

City of Boston
Board of Appeal

TUESDAY, OCTOBER 27, 2020

BOARD OF APPEAL

CITY HALL, ROOM 801

HEARING MINUTES

Acting Board Mark Erlich 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 OCTOBER 27, 2020 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS OCTOBER 27, 2020 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE OCTOBER 27, 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/zbaOct27hearing> or by calling 1-617-315-0704 and entering access code 173 308 0232.

If you wish to offer testimony on an appeal, please click <http://bit.ly/zbaOct27comment> 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/zbaOct27comment>, calling 617-635-4775 or emailing isdboardofappeal@boston.gov.



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The ZBA Ambassador will be available within the WebEx Event from at 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.



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EXTENSION: 9:30 AM

Case: BOA- 658980 Address: 10 McBride Street Ward 11 Applicant: John Moran

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 from the date of the hearing

Case: BOA-799147 Address: 30 Thorn Street Ward 18 Applicant: Nicholas Zozula, 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 from the date of the hearing

Case: BOA-859199 Address: 59 Blake Street Ward 18 Applicant: Matt Mueller

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 from the date of the hearing

GCOD: 9:30 AM

Case: BOA-1121299 Address: 1-17 Edgerly Place Ward 5 Applicant: John Walsh

Article: Art. 32 Sec. 04 GCOD Applicability

Purpose: Erect new 3 story residential multifamily building consisting of a 9-unit dwelling, townhouse design on existing vacant parking lot. Eplan

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a new three story residential multifamily as a nine-unit dwelling

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

Documents/Exhibits: Building Plans, no harm letter, awaiting Boston Water and Sewer letter

Votes: Board Member Erlich moved for approval. The Board voted unanimously for approval. 6-0



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BUILDING CODE: 9:30 AM

Case: BOA-1118810 Address: 582 East Broadway Ward 6 Applicant: Douglas Stefanov
Purpose: Renovating existing 3-unit building, adding 2 new units for total of 5 units. Add a new top story, headhouse and roof deck. 4 Parking spaces accessible from back. Violation 9th Edition 780 CMR CHPT 10 Chapter 10 CH10 SEC 1009 ROOF ACCESS ABOVE THE 4TH STORY WHERE A STAIRWAY IS PROVIDED TO AN OCCUPIED ROOF ABOVE THE FOURTH STORY OF A BUILDING, ACCESS TO SUCH OCCUPIED ROOF SHALL BE THROUGH A PENTHOUSE. (note that access proposed to the roof is in violation of that section of the code).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a top story head house and replace with hatch.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval, The Board voted unanimously for approval.

HEARING: 9:30 AM

Case: BOA-1112805 Address: 70-72 Bennington Street Ward 1 Applicant: Michael Welsh
Articles: Article 53 Section 56 Off Street Parking & Loading Req Off street parking is insufficient. Article 53 Section 8 Use Regulations MFR, Retail and Beauty salon are all forbidden in a 2F 2000 sub district. Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories)
Purpose: Change of use from Four Family Dwelling, Beauty Salon w/ Accessory Tanning (LF 2732/2008) to Eight Dwelling Units, Beauty Salon w/ Accessory Tanning, and Retail Store. No work to be performed. Existing building has had 10 units since 1981 condo conversion. Seeking refusal for ZBA appeal. See memo. EPLAN PLANS SUBMITTED ARE FROM CONDO RECORDS AS WELL AS CONSTRUCTION. ** Note this work done without permits ** JMK. Cost for work done without permits must be added to declared value.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a change of occupancy. No legal record since condominium conversion in 1981. Changing the occupancy to eight residential units

Board members asked about the unit sizes and bedroom counts

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

Documents/Exhibits: Building Plans, letter of opposition

Votes: Board Member Ruggiero moved for approval with BPDA design review. The Board voted unanimously for approval. 6-0



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Case: BOA-1080462 Address: 88R White Street Ward 1 Applicant: 88 White Street, LLC
Articles: Article 53, Section 9 Rear Yard Insufficient Article 53, Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient Article 53, Section 52Roof Structure Restrictions Article 27T 5East Boston IPOD Applicability

Purpose: Seeking to change the occupancy from a single family dwelling to a two family dwelling. Also, to renovate the building, including a two story side addition. This will be one of two dwellings on one lot. [ZBA ePlan].

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change a 1 family to a 2 family, and build a 2 story addition.

Board members asked if they had been to the Board in the past? Yes they had, to make a 1 family a 3 family.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and an abutter are in support. Multiple abutters are in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Ligris moved for approval with BPDA design review, Fortune seconded. It did not carry and was denied 4-3.

