



City of Boston
Board of Appeal

TUESDAY, FEBRUARY 23, 2021

BOARD OF APPEAL

CITY HALL, ROOM 801

HEARING MINUTES

Board Chair Christine 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 FEBRUARY 23, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS FEBRUARY 23, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE FEBRUARY 23, 2021 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/zbaFeb23hearing> or by calling 1-617-315-0704 and entering access code 129 006 7579.

If you wish to offer testimony on an appeal, please click <http://bit.ly/zbaFeb23comment> 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/zbaFeb23comment>, 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.



City of Boston
Board of Appeal

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. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.



City of Boston
Board of Appeal

EXTENSIONS: 9:30 AM

Case: BOA- 754552 Address: 34-36 William Avenue Ward 18 Applicant: Rauny Baez

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- 754553 Address: 38 Williams Avenue Ward 18 Applicant: Rauny Baez

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-908276 Address: 872 Morton Street Ward 17 Applicant: John Pulgini

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-382897 Address: 104 Canal Street Ward 3 Applicant: Ruth Silman

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-897316 Address: 534-538 Dorchester Avenue Ward 7 Applicant: George Morancy, Esa

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.



City of Boston
Board of Appeal

Case: BOA- 784986 Address: 534R Dorchester Avenue Ward 7 Applicant: George Morancy, Esq

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

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

BOARD FINAL ARBITER: 9:30 AM

Case: BOA-1029694 Address: 35 Brookley Road Ward 11 Applicant: John Pulgini

Requesting to appear before the Board as Final Arbiter relative to the Board's proviso on its prior decision "Subject to design review by BPDA with attention to reducing density and massing and for compliance with the rear yard setback requirement" on this matter, originally noticed for July 21, 2020, for which the Board granted relief in part on the original appeal.

Articles: Article 55 Section 19 Use Regs in Local Industrial Multi family dwelling (forbidden) Article 55 Section 20 Dimensional Regulations in LI Floor Area Ratio excessive Article 55 Section 20 Dimensional Regulations in LI Height excessive Article 55 Section 20 Dimensional Regulations in LI Rear Yard insufficient Article 55, Section 40 Off Street Parking & Loading Req Off street parking insufficient Article 55 section 40 Off Street Parking & Loading Req 55 40.5 Off street parking, design

Purpose: Demo existing structure to erect a new 46 unit residential development. Revised on 3/4/20 to 45 units, FAR from 2.38 to 2.32. GFA 40890sf to 39858sf and parking from 21 spaces to 19 spaces.

Discussion: The applicant previously went before the Board on July 21, 2020 and was granted relief with provisions.

Board Members asked what has transpired, the BPDA design review, and how the project meets the provisions given.

Testimony: The Board then requested testimony from neighbors and elected officials. The BPDA says this complies with JP and Roxbury.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve, Ruggiero seconded, this was approved 6-1.



City of Boston
Board of Appeal

Case: BOA-897172 Address: 509 East Fifth Street Ward 6 Applicant: George Morancy, Esq

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail, hoping to connect the 2 buildings and regard this as a single structure for addressing purposes.

Board Members asked about plans, and previous visits to the Board.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to support, Erlich seconded, the Board voted unanimously.

Case: BOA- 896586 Address: 509R East Fifth Street Ward 6 Applicant: George Morancy, Esq

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail, hoping to connect the 2 buildings and regard this as a single structure for addressing purposes.

Board Members asked about plans, and previous visits to the Board.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to support, Erlich seconded, the Board voted unanimously.



City of Boston
Board of Appeal

GCOD: 9:30 AM

Case: BOA-1150982 Address: 134 Arlington Street Ward 5 Applicant: Jonathan Lee

Article: Art. 32 Sec. 04 GCOD Applicability

Purpose: New construction of a 1,730 single family attached residence. 3 story structure with rear patio. Existing parcel will be subdivided into two Lots. This Lot to be known as 134 Arlington Street and will be 868 square feet. Nominal fee requested per attached letter for zoning review.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to show their BWSC and no harm letters on file. The no hard letter is only for 134 Arlington.

Documents/Exhibits: Building Plans, letters.

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

Case: BOA-1150980 Address: 130-132 Arlington Street Ward 5 Applicant: Jonathan Lee

Article: Art. 32 Sec. 04 GCOD Applicability

Purpose: New construction of a two unit dwelling (condominium), totaling 3,278 square feet. 3 story structure with rear patio. Existing parcel will be subdivided into two lots. Lot to be known as 130 132 Arlington Street, and will be 1,640 square feet. Nominal Fee requested per attached letter for zoning review.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to show their BWSC and no harm letters on file. The no hard letter is only for 134 Arlington.

Documents/Exhibits: Building Plans, letters.

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



City of Boston
Board of Appeal

Case: BOA-1150983 Address: 10 Edgerly Place Ward 5 Applicant: Jonathan Lee

Article: Art. 32 Sec. 04 GCOD Applicability

Purpose: New construction of an attached two unit condominium family, totaling 2,700 square feet. 3 story structure with a deck and patio. Nominal Fee requested per attached letter for zoning review.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to show their BWSC and no harm letters on file. The no hard letter is only for 134 Arlington.

Documents/Exhibits: Building Plans, letters.

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

BUILDING CODE: 9:30 AM

Case: BOA-1137440 Address: 40 Beacon Street Ward 5 Applicant: Karen Anne Kames

Purpose: Modify 4th floor Unit 5 to isolate space to be transferred to 2nd Floor Unit 3. Create egress vestibule and move one door. Work is related to Permit No ALT267828 issued 4/3/15 and A889440 issued 11/13/18. Currently Building is Occupied per Temp COO942959.

