



City of Boston
Board of Appeal

TUESDAY, OCTOBER 6, 2020

BOARD OF APPEAL

CITY HALL, ROOM 801

HEARING MINUTES

Board Chair Araujo called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Chair announced that the hearing was being conducted remotely via an online meeting platform and subject to the below advisory which was part of the publicly posted hearing agenda. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON OCTOBER 6, 2020 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS OCTOBER 6, 2020 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

SOME MATTERS LISTED ON THIS AGENDA MAY HAVE BEEN SCHEDULED AND NOTICED FOR PRIOR HEARINGS WHICH WERE THEN DEFERRED TO A LATER HEARING DUE TO THE PUBLIC HEALTH EMERGENCY. ANY SUCH APPEALS ON THIS AGENDA HAVE BEEN RE-NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE OCTOBER 6, 2020 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <http://bit.ly/zbaOct6hearing> or by calling 1-617-315-0704 and entering access code 173 450 4874. If you wish to offer testimony on an appeal, please click <http://bit.ly/zbaOct6comment> 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.



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For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <http://bit.ly/zbaOct6comment>, calling 617-635-4775 or emailing isdboardofappeal@boston.gov.

The ZBA Ambassador will be available within the WebEx Event from at 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via WebEx. 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, if connected by video, or dial *3, if connected by phone. The requester will be administratively unmuted and 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 9:00 AM 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 appear in person at City Hall, in the BPDA board room, 9th Floor, Room 900. 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. Individuals appearing at City Hall without an appointment will not be permitted to enter.

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 isdboardofappeal@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING.



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APPROVAL OF HEARING MINUTES:

June 23, 2020 & June 30, 2020

EXTENSION: 9:30 a.m.

Case: BOA- 849678 Address: 260-260A Amory Street Ward Applicant: John Pulgini

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

Case: BOA- 849674 Address: 266-266A Amory Street Ward Applicant: John Pulgini

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

Case: BOA-767363 Address: 238 Webster Street Ward 1 Applicant: Jeffrey Drago

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

Case BOA-810882 Address: 40 Hardin Road, Ward 18 Applicant: Alex Burk

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

Case: BZC-30745 Address: 583-583B Ashmont Street, Ward 16 Applicant: Douglas Stefanov

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.



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Case: BZC-30746 Address: 585-585B Ashmont Street, Ward 16 Applicant: Douglas Stefanov

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

Case: BZC-30747 Address: 587-587B Ashmont Street, Ward 16 Applicant: Douglas Stefanov

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one-year extension.

GCOD: 9:30 a.m.

Case: BOA- 1090699 Address: 126 Marlborough Street Ward 5 Applicant: Luxury 126 Marlborough, LLC

Article(s): Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability

Purpose: Full Gut remodel per plans attached. All demo, interior and exterior work per plans. Erect egress and other staging as needed. No change in occupancy. No change in FAR.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail. The Board then requested testimony in opposition and in support from neighbors and elected officials. Board member Erlich moved to approve.

Documents/Exhibits: Building Plans, BWSC letter and a no harm letter.

Votes: Upon a motion from Board Member Erlich and a second from Ruggiero, the Board voted unanimously to approve the request Erlich), 6-0.



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HEARING: 9:30 a.m.

Case: BOA-1065068 **Address:** 81 Chelsea Street **Ward 1 Applicant:** Anthony Cristallo

Article(s): Art. 53, Section 8 Use: Forbidden

Purpose: Change of use from (8) residential parking spots to (8) parking spots for sales of motor vehicles.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating change of use from (8) residential parking spots to (8) parking spots for motor vehicles.

The Board asked the proposed hours of operation.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. The BPDA opposed.

Documents/Exhibits: Building Plans.

Votes: Upon a motion to deny from Board Member Erlich and a second from Kindell Jr, The Board voted unanimously to deny the request.

Case: BOA- 961465 **Address:** 37 Monmouth Street **Ward 1 Applicant:** Richard Lynds

Article(s): Art. 53 Sec. 08* Forbidden – Four family dwelling unit is a forbidden use Art. 53 Sec. 09 * Floor area ratio is excessive Art. 53 Sec. 09 * Height is excessive (ft) Art. 53 Sec. 09 Height is excessive (stories) Art. 53 Sec. 09 * Side yard setback is insufficient Art. 53 Sec. 09 *Rear yard setback is insufficient Article 27T 5 East Boston IPOD Applicability Art. 53 Sec. 56 Off street parking insufficient

Purpose: Change Occupancy from a two to a four-unit residential dwelling, renovate, erect addition with head house and roof deck.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating change 2F to 4F with a rear addition- extension to third level eliminated. Board members asked about the zoning district and the 2F basement occupancy. No size of units, and what was the roof deck access.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and Councilor Edwards are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval with BPDA design review, Ruggiero seconded. The Board voted unanimously for approval.



