



City of Boston
Board of Appeal

Tuesday, October 29, 2024

BOARD OF APPEALS

City Hall Room 801

HEARING MINUTES

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON OCTOBER 29, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS OCTOBER 29, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE OCTOBER 29, 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/October29Comment> 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/October29Comment> 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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APPROVAL OF HEARING MINUTES: 9:30 AM

October 8, 2024

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the hearing minutes.

EXTENSIONS: 9:30AM

Case: BOA-1266818 Address: 12-12A Hudson Street Ward 3 Applicant: George Morancy, ESQ

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

Case: BOA-1339772 Address: 33 Davison Street Ward 18 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-1041086 Address: 24 Spalding Street Ward 11 Applicant: David Steeves

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until November 28, 2025.

Case: BOA-799147 Address: 30 Thorn Street Ward 18 Applicant: Nicholas J. Zozula

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until November 6, 2025.

Case: BOA1341344 Address: 635 Hyde Park Ave. Ward 18 Applicant: John Pulgini

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

Case: BOA1268377 Address: 594 East Seventh Street, Ward 7 Applicant: George Morancy

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

BOARD FINAL ARBITER: 9:30AM

Case: BOA-1429507 Address: 1028-1044 Blue Hill Avenue Ward 14 Applicant: Hannah L. Kilson, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the BFA request.



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GROUNDWATER CONSERVATION OVERLAY DISTRICT: 9:30AM

Case: BOA-1645114 Address: 179 West Brookline Street Ward 4 Applicant: Vikram Kumar

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

Purpose: Change of occupancy to single family. Complete alteration & renovation to the existing building with new Plumbing and Electrical finishes and other associated finishes. Scope also includes installation of fire alarm, fire protection and removing rear garden level planting bay. Replacing windows in kind and adding new skylights and roof hatch for access to an unoccupied roof.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the GCOD request.

RECOMMENDATIONS: 9:30 AM

Case: BOA-1614565 Address: 36 Robken Road Ward: 20 Applicant: Cap Construction LLC

Article(s): Article 67, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 2.5 Proposed: 3 Article 67, Section 9 Side Yard Insufficient - Min. required: 10' Proposed: 6.5'

Purpose: Dormer (with 2 new bedrooms, 1 new bathroom and a staircase).

Discussion: At the request of the Board, the applicant presented plans to add a dormer to increase the living space for the occupants in an existing single-family dwelling. The occupancy will remain the same.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

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

Case: BOA- 1613879 Address: 43-45 Wood Avenue Ward: 18 Applicant: Aisha Celester

Article(s): Art. 09 Sec 01 Extension of Non-Conforming Use Art 69 Sec 09 Insufficient open new driveway proposed

Purpose: Proposed driveway with two parking spots is being requested on the right side of 43 45 Wood Avenue per plan submitted dated 6/29/23

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to defer this until December 5, 2024.



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Case: BOA- 1611785 Address: 105 Bowdoin Avenue Ward: 14 Applicant: Zafar Ali

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

Purpose: Existing restaurant to remove existing seating to have take-out only.

Discussion: At the request of the Board, the applicant presented plans to allow the new owner to have take-out, which was allowed for the previous owner.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

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

Case: BOA- 1621090 Address: 22 Perrin Street Ward: 12 Applicant: William Mead

Article(s): Article 50, Section 29 Rear Yard Insufficient Art. 50, Section 43 Off Street Parking Insufficient – Parking Removal Article 50, Section 44.13 Two or More Dwellings on Same Lot

Purpose: Application for two dwellings on the same lot. Filed in conjunction with ALT1397699

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to defer this until November 26, 2024.

HEARINGS: 9:30AM

Case: BOA-1643116 Address: 13 Winship Street Ward 22 Applicant: Bonnie Tan

Article(s): 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

Purpose: This project is the existing 2 story 2 family residential building convert to the 3 story 2 family residential building with a 3 story rear addition and deck. The scope of work includes renovating existing building.

Discussion: Votes: Upon a motion and a second the Board moved to defer until December 3, 2024.

