



City of Boston
Board of Appeal

REVISED

8:00 am, Jan 10, 2025

Tuesday, January 14, 2025

BOARD OF APPEALS

City Hall Room 801

HEARING AGENDA

Revised Agenda

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JANUARY 14, 2025 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JANUARY 14, 2025 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JANUARY 14, 2025 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/ZBAHearings2025> . You may also participate by phone by calling into the Zoom Webinar at 1 (646) 931 3860 and entering the Webinar ID: 814 9024 3514 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/January14Comment> 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/January14Comment-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-1344282 Address: 65 Mount Hope Street Ward 18 Applicant: Nickey Nesbeth

Case: BOA- 874954 Address: 303-305 Bennington Street Ward 1 Applicant: Derric Small, ESQ

Case: BOA- 1347341 Address: 23 Chestnut Street Ward 5 Applicant: Timothy Burke, AIA

Case: BOA- 1050294 Address: 382 Sumner Street Ward 1 Applicant: Doreen Amato

Case: BOA- 1211702 Address: 95-97 Broadway Ward 5 Applicant: Michael P. Ross, ESQ

GROUNDWATER CONSERVATION OVERLAY DISTRICT : 9:30AM

Case: BOA-1670783 Address: 18 Commonwealth Avenue Ward 5 Applicant: Fraser Allan

Article(s): Art. 32 Section 9 GCOD Enforcement

Purpose: Application for zoning review refusal letter, nominal fee. Conversion of an existing 11 unit multifamily to a single family with rear garage addition and façade restoration and roof deck.

HEARINGS: 9:30AM

Case: BOA- 1671922 Address: 303 Sumner Street Ward 1 Applicant: Derric Small

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use Art. 09 Sec. 02 Nonconforming Use Change

Art. 53 Sec. 08Forbidden - Restaurant (small take out) Use is Forbidden Accessory Outdoor Café Use is Forbidden

Purpose: Change the legal occupancy to include a restaurant with # 36A take out use and outdoor seating. (No Work)

Full Service Restaurant 3 Residential units #alt1408946/2022

Case: BOA-1648737 Address: 26 Belmont Street Ward 2 Applicant: Thomas Hickey

Article(s): Article 62, Section 7.4 Location of Garage Entrance Article 62, Section 7Bldg Height Excessive (Feet)

Article 62, Section Bldg Height Excessive (Stories) Article 62, Section 7 Rear Yard Insufficient Article 62, Section 7

Floor Area Ratio Excessive Article 62, Section 7 Additional Lot Area Insufficient Article 62, Section 29.1Conformity w/
Existing Building Alignment Article 62, Section 7Usable Open Space Insufficient

Purpose: Erect a four story, two-unit, semi attached residential building with garage on newly created Lot A. See
ALT1616007 for subdivision. There will be a rear deck and roof deck accessed by a hatchway. Three story per Building
code

Case: BOA- 1648738 Address: 28 Belmont Street Ward 2 Applicant: Thomas Hickey

Article(s): Article 62; section 7 Res. Sub district Dimensional Regulations Excessive f.a.r. 2.0 max. Article 62; section

7 Res. Sub district Dimensional Regulations Max allowed height exceeded Article 62; section 7 Res. Sub district

Dimensional Regulations Insufficient side yard setback Article 62; section 7 Res. Sub district Dimensional Regulations

Insufficient open space/unit Article 62; section 7 Res. Sub district Dimensional Regulations Insufficient rear yard

setback Article 62; section 7 Res. Sub district Dimensional Regulations Number of allowed stories has been exceeded

Article 62; section 7 Res. Sub district Dimensional Regulations 4) Location of a garage entrance may not face the front
line

Purpose : Combine Parcel I.D. numbers 0201526000, 0201527000, 0201525060 into one lot and then subdivide to

create two lots. LOT A 1,697sf for # 26 Belmont (two family) and Lot B 1300sf for #28 Belmont (one family), then

construct a four story one family dwelling on 28 Belmont street with roof deck and two covered tandem parking spaces

on the ground story garage per plans filed. This is for the construction of a three-story single family attached residential

building with a basement level garage. See Alteration permit for subdivision. There will be a roof deck accessed by a

hatchway. A nominal fee letter is attached. ZBA approval will be required.