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Case: BOA- 1055346 Address: 239-245 Causeway Street Ward 3 Applicant: Leone Christine
Leone Christine seeking with reference to the premises at: 239 245 Causeway Street, Ward - 03
From the terms of the Boston Zoning Code (see Acts of 1956, c.665) in the following respects: Conditional
Use Article(s): Art. 46, Section 9 Use: Conditional

Purpose: Removal of existing Proviso (Item 1: Take out use granted to this petitioner only for this use only) on existing café and change to new owner. Previous BOA decision attached, no new plans submitted, no new work to be conducted under this permit.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating rename petitioner only proviso.

Board members asked about the name of the café.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval with takeout provisions which was seconded by Ruggiero, and approved 6-0.

Case: BOA-1086604 Address: 266 Newbury Street Ward 5 Applicant: Luishun Lau

Article(s): Art. 08 Sec.07 Use: Conditional

Purpose: Change occupancy from one restaurant to two restaurants. Including take out services for first floor restaurant. Fire protection work for relocation of one horn strobe and one pull station. See original Short Form Permit Number SF1008909 for actual construction cost.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change from one to two restaurants. Takeout on the first floor.

Board Members asked if both will offer takeout, the name of the restaurants, as well as takeout experience.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval with takeout to the petitioner only. Seconded by Ruggiero and approved unanimously.



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Case: BOA-1058872 **Address:** 71 Charles Street **Ward** 5 **Applicant:** Dennis Quilty
Article(s): Art. 09 Sec. 01 Extension of Non-Conforming Use Art. 32 Sec. 04 GCOD Applicability Art. 08 Sec. 03 Conditional Uses

Purpose : Change occupancy from Restaurant, three apartments and offices, to Restaurant (Cafe/Boutique) with retail (bookstore) on 2nd floor, reading room areas 3rd 4th and 5th for office use. Install elevator, sprinkler system, and complete interior renovation, as per plans. (All proposed uses are accessory to the main use)
*Assigned to PZ 2.11.20.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change to bookstore and café, a full renovation required.

Board Members asked if the 3 apartments will remain. They will not.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval. Seconded by Ruggiero and approved 6-0.

Case: BOA-1051292 **Address:** 620 Newbury Street **Ward** 5 **Applicant:** Authorized License Stanhope Garage, Inc. by its President Simon B. Gottlieb

Article(s): Article 6 Section 4 Other Cond Necc as Protection

Purpose: The Applicant seeks to continue to use the Premises as a fee paid public parking lot capacity twenty-two (22) vehicles under Permit for Use of Premises #U49687554 which expires August 31, 2020 under BOA Decision # 694192.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to extend use as a parking lot for 3 years.

Board members asked if there will be screening and buffering.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved for approval. Seconded by Ruggiero and approved 6-0 with BPDA to expire in 3 years.



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Case: BOA- 1066920 **Address:**532-534 Third Street **Ward** 6 **Applicant:** Mark Little

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

Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Add'l Lot Area Insufficient

Purpose: Construct a rear and fourth floor addition with roof deck. Propose 6 off street parking accessed via existing curb cut and rear yard access driveway. Existing 3 family dwelling on 2,542 SF lot to be combined with existing 3 family dwelling located at 534 East Third St on 1,672 SF lot into one newly created lot to be 4,214 SF. This lot to now be known as 532 534 East Third St. Combining lot filed under ALT1056697.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating rear and fourth floor additions, combine lots of semi attached buildings to create a six unit building and 5 parking spaces.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. Councilor Flynn and Councilor Essaibi- George are also in support. Abutters oppose.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval. Seconded by Ruggiero and approved 6-0 with BPDA review.



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Case: BOA-1075808 **Address:** 576 East Second Street **Ward** 6 **Applicant:** Bond Worthington
Bond Worthington seeking with reference to the premises at: 576 East Second Street, Ward – 06
From the terms of the Boston Zoning Code (see Acts of 1956, c.665) in the following respects: Variance
Article(s): Article 68, Section 29 Roof structure restrictions Article 68, Section 8 Bldg height excessive
(feet) Article 68, Section 8 Side yard insufficient Article 68, Section 8 Rear yard insufficient
Purpose: Renovation/Repair of existing 4 story wood deck and deck expansion.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to repair rear 4 story deck and add forty-nine square feet of space per level, and add fifth level.

