



City of Boston
Board of Appeal

Tuesday, July 30, 2024

BOARD OF APPEALS

City Hall Room 801

HEARING MNINUTES

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JULY 30, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JULY 30, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JULY 30, 2024 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/ZBAHearings2024>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 819 2218 4516 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/CommentJuly30> 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/CommentJuly30> 617-635-4775, or emailing zba.ambassador@boston.gov.



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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.

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-1159113 Address: 693 Cummins Highway Ward 18 Applicant: Vernon Woodworth, FAIA

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until August 4 2025.

Case: BOA-1359889 Address: 400 Melnea Cass Boulevard Ward 8 Applicant: Joseph Feaster, Esq

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until November 4, 2025.

Case: BOA-1359896 Address: 402 Melnea Cass Boulevard Ward 8 Applicant: Joseph Feaster, Esq

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until November 4, 2025.

Case: BOA-1387348 Address: 55 Meridian Street Ward 1 Applicant: Richard Lynds, Esq

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until November 18, 2025.

Case: BOA-1176005 Address: 1717-1719 Hyde Park Avenue Ward 18 Applicant: Jan Steenbrugge

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until November 18, 2025.

Case: BOA-1287036 Address: 1759-1763 Washington Street Ward 9 Applicant: Marc LaCasse, Esq

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until August 18, 2025.

RECOMMENDATIONS: 9:30 AM

Case: BOA- 1602850 Address: 358-360 Hanover Street Ward: 3 Applicant: Anthony Virgilio

Article(s): Article 54 Section 12 Use Regulations Restaurant Use Conditional

Purpose : Extend restaurant to same address for extra seating new electric new plumbing framing and sheetrock tile and finish carpentry, new windows

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve with parks review.



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Case: BOA-1603917 Address: 55-59 Causeway Street Ward: 3 Applicant: Muhammad Umair Ejaz

Article(s): Article 06 Section 04 Other Protectional Conditions

Purpose : Remove proviso and grant to this petitioner only.

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA- 1599266 Address: 767 East Broadway Ward: 6 Applicant: Andry Rezende

Article(s): Article 68, Section 8 Side Yard Insufficient

Purpose : Seeking relief for (2) proposed shed dormers and the removal of a flat roof to be replaced by a gable roof in the rear section of the structure that alter the existing roofline. Add (2) fire rated windows on the facade of the west side dormer.

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA- 1588821 Address: 12 Marmion Street Ward: 11 Applicant: Michael Datko

Article(s): Article 55, Section 9 Rear Yard Insufficient Article 55, Section 9 side Yard Insufficient

Article 55, Section 9 Floor Area Ratio Excessive

Purpose : A two story 720 square feet addition on the back of house that is 12' x 24'. It includes, first floor bathroom and bedroom, second floor bathroom, laundry room, and dining room, and a bathroom in finished attic area. Also 195 square feet of deck space.

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA-1589188 Address: 1362-1378 Dorchester Avenue Ward: 15 Applicant: Bon Beaute

Article(s): Article 65, Section 15 Use: Forbidden

Purpose: Suite 24. Change occupancy to include permanent makeup body art tattoo (No Work adding furniture)

*Restaurant, w/Live Entertainment ,Offices, Driving School ALT237984/2013

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA-1603475 Address: 400-412 Neponset Avenue Ward: 16 Applicant: Brian Lee

Article(s): Article 06 Section 04 Other Protectional Conditions

Purpose : To remove the proviso from previous owner and include take out 36a

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA- 1593040 Address: 9 Moultrie Street Ward: 17 Applicant: Danielle Miller

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

Purpose: Addition of a new window and door. Addition of a freestanding deck. Demolition of chimney and select interior partition walls.

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.



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Case: BOA- 1561260 Address: 25 Nelson Street Ward: 17 Applicant: Kelby Pontes

Article(s): Art. 10 Sec. 01 Limitation of parking areas 5' Side yard buffer requirement

Purpose : Curb cut for three proposed off street tandem parking spaces

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA- 1591995 Address: 497-505 Washington Street Ward: 17 Applicant: Christina Cange

Article(s): Art. 06 Sec. 04 Other Protectional Conditions

Purpose : Remove provisos & grant this practitioner

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA- 1578468 Address: 15 Cornell Street Ward: 18 Applicant: Luke Winslow & Taylor Leach

Article(s): Article 67, Section 32 Off-Street Parking - Proposed parking for one vehicle will be in the front yard setback. Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient

Purpose: Extension of Living Space. This project proposes renovating and finishing the basement of 15 Cornell St, Roslindale. The renovation will include the addition of two bedrooms, a bathroom, and living space in currently unfinished space.

