HEARING MINUTES

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

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON SEPTEMBER 22, 2020 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS SEPTEMBER 22, 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 SEPTEMBER 22, 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 http://bit.ly/zbaSept22hearing or by calling 1-617-315-0704 and entering access code 173 597 9040.

If you wish to offer testimony on an appeal, please click http://bit.ly/zbaSept22comment 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 [http://bit.ly/zbaSept22comment](http://bit.ly/zbaSept22comment), calling 617-635-4775 or emailing [isdboardofappeal@boston.gov](mailto:isdboardofappeal@boston.gov).

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

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

**IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 9:00 AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.**


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](mailto: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](mailto:isdboardofappeal@boston.gov) IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING.**
EXTENSION: 9:30 A.M

Case: BOA-843335 Address: 42 Chestnut Street Ward 5  Applicant: Iam M Urquhart

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

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

Case: BOA-786629 Address: 40 Westmoreland Street Ward 16  Applicant: George Morancy

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

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

Case: BOA-827054 Address: 623-625 Dorchester Ave Ward 7  Applicant: Michael Welsh

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

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

Case: BOA-715581 Address: 44 Lochdale Road, Ward 19  Applicant: Andrew Kara

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

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

Case: BOA-708918 Address: 32 Hartwell Street  Ward 12  Applicant: Jeffrey Drago, Esq

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

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

Case: BOA-708914 Address: 34 Hartwell Street  Ward 12  Applicant: Jeffrey Drago, Esq

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.
BOARD FINAL ARBITER: 9:30 A.M

Case: BOA-978472 Address: 3 Bond Street Ward 3 Applicant: John Gorman

Discussion: The applicant appeared before the Board and requested to withdraw the request.

Vote: Upon a Motion and second, the Board voted unanimously to dismiss without prejudice.

GCOD: 9:30 AM

Case: BOA-1084997 Address: 40 Gray Street Ward 5 Applicant: Sean Kennedy
Article: 32(32-4)
Purpose: Confirm occupancy as single-family dwelling. Extend living space to the basement. Full renovation as per plans to include new MEP’s, fire suppression system and finishes throughout.

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 the BWSC’s letter of approval and letter of no harm were on file.

Documents/Exhibits: Building Plans

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

Case: BOA-1070211 Address: 179 Newbury Street Ward 5 Applicant: Timothy White
Article: 32(32-4)
Purpose: Renovation of existing brownstone. Removal and replacement of all wood framed floors and stair. Installation of new elevator, MEP system, fire alarm, fire protection, and utilities. Existing fire escape and façade to remain.

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 the BWSC’s letter of approval and letter of no harm were on file.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval, the motion was seconded and the Board voted unanimously to approve the applicant’s request.
BUILDING CODE: 9:30 AM

Case: BOA#1070829  Address:  213 West Springfield Street Ward 4 Applicant: Andreas Hwang
Purpose: Amendment to ALT88385. Change Order: Installation of deck and necessary structural support, roof hatch, roof hatch stairs. Framing and window installation of top floor. Repair/partial reconstruction of rear exterior wall. Section: 9th 780 CMR CHPT 10 – 1011.12.2 stairway to roof.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting building code relief required to build a hatch access for the new roof deck.

Documents/Exhibits: Building Plans.

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

HEARINGS: 9:30 AM

Case: BOA-921545  Address:  176 Gladstone Street Ward 1 Applicant: Joseph Fagone
Article: 9(9-1) 53(53-9: Lot size for the dwelling is insufficient, Floor area ratio is excessive & Side yard requirement is insufficient) 53(53-56) 53(53-53-57)
Purpose: This will be one of two dwellings on the same lot. No work to be done. See ERT910842.

Discussion: At the applicant’s request, the matter was deferred to the December 1, 2020 Hearing.

Case: BOA-921544 Address:  170 Gladstone Street  Ward 1 Applicant: Joseph Fagone
Article: 53(53-8) 53(53-9: Lot size to erect new dwelling is insufficient, Floor area ratio is excessive, Height is excessive (stories), Height is excessive (ft), Required front yard setback is insufficient (Gladstone Street), Required front yard setback is insufficient (Breed Street) & Side yard setback requirement is insufficient) 53(53-56.5.a) 53(53-53-57)
Purpose: Seeking to erect a residential building with eight (8) units and four (4) parking spaces. This will be one of two dwellings on one lot. See ALT910843.

