454 Address: 55 Chaucer Street Ward 1 Applicant: George Morancy, Esq

Case: BOA-738449 Address: 57 Chaucer Street Ward 1 Applicant: George Morancy, Esq

Case: BOA-827166 Address: 466-476 River Street Ward 18 Applicant: Rodger Brown

Case: BOA-808994 Address: 34 Green Street Ward 2 Applicant: Keith Hinzman

Case: BOA-629541 Address: 85 Linden Street Ward 21 Applicant: Jackson Slomiak

BUILDING CODE: 10:00 AM

**Case: BOA-1049399 Address: 42-44 South Russell Street Ward 3 Applicant: Timothy Burke
Purpose: Remove portion of roof to install new dormer on rear wall and roof deck with new stair and hatch access. Install new bathroom and interior finishes. Install associated new mechanical and electrical work.**

HEARINGS: 10:00 AM

**Case: BOA-1029772 Address: 282-308 Bremen Street Ward 1 Applicant: 282 Bremen Development LLC
Article(s): 53(53-9: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Usable open space insufficient, Front yard insufficient & Rear yard insufficient) 27T-5
53(53-8: Arts studio use forbidden, Art gallery use forbidden, Local retail use forbidden, Restaurant use forbidden, Take-out res-taurant use forbidden & Multi-family dwelling use forbidden)
Purpose: Erect a new 5-story, 145 units residential building with ground floor Retail, Art Studios/Art Gallery, and Community spaces and at grade parking per Article 80 LPR.**



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Case: BOA-1046127 Address: 201-241 Stuart Street Ward 5 Applicant: Michael Flannery
Article(s): 32(32-4) 38(38-19) 38(38-7: Building Height & Floor Area Ratio) 38(38-18: 38-18.1 Restaurant Uses (one or more)-Conditional, 38-18.1 Public Parking Garage- Conditional, 38-18.6(d)- Parking for all other commercial uses-Conditional, 38-18 Rental Car Agency- Conditional & 38-18.4 Day care facilities)
Purpose: Redevelopment of the Motor Mart Garage, including construction of a new residential tower, all as more particularly shown on the enclosed plans.

Case: BOA-1055553 Address: 1260 Boylston Street Ward 5 Applicant: Andrew Flynn
Article(s): 66(66-14: Theater use conditional & General retail use conditional) 66(66-15: Floor area ratio excessive, Building height excessive (feet), Building height excessive (stories), Street wall height excessive, Setback above street wall height insufficient, Usable open space insufficient & Rear yard insufficient) 32(32-4) 66(66-42)
Purpose: Erect new mixed-use building containing 451 apartments. Amenity spaces on levels 2 and 14. Theater and retail space to be shell space (fit-out by others). Two levels of below grade BOH space. See ALT1044673 and ALT1043616.

Case: BOA-1044130 Address: 218-220 Old Colony Avenue Ward 7 Applicant: George Morancy
Article(s): 8(8-7) 13(13-1: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (feet), Usable open space insufficient, Front yard insufficient, Side yard insufficient, Rear yard insufficient & Bldg height excessive (stories)) 23(23-1) 23(23-9)
Purpose: Erect a new mixed use building with 1 commercial space and 32 dwelling units with parking below as per plans. Existing Building at 15 Gustin St to be razed under separate permit.

Case: BOA-1029694 Address: 35 Brookley Road Ward 11 Applicant: John Pulgini
Article(s): 55(55-19) 55(55-20: Floor area ratio excessive, Height excessive & Rear yard insufficient) 55(55-40: 55-40.5 off street parking design & Off street parking insufficient)
Purpose: Demo existing structure to erect a new 46 unit residential development.

Case: BOA-1030527 Address: 512 Blue Hill Avenue Ward 14 Applicant: Eltion Allen
Article(s): 50(50-29: Insufficient additional lot area per dwelling unit, Excessive F.A.R. & Insufficient side yard setback)
Purpose: Change occupancy from 2 units to 4 units.

