



City of Boston  
Board of Appeal

**RECEIVED**

*By City Clerk at 2:45 pm, Sep 30, 2021*

Tuesday, October 5, 2021

BOARD OF APPEAL

City Hall, Room 801

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### Hearing Agenda

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON OCTOBER 5, 2021 BEGINNING AT 9:00AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS OCTOBER 5, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

**PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:**

**THE OCTOBER 5, 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 <https://bit.ly/zbaOctober5Hearing> or by calling 1-617-315-0704 and entering access code 2331 284 2612 If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaOctober5Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.**

**For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/zbaOctober5Comment>, calling 617-635-5300 or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).**

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

**If you wish to offer comment within the meeting platform, please use the “raise hand” function, if connected by video, or dial \*3, if connected by phone. The**



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**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 5:00 PM 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 1010 Mass Ave. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing [isdboardofappeal@boston.gov](mailto:isdboardofappeal@boston.gov) for accommodations to be made. Individuals appearing 1010 Mass Ave 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 [ZBAPublicInput@boston.gov](mailto:ZBAPublicInput@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.**



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### **EXTENSIONS: 9:30AM**

**Case: BOA-963960 Address: 500 Talbot Avenue Ward 16 Applicant: John Pulgini**

**Case: BOA-754388 Address: 63-69 Brimmer Street Ward 6 Applicant: John Pulgini**

**Case: BOA-754380 Address: 55-57 Brimmer Street Ward 6 Applicant: John Pulgini**

**Case: BOA-944276 Address: 98 Prescott Street Ward 1 Applicant: Celeste Ribeiro Hewitt**

**Case: BOA-894508 Address: 400-408 West Broadway Ward 6 Applicant: Michael P. Ross**

**Case: BOA-934019 Address: 154-156 Bayswater Street Ward 1 Applicant: Frank DelMuto Assoc, AIA**

**Case: BOA-965725 Address: 42-44 Russell Street Ward 3 Applicant: Timothy Burke**

**Case: BOA-954504 Address: 30 Orleans Street Ward 1 Applicant: Ricardo Robugkui**

### **BOARD FINAL ARBITER: 9:30AM**

**Case: BOA-1114533 Address: 1A Cottage Street Ward 7 Applicant: David Freed, AIA**

### **GCOD ONLY: 9:30AM**

**Case: BOA-1246108 Address: 642-648 Beacon Street Ward 5 Applicant: Brian Radomski**

**Article(s):** Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability

**Purpose :**Change Occupancy to include "Research/Development" Renovation Core/Shell of 42,000sf laboratory/research with 4000 sf 1st floor retail. Scope includes floor interconnections through back/ back party walls on all floors. All noncombustible construction as per plans. In conjunction with ALT1206265

### **HEARINGS: 9:30AM**

**Case: BOA-1172592 Address: 68 Horace Street Ward 1 Applicant: Whitney Zelee**

**Article(s):**Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Side Yard Insufficient

Article 53, Section 9 Rear Yard Insufficient

**Purpose :** Renovate existing attic bathroom and frame new bedroom and closets per drawing specs.

**Case: BOA-1159048 Address: 377 Maverick Street Ward 1 Applicant: 377 Maverick, LLC**

**Article(s):** Art. 27G E Boston IPOD Art. 53, Sec. 09 Floor Area Ratio Excessive Art. 53, Sec. 09 Side yard insufficient

Art. 53, Sec.09 Rear yard. Required: 40' Proposed: 24.4' Art. 53, Sec. 52 Roof Structure Restrictions - Roof deck

proposed > 330sqft

**Purpose :** Renovate the existing structure, extend living space into basement, and erect a rear addition with rear and roof decks.



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**Case: BOA-1065886 Address: 57 Webster Street Ward 1 Applicant: Katherine Glaropoulos**

**Article(s):** Article 53 Section 8 Use: Multifamily Dwelling: Forbidden Article 53 Section 9 Lot Area Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Building Height ( # of Stories ) Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53 Section 9 Side Yard Insufficient Article 53 Section 9 Rear Yard Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 27T Section 9 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions Article 25 Section 5 Flood Plain Regulations  
**Purpose :** Change Occupancy from a Three Family Dwelling to a Four Family Dwelling. Construct a new 4 story Rear Yard addition. Also, construct a new 5th Floor addition with Roof Deck onto Building. Remodel entire Building. Installation of a new Sprinkler system.

**Case: BOA-1240760 Address: 46 Everett Street Ward 1 Applicant: Konstantin Novakivsky**

**Article(s):** Art. 53 Sec. 08 Forbidden- Multifamily use Art. 53 Sec. 52 Roof Structure Restrictions Art. 53 Sec. 56^ Off street parking insufficient -Required: 3 parking spaces more Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Art. 27GE Boston IPOD  
**Purpose :** Erect additions and change occupancy from a three (3) to a five (5) unit residential dwelling with roof and rear decks.