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve with no building code relief.

Case: BOA- 1601690 Address: 470 Centre Street Ward: 19 Applicant: Mari Perez-Alers & David Doyle

Article(s): Art. 55, Section 17 Rear yard. Min. required: 20' Existing: 16.9' Proposed: 2.1'

Purpose: This project is for the addition of a deck and stairs to the second floor unit on the rear of the home. A new door will be added for access to the deck from the second floor unit.

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve with the rear deck set back by 2ft 9.

Case: BOA- 1567484 Address: 6 Slocum Road Ward: 19 Applicant: Karyn Stewart

Article(s): Article 55, Section 9 Rear Yard Insufficient

Purpose: Remove, replace and extend current additions. Interior renovations.

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA- 1587527 Address: 287-289 Beech Street Ward: 20 Applicant: Ivone Tharion

Article(s): Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 8 Use: Forbidden

Purpose: Basement Renovation

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to defer until July 30, 2024.



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Case: BOA-1608760 Address: 100 Westover Street Ward: 20 Applicant: Tony Saroufim

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

Purpose : Enlarge the front mudroom. Build front Canopy and repair/replace front siding. *one family #955/1988

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

Case: BOA-1605078 Address: 41 Redgate Road Ward: 20 Applicant: Jeffrey Sarin by Anthony Ross, Esq

Article(s): Article 56 Section 08 Floor Area Ratio excessive

Purpose : Build out of a finished basement *Single Family #ERT772388/2017

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. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

GROUNDWATER CONSERVATION OVERLAY ONLY: 9:30AM

Case: BOA-1520229 Address: 208 Beacon Street Ward 5 Applicant: Hemenway & Barnes LLP

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

Purpose: Amend ALT1158755. In rear yard/patio area, install hot tub and deck per plans

Discussion: At the request of the Board, the applicant presented plans to install a new hot tub and deck.

Board members asked about the plans, BGWT, GCOD

Votes: Board member Barraza moved to approve. Stembridge seconded and carried unanimously.

Case: BOA-1563973 Address: 581 Boylston Street Ward 5 Applicant: Laurent Bouzelmat

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

Purpose: Core and shell interior and exterior renovations including mechanical, electrical and fire alarm upgrades, replacement of existing windows and roof, elevator modernization, and repointing of masonry façade. Selective demolition work shall be applied for under a separate permit.

Discussion: At the request of the Board, the applicant presented plans to replace the existing windows and repoint.

Board members asked about the plans, BGWT, GCOD

Votes: Board member Barraza moved to approve. Collins seconded and carried unanimously.



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HEARINGS: 9:30AM

Case: BOA-1353108 Address: 6 Dana Avenue Ward 18 Applicant: Luis Matute

Article(s): Article 69, Section 8 Use: Forbidden - Basement units Art. 69 Sec. 29.5 Off St.Prk'g:Design - Parking space dimensions. Article 69 Section 29 Off Street Parking & Loading Req - Proposing to legalize 8 existing parking spaces. Required for "new" basement unit: 2 more spaces. Article 69 Section 12 Exceeding allowed FAR extending living space for the "new" unit into the basement. Art. 10 Sec. 01 Limitation of parking areas - Parking spaces (P1, P6, P7 and P8) are located on the front yard (Pingree Street)

Purpose: Applying for change of use and occupancy, existing unit No. 07/no work. Unit 7 was never finished legally on paper construction was completed, previous owner passed away during the process. Confirmed occupancy as a 6 residential units and commercial office space (commercial unit is one at issue) change to 7 residential units according to drawings and specifications. Legalize 8 existing parking spaces.

Discussion: Upon a motion and second the Board moved to defer until August 27, 2024.

Case: BOA-1598752 Address: 308 Norwell Street Ward 17 Applicant: Derric Small

Article(s): Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Area Insufficient Article 65, Section 15 Use: Forbidden

Purpose: Demolish existing structure(on separate permit) erect a ten unit building with 8 parking spaces & 1 commercial space

Discussion: At the request of the Board, the applicant presented plans to add six two bedroom apartments that are ADA compliant.

Board members asked about the plans, proposal, IDP units, parking accessibility.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. WOW spoke in support of the proposal

Votes: Board member Barraza moved to approve with BPD review and the memorialize the IDP units. Stembridge seconded and carried unanimously.

Case: BOA-1584862 Address: 31 Old Morton Street Ward 17 Applicant: Cynthia Edwards

Article(s): Article 9 Section 1 Extension of Nonconforming Use Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient

Purpose: Addition of roof dormers to extend living space up to attic level. Scope includes modification of existing roof to include dormers and create a new half story; total building not to exceed 2.5 floors. Also, minor interior reconfiguration of both units. No basement scope included

Discussion: At the request of the Board, the applicant presented plans to fix a roof that was compromised by fire damage. The occupancy will remain the same.