Discussion: At the applicant’s request, the matter was deferred to the December 1, 2020 Hearing.

Case: BOA-1067375 Address:  28 Geneva Street  Ward 1 Applicant: Joel DeLuca
Article: 27T(27T-5) 53(53-8) 53(53-9: # of allowed stories exceeded, Height exceeded, Insufficient open space per unit, Front yard requirements, Insufficient rear yard setback, Insufficient additional lot area per unit & Excessive F.A.R.) 53(53-56.5.a) 53(53-56)
Purpose: Seeking to combine two lots with Parcel ID #'s 0104084000 and 0104083000 to create one new parcel with a total area of 8,240 SF. Also, to raze the existing structures and erect a new residential building with twenty-six units and nineteen parking spaces. See ALT1055719 for combining lots - address to be known as 28-30 Geneva Avenue. *AE Flood Zone. *Existing structures to be razed under a separate permit.
Discussion: At the applicant’s request, the matter was deferred to the December 1, 2020 Hearing.

Case: BOA- 983349 Address: 1 Nassau Street Ward 3 Applicant: Metropolitan Primary Condo by New Cingular Wireless PCS, LLC
Article: 86(86-6)
Purpose: Install steel platform on rooftop of wireless site, to support install of battery cabinet, power panel, and 2 equipment cabinets; install 6 new antennas inside 6 FRP chimneys on custom mounts; install appurtenant equipment, cabling, etc.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to locate six wireless antennas on a rooftop.

Board members asked about the visibility of the antennas from the street and other wireless equipment on the roof.

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

Documents/Exhibits: Building Plans, 1 letter of support, 10 letters of opposition

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

Case: BOA- 1059450 Address: 215 Newbury Street Ward 5 Applicant: Steven Chen, Fruit Teas of Massachusetts, Inc
Article: 8(8-7)
Purpose: Renovate existing Store on the first floor for a proposed Tea Shop, as per plans. Change use from 4 Apartments, Nail Salon and 2 Stores to 4 Apartments, Nail Salon, 1 Store and 1 Tea Shop.

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 tea shop.

Board members asked about indoor seating and accessibility.

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 Erlich moved for approval and Logue seconded and the Board voted unanimously to approve.
Case: BOA-1060894  Address:  152 Mount Vernon Street  Ward  5  Applicant: John Moriaty  
Article: 17(17-1) 23(23-1)  
Purpose: Change Occupancy from a Three Family Dwelling to a Five Family Dwelling.  

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 three-family dwelling to a five-unit multifamily dwelling. The applicant stated that the building has historically been used as a five-unit dwelling. 

Board members asked about how the property is taxed, the size of the units, number of bedrooms, basement living space and mechanical equipment.  

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

Documents/Exhibits: Building Plans, 4 letters of support  

Votes: Board Member Erlich moved for approval and Ruggiero seconded and the Board voted 5 to 1 to approve. Chair Araujo was in opposition.  

Case: BOA- 1020204 Address:  112 Myrtle Street  Ward 5  Applicant: Alpine Advisory Service  
Article: 15(15-1)  
Purpose: Confirm Occupancy as Ten (10) Residential Apartments. Full gut interior renovation of entire Building.  Replace all plumbing, electrical and mechanical; Installation of a new Fire Alarm and Sprinkler system with a dedicated water line; Build a new Roof Deck; Replace all windows; Repoint and restore exterior brick and thin metal facade. No Change of Occupancy.  

Discussion: At the applicant’s request, the matter was deferred to the December 1, 2020 Hearing.  

Case: BOA-1058737  Address:  28 Jenkins Street  Ward 7  Applicant: George Morancy  
Article: 68(68-8: Front yard insufficient, Lot area insufficient, Add’l lot area insufficient & Bldg height excessive (feet))  
Purpose: Demolish existing structure and erect new four-story two-family dwelling with two-car garage at grade accessed via new curb cut on Jenkins Street.  

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 four-story, two-family dwelling. The applicant stated that the 40 feet building height was not a violation of the Zoning Code. 

