



City of Boston
Board of Appeal

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By City Clerk at 11:09 am, Aug 07, 2024

Tuesday, August 13, 2024

BOARD OF APPEALS

City Hall Room 801

HEARING AGENDA

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON AUGUST 13, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS AUGUST 13, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE AUGUST 13, 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/August13Comment> 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/August13Comment> 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



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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- 788662 Address: 587 Albany Street Ward 8 Applicant: Jeffrey Drago, ESQ

Case: BOA- 1279022 Address: 198 Bunker Hill Street Ward 2 Applicant: Michael Courtney

Case: BOA- 947520 Address: 121 Brookside Avenue Ward 11 Applicant: James H. Greene, ESQ

BOARD FINAL ARBITER 9:30AM

Case: BOA-667111 Address: 151 Liverpool Street Ward 1 Applicant: Anthony L. Leccese

HEARINGS: 9:30AM

Case: BOA- 1616380 Address: 36 Leyden Street Ward 1 Applicant: David Gradus

Article(s): Article 53 Section 9 Rear Yard Insufficient Applicant will need to seek relief for rear yard set back of 23.8'(feet). Existing Non Conforming Article 53 Section 9 Front Yard Insufficient Applicant will need to seek relief for front yard set back of 6.9' (feet). Existing Non Conforming.

Purpose: To subdivide the lot at 36 Leyden St into two lots, Lot 1 to remain 36 Leyden St with a lot area of 2450 SF and Lot 2 to be known as 36A Leyden St with a lot area of 2450 SF; see companion case ERT1585421

Case: BOA- 1616384 Address: 36A Leyden Street Ward 1 Applicant: David Gradus

Article(s): Article 53 Section 8 Use: Forbidden Applicant will need to seek relief for the change of use from a two family to a three family. Article 53 Section 9 Lot Width Insufficient Applicant will need to seek relief for insufficient lot width of 35' (feet). Article 53 Section 9 Lot Frontage Insufficient Applicant will need to seek relief for insufficient Lot Frontage of 35' (feet). Article 53 Section 9 Floor Area Ratio Excessive Applicant will need to seek relief for excessive Floor Area Ratio of 1.79. Article 53 Section 9 Bldg Height Excessive (Stories) Applicant will need to seek relief for excessive story building height of 3 stories. Article 53 Section 9 Front Yard Insufficient Applicant will need to seek relief for insufficient front yard set back of 5' (feet). Article 53 Section 9 Side yard insufficient Applicant will need to seek relief for insufficient side yard set back of 3' (feet). Article 53 Section 9 Rear Yard Insufficient Applicant will need to seek relief for insufficient rear yard set back of 10.2' (feet).

Purpose: Erect a new residential building with 3 units and 2 parking spaces on newly created lot with a total lot area of 2450 SF to be known as 36A Leyden St; see companion subdivision case at 36 Leyden St

Case: BOA- 1615932 Address: 40 Mount Vernon Street Ward 2 Applicant: Gabls Morais

Article(s): Article 62 Section 8 Floor Area Ratio Excessive Article 62 Section 25 Roof Structure Restrictions

Purpose: Amendment to ALT 1540640 Adding additional living space in lower level of unit 1 as well as a roof deck exclusive to unit 3 with a direct access bubble hatch within the unit. All applicable licenses can be found in the referenced ALT application.

Case: BOA-1599326 Address: 46 High Street Ward 2 Applicant: 46 High Street Residences LLC

Article(s): Article 09 Section 02 Nonconforming Use Change Article 10 Section 01 Limitation of off street parking areas Parking within 5ft of side lot line Article 62 Section 25 Roof Structure Restrictions Article 62 Section 29 Off-Street Loading Insufficient Article 62 Section 7 Use: Forbidden MFR – Forbidden Article 62 Section 8 Bldg Height Excessive (Stories) Article 62 Section 8 Bldg Height Excessive (Feet) Article 62 Section 8 Usable Open Space Insufficient

Purpose: Change occupancy from 5 residential units to 9 residential units by constructing a 3 1/2 Story addition in the rear with on site parking. Building proposed to feature 4 stories with decks (at roof/floors), new elevator, and upgrades to life safety.