Case: BOA-1001614 Address: 48 Hansborough Street Ward 14 Applicant: Alfonso Sira
Article(s): 60(60-41)
60(60-9: Lot size minimum required to erect a dwelling building is insufficient, Lot area required for the add'l units is insufficient, Floor area ratio is excessive, Usable open space is insufficient & Side yard setback requirement is insufficient)
Purpose: Erect a 3 family residential building on vacant lot.



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Case: BOA-939989 Address: 4 Hecla Street Ward 15 Applicant: Joe Holland M. Holland and Sons Construction Article(s): 65(65-8) 65(65-42) 65(65-9: Lot area for the add'l units is insufficient, Floor area ratio is excessive, Height is excessive, Height is excessive, Usable open space is insufficient, Front yard requirement is insufficient, Side yard requirement is insufficient & Rear yard requirement is insufficient) Purpose: Full demo of existing 3-family building at 4 Hecla St. New construction of 4-story apartment building w/ 9 total units. Includes new surface parking area at first floor level of building.

Case: BOA-978496 Address: 95-99 Freeport Street Ward 15 Applicant: Mai Phung Article(s): 65(65-21) Purpose: Proposed to change occupancy to include 10 apartments (as per plans).

Case: BOA-1019761 Address: 21 Fenton Street Ward 15 Applicant: Modern Contracting Inc Article(s): 65(65-9: Lot Area Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Usable Open Space Insufficient, Front Yard Insufficient & Side Yard Insufficient) Purpose: Build a two family.

Case: BOA-1028568 Address: 577 Freeport Street Ward 16 Applicant: Thomas Malone Article(s): 10(10-1) 65(65-9) 65(65-41) Purpose: Erect new pre-manufactured, modular two-family dwelling with proposed (3) off-street parking. Raze existing single-family dwelling on separate permit.

Case: BOA-981052 Address: 31 Lonsdale Street Ward 16 Applicant: Phung Porzio, Inc Article(s): 65(65-8) 65(65-41) 65(65-9: Lot Area Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Front Yard Insufficient & Side Yard Insufficient) Purpose: Construction of a new unit on the third floor, permit was previously issued for 3 family but work never completed.

Case: BOA-768314 Address: 511 Gallivan Blvd Ward 16 Applicant: McDonald's USA, LLC Article(s): 9(9-1) Purpose: McDonald's proposes to perform an interior renovation of its existing restaurant. Construct a small addition to the front of the store, and perform exterior facade and signage improvements, all as shown on the plans filed with the application. ZBA

Case: BOA-1044698 Address: 512-514 Poplar Street Ward 18 Applicant: Brian O Driscoll Article(s): 67(67-8) 67(67-32) 67(67-9: Insufficient lot size- (6,000sf req.), Insufficient lot width (60' req.), Insufficient lot frontage (60' req.), Excessive F.A.R. (.5 max.), # of allowed stories has been exceeded (2-1/2 stories max.), Insufficient usable open space (1,800sf/unit req.), Insufficient front yard setback (25' req./modal), Insufficient side yard setback (10' req.) & Insufficient rear yard setback (40' req.). Purpose: To construct new 2 family dwelling.



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Case: BOA-1020215 Address: 1631 Hyde Park Avenue Ward 18 Applicant: Carlos Reyes

Article(s): 69(69-14) 69(69-27.2:N.B/L.I)

Purpose: Use of Premises for Outdoor sale of 4 Used Motor Vehicles and 10 off-street parking spaces for auto-body (repair). Total existing spaces 14 dedicated to auto-body/ repair uses only.

Case: BOA-1050947 Address: 7 Brown Terrace Ward 19 Applicant: Seaverns Brown Realty Trust

Article(s): 9(9-1)

Purpose: The existing 6-family apt building at 7 Brown Terr. is to be combined with the other existing attached 6-family buildings 9 Seaverns Av, 11 Seaverns Av., & 5 Brown Te, on same lot, to become 1 building addressed as 9-11 Seaverns Av. of 24 apts. Part of applications ALT1031020 and related.