Board members asked about the number of bedrooms and proposed curb cut.  

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

Documents/Exhibits: Building Plans
City of Boston
Board of Appeal

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

Case: BOA-1066449  Address: 6 Glover Ct  Ward 7  Applicant: George Morancy
Article: 68(68-33) 68(68-33) 68(68-8): Floor area ratio excessive, Bldg height excessive (feet), Usable open space insufficient, Front yard insufficient & Add'l lot area insufficient
Purpose: Combine 6 Glover Court with 4,8 & 10 Glover Court and 8, 10 & 12 Leeds Street for a combined total of 10,735 to erect a new 34 unit multifamily building with parking below. (See ALT831139, ALT831140, ALT831143, ALT831145, ALT1049805 and ALT1049811 to combine lots).

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 34 unit multifamily dwelling with parking and 6 affordable units.

Board members asked about unit sizes and bedroom counts.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services, Councilors Flynn, Essaibi-George and Flaherty, Carpenters Union and two abutters are in support. An abutter is in opposition.

Documents/Exhibits: Building Plans, letter of support

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

Case: BOA-1072012  Address: 40-50 Warren Street  Ward 8  Applicant: Ryan Link
Article: 50(50-11): Floor area ratio is excessive & Rear yard setback minimum requirement is insufficient) 50(50-44.2) 50(50-37) 50(50-43: Off street loading is insufficient & Off street parking requirement is insufficient)
Purpose: New construction: 4 commercial spaces (2 retails and 2 offices) on ground floor, 25 residential units on upper floors, approx. 37,000 SF, 28 bicycle parking, 0 auto parking.

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 mixed use building with 4 commercial spaces and 25 residential units.

Board members asked about unit sizes, bedroom counts, the commercial spaces and if roof decks are proposed.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlieh moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.
Case: BOA- 1078073 Address:  92-92C Lambert Avenue Ward 9 Applicant: Armando Hernandez
Article: 50(50-28) 50(50-29): Lot area for the add'l units is insufficient, Floor area ratio is excessive, Usable open space requirement is insufficient, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Rear yard setback is insufficient 50(50-44) 50(50-43: Off street parking requirement is insufficient & Off-street parking & loading req – Off street parking locations. All car spaces shall be entirely located on the same lot of the dwelling they serve. Ancillary off street parking is conditional)
Purpose: Erect new 4 unit townhouse condominium buildings, for this is one of 2 buildings on same lot, and off street ancillary parking to be at 88 Lambert Ave. Subdivide this existing lot into 2 lots, this lot to be known as lot 2 92-92C Lambert Ave. and 92R-92R-C Lambert Ave. with 2 house on same lot. Injunction with Alt971317.

Discussion: At the applicant’s request, the matter was deferred to the December 1, 2020 Hearing.

Case: BOA- 1078077 Address:  92R-92R-C Lambert Avenue Ward 9 Applicant: Armando Hernandez
Article: 50(50-28) 50(50-29): Lot area for the add'l units is insufficient, Floor area ratio is excessive, Usable open space requirement is insufficient, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient) 50(50-44.13) 50(50-43)
Purpose: Erect new 4 unit townhouse condominium buildings, for this is one of 2 buildings on same lot Subdivide this existing lot into 2 lots, this lot to be know as lot 2 92-92C Lambert Ave. and 92R-92R-C Lambert Ave. with 2 house on same lot; and off street parking provided is located at 88 Lambert Ave as ancillary off street parking injunction with Alt971317 and ERT971313 with MJ.

Discussion: At the applicant’s request, the matter was deferred to the December 1, 2020 Hearing.

Case: BOA- 1074728 Address:  6 Wise Street Ward 10 Applicant: Armando Hernandez
Article: 55(55-8) 55(55-9: Add'l lot area insufficient, Lot frontage insufficient, Floor area ratio excessive, Bldg height excessive (feet), Bldg height excessive (stories), Side yard insufficient, Rear yard insufficient, Front yard insufficient & Usable open space insufficient) 55(55-40)
Purpose: erect new building for Six residential dwelling units – Please see ALT1026126 to combine two lots into one lot to be known as 6 Wise Street.

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 6 unit dwelling.