Case: BOA-1019225 Address: 16 Cottage Street Ward 1 Applicant: Norberto Perez
Articles: Article 27T 5East Boston IPOD Applicability Article 53 Section 9# of allowed stories exceeded Article 53 Section 9 max allowed height exceeded Article 53 Section 9 Excessive F.A.R. Article 53 Section 9 Insufficient rear yard setback Article 53, Section 52Roof Structure Restrictions
Purpose: Seeking to add a rear addition and a fourth story addition. Also, to add a roof deck.

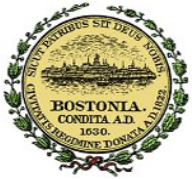
Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect 4th story addition; rear addition and roof decks removed both to remain a 3 family.

Board members asked the occupancy of the buildings, as well as the unit sizes.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and a neighbor are in support. Councilors Edwards left this up to the discretion of the Board. Abutters and the Jeffries Point Neighborhood Association are in opposition.

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

Votes: Board Member Ruggiero moved for approval with BPDA design review, Ligris seconded. The Board voted 6-1 and the motion carried.



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Case: BOA-1019227 Address: 18 Cottage Street Ward 1 Applicant: Norberto Perez
Articles: Article 27T 5East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions Article 53 Section 9 # of allowed stories exceeded Article 53 Section 9 Max allowed height exceeded Article 53 Section 9 Excessive F.A.R. Article 53 Section 9 Insufficient rear yard setback
Purpose: Seeking to add a rear addition and a fourth story addition. Also, to add a roof deck.

Discussion/Vote: The applicant requested a deferral, it was approved unanimously by the Board. The next hearing date will be Tuesday March 30th 12:30pm.

Case: BOA-1090436 Address: 310 Bunker Hill Street Ward 2 Applicant: Robert Gatnik
Articles: Article 62, Section 8 Floor Area Ratio Excessive Article 62, Section 8 Side Yard Insufficient
Purpose: Amendment to ALT1024681. Install rear deck at second floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a rear deck off of the second floor

Board members asked about a side yard violation

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. The Board voted unanimously for approval. 6-0

Case: BOA-1097322 Address: 391-395 Hanover Street Ward 3 Applicant: Michael Dello Russo
Article: Article 54, Section 12, Use Regulations Restaurant use: Conditional
Purpose: Change use from Three Apartments and Store to Three Apartments and Restaurant use #37.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the pharmacy use to a restaurant with forty-two seats

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

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA who suggested the proviso was in error. The Board voted unanimously for approval.



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Case: BOA-1043139 Address:80-84 Warrenton Street Ward 5 Applicant: NSTAR Electric Company d/b/a Eversource Energy

Articles: Art. 32 Sec. 04 GCOD Applicability Art. 38 Section 18 Use: Conditional

Purpose: Nominal fee review: Install foundations, barrier walls and fences to facilitate the installation of two substation transformers.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a installation of two substation townhouses.

Board members asked about the facility appearances

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

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Elrich moved for approval with BPDA design review. The Board voted unanimously for approval. 6-0

Case: BOA-1101695 Address: 50 Gloucester Street Ward 5 Applicant: Select Oyster LLC (c/o Robert

Article: Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.

Purpose: Relocate the hot water heater and mop sink to accommodate the change of occupancy to increase occupancy from 60 to 87 (To include increased occupancy for outdoor seating from 22 to 38) Work to include new toilet installation .EPLAN

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to increase from sixty to eighty-seven persons inside; and twenty two to thirty eight persons outside.

Board members asked about accessibility

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Bok, and the Carpenters Union are in support. The Massachusetts Architectural Board do not oppose.

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Elrich moved for approval, the Board voted unanimously for approval



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Case: BOA-1116914 Address: 472 West Broadway Ward 6 Applicant: Timothy Johnson

Articles: Article 68, Section 33 Off-Street Parking & Loading Req Design/Maneuvering areas Article 68, Section 33 Off-Street Parking & Loading Req Insufficient parking Article 68, Section 34.1 Conformity Ex Bldg Alignment Article 68, Section 7 Commercial Use (unknown) – Forbidden Article 68, Section 8 Insufficient lot size Article 68, Section 8 Insufficient additional lot area per unit Article 68, Section 8 Excessive F.A.R. Article 68, Section 8 Max allowed building height exceeded Article 68, Section 8 Insufficient usable open space per unit Article 68, Section 8 Insufficient side yard setback Article 68, Section 8 Insufficient rear yard setback
Purpose: Combine parcels 1893 & 1883, Demolish existing building and erect new 5 story mixed-use building (1 commercial & 16 residential units) w/11 car garage, side and roof decks and conforming to the compact living policy program as per plans submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a two-story mixed use building with sixteen residential units, and ground floor with eleven parking spaces. Units conform to correct zoning guidelines.

