



City of Boston
Board of Appeal

TUESDAY, DECEMBER 8, 2020

BOARD OF APPEAL

CITY HALL, ROOM 801

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 DECEMBER 8, 2020 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS DECEMBER 8, 2020 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE DECEMBER 8, 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/zbaDec8hearing> or by calling 1-617-315-0704 and entering access code 179 697 5730.

If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaDec8Comment> 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/zbaDec8Comment>, calling 617-635-4775 or emailing isdboardofappeal@boston.gov.



City of Boston
Board of Appeal

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.

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.

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. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING.



City of Boston
Board of Appeal

APPROVAL OF HEARING MINUTES: 9:30 AM

Hearing minutes for July 7, 2020, July 14, 2020 and July 21, 2020

Discussion/Vote: Erlich moved to approve the minutes, Ruggiero seconded, and they were approved unanimously.

EXTENSIONS: 9:30 AM

Case: BOA-787634 Address: 500-502A East Broadway Ward 6 Applicant: James Christopher

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-832215 Address: 36 Spring Garden Street Ward 13 Applicant: James Christopher

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.

BUILDING CODE: 9:30 AM

Case: BOA#1129365 Address: 103 Warren Avenue Ward 4 Applicant: Alpine Advisory Services

Purpose: Install roof deck as per plans as approved by the SELDC. Violation 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. Exception: In buildings without an occupied roof, access to the roof shall be permitted to be a roof hatch or trap door not less than 16 square feet in area and having a minimum dimension of 2 feet.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to propose a hatch instead of a head house.

Testimony: The Board then requested testimony from neighbors and elected officials.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval, it was seconded by Ruggiero and approved unanimously.



City of Boston
Board of Appeal

HEARINGS: 9:30 AM

Case: BOA-1085883 Address: 197 Chelsea Street Ward 1 Applicant: JB Capital, LLC

Articles: Article 53 Section 9 Lot Area for Additional Dwelling Units Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Building Height (# of Stories) Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53 Section 9 Side Yard Insufficient Article 53 Section 9 Rear Yard Insufficient Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability Article 9 Section 1 Extension of Nonconforming Use

Purpose: Rehab existing structure. Erect a vertical addition onto existing building. Change Occupancy to a Laundromat on the 1st floor and three (3) Residential Units above. Install a new Sprinkler system. E plan

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change the occupancy from 2 units and a laundromat to 3 units and a laundromat. They will be adding a vertical addition for the 3rd floor unit with a complete renovation.

Board Members asked the building height.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with BPDA design review, Ligris recused himself. It was seconded by Erlich and approved unanimously.

Case: BOA- 1099054 Address: 95-97 Addison Street Ward 1 Applicant: Ashley Tan

Articles: Article 27T 5 East Boston IPOD Applicability Article 53 Section 25 Use Regulations MFR is a forbidden use in the McClellan Highway EDA. Article 53 Section 56 Off Street Parking & Loading Req Off street parking is insufficient. 24 Spaces required, 12 Provided. Art. 53, Section 26 Floor area ratio is excessive.

Purpose: The Applicant proposes to demolish the existing one family detached dwelling and erect a new multi family dwelling structure with four (4) stories, twelve (12) units and twelve (12) parking spaces.

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.



City of Boston
Board of Appeal

Case: BOA- 1130385 Address: 33-35 Maverick Square Ward 1 Applicant: Anthony Giacalone
Articles: Article 53 Section 12 Floor Area Ratio Excessive Article 27S-5 IPOD Applicability Article 53 Section 56
Off-Street Parking & Loading Req Insufficient parking – Additional units
Purpose: Change Occupancy from Laundromat with 4 residential units to retail/office with 5 residential units.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to legalize existing use for retail jewelry store with 5 residential units.

Board Members asked about previous permits pulled, and how many if any.

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval, it was seconded by Ruggiero Ligris and approved unanimously.

Case: BOA-1053851 Address: 92 Bennington Street Ward 1 Applicant: 231 Maverick St, LLC
Articles: Article 53, Section 52 Roof Structure Restrictions Open roof deck shall be access by roof hatch
Article 27T 5 East Boston IPOD Applicability
Purpose: Build new roof deck, for the exclusive use of unit #3. Amendment to ALT966894.

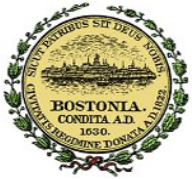
Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to build a new roof deck with head house access, the head house was pre-existing.

Board Members asked about the head house.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval, it was seconded by Ruggiero and approved unanimously.



City of Boston
Board of Appeal

Case: BOA- 1107041 Address: 1201 Saratoga Street Ward 1 Applicant: Ashley Tan
Articles: Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations 9 units/MFR
Forbidden Article 53 Section 8 Use Regulations Accessory parking use Forbidden Article 53 Section 56 Off Street
Parking & Loading Req Insufficient parking for requested # of units Article 53 Section 9 Excessive F.A.R.
Article 53 Section 9 Height exceeded Article 53 Section 9# of allowed stories exceeded Article 53 Section 9
Insufficient side yard setback Article 53 Section 9 Insufficient rear yard setback Article 53 Section 9 Insufficient
front yard setback/street alignment
Purpose: Current vacant structure to be razed and a new 9 unit multi family to be constructed, with 10 parking
spaces.

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.