Board members asked about the applicable zoning subdistrict, unit types, roof decks and building design and context of the surrounding area.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review with particular attention to context and Kindell seconded and the Board voted unanimously to approve.
Case: BOA-1041605  Address: 373 South Huntington Avenue  Ward 10  Applicant: Alfonso Sira  
Article: 55(55-9): Lot area for the new proposed dwelling unit is insufficient, Floor area ratio is excessive, Usable open space requirement is insufficient & Side yard setback requirement is insufficient) 55(55-65-41) 10(10-1)  
Purpose: Change occupancy from professional office in first floor, to professional office in first floor and one residential unit in second floor. It was changed to office by mistake when 1st floor was renovated 2017.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to include one residential unit on the second floor.

Board members asked about the applicable zoning subdistrict.

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 Erlich moved for approval and Logue seconded and the Board voted unanimously to approve.

Case: BOA-1041086  Address: 24 Spalding Street  Ward 11  Applicant: David Steeves  
Article: 8(8-7) 55(55-9): Rear yard setback requirement is insufficient, Lot area for the add’l dwelling unit is insufficient, Floor area ratio is excessive, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Height requirement is excessive) 55(55-40)  
Purpose: Erect building for Three family residence; one unit for affordable housing unit, one unit for owner occupied accessible unit, and one unit three bedroom unit.

Discussion: At the applicant’s request, the matter was deferred to the November 10, 2020 Hearing.

Case: BOA-1065448  Address: 20 Seaver Street  Ward 12  Applicant: Simone, LLC  
Article: 50(50-29)  
Purpose: In conjunction with permit #ALT698847. This amendment is for the reconstruction of the basement Adding office and common area space for the tenants of the building, that will be affiliated with the Pine St Inn.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend to the basement for office and common area space. Proposal increases floor area ratio by .4.

Board members asked about the tenant Pine Street Inn, basement ceiling height and relation of the basement to grade.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with a proviso that the relief is granted to only Pine Street Inn and Kindell seconded and the Board voted unanimously to approve.
City of Boston
Board of Appeal

Case: BOA-1017963  Address: 53hf Harvard Street  Ward 14 Applicant: Matt Mueller
Article: 65(65-9: Lot area insufficient, Lot width insufficient, Lot frontage insufficient, Floor area ratio excessive, Bldg height excessive (stories), Front yard insufficient, Side yard insufficient & Rear yard insufficient) 65(65-8) 65(65-41: Off-street parking insufficient & Off-street parking & loading req – Design. Inappropriate maneuvering area. Driveway shall not be less than 10’-0” wide)
Purpose: Erect a new three story mixed-use building with office on first floor with two residential units above. Propose (2) off-street parking. (the address change should be 53 Harvard St rkc). Demolish existing one story building on separate permit.

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 three-story, mixed use building with a first floor office and two residential units above.

Board members asked about the applicable zoning subdistrict and unit sizes. The BPDA recommended approval with design review for removal or reduction of the cantilevered portion of the building.

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

Documents/Exhibits: Building Plans, 2 letters

Votes: Board Member Erlich moved for approval with BPDA design review and a preference of the Board to see the proposal after design review to ensure compliance and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1072142  Address: 782-788 Adams Street  Ward 16 Applicant: John Lydon
Article: 65(65-15: Use regulations – restaurant conditional & Use regulations - restaurant with take-out conditional)
Purpose: Change of occupancy to correct current occupancy to parish house, mini-market, 3 restaurants #36a and #37, offices and telecommunication. No work to be done. [ZBA-ePlan].

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 reflect current occupancy of parish house, mini-market and three restaurants. No work to be done.

Board members asked about the applicable zoning subdistrict and if takeout is offered.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with takeout provisos and Kindell seconded and the Board voted unanimously to approve.
Case: BOA-1074490  Address: 166-172 Neponset Avenue Ward 16 Applicant: Red Dome Realty II LLC
Article: 65(65-8: Use forbidden – pet spa (kennel), Use forbidden – retail business & Use forbidden – martial arts academy (fitness center or gymnasium)) 9(9-2)
Purpose: Change occupancy to Pet Spa, 2 Retail Spaces and a Martial Arts Academy. No work to be done just clarifying the use groups.

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 legalize existing conditions. No work to be done.

