



City of Boston
Board of Appeal

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Tuesday, June 6, 2023

BOARD OF APPEAL

Room 801

HEARING AGENDA

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JUNE 6, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JUNE 6 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JUNE 6, 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/ZBA2023Hearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 821 8044 0527 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/June6Comment> 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/June6Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the Zoom Webinar 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 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 8:30AM 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 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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EXTENSIONS: 9:30AM

Case: BOA-940697 Address: 1102-1106R Blue Hill Avenue Ward 14 Applicant: Evoke Inc.

Case: BOA-1155218 Address: 22 Wordsworth Street Ward 1 Applicant: William Sheehy

Case: BOA-1143574 Address: 449 Cambridge Street Ward 22 Applicant: Adam R. Hundley, Esq

Case: BOA-1143565 Address: 2 Emery Road Ward 22 Applicant: Adam R. Hundley, Esq

Case: BOA-1066748 Address: 318-320 E Street Ward 6 Applicant: Nicholas Zozula, Esq

Case: BOA-1066736 Address: 1-2 Church Avenue Ward 6 Applicant: Nicholas Zozula, Esq

Case: BOA-1163856 Address: 1175 Dorchester Avenue Ward 15 Applicant: Nicholas Zozula, Esq

BOARD FINAL ARBITER: 9:30AM

Case: BOA-886016 Address: 882 South Street Ward 20 Applicant: Mitch Rosenfield

Case: BOA-1320835 Address: 9 Hewins Street Ward 14 Applicant: Joseph Feaster, Esq

Case: BOA-1399265 Address: 60R Alban Street Ward 17 Applicant: Andrea Dietrich

GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1463070 Address: 577 Massachusetts Avenue Ward 9 Applicant: Luis Santana

Article(s): Article 32, Section 4.GCOD, Applicability - Groundwater Conservation Overlay District Applicability

Purpose: Change occupancy from 17 lodgers to 4 family dwelling, interior renovations, structural, install sprinkler system and recharge system in accordance with BWSC approved plans and BGWT. Administrative review by ZBA for GCOD. required.

HEARINGS:9:30AM

Case: BOA-1447018 Address: 43 Fremont Street Ward 18 Applicant: Nicholas Beaujean

Article(s):Article 60, Section 9 Bldg Height Excessive (Feet) - Allowed 35 ft. Proposed 37 ft. Article 60, Section 9 Usable Open Space Insufficient - Required 8,000 s.f. Proposed 5,873 s.f. Article 60, Section 9 Bldg Height Excessive (Stories) - Allowed 2 1/2 stories height. Proposed 3 stories + Head house Article 60, Section 9 Floor Area Ratio Excessive - Allowed .8 FAR. Proposed 9.5 FAR Article 60, Section 8 Use: Forbidden - Forbidden Use: MFR 10 Units Art. 65 Sec. 60 37 Off Street parking insufficient - Required 1/unit=10. Proposed 9

Purpose: The applicant seeks to erect a new 2.5 story, 10 unit residential building, with 9 off street parking spaces as per the attached plans. (Pending ZBA approval sub divided lot ALT1441696).

Case: BOA-1407963 Address: 50 Belnel Road Ward 18 Applicant: Cesar Lopez Berrio

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

Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 8 Use: Forbidden - 2 family: Use Forbidden

Art. 69 Sec. 29.5 Off St.Prk'g:Design - Off street pkg Maneuverability: Tandem parking Article 69, Section 8 Use:

Forbidden - Parking space: Forbidden Art. 10 Sec. 01 Limitation of Area of Accessory Uses - Front yard accessory use

Purpose: Change of occupancy from a one family dwelling to a two family dwelling with an attached addition.