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Case: BOA- 1596915 Address: 175 F Street Ward 6 Applicant: Marc LaCasse

Article(s): Article 68 Section 8 Add'l Lot Area Insufficient Article 68 Section 8 Rear Yard Insufficient Article 68 Section 8 Front Yard Insufficient Article 68 Section 8 Usable Open Space Insufficient Article 68 Section 8 Bldg Height Excessive (Feet) Article 68 Section 8 Floor Area Ratio Excessive Article 68 Section 29 Roof Structure Restrictions Article 68 Section 33 Off Street parking Req. Article 68 Section 34.2 Traffic Visibility Across Corner Article 68 Section 8 Side Yard Insufficient

Purpose: Erect a new, 3 1/2 story, 9 unit residential building with garaged parking for 6 vehicles on newly created 3,750sqft lot. Building features private roof decks, basement amenity space, and balconies. Demolish existing structure under separate permit. See also lot combination permits ALT1571658 and ALT1571663.

Case: BOA-1600437 Address: 139-141 Minot Street Ward 16 Applicant: Margaret mancuso

Article(s): Article 65 Section 9 Side Yard Insufficient Article 65 Section 9 Front Yard Insufficient Article 65 Section 9 Bldg Height Excessive (Stories) Article 65 Section 9 Floor Area Ratio Excessive

Purpose: adding a 3rd floor living space and roof, adding a garage out the back of the house/replacing new windows and siding, new plumbing and electric, insulation on outside walls.

Case: BOA- 1587720 Address: 52R River Street Ward 17 Applicant: Juan M Soto

Article(s): Article 65 Section 64 34 Restricted Roof Structure District

Purpose: I own Unit 3 in the 52R River Street Condo in Mattapan, and the HOA has granted me easement to make an outdoor patio out of a common area that is only accessible from my apartment. The area is currently the roof of a section of the garage on the first floor.

Case: BOA- 1586587 Address: 1086 Hyde Park Avenue Ward 18 Applicant: Petaree Blair-James

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

Purpose: DEMOLISH BEDROOM, KITCHEN AND LAUNDRY ROOMS DUE TO WATER PIPE DAMAGES AND RECONSTRUCT NEW KITCHEN WITH PANTRY, THE BEDROOM WITH EN SUITE BATHROOM AND CLOSETS, AND RECONSTRUCT THE LAUNDRY ROOM.

Case: BOA- 1600186 Address: 67 Billings Street Ward 20 Applicant: Thomas Dever

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

Purpose: Add new 2nd floor to home, front porch, and rear addition.

Case: BOA- 1617226 Address: 53-55 Dustin Street Ward 21 Applicant: Vincent Bisconte, Andrew Bisconte, Joseph Biscont

Article(s): Article 51 Section 8 Use: Forbidden3 Family Detached Forbidden Article 51 Section 9 Side Yard Insufficient Article 51 Section 9 Front Yard Insufficient Article 51 Section 9 Bldg Height Excessive (Stories) Article 51 Section 9 Floor Area Ratio Excessive Article 51 Section 56 Off St Parking Design 51 56.5.d Size Article 51 Section 56 Off street parking requirements 51 56.4.a Location. Diagonal parking more than 10ft wide of side yard. Article 10 Section 01 Limitation of off street parking areas Parking less than 5 feet from side lot line.

Purpose: Change of occupancy to a three family dwelling. The project consists of renovating an existing two family dwelling to convert into a three family dwelling, extend living space into basement, and create a new rear deck at the third floor. The work will also include a full gut renovation of all floors and the addition of two dormers on the third floor. Each new unit will have an automated sprinkler system, fire alarm, and all new systems throughout. New side yard parking spot.