Case: BOA-1609149 Address: 56 Bostonia Avenue Ward 22 Applicant: Matthew Pennino

Article(s): Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Lot Width Insufficient Article 51, Section 9 Lot Area Insufficient

Purpose: Build a new single family home on an existing single family lot

Discussion: At the request of the Board, the applicant presented plans to erect a 1 family on a current lot with 3 stories.

Board members asked about the plans and the proposal.

Documents/Exhibits: Building Plans

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

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



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Case: BOA-1638069 Address: 358 Chestnut Hill Avenue Ward 21 Applicant: Josh Fetterman

Article(s): Article 51, Section 16 Use Regulations Multi family Dwelling (Bsmt. & First Story) Conditional Article 51, Section 17 Floor Area Ratio Excessive Article 51, Section 17 Usable Open Space Insufficient Art. 51.52 Specific Design Requirements 51 52.1 Street Wall Continuity in Neighborhood Business Subdistricts Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 56 Off Street Loading Insufficient Art.51 Sec.56 Off St Parking Design 51 56 .5(a) (Tandem Parking) Maneuvering areas Article 51, Section 17 Dimensional Regulations Building Height Excessive (Feet)

Purpose: New construction of a six (6) story building with thirty (30) dwelling units, ground floor local retail (core/shell), and nineteen (19) rear ground parking spaces. proposed structure to be within the existing building's footprint separate permit to be filed for the demolition of existing building.

Discussion: At the request of the Board, the applicant presented plans to erect a six story mixed use dwelling with 30 units.

Board members asked about the plans and the proposal.

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve. Collins seconded and the motion carried unanimously.

Case: BOA-1582082 Address: 165 Park Drive Ward 21 Applicant: Holy Trinity Orthodox Cathedral-ARTICLE 80

Article(s): Art. 66 Sec. 43 Application of dimensional requirements 2 buildings on one lot. Article 66, Section 42 Off Street Parking & Loading Req Reduction in the number of existing parking spaces for religious use. Art. 66 Sec. 08 Use Conditional: Ancillary parking spaces shared between church and residential units.

Purpose: Application filed for refusal 2 buildings in a lot, in conjunction with ERT1522597. No work to be done.

Discussion: At the request of the Board, the applicant presented plans to erect a 117 unit dwelling.

Board members asked about the plans, parking and units.

Documents/Exhibits: Building Plans

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

Votes: Board member Collins moved to approve with BPD review. Valencia seconded and the motion carried unanimously.



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**Case: BOA-1582079 Address: 165R Park Drive Ward 21 Applicant: Holy Trinity Orthodox Cathedral-
ARTICLE 80**

Article(s): Art. 32 Sec. 04 GCOD Applicability Art. 66 Sec. 32 Establishment of Neighborhood Design Overlay Districts Art. 66 Sec. 34 Establishment of Greenbelt Protection Overlay Districts Art. 66 Sec. 43 Application of dimensional requirements two buildings in one lot. See ALT1548838 Art. 66 Sec. 43 Application of dimensional requirements Conformity with existing building alignment. Art. 66 Sec. 09 Building height max. allowed: 60' Proposed: 85' 8" Art. 66 Sec. 09 Location of main entrances shall face the front lot line. Art. 66 Sec. 09 Usable open space required: 100 sqft/unit x 117 units = 11,700 sqft. Total open space area is 25,245 sqft but it's still a violation since a part of the open space shall be excluded for the imaginary lot of the church (Main building), as indicated in section 66 43.12 Art. 66 Sec. 08 Use Conditional: Ancillary parking spaces shared between church and residential units.

Purpose: We are proposing to build a 6 story, 5 over 1 build. This would be a first elevation steel podium structure with 5 wood framed elevations above. This will be 117 units, 48 will be affordable first-time home buyer condos while 69 market rent rental units. In conjunction with ALT1548838

Discussion: At the request of the Board, the applicant presented plans to erect a 117 unit dwelling.

Board members asked about the plans, parking, and units.

Documents/Exhibits: Building Plans

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

Votes: Board member Collins moved to approve with BPD review. Valencia seconded and the motion carried unanimously.