Board Members asked about the egress access.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. Councilor Flynn and Councilor Essaibi- George are also in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval. Seconded by Ruggiero and approved 6-0 with BPDA design review.

Case: BOA- 1044637 **Address:** 174 West Seventh Street **Ward** 6 **Applicant:** Enda Madigan
Article(s): Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Floor Area Ratio
Excessive Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Side Yard Insufficient
Article 68, Section 8 Rear Yard Insufficient
Purpose: Proposed rear addition, new side and roof decks, and renovate as per plans. Permit set to be submitted upon ZBA approval.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating rear additions, new side, new roof decks for each of the 3 attached dwellings.

Board Members asked about access to the roof decks.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. Councilor Flynn and 1 additional letter of opposition.

Documents/Exhibits: Building Plans, one letter of opposition.

Votes: Board Member Erlich moved for approval. Seconded by Ruggiero and approved 6-0 with BPDA design review.



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Case: BOA-1044641 **Address:** 176 West Seventh Street **Ward 6** **Applicant:** Enda Madigan
Article(s): Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient
Purpose: Proposed rear addition, new side and roof decks, and renovate as per plans. Permit set to be submitted upon ZBA approval.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating rear additions, new side, new roof decks for each of the 3 attached dwellings.

Board Members asked about access to the roof decks.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. Councilor Flynn and 1 additional letter of opposition.

Documents/Exhibits: Building Plans, 1 letter of opposition.

Votes: Board Member Erlich moved for approval. Seconded by Ruggiero and approved 6-0 with BPDA design review.

Case: BOA- 1044644 **Address:** 178 West Seventh Street **Ward 6** **Applicant:** Enda Madigan
Article(s): Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient
Purpose: Proposed rear addition, new side and roof decks, and renovate, as per plans. Permit set to be submitted upon zba approval.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating rear additions, new side, new roof decks for each of the 3 attached dwellings.

Board Members asked about access to the roof decks

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. Councilor Flynn is in opposition.

Documents/Exhibits: Building Plans, one letter in opposition.

Votes: Board Member Erlich moved for approval. Seconded by Ruggiero and approved 6-0 with BPDA



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Case: BOA- 1023216 **Address:** 269-271 Dorchester Street **Ward 7 Applicant:** Patrick Mahoney Esq
Article(s): Article 27S, Section 9 South Boston IPOD Enforcement Article 68, Section 8 Lot area insufficient Article 68, Section 8 Lot Width Insufficient Article 68, Section 8 Lot frontage insufficient Article 68, Section 8 Floor area ratio excessive Article 68, Section 8 Building height excessive Article 68, Section 8 Usable open space insufficient Article 68, Section 8 Front yard insufficient Article 68, Section 8 Side yard insufficient Article 68, Section 8 Rear yard insufficient Article 68, Section 33 Off Street Parking & Loading Req

Purpose: Erect a new 4 story Three (3) Family Dwelling as per plans. Permit set to be submitted upon ZBA approval.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to erect new four story 3F

Board members asked about proposed parking, and what were the unit sizes.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. Councilor Flynn and Councilor Essaibi-George in support as well.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to deny without prejudice, seconded by Ruggiero, approved.

Case: BOA- 1039452 **Address:** 45 Dorset Street **Ward 7 Applicant:** Timothy Johnson

Article(s): Article 65, Section 8 Use Regulations – MFR/9 units – Forbidden Article 65, Section 9 Excessive F.A.R. – 1.0 max Article 65, Section 9# of allowed stories exceeded – 3 story max Article 65, Section 9 Height exceeded – 35' max Article 65, Section 41 Off Street Parking & Loading Req – (d) Design Article 65, Section 41 Off Street Parking & Loading Req – Insufficient parking

Purpose: Demolish existing building and erect new 4-story, 9-Unit building w/11 off-street parking spaces, rear and roof decks as per plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating a new four story, nine-unit dwelling, eleven parking, rear and roof decks redesigned to three stories, seven units, eleven parking spaces, with rear and roof decks.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support along with Councilor Baker. Five letters of support and one letter of opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BPDA, seconded by Ruggiero and approved 5-1



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RE-DISCUSSION: 11:30A.M

Case: BOA-948426 Address: 115 Leyden Street Ward 1 **Applicant:** Sun Property Group, Inc. (by Richard C.Lynds) Article(s): 25(25-5) 27T(27T-5) 53(53-8) 53(53-56) 53(53-56.5(a) 53(53-9: Floor area ratio is excessive, Height is excessive (stories), Front yard setback is insufficient, Side yard setback is insufficient & Rear yard setback is insufficient)

Purpose: Demolish existing structure and erect new 8-residential unit building with 12 parking spaces.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating an 8 unit building with twelve parking spaces; addition to existing 3F to create 8 units.