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Case: BOA-1672284 Address: 431-439 Hanover Street Ward 3 Applicant: Jeffrey Drago

Article(s): Art. 54 Sec. 10 Dimensional Regulations - Applicable in Residential Sub - Insufficient open space per unit
Art. 54 Section 21 Off-Street Parking Insufficient Art. 54 Section 9 Use: Conditional - Retail store uses exceed
2500GSF

Purpose: Change occupancy from children's center, store, 11 apartments to 2 retail spaces and 14 residential units; floor plans and occupancy committee review documents for reference only

Case: BOA-1669854 Address: 295 West First Street Ward 6 Applicant: JSIP West First Street, LLC

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel has been exceeded Art 68 Sec 7
Use: Forbidden - Take out restaurant use Forbidden Art 68 Sec 7 Use: Forbidden - Local retail Forbidden Art 68 Sec 7
Use: Forbidden - Art Gallery/Art USE Forbidden Art 68 Sec 8 Dim reg app in res sub dist - Insufficient additional lot
area per unit 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 - Max
building height in subdistrict has been exceeded Art 68 Sec 8 Dim reg app in res sub dist - Insufficient usable open
space per unit Art 68 Sec 8 Dim reg app in res sub dist - Insufficient minimum front yard setback Art 68 Sec 8 Dim
reg app in res sub dist - Insufficient minimum side yard setback

Purpose: Submitting for Zoning Refusal. Erect four to six story mixed use residential building of up to 240 residential
units, on site and above grade garaged parking for up to 125 vehicles, commercial space for retail/food service.
Companion ALT to be filed for lot combination.

Case: BOA-1671229 Address: 35 Sudan Street Ward 13 Applicant:

Article(s): Art. 65 Sec. 08 Forbidden Article 65, Section 9 Add'l Lot Area Insufficient Article 65, Section 9 Floor Area
Ratio Excessive Article 65, Section 9 Usable Open Space Insufficient Art. 65 Sec. 41 Off street parking requirements

Purpose: To change occupancy from three family to four family by converting basement level into a residential unit

Case: BOA- 1590919 Address: 1220 Blue Hill Avenue Ward 14 Applicant: Project 77 LLC

Article(s): Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient
Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 8 Use: Forbidden Article 60, Section 37 Off
Street Parking Insufficient

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. 1,192 GSF. The project is located within
a three family zoning subdistrict (3F 6000) of the Greater Mattapan neighborhood.

Case: BOA- 1615460 Address: 133 Devon Street Ward 14 Applicant: Project 77 LLC

Article(s): Art. 50, Section 28 Use: Forbidden - Multi Family Dwelling Forbidden Article 50, Section 29 Rear Yard
Insufficient 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 Bldg Height Excessive (Stories)
Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Lot Frontage Insufficient Article 50, Section
29 Lot Width Insufficient Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Lot Area
Insufficient Article 50, Section 44.2 Conformity Ex Bldg Alignment Art. 50, Section 43 Off Street Parking Insufficient
Art. 50 Sec. 43 Off street parking requirements - 50 43.6.d Design Size Art. 10 Sec. 01 Limitation of off street parking
areas - Parking with less than 5 feet from side lot line

Purpose: Erect a new, 7,324 Sq. Ft., 4 story, 7 unit, multifamily building with a roof deck, fitness room, bike storage,
rear parking, and solar panels. The unit mix will consist of (4) 1 beds and (3) 2 beds.



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Case: BOA- 1662922 Address: 993 Hyde Park Avenue Ward 18 Applicant: Juan Rojas

Article(s): Art. 69 Sec. 08 Conditional - Preexisting nonconforming use changing to a nonconforming use Conditional
Art. 09 Sec. 02 Nonconforming Use Change - Existing nonconforming Conditional

Purpose: Change occupancy from a Store to Barbershop and Nail Salon.