Case: BOA-1650371 Address: 103 Birch Street Ward 20 Applicant: Tania Pisano

Article(s): Article 67 Section 32 Off-Street Parking & Loading Req Insufficient parking (tandem parking)
Article 67, Section 32 Off-Street Parking Design and maneuvering areas of two required clear parking spaces Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Rear Yard Insufficient

Purpose: Subdivide Parcel 2000228000 (lot D) to 2 subdivided parcels (D1 & D2). D2, the subject of this application, is to have a lot area of 3292 SF with a proposed one family detached dwelling (103 Birch St). Lot D1 (w/existing 99 Albano dwelling to remain) is filed under companion application ALT1591693.

Discussion: At the request of the Board, the applicant presented plans to subdivide the parcel and erect a single-family dwelling but keep the current dwelling a two-family on the corner lot.

Board members asked about the plans, setbacks, screening, parking, and egress in the basement.

Documents/Exhibits: Building Plans

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

Votes: Board member Collins moved to approve with BPD review and to remove the window wells if they are not needed to egress. Whewell seconded and the motion carried unanimously.



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Case: BOA-1650369 Address: 99 Albano Street Ward 20 Applicant: Tani Pisano

Article(s): Art. 10 Sec. 01 Limitation of parking areas 5' sideyard buffer Article 67 Section 32 Off Street Parking & Loading Req Design/Maneuvering areas (tandem proposed) Article 67, Section 32 Off Street Parking Insufficient parking per unit Art. 67 Sec. 09 Open Space insufficient 1750 sf req. Article 67, Section 9 Lot Area Insufficient 5,000sf req Article 67, Section 9 Add'l Lot Area Insufficient 3,000sf for second unit Article 67, Section 9 Lot Width Insufficient 50' req Article 67, Section 9 Lot width frontage insufficient 50' req Article 67, Section 9 Floor Area Ratio Excessive 1087sf max allowed

Purpose: Subdivide parcel 2000228000 (6,065 SF) into 2 new parcels. Portion of the parcel is proposed as 103 Birch Street, with lot area of 3,292sf. The remainder portion of the parcel is the subject of this dwg set, to remain as 99 Albano with the existing 2 family dwelling on lot area of 2,773 sf.*Application assigned to FD on 5.8.24 by PW

Discussion: At the request of the Board, the applicant presented plans to subdivide the parcel and erect a single-family dwelling but keep the current dwelling a two-family on corner lot conditions.

Board members asked about the plans, setbacks, screening, parking, as and egress in the basement.

Documents/Exhibits: Building Plans

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

Votes: Board member Collins moved to approve with BPD review and to remove the window wells if they are not needed to egress. Whewell seconded and the motion carried unanimously.

Case: BOA- 1615071 Address: 93 Howard Avenue Ward 13 Applicant: Jason Futrell

Article(s): Art. 50, Section 28 Use: Forbidden Multi Family Dwelling Forbidden Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient Art. 50, Section 43 Off Street Parking Insufficient Art. 50 Sec. 43 Off street parking requirements 50 43.6(d) Size Article 50, Section 44.2 Conformity Ex Bldg Alignment

Purpose: Erect a new 3 story, 12-unit apartment building, on newly created 10,973sqft lot. Scope includes decks and new parking at the rear of the building. See ALT1566047 for subdivision. Demolition of an existing 3 story home to be filed under separate permit.

Discussion/Votes: Upon a motion and a second the Board moved to defer until January 14, 2025.