**Case: BOA#1240917 Address: 46 Everett Street Ward 1 Applicant: Konstantin Novakivsky**

**Purpose:** Erect additions and change occupancy from a three (3) to a five (5) unit residential dwelling with roof and rear decks.

**Violation:** Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access through a penthouse

**Case: BOA-1240765 Address: 48 Everett Street Ward 1 Applicant: Konstantin Novakivsky**

**Article(s):** Art. 27G E Boston IPOD Art. 53 Sec. 08 Forbidden - Multifamily use Art. 53 Sec. 52 Roof Structure Restrictions Art. 53 Sec. 56^ Off street parking insufficient - Required: 2 parking spaces more Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient  
**Purpose:** Erect additions and change occupancy from a three (3) to a five (5) unit residential dwelling with roof and rear decks.

**Case: BOA#1240920 Address: 48 Everett Street Ward 1 Applicant: Konstantin Novaskivsky**

**Purpose:** Erect additions and change occupancy from a three (3) to a five (5) unit residential dwelling with roof and rear decks.

**Violation:** Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access through a penthouse

**Case: BOA- 1246029 Address: 43 Stillman Street Ward 3 Applicant: Joseph V. Scarfo**

**Article(s):** Article 32, Section 4. GCOD, Applicability

**Purpose :** Combine two lots (Parcel ID 0302528000 and 0302529005) into a newly created single lot to be 1405 SF. Erect new two family dwelling with ground level garage parking and 4 stories of living space above. Top unit to have roof deck. Building to be sprinkled.



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**Case: BOA#1246356 Address: 43 Stillman Street Ward 3 Applicant: Joseph V. Scarfo**

**Purpose:** Combine two lots (Parcel ID 0302528000 and 0302529005) into a newly created single lot to be 1405 SF. Erect new two family dwelling with ground level garage parking and 4 stories of living space above. Top unit to have roof deck. Building to be sprinkled.

**Violation Violation Description Violation Comments** 9th 780 CMR 1011 Stairways1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. 9th 780 CMR 705 Exterior Walls705.8 Openings. Openings in exterior walls where fire separation less than 3' 0" is not permitted.

**Case: BOA-1224583 Address: 1 Washington Mall Ward 3 Applicant: Five Iron Golf, by Daniel Brennan**

**Article(s):** Art. 45, Section 14 Use: Forbidden

**Purpose :** Tenant fit up of a virtual indoor golf establishment. The space was formerly the "wax museum". The new space includes food service and bar. We are applying for a zoning determination to check if the use will be allowed.

**Case: BOA-1242333 Address: 174 Savin Hill Avenue Ward 13 Applicant: Catherine M O'Neil**

**Article(s):** Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient

Article 65, Section 9 Rear Yard Insufficient Article 65, Section 42 Application of Dimensional Req - Conformity with Existing Building Alignment Article 10, Section 1 Limitation of Area - Limitation of Area of Accessory Uses

Article 65, Section 9 Lot Area Insufficient

**Purpose :** Construct a new Single Family Dwelling. The home is designed to fit within the Savin Hill Neighborhood context in scale and character. It includes 2 bedrooms and 2.5 baths, a study, and open living space. There is a single car Garage set back 18' from the sidewalk as well as space for two additional vehicles along.

**Case: BOA-1160563 Address: 41-43 Alabama Street Ward 18 Applicant: Lu McPherson**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas 5' Buffer Article 60 Section 9 Insufficient lot size

Article 60 Section 9 Insufficient lot width Article 60 Section 9 Insufficient lot width frontage

Article 60 Section 9 Insufficient side yard setback

**Purpose :** To construct a new single family home as per attached plans.

**Case: BOA-1201309 Address: 1480 Blue Hill Avenue Ward 18 Applicant: Jodaviya, LLC**

**Article(s):** Article 60 Section 37 Street Wall Continuity

**Purpose :** Build 2 level addition with block wall and flat roof 1st floor: seating area, bathroom, office 2nd floor: office and storage.

**RECONSIDERATION: 11:00AM**

**Case: BOA- 1179009 Address: 70 Russell Street Ward 2 Applicant: Timothy Sheehan**

reconsideration of the Board Advisory Subcommittee's decision to deny relief on August 19, 2021 that was adopted by the full Board on August 24, 2021. Per Article 5, Section 5-3 of the Zoning Code, the applicant has requested to reopen the record to introduce additional facts to demonstrate that the basement of the property is not fully below grade and provides for sufficient egress from the basement level.

**Articles:** Article 62, Section 8 Floor Area Ratio Excessive

**Purpose:** Extend living space to basement for Unit #1. There will be exterior window replacement / enlargement.

Level 2 work area will be under 50% of total building area - No sprinklers will be required.