Case: BOA- 1071304 Address: 22 Paris Street Ward 1 Applicant: 22 Paris Street, LLC
Articles: Article 27T Section 9 IPOD Enforcement East Boston IPOD Applicability Article 53 Section 8 Use
Regulations Use: Basement Apartment: Forbidden Article 53 Section 8 Use Regulations Use: Multifamily
Dwelling: Forbidden Article 53 Section 9 Lot Area for Additional Dwelling Units Insufficient Article 53 Section 9
Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Usable Open Space
Insufficient Article 53 Section 9 Side Yard Insufficient Article 53 Section 9 Rear Yard Insufficient Article 53,
Section 52 Roof Structure Restrictions Article 53, Section 56 Off Street Parking & Loading Req Off Street
Parking Insufficient
Purpose: Seeking to change the occupancy of the existing Two Family Dwelling to a Four Family Dwelling. Also,
to construct a new 3rd story and rear addition, new rear porches, a roof deck and renovate. Building will be fully
sprinklered.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change a 2 family to a 3 family (reduced), with a 3rd story rear addition, with proposed basement use.

Board Members asked the basement use, unit sizes, and the bedroom count. They also wanted to know the basement floor to grade height as well as the window wells.

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

Documents/Exhibits: Building Plans, letters of opposition, and numerous letters of support.

Votes: Board Member Erlich moved for approval with BPDA design review and no bedrooms in the basement. It was seconded by Ruggiero and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1098399 Address: 41 Mount Vernon Street Ward 2 Applicant: George Morancy
Articles: Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Floor Area Ratio Excessive
Article 62, Section 25 Roof Structure Restrictions
Purpose: Renovate existing three family dwelling (see ALT1019151), extend living space into basement, new second floor bay window, construct rear addition and deck at third floor level, erect roof deck.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to renovate an existing 3 family with an extension into the basement, a rear addition, a rear deck, roof deck, and floor bay window. They also want to add hath access.

Board Members asked the basement space, how many bedrooms, and the relation to grade.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and Councilor Edwards are in support. Numerous abutters are in opposition.

Documents/Exhibits: Building Plans, numerous letters of support, and numerous letters of opposition.

Votes: Board Member Erlich moved for approval with BPDA design and no bedrooms in the basement. It was seconded by Fortune and approved unanimously.

Case: BOA-976349 Address: 19-21 Milk Street Ward 3 Applicant: John Moriarty
Article: Article 38, Section 18 Use Regulations Cannabis Establishment (Medical and Adult Recreational) Use: Conditional
Purpose: Change of Occupancy from "MEDICAL MARIJUANA USE" to "CANNABIS ESTABLISHMENT (MEDICAL AND ADULT RECREATION)". Minor interior finish upgrades as per plans. No change to egress or life safety systems.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change a medical dispensary to a medical and adult use dispensary.

Board Members asked the access to the dispensary, the configuration of the line, and the hours of operation.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Flynn, and an abutter are in support.

Documents/Exhibits: Building Plans, numerous letters of support.

Votes: Board Member Ruggiero moved for approval with BPDA design review and a proviso that this applied to this applicant only. It was seconded by Fortune and approved 6-1.



City of Boston
Board of Appeal

Case: BOA- 1092298 Address: 120 Salem Street Ward 3 Applicant: 120 Salem Realty Trust
Articles: Article 54, Section 12, Use Regulations Use: Residential Use located on the First Story: Conditional Article 54 Section 13 Usable Open Space Insufficient Article 54, Section 21 Off Street Parking & Loading Req Off Street Parking Insufficient
Purpose: The current certificate of occupancy lists the property as having 8 Residential Units and 2 Commercial spaces. Certificate Number 27077. Change the Occupancy to 9 Residential Units and 1 Commercial space. See attached documents for more information.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy to 9 residential units and 1 commercial space, and to legalize longstanding existing conditions; no work to be done.

Board Members asked how the building was being taxed currently, and was there any basement living space.

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

Documents/Exhibits: Building Plans, 1 letter of support.

Votes: Board Member Erlich moved for approval, it was seconded by Ligris and approved unanimously.

Case: BOA- 1065617 Address: 230-238 Hanover Street Ward 3 Applicant: Gallo & Co.
Articles: Article 6, Section 3A Add'l Cond in Restricted Parking District Article 54, Section 21 Off Street Parking & Loading Req inappropriate maneuverability and restricted parking district.
Purpose: Off Street Parking for residential Vehicles (15) Vehicles Max.

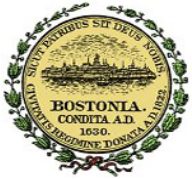
Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to stating off street parking for 15 vehicles.

Board Members asked the number of residential units next to the spaces, and they wanted to know if this was a private way.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, and Councilor Edwards are in support. BTM recommended approval for only 9 spaces.

Documents/Exhibits: Building Plans, multiple letters of support.

Votes: Board Member Deveau moved for approval, it was seconded by Ligris and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1107090 Address: 311-319 Summer Street Ward 6 Applicant: Suite Six, LLC

Article: Art. 08 Sec.07 Use: Conditional Med spa clinic is a conditional use in this zoning sub district

Purpose: We are filing new ALT ONLY to include a "Med Spa's clinic" as the occupancy use for this space.

Please refer to the original ALT928908 for all costs and paperwork. See Marc Joseph for assistance.

COO1088775.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to add a medical spa for procedures like botox and laser hair removal.

Board Members asked their Covid19 procedures.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilors Flynn, Essaibi-George, and the Carpenters Union are in support.

Documents/Exhibits: Building Plans, letters of support.

Votes: Board Member Ruggiero moved for approval with BPDA design review, Ligris seconded and it was approved unanimously.