Board members asked about frontage, grates and parking.

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

Documents/Exhibits: Building Plans

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

RE-DISCUSSION: 11:30 AM

Case: BOA-1035817  Address: 150 Chestnut Avenue Ward 19 Applicant: Oliver Bouchier
Article: 10(10-1) 55(55-11) 55(55-40: Off-street parking & Loading Req. – 55.40.4.a Proposed parking area exceeded 10’ of width. Max. number of spaces allowed in the front yard: 2 Proposed: 3) 55(55-40: Off-street parking & Loading Req. – 55.40.5.d. Parking spaces are partially or totally occupying the neighbor’s lot 152 and 152 ½ Chestnut Avenue)
Purpose: Install driveway and curb for 1 parking space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to install a driveway and curb cut for one parking space.

Board members asked about the proposal creating front yard parking and the size of the curb cut.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for deny without prejudice and Kindell seconded and the Board voted unanimously to deny without prejudice.
Case: BOA-1039083 Address: 4014 Washington Street Ward 19 Applicant: Felipe Duran
Article(s): 67(67-12)
Purpose: Renovation restaurant as per plans. Addition on the front of the restaurant for take-out use.

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 to the front of a restaurant for takeout.

Board members asked about the potential to reduce the canopy and reduce the size of the window and about the need for the takeout window.

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

Documents/Exhibits: Building Plans

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

Case: BOA-1022758 Address: 387-399 Centre Street Ward 10 Applicant: Robert Murphy
Article(s): 55(55-16) 55(55-40)
Purpose: Convert existing beauty salon to a body piercing studio.

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 beauty salon to a body piercing studio.

Board members asked about the square footage of the space and if there were grates on the windows.

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

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

Case: BOA-1056729 Address: 171 Newbury Street Ward 5 Applicant: Jason Zube
Article(s): 8(8-7)
Purpose: Changing from a retail store to tattoo parlor.

Discussion: At the applicant’s request, the matter was deferred to the December 1, 2020 Hearing.
City of Boston
Board of Appeal

Case: BOA-1043021 Address: 40-42 Prince Street Ward 3 Applicant: Victoria Tene
Article(s): 43(43-19)
Purpose: Change occupancy from office space to psychic reading office. No work to be done office is existing, just changing office use.

Discussion: The applicant failed to appear for the hearing.

Documents/Exhibits: Building Plans

Votes: Board Member Fortune moved for denial without prejudice and Kindell seconded and the Board voted unanimously to deny without prejudice.

1 Hour Lunch Break

HEARINGS: 1:00 PM

Case: BOA-1024093 Address: 7 Wordsworth Street Ward 1 Applicant: 7 Wordsworth Street, LLC
Article: 53(53-8) 53(53-9: Floor area ratio maximum requirement is excessive, Height requirement (stories) is excessive, Height requirement (ft) is excessive, Front yard setback requirement is insufficient, Side yard setback requirement is insufficient & Rear yard setback requirement is insufficient) 53(53-56) 53(53-9.3)
Purpose: Proposing to demolish existing 2 family structure and erect new 9 unit structure. Please see attached nominal fee letter.

Discussion: At the applicant’s request, the matter was deferred to the November 10, 2020 Hearing.

Case: BOA-1009944 Address: 182 Webster Street Ward 1 Applicant: Patrick Mahoney Esq
Article: 53(53-9)
Purpose: Confirm occupancy as a Three-Family Dwelling. Full renovation to existing three-family dwelling. No exterior addition. Extend living space to basement for Unit 1. [ePlan-ZBA].

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to confirm occupancy as a three-family dwelling and extend living space to the basement.

Board members asked about living space in the basement, basement ceiling height, relation to grade and mechanical equipment.

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. Councilor Janey is in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Logue seconded and the Board voted unanimously to approve.
Case: BOA-985474  Address: 362 Princeton Street Ward 1  Applicant: Brian Foley
Article: 53(53-9)
Purpose: Extend living space into basement (first floor unit). Existing condition. No work to be done.

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. No work to be done. The applicant stated it did not need and was no longer seeking building code relief.

Board members asked about use of the extended space, dormers and location of utilities.

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 Erlich moved for approval with a signature hold for updated plans and Deveau seconded and the Board voted unanimously to approve.