Violations: Violation Description Violation Comments 9th 780 CMR 1006 Number of Exits and Exit Access Doorway 1006.1 General. The number of exits or exit access doorways required within the means of egress system shall comply with the provisions of Section 1006.2 for spaces and Section 1006.3 for stories.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to propose a 2nd egress alternative.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve, Ruggiero seconded and the motion carried unanimously.



City of Boston
Board of Appeal

HEARING: 9:30 AM

Case: BOA-1145521 **Address:** 35 Eutaw Street Ward 1 **Applicant:** Brian Markarian Construction LLC
Articles: Art. 27G E Boston IPOD Art. 52, Section 8 **Use:** Forbidden Art. 53 Sec. 09 **Floor Area Ratio Excessive**
Art. 53 Sec. 56 Off street parking insufficient Art. 53 Section 9 Open space insufficient
Purpose: Change occupancy from a legal 2 family to 3 family. Complete gut rehab ,new siding, replace some windows, reframe floors, build new porches, new fire protection systems (see sf1070472 for partial cost of work \$356,400). Eplan

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.

Board Members asked about unit sizes, roof deck, and how the 3rd unit will be accommodated.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1055809 **Address:** 167 Lexington Street Ward 1 **Applicant:** 88 Holdings, LLC
Articles: Article 53, Section 9 **Floor Area Ratio Excessive Max. allowed: 0.8 Proposed: 1.22 Article 53, Section 9 Bldg Height Excessive (Stories) Allowed: 2.5 Proposed: 3 Art. 27G E Boston IPOD Article 53 Section 8 Use Regulations 3 family use: Forbidden Article 53 Section 56 Off Street Parking & Loading Req spaces required: 1 Proposed: 0**
Purpose: Seeking to confirm the occupancy as a two family residential dwelling and change to a three family residential dwelling and renovate. BOA

Discussion/Vote: The applicant sought a deferral from the Board. One was granted unanimously and the new hearing date will be May 18, 2021 at 12:30pm.



City of Boston
Board of Appeal

Case: BOA-1024228 Address: 137 Leyden Street Ward 1 Applicant: John Flaherty
Articles: Article 53 Section 8 Use Regulations Use: Multifamily Dwelling: Forbidden Article 53 Section 8 Use Regulations Use: Accessory Parking: Forbidden Article 53 Section 9 Dimensional Regulations Floor Area Ratio Excessive Article 53 Section 9 Dimensional Regulations Building Height Excessive Article 53 Section 9 Dimensional Regulations Building Height (# of Stories) Excessive Article 53 Section 9 Dimensional Regulations Front Yard Insufficient Article 53 Section 9 Dimensional Regulations Side Yard Insufficient Article 53 Section 9 Dimensional Regulations Rear Yard Insufficient Article 53 Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient Article 53 Section 57 Application of Dimensional Req Conformity with Existing Building Alignment Article 27T Section 9 IPOD Enforcement East Boston IPOD Applicability
Purpose: Erect a new 5 story Nine (9) Unit Residential Dwelling. There will be Off Street Parking located under Building and in Rear Yard as per plans. Existing house to be razed under a separate permit. Construction Plans to be submitted upon ZBA approval.

Discussion/Vote: The applicant sought a deferral from the Board. One was granted unanimously and the new hearing date will be May 18, 2021 at 12:30pm.

Case: BOA-1135699 Address: 25 Atlantic Avenue Ward 3 Applicant: Richard Walsh
Articles: Article 32, Section 4 GCOD, Applicability Groundwater Conservation Overlay District Applicability Article 54, Section 18 Roof Structure Restrictions Height of proposed new construction exceeds the prior height of existing building
Purpose: Proposed new construction of a 5 story, Six (6) Unit Residential Building. Project includes 4 single story flat style Units and 2 duplex style Units. All Units are three bedroom units. There will be a common Roof Deck for all tenants. Building will be fully sprinklered. E Plans

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to build a 5 story 6 unit residential building. All will be 3 bedroom units with parking,

Board Members asked about unit sizes, ground floor use, roof decks, and ground floor parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Abutters are in support. Councilors Edwards, Essaibi-George, Wu, Mejia, Edwards, and Campbell are in opposition. State Reps Boncore, and Michlewitz as well as an attorney representing 2 abutters are in opposition. The Mayor's office of Neighborhood Services and Councilor Flaherty left this decision up to the discretion of the Board.

Documents/Exhibits: Building Plans, 200 letters of support, 200 letters of opposition.

Votes: Board Member Ligris moved to deny this project, there was no second, the motion failed. Board member Erlich moved to approve with BPDA design review, Kindell seconded, the motion carried 5-2.



City of Boston
Board of Appeal

Case: BOA-937968 Address: 1112-1116 Boylston Street Ward 4 Applicant: Cypress Tree Management, Inc
Articles: Article 66, Section 14 Use Regulations in NB Cannabis Establishment Use: Conditional Article 66, Section 14 Use Regulations in NB Location is within 1/2 mile of another cannabis establishment
Purpose: Change of occupancy to include cannabis establishment and associated renovations.

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

Board Members asked about hours of operation, layout, security, and buffer zones.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in opposition. Councilor Mejia, the Boston Cannabis Board, and State Representative Tyler are in support. Councilor Bok stood in non-opposition.

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

Votes: Board Member Ruggiero moved to approve with BPDA design review, that this would apply to this applicant only, and the relief is good for 1 year. Erlich seconded and the motion carried 6-1.