Case: BOA-1118789 Address: 14-16 West Broadway Ward 6 Applicant: David Kelliher

Articles: Art. 68 Sec. 07 Use Regs. Bank use is a conditional use in this zoning subdistrict Art. 68 Sec. 33 Off Street parking Req. Off street parking requirement is insufficient

Purpose: Build out of existing shell space for new bank. Project includes: walls, ceilings, floors, millwork, relocate existing sprinkler heads, added fire alarm devices. The plumbing, electrical will be design build. HVAC will be done by the landlord under separate permit.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change the occupancy to include a new bank.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved for approval with BPDA design review, Ligris seconded and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1113813 Address: 200 L Street Ward 7 Applicant: George Morancy
Articles: Article 68, Section 34.1 Conformity Ex Bldg Alignment Article 68, Section 29 Roof Structure
Restrictions Article 68, Section 33 Off Street Parking & Loading Req Design and insufficient off street parking,
total required 4 spaces, provided 2 Article 68, Section 8 Floor Area Ratio Excessive exceeding 1.5 Article 68,
Section 8 Add'l Lot Area Insufficient total lot area required: 6,000 sqft Proposed: 2,465 sqft Article 68, Section 8
Usable Open Space Insufficient Required: 600 sqft Proposed: 0 Article 68, Section 8 Side Yard Insufficient
Required: 3' Proposed: 0 Article 68, Section 8 Rear Yard Insufficient Required: 20' Proposed: 0
Purpose: Change occupancy from two dwelling units and restaurant to three dwelling units; erect two story rear
addition over existing garage, with rear porches off second and third floors; expand garage; extend living space to
basement. Building to be fully sprinklered. [ZBA ePlan]

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. The new hearing date is March 23rd, 2021.

HEARINGS: 12:30 PM

Case: BOA-1096726 Address: 83 Wyman Street Ward 10 Applicant: Nadin and Luca Pinello
Article: Article 55, Section 9 Floor Area Ratio Excessive
Purpose: Renovation of attic, to accommodate an office and a family room. See drawing attached.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to expand into the attic for office and family space.

Board Members asked the square footage of the expansion.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, and Councilor O'Malley are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval with no building code relief. Ligris seconded the motion and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA- 1049554 Address: 304 Centre Street Ward 10 Applicant: Adenil The Amantinos Restaurant Group Inc

Article: Article 6 Section 4 Other Cond Necc as Protection Change to a Previous Decision of the Board of Appeal Purpose: Remove proviso from previous owner and change to new owner's name.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to remove proviso from previous owner and change to new owners name.

Board Members asked the type of business, the name, and would it include takeout?

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, and Councilor O'Malley are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Ligris moved for approval with the proviso that this was for this petitioner only, as well as takeout provisos. Ruggiero seconded and it was approved unanimously.

Case: BOA-1041086 Address: 24 Spalding Street Ward 11 Applicant: David Steeves

Articles: Art. 08 Sec. 07 Use: Forbidden Three family residential dwelling unit is a forbidden use in the OS RC sub district zone Art. 55, Section 9 **Lot area for the add'l dwelling unit is insufficient Art. 55, Section 9 ** Floor area ratio is excessive Art. 55, Section 9 **Front yard setback requirement is insufficient Art. 55, 9 **Side yard setback requirement is insufficient Art. 55, Section 9 ** Height requirement is excessive (ft) Art. 55, Section 40 **Off Street Parking Insufficient Off street parking requirements is insufficient Art. 55, Section 9 ** Rear yard setback requirement is insufficient Art. 55, Section 9 **Height requirement is excessive (3 story max. allowed, proposed is 3 1/2 stories)

Purpose: Erect building for Three family residence; one unit for affordable housing unit, one unit for owner occupied accessible unit, and one three bedroom unit.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 3 family.

Board Members asked the abutting zoning district, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, Councilor O' Malley and an abutter are in support.

Documents/Exhibits: Building Plans, numerous letters of support, and numerous letters in opposition.

Votes: Board Member Ruggiero moved for approval with BPDA design review, Ligris seconded and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1131603 Address: 124-126 Warren Street Ward 12 Applicant: Jeremy Sears
Articles: Article 50 Section 43 Off-Street Parking Insufficient Article 50 Section 28 Use Regulations Office use is conditional Article 50 Section 29 Floor Area Ratio Excessive Article 50 Section 29 Bldg Height Excessive (Feet) Article 50 Section 29 Front Yard Insufficient Article 50 Section 29 Side Yard Insufficient Article 50 Section 29 Rear Yard Insufficient
Purpose: Build a new 4 story Office Building of Wood, Steel and Concret, on the vacant lots at 124 and 126 Warren Street. Combine two lots (Parcel 12 0079 and Parcel 12 0112) into one lot to be 5,188sf to be known as 124 126 Warren Street. BOA

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 4 story office building.

Board Members asked the height, parking, and roof line and structure.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, neighboring businesses, and Roxbury Main Streets are in support. Councilor Janey, Roxbury Path Forward, and Abutters are in opposition.

Documents/Exhibits: Building Plans, numerous letters of opposition.

Votes: Board Member Erlich moved for approval with BPDA design review, Fortune seconded, Ruggiero recused, and the motion failed 3-4 .

Case: BOA-1079364 Address: 6 Oakhurst Street Ward 14 Applicant: Cambiz Raufi
Articles: Article 60, Section 9 Insufficient lot size Article 60, Section 9 Insufficient additional lot area per unit Article 60, Section 9 Excessive F.A.R. Article 60, Section 9 Insufficient open space Article 60, Section Insufficient front yard setback Article 60, Section 9 Insufficient side yard setback Article 60 Section 9 Insufficient rear yard setback Article 60, Section 40 Parking maneuverability
Purpose: This application is for zoning relief for new 3 family units residential building.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 3-family dwelling.

Board Members asked the roof decks (yes, with hatch access), Parking (yes 3 spaces).

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

Documents/Exhibits: Building Plans, numerous letters of support.