Board members asked about the plans, height, context

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.



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Votes: Board member Pinado moved to approve with BPDA design review. Stembridge seconded and carried unanimously.

Case: BOA-1553581 Address: 175 Savin Hill Avenue Ward 13 Applicant: Courtney Johnston

Article(s): Article 65, Section 9 Front Yard Insufficient - Zoning requires a front yard setback of 15' (feet) The proposed roof deck project will be less than 15'. Article 65, Section 9 Side Yard Insufficient - Zoning requires a side yard setback of 10' (feet). The proposed roof deck will be less than 10'.

Purpose: Nominal fee requested to add Roof deck for Unit #3.

Discussion: Upon a motion and a second the Board moved to defer until November 19th, 2024.

Case: BOA-1566991 Address: 12-18 Sawyer Avenue Ward 13 Applicant: James Christopher

Article(s): Art. 65 Sec. 02 Conformity with Existing Building Alignment - Modal calculation not provided to verify compliance. Art. 65 Sec. 08 Forbidden - Townhouses use Article 65, Section 9 Lot Frontage Insufficient - Min. required: 50' x 4 townhouses = 200' Proposed: 98.28' Article 65, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.5 Proposed: 0.69 Article 65, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 2.5 Proposed: 4 Article 65, Section 9 Bldg Height Excessive (Feet) - Max. allowed: 35 Proposed: 38' 7" Article 65, Section 9 Front Yard Insufficient - Min. required: 15' Proposed: 8' (porch) Article 65, Section 9 Side Yard Insufficient - Min. required: 10' Proposed: 4.4' (R) Article 65, Section 32 Neighborhood Design Overlay Districts

Purpose: To erect a new 4 story, 4 townhouse building with a 2 car garage at grade for each unit as per plans.

Discussion: At the request of the Board, the applicant presented plans to raze an existing 4tory 4 townhouse style dwellings with off street parking for each.

Board members asked about the plans, proposal, side yard

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter and Councilor Murphy are in support.

Votes: Board member Barraza moved to approve. Stebridge seconded and carried unanimously.

Case: BOA-1601593 Address: 26 Notre Dame Street Ward 11 Applicant: Norte Dame Development LLC

Article(s): Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 44.2 Conformity Ex Bldg Alignment Art. 50, Section 43 Off Street Parking Insufficient Art. 50, Section 43 Off Street Loading Insufficient

Purpose: Erect a new five (5) story Multi Family Residential building on newly created 11,900sqft lot. Building is of approximately 28,357 gross square feet, including 26 units for homeownership, 14 onsite parking spaces, roof decks, terraces/balconies, ground level open spaces, amenity areas and related sidewalk improvements. See ALT1585417 for subdivision. Existing building to be razed under separate permit.

Discussion: At the request of the Board, the applicant presented plans to erect a 26 unit 5 story dwelling with 14 ground floor parking spaces.

Board members asked about the plans, proposal.

Documents/Exhibits: Building Plans



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Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in support.

Votes: Board member Collins moved to approve. Strembridge seconded and carried unanimously.

Case: BOA-1593008 Address: 194 K Street Ward 6 Applicant: James Avery

Article(s): Art 68 Sec 29 Roof Structure Restrictions – Access Art 68 Sec 8 Dim reg app in res sub dist - Excessive height Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback Art 68 Sec 8 Dim reg app in res sub dist - Excessive f.a.r. Art 68 Sec 8 Dim reg app in res sub dist - Insufficient side yard setback

Purpose: Construct a roof deck for Unit 3 exclusive use. Access to roof deck is via a proposed headhouse, to replace existing roof bulkhead hatch. No change to building footprint. Building will remain a three family.

Discussion: At the request of the Board, the applicant presented plans to add a roof deck to an existing three unit condo.

Board members asked about the plans, height, context

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters and Councilor Flynn is in support.

Votes: Board member Barraza moved to approve. Strembridge seconded and carried unanimously.

Case: BOA-1599860 Address: 332 West Broadway Ward 6 Applicant: Julian Bolger

Article(s): Art. 68 Sec. 07 Use Regs. - Live entertainment use operating before or after 1030pm- Forbidden Art. 68 Sec. 07 Use Regs. - Proposed off premises, on-street table and chair dining for an additional 62 patrons forbidden and further subject to other ahj approvals/variances.

Purpose: Add live entertainment, DJ & Acoustic music

Discussion: Upon a motion on a second the Board moved to defer until August 27, 2024.