Case: BOA-985475  Address: 362 Princeton Street  Ward 1  Applicant: Brian Foley

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. No work to be done. The applicant stated it did not need and was no longer seeking building code relief.

Board members asked about use of the extended space, dormers and location of utilities.

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 Erlich moved for denial and Logue seconded and the Board voted unanimously to deny.
Case: BOA-990167  Address: 103-111 Arch Street  Ward 3 Applicant: Sonder USA, Inc
Article: 8(8-7)
Purpose: To change the occupancy from twenty-one residential units and dental office to twenty-one executive suites and dental office. Also to renovate.

Discussion: At the applicant’s request, the matter was deferred to the November 17, 2020 Hearing.

Case: BOA-975065  Address: 7 Beaver Place  Ward 5 Applicant: Stephen Payne
Article: 32(32-4) 13(13-13-1)
Purpose: To correct an “unsafe” violation, V439035: Remove the front façade of the building and structural elements (primarily floor joists, and rafters) that bear on it. Nominal paid on ALT8024843. *Clarification: Building razed.

Discussion: At the applicant’s request, the matter was deferred to the December 8, 2020 Hearing.

Case: BOA-999900  Address: 7 Beaver Place  Ward 5 Applicant: Stephen Payne
Purpose: To correct an “unsafe” violation, V439035: Remove the front façade of the building and structural elements (primarily floor joists, and rafters) that bear on it. Nominal paid on ALT8024843. *Clarification: Building razed. Section: 9th Edition 780 CMR CHPT 07 – Section 705.8; Exterior Wall Openings proposed < 3’ from lot line is not permitted.

Discussion: At the applicant’s request, the matter was deferred to the December 8, 2020 Hearing.

Case: BOA- 1018299  Address: 620-622 East Eighth Street  Ward 7 Applicant: Mark Teranova and Deanna Terranova
Article: 27P(27P-5) 68(68-7) 68(68-33) 68(68-8)
Purpose: Change Occupancy from 2 Family (#2750/2000) to 3 Family by extending into basement and remodeling for the third unit, some electrical, some plumbing work.

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 two-family to three-family with the additional unit to be located in the basement.

Board members asked about the basement unit and its relation to grade.

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, letter of support, 2 letters of opposition

Votes: Board Member Erlich moved for denial and Kindell seconded and the Board voted unanimously to deny.
Case: BOA- 1046244  Address: 3305-3307 Washington Street  Ward 11 Applicant: Timothy Johnson
Article: 55(55-40.5a) 55(55-41) 55(55-40: Off-street parking insufficient & Off-street loading insufficient) 55(55-8:
Use multifamily dwelling forbidden, Use commercial space forbidden & Use accessory parking forbidden) 55(55-9:
Lot area for additional dwelling units insufficient, Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient
Purpose: Combine existing Lot 2257 & Lot 2258 into One 9,378 sq ft Lot. Addition / renovation to create a 4 story Mixed-Use Building. Change Occupancy from Office, One Apartment and Intern Overnight Accommodation to a Commercial space, Multifamily Dwelling (14 Units), and Garage (12 Vehicles). Upper Floor Units will have individual Roof Decks. Building will be fully Sprinklered. Application will require ZBA approval.

Discussion: At the applicant’s request, the matter was deferred to the December 8, 2020 Hearing.

Case: BOA-1023262  Address: 26-28 Perrin Street  Ward 12 Applicant: Thomas Rovero
Article: 50(50-28) 50(50-29: Floor area ratio excessive, Building height excessive, Usable open space insufficient & Side yard insufficient) 50(50-44)
Purpose: Erect a new 2 ½ story, 4 Family Dwelling w/3 Bedrooms and 2 full Baths in all 4 Units. Building will be fully Sprinklered. There will be a 4 Car Garage built at-grade behind Dwelling (ERT994197).

Discussion: At the applicant’s request, the matter was deferred to the December 8, 2020 Hearing.

Case: BOA- 1023265  Address: 26R Perrin Street  Ward 12 Applicant: Thomas Rovero
Article: 50(50-28) 50(50-29) 50(50-44)
Purpose: Construct a 22’ x 38’ Four (4) Car Garage behind proposed Four (4) Family Dwelling @ 26-28 Perrin Street (ERT965942).