Case: BOA- 1608586 Address: 353 Cambridge Street Ward 22 Applicant: Gregg Donovan

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

Purpose: Remove proviso Takeout 36A granted to this petitioner only. Under BZC# 31355



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Case: BOA- 1546868 Address: 3A Glenley Terrace Ward 22 Applicant: Timothy Burke

Article(s): Article 10 Section 01 Limitation of off street parking areas 5' SIDE YARD BUFFER 3A-GLENLEY TERRACE (6.5.24 REVISED PLANS REVIEWED) Article 51 Section 09 Dimensional Regulations Insufficient lot size Article 51 Section 09 Dimensional Regulations Insufficient lot size Article 51 Section 09 Dimensional Regulations Excessive f.a.r. Article 51 Section 09 Dimensional Regulations Insufficient open space Article 51 Section 09 Dimensional Regulations Insufficient front yard setback Article 51 Section 09 Dimensional Regulations Insufficient rear yard setback Article 51 Section 09 Dimensional Regulations Insufficient rear yard setback Article 51 Section 56 Off St Parking Design Clear access and maneuvering areas 3A Glenley Terrace (6.5.24 REVISED PLANS REVIEWED) Article 51, Section 56 Off-Street Parking & Loading Req Insufficient parking
Purpose: Construct a new two family dwelling on an undeveloped lot. 6.5.24 CLARIFICATION: Scope of work modified at BOA: Construct a new two family dwelling on an undeveloped lot, to include the creation of a common shared 10' CUT THROUGH driveway easement between the 3 parcels of land going from 5, 3A Glenley Terrace through 3 Glenley Terrace with through access to Brayton road per plans submitted.
Purpose of common shared drive shall serve access for: ·5 Glenley Terrace (2 PROPOSED OFF STREET PARKING SPACES IN REAR YARD filed under UOP PERMIT #491588173 ·3 Glenley Terrace (3 PROPOSED TANDEM PARKING SPACES IN SIDE YARD filed under UOP PERMIT #491588172) with existing garage to be razed under a separate permit·3A Glenley Terrace (1 PROPOSED parking space in sideyard accessed via the newly created shared drive per plans provided)

Case: BOA- 1613162 Address: 1-3 Glenley Terrace Ward 22 Applicant: Timothy Burke

Article(s): Article 10 Section 01 Limitation of parking areas 5' sideyard buffer requirement
Article 51 Section 56^ Off street parking requirements Insufficient parking
Purpose: Demolish garage and install new driveway to connect to 3A Glenley Terrace and 3 5 Glenley Terrace. See ERT1540170 3A Glenley Terrace for associated work. All three properties are in common ownership.

Case: BOA- 1613166 Address: 5 Glenley Terrace Ward 22 Applicant: Timothy Burke

Article(s): Article 51 Section 09 Dimensional Regulations INSUFFICIENT OPEN SPACE
Purpose: Install new driveway to connect 3A Glenley Terrace and 1 3 Glenley Terrace and create new parking space. See ERT1540170 3A Glenley Terrace for associated work. All three properties are in common ownership.

HEARINGS: 11:00AM

Case: BOA- 1620976 Address: 82 Bunker Hill Street Ward 2 Applicant: Gabls Morais

Article(s) Article 62, Section 8 Floor Area Ratio Excessive Extension of living space into basement
Purpose: Change occupancy from 2 residential and one commercial to three residential. Extension of living space of unit one into the basement

Case: BOA- 1611971 Address: 58 Russell Street Ward 2 Applicant: Matthew Wood

Article(s) Article 62 Section 30.12 Two or More Dwelling Same Lot Article 62 Section 62 25 Roof Structures Restricted Article 62 Section 08 Dimensional Regulations
Purpose: Renovate existing 5 bed / 3.5 bath home. New kitchen, bathrooms, roof and dormers, roof deck, new siding, windows, replace slab, and paving, new landscaping, outdoor kitchen. Consolidate existing lots. Confirm single family occupancy. See also ERT1589263.