Case: BOA-1600947 Address: 223 Newbury Street Ward 5 Applicant: John Pulgini

Article(s): Art. 08 Sec. 03 Conditional Uses

Purpose: Change Occupancy from retail to restaurant with small take out on the 1st floor. Minor modifications as per plans to accommodate.

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from retail to a restaurant.

Board members asked about the plans, height, context

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Murphy is in support of the proposal.

Votes: Board member Barraza moved to approve. Langham seconded and carried unanimously.

Case: BOA-1598978 Address: 32 Dwight Street Ward 3 Dwight Street Applicant: Renaissance Real Estate Investments



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Article(s): Art 64.9.4 Town/Rowhouse extension into rear - The proposed project will need to seek relief for extension into rear yard of Rear Balconies 6' x 19' for Unit #1 & Unit #2. Art. 64 Sec. 33 Screening & Buffering - The proposed project will need to seek relief for Screening & Buffering 4) Roof Mounted mechanical equipment 5' (feet) setback from rear roof edge. Art. 64 Sec. 34 Restricted Roof Structure Regs - The proposed project will need to seek relief for Restricted Roof Structure Regulations for the roof deck exclusive use for Unit #2 via hatch.

Purpose: Install 2 rear decks (balconies) and roof deck per plans attached. Amendment to ALT1563890

Discussion: At the request of the Board, the applicant presented plans to install two rear decks as well as a roof deck

Board members asked about the plans, proposal.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters and Councilor Worrell are in support.

Votes: Board member Barraza Collins moved to approve with landmarks review. Stembridge seconded and carried unanimously.

Case: BOA-1599560 Address: 7-8 Park Street Ward 3 Applicant: Timothy Burke

Article(s): Article 45, Section 5 Building Height Excessive Article 45, Section 5 Floor Area Ratio Excessive

Purpose: The Union Club Addition of roof deck and penthouses for access, renovate sixth floor to create wheelchair access with new lift and renovate existing spaces. Extending existing rear stairway to roof to provide second means of egress for proposed roof deck

Discussion: At the request of the Board, the applicant presented plans to add a roof deck with a penthouse access with wheelchair access.

Board members asked about the plans, proposal

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn is in support.

Votes: Board member Valencia moved to approve with BLC review. Stembridge seconded and carried unanimously.

HEARINGS: 11:00AM

Case: BOA-1598953 Address: 21 Greycliff Road Ward 22 Applicant: John Pulgini

Article(s): Article 51, Section 9 Floor Area Ratio Excessive - Proposed project will exceed the required FAR of .6 with the extension of living space into the basement to include two bedrooms, living space, laundry area and a bathroom.

Purpose: Extend the living space of Unit 1 to the basement. Install flooring, drop ceiling in the Living Area, and paint walls and ceilings in the basement. Install two replacement windows and an entrance door in the basement.

Discussion: At the request of the Board, the applicant presented plans to preserve the existing structure, demolish garage, add 13 units with parking and build 13 affordable units.

Board members asked about the plans, height, context



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Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters and Councilor Worrell are in support.

Votes: Board member Barraza moved to approve with BPDA design review with attention to the side yard and rear yard setback. Also attention to teh affordble units. Langham seconded and carried unanimously.

Case: BOA-1600988 Address: 2193-2201 Commonwealth Avenue Ward 22 Applicant: Mr. G's Conrner, LLC

Article(s): Aft. 51 Sec. 16 Forbidden Use

Purpose: Change of use and occupancy to add a new proposed local liquor store with retail market use at the Premises in place of existing commercial use.

Discussion: At the request of the Board, the applicant presented plans to preserve the existing structure, demolish garage, add 13 units with parking and build 13 affordable units.

Board members asked about the plans, height, context

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters and Councilor Worrell are in support.

Votes: Board member Barraza moved to approve with BPDA design review with attention to the side yard and rear yard setback. Also attention to teh affordble units. Langham seconded and carried unanimously.

Case: BOA-1604907 Address: 40 Emmett Street Ward 18 Applicant: HS Construction Consulting Services

Article(s): Art. 69 Sec. 29.5 Off-St.Prk'g:Design - Proposed project shows 2-(8.5' X 20') parking spaces. Art. 69 Sec. 30.1 Bldg.Alignmnt Conformity - Proposed project's front setback will need to conform with the existing buildings for alignment. Article 69, Section 9 Lot Area Insufficient - Proposed project will have a minimum lot area of 6,572.5 SQ. FT. Article 69, Section 9 Lot Width Insufficient - Proposed project will have lot width minimum of 50'(feet). Article 69, Section 9 Side Yard Insufficient - Proposed project will have 10' (feet) side yard on the left side only. The right side will not meet the minimum setback of 10' (feet).