Case: BOA-1590921 Address: 1458 Blue Hill Avenue Ward 18 Applicant: Project 77 LLC

Article(s): Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Floor Area Ratio Excessive
Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 8 Use: Forbidden Article 60, Section 37 Off Street
Parking Insufficient

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. 1,089 GSF. The project is located within a
three family zoning subdistrict (3F 6000) of the Greater Mattapan neighborhood.

Case: BOA-1651349 Address: 109 Beech Street Ward 20 Applicant: Erin Wise

Article(s): Art. 67 Sec. 09 Side Yard Insufficient Article 67, Section 9 Front Yard Insufficient

Purpose: Extension of the front porch. Insulate existing mudroom.

Case: BOA-1640872 Address: 28 Alleyne Street Ward 20 Applicant: John Pulgini

Article(s): Art. 56 Sec. 08 Residential Subdistrict: Dimensional Requirements - Insufficient lot size, side yard setbacks,
front yard setback

Purpose: Erect single family structure on vacant lot known as (Parcel ID 2002742000).

Case: BOA- 1673059 Address: 279 North Harvard Street Ward 22 Applicant: 283 North Harvard LLC

Article(s): Article 51, Section 8 Use: Forbidden - Multi family Dwelling Forbidden Article 51, Section 9 Rear Yard
Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories)
Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Front Yard Insufficient - North Harvard Street
Article 51, Section 9 Front Yard Insufficient - Easton Street Article 51, Section 9 Front Yard Insufficient - Coolidge
Road Article 51, Section 56 Off Street Loading Insufficient Article 51, Section 56 Off Street Parking Insufficient

Purpose: Combine lots at 279 and 283 N Harvard St (Parcels 2201417000 & 2201418000), to change occupancy to
Church and 49 dwelling units. Scope involves erecting a 4 story addition to side and add 49 new residential units with at
grade surface parking. Building features repurposing the existing church, balconies, and low roof terrace. Raze the
existing single-family dwelling on separate permit. See ALT1655820 for subdivision.



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HEARINGS: 11:00AM

Case: BOA- 1665889 Address: 100-120 Ipswich Street Ward 5 Applicant: Scape Charlesgate LLC d/b/a Morro
Article(s): Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Article 66, Section 39.1 Street Wall Continuity The proposed building not only has residential uses. Article 66, Section 15 Dimensional Regulations in NB Rear yard required: 20' since the proposed building it is abutting a residential subdistrict. Proposed: 5' Article 66, Section 15 Dimensional Regulations in NB Setback above Street wall height required: 15' Article 66, Section 15 Dimensional Regulations in NB Min. open space requirements: 30,000 sqft Proposed: 5,568 sqft Article 66, Section 15 Dimensional Regulations in NB Max. number of stories allowed: 8 Proposed: 28 Art. 66 Sec. 31 Establishment of Gateway Development Area Overlay Districts Max. FAR allowed: 9 Proposed: 14.3 Art. 66 Sec. 31 Establishment of Gateway Development Area Overlay Districts Max. height allowed: 135' Proposed: 279.8' Article 66, Section 42.5 (a) Off Street Pkg insufficient Parking spaces required for residential use: 300 spaces.

Purpose: Construct a new 28 story mixed use building consisting of 400 residential units, +/- 2,400 sf of first floor two core and shell retail space, and associated site improvements. Combine four parcels into one lot under ALT1643701 ALT1643370 and ALT1643696. Demolition of existing structure under SF#

Case: BOA- 1677859 Address: 403-405 Shawmut Avenue Ward 9 Applicant: Casas Borinquen Apartments Limited Partnership

Article(s): Article 64, Section 36 Off Street Parking Insufficient Article 64, Section 9 Usable Open Space Insufficient Article 64, Section 9 Floor Area Ratio Excessive Article 32, Section 4. GCOD, Applicability

Purpose: Change occupancy from "Community Center" to "Community Center & 5 residential units". Interior and exterior renovations & upgrades including but not limited to select demolition, concrete, masonry, structural repairs, new windows, new kitchens & bathrooms and MEP/FP upgrades.