Case: BOA- 1611976 Address: 58R Russell Street Ward 2 Applicant: Matthew Wood

Article(s) Article 62 Section 8 Dimensional Regulations Article 62 Section 30.12 Two or More Dwelling Same Lot
Purpose: Sister permit application to ALT1575330 (renovate existing home). Construct new double garage / carriage house to replace existing tandem parking / paved area with in law unit / studio above.



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Case: BOA- 1605291 Address: 457-469A West Broadway Ward 6 Applicant: Sean George

Article(s) Article 68 Section 10 Use Regulations The proposed use as a Dental Office (Professional Office) is a Conditional Use based on its location on the ground floor.

Purpose: Interior Fit out for a Dental Space (Tend) at 457 West Broadway. Use is conditional so ZBA is required.

Case: BOA- 1619159 Address: 54 Dorset Street Ward 7 Applicant: 54 Dorset LLC

Article(s) Article 65 Section 08 Forbidden MFR use Article 65 Section 9 Residential Dimensional Reg.s Insufficient front yard setback Article 65 Section 9 Residential Dimensional Reg.s Insufficient rear yard setback Article 65 Section 41 Off-Street Parking Regulations Insufficient parking Article 65 Section 9 Dimensional Regulations Insufficient lot size Article 65 Section 9 Dimensional Regulations Insufficient lot width frontage Article 65 Section 9 Dimensional Regulations Insufficient lot width Article 65 Section 9 Dimensional Regulations Excessive f.a.r. Article 65 Section 9 Dimensional Regulations Number of allowed stories exceeded Article 65 Section 9 Dimensional Regulations Insufficient side yard setback

Purpose: Erect a new 6 unit residential building with 5 parking plans per the attached plans.

Case: BOA-1595669 Address: 22 Mitchell Street Ward 7 Applicant: John Meunier

Article(s) Article 08 Section 07 Use: Forbidden Change of use from a single family to a Two family is forbidden. BOA relief is required. Article 13, Section 1 Floor Area Ratio Excessive Required F.A.R 1.0 The proposed unit will increase the F.A.R to 1.18 BOA relief required. Article 13 Section 1 Rear Yard Insufficient The proposed rear stair compromises the rear set back. BOA relief required. Article 17 Section 1 Usable Open Space Insufficient Proposed project will have insufficient usable open space. Article 09 Section 01 Reconstruction/Extension of Existing & Proposed project (change of use from a Nonconforming Bldg. single family to a two family) use of residential is conditional. Article 13 Section 02 Lot Area or Yards required The proposed project will not meet the minimum yard space required for Additional Dwelling Unit

Purpose: Change occupancy from Single family to 2 Family. Add garden level unit per plans, new MEP, for lower unit Add rear deck and rear stairs. Applying for zoning denial.

Case: BOA- 1590922 Address: 131 Devon Street Ward 14 Applicant: Mayely DeLopez, Project 77 LLC

Article(s) Article 50 Section 29 Usable Open Space Insufficient Article 50 Section 29 Floor Area Ratio Excessive Article 50 Section 29 Add'l Lot Area Insufficient Article 50 Section 43 Off Street Parking Insufficient Article 50 Section 32 Use: Forbidden

Purpose: Change the occupancy from a three family dwelling to a four family dwelling by converting the existing basement into an apartment. The new apt. will be 3 beds/2 baths and appx. 1,342 GSF. The project is located within a three family zoning subdistrict (3F 4000) of the Roxbury Neighborhood.