Discussion: At the applicant’s request, the matter was deferred to the December 8, 2020 Hearing.

Case: BOA-971287  Address: 643 Morton Street  Ward 14 Applicant: Holy Tabernacle Church Apostolic, Inc
Article: 60(60-9)
Purpose: Change of Occupancy from Childcare Center to Three-Family Dwelling. No work to be done.

Discussion: At the applicant’s request, the matter was deferred to the December 8, 2020 Hearing.

Case: BOA-971286  Address: 643 Morton Street  Ward 14 Applicant: Holy Tabernacle Church Apostolic, Inc
Purpose: Change of Occupancy from Childcare Center to Three-Family Dwelling. No work to be done. Section: 9th Edition 780 CMR 903.2 (MA Amend) – Occupancy Automatic Sprinkler Required. All Use Group R requires automatic sprinkler system.

Discussion: At the applicant’s request, the matter was deferred to the December 8, 2020 Hearing.
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Case: BOA- 1035609  Address: 820 William T Morrissey BLVD  Ward  16 Applicant: Out Front Media, LLC
Article: 11(11-7) 11(11-6) 65(65-40)
Purpose: The replacement of both sides/faces of existing 48 feet wide by 14 feet high billboard, one side currently static and the other side currently tri-vision, with new digital signage cabinets. The applicant would also replace existing steel structures in kind and change occupancy to include billboard.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to digitize existing two-sided billboard.

Board members asked about any proposed changed in size, intensity of the light and if other electronic billboards are located in proximity.

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

Documents/Exhibits: Building Plans, 100+ letters of support

Votes: Board Member Erlich 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

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 December 8, 2020 Hearing.

Article: 51(51-17) 9(9-1)
Purpose: Unit #4- Legalize the basement Area as additional living space. Renovations to include but not limited to, replace windows and alterations per plans. To Remove violation # V421430 issued 10/18/2018. Include Plumbing and Electrical Works. ZBA.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to legalize existing basement living space.

Board members asked about basement ceiling height and the position of the condo association.

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

Documents/Exhibits: Building Plans, 2 letters of opposition
Marks: Board Member Erlich moved for approval with a proviso that no building code relief is granted by this decision and Kindell seconded and the Board voted unanimously to approve.

RECOMMENDATIONS/HEARINGS:

Case: BOA- 1070934 Address: 103 Cottage Street Ward: 1 Applicant: Theresa Melki
Article: 9(9-1) 27S-5 53(53-52) 53(53-9)
Purpose: Roof 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 with a proviso for no permanent shading fabric posts; removable posts acceptable.

Documents/Exhibits: Building plans

Case: BOA-1092206 Address: 440-458 Rutherford Avenue Ward: 2 Applicant: Cambridge Corps, Inc
Article: 62(62-17)
Purpose: Cambridge Crops develops natural and sustainable food coatings to extend the shelf-life of perishable foods. Cambridge Crops recently leased office/warehouse space and wishes to perform research and development of its food product within the warehouse space. No construction is taking place.

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- 1051806 Address: 5 Wallace Court Ward: 2 Applicant: Alexandra French
Article: 9(9-2) 62(62-25) 62(62-7) 62(62-8: Floor area ratio excessive & Rear yard insufficient)
Purpose: Change Occupancy from two family dwelling to a single family with extended living space in the basement (Long standing existing condition). Complete renovation including, new plumbing, HVAC, electrical, new bathrooms, kitchen, new windows, new roof. Enlarge existing roof dormer as per attached plans.

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 BPDA design review.

Documents/Exhibits: Building plans
Case: BOA-1071903 Address: 29 High Street Ward: 2 Applicant: Alfonso Sira  
Purpose: Construct a new Headhouse for Roof access.

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 no head house.

Documents/Exhibits: Building plans

Case: BOA-1090206 Address: 441-445 Hanover Street Ward: 3 Applicant: Jennifer Royle  
Article(s): 54(54-9)  
Purpose: Adding take out to the existing restaurant work to include installing 2 deli cases and counter tops, replace sinks, new lighting and refinish floors.

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 takeout provisos.