Votes: Board Member Ruggiero moved for approval with BPDA design review with attention to the context and the parking. Erlich seconded, and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1106336 Address: 5 Tovar Street Ward 15 Applicant: Scott Kirkwood

Articles: Article 65, Section 8 Use Regulations 4 family use Forbidden Article 65, Section 9.2 Dim Regs: Location of Main Entrance Main entrance for unit 2 is on the side Article 65, Section 9 Side Yard Insufficient Required 10' a Roofed deck is proposed on the left side yard to access unit 2 Article 66 Section 42 Off Street Parking & Loading Req The driveway to access the proposed space is shared with the left neighbor's lot Article 65, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Existing: 1.41 Proposed: 1.94 + stairway areas (not included in the calculations by architect)

Purpose: Renovate and convert 3 family to 4 family residential. Eplan

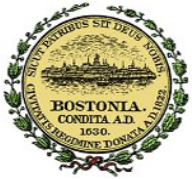
Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change a 3 family to a 4 family and erect a new 3 family at 5 & 9 respectively.

Board Members asked about parking, 5 Tovar in relation to grade, and the basement living space. They also asked about roof decks, and front and rear decks.

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

Documents/Exhibits: Building Plans, multiple letters of support.

Votes: Board Member Ruggiero moved for approval with BPDA design review with no bedrooms in the basement and cross easement for parking with 9 Tovar St. Ligris seconded and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA- 1106343 **Address:** 9 Tovar Street Ward 15 **Applicant:** Scott Kirkwood
Articles: Article 65, Section 9 **Lot Area Insufficient** lot area required: 5,000 sqft Proposed: 2,719 sqft Article 65, Section 9 **Lot Width Insufficient** Required: 50' Proposed: 38' Article 65, Section 9 **Lot Frontage Insufficient** Required: 50' Proposed: 38' Article 65, Section 9 **Floor Area Ratio Excessive** Max. allowed: 0.5 Proposed: 1.17+ stairway areas Article 65, Section 9 **Bldg Height Excessive (Stories)** Max. allowed: 2.5 Proposed: 3 Article 65, Section 9 **Side Yard Insufficient** Required: 10' Proposed: 4.7' (L) and 7.1' (R) Article 65, Section 9 **Rear Yard Insufficient** Required: 30' Proposed: 18' 7" Article 66 Section 42 **Off Street Parking & Loading Req** The driveway shall be entirely in the property and not shared with neighbor's lot. Article 65, Section 41 **Off Street Parking & Loading Req** Parking spaces required: 3 Provided 2 + 1 (on different lot ancillary parking)
Purpose: Erect new 3 family residential building. File in conjunction w/ ALT1084370. eplan > BOA

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change a 3 family to a 4 family and erect a new 3 family at 5 & 9 respectively.

Board Members asked about parking, 5 Tovar in relation to grade, and the basement living space. They also asked about roof decks, and front and rear decks.

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

Documents/Exhibits: Building Plans, multiple letters of support.

Votes: Board Member Ruggiero moved for approval with BPDA design review with no bedrooms in the basement and cross easement for parking with 9 Tovar St. Ligris seconded and it was approved unanimously



City of Boston
Board of Appeal

Case: BOA- 1072448 Address: 16 Howe Street Ward 15 Applicant: 16 Howe Street, LLC

Articles: Article 65, Section 8 Use Regulations MFR Forbidden Article 65, Section 9 Excessive F.A.R.

Article 65, Section 9 Insufficient rear yard setback Article 65 Section 41 Off Street Parking and Loading Maneuvering areas (tandem parking)

Purpose: Seeking to change the occupancy of the existing single family structure to a four family structure and renovate, including a rear addition and the creation of six parking spaces. Also, to combine Parcel ID 1502817000 and Parcel ID 15028170001 to form one new 6,500 SF Lot. E Plans Attached. ZBA.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change a 1 family to a 4 family with a rear addition, and 6 parking spaces.

Board Members asked the square footage of the existing and proposed addition. They also asked about parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and Councilor Baker are in support. Abutters are in opposition. BTD recommended 4 spaces only and to reduce the curb cut from 20 to 12 feet. BPDA recommended to Deny Without Prejudice due to density.

Documents/Exhibits: Building Plans, letters of support and letters in opposition.

Votes: Board Member Erlich moved to Deny Without Prejudice. Kindell Jr seconded, and the motion carried unanimously.

Case: BOA-1125859 Address: 33-39 Savin Hill Avenue Ward 15 Applicant: 33-39 Savin Hill Avenue, LLC

Article: Art. 07 Sec. 4 Other Protectional Conditions Proviso "To petitioner only"

Purpose: TO REMOVE TAKE OUT PROVISIO. *Paper plans

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to remove the takeout proviso.

Board Members asked the type of business, the name, and their takeout experience.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval with the following provisions: 1) BPDA review 2) Takeout provisions 3) This is for this petitioner only. Ruggiero seconded, Ligris recused, and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA- 1005295 **Address:** 571B Washington Street Ward 17 **Applicant:** Low Key Dispensary
Article: Article 65, Section 15 **Use:** Conditional Cannabis dispensary
Purpose: Planning to open a dispensary at 571B Washington St. Dorchester, 02124, that we currently hold ownership of.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy to a cannabis establishment.

Board Members asked about the building size, hours of operation, and parking. They also asked about security, and product deliveries to the store.

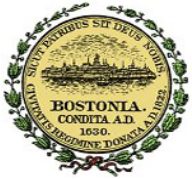
Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and multiple abutters are in support.

Documents/Exhibits: Building Plans, multiple letters of opposition.

Votes: Board Member Ruggiero moved for approval with provisos that this was for this petitioner only, and with BPDA design review. Erlich seconded, and the motion carried unanimously.