Board members asked about roof deck common space, parking, and the zoning subdistrict

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

Documents/Exhibits: Building Plans,

Votes: Board Member Ruggiero moved for approval with BPDA design review. The Board voted unanimously for approval.6-0

Case: BOA-1099121 Address: 120-126 Emerson Street Ward 6 Applicant: Mark Litte

Articles: Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Bldg Height Excessive (Feet) Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 33 Off Street Parking & Loading Req There is no proposed off street parking 12 spaces are required

Purpose: Renovation of commercial space on ground floor and erect a 4 story vertical addition consisting of 8 condo units. Change occupancy to Stores and 8 Residential dwelling units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a four-story residential dwelling with six units, with the third floor removed and reduced to eight units with two roof decks.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval with BPDA design review. The Board voted unanimously for approval 6-0.



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Case: BOA-1066911 Address: 8-10 Mercer Street Ward 7 Applicant: Mark Little
Articles: Article 68, Section 29 Roof Structure Restrictions Article 68, Section 33 Off Street Parking & Loading Req Off street parking facilities shall be provided on the same Lot Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Bldg Height Excessive (Feet) Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Add'l Lot Area Insufficient

Purpose: Change of occupancy from 2 (two family) to six (6) units Multi Family Dwelling. Construct rear addition. Add two private roof decks. Add six parking spaces total in rear yard for use by 8 10 Mercer Street with access provided by new residential driveway to be shared with 12 Mercer Street. Combine 10 Mercer Street lot of 2,125 square feet, with existing semi attached two family dwelling thereon, with 8 Mercer Street lot of 2,125 square feet, with existing semi attached two family dwelling thereon, to form new lot of 4,250 square feet. Combined lot filed under ALT1056673. Shared driveway filed with U491056686.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy or eight to ten from a two-family to a six-family with rear addition, two roof decks, six parking spaces. Shared driveway with twelve Mercer Street via easement

Board members asked basement relevant to grade, parking basement ceiling height, and the address.

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

Documents/Exhibits: Building Plans, letter of opposition, twenty-two signatures in support.

Votes: Board Member Erlich moved for approval with BPDA design review. The Board voted unanimously for approval.



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Case: BOA-1066917 Address: 12 Mercer Street Ward 7 Applicant: Mark Little

Articles: Article 68, Section 33 Off Street Parking & Loading Req Off street parking facilities shall be provided in the same lot Article 68, Section 8 Usable Open Space Insufficient

Purpose: Propose two off-street parking in rear yard by shared driveway for access with 8-10 Mercer Street. All costs reflected on ALT1056666. See plan ALT1056666.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy or eight to ten from a two-family to a six-family with rear addition, two roof decks, six parking spaces. Shared driveway with twelve Mercer Street via easement

Board members asked basement relevant to grade, parking basement ceiling height, and the address.

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

Documents/Exhibits: Building Plans, letter of opposition, twenty-two signatures in support.

Votes: Board Member Erlich moved for approval with BPDA design review. The Board voted unanimously for approval.

RE-DISCUSSION: 11:30 PM

Case: BOA-1043407 Address: 132 Marginal Street Ward 1 Applicant: Angelo Scippa

Article(s): 53(53-8) 53(53-9): Lot area for the add'l units is insufficient, Floor area ratio is excessive, Required height is excessive (stories), Required height is excessive (ft), Required front yard setback is insufficient, Required side yard setback is insufficient, Required rear yard setback is insufficient & Usable open space is insufficient) 53(53-56) 53(53-53-57) 27T(27T-5)

Purpose: Combine parcel 0104590000 of 2813 sf with parcel 0104591000 of 2813sf to create new lot of 5626 sf to be known as 132 Marginal Street and erect a new 6 Unit apartment building with two units per floor.