Documents/Exhibits: Building plans

Case: BOA-1066030 Address: 2 to 14 High Street Ward: 3 Applicant: Paul Gibbs  
Article: 8(8-3)  
Purpose: Change occupancy from a Restaurant to a coffee shop. Use is conditional.

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-1076053 Address: 283 Dartmouth Street Ward: 5 Applicant: IContour Anti-Aging Center  
Article: 8(8-7)  
Purpose: Change occupancy to include Body Art/Permanent Cosmetics. No construction required.

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- 1064605 Address: 214 Metropolitan Avenue Ward: 18 Applicant: George Mavridis
Article: 67(67-9: Floor area ratio excessive, Front yard insufficient & Side yard insufficient) 9(9-1)
Purpose: Strip and renovate Unit 1 & Unit 2 based on attached plans. This includes renovation of existing bathrooms & kitchens, creation of new dormers, bedrooms & bathrooms and rear decks. Expand living space into Attic and 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 with BPDA design review.

Documents/Exhibits: Building plans

Case: BOA- 1057679 Address: 18 Birchcroft Road Ward: 18 Applicant: Said Ennaya
Article: 69(69-9: Bldg Height excessive (stories), Side yard insufficient & Rear yard insufficient)
Purpose: Legalize all work not on permit # SF 890899, add third floor, and front deck conforming to the new drawings submitted, new electric and heating system.

Discussion/Vote: At the request of the applicant, the Subcommittee voted to recommend deferral to the November 19, 2020 subcommittee hearing.

Documents/Exhibits: Building plans

Case: BOA- 1092405 Address: 9 Littledale Street Ward: 18 Applicant: Arick Dyrdal
Article: 69(69-9: Side yard insufficient & Rear yard insufficient)
Purpose: The goal of this project is to improve the living space of the attic level of this humble bungalow by adding a dormer on the North and South side of the house. Project includes improving the R-value of the new work, updating the downstairs bathroom, and adding a chimney.

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 BPDA design review.

Documents/Exhibits: Building plans

Case: BOA- 1068603 Address: 29 to 31 Brookdale Street Ward: 19 Applicant: Jared Long
Article: 10(10-1) 67(67-30)
Purpose: New curb cut for new driveway.

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 BPDA design review and no front yard parking.

Documents/Exhibits: Building plans
Case: BOA-1092467 Address: 59 to 61 Willow Street Ward: 20 Applicant: Emily Patrick
Article: 9(9-1) 56(56-8): Floor area ratio excessive, Bldg height excessive (stories) – Proposed addition adds a new story, Rear yard insufficient & Side yard insufficient
Purpose: Dormer out attic to add a second floor of living space that will include three bedrooms and two bathrooms.

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 BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1092735 Address: 50 Gardner Street Ward: 20 Applicant: Aidan and Mary Parkinson
Article: 56(56-8)
Purpose: 1 ½ story addition to rear of existing building, including 2 open air decks.

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 BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1084489 Address: 87 to 89 Greaton Road Ward: 20 Applicant: Jim Moore
Article: 9(9-1) 56(56-8): Rear yard insufficient 21.3ft provided; 30ft req’d & Side yard insufficient 10.2ft provided; 11.4ft req’d (narrow lot)
Purpose: Remove existing back porches and replace with new decks according to my architectural plans.

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-1086905 Address: 134R Westmoor Road Ward: 20 Applicant: Durso Mario Giovanni
Article: 56(56-40)
Purpose: Erect a small garage in the rear of dwelling. 4 City of Boston Board of Appeal

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 BPDA design review.

Documents/Exhibits: Building plans
Case: BOA-1098372 Address: 19 Gretter Road Ward: 20 Applicant: Wellington Rossi
Article: 56(56-8)
Purpose: The Contractor shall construct approx 305sq ft of first and second floor living space. Enclose existing deck and add second story over the existing building footprint with foundation work and new roof; per plans prepared by WRADESIGN Architect dated 12.02.2019. The Contractor shall renovate the existing front porch columns, trex decking, and RDI Titan vinyl railings, within existing footprint of front porch.

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 BPDA design review.

Documents/Exhibits: Building plans

STEPHANIE HAYNES
BOARD OF APPEAL
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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.

For a video recording of the September 22, 2020 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.