Case: BOA-1050946 Address: 5 Brown Terrace Ward 19 Applicant: Seaverns Brown Realty Trust

Article(s): 9(9-1)

Purpose: The existing 6-family apt building at 5 Brown Terr. is to be combined with the other existing attached 6-family buildings 9 Seaverns Av., 11 Seaverns Av., & 7 Brown Terr, on same lot, to become 1 building addressed as 9-11 Seaverns Av. of 24 apts. Part of applications ALT1031020 and related.

Case: BOA-1050630 Address: 11 Seaverns Avenue Ward 19 Applicant: Seaverns Brown Realty Trust

Article(s): 9(-1)

Purpose: The existing 6-family apt building at 11 Seaverns Av. is to be combined with the other existing attached 6-family buildings 9 Seaverns Av., 5 Brown Terr., & 7 Brown Terr, on same lot, to become 1 building addressed as 9-11 Seaverns Av. of 24 apts. Part of applications ALT1031020 and related.

Case: BOA-1050628 Address: 9-11 Seaverns Avenue Ward 19 Applicant: Seaverns Brown Realty Trust

Article(s): 9(9-1) 55(55-8) 55(55-9): Lot area for the add'l dwelling unit is insufficient, Required side yard setback is insufficient, Floor area ratio is excessive & Usable open space is insufficient) 55(55-40: Off street parking insufficient & OffStreet Loading insufficient)

Purpose: The existing 6-family apartment building at 9 Seaverns Av. is to be combined with other existing attached 6-family buildings 11 Seaverns Av., 5 Brown Terr., & 7 Brown Terr., to become one building addressed as 9-11 Seaverns Ave. of 32 apartments. Change occupancy to include 8 additional units in basement. Renovate the existing unfinished basement of the existing 24 unit brick-clad apartment building for 8 new units in the existing basement (including 2 Group 2A). Minor modifications to the rear exterior for light, egress, & lift. The renovated basement will be fully sprinklered. See other applications ALT946184, ALT946174, and ALT946178.

Case: BOA-1023729 Address: 809-821 Beacon Street Ward 21 Applicant: Lawrence Baker

Article(s):6(6-4)

Purpose: Remove proviso BZC-31677 for non-conforming use, conditional use permit for Children's Medical Center parking open air lot.(Parking for 249 vehicles)



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Case: BOA- 1047724 Address: 130 Chestnut Hill Avenue Ward 21 Applicant: 2 Life Development Inc.
Article(s): 51(51-8: Multi unit dwelling use is forbidden use, Retail use is a forbidden use & Medical clinic use is a forbidden use) 51(51-9: Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Front yard setback requirement is insufficient, Rear yard setback requirement is insufficient & Side yard setback requirement is insufficient)

Purpose: Demolition of 64 Boston Housing Authority units (the J.J. Carroll Apartments) and new construction of approximately 144 apartments, approximately 11,000 sf for a PACE Center (medical clinic), ground floor common space, and neighborhood-oriented retail.

Case: BOA-1048641 Address: 100-110 Lincoln Street Ward 22 Applicant: Greg McCarthy

Article(s): 51(51-16) 51(51-57) 51(51-17: Excessive f.a.r.- 1.0 max., Height exceeded- 35' max & Insufficient usable open space per unit) 51(51-56: Off-Street Parking Insufficient & Off-Street Parking & Loading Req)

Purpose: Erect a new multifamily building (32 Units) with parking on ground level, as per plans. Existing building to be razed under separate permit. Permit set to be submitted upon zba approval. 5 story structure.

INTERPRETATION: 10:00 AM

Case: BOA-1046898 Address: 34-42 Warren Street Ward 2 Applicant: Kenneth Flynn

Purpose: The petitioner's seeks a determination that the Inspectional Services

Department erred in issuing the permit # ALT1019933. The permit was issued as an allowed use

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

BOARD MEMBERS:

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