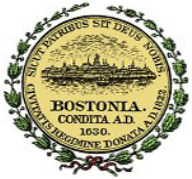
Discussion/Votes: The applicant requested a deferral and was approved unanimously by the Board. The next hearing date will be Tuesday March 10th at 9:30am

Case: BOA-1029221 Address: 837 Saratoga Street Ward 1 Applicant: 22 Jerome Street, LLC

Article(s): 10(10-1) 53(53-8) 53(53-8) 53(53-52) 53(53-56) 53(53-9): Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Usable open space insufficient, Side yard insufficient & Rear yard insufficient)

Purpose: Change of Occupancy from Three-Family Dwelling to Multi-Family Dwelling (8 units). Erect rear addition and fourth-story addition. Propose (6) spaces.

Discussion/Votes: The applicant requested a deferral. It was passed unanimously by the Board, and the next date will be January 26th 2021 9:30am



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Case: BOA-1001052 Address: 62 Alpine Street Ward 12 Applicant: Aaron Robinson

Article(s): 50(50-43) 50(50-29: Usable open space insufficient, Floor area ratio excessive & Add'l lot area insufficient) 50(50-28)

Purpose: Change occupancy from a two family to a four family. Renovate as per plans. Including MEP, Sprinkler and FA.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the existing two family into a three family, which is reduced from a four family.

Board members asked where the location of the third unit would be, the attic and ceiling height, the number of bedrooms, square footage, and the length of the driveway.

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

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

Votes: Board Member Ruggiero moved for approval with BPDA design review. The Board voted unanimously for approval.

Case: BOA-958462 Address: 18 Euclid Street Ward 17 Applicant: Chris Abner

Article(s): 65(65-42.2) 65(65-42.3) 65(65-9: Max. allowed height exceeded, Insufficient lot size, Insufficient additional lot area per dwelling unit, Excessive F.A.R, # of allowed stories Exceeded & Insufficient open space per unit)

Purpose: Confirm occupancy as single family. Change of occupancy to a three-family dwelling. Construct addition for two units onto existing structure per attached drawings. ZBA

Discussion/Votes: The applicant requested a deferral and was granted one unanimously by the Board. The next hearing will be January 26th 2021 1:00pm.

Case: BOA-1012008 Address: 190R Washington Street Ward 21 Applicant: Peter Ofman

Article(s): Art. 10 Sec. 01 ** Limitation of off street parking areas 1 Parking space located on the front yard Article 51 Section 9.4 Dim Reg: Location of Main Entrance Article 51, Section 56. Off-Street Parking & Loading Req 51.56.5 Design Article 51, Section 9 Lot Area Insufficient Required: 5,000sqft Proposed: 4,104 sqft Article 51, Section 9 * Front Yard Insufficient Required: 20' Proposed: 7.6' Article 51, Section 9 **** Rear Yard Insufficient Required: 30' Proposed: 6.3'**

Purpose: Erect a new single family 2-1/2 feet story detached dwelling. Propose two (2) off-street parking. ZBA

Discussion/Vote: The applicant requested a deferral and was granted one unanimously by the Board. The next hearing date will be January 26th, 2021 at 1:00pm.



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HEARING: 1:00 PM

Case: BOA-1068581 Address: 9 Batchelder Street Ward 8 Applicant: Tomasa Pujol

Articles: Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient

Purpose: Renovation 2 family unit: Framing, insulation, drywall, flooring, painting all new interior, electrical upgrade, new plumbing, new HVAC unit # 1: Add finish basement with 2 bedroom unit # 2: Add dormer and 2 bedroom in attic & roof deck.

Discussion/Vote: The applicant requested a deferral and was granted one by the Board unanimously. The next hearing will be February 2, 2021, at 12:30pm.

Case: BOA- 1093724 Address: 85 Regent Street Ward 9 Applicant: Anthony Virgilio

Articles: Article 50 Section 29 Floor Area Ratio Excessive Article 50 Section 29 Building Height Excessive Article 50 Section 29 Building Height (# of Stories) Excessive Article 9 Section 1 Extension of Nonconforming Use Purpose: Enclose existing open porches, and install new vertical Side additions. Extend existing Living space into the Basement and above the Roof. To correct violations. ZBA Required.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to enclose the porches, add vertical and side additions and extend the basement.

Board members asked about the use of the basement, the use of the vertical addition and the roof. They said the applicant must legalize the work done without building permits.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Tommy's Rock and Garrison Trotter in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval with BPDA design review. The Board voted 5-1 approval.