Case: BOA-1054245 **Address:** 32 Brent Street Ward 17 **Applicant:** RB Brent St, LLC
Articles: Art. 10 Sec. 01 Limitation of Area of Accessory Uses Article 65, Section 8 Use Regulations Three family dwelling (forbidden) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 41 Off Street Parking & Loading Req 65 41.4 Off street parking, Location Article 65, Section 41 Off Street Parking & Loading Req Off street parking, Design
Purpose: Change from 2 to 3 family /demo, frame new third floor addition for change to 3 stories, roof, exterior trim, siding, windows, three story deck on side of building, demolish garage and add 6 (six) parking spaces including one on the front of the building, modify front façade to accommodate addition. footing, landscape, extend driveway to rear and front of property. Interior / plumbing, electric, HVAC, Sprinkler system, Spray foam insulation, Blue Board/Plaster/trim, doors, stairs, hwf, tile, kitchen cabinet, paint. LPR

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.



City of Boston
Board of Appeal

Case: BOA-1043391 Address: 16 Colonial Avenue Ward 17 Applicant: Domingas A. Da Silva
Articles: Art. 10 Sec. 01 Limitation of off street parking areas A5 ft min from side lot line Article 65, Section 9 Usable Open Space Insufficient
Purpose: 2 car parking.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to ask for off street parking for 2 cars.

Board Members asked if this was a 2 family, the location of the parking, curb cuts, and street parking on the same side.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval with BPDA design review to reduce the curb cut to 12 feet. Ligris seconded and the motion carried unanimously.

Case: BOA-1072612 Address: 16 Tanglewood Road Ward 17 Applicant: William Callahan
Article: Article 65 Section 41 Off Street Parking and Loading Location: Off street parking facility shall be provided on the same lot as the main use to which they are accessory Article 65, Section 8 Use Regulations Three family dwelling: Forbidden Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories)
Purpose: Change of Occupancy from Two Family Dwelling to Three Family Dwelling (Legalize three family). Construct new addition and proposed (3) off street parking. Please attached to proposed subdivision ALT1071270 and proposed 6 unit new construction ERT1071265. [ePlan]

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.

Case: BOA- 1072609 Address: 16 Tanglewood Road Ward 17 Applicant: William Callahan
Article: Article 65, Section 9 Lot Area Insufficient
Purpose: Subdividing the existing lot into 2 parcels. The existing 2 family home is now a proposed 3 unit alteration (ALT1071262) and a 6 unit new construction residential building is proposed on the other side of the new lot line (ERT1071265). **All 3 application are going to the ZBA**

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.



City of Boston
Board of Appeal

Case: BOA-1072607 Address: 21 Tanglewood Road Ward 17 Applicant: William Callahan
Articles: Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 8 Use Regulations Multi Family Dwelling (6 units): Forbidden Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Front Yard Insufficient
Purpose: Erect new 6 unit residential building with roof deck and 9 parking spaces. Please attach to the 3 unit proposed alteration ALT1071262 and proposed subdivision ALT1071270. [ePlan]

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.

Case: BOA-1057138 Address: 26 Doncaster Street Ward 18 Applicant: Alfonso Sira
Articles: Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Lot Width Insufficient Article 67, Section 9 Lot Frontage Insufficient Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Building Height (# of Stories) Excessive Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Side Yard Insufficient
Purpose: New construction of a Single Family residence.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 1 family with a finished basement.

Board Members asked about the lot size and parking.

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

Documents/Exhibits: Building Plans, 6 letters of opposition.

Votes: Board Member Ruggiero moved to Deny without prejudice, Ligris seconded. It was voted on 4-3 and the motion did not carry. Board Member Erlich moved to approve with BPDA review, and Deveau seconded. The motion carried and was approved with BPDA review 5-2.



City of Boston
Board of Appeal

Case: BOA-112719 Address: 69 Readville Street Ward 18 Applicant: Terry O'Relly
Articles: Article 69 Section 8 Use Regulations in Res District 9 unit MFR dwelling – Forbidden Article 69 Section 9 # of allowed stories exceeded Article 69 Section 9 Excessive F.A.R Article 69 Section 9 Insufficient open space
Purpose: Erect new building for 9 units.

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.

Case: BOA- 1099399 Address: 32 Perkins Street Ward 19 Applicant: Timothy Burke
Articles: Article 55, Section 9 55 9.3 Main entrance must face the front lot line. Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 41.12 Two or More Dwellings on Same Lot
Purpose: Change occupancy from 3 family dwelling to a two family dwelling . Extend living space into the basement with a 2nd kitchen for unit 1, Complete. Renovation existing house Work includes new kitchens, baths and associated mechanical and electrical work. Construct addition on rear for new stair and deck. (See er1079150 for proposed new rear building single family).

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change a 3 family to a 2 family and rebuild rear carriage house as a 1 family rear addition.

Board Members asked if they requested prior relief on a different proposal. They wanted to know if this lot would have 2 buildings, and they inquired about the basement space.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, Councilor O'Malley, and abutters are in support. BTD recommended 3 parking spaces max.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review, and Ligris seconded. The motion carried 5-2.



City of Boston
Board of Appeal

Case: BOA-1099404 Address: 32R Perkins Street Ward 19 Applicant: Timothy Burke
Articles: Article 55, Section 41.12 Two or More Dwellings on Same Lot Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Lot Frontage Insufficient Article 55, Section 8 Use Regulations Article 55, Section 40.5a Parking Maneuverability Article 55, Section 40 Off Street Parking & Loading Req Front yard parking not allowed Article 55, Section 40 Off Street Parking & Loading Req parking to be 5 ft from side lot line
Purpose: Demolish existing carriage house/Garage and construct a new one family structure of similar size.(see alt1079150 32 Perkins renovation and change of use) both buildings to have fire protection. Eplan

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change a 3 family to a 2 family and rebuild rear carriage house as a 1 family rear addition.