**RE-DISCUSSIONS: 12:30PM**

**Case: BOA-1167470 Address: 13 Norton Street Ward 18 Applicant: Falcucci Properties, LLC**

**Articles:** Art. 69 Sec. 09 Lot frontage is insufficient Art. 69 Sec. 30.1 Bldg.Alignmnt Conformity Front building

alignment Art. 69 Sec. 30.12 2/More Dwellings on Same Lot Two or more dwellings on the same lot

**Purpose:** Seeking to erect a single family residential dwelling. One of three buildings on one lot. See ERT1050411 and ERT1050408.



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**Case: BOA-1167473 Address: 15 Norton Street Ward 18 Applicant: Falcucci Properties, LLC**

**Articles:** Art. 69 Sec. 09 Rear yard setback is insufficient Art. 69 Sec. 30.1 Bldg. Alignment Conformity Front building alignment Art. 69 Sec. 30.12 2/More Dwellings on Same Lot Two or more dwellings on same lot

**Purpose:** Seeking to erect a single family residential dwelling. One of three buildings on one lot. See ERT1050402 and ERT1050411.

**Case: BOA-1167475 Address: 17 Norton Street Ward 18 Applicant: Falcucci Properties, LLC**

**Articles:** Art. 69 Sec. 30.1 Bldg. Alignment Conformity Front building alignment Art. 69 Sec. 30.12 2/More Dwellings on Same Lot Two or more dwellings on the same lot

**Purpose:** Seeking to erect a single family residential dwelling. One of three buildings on one lot. See ERT1050402 and ERT1050408.

**Case: BOA-1198971 Address: 196 Havre Street Ward 1 Applicant: Eduardo Castillo**

**Articles:** Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use: Multifamily Dwelling: Forbidden Article 53 Section 9 Lot Area Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Building Height ( # of Stories ) Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53 Section 9 Side Yard Insufficient Article 53 Section 9 Rear Yard Insufficient Article 53, Section 56 Off Street Parking & Loading Req-Off Street Parking Insufficient Article 53, Section 56 Off Street Parking & Loading Req- Off Street Parking Design / Maneuverability

**Purpose :**Raze existing structure and erect a 5 Unit Residential Dwelling with rear decks and Parking for 5 vehicles.

**Case: BOA-1211031 Address: 134 Terrace Street Ward 10 Applicant: Terrace Charlie, LLC**

**Articles:** Art. 59, Section 18 Use: Forbidden - MFR in LI zone Article 59, Section 19 Building Height Article 59, Section 19 Rear Yard Article 59, Section 19 Usable Open Space Article 59, Section 19 Floor Area Ratio Art. 59, Section 37 Off Street Parking Insufficient

**Purpose :**New construction 6 story, 5 unit multifamily building.

**Case: BOA -1177020 Address: 120 Bellevue Street Ward 20 Applicant: John Halloran**

**Articles:** Article 56 Section 40 Two or More Dwellings on the Same Lot

**Purpose:** Application filed in conjunction with ALT1144069 (120R) for zoning code relief. No work to be performed at 120 Bellevue St see existing plans for square footage. For this one of 2 building on one (1) lot.

**Case: BOA -1177024 Address: 120R Bellevue Street Ward 20 Applicant: John Holloran**

**Articles:** Article 56 Section 40 Conformity with Existing Building Alignment Article 56 Section 40 Two or More Dwellings on the Same Lot Article 56, Section 39 Off Street Parking & Loading Req (4) Location of Off Street Parking. Off Street Parking located in Front Yard is Forbidden

**Purpose:** Renovate and convert circa 1880's existing Carriage House (BARN) into a Single Family Dwelling. Retain architectural details as practical, move building 11' from side yard, to new to building code compliant construction foundation; extend foundation at rear to construct 2 car garage as per plans. No work @ 120 Bellevue St ALT1152240.

**Case: BOA -1209343 Address: 5 Winston Road Ward 14 Applicant: Whiteacre Properties**

**Articles:** Art. 60 Sec. 08 Use Regs appl in Res Subdistr Use is forbidden (4 family use) Article 60, Section 9 Lot size minimum to build a dwelling: Insufficient Article 60, Section 9 Lot area for the add'l dwelling units: Insufficient Article 60, Section 9 Floor Area Ratio: Excessive Article 60, Section 9 Height: Excessive (ft) Article 60, Section 9 Usable open space: Insufficient Article 60, Section 9 Front yard setback requirement: Insufficient Article 60, Section 9 Side yard setback requirement: Insufficient Article 60, Section 9 Rear yard setback requirement: Insufficient Art. 60 Sec. 40 Off street parking insufficient Off street parking requirement: Insufficient Article 60, Section 9 Height is Excessive (stories)

**Purpose:** Erect a new 4 story Multi Family Dwelling (4 units). No elevator. Building will have an automatic fire protection system at all levels. Propose (4) off street parking.



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

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**For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to [https://www.municode.com/library/ma/boston/codes/redevelopment\\_authority](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**