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Case: BOA-1098870 Address: 60-66 South Street Ward 11 Applicant: Gabrielle Hahn
Articles: Art. 55, Section 16 Use: Conditional Tattoo studio use is a conditional use in this zoning subdistrict
Art. 55, Section 40 Off Street Parking Insufficient
Purpose: Change use of 68 South Street to tattoo studio. Eplan

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the use to a tattoo studio

Board members asked the type of tattooing and deemed it a commercial space

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

Documents/Exhibits: Building Plans, six letters in support, two letters in opposition

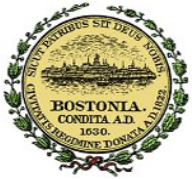
Votes: Board Member Ruggiero moved for approval with BPDA design review. The Board voted unanimously for approval.

Case: BOA- 1069726 Address: 139 Harrishof Street Ward 12 Applicant: Tim Longden
Articles: Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet)
Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50,
Section 29 Side Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Location. Off street
parking facilities shall be provided on the same Lot as the main use to which they are accessory
Purpose: Change of occupancy from Two Family Dwelling to Three Family Dwelling. Construct rear addition on
first floor and third floor addition on existing footprint. Propose (4) off street parking accessed through a shared
driveway with 135 Harrishof Street. File in conjunction with subdivision lot ALT1066529 and new 6 unit
residential building ERT1066525. [ZBA ePlan]

Discussion/Vote: The applicant requested a deferral, and the Board granted one unanimously. The next hearing date will be February 2, 2021 1:00pm.

Case: BOA-1069729 Address: 135 Harrishof Street Ward 12 Applicant: Tim Longden
Articles: Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive
Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50,
Section 29 Side Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Off Street Parking
Insufficient Article 50 Section 28 Use Regulations Multi Family Dwelling Use : Forbidden Article 50, Section 43
Off Street Parking & Loading Req Location. Off street parking facilities shall be provided on the same Lot as the
main use to which they are accessory
Purpose: Erect 6 unit residential building with 5 exterior parking spaces and shared driveway with 139
Harrishof. Subdivision application is ALT1066529 and a proposed alteration to the existing 2 family building at
139 Harrishof is application ALT1066526. [ZBA ePlan]

Discussion/Vote: The applicant requested a deferral, and the Board granted one unanimously. The next hearing date will be February 2, 2021 1:00pm



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Case: BOA-1097303 Address: 32 Pearl Street Ward 13 Applicant: Melissa Novaco
Articles: Article 65, Section 8 Use Regulations MFR Use Forbidden Article 65, Section 9 Excessive F.A.R. Article 65, Section 9 # of allowed stories exceeded Article 65, Section 9 Max allowed height exceeded Article 65, Section 9 Insufficient side yard setback Article 65, Section 9 Insufficient rear yard setback Art. 65 Sec. 41 Off street parking requirements Insufficient parking Art. 65 Sec. 41 Off street parking requirements Insufficient maneuvering areas Art. 65 Sec. 42 Conformity with Existing Building Alignment
Purpose: Seeking to raze the existing structure and erect a nine unit residential dwelling with three private roof decks and with nine parking spaces. E Plans. Nominal Fee. ZBA.

Discussion/Vote: The applicant requested a deferral and was granted one unanimously by the Board. The next hearing date will be February 2, 2021 at 1:00pm.

Case: BOA-1112820 Address: 21 Morse Street Ward 14 Applicant: Anthony Monahan
Articles: Articles 50, Section 28 Use Regulations 7 units uses: Forbidden Article 50, Section 29 Lot Area Insufficient Required: 5,000 sqft Proposed: 4,430 sqft Article 50, Section 29 Add'l Lot Area Insufficient Required: total lot: 17,500 sqft Article 50, Section 29 Lot Width Insufficient Required: 50' Proposed: 45.13' Article 50, Section 29 Lot Frontage Insufficient Required 50' Proposed: 45.13' Article 50, Section 29 Floor Area Ratio Excessive Max. allowed: 0.8 Proposed: 2.19 Article 50, Section 29 Bldg Height Excessive (Stories) Max. allowed: 3 Proposed: 4 Article 50, Section 29 Bldg Height Excessive (Feet) Max. allowed: 35' Proposed: 53' Article 50, Section 29 Usable Open Space Insufficient Required: 4,500 sqft Article 50, Section 29 Side Yard Insufficient Required: 10' Proposed: 3.2' (L) 3.4' (R) Article 50, Section 29 Rear Yard Insufficient Required: 30' Proposed: 15' Article 50, Section 43 Off-Street Parking & Loading Req Access to spaces is through the neighbor's driveway Article 50, Section 44.2 Conformity Ex Bldg Alignment
Purpose: Erect new 7 unit multi family building on vacant lot as per plans. Eplan

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 6 unit dwelling with 6 parking spaces.