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Case: BOA-1417475 Address: 8 Knight Street Ward 18 Applicant: Michael P. Ross, Esq

Article(s): Article 69, Section 9 Side Yard Insufficient - Left side boundary goes through a driveway and a existing deck. Article 69, Section 9 Rear Yard Insufficient

Purpose: Divide existing 17,000 square ft into 2 distinct parcels. See application ERT1351186. *01 26 2023 updated plans show common drive access expand curb cut for vehicle parking for 10 Knight st Note: parcel 1 8 knight street/ 11133sf with common access drive and 4 off street parking spaces and Parcel 2 to be known as 10 knight st/6267sf with 4 off street parking spaces in rear and 2 in front.

Case: BOA- 1417476 Address: 10 Knight Street Ward 18 Applicant: Michael P. Ross, Esq

Article(s): Article 69, Section 9 Floor Area Ratio Excessive - Building a 3 unit in a 2 F5000 zone. Article 69, Section 9 Bldg Height Excessive (Stories) - Building a 3 unit in a 2 F5000 zone. Article 69, Section 9 Side Yard Insufficient - Building a 3 unit in a 2 F5000 zone. Article 69, Section 8 Use: Forbidden - Building a 3 unit in a 2 F5000 zone.

Art. 69 Sec. 30. 1Bldg.Alignmnt Conformity Art. 69 Sec. 29 Off St.Prk'g/Load'g Art. 10 Sec. 01Limitation of parking areas - Side yard buffer less than 5" in front driveway. Article 69, Section 9 Usable Open Space Insufficient - Parking in back lot Article 69 Section 29Off Street Parking & Loading Req - 4(a) Parking in the front of the lot

Art. 69 Sec.11Forbidden - Accessory parking for 3 family is forbidden Article 69, Section 9 Lot Area Insufficient

Purpose: I am hoping to build in the vacant lot where my current 2 family home is. The total lot size is 17,322 S.F. The new construction will consist of a 3 family home (3 beds, 1 bath, laundry area, and private parking).

Case: BOA-1444614 Address: 87 Parkton Road Ward 10 Applicant: E.K. Sanford Builders, Inc

Article(s): Art.55 Sec.40 Off-St.Parking/Loading Req'mnt - The access to the 2 proposed parking spaces is done through a shared driveway. Article 55, Section 9 Usable Open Space Insufficient - Open space reduced to proposed driveway and parking spaces.

Purpose: This application is in conjunction with ALT1360069 and U491435895. This application is proposing to extend the shared driveway and asphaltting the rear yard of the property for 2 parking spaces.

Case: BOA-1444618 Address: 91 Parkton Road Ward 10 Applicant: E.K. Sanford Builders, Inc

Article(s): Art.55 Sec.40 Off St.Parking/Loading Req'mnt - The access to the 2 proposed parking spaces is done through a shared driveway. Article 55, Section 40.5aParking Maneuverability - 2 tandem spaces Article 55, Section 9 Usable Open Space Insufficient - Open space reduced to propose driveway and parking spaces.

Purpose: This application is in conjunction with ALT1359877 and U491411118. This permit is to put down asphalt for a driveway and asphalt in the backyard for 2 parking spaces.

Case: BOA-1463651 Address: 137 West Newton Street Ward 4 Applicant: Joseph Holland

Article(s):Art. 64 Sec. 09 Dimensional Regulations Applicable in Residential Sub - Proposed Rear deck off of the first floor level exceeds rear yard set backs Art. 64 Sec. 34 Restricted Roof Structure Regs - Roof Deck

Purpose: Build a roof deck and rear deck off first floor level.

Case: BOA- 1455681 Address: 2 Coppersmith Way Ward 1 Applicant: Trichilo Development, LLC

Article(s): Article 27T Section 9 IPOD Enforcement Article 53, Section 52 Roof Structure Restrictions Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 12 Height Excessive Art. 53 Sec. 56 Off Street Parking Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Lot Area Insufficient Art. 32 Sec. 32 4Groundwater Conservation Overlay District, Applicability Art. 53 Sec. 09 Usable Open space

Purpose: Erect a four story three unit residential dwelling with roof deck exclusive to unit 3.