Case: BOA-927849 Address: 48-62 Brookline Avenue Ward 5 Applicant: Travis Blake, for Dana Van Fleet
Articles: Article 66, Section 11 Use Regulations in NDA Cannabis Establishment is a Conditional use in the Fenway Triangle NDA Sub District Article 66, Section 11 Use Regulations in NDA Table A, fn15, Location is within 1/2 mile of another cannabis establishment.
Purpose: CHANGE OF OCCUPANCY from Restaurant , Restaurant Lounge, Art Supplies and Health Club to Restaurant , Restaurant Lounge, Art Supplies and Retail Cannabis Sales.

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

Board Members asked about hours of operation, security, occupancy, and events.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Bok, an abutter, and Fenway/ the Red Sox, the Boston Cannabis Board, and the Fenway Community Development Corporation are in support.

Documents/Exhibits: Building Plans, 14 letters of support, 1 letter of opposition.

Votes: Board Member Erlich moved to approve with BPDA design review for this applicant only, and the relief expires in 1 year. Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1066438 Address: 1-59 Saint James Avenue Ward 5 Applicant: Capital Properties
Article: Art. 8, Section 7 Use: Conditional College or University classroom
Purpose: 31 Saint James Avenue Suite 123 Bay State College. Renovations to include, flooring, paint, millwork, ceilings, electrical upgrade, HVAC, sprinkler, fire alarm, glass & shades as per plans dated 1 8 2020 from Beacon Architectural Associates.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to have a college classroom for Bay State College.

Board Members asked square footage, and which floor.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve, Kindell seconded and the motion carried unanimously.

Case: BOA-1146198 Address: 407 East Seventh Street Ward 7 Applicant: Chris Drew
Articles: Article 68, Section 8 Side Yard Insufficient 0ft < 3ft min. req'd Article 68, Section 33 Off Street Parking & Loading Req 1. 2 provided < 3 min req'd 2. Maneuverability not provided (Tandem Parking)
Art. 10 Sec. 01 Limitation of off street parking areas Parking located less than 5ft from side lot line
Purpose: To rebuild existing 2 family due to fire. Construct new rear addition & decks for egress. Both units will be bi level units (unit 1 basement & first floor / unit 2: second & third floor) Add a new curb cut for 2 tandem parking spaces per plans *Nominal Fee for the Filing see attached letter*** [ePlan]**

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to rebuild a 2 family with a rear addition and decks for egress.

Board Members asked about basement occupancy, and replacing the existing living space.

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

Documents/Exhibits: Building Plans, and a letter of support.

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



City of Boston
Board of Appeal

Case: BOA-1143458 Address: 3371-3375 Washington Street Ward 11 Applicant: Brian Goldson
Articles: Article 55 Section 19 Use Regs in Local Industrial Use: Elderly Housing: Forbidden
Article 55 Section 20 Dimensional Regulations in LI Floor Area Ratio Excessive Article 55 Section 20 Dimensional Regulations in LI Building Height Excessive Article 55 Section 20 Dimensional Regulations in LI Rear Yard Insufficient Article 55, Section 40 Off Street Parking & Loading Req Off Street Parking (Restaurant) Insufficient Article 55, Section 40 Off Street Parking & Loading Req Off Street Parking (Residential) Insufficient Article 55, Section 40 Off Street Parking & Loading Req Off Street Loading Insufficient
Purpose: Construct a new five story mixed use building as depicted on the attached drawings. The structure will consist of a total of 39 residential senior rental units (“Elderly Housing”), and 770 SF of commercial space (“Restaurant”). No parking spaces or loading area will be provided. The new building will be constructed on a parcel created by combining parcels 1102584000, and 1102583002. It is understood that zoning relief will be required for this Project.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to build 39 units, 100% affordable senior housing.

Board Members asked about unit sizes, bedroom counts, parking, and on site staff.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor’s Office of Neighborhood services, Councilor O’Malley, Councilor Essaibi-George, Councilor Flaherty, and abutters are in support. One abutter is in opposition.

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1145470 Address: 31 Regent Street Ward 12 Applicant: Charles Janey
Articles: Article 50, Section 43 Off Street Parking & Loading Req
Purpose: Change of Occupancy from a one to a two family. Has been being used as a two family for many years.
Existing condition. EPLAN

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy from 1 family to a 2 family, no work to be done.

Board Members asked about parking, unit sizes, and basement living.

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, letters of support.

Votes: Board Member Erlich moved to approve, Robinson seconded, and the motion carried unanimously.

Case: BOA-976351 Address: 25 Fountain Street Ward 12 Applicant: OFR Dev LLC
Articles: Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive
Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Bldg Height Excessive (Feet)
Article 50, Section 29 Front Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Off Street
Loading Insufficient
Purpose: New 42 40 unit 5 story multi family building. level 1 is concrete podium consisting of an open air
parking and common area. Levels 2 5 is wood frame construction consisting of residential units. Site includes a
common driveway and parking to be shared with a new 9 unit 3 story bldg at 50 Regent St filed under
ERT958426. [ZBA ePlan]

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to build a 4 story, 40 unit MFR dwelling with 100% affordability.

Board Members asked about unit sizes, bedroom counts, basement occupancy, zoning subdistrict and the MFR.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review and special attention to the landscaping. Robinson seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1120246 Address: 655 Morton Street Ward 14 Applicant: Alfonso Sira
Articles: Art. 60 Sec. 08 Use Regs appl in Res Subdistr Dwelling unit is forbidden in basement Art. 60 Sec. 08 Use Regs appl in Res Subdistr Lodging house use is a forbidden use Art. 60 Sec. 60 9 Additional Lot Area Insuff Lot area for the add'l unit is insufficient Article 60 Section 9 Dimensional Regulations Floor area ratio is excessive Article 60 Section 9 Dimensional Regulations Usable open required is insufficient Article 60, Section 37 Off Street Parking Insufficient Off street parking requirement is insufficient
Purpose: Renovation of basement into apartment and change of occupancy to a boarding house.