Case: BOA- 1661825 Address: 188 Wren Street Ward 20 Applicant: Bathri Vajravelu

Article(s): Art. 56 Sec. 08 Floor Area Ratio excessive - Max. allowed: 0.4 Existing: 0.39 Proposed: 0.41 Article 56. Section 8 Side Yard Insufficient - Min. required: 10' Proposed: 3.6' (R) Existing: 5.6'

Purpose: Addition of an accessible full bathroom at the first level since the home owner is an individual who is bound to a wheel chair due to a progressive muscle disorder.

RE-DISCUSSIONS: 11:30 AM

Case: BOA-1622743 Address: 8-8A Hudson Street Ward 3 Applicant: Bonnie Tan

Article(s): Art. 43, Section 19 Use: Conditional 1st Floor Take Out Conditional Art. 43, Section 19 Use: Conditional 2nd Floor Take Out Conditional Article 43 Section 23 Off Street Parking Regulations Article 49A 5 Greenway Use Regulations Ground Level Take out Forbidden Overlay Article 32, Section 4. GCOD, Applicability

Purpose: Combine Parcel IDs: 0305312000 and 0305311000, to erect a 6 story mixed use building with basement in existing vacant lots. Basement for storage and mechanical room only, 1st floor to 2nd floors are A 2 Restaurant with Take out uses (#36A/37)(core/shell), and 3rd floor to 6th floor are Residential uses with total of 8 units.

Case: BOA-1542657 Address: 548 East Third Street Ward 6 Applicant: 548 East 3rd Street, LLC by: Michael P. Ross, ESQ

Article(s) Art 68 Sec 29 Roof Structure Restrictions Max allowed height on parcel exceeded Art 68 Sec 8 Dim reg app in res sub dist Insufficient lot size 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 open space per unit Art 68 Sec 8 Dim reg app in res sub dist Insufficient front yard setback Art 68 Sec 8 Dim reg app in res sub dist Insufficient side yard setback Art 68 Sec 8 Dim reg app in res sub dist Insufficient rear yard setback Article 68, Section 33 Off Street Parking & Loading Req Insufficient parking Art. 68 Sec. 33 Off Street parking Req. Design and clear maneuvering areas Art 68 Sec 8 Dim reg app in res sub dist Insufficient additional lot area per unit required

Purpose: Demolish existing structure pursuant to Article 85 and erect a three family building with parking.



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Case: BOA- 1649361 Address: 58 Baxter Street Ward 6 Applicant: James Christopher

Article(s): Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 29 Roof Structure Restrictions Art. 68 Sec. 33 Off Street parking Req. Article 68, Section 34.1 Conformity Ex Bldg Alignment Art. 25 Sec. 5 Flood Hazard Districts

Purpose: Erect a new four story, 6 unit, residential building with garaged off-street parking and rear decks, as per the attached plans. See ALT1636402 for subdivision.

Case: BOA-1552298 Address: 27 Dudley Street Ward 9 Applicant: Cameron Merrill

Articles(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 29 Lot Area Insufficient Article 50, Section 32 Use: Forbidden

Purpose : Change occupancy from a 6 unit building to a 7 unit building by splitting unit 3 into 2 units making it 7 units

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.

INTERPRETATION: 12:00PM

Case: BOA- 1675736 Address: 123-125 Broad Street Ward 3 Applicant: 125 Broad Street LLC

Article(s): Article 45, Section 5-Dimensional Regulations Article 32, Section 4.GCOD, Applicability

Purpose: The petitioner seeks a determination that the Inspectional Services Department erred in issuing a refusal letter citing Art 32 Sec 04GCOD Applicability and Article 45-5 for building height-excessive or in the alternative should it be determined that the Inspectional Services Department properly cited Article 32 sec 04 and/or Article 45-5 for building height, then Petitioner seeks a variance from those provisions as cited in the Refusal Letter.



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STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

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