Case: BOA-1463869 Address: 100 Swift Street Ward 1 Applicant: Charlie Tevnan

Article(s): Article 53 Section 55Sign Regulations - (c) Free standing signs forbidden in a Neighborhood Shopping district.

Purpose: Install New Double Sided, Internally Illuminated Exterior Sign, 6' x 8' sign, mounted on 8' high steel post, at First Priority Credit Union, at corner of 100 Swift Street and Bennington Street, East Boston.



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Case: BOA-1459116 Address: 770 Gallivan Boulevard Ward 16 Applicant: Jay Youmans-CANNABIS

Article(s): Article 65 Section 15 Use Regulations - Cannabis retail use- Conditional Article 65 Section 15 Use Regulations - Footnote 25. Cannabis Establishment, provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.-Otherwise Forbidden.

Purpose: Change of Occupancy from Commercial Retail/Wholesale/Services Use to Marijuana Retailer (or "cannabis retail facility") Use licensed pursuant to 935 CMR 500.000 et seq. and Boston Cannabis Board Rules and Regulations.

HEARINGS:11:00AM

Case: BOA-1174452 Address: 50-52 Wenham Street Ward 19 Applicant: David Loftus

Article(s): Article 55, Section 12 Side Yard Insufficient

Purpose: Remove deck Build new 3 season porch New siding windows New exit off homeowners second floor to new deck and spiral Staircase.

Case: BOA-1464287 Address: 13 Norwood Avenue Ward 16 Applicant: George Morancy, Esq-ARTICLE 80

Article(s): Article 65, Section 15 Use: Conditional - MFR Second Story & Above Conditional Article 65 Section 16 FAR Excessive Article 65 Section 16 Building Height Excessive Article 65 Section 16 Rear Yard Art. 65 Sec. 65 41.5 Parking Size & Maneuverability - Stacker Parking Article 65, Sec 65 41 Off Street Loading Req. Art. 65 Sec. 41 Off street parking requirements Article 25A Section 4 CFROD Applicability Art. 25 Sec. 5 Flood Hazard Districts

Purpose: New construction of a five (5) story residential building with fifty-two (52) dwelling units and fifty (50) parking spaces (stackered). The proposed structure features 5 stories above grade, decks, and rear terrace.

Case: BOA-1363694 Address: 1246 Dorchester Avenue Ward 15 Applicant: Maria Papoulidis

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Article 65, Section 16 Rear Yard

Purpose: Proposed single story addition to the retail space of the gas station at 1246 Dorchester Ave, in Boston. The rear addition expands the single room retail space by 683 square feet. The proposed addition is designed to be in keeping with the existing structure in height and building material.

Case: BOA-1452479 Address: 1-2 Thompson Square Ward 2 Applicant: John Pulgini, Esq

Article(s): Art. 62 Sec. 25 Roof Structure Restrictions

Art. 62 Sec. 29 Off street parking insufficient - Parking spaces required: $1.75 \times 9 = 15.75$ Proposed: Eliminating 2 existing parking spaces from rear parking area and creating 3 indoor spaces. Article 62, Section 14 Max. building height allowed: 35' Proposed: 67' Article 62, Section 14 This lot is abutting a residential district. Side yard min. required: 2.5' Proposed: 0'

Purpose: 5 story addition to existing structure and change occupancy to include (9) residential units, retail at ground level and parking.

Case: BOA-1449324 Address: 203 Lexington Street Ward 1 Applicant: Travis Marks & Flore Uzan

Article(s): Article 53, Section 9 Add'l Lot Area Insufficient - Required 1000 sf. Art. 53 Sec. 04 Greenbelt Protection Overlay District Applicability Zoning overlays district: IPOD Art. 53 Sec. 56^ Off street parking insufficient - Required 1.0 per unit. Proposed None

Purpose: Add a door to provide mean of egress to a third-floor unit. Existing kitchen, existing bathroom, existing bedroom. Change occupancy to a 3 family dwelling.