Board members asked about reduction in violations with reducing this to 6 units. They also asked about the zoning subdistrict, lot size, bedroom counts, and no roof decks.

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 and five letters of support.

Votes: Board Member Ruggiero moved for approval with BPDA design review. The Board voted 5-1 approval.



City of Boston
Board of Appeal

Case: BOA- 1073949 Address: 233 Metropolitan Avenue Ward 18 Applicant: Pamela Bardhi

Article: Article 67, Section 9 Usable Open Space Insufficient

Purpose: In reference to permit #Ert1068572, the property on 233 Metropolitan Avenue is to be split into two lots. Total lot size of the parcel currently is 14,019 SF. The two lots will be split into lot A & lot B. Lot A is 7125 SF and Lot B is 689 No work to be done on existing structure. Just subdivision.

Discussion/Votes: Per the applicants request the Board unanimously approved a deferral until February 2, 2021 at 1:00pm

Case: BOA-1073954 Address: 233R Metropolitan Avenue Ward 18 Applicant: Pamela Bardhi

Articles: Article 67, Section 9 Lot Frontage Insufficient Article 67, Section 28 2.2e Design and Architecture

Building orientation to the street. Proposed lot and building are behind another building and lot.

Purpose: Build new construction single family home as of right. [ePlan]

Discussion/Votes: Per the applicants request the Board unanimously approved a deferral until February 2, 2021 at 1:00pm.

Case: BOA-1070813 Address: 12 Everett Street Ward 19 Applicant: Eric DiNicola

Articles: Article 55, Section 8 Use Regulations MFR is Forbidden in a 3F 5000 Sub district Article 55, Section 9 Lot Frontage Insufficient

Purpose: Erect a new 6-unit multi family building on a currently vacant parcel.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect two story two-unit townhouses each with one car garage with four visitor spaces.

Board members asked newly used or historical lot? They asked a historical unit breakdown.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor O'Malley and a direct abutter is in support. 3 abutters are in opposition.

Documents/Exhibits: Building Plans. 50 letters in opposition, 24 letters in support.

Votes: Board Member Erlich moved to deny without prejudice, Kindell Jr. seconded. It was denied without prejudice unanimously.



City of Boston
Board of Appeal

Case: BOA-834647 Address: 3 Meyer Street Ward 19 Applicant: John Pulgini

Articles: Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Rear Yard Insufficient

Article 55, Section 9 Front Yard Insufficient

Purpose: Building A: Erect two family dwelling. Each unit will have 3 bedrooms and 2.5 baths, 1 car garage, unfinished basement for storage/mechanical. One of two buildings on the lot with 8 off street parking. Front unit will have finished attic with 1 bath. File in conjunction with ERT817473.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect two story two unit townhouses each with one car garage with four visitor spaces.

Board members asked about lot shape, grade, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilors Campbell and Flaherty are in opposition.

Documents/Exhibits: Building Plans. 438 signatures and 20 letters in opposition.

Votes: Board Member Erlich moved to deny. Kindell Jr. seconded, it was denied unanimously.

Case: BOA-834646 Address: 5 Meyer Street Ward 19 Applicant: John Pulgini

Articles: Article 55, Section 41.12 Two or More Dwellings on Same Lot A Dwelling shall not be built to the rear of another Dwelling Article 55, Section 9 Lot Frontage Insufficient Article 55, Section 9 Front Yard Insufficient

Article 55, Section 9.3 Dim Reg: Location of Main Entrance

Purpose: Building B: Erect two family dwelling. Each unit will have 3 bedrooms, 2.5 baths, 1 car garage, unfinished basement for storage/mechanical. One of two buildings on the lot with 8 off street parking. File in conjunction with ERT818050.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect two story two unit townhouses each with one car garage with four visitor spaces.

Board members asked about lot shape, grade, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilors Campbell and Flaherty are in opposition.

Documents/Exhibits: Building Plans. 438 signatures and 20 letters in opposition.

Votes: Board Member Erlich moved to deny. Kindell Jr. seconded, it was denied unanimously.



City of Boston
Board of Appeal

Case: BOA-1080220 Address: 27 Montclair Avenue Ward 20 Applicant: Francesco Peri
Articles: Article 56, Section 7 Use Regulations Use: Accessory Keeping of Animals (Poultry): Forbidden Article 56, Section 8 Rear Yard Maximum Occupancy by Accessory Buildings can not exceed 25% Article 56 Section 40 Application of Dimensional Req Accessory Buildings in Side or Rear Yard
Purpose: Installation of a Backyard Chicken Coop for 6 chickens. E – Plans

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to install a backyard chicken coop with 6 hens.