Discussion/Vote: The applicant sought a deferral from the Board. One was granted unanimously and the new hearing date will be April 27, 2021 at 12:30pm.

Case: BOA- 1151935 Address: 20 Glenway Street Ward 14 Applicant: Tyrus Cartwright
Articles: Article 60, Section 8 Use: Forbidden Multi family dwelling is a forbidden use Article 60, Section 9 Lot size to erect a building is insufficient Article 60, Section 9 Lot area for the add'l dwelling unit is insufficient Article 60, Section 9 Lot width required is insufficient Article 60, Section 9 Lot frontage required is insufficient Article 60, Section 9 Floor area ratio is excessive Article 60, Section 9 Height requirement is excessive Article 60, Section 40 Off Street Parking & Loading Req Off street parking requirement is insufficient Art. 60 Sec. 09 Usable open space insufficient Usable open space requirement is insufficient Art. 60 Sec. 09 Side yard insufficient Side yard setback requirement is insufficient Art. 60 Sec. 09 Rear yard insufficient Rear yard setback requirement is insufficient Article 60 Section 9 Front yard setback requirement is insufficient
Purpose: Erect a 4 unit multi family dwelling, including 4 parking spaces at the rear of the property. The first and second floors are 2 virtually identical units of 3 bedrooms 2 baths. The third and fourth floors are 2 town house style units of 3 bedrooms 2 baths and 2 bedrooms 1.5 baths. [ZBA ePlan]

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

Board Members asked the setbacks, unit sizes, height, and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review.



City of Boston
Board of Appeal

Case: BOA-1071906 Address: 93 Barry Street Ward 15 Applicant: David Choi

Articles: Article 65, Section 9 Dimensional Regulations Floor area ratio is excessive Article 65, Section 9 Dimensional Regulations Side yard setback is insufficient Article 65, Section 9 Dimensional Regulations Usable open space required is insufficient Art. 65 Sec. 41 Off street parking requirements Off street parking requirement is insufficient

Purpose: Change occupancy from Church to a single family dwelling unit. Add 2 dormers as 2nd floor.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy from a church to a 1 family. Add 2 dormers to the third floor.

Board Members asked about the parking proposed.

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

Documents/Exhibits: Building Plans, letters of support.

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



City of Boston
Board of Appeal

**Case: BOA-1144252 Address: 2-20 Fairmount Avenue Ward 18 Applicant: Christ Stamatos
Article: Article 69 Section 11 Use Regulations Restaurant with take out use: Conditional
Purpose: To remove proviso from take out restaurant to "this petitioner only." Eplan**

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to remove the proviso for take out restaurant, for petitioner only.

Board Members asked if this was a new business, name, hours, and the 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 to approve with the provisos that this was for this petitioner only as well as the takeout provisos. Ruggiero seconded, it was approved unanimously.

**Case: BOA-1139021 Address: 76 Fawndale Road Ward 19 Applicant: Falcucci
Articles: Article 67, Section 9 Lot size to erect a dwelling building is insufficient Article 67, Section 9 Front yard setback requires is insufficient Article 67, Section 9 Side yard setback requires is insufficient Article 67, Section 9 Rear yard setback requires is insufficient
Purpose: Combine parcels 1903234000,1903235000 and 1903233000 for a combined total of 2908 +/- sf lot to erect a new single family house as per plans. Permit set to be submitted upon ZBA approval.**

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

Board Members asked the lot location and screening and buffering.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Ruggiero seconded, Ligris recused, this was approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1126884 Address: 79 Ballou Avenue Ward 14 Applicant: Courtney Avery II
Articles: Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive
Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Side Yard Insufficient
Purpose: Subdivide Lot per the plans

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 4 unit MFR dwelling on subdivided lot 81 Ballou.

Board Members asked the lot size, bedroom count, and use of the basement.

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 to approve with BPDA design review. Ligris seconded and the motion carried unanimously.

Case: BOA- 1126886 Address: 81 Ballou Avenue Ward 14 Applicant: Courtney Avery II
Articles: Article 60, Section 8 Use: Forbidden MFR is a Forbidden use in a 3F 5000 Sub district Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient Article 60 Section 40 Off Street Parking & Loading Req Proposed off street parking is insufficient. None proposed.
Purpose: Erect new construction 4 family dwelling per the plans. [ePlan]

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 4 unit MFR dwelling on subdivided lot 81 Ballou.

Board Members asked the lot size, bedroom count, and use of the basement.

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 to approve with BPDA design review. Ligris seconded and the motion carried unanimously.



City of Boston
Board of Appeal

RECOMMENDATIONS: 11:30 AM

Case: BOA-970452 Address: 1 Brigham Street Ward: 1 Applicant: Lily Zhuang
Articles: Article 53 Section 9 Dimensional Regulations Open Space Article 53 Section 57 Application of Dimensional Req (5) Visibility across a corner lot Article 53 Section 56.5.a Parking maneuverability Design
Purpose: Parking for 1 car.

Discussion/Vote: The applicant sought a deferral from the Board. One was granted unanimously and the new hearing date will be May 13, 2021 at 5:00pm.