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RE-DISCUSSION :11:30 AM

Case: BOA-1432486 Address: 46-48 Leo M Birmingham Parkway Ward 22 Applicant: Danny Moll-ARTICLE 80

Article(s): Article 51, Section 8 Use: Conditional Article 51, Section 9 Floor Area Ratio Excessive
Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet)
Article 51, Section 56. Off Street Parking & Loading Req

Purpose: Demo of existing building. New construction of a residential use building with thirty eight (38) dwelling units and thirteen (13) parking spaces at grade.

Reason for Prior Deferral: The applicant requested a deferral

Case: BOA-1330427 Address: 58 Murdock Street Ward 22 Applicant: Odessit Capital, Inc

Article(s): Article 51 Section 8 Use Regulations – Fobidden Art. 51 Sec. 09 Excessive f.a.r. Art. 51 Sec. 09 Max allowed height exceeded Art. 51 Sec. 09 # of allowed stories exceeded Art.51 Sec.53 Screening & Buffering Req Article 51, Section 56 Off Street Loading Insufficient Article 51, Section 56 Off Street Parking Insufficient

Purpose: Seeking to erect a new residential structure with 13 units and 13 parking spaces. Demo to be completed on separate short form.

Reason for Prior Deferral: The applicant requested a deferral

Case: BOA-1395905 Address: 4 Haynes Street Ward 1 Applicant: Thomas Walsh & Peter Ryan

Article(s): Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 12 Height Excessive Art. 53 Sec. 12 Rear Yard insufficient
Art. 53 Sec. 12^ Floor area ratio excessive Art. 53 Sec. 56 Off St.Parking Requirements Art. 53, Section 36 Use:
Forbidden Art. 53 Sec. 52 Roof Structure Restrictions Art. 53 Sec. 09 Dimensional Regulations - Usable open space
Article 53, Section 9 Bldg Height Excessive (Stories)

Purpose: Seeking to combine Parcel ID 0104541000 and Parcel ID 0104540000 to form one new 1,800 square foot lot to be known as 4 Haynes Street. Also, to erect a new building with four residential units and three parking spaces.

Reason for Prior Deferral: The applicant requested a deferral

Case: BOA-1290225 Address: 92 Waldemar Avenue Ward 1 Applicant: Richard Crespo, Crespo Group

Article(s): Article 27T 5 East Boston IPOD Applicability Art. 53, Section 56 Off Street Parking Insufficient
Art.53 Sec.08 Use Forbidden Article 51, Section 53 Screening & Buffering Req Article 53Section 9 Insufficient lot size
Article 53Section 9 Excessive height Article 53Section 9 # of allowed stories exceeded Article 53Section 9 Excessive
f.a.r. Article 53Section 9 Insufficient side yard setback Article 53Section 9 Insufficient rear yard setback Article 53,
Section 57.2 Conformity Ex Bldg Alignment Article 53Section 9 Insufficient usable open space

Purpose: Seeking to erect a new residential building with 5 units and 5 parking spaces. Demo to be completed on separate permit.

Reason for Prior Deferral: The applicant requested a deferral to update the plans

Case: BOA-1290226 Address: 96 Waldemar Avenue Ward 1 Applicant: Richard Crespo, Crespo Group

Article(s): Article 27T 5 East Boston IPOD Applicability Art. 53 Sec.08 Forbidden
Art. 53, Section 56 Off Street Parking Insufficient Article 53 Section 9 Insufficient lot size
Article 53 Section 9 Excessive height Article 53 Section 9# of allowed stories exceeded Article 53 Section 9 Excessive
f.a.r. Article 53 Section 9 Insufficient side yard setback Article 53 Section 9 Insufficient rear yard setback
Article 53, Section 57.2 Conformity Ex Bldg Alignment - Front yard modal requirements Art.51 Sec.53 Screening &
Buffering Req

Purpose: Seeking to erect a new structure containing 5 units and 5 parking spaces. Demo to be completed on separate permit.