Board members asked the grade of the backyard.

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

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

Votes: Board Member Erlich moved to approve. Ruggiero Jr. seconded, it was approved unanimously.

Case: BOA- 1055853 Address: 4 Anawan Avenue Ward 20 Applicant: Andreas Hwang
Articles: Article 67, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Proposed:1.1 Article 67, Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5 Proposed: 3 Article 67, Section 9 Rear Yard Insufficient Required:40' Proposed:16.8' Article 67, Section 8 Use: Forbidden 8 family Article 67 Section 32 Off Street Parking & Loading Req spaces required: 16 Provided: 8 (2 spaces shall be accessible)
Purpose: Erect new 8 units Multi Family Dwelling. Demolish existing building on separate permit. Combine this lot with adjacent vacant lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting building code relief, the applicant will comply.

Board members asked about the rear yard setbacks, the driveway, and the space in the basement.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor Arroyo, and Councilor Flaherty are in support

Documents/Exhibits: Building Plans and 4 letters of support.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded, it was denied unanimously. Board member Erlich moved to approve with BPDA review, Ruggiero seconded, it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1055852 Address: 4 Anawan Avenue Ward 20 Applicant: Andreas Hwang
Purpose: Erect new 8 units Multi Family Dwelling. Demolish existing building on separate permit. Combine this lot with adjacent vacant lot. Violation Section: 9th Edition 780 CMR Multiple Dwellings Art. 9.3. 521 CMR 900.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting building code relief, the applicant will comply.

Board members asked about the rear yard setbacks, the driveway, and the space in the basement.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor Arroyo, and Councilor Flaherty are in support

Documents/Exhibits: Building Plans and 4 letters of support.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded, it was denied unanimously. Board member Erlich moved to approve with BPDA review, Ruggiero seconded, it was approved unanimously.

Case: BOA-1054243 Address: 38 Cass Street Ward 20 Applicant: Joseph Lichtblau
Article: Article 56, Section 7 Use Regulations Two Family Dwelling Use : Forbidden
Purpose: Erect a two family dwelling. Demolish existing single family dwelling new address to be known as 38 Cass Street. Combined lot filed under ALT1039584.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a 2 family. .

Board members asked about the slope of the grade.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review, Ruggiero seconded and it was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1110500 Address: 421-425 Market Street Ward 22 Applicant: 425 Market Street, LLC
Articles: Article 51, Section 16 Use Regulations Use: Multi family Dwelling: Conditional Article 51, Section 17 Floor Area Ratio Excessive Article 51, Section 17 Building Height Excessive Article 51, Section 17 Rear Yard Insufficient Article 51, Section 53 Screening & Buffering Insufficient Article 51, Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient Article 51, Section 56 Off Street Parking & Loading Req Off Street Loading Insufficient

Purpose : Change the Occupancy of the existing Commercial Building to a Mixed Use Building. Construct a 4 story addition onto existing Building. On the Ground Floor will be a Retail Space and Accessory Parking. There will be Twenty three (23) Residential Units on Floors 2 thru 5 and a Common Roof Deck. There will be a 23 space Parking Garage underneath Building. ZBA required. Nominal Fee. E Plans

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting

Board members asked about the roof decks, the number of stories the building would be, How many parking spaces, and was there an elevator.

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

Documents/Exhibits: Building Plans, eighty-nine letter of support, one letter of opposition.

Votes: Board Member Erlich moved for approval with BPDA design review. The Board voted 5-1 for approval.

Case: BOA-1086727 Address: 365 Western Avenue Ward 22 Applicant: Joe Hassell
Articles: Article 51, Section 16 Use Regulations Multi Family Dwelling Use : Conditional Article 51, Section 17 Floor Area Ratio Excessive Article 51, Section 17 Building Height Excessive Article 51, Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient Article 29 Section 4GPOD Applicability
Purpose: To erect a new 6 story, 65 units Multi Family Dwelling with 27 37 (37 with stackers) at grade parking spaces and common roof deck. [ZBA ePlan]

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 6-story building with 65 residential units and at-grade parking.

Board members asked about bedroom breakdowns, unit sizes, off-street loading, 10 IDP units and FAR.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor Breadon, and Councilor Flaherty are in support. The Brighton Allston Improvement Association are in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to deny, Ruggiero seconded, and it was denied unanimously.