A- 1591933 Address: 36 Akron Street Ward 12 Applicant: 32-36 Akron Street, LLC

Article(s): Art. 50 Sec. 29 Insufficient lot area per dwelling unit (8,000sf additional required) Art. 50 Sec. 29 Excessive f.a.r. .8 max Art. 50 Sec. 29 Number of allowed stories exceeded- 3 stories max.Art. 50 Sec. 29 Insufficient open space- 650sf/unit required Art. 50 Sec. 29 Insufficient front yard setback- 20' required Art. 50 Sec. 29 Insufficient side yard setback -10' required Art. 50 Sec. 29 Height exceeded -35' max Art. 50 Sec. 44 Traffic visibility across a corner lot Article 50, Section 43 Off-Street Parking & Loading Req Insufficient parking Article 50 Section 28 Use Regulations MFR 10 units - Forbidden

Purpose :3.27.24 Updated scope of work for clarification: Demolition of existing vacant/abandoned house, then combine the two lots owned in common into one lot and construct a new 10-unit residential multi-family building per plans submitted. Nominal Fee Letter. Demolition of building to be applied for and secured on a SF demolition permit. Redacted scope: Demolition of existing vacant/abandoned house. Proposed erection of new residential multi-family building housing 10 units. Nominal Fee Letter. * Demolition of building to be applied for and secured on a SF demolition permit.

Discussion: Votes: Upon a motion and a second the Board mvove dto defer until December 3, 2024.



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Case: BOA- 1375717 Address: 10 Glenside Avenue Ward 11 Applicant: Alpine Advisory Services

Article(s): Article 55, Section 9 Usable Open Space Insufficient Usable open space insufficient Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Floor Area Ratio Excessive FAR excessive. Article 55, Section 9 Lot Area Insufficient Allowed 9000 SF. Proposed 3367 SF. Article 55 Section 38 Screening & Buffering Req Article 55, Section 9 Bldg Height Excessive (Stories) Proposed 3 stories

Purpose: Erect a two-family dwelling with two off street parking spaces per plans filed herewith. Revised plan 6/14/2024

Discussion: At the request of the Board, the applicant presented plans to erect a two-family dwelling on a vacant lot with two off street parking spaces.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve with BPD review with attention to the screening to reduce impermeous area. Stembridge seconded and the motion carried unanimously.

Case: BOA-1597074 Address: 615 Albany Street Ward 8 Applicant: Gregory McCarthy

Article(s): Article 25A Section 4 CFROD Applicability Article 32, Section 4. GCOD, Applicability Article 64, Section 25 Use: Forbidden Multi-Family Dwelling – Forbidden Article 64, Section 34 Roof Structure Restrictions Article 64, Section 36 Off-Street Parking Insufficient Article 64, Section 36 Off-Street Loading Insufficient Article 64, Section 9 Floor Area Ratio Excessive Per Article 64 - Table F - Footnote 3 Article 64, Section 9 Usable Open Space Insufficient Per Article 64 - Table F - Footnote 3 Article 64, Section 9 Rear Yard Insufficient Per Article 64 - Table F - Footnote 3

Purpose: Change Occupancy from Offices to 24 Residential Units. Scope includes a 1 story addition with roof penthouses to create a 6 story, 69' 0" high, residential building (R2 Use) with complete interior renovation, repair exterior walls, replace windows, new roof deck, and upgrades to life safety (FA/FP) & accessibility

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from offices to 24 residential units with a full interior renovation.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

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



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Case: BOA- 1605743 Address: 25 West Howell Street Ward 7 Applicant: Matthew Paisner

Article(s): Art.65 Sec.15 Use: Conditional Article 65 Section 16 Insufficient side yard setback Article 65, Section 16 Insufficient front yard setback Art. 65 Sec. 41 Off street parking requirements Design/maneuverability areas on own lot without causing a traffic impediment (Proposed easements access design is further pending ERT1480308 design review approvals/issuance.)

Purpose: The Applicant, Scruba Dub Autowash Centers Inc., is proposing to re construct the existing Scruba Dub Carwash at 25 West Howell St in Boston, MA (Dorchester). The project proposes to construct a new 6,945 SF carwash / detailing facility with four (4) parking spaces and on site vehicle queuing. *Proposed designs and easement pending ERT1400308 approval/P.W. 5.21.24

Discussion: At the request of the Board, the applicant presented plans to replace the carwash for better maneuverability with 4 off street parking spaces.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve. Whewell seconded and the motion carried unanimously.

