



City of Boston
Board of Appeal

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THURSDAY, May 18, 2023

BOARD OF APPEAL

1010 MASS. AVE, 5th FLOOR

ZONING ADVISORY SUBCOMMITTEE

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MAY 18, 2023 BEGINNING AT 5:00PM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS MAY 18, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MAY 18, 2023 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/SubcommitteeZBA>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 832 9388 9736 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/May18Comment> 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/May18Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the Zoom Webinar Event from 4:00PM to 5:00PM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or

concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.



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If you wish to offer comment within the meeting platform, please use the “Raise Hand” function that should appear on the bottom of your screen, if connected by computer or device, or dial *9, if connected by phone. On a computer or device, you will receive a request to unmute yourself from the event host. You must select yes before you can speak. On a phone, you will hear a prompt that the event host is asking you to unmute yourself. You must press *6 to unmute yourself before you can speak. Commenters will be 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 4:00PM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

Interested persons who are unable to participate in the hearing remotely may make an appointment to offer testimony. 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.

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 IN LIEU OF OFFERING TESTIMONY ONLINE. 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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HEARINGS: 5:00 P.M

Case: BOA-1451404 Address: 46 Crosstown Avenue Ward: 20 Applicant: Nicole & John Rinn

Article(s): Article 56, Section 8 Side Yard Insufficient

Purpose: Remove existing roof and build second floor addition per submitted plans. Keeping as a 1 family occupancy. Changing from a 2 bedroom to 4 bedroom.

Case: BOA-1350407 Address: 44R Worley Street Ward: 20 Applicant: Richard McDermott

Article(s): Article 56, Section 8 Side Yard Insufficient Article 56, Section 8 Rear Yard Insufficient

Purpose: Open existing garage add 10x15 onto garage, cinder block foundation, use 5/8 zip system and asphalt shingle roof, to be used for storage. This is a stand-alone garage on the rear of the property set back over 30' from other properties.

Case: BOA-881068 Address: 676-680 Truman Parkway Ward: 18 Applicant: Donald Ormond

Article(s): Article 69 Section 11 Use Regulations - Take out is a conditional use.

Purpose: Remove proviso for take-out ice cream from previous owner and grant to new owner. Also, paint interior.

Case: BOA-1432868 Address: 242 Fairmount Avenue Ward: 18 Applicant: Hanna Pham

Article(s): Article 69, Section 8 Use: Forbidden - 2F in 1F Article 69, Section 9 Lot Area Insufficient

Article 69 Section 29.4 Off Street Parking Location - Article 69 29.4a Parking in front yard.

Purpose: Change of occupancy to a two family. No construction is proposed for dwelling's interiors.

Case: BOA-1436317 Address: 38 Taunton Avenue Ward: 18 Applicant: Gloria Weekes

Article(s): Article 69, Section 9 Rear Yard Insufficient

Purpose: New Deck on the back.

Case: BOA-1449055 Address: 34 Halsey Road Ward: 18 Applicant: Lester Robinson

Article(s): Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient

Article 69, Section 9 Floor Area Ratio Excessive

Purpose: 2 floor addition to rear New kitchen New roof.

Case: BOA-1451005 Address: 109 Bateman Street Ward: 18 Applicant: Stephon Gillings

Article(s): Article 69, Section 9 Side Yard Insufficient - Min. required: 10' Proposed: 6.4' (L) Article 69, Section 9 Front Yard Insufficient - Min. required: 25' Extension of non conformity.

Purpose: Pouring new concrete, building addition on all floors. Extending basement living space area.

Case: BOA-1442463 Address: 10 Manor Street Ward: 16 Applicant: Jeffrey G. Kidman, Trustee

Article(s): Article 65, Section 9 Side Yard Insufficient - Left side side yard set back. required 10 feet. Proposed 7' 1".

Purpose: Install new deck per contract.

Case: BOA-1434443 Address: 26 Speedwell Street Ward: 15 Applicant: Erica Davis

Article(s): Article 67, Section 9 Floor Area Ratio Excessive

Purpose: Legalize living space in basement as part of 1st floor unit as per plans submitted all work is being done on SF1382355 already issued.