City of Boston
Board of Appeal

Case: BOA-1106430 Address: 2 Oakland Street Ward 22 Applicant: John Walsh
Articles: Article 51, Section 8 Use Regulations Townhouse Use : Forbidden Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient
Purpose: Erect new six (6) townhouse units. Propose (13) parking spaces.

Discussion/Vote: Per the applicants request the Board approved a deferral unanimously until February 2, 2021 1:00pm.

Case: BOA- 1023110 Address: 9 Newton Street Ward 22 Applicant: Boustris Properties, LLC
Articles: Article 51, Section 8 Use Regulations MFR/6 unit dwelling Forbidden Article 51 Section 9 Insufficient lot size 4000sf min. req. Article 51 Section 9 Insufficient additional sf/unit 2,000sf/unit req. Article 51 Section 9 Excessive F.A.R. .8 max allowed Article 51 Section 9 Insufficient usable open space 650sf/unit req. Article 51 Section 9 Insufficient side yard setback 10'/15' total aggregate Article 51 Section 9 Insufficient rear yard setback 30' Min. req. Article 51, Section 56. Off Street Parking & Loading Req Insufficient parking 1.75/unit req. = 11 spaces Article 51 Section 9# of allowed stories exceeded 3 story max. Article 51 Section 9 height exceeded 35' max.
Purpose: Demolish the existing one story commercial building and erect a new 3 story residential building of 6 units with accessory parking at lower level partially below grade *4 story structure.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a three story building with six units and eight parking spaces.

Board members asked about parking and building alignment

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval with BPDA design review. Kindell Jr. seconded, it was approved unanimously.



City of Boston
Board of Appeal

INTERPRETATION: 1:00 PM

Case: BOA-1107085 Address: 1001 Boylston Street Ward 5 Applicant: Paul Lewis

Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit# ERT1037077. The permit was issued as an allowed use.

Discussion/Vote: These are plan development areas, ISD confirmed the correct issuance of the permit. The Board referred these cases to the Law Department. To determine their jurisdiction, to clarify the tracking of the arguments made (on height), and to look at the building height as a whole and determine how much overage has gone into amenity space. Robinson moved to bring this to the law department, Erlich seconded, and the Board voted unanimously to seek counsel from the Law Department.

Case: BOA-1107095 Address: 1001 Boylston Street Ward 5 Applicant: Arthur D. Ullian

Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit # ERT1037077. The permit was issued as an allowed use.

Discussion/Vote: These are plan development areas, ISD confirmed the correct issuance of the permit. The Board referred these cases to the Law Department. To determine their jurisdiction, to clarify the tracking of the arguments made (on height), and to look at the building height as a whole and determine how much overage has gone into amenity space. Robinson moved to bring this to the law department, Erlich seconded, and the Board voted unanimously to seek counsel from the Law Department.

Case: BOA-1107099 Address: 1001 Boylston Street Ward 5 Applicant: KRT Holdings, LLC

Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit # ERT1037077. The permit was issued as an allowed use.

Discussion/Vote: These are plan development areas, ISD confirmed the correct issuance of the permit. The Board referred these cases to the Law Department. To determine their jurisdiction, to clarify the tracking of the arguments made (on height), and to look at the building height as a whole and determine how much overage has gone into amenity space. Robinson moved to bring this to the law department, Erlich seconded, and the Board voted unanimously to seek counsel from the Law Department.

Case: BOA- 1107100 Address: 1001 Boylston Street Ward 5 Applicant: Kensington Newbury Street, LLC

Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit # ERT1037077. The permit was issued as an allowed use.

Discussion/Vote: These are plan development areas, ISD confirmed the correct issuance of the permit. The Board referred these cases to the Law Department. To determine their jurisdiction, to clarify the tracking of the arguments made (on height), and to look at the building height as a whole and determine how much overage has gone into amenity space. Robinson moved to bring this to the law department, Erlich seconded, and the Board voted unanimously to seek counsel from the Law Department.



City of Boston
Board of Appeal

Case: BOA- 1107103 Address: 1001 Boylston Street Ward 5 Applicant: Sean T. Doherty, M.D
Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit # ERT1037077. The permit was issued as an allowed use.

Discussion/Vote: These are plan development areas, ISD confirmed the correct issuance of the permit. The Board referred these cases to the Law Department. To determine their jurisdiction, to clarify the tracking of the arguments made (on height), and to look at the building height as a whole and determine how much overage has gone into amenity space. Robinson moved to bring this to the law department, Erlich seconded, and the Board voted unanimously to seek counsel from the Law Department.

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

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

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 October 27, 2020 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.