RE-DISCUSSIONS: 11:30 AM

Case: BOA-1576978 Address: 164 Old Colony Avenue Ward 7 Applicant: Timothy Johnson

Article(s): Article 14 Sec. 14-1 Lot size insufficient; Article 14 Sec. 14-2 Additional Lot Area Required; Article 14 Sec. 14-3 Lot Width Insufficient; Article 21, Section 1 Setback of Parapet Insufficient; Article 23 Section: 1 Off-Street Parking (Residential) Insufficient; Article 25 Sec. 5 Flood Hazard Districts; Article 8, Section 7 Use: Conditional - MFR – Conditional; Article 19 Sec.6(b) Side Yard Corner Lot: Special Provisions Article 14, Section 4 Lot Frontage; Article 15 Section 1 Floor Area Ratio Excessive; Article 16 Section 1 Building Height Excessive; Article 16, Section 1 Building Height Excessive (Stories); Article 17 Section 1 Usable Open Space Insufficient; Article 18, Section 1 Front Yard Requirements; Article 18, Section 3 Traffic Visibility Across Corner; Article 20 Section 4 Rear Yards in H Districts.

Purpose: Erect new 4 story, 4-unit residential building with balconies and elevator included. Demolish existing structure on separate permit.



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Case: BOA-1526691 Address: 226 Magnolia Street Ward 14 Applicant: Shanti Acquisition, LLC

Article(s): Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Usable Open Space 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 Art. 50, Section 32 Use: Forbidden Article 50, Section 29 Add'l Lot Area Insufficient

Purpose: Proposing a new 4 story multifamily building with garage; consisting of 6 new residential units with 6 parking spaces in basement. Demolition of existing building located on site to be filed under a separate short form permit

Case: BOA-1515203 Address: 40-42 Temple Street Ward 17 Applicant: Hau Thi Minh Nguyen

Article(s): Art.65 Sec. 8 Use: Forbidden - Townhouse Forbidden Art.65 Sec. 8 Use: Forbidden - MFR Forbidden Article 65, Section 9.2 Dim Regs: Location of Main Entrance 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 42.2 Conformity w Ex Bldg Alignment Art. 10 Sec. 01 Limitation of off street parking areas Parking less than 5ft from side lot line

Purpose: Construct a 3 story attached Five Unit Townhouse. Building to have side porches and will be fully sprinklered. The lot will have 5 new on grade parking spaces at rear and 5 garages (one for each townhouse). Demolish existing Two family building and Single family building on lot (Raze on a separate permits). This lot to be known as 40 46B Temple Street.

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

Article(s): Article 69 Section 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 Article 9 Section 2 Change in Non-Conforming 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 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.

HEARINGS: 1:00PM

Case: BOA- 1622071 Address: 302 Chelsea Street Ward 1 Applicant: Reis Panorama Realty MA, LLC

Article(s): Article 32 Section 04 GCOD Applicability Article 53 Section 09 Dimensional Regulations Insufficient additional lot area per unit Article 53 Section 52 Roof Structure Restrictions Newly proposed private deck to be accessed from exterior rear stair tower Article 53 Section 56 Off-Street Parking Insufficient parking Article 53 Section 08 Forbidden MFR forbidden Article 53 Section 9 Dimensional Regulations Excessive f.a.r Article 53 Section 9 Dimensional Regulations Insufficient rear yard setback Article 53 Section 9 Dimensional Regulations Insufficient side yard setback Article 53 Section 9 Dimensional Regulations Insufficient open space per unit

Purpose: Erect rear addition with a roof deck and change occupancy from three to four residential units as per plans.

Case: BOA- 1612951 Address: 83-89 Devonshire Street Ward 3 Applicant: John Pulgini

Article(s): Article 17 Section 1 Usable Open Space Insufficient

Purpose: Change occupancy from offices to 95 apartment units from floors (2) through (11) with existing retail on 1st floor and mezzanine to remain. 8 bicycle spaces in Basement provided. Scope includes combining (3) buildings into (1) and keeping the lot lines the same; see ALT1576965 & ALT1576968 for combination of buildings. Application is in accordance with Downtown Residential Conversion Incentive Pilot Program.

Case: BOA- 1598851 Address: 88-90 B Street Ward 6 Applicant: John Mahoney

Article(s): Article 19 Section 4 Side Yards in H Districts Article 20 Section 4 Rear Yards in H Districts

Purpose: Extension of existing roof deck. New deck size 36' x 13', new structural framing, and to be divided into each respective unit.



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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