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Case: BOA-1349736 Address: 906 Dorchester Avenue Ward: 13 Applicant: Chris Drew

Article(s): Art.65 Sec.15 Use: Conditional - Table A Barber or beauty shop. Residential/local service (MFR/LS)

Purpose: Renovate existing retail space in to a nail Bar (Nail Salon)

Case: BOA-1443133 Address: 34 McBride Street Ward: 11 Applicant: John Pulgini

Article(s): Article 55, Section 9 Side Yard Insufficient- Min. required: 7' to lot line, 10' from existing structures and 17' of aggregate. Proposed at 5.9' to lot line. To existing structures and aggregate distance: not enough information provided to make this determination.

Purpose: The proposed project is to erect a second story addition onto the existing single family dwelling. The addition will include a new primary bedroom, full bath, and expand an existing bedroom. The proposed addition will total 409 SF, bringing the home to a total of 1,937 SF.

Case: BOA-1431939 Address: 64 Harvest Street Ward: 7 Applicant: Dyane Bailey

Article(s): Article 65, Section 9 Side Yard Insufficient - Right and Left side in violation.

Purpose: Build a roof deck and install a spiral staircase to access roof deck. Cost reflected on ALT1324717.

Case: BOA-1452730 Address: 509 East First Street Ward: 6 Applicant: Rena Elias Gyftopoulos

Article(s): Article 68, Sec.13 Use Regulations - Beauty Salon: Forbidden

Purpose: There will be NO construction. Only mobile furniture like shelving units and chair will be moved in. Change occupancy to include beauty salon.

Case: BOA-1442810 Address: 551 East Fifth Street Ward:6 Applicant: Rory Clune

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Proposed roof reconfiguration Art 68 Sec 29 Roof Structure Restrictions - Maximum allowed height on parcel has been exceeded Art 68 Sec 8 Dim reg app in res sub dist - Insufficient side yard setback Art. 68 Sec. 33 Off Street parking Req. - Insufficient off street parking/ tandem

Purpose: Additions to existing single family residence: Two story vertical addition to the east, rear second floor addition above existing first floor, new dormers at third floor.

Case: BOA-1428631 Address: 23 Hudson Street Ward: 3 Applicant: Ying Huang

Article(s): Art. 43, Section 19 Use: Conditional - Applicant is requesting for Take out use for Bakery located the in basement of 23 Hudson ST

Purpose: Take Out for this petitioner only. (Bakery) Associated with ALT1311696 for 23 Hudson Street, unit B1 (basement).

Case: BOA-1340198 Address: 109-109A Salem Street Ward: 3 Applicant: Warren Mustacchio

Article(s): Art. 09 Sec. 01 Extension of Non-Conforming Use - Increase in volume >25% Conditional Art 54 12

Purpose: Change seating capacity from 36 to 49 patrons, no work to be done.

Case: BOA-1340204 Address: 111-111A Salem Street Ward: 3 Applicant: Warren Mustacchio

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use - Increase in nonconforming use volume is >25% Forbidden Art54 12 Art. 54 Section 13 Dimensional Regulations - Excessive f.a.r. (Change occupancy use of lower accessory kitchen and storage areas to accessory kitchen and sit down for 20 persons)

Purpose: Change seating capacity from 40 to 60 patrons, no work to be done.



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RE-DISCUSSION: 5:00 P.M

Case: BOA-1405291 Address: 924 East Fourth Street Ward: 6 Applicant: Michael Gallahue

Article (s): Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of roof profile Art 68 Sec 29 Roof Structure Restrictions - Max. height allowed on parcel exceeded Art 68 Sec 8 Max allowed height in sub district exceeded Art 68 Sec 8 Insufficient side yard setback Art.68 Sec. 34 Insufficient rear yard setback to shallow lot. Art 68 Sec 8 Dim reg app in res sub dist - Extensions into rear yards of existing structures >1,000sf Art. 68 Sec. 33 Off Street parking Req. - Access drive width is less than 10' Art. 68 Sec. 33 Off Street parking Req. – maneuvering areas on own lot (Registered Deed Required granting motorvehicle access to this parcel via passage way)

Purpose : Confirm occupancy as one family. Full gut renovation of an existing single family house. Garage extension and fourth floor sun room addition.



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BOARD MEMBERS:

SHERRY DONG-CHAIR
NORM STEMBRIDGE-SECRETARY
HANSY BETTER BARRAZA

SUBSTITUTE MEMBER:

For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to https://ww.w.municode.com/library/ma/boston/codes/redevelopment_authority