Case: BOA- 1145820 Address: 5-5A Franklin Street Ward: 2 Applicant: Jason Raisner
Articles: Article 63, Section 20 Roof Structure Restrictions Access Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.Extension of Nonconforming Height of structure increase <25% 35' max
Purpose: Adding roof deck and access stair. *2 Family ERT451996/2016

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review as it relates to the zoning code relief. The Subcommittee voted to approve with BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1129072 Address: 18 Ferrin Street Ward: 2 Applicant: Timothy Sheehan
Articles: Article 62, Section 12 Roof Structure Restrictions Article 62, Section 8 Excessive F.A.R. 2.0 max. Article 62,Section 8 Insufficient rear yard setback 15' max allowed on a shallow lot Article 62,Section 8 Insufficient side yard setback 2.5' min. req.
Purpose: Construct a second floor rear walk in closet addition over an existing first floor plan. [ZBA ePlan]

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review as it relates to the zoning code relief. The Subcommittee voted to approve with BPDA design review.

Documents/Exhibits: Building plans



City of Boston
Board of Appeal

Case: BOA1128906- Address: 32 Pleasant Street Ward: 2 Applicant: Timothy Sheehan

Article: Article 62, Section 8 Excessive F.A.R

Purpose: This is the conversion of an existing uninhabited basement into habitable space. There will be windows along with egress / light wells along with a bathroom added. ZBA approval will be required because we will exceed allowable F.A.R. with the additional habitable area.

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

Documents/Exhibits: Building plans

Case: BOA- 1132953 Address: 25 Greenbrier Street Ward: 15 Applicant: Nilton Amando

Articles: Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient

Purpose: Adding a deck on the second floor.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend denial without prejudice.

Documents/Exhibits: Building plans

Case: BOA-1143815 Address: 133 Florence Street Ward: 19 Applicant: Kara Bonanni

Article: Article 67, Section 9 Side Yard Insufficient

Purpose: On first floor, add a bathroom and a laundry room, to allow an elderly couple to access easily the bathroom from their first floor bedroom; there is no bathroom on first floor at present.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review as it relates to the zoning code relief. The Subcommittee voted to approve with BPDA design review.

Documents/Exhibits: Building plans



City of Boston
Board of Appeal

Case: BOA-1119524 Address: 15-17 Arborough Road Ward: 20 Applicant: Dennis Patch

Article: Article 67, Section 9 Floor Area Ratio Excessive

Purpose: Extend unit one into basement. Finish existing basement with 7'2" ceilings. Remodel Bathroom, remodel 2 existing bedrooms, new finishes, electric, plumbing, HVAC for living room, laundry, Study. Add and expand window and door openings for egress.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend to deny without prejudice.

Documents/Exhibits: Building plans

Case: BOA- 1143220 Address: 34-36 Guernsey Street Ward: 20 Applicant: Virginia Tierney

Article: Article 67, Section 9 Floor Area Ratio Excessive 0.6 > 0.5max

Purpose: Confirm as Two family condominium with two units. The first floor unit includes a garage which cannot be used as a garage as access is from the back yard. We would like to convert it to a master bedroom / bath with access via stairs in the kitchen without side access to back yard.

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

Documents/Exhibits: Building plans

Case: BOA-1065948 Address: 44 Worley Street Ward: 20 Applicant: Richard McDermott

Articles: Article 56, Section 7 Use Regulations Extension of non conforming use (2 family) Article 56, Section 8 Bldg Height Excessive (Stories) Allowed: 2.5 Proposed: 3

Purpose: Add a Dormer on left side of the house approx 11' x 11 1/2". Amendment to ALT1019953.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend a deferral until March 18, 2021.



City of Boston
Board of Appeal

Case: BOA-1142855 Address: 10 Westbourne Street Ward: 20 Applicant: Paul Cronin

Articles: Article 67, Section 9 Insufficient rear yard setback (40' required) Article 67, Section 9 # of allowed stories exceeded (2.5 story max.)

Purpose: Renovate interior of house, renovation of bathrooms, bedrooms and adding shed dormer in rear, Install new siding on House.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review as it relates to the zoning code relief. The Subcommittee voted to approve with BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-999494 Address: 6 Mount Vernon Avenue Ward: 2 Applicant: Timothy Burke

Article: Article 09-sec 1, Article 62-sec 25, Article 62-sec 8

Purpose Amend permit to construct a new dormer on rear of house with 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: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend to defer until April 27, 2021.

Documents/Exhibits: Building plans

Case:BOA-1057679 Address: 18 Birchcroft Road Ward 18 Applicant: Said Ennaya

Article: Article 69, Section 9 Building Height Excessive (stories), Side & Rear Yard Insufficient)

Purpose: Legalize all work not permit #SF890899, add third floor, and front deck conforming to the new Drawings Submitted, new electric and heating system.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend denial without prejudice.

Documents/Exhibits: Building plans



City of Boston
Board of Appeal

HEARING: 12:30 PM

Case: BOA-991361 Address: 533 Washington Street Ward 17 Applicant: Stephen Siuda
For re-hearing of the appeal originally noticed for January 12, 2021 due to technical difficulty in the virtual hearing which prevented all sitting members of the Board from hearing and voting on the appeal in reference.
Articles: Article 65 Section 15 Use Regulations Use: Retail Cannabis Establishment: Forbidden (Table B Footnote # 25) Article 65, Section 15 Use: Conditional Retail Cannabis Establishment: Conditional
Purpose: Change Occupancy to include a Recreational Cannabis Retail Establishment. Remodel the interior of the Building.

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

Board Members asked the hours of operation, security and parking.

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

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

Votes: Board Member Erlich moved to approve with BPDA design review and this petitioner only. Ruggiero seconded and the motion carried 6-1.



City of Boston
Board of Appeal

Case: BOA-1131893 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915. Violation Description Violation Comments 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirement of 521 CMR 9.3 Group 1 Dwelling Units. 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to comply with the building code, and erect a 4 unit and 8 unit building on one.