Purpose: Erect a new single family dwelling 40'x30' (includes deck) on an existing lot of 6,572.5 square feet.

Discussion: At the request of the Board, the applicant presented plans to preserve the existing structure, demolish garage, add 13 units with parking and build 13 affordable units.

Board members asked about the plans, height, context

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters and Councilor Worrell are in support.

Votes: Board member Barraza moved to approve with BPDA design review with attention to the side yard and rear yard setback. Also attention to teh affordble units. Langham seconded and carried unanimously.



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Case: BOA-1603160 Address: 20 Hinckley Street Ward 13 Applicant: Vazberg Properties

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories)
Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9
Lot Width Insufficient Article 65, Section 9 Lot Area Insufficient Article 65, Section 42.2 Conformity w Ex Bldg
Alignment Article 65, Section 41 Off Street Parking Regulations

Purpose: Erect a 3 story, single family house, on vacant parcel with front facing decks.

Discussion: At the request of the Board, the applicant presented plans to preserve the existing structure, demolish garage, add 13 units with parking and build 13 affordable units.

Board members asked about the plans, height, context

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters and Councilor Worrell are in support.

Votes: Board member Barraza moved to approve with BPDA design review with attention to the side yard and rear yard setback. Also attention to teh affordadle units. Langham seconded and carried unanimously.

Case: BOA-1548122 Address: 813 East Broadway Ward 6 Applicant: Vivck Yadav

Article(s): Art 68 Sec 29 Roof Structure Restrictions

Purpose: Rear addition to an existing (2) family, four story addition with elevator

Discussion: At the request of the Board, the applicant presented plans to preserve the existing structure, demolish garage, add 13 units with parking and build 13 affordable units.

Board members asked about the plans, height, context

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters and Councilor Worrell are in support.

Votes: Board member Barraza moved to approve with BPDA design review with attention to the side yard and rear yard setback. Also attention to teh affordadle units. Langham seconded and carried unanimously.

Case: BOA-1607841 Address: 200 State Street Ward 3 Applicant: Commodore Builders

Article(s): Art. 45, Section 1 Use: Forbidden Museum use (not in ground level)

Purpose: Change of Occupancy to include museum use. The scope of work for this project includes an interior fit out for the Museum of Illusion. The scope of work for this project includes new walls, bathroom, flooring, architectural finishes and MEP work to accommodate the space.

Discussion: The applicant requested a deferral.

Votes: Upon a motion and a second the Board moved to defer until September 24, 2024.



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RE-DISCUSSIONS: 11:30 AM

Case: BOA-1535566 Address: 94-96 Loring Street Ward 18 Applicant: Sebastien Michel

Article(s): Art. 69 Sec. 29 Off-St.Prk'g/Load'g – Parking Article 69, Section 8 Use: Forbidden - 3F – Forbidden Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient Article 9 Section 1 Extension of Nonconforming Use

Purpose: Change of occupancy from two family into a three family. Scope includes new roof dormer, for new unit on 3rd story, and a new rear 3 story deck with stairs. On the first and second floors, we will be opening walls between the kitchen and dining rooms. In the basement, we will be adding walls to create storage spaces and designated utility rooms. Convert existing driveway into parking area.

Discussion: The applicant requested a deferral until August 13, 2024.

Votes: Upon a motion and a second the Board moved to defer.

Case: BOA-1572056 Address: 91 Radcliffe Road Ward 18 Applicant: Angelo Scippa

Article(s): Article 69, Section 9 Lot Width 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 9 Rear Yard Insufficient Article 69, Section 9 Lot Area Insufficient Article 69 Section 29 Off Street Parking & Loading Req

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

Discussion: At the request of the Board, the applicant presented plans to erect a new two family on a vacant lot.

Board members asked about the plans, proposal, parking, open space, basement height.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters and Councilor Worrell are in support.

Votes: Board member Barraza moved to approve with no building code relief. Stembridge seconded and carried unanimously.

Case: BOA- 1538686 Address: 86 Astoria Street Ward 18 Applicant: Natalyn Francis

Article(s): Article 60, Section 8 Use: Forbidden - Basement Unit Forbidden Article 60, Section 9.3Dim Regs: Location of Main Entrance - Basement unit Article 60, Section 9 Rear Yard Insufficient Article 60, Section 9Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient

Purpose: Correct Violations V582833 and V582855. Renovate and reconfigure existing 3 family with addition & extension of living space to attic & basement. Scope includes relocating 3rd unit (previously at second story) to the basement; extending living space. Renovate basement into habitable space as the 3rd unit & renovate attic. Also, enclose rear porches and provide a 2 story addition to the rear, per attached plans. FA/FP included.