Board Members asked if they requested prior relief on a different proposal. They wanted to know if this lot would have 2 buildings, and they inquired about the basement space.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, Councilor O'Malley, and abutters are in support. BTDA recommended 3 parking spaces max.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review, and Ligris seconded. The motion carried 5-2.

Case: BOA- 944854 Address: 36 Neillian Cr Ward 19 Applicant: Antonio Ferrara
Articles: Article 55, Section 9 Lot Area Insufficient Article 55, Section 9 Lot Width Insufficient Article 55, Section 9 Lot Frontage Insufficient Article 55, Section 9 Floor Area Ratio Excessive
Purpose: Tear down existing structure and erect new single family dwelling with a one car attached garage.Letter Of Intent To Withdraw

Discussion/Vote: The applicant requested a withdrawal from the Board. Board member Fortune moved to Deny Without Prejudice, and Ruggiero seconded the motion. It carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1113797 Address: 36 Neillian Cr Ward 19 Applicant: James McCabe
Articles: Article 55, Section 9 Bldg Height Excessive (Stories) Article 55, Section 9 Floor Area Ratio Excessive
Purpose: Remove/demo existing one story frame structure off of the existing foundation. Erect 2.5 story new construction addition as per attached plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 2 story 1 family on an existing foundation.

Board Members asked if the occupancy of the dwelling, as well as parking.

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

Documents/Exhibits: Building Plans, 1 letter in opposition.

Votes: Board Member Erlich moved to approve with BPDA design review, and Ligris seconded. The motion was approved unanimously.

Case: BOA- 1121644 Address: 143 Dent Street Ward 20 Applicant: Andrew Piedra
Articles: Article 56, Section 39 Off Street Parking & Loading Req Off Street Parking Insufficient Article 56, Section 8 Lot Width Insufficient Article 56, Section 8 Lot Frontage Insufficient Article 56, Section 8 Floor Area Ratio Excessive Article 56, Section 8 Front Yard Insufficient Article 56. Section 8 Side Yard Insufficient
Purpose: Erect a new single family dwelling. Demo existing house on a separate permit. [ZBA ePlan]

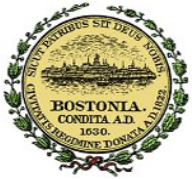
Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 1 family with 4 bedrooms and 3.5 bathrooms.

Board Members asked if this was being built on site, or pre-fab.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Essaibi-George, and Councilor O'Malley, are in support.

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

Votes: Board Member Erlich moved to approve with BPDA design review, Ruggiero seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1004672 Address: 249 Corey Road Ward 21 Applicant: Corey Realty Ventures Nominee Trust
Articles: Art. 51 Sec. 08 Use Regulations Multi family dwelling unit use building is forbidden Art. 51 Sec. 09
Floor area ratio is excessive Art. 51 Sec. 09 Height is excessive (stories) Art. 51 Sec. 09 Height is excessive (ft)
Art. 51 Sec. 09 Rear yard setback is insufficient Art. 51 Sec. 09 Front yard setback (Jordan St) is insufficient Art.
51 Sec. 56 Off street parking requirements Off street parking is insufficient Article 51, Section 56 Off Street
Loading Insufficient Off street loading is insufficient Art. 51 Sec. 57.2 Exst'g Bldg Algnmnt Conformity Front
modal alignment of Corey Rd block is not met Article 51, Section 57.3 Traffic Visibility Across Corner
Purpose: Change occupancy from nursing home to multi family residential. Erect a 49,344 sf, 4 story, 34 unit
building and a basement with 33 parking spaces. The existing building will be demolished under a separate
building permit application.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy from nursing home to an MFR building with 4 stories, 34 units, and 33 parking spaces.

Board Members asked about the roof terrace, grade change, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilors Essaibi-George, Flaherty, Breadon, abutters, and the Brighton Allston Improvement Association are in support.

Documents/Exhibits: Building Plans, 2 letters of opposition.

Votes: Board Member Erlich moved to approve with BPDA design review, Ruggiero seconded, and the motion carried unanimously.

RE-DISCUSSIONS: 12:30 PM

Case: BOA-1118027 Address: 135 Athens Street Ward: 6 Applicant: Obrien Construction and Remodeling
Article: Art 68 Sec 29 Roof Structure Restrictions Installation of a private roof deck on lower roof per plans
submitted
Purpose: Install roof deck per plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to install a roof deck that was originally built in 2018, they are seeking to expand this.

Board Members asked if the original deck is permitted, if any prior building work went to this Board. They also asked about access to the roof deck.

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

Documents/Exhibits: Building Plans, 2 letters of support.

Votes: Board Member Erlich moved for approval with BPDA design review, Ruggiero seconded and it was approved unanimously



City of Boston
Board of Appeal

RE-DISCUSSIONS: 1:00 PM

Case: BOA- 961465 **Address:** 37 Monmouth Street Ward 1 **Applicant:** Zephyr Realty, LLC
Article(s): Art. 53 Sec. 08* Forbidden – Four family dwelling unit is a forbidden use Art. 53 Sec. 09 * Floor area ratio is excessive Art. 53 Sec. 09 * Height is excessive (ft) Art. 53 Sec. 09 * Height is excessive (stories) Art. 53 Sec. 09 * Side yard setback is insufficient Art. 53 Sec. 09 * Rear yard setback is insufficient Article 27T 5 East Boston IPOD Applicability Art. 53 Sec. 56 Off street parking insufficient
Purpose: Change Occupancy from a two to a four unit residential dwelling, renovate, erect addition with head house and roof deck.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to add an addition making this a 4 unit building.