Board Members asked the board previously, unit sizes, bedroom counts, and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded it passed unanimously. Board member Erlich moved to deny without prejudice, Robinson seconded, and the motion carried unanimously.

Case: BOA-1131893 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915. Violation Description Violation Comments 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirement of 521 CMR 9.3 Group 1 Dwelling Units. 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to comply with the building code, and erect a 4 unit and 8 unit building on one.

Board Members asked the board previously, unit sizes, bedroom counts, and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded it passed unanimously. Board member Erlich moved to deny without prejudice, Robinson seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1131893 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal

Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915.

Violation Description Violation Comments 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirement of 521 CMR 9.3 Group 1

Dwelling Units. 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to comply with the building code, and erect a 4 unit and 8 unit building on one.

Board Members asked the board previously, unit sizes, bedroom counts, and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded it passed unanimously. Board member Erlich moved to deny without prejudice, Robinson seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1131893 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal

Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915.

Violation Description Violation Comments 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirement of 521 CMR 9.3 Group 1

Dwelling Units. 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to comply with the building code, and erect a 4 unit and 8 unit building on one.

Board Members asked the board previously, unit sizes, bedroom counts, and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded it passed unanimously. Board member Erlich moved to deny without prejudice, Robinson seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1131893 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal

Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915.

Violation Description Violation Comments 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirement of 521 CMR 9.3 Group 1

Dwelling Units. 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR.

Case: BOA-1131893 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal

Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915.

Violation Description Violation Comments 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirement of 521 CMR 9.3 Group 1

Dwelling Units. 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to comply with the building code, and erect a 4 unit and 8 unit building on one.

Board Members asked the board previously, unit sizes, bedroom counts, and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded it passed unanimously. Board member Erlich moved to deny without prejudice, Robinson seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1091923 Address: 1870 Centre Street Ward 20 Applicant: Centre Trust, LLC

For re-hearing of the appeal originally noticed for January 12, 2021 due to technical difficulty in the virtual hearing which prevented all sitting members of the Board from hearing and voting on the appeal in reference. From the terms of the Boston Zoning Code (see Acts of 1956, c.665) in the following respects:

Articles: Article 56, Section 39 Off Street Parking & Loading Req Off Street parking is insufficient 63 required, 25 proposed Article 2A, Section 2A 1 Definitions Entertainment uses including fitness centers shall not operate past 10:30pm.

Purpose: Interior build out, new tenant, Change of Use to include 24hr fitness center. Eplan

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

Board Members asked if they will use the basement space, the plans, flooding, the hours of operation.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and Councilor O'Malley are in support granted they come back to the Board in one year. Abutters are in opposition. An abutter is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved for approval with BPDA design review (for signage and the lot, screening and buffering), limited to this applicant only, and another provision that the hours of operation are from 5:00am- 10:30pm. Fortune seconded, and the Board voted unanimously.



City of Boston
Board of Appeal

Case: BOA- 1131442 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal

Articles: Article 69, Section 8 Use Regulations Multi Family Use : Forbidden Article 69, Section 9 Lot Frontage Insufficient Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Rear Yard Insufficient Article 69 Section 29 Off Street Parking & Loading Req Off Street Parking Insufficient Article 69, Section 9.2 Dim Regs: Lot Frontage Minimum frontage on a street shall not be less than minimum lot width

Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915. [ZBA ePlan]

Case: BOA-1131893 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal

Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915.

Violation Description Violation Comments 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirement of 521 CMR 9.3 Group 1

Dwelling Units. 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to comply with the building code, and erect a 4 unit and 8 unit building on one.

Board Members asked the board previously, unit sizes, bedroom counts, and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded it passed unanimously. Board member Erlich moved to deny without prejudice, Robinson seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1131893 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal

Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915.

Violation Description Violation Comments 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirement of 521 CMR 9.3 Group 1

Dwelling Units. 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to comply with the building code, and erect a 4 unit and 8 unit building on one.

Board Members asked the board previously, unit sizes, bedroom counts, and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded it passed unanimously. Board member Erlich moved to deny without prejudice, Robinson seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1131456 Address: 9 Sunnyside Street Ward 18 Applicant: Beth McDougal

Articles: Article 69, Section 30.12 Two or More Dwellings on Same Lot A dwelling shall not be built to the rear of another dwelling Article 69, Section 8 Use Regulations Multi Family Use : Forbidden Article 69, Section 9 Lot Frontage Insufficient Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Front Yard Insufficient Article 69, Section 9.2 Dim Regs: Lot Frontage Minimum frontage on a street shall not be less than minimum lot width Article 69 Section 29 Off Street Parking & Loading Req Off Street Parking Insufficient

Purpose: Building B: Erect a Multi Family Dwelling (8 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1096844. [ZBA ePlan]

Case: BOA-1131893 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal

Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915.

Violation Description Violation Comments 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirement of 521 CMR 9.3 Group 1

Dwelling Units. 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to comply with the building code, and erect a 4 unit and 8 unit building on one.

Board Members asked the board previously, unit sizes, bedroom counts, and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded it passed unanimously. Board member Erlich moved to deny without prejudice, Robinson seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1131900 Address: 9 Sunnyside Street Ward 18 Applicant: Beth McDougal

Purpose: Building B: Erect a Multi Family Dwelling (8 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1096844.

Violation Description Violation Comments 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR. 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirements of 521 CMR 9.3 Group 1 Dwelling Units.

Case: BOA-1131893 Address: 7 Sunnyside Street Ward 18 Applicant: Beth McDougal

Purpose: Building A: Erect a Multi Family Dwelling (4 unit) and parking on ground floor. This is one of 2 building on same lot. In conjunction with ERT1116915.