Reason for Prior Deferral: The applicant requested a deferral to update the plans



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Case: BOA-1290229 Address: 104 Waldemar Avenue Ward 1 Applicant: Richard Crespo, Crespo Group

Article(s): Art. 53 Sec.08 Forbidden

Article 53 Section 9 Insufficient lot size 4,000sf req. Article 53 Section 9 Excessive height 35' max Article 53 Section 9 # of allowed stories exceeded 2.5 max. Article 53 Section 9 Excessive f.a.r. .5 Article 53 Section 9 Front yard modal alignment req. Article 53 Section 9 Insufficient side yard setback 10' Article 53, Sec. 54 Screening & Buffering Req - Residential/residential MFR Use buffering from 1f sub district Art. 53 Sec. 56 Off Street Parking - Insufficient parking proposed 1.5 per unit req. Article 53 Section 9 Insufficient usable open space 1000sf/unit

Purpose: Seeking to erect a new structure containing 5 units and 5 parking spaces. Demo to be completed with a separate permit.

Reason for Prior Deferral:

HEARINGS: 1:00PM

Case: BOA-1466938 Address: 1-3 Lyford Street Ward 14 Applicant: Derric Small

Article(s): Art. 10 Sec. 01 Limitation of off street parking areas - Off street parking within 5 feet of side yard. 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 Rear Yard Insufficient Article 60, Section 41.2 Traffic Visibility Across Corner 2.Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one half (2 ½) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.

Purpose: Erect a two family dwelling on a vacant lot.

Case: BOA-1443969 Address: 404 West Second Street Ward 6 Applicant: Victoria Banos

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Roof deck access via stairs Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback

Purpose: Add roof deck and stair.

Case: BOA-1445801 Address: 35-39 Saratoga Street Ward 1 Applicant: Margo Cramer

Article(s):Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 52Roof Structure Restrictions Art. 27GE Boston IPOD

Purpose: Conversion of existing basement storage space into an extended living area (e.l.a.) and new rooftop deck.

Case: BOA-1466722 Address: 40 Orient Avenue Ward 1 Applicant: Goal Line Realty, LLC

Article(s): Art. 53 Sec. 08 Use: Conditional - Parking space: Ancillary Use Condition

Purpose: Ancillary parking for 4 vehicles. See ERT1371317 and ALT1371316.

Case: BOA-1466726 Address: 40 Orient Avenue Ward 1 Applicant: Goal Line Realty, LLC

Article(s): Art. 53 Sec. 09 Side yard Insufficient

Purpose: Subdivide parcel number 0101928000 into two lots. Lot 30A to contain 7,824 s.f. of land Lot 31A to contain 7,176 s.f. of land and erect a three (3) story two unit dwelling with roof deck and parking for four vehicles in rear. No work on existing dwelling. See ERT1371317. Need Apply "UOP Ancillary Parking".

Case: BOA-1466729 Address: 36 Orient Avenue Ward 1 Applicant: Goal Line Realty, LLC

Article(s): Article 27D 5 IPOD Applicability - IPOD District Art. 53 Sec. 08 Use: Conditional - Ancillary Use: Parkings Art. 53 Sec. 09 Rear Yard Insufficient Article 53, Section 57.2 Conformity Existing building Alignment.

Purpose: Erect a three (3) story two unit dwelling with parking for four vehicles in rear (Lot 31A= 7,176 S.F.) "See UOP Ancillary Parking". No work on existing dwelling. Filed in conjunction with ALT1371316 (subdivision).



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INTERPRETATION: 1:00PM

Case: BOA-1432589 Address:336R Pond Street Ward 19 Applicant: Antonio Ferrara

Purpose: Appellant seeks a determination that the Inspectional Services Department erred in its interpretation of the Zoning Code and refusal of a building permit application on grounds that the proposed project violates Article 55 of the Boston Zoning Code. Appellant contends that ISD incorrectly cited Article 55, Section 41.1, Conformity with Existing Building Alignment and improperly denied Permit # ERT1104783.

**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