Discussion: Upon a motion and a second the applicant requested a deferral until October 29, 2024.

Votes: Upon a motion and a second the Board moved to approve the deferral



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Case: BOA-#1538740 Address: 86 Astoria Street Ward 18 Applicant: Natalyn Francis

Violations V582833 and V582855. Renovate and reconfigure existing 3 family with addition & extension of living space to attic & basement. Scope includes relocating 3rd unit (previously at second story) to the basement; extending living space. Renovate basement into habitable space as the 3rd unit & renovates attic. Also, enclose rear porches and provide a 2 story addition to the rear, per attached plans. FA/FP included Violation Violation Description Violation Comments 9th 780 CMR 1007Exit and Exit Access Doorway Configuration1007.1.1 Two exits or exit access doorways. Where two exits, exit access doorways, exit access stairways or ramps, or any combination thereof, are required from any portion of the exit access, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. Interlocking or scissor stairways shall be counted as one exit stairway. [Basement unit with less than half the required exit separation; only a NFPA 13D sprinkler system provided] 9th 780 CMR 1028 Exit Discharge1028.5 Access to a public way. The exit discharge shall provide a direct and unobstructed access to a public way. [Main entry encroaching onto driveway, not providing a dedicated 36" wide obstructed path to the public way.]

Discussion: Upon a motion and a second the applicant requested a deferral until October 29, 2024.

Votes: Upon a motion and a second the Board moved to approve the deferral

Case: BOA-1601598 Address: 142 Erie Street Ward 14 Applicant: Matt Henzy-MOH

Article(s): Art. 60 Sec. 09 Floor Area Ratio excessive - The proposed project will have a F.A.R. of 1.2 not the required F.A.R of .8 .Art. 60 Sec. 09 Rear yard insufficient - The proposed project will have a rear yard set back of 16'-5" (sixteen feet and five inches) not 30' (thirty feet) as required.Art. 60 Sec. 09 Side yard insufficient - The proposed project will have a side yard of 5'-4" (five feet & four inches) not 10' as required. Art. 60 Sec. 9 Additional Lot Area Insuff - The proposed project will have NO additional square footage per unit. Zoning requires at least 2,500 Square Feet. Article 60, Section 41.1 Conformity Ex Bldg Alignment - The proposed project will only have 5'-9"(five feet and 9 inches) in the front yard not 10' (ten feet) as required. Alignment with the existing buildings will be required. Article 60, Section 9 Lot Width Insufficient - The proposed lot width minimum of 23'-11" (Twenty three feet & eleven inches) not the required 25'.

Purpose: New construction of 3 family

Discussion: At the request of the Board, the applicant presented plans to erect a w three family dwelling with 9 units in total (3, 3 families).

Documents/Exhibits: Building Plans, proposal, front yard parking.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell and the Mayor's Office of Housing is in support.

Votes: Board member Barraza moved to approve. Stembridge seconded and carried unanimously

Case: BOA-1601605 Address: 154 Erie Street Ward 14Applicant: Matt Henzy-MOH

Article(s): Art. 60 Sec. 40 Off street parking insufficient - The proposed project will need to seek relief for Off Street Parking. Article 60, Section 41Application of Dimensional Req - The proposed project will need to seek relief for Two or More Dwellings on the Same Lot. Article 60, Section 60 4 Dimensional Regulations Table D - The proposed project will need to seek relief for Lot Area Minimum for Dwelling Unit(s) Specified. Article 60, Section 60 4 Dimensional Regulations Table D - The proposed project will need to seek relief for Additional Lot Area for each Additional Dwelling Unit (Sq. Ft.).Article 60, Section 60 4 Dimensional Regulations Table D - The proposed project will need to seek relief for Floor Area Ratio Maximum of 1.03. Zoning requires a FAR of .8. Article 60, Section 60 4 Dimensional Regulations Table D - Project will need to seek relief for the rear set back

Purpose: New construction of a 3 Family Home. Mayor's Office of Housing Affordable.



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Discussion: At the request of the Board, the applicant presented plans to erect a w three family dwelling with 9 units in total (3, 3 families).

Documents/Exhibits: Building Plans, proposal, front yard parking.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell and the Mayor's Office of Housing is in support.