Violation Description Violation Comments 521 CMR 9.00 Multiple Dwellings 9.2 Applicability. New Construction: Multiple dwellings shall meet the requirement of 521 CMR 9.3 Group 1

Dwelling Units. 521 CMR 10.00 Public and Common Use Spaces 10.1 General. Public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to comply with the building code, and erect a 4 unit and 8 unit building on one.

Board Members asked the board previously, unit sizes, bedroom counts, and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny building code relief, Erlich seconded it passed unanimously. Board member Erlich moved to deny without prejudice, Robinson seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

**Case: BOA-1151358 Address: 1200 Soldiers Field Ward 22 Applicant: 1700 SFR Associated, LLC
Articles: Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability Article 51, Section 17 Height
Excessive 35' Max.**

**Purpose: CONSTRUCT a 63,000GSF Television Broadcasting Studio (WBZ) per plans submitted. *ALT1145839
and ALT1145481 has been filed in conjunction with this ERT to create new subdivided lot.**

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to construct a TV broadcasting studio.

Board Members asked the building height and satellite dishes.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Breadon, Councilor Essaibi-George, Councilor Flaherty as well as the Brighton Allston Improvement association and the Allston Improvement Association 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

RE-DISCUSSION: 12:30 PM

Case: BOA-1067117 Address: 6 Kelley Court Ward 2 Applicant: Timothy Sheehan

Articles: Article 62, Section 8 Lot Area Insufficient Article 62, Section 8 Usable Open Space Insufficient, Article 62, Section 8 Rear Yard Insufficient Article 62, Section 8 Lot Frontage Insufficient, Article 62, Section 30.12 Two or More Dwelling Same Lot A Dwelling shall not be built to the rear of another Dwelling

Purpose: Erect a single-family dwelling in the rear of 46 Cook Street in newly subdivided lot. Subdivided lot filed under ALT1058785. [ePlan]

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect 1 family on a subdivided lot.

Board Members asked the building height, roof decks, and other buildings on Kelly Court.

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 Robinson moved to approve with BPDA design review, Ruggiero seconded, and it was approved unanimously.

Case: BOA- 1066047 Address: 546 East Fourth Street Ward 6 Applicant: Gary Mendoza

Articles: Article 68, Section 8 Excessive F.A.R. Article 68, Section 8 Insufficient rear yard setback Article 68, Section 8 Insufficient side yard setback Article 68, Section 8 Max allowed Building height exceeded

Purpose: Renovate 3rd floor Add 4th floor penthouse addition Add Private Residential Elevator Renovate and add egress stair.

Discussion/Vote: The applicant requested a deferral. One was granted unanimously by the Board. The new hearing date will be March 23, 2021.



City of Boston
Board of Appeal

Case: BOA- 1066050 Address: 548 East Fourth Street Ward 6 Applicant: Gary Mendoza

Articles: Article 68, Section 8 Excessive F.A.R Article 68, Section 8 Excessive Height Article 68, Section 8 Insufficient rear yard setback.

Purpose: Renovate 3rd Floor unit and expand up to New 4th Floor Penthouse Addition. Add Private Residential Elevator at Rear and reconfigure rear decks into egress stair for all units.

Discussion/Vote: The applicant requested a deferral. One was granted unanimously by the Board. The new hearing date will be March 23, 2021.

Case: BOA-1066736 Address: 1-2 Church Avenue, Ward 6 Applicant: American Boiler & Cooling, Inc

Articles: Article 68, Section 29 Roof Structure Restrictions, Article 68, Section 33 Off Street Parking & Loading Req Off Street Parking Insufficient, 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 Side Yard Insufficient, Article 68, Section 8 Rear Yard Insufficient, Article 68, Section 8 Add'l Lot Area Insufficient

Purpose: Change of occupancy from Single Family to 6 Unit Multi Family Dwelling. Construct two story vertical addition on existing footprint with rear deck. Extend living space to basement. This application has been filed in conjunction with ALT1048373 and ALT1048381 to combine lots into one lot to be known as 2 Church Avenue for this ALT1049550.

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 6 unit MFR dwelling with a 2 story vertical addition to extend into the basement.

Board Members asked the unit sizes, bedroom counts, roof deck, and parking.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1082341 Address: 8 Reddy Avenue Ward 18 Applicant: Paul Britton

Articles: Article 69, Section 8 Use: Forbidden Article 69, Section 9 * * Add'l Lot Area Insufficient Article 69, Section 9 ** Floor Area Ratio Excessive Article 69, Section 9 ** * Usable Open Space Insufficient Article 69, Section 9 * Front Yard Insufficient Article 69, Section 9 **** * Side Yard Insufficient Article 69, Section 8 ** Use Regulations Basement units are not allowed Article 69 Section 29 Off Street Parking & Loading Req Off street parking is insufficient**

Purpose: Change occupancy from 2 family to 3 family. Interior renovations of existing basement & conversion into a 2 bedroom apartment with living, dining, kitchen, and bathroom 2 new remote egress doors provided and egress windows at each bedroom.

Discussion/Vote: The applicant requested a deferral and the Board granted one unanimously. The new date will be April 27, 2021 at 12:30.

Case: BOA-1098890 Address: 35 Avalon Road Ward 20 Applicant: John Pulgini

Articles: Article 56, Section 8 Lot Area Insufficient 4710sqft < 6000sqft min. Article 56, Section 8 Lot Width Insufficient 50' < 60' min. Article 56, Section 8 Lot Frontage Insufficient 50' < 60'min Article 56, Section 8 Floor Area Ratio Excessive 0.6 > 0.4max Article 56, Section 8 Front Yard Insufficient 15' < 20'min

Purpose: Erect single family 2 story house with garage on vacant lot. [ePlan]

Discussion/Vote: The applicant requested a deferral and the Board granted one unanimously. The new date will be April 27, 2021 at 12:30.