Board Members asked if there is occupancy in the basement? Will there be a head house? No.

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

Documents/Exhibits: Building Plans, 2 letters of opposition, letters of opposition.

Votes: Board Member Erlich moved for approval with BPDA design review, Ruggiero seconded and it was approved unanimously

Case: BOA- 1028114 **Address:** 31-37 Beach Street Ward 3 **Applicant:** CDC Realty Corp & Media Vision by Richard Lynds, Esq
Article(s): Article 11, Sec. 7 Electronic Signs Article 11, Section 6 Billboards **Purpose:**
Propose 15' x 25' digital billboard on the corner of Harrison Ave and Beach St.

Discussion/Vote: Board member Fortune moved to Deny without Prejudice. Ligris seconded, and it was Denied without Prejudice

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/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.



City of Boston
Board of Appeal

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/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.

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 request of the board, the applicant presented plans and described the proposed project in detail to build and have 10 residential units (one of them an affordable unit), 1 commercial space, and 10 parking spaces.

Board Members asked if the plans and occupancy.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor’s Office of Neighborhood services, the BPDA, and Councilor Essaibi-George is support

Documents/Exhibits: Building Plans, 17 letters of support, 1 letter of opposition.

Votes: Board Member Ruggiero moved for approval with BPDA design review with a focus on the addition and exterior, and no bedrooms in the basement. Erlich seconded and it was approved unanimously



City of Boston
Board of Appeal

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/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.

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/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.

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 request of the board, the applicant presented plans and described the proposed project in detail to change a childcare center to a 3 family dwelling.

Board Members asked if there are any bedrooms in the basement? No. They also asked about the plans. They also asked about the mechanical work.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to deny building code relief, Ruggiero seconded, and the motion carried unanimously. Member Ruggiero moved to approve, Kindell Jr seconded, it was approved unanimously.



City of Boston
Board of Appeal

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 request of the board, the applicant presented plans and described the proposed project in detail to change a childcare center to a 3 family dwelling.

Board Members asked if there are any bedrooms in the basement? No. They also asked about the plans. They also asked about the mechanical work.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to deny building code relief, Ruggiero seconded, and the motion carried unanimously. Member Ruggiero moved to approve, Kindell Jr seconded, it was approved unanimously.

Case: BOA- 1039457 Address: 1R Lorenzo Street Ward 16 Applicant: Timothy Johnson Article(s): Article 65, Section 42 Application of Dimensional Req – 2. Conformity with existing Building Alignment Article 65, Section 9 # of allowed habitable stories has been exceed Purpose: Combine parcels 274 & 2727 and erect new 2-1/2 story, 2 family dwelling w/rear decks and 4 off street parking spaces as per plans submitted

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to combine parcels and erect a new 2 family dwelling.

Board Members asked if they are all attached dwellings, are the lots separately deeded, and asked about the plans, below grade bedrooms, and front yard parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to defer, Ruggiero seconded, it was approved unanimously. The new hearing date is March 23, 2021.



City of Boston
Board of Appeal

Case: BOA-937921 Address: 1449-1453 Hyde Park Avenue Ward 18 Applicant: 1449 LLC

Article: 69(69-29) 69(69-30) 69(69-8) 69(69-9: Insufficient rear yard setback – (1449 Hyde Park Ave.), Insufficient lot size – (1449 Hyde Park Ave.), Excessive F.A.R. – (1449 Hyde Park Ave.), Number of allowed stories exceeded – (1449 Hyde Park Ave.) & Insufficient usable open space – (1449 Hyde Park Ave.)

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/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.

Case: BOA-1014112 Address: 59A Strathmore Road Ward 21 Applicant: A Limited Liability Company, LLC

Article(s): Article 51 Section 9 Insufficient additional lot area/unit Article 51 Section 9 Excessive F.A.R. Article 51 Section 9 Excessive height Article 51 Section 9 Insufficient open space/unit Article 51 Section 9 # of allowed stories exceeded Article 51 Section 9 Insufficient side yard setback Article 51 Section 9 Insufficient rear yard setback Article 51, Section 56 Off Street Parking Insufficient

Purpose: Seeking to change the occupancy from four residential units to five residential units. Also, to add a fifth floor addition and renovate.

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is March 23rd, 2021.

CALL OF THE CHAIR: 1:00 PM

Case: BOA-1062676 Address: 11 Dana Avenue Ward: 18 Applicant: Ralph Rosati

Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing permit# ERT812153. The permit was issued as an allowed use.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to see and determine an error on Inspectional Services part regarding the proposed application.

Board Members stated the Law Departments memo stating ISD did not make an error in issuing the building permit.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve stating ISD did not issue the permit in error, Fortune seconded, it was approved unanimously.



City of Boston
Board of Appeal

RECOMMENDATION/HEARINGS: 1:00 PM

Case: BOA-1122437 Address: 102 High Street Ward: 2 Applicant: Tucker Levy
Articles: Article 62, Section 8 Insufficient rear yard setback Article 62, Section 25 Roof Structure Restrictions
Article 62, Section 8 Excessive F.A.R.
Purpose: Renovate kitchen /garden level and add 145sqft addition to rear garden level of home to create additional living space. No change in occupancy.

Discussion/ Vote: Board member Ruggiero moved to approve, Erlich seconded, the Board moved to approve unanimously.

Case: BOA-999494 Address: 6 Mount Vernon Avenue Ward: 2 Applicant: Timothy Burke
Articles: Art. 09 Sec. 01 Reconstruction/Extension of Non-conforming Bldg. Extension of non-conforming height <25% Article 62, Section 25 Roof Structure Restrictions Dormer Article 62, Section 8 Insufficient rear yard setback
Purpose: Amend permit to construct a new dormer on rear of house with a roof deck above. Access to roof deck from new stair and hatch. Work includes new framing, cladding, windows, decking, roof hatch and railings. Work includes associated electrical, plumbing and mechanical work.