Votes: Board member Barraza moved to approve. Stembridge seconded and carried unanimously

Case: BOA-1601654 Address: 56 Glenway Street Ward 14 Applicant: Matt Henzy-MOH

Article(s): Art. 60 Sec. 40 Off street parking insufficient - The proposed project will need to seek relief for Off Street Parking. Article 60, Section 41 Application of Dimensional Req - The proposed project will need to seek relief for Two or More Dwellings on the Same Lot. Article 60, Section 60 4 Dimensional Regulations Table D - The proposed project will need to seek relief for Lot Area Minimum for Dwelling Units(s) Specified. Article 60, Section 60 4 Dimensional Regulations Table D - The proposed project will need to seek relief for Additional Lot Area for each Additional Dwelling Unit (Sq. Ft.). Needs 2,500 Sq. ft. per unit Article 60, Section 60 4 Dimensional Regulations Table D - The proposed project will need to seek relief for Floor Area Ratio Maximum of 1.03 not the required F.A.R of .8 Article 60, Section 60 4 Dimensional Regulations Table D - The proposed project will need to seek relief for Side Yard Minimum Width (feet) less than the required 10' (feet). Art. 60 Sec. 09 Height Excessive - The proposed project will need to seek relief for of 35' 7" (thirty five and seven inches) height in feet. Zoning requires 35' (feet). Article 60, Section 9 Front Yard Insufficient - The proposed project will need to seek relief for the front yard set back from 6' 5" to 10' 6". Zoning requires a minimum of 15' (feet). Article 60, Section 41.1 Conformity Ex Bldg Alignment - The proposed project will not have the required front yard setback of 15' (feet) as required. Alignment with existing buildings will be required.

Purpose: New construction of a 3 Family Home. Mayor's Office of Housing Affordable.

Discussion: At the request of the Board, the applicant presented plans to erect a w three family dwelling with 9 units in total (3, 3 families).

Documents/Exhibits: Building Plans, proposal, front yard parking.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell and the Mayor's Office of Housing is in support.

Votes: Board member Barraza moved to approve. Stembridge seconded and carried unanimously

Case: BOA-1535953 Address: 42 Newmarket Square Ward 8 Applicant: Jean-Luc De Barros-CANNABIS

Article(s): Article 90 Section 7 Use Regulations - Cannabis establishment Conditional; Article 90 Section 7 Use Regulations; Article 90 7 Table A Cannabis establishment (Text Amd. No. 432 , § 3, 4 13 2018) Footnotes: "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 preexisting 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 Article 90 Section 13 Off Street Parking & Loading Req - Insufficient parking- No parking proposed.

Purpose: Change occupancy to include cannabis storage and wholesale delivery. Security Upgrades

Discussion: At the request of the Board, the applicant presented plans to change the occupancy to include cannabis storage use

Board members asked about the plans,



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Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board member Pinado moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA#1576262 Address: 14 Claremont Park Ward 4 Applicant: Joseph Holland

Purpose: Restore occupancy back to a legal single family. Full gut remodel of existing building, Demo rear addition and parlor balcony, Reconfigure rear of building (no expansion of GSF). reconfigure parlor deck. New fire suppression system. New GCOD system. Install a new roof deck.

Violation Violation Description Violation Comments

9th Edition 780 CMR CHPT Chapter 10 Section 1011.12.2 ROOF ACCESS /Egress to an 10 occupied roof located above fourth story

Discussion: At the request of the Board, the applicant presented plans to reconfigure the existing dwelling and include a roof deck.

Board members asked about the plans, proposal

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Anderson, Rep Moran, and an abutter is in opposition.

Votes: Board member Barraza moved to approve with building code violation relief.. Collins seconded and the motion carried unanimously.

Case: BOA-1597093 Address:22 Monument Square Ward 2 Applicant: Kevin Joyce

Article(s): Article 10, Section 1 Limitation of Area; Article 62, Section 8 Usable Open Space Insufficient.

Purpose: Install 2 8.5' x 18' off-street parking spaces in portion of rear yard behind existing residential building as per plans filed herewith.

Discussion: The applicant requested a withdrawal.

Votes: Upon a motion and a second the Board moved to allow the withdrawal of this application.

HEARINGS: 1:00PM

Case: BOA-1615434 Address: 96 Standard Street Ward 18 Applicant: Anthony Jean Baptiste

Article(s): Ar.60, Sec 38 Parking screening & buffering - Art.60, Sec 33 Article 60, Section 12 MFR Use Forbidden: 7 Units Article 60, Section 37 Off-Street Parking Insufficient - off street parking insufficient.Article 60, Section 9 Lot Area Insufficient Insufficient Article 60, Section 9 Floor Area Ratio Excessive - FAR Excessive Article 60, Section 9 Bldg Height Excessive (Stories) - 4 stories Article 60, Section 9 Usable Open Space Insufficient - Usable open space insufficient. Article 60, Section 9 Bldg Height Excessive (Feet) - Bldg Height 44'-6" Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient

Purpose: Erect 7 unit building on the vacant lot

Discussion: At the request of the Board, the applicant presented plans to erect new 7 unit dwelling on a vacant lot with an affordability component.