City of Boston
Board of Appeal

Case: BOA-1024095 Address: 11 Faneuil Street Ward 22 Applicant: CRM Property Corp
Articles: Article 51 Section 16 Use Regulations Use: Multifamily Dwelling: Conditional Article 51 Section 16 Use Regulations Use: Accessory Parking: Conditional Article 51 Section 17 Floor Area Ratio Excessive Article 51 Section 17 Building Height Excessive Article 51 Section 17 Side Yard Insufficient Article 51 Section 17 Rear Yard Insufficient Article 51, Section 53 Screening & Buffering Req Screening and 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 Article 51, Section 56. Off Street Parking & Loading Req Off Street Parking Design / Maneuverability Article 51, Section 57 Application of Dimensional Req Conformity with Existing Building Alignment
Purpose: Raze the existing Commercial structure. Erect a new 4 story Residential Building with 42 Dwelling Units and a 51 space Parking Garage built underneath. Construct new Private Roof Decks. E Plans

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 4 story, 42 unit dwelling, with 51 space parking garage underground, and 16 roof decks.

Board Members asked the unit sizes, bedroom counts, parking, entry and exit.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Breadon, Councilor Essaibi-George, multiple abutters, as well as the Brighton Allston Improvement association are in support. The attorney for the Scrub a Dub car wash is in opposition. BTDA needs clarification.

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

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



City of Boston
Board of Appeal

RE-DISCUSSION: 1:00 PM

Case: BOA-1019220 Address: 645 River Street Ward 18 Applicant: Christian Louisworld

Articles: Art. 69 Sec. 8 Forbidden Self service laundry use is a forbidden use Art. 69 Sec. 8 Forbidden Multi family dwelling is a forbidden use Art. 69 Sec. 09 Lot size to erect a dwelling is insufficient Art. 69 Sec. 09 Floor area ratio is excessive Art. 69 Sec. 09 Height is excessive (stories) Art. 69 Sec. 09 Height is excessive (ft) Art. 69 Sec. 09 Usable open space requirement is insufficient Art. 69 Sec. 09 Front yard requirement is insufficient Art. 69 Sec. 09 Side yard requirement is insufficient Art. 69 Sec. 09 Rear yard requirement is insufficient Art. 69 Sec. 29 Off St.Prk'g/Load'g Off street parking requirement is insufficient

Purpose: Tear down of existing grocery store building to construct a new 3 story building with self service laundry of approximately 2,000 sf. in the first floor and 4 residential units in the floors above at 2 units per floor

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 3 story, 4 unit dwelling with a 1st floor laundromat.

Board Members asked the building height and satellite dishes.

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

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

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



City of Boston
Board of Appeal

Case: BOA-1043402 Address: 5 Orlando Street Ward 18 Applicant: Brian Holland
Articles: Article 60, Section 8 Use Regulations Use: Basement Apartment: Forbidden Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 37 Off Street Parking & Loading Req Off Street Parking Insufficient Article 9, Section 2 Change in Non Conforming Use Purpose: Change Occupancy from 11 Apartments to 12 Apartments. Renovate existing storage area and convert to Unit #3 in accordance with plans submitted, in compliance with 780 CMR ninth edition Mass. Building Code. No structural changes.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy from 11 units to 12 units- change the office to a new unit.

Board Members asked the new unit ceiling height, sill height.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with the proviso that unit 3 will be a studio unit not a 1 bedroom. Ligris seconded, the motion carried unanimously.

Case: BOA-1071651 Address: 6 Magdala Street Ward 16 Applicant: Daniel Rubin
Articles: Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient
Purpose: Erect three unit building with two garage parking spots and one surface parking spot

Discussion/Vote: The applicant requested a deferral and the Board granted one unanimously. The new date will be April 27, 2021 at 1:00pm.



City of Boston
Board of Appeal

Case: BOA-1075915 Address: 68 Armandine Street Ward 17 Applicant: Andrew Schena
Articles: Article 65, Section 8 Use Regulations 5 Family use: Forbidden Article 65, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Proposed: 0.87 Article 65, Section 9 Bldg Height Excessive (Stories) Allowed: 2.5 Proposed: 3 Article 65, Section 9.2 Dim Regs: Location of Main Entrance Location of the main entrance shall be on the front façade. Article 65, Section 9 Front Yard Insufficient Required: 15' Proposed: 12'. Otherwise provide modal certified by land surveyor Article 65, Section 9 Side Yard Insufficient Required: 10' Proposed: 5' (R)
Purpose: Currently a vacant lot. Proposed new construction of a three story, six unit five unit residential building with six eleven off street parking spaces behind the proposed building, accessed through the existing curb cut for the lot. New building to meet Stretch Energy Code and current MA State Building Code.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail that is a 5 unit proposal with 11 parking spaces.

Board Members asked if there were any accessible units, or roof decks.

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

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

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



City of Boston
Board of Appeal

CALL OF THE CHAIR: 1:00 PM

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

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

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

Discussion: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit # ALT1019933. The permit was issued as an allowed use. The Chairwoman says the Board does not have jurisdiction, and this will be deferred to the BPDA. From their perspective ISD did not error in issuing the permit.

Votes: Board Member Erlich moved that ISD did not error in issuing the permit. Robinson seconded, and the motion carried unanimously.

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

BOARD MEMBERS:

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

SUBSTITUTE MEMBERS:

TYRONE KINDELL, JR

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 February 23, 2021 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.