Case: BOA- 1636269 Address: 933 East Broadway Ward 6 Applicant: Hajjar management Co., Inc

Article(s): Art 68 Sec 8 Dim reg app in res sub dist. Insufficient additional to area per unit Art. 68 Sec. 07 Use Regs. Basement units forbidden Article 68, Section 33 Off Street Parking & Loading Req Insufficient parking

Purpose: *New scope of work: Change occupancy from a three family to a four family by creating a basement unit and then perform work per plans to Finish existing basement as a dwelling unit in an existing detached three story three family dwelling. Expand front common stair to previously unfinished basement area. Basement floor will be lowered for additional headroom clearance, and new window wells will be constructed for EERO's and additional light and ventilation requirements. The basement unit will be sprinklered per NFPA 13R, the existing upper units to remain unsprinklered. 5.8.24 ADU filing has been reverted to a regular change of occupancy permit Finish basement as a dwelling unit in a detached 3 story 3 family dwelling. Expand front common stair to previously unfinished basement area. Lower basement floor for additional headroom clearance, added windows for eero's and ventilation/light for the living spaces. basement sprinklered nfp13r. redacted: clarification: change occupancy from a 3 family to a 3 family with an additional dwelling unit in basement and renovate per plans provided.

Discussion: At the request of the Board, the applicant presented plans to create a two bedroom unit in the basement of an existing triple decker and change the occupancy from a three family to a four family.

Board members asked about the plans, basement space, and egress.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn, Murphy, and the City Point Association are in opposition.

Votes: Board member Collins moved to approve. Valencia seconded and the motion carried unanimously.



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Case: BOA-1415286 Address: 131 Athens Street Ward 6 Applicant: Michael Gannon

Article(s): Art. 68 Sec.08 Lot Size Art. 68 Sec.08 FAR Art. 68 Sec.08 Height Art. 68 Sec.08 Open Space
Art. 68 Sec.08 Front Yard Art. 68 Sec.08 Side Yard Article 68, Section 29 Roof Structure Restrictions Roof Deck and
Headhouse Art. 68 Sec. 33 Off Street parking Req. Art. 68 Sec.31 Screening and Buffering
Art. 68 Sec.08 Rear Yard

Purpose: Erect a new single family house on a vacant 800sf lot, as per plans.

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

Board members asked about the plans, dimensions, meters, and the side yard.
The Board found that this was a dense development for the site and that the setbacks needed to be considered.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn is in support, and some abutter are in opposition.

Votes: Board member Pinado moved to deny without prejudice. Collins seconded and the motion carried unanimously.

Case: BOA- 1586051 Address: 86 Pembroke Street Ward 4 Applicant: Joseph Holland

Article(s): Art. 56 Sec. 64 34 Restricted roof structure district Article 64, Section 9 Floor Area Ratio Excessive
Art. 32 Sec. 04 GCOD Applicability

Purpose: New rear curtain wall, new roof deck, new groundwater recharge system. ALT1549240.

Discussion: At the request of the Board, the applicant presented plans to remove two street level bump outs and add a one story addition which will add 34 square feet total when complete. This also has a roof deck with a hatch.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

Votes: Board member Pinado moved to approve with Boston Landmarks Commission Review. Whewell did not vote. Pinado seconded and the motion carried unanimously.



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Case: BOA-1641033 Address: 18-34 Main Street Ward 2 Applicant: Colin Mara

Article(s): Art. 62 Sec. 25 Roof Structure Restrictions Requires the obtainment of a conditional use permit.
Article 62, Section 8 Bldg Height Excessive (Feet)

Purpose: This is for the replacement of an existing unpermitted roof deck. The existing non code conforming spiral stair will be replaced with a code compliant spiral stair. A new epdm roof will be installed under the deck. ZBA / NDOD approvals will be required: Height excessive & restricted roof district.

Discussion: At the request of the Board, the applicant presented plans to rebuild a roof deck and to replace the spiral staircase. The roof deck will stay the exact same size.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve. Whewell did not vote. Collins seconded and the motion carried unanimously.