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Board members asked about the plans, and the open space.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in support and an abutter is in opposition.

Votes: Board member Pinado moved to deny without prejudice. Aiken seconded, Barraza and Valencia opposed. The motion carried 5-2.

Case: BOA-1552342 Address: 43 Hutchings Street Ward 12 Applicant: Joshua LaPan

Article(s): Art. 50, Section 28 Use: Forbidden - Professional School - Forbidden Art. 50, Section 28 Off-Street Parking Insufficient - 50-43.6(a) - Maneuvering areas Article 50, Section 29 Lot Area Insufficient Art. 50, Section 28 Use: Conditional - Transitional House Article 50, Section 29 Rear Yard Insufficient Article 50, Section 44.13 Two or More Dwellings on Same Lot

Purpose: Change of occupancy to Transitional housing with accessory professional school in basement. Renovating house which includes full interior and exterior alterations with extension of floor area to basement. Transitional home will have shared living facilities, 7 bedrooms, and accommodate up to 14 residents. Also filed in conjunction with ALT1391664 for Two dwellings on the same lot.

Discussion: At the request of the Board, the applicant presented plans to convert a carriage house to a classroom with 7 bedrooms for up to 14 students. Transitional housing with a professional school.

Board members asked about the plans, height, context

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition, and an abutter is in support. Councilor Anderson is also in support of the proposal.

Votes: Board member Pinado moved to approve. Valencia seconded, Dong and Collins are opposed, and carried 5-2.

Case: BOA-1552344 Address: 43R Hutchings Street Ward 12 Applicant: Joshua LaPan

Article(s): Art. 50, Section 28 Use: Forbidden - Professional School - Forbidden Art. 50, Section 43 Off-Street Parking Insufficient - 50-43.6(a) - Maneuvering areas Article 50, Section 29 Lot Area Insufficient Article 50, Section 29 Lot Frontage Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 44.13 Two or More Dwellings on Same Lot

Purpose: Change of occupancy to Transitional housing with accessory professional school in basement. Renovating house which includes full interior and exterior alterations with extension of floor area to basement. Transitional home will have shared living facilities, 7 bedrooms, and accommodate up to 14 residents. Also filed in conjunction with ALT1391664 for Two dwellings on the same lot.

Discussion: At the request of the Board, the applicant presented plans to convert a carriage house to a classroom with 7 bedrooms for up to 14 students. Transitional housing with a professional school.

Board members asked about the plans, height, context

Documents/Exhibits: Building Plans



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Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition, and an abutter is in support. Councilor Anderson is also in support of the proposal.

Votes: Board member Pinado moved to approve. Valencia seconded, Dong and Collins are opposed, and carried 5-2.

Case: BOA-1587883 Address: 40 Elmont Street Ward 14 Applicant: Carlos Ferreira

Article(s): Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive

Purpose: Plans amends ERT1353260, changing empty spaces in basement into a bedroom bath and closet. Exterior will be changed from wood to light gauge cold form

Discussion: Votes: Upon a motion and a second the Board moved to defer until September 24, 2024.

Case: BOA-1563599 Address: 9 Geneva Street Ward 1 Applicant: Geneva Street, LLC-ARTICLE 80

Article(s): Art. 27G E Boston IPOD Article 25A Section 4 CFROD Applicability Art. 32 Sec. 04 GCOD Applicability Article 53 Section 56 Off Street Parking & Loading Req Article 53, Section 9 Lot Area Insufficient 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 Rear Yard Insufficient

Purpose: Combine lots, demo existing structures (to be demolished under separate permit applications pursuant to Article 85 of the Code) and erect a 5 story multi family dwelling with twenty eight (28) dwelling units with sixteen (16) parking spaces with bike storage. See ALT1522630 for combining lots.

Discussion/Vote: Upon a motion and a second the Board moved to defer until August 9, 2024.

INTERPRETATION: 1:00PM

Case: BOA-1602742 Address: 123-125 Broad Street Ward 3 Applicant: 125 Broad Street LLC

Article(s): Art. 32 Sec. 04 GCOD Applicability - Commissioner's Bulletin 2015 02 Substantial Rehabilitate

Purpose: The petitioner seeks a determination that the Inspectional Services Department erred in issuing a refusal letter citing Art 32 Sec 04 GCOD Applicability.

Discussion:Votes: Upon a motion and a second the Board moved to defer until September 24, 2024.

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775



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Board of Appeal

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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