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is February 11th 2021.

Case: BOA- 1029539 Address: 66 Dorchester Street Ward: 6 Applicant: Christopher Agostino
Articles: Art. 18 Sec. 01 Front Yard Insufficient Art. 19 Section 1 Side Yard Insufficient
Purpose: Two off street parking spaces at property (DPW curb cut approved).

Discussion/ Vote: Board member Ruggiero moved to deny, Erlich seconded, and the Board moved to deny unanimously.

Case: BOA-1133098 Address: 15 Nira Avenue Ward: 10 Applicant: Dauntless Path, LLC
Article: Article 55, Section 12 Floor Area Ratio Excessive
Purpose: Complete gut rehab of existing structure as per plans. EPLAN

Discussion/ Vote: Board member Ruggiero moved to approve, Erlich seconded, the Board moved to approve unanimously.

Case: BOA-1121041 Address: 36 Gaston Street Ward: 12 Applicant: Amenyonah Bossman
Article: Article 50, Section 28 Use regulations Transitional Housing is a conditional use in a 3F 4000 sub district
Purpose: Construction renovations to change use from 1 family to a Residential house for re-entry for women being released from prison. Work consists of demolition, waterproofing, Fire Sprinkler, Fire Escape, Fire Alarm, Interior Framing and two bathroom renovations. ADA bathroom and Wheelchair lift. Interior finishes.

Discussion/Vote: The applicant requested a deferral granted the Board would give them one. Erlich moved for the deferral, Ruggiero seconded, and it was approved unanimously. Their new hearing date is January 12th, 2021.



City of Boston
Board of Appeal

Case: BOA- 1130250 Address: 251 Savin Hill Avenue Ward 13 Applicant: Keith Costa

Article: Article 9, Section 1 Extension of Non-Conforming Use

Purpose: Create a Parking area for Two cars in the rear of 251 Savin Hill Ave, accessible from Savin Hill Lane (a private way) using pervious paving stones. E Plans

Discussion/ Vote: Board member Ruggiero moved to deny without prejudice, Erlich seconded, the Board moved to deny without prejudice unanimously.

Case: BOA-1121148 Address: 18 Spaulding Street Ward: 16 Applicant: Benedicte Dienjuste

Articles: Article 65, Section 9 Excessive F.A.R. .5 max. Article 65, Section 9 Insufficient side yard setback 10' min Article 65, Section 9# of allowed habitable stories has been exceeded 2.5 stories max.

Purpose: Amending ALT#877594 reviewed by examiner (FD) to perform additional work by constructing a new dormer on the right side of home and to extend dormer size on left side of home for ZBA review and approval per plans submitted to include elimination of chimney (cap off at attic floor).

Discussion/ Vote: Board member Ruggiero moved to approve with BPDA design review, Erlich seconded, the Board moved to approve unanimously.

Case: BOA-1127963 Address: 23 Macdonald Street Ward:18 Applicant: Brady-Built

Articles: Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient

Purpose: Prepare site for sunroom addition by removing siding for attachment wall, cutting back soffit and building new cricket, installing 2 rows of 3 helical screws to support addition, replace bedroom windows with sliding door. Install sunroom built at factory by crane. Install siding and trim. [ePlan]

Discussion/ Vote: Board member Ruggiero moved to approve with BPDA design review, Erlich seconded, the Board moved to approve unanimously.

Case: BOA-1099592 Address: 215 Dana Avenue Ward:18 Applicant: Santiago Pined

Articles: Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Floor Area Ratio Excessive

Art. 09 Sec. 01 Extension of Non-Conforming Use This needs Neighborhood Design Review

Purpose: First floor, second floor and attic renovation including: Replacement of windows Dining room wall framing repair Kitchens renovation Bathrooms renovation New bathroom in attic Dormer roof repair Rafters repair Re roofing Removal of two chimneys New flooring throughout Plumbing/electrical updating. EPLAN

Discussion/ Vote: Board member Ruggiero moved to approve with BPDA design review, Erlich seconded, the Board moved to approve unanimously.



City of Boston
Board of Appeal

Case: BOA-1090178 Address: 7 Arborview Road Ward: 19 Applicant: Tom Kearns
Articles: Article 55, Section 9 Front Yard Insufficient Article 55, Section 12 Side Yard Insufficient
Article 55, Section 12 Floor Area Ratio Excessive
Purpose: 750 GSF (375 GSF Footprint) two story addition at North (rear Yard) with landscape terrace, 62 GSF
entry vestibule addition at South (front yard) with landscape steps. All existing windows, siding, and
gutters/downspouts to be replaced. Select interior renovations. Builders license and info needed before issue.
Eplan

Discussion/ Vote: Board member Ruggiero moved to approve with BPDA design review, Erlich seconded, the Board moved to approve unanimously.

Case: BOA- 1123884 Address: 3 Paragon Road Ward:20 Applicant: Daniel Murray
Articles: Article 56, Section 8 Front Yard Insufficient Article 56, Section 8 Rear Yard Insufficient
Article 56. Section 8 Side Yard Insufficient
Purpose: Raise roof of existing house per plans. Build new addition with attached garage per plans (wood built
Type 5).

Discussion/ Vote: Board member Ruggiero moved to approve with BPDA design review, Erlich seconded, the Board moved to approve unanimously.

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
JOSEPH RUGGIERO
KOSTA LIGRIS

SUBSTITUTE MEMBERS:

TYRONE KINDELL, JR
EDWARD DEVEAU

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 8, 2020 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.