Case: BOA- 1622057 Address: 969-985 Bennington Street Ward 1 Applicant: Big Ben Realty Trust

Article(s): Art. 53 Sec. 12 Excessive f.a.r. Art. 53 Sec. 12 Insufficient open space per unit Art. 53 Sec. 56
Off street parking insufficient

Purpose: Clarification: Change of legal use and occupancy from Billiard club lounge, store, offices, studio & arts, restaurant #36A (takeout), wireless communications to Billiard club lounge, store, restaurant #36A (takeout), wireless communications, Church, professional office (Recovery on the Harbor) and 8 residential apartments via a second story floor infill per plans submitted. Original scope: Change use of second floor space to residential. Insert partial floor at second level of existing 2 story space. Create 8 new residential units. New elevator and interior building renovations. Add windows. *APPLICATION ASSIGNED TO FD BY PW 4.22.24 ** Counter #1 Existing legal use identified: Bill club lounge, store offices, studio & arts, restaurant #36A (takeout), wireless communications #ALT1345552/2022

Discussion: At the request of the Board, the applicant presented plans to change the occupancy to add a church as well as eight new residential units. The project is MBTA accessible and is currently existing without parking.

Board members asked about the plans.

The Board noted that this was an excellent proposal with good use of the building as well as the location.

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve with Parks and Recreation review. Pinado seconded and the motion carried unanimously.



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RE-DISCUSSIONS: 11:30 AM

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

Discussion: At the request of the Board, the applicant presented plans to remove the take out proviso to allow for take-out for the new petitioner.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

Votes: Board member Collins moved to approve. Whewell seconded and the motion 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: Votes: Upon a motion and a second the Board moved to defer until December 10, 2024.

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: Votes: Upon a motion and a second the Board moved to defer until December 10, 2024.



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Case: BOA-1615346 Address: 374 East Eighth Street Ward 7 Applicant: Braden Abrams Reid

Article(s): Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Bldg Height Excessive (Feet) Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 29 Roof Structure Restrictions

Purpose: Amendment to ALT1555165. Build garage attached to back of existing house and additional story on existing house per architectural plans

Discussion: At the request of the Board, the applicant presented plans to add a third story addition on an existing building and to build a garage attached to the back of the existing house.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

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

Case: BOA- 1605291 Address: W 457-469A Broadway Ward 6 1 Applicant: Ryan Spitz

Article(s) Article 68 section 33 off street parking insufficient article 68 section 10 professional office use is conditional.

Purpose: Change ground level commercial occupancy to a professional office to operate as a dental office.

Discussion: At the request of the Board, the applicant presented plans to add a dental space in an existing building. The occupancy will remain a bank, office and atm.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve. Whewell seconded and the motion carried unanimously.

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.

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from a three-family to a four family with a rear addition and a roof deck.

Board members asked about the plans, basement, CFROD district, and the lot conditions.

Documents/Exhibits: Building Plans



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

Votes: Board member Whewell moved to deny without prejudice. Pinado seconded and the motion carried unanimously.

Case: BOA- 1575584 Address: 81 Lexington Street Ward 1 Applicant: James Christopher

Article(s): Art.53 Sec. 08 Use: Forbidden MFR Forbidden Art.53 Sec. 08 Use: Forbidden Basement units Forbidden Art.53 Sec. 08 Use: Forbidden Local Retail Forbidden Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 57.2 Conformity Ex Bldg Alignment Art. 53, Section 56 Off Street Parking Insufficient

Purpose: Erect a 3 story mixed used building on newly created lot; 3,706sqft. Building consisting of 1 Local Retail space at grade and 8 residential units. Scope includes basement units, balconies, and common roof deck. See ALT1553019 for subdivision. Demolition of existing building on separate permit.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second the Board moved to defer until December 3rd, 2024.

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. Art. 68 Sec. 33 Off Street parking Req. Relief needed for required Off Street Parking area.

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

Discussion: At the request of the Board, the applicant presented plans for an interior fit out for a dental space.

Board members asked about the plans.

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve. Whewell seconded and the motion carried unanimously.

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/Vote: The applicant requested a deferral. Upon a motion and a second the Board moved to defer until December 3rd, 2024.



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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