The Board asked about dormers, unit sizes and 3F occupancy

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services opposed, Councilor Edwards Councilor Flaherty, and abutters also opposed.

Documents/Exhibits: Building Plans, fifty letters of support.

Votes: Board Member Erlich moved to deny without prejudice, seconded by Ruggiero and approved unanimously.

Case: BOA-1035803 Address: 31 Monmouth Street Ward 1 Applicant: Crespo Holdings, LLC Article(s): 27T(27T-5) 53(53-8) 53(53-52) 53(53-56) 53(53-9: Excessive F.A.R.- 1.0 max, Insufficient side yard setback- 5ft min, # of allowed stories exceeded- 2.5 stories max & Insufficient rear yard setback- 30' min. req) Purpose: Confirm occupancy as a two family and erect a rear and vertical addition, renovate and to change occupancy to a 4-unit residential dwelling with roof deck.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to confirm occupancy as 2F and erect rear and vertical additions and change occupancy from 4F with shed dormers.

Board members asked height and roof deck access

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support, along with Councilor Edwards, Councilor Essaibi-George and sixteen letters. There were four letters in opposition as well as one abutter in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BPDA, seconded by Ruggiero and approved 6-0



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Case: BOA-1037522 Address: 437 Frankfort Street Ward 1 Applicant: 441 Frankfort St, LLC
Article(s): 27T(27T-5) 53(53-9: Excessive F.A.R., Max allowed # of stories exceeded & Max allowed height exceeded) 53(53-56)

Purpose: Erect a 4-unit residential dwelling.

Discussion: At the request of the board, the applicant asked to defer due to a current five-member board. Would like to defer to a time The Board believes they will have more members.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to defer, seconded by Ruggiero deferred unanimously to 11/12/2021.

Case: BOA-1048915 Address: 229-231 Bunker Hill Street Ward 2 Applicant: Patrick Mahoney
Article(s): Article 62, Section 13 Main use – Three family detached dwelling - Conditional
Article 62, Section 13 Accessory use first story – Conditional (= to proposed main use)
Article 62, Section 14 Excessive F.A.R. – 2.0 max Article 62, Section 14 Max allowed height exceeded – 35’
max Article 62, Section 14 Insufficient usable open space per unit – 50f/unit req. Article 62, Section 14
Insufficient rear yard setback – 15’ min. setback req./shallow lot Article 62, Section 14 Insufficient side yard
setback – 2.5’/footnote (4) Article 62, Section 30 Conformity with existing street wall alignment – Modal
Article 62, Section 29 Off Street Parking Insufficient – 1.5/unit req. Article 62, Section 29 Off Street Parking
Insufficient – Design; -size and clear maneuvering areas Art. 62 Sec. 62 27 Screening and Buffering
Required

Purpose: Demolish existing one-story restaurant and erect a new 4 story 3-unit residential building with enclosed garage and roof deck. *Private roof deck

Discussion: At the request of the board, the applicant asked to defer due to concerns from neighbors. The applicant will rework their design plan.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moves to defer, it is seconded by Ruggiero, and deferred unanimously until 1/12/2021.



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Case: BOA-1053415 Address: 14 Alaska Street Ward 12 Applicant: Derric Small

Article(s): 10(10-1) 50(50-28) 50(50-29: Add'l Lot Area Insufficient & Front Yard Insufficient)

Purpose: Change of occupancy from a two-family dwelling to seven units residential dwelling and parking. Erect an addition to the existing building for additional units.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to change occupancy from 2F to seven units, seven parking spaces; addition

Board Members asked about the surrounding area

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. Council President Janey along with eight letters of support as well. Eleven letters of opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BPDA, seconded by Ruggiero. 6-0

1 Hour Lunch Break

HEARING:1:00p.m.

Case: BOA1079832 Address: 45 Crawford Street Ward 12 Applicant: Armand Beliaj

Article(s): Art. 50, Section 29 ** Floor area ratio is excessive Art. 50, Section 29 ** Side yard requirement is insufficient Art. 50, Section 29 ** Rear yard setback requirement is insufficient

Purpose: Third floor roof extension, approx. 10ft to enclose the second means of egress. Create dormers on both sides of the roof extension. Repair the second means of egress and incorporate it into the roof extension/dormer. Renovate kitchen & bathroom. New flooring. Patch walls, Paint.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to add dormers to third floor to increase space and enclose second egress.

Board Members asked if this was a one family or a two family? Did they go to the board previously? No

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve, seconded by Ruggiero, approved 6-0



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Case: BOA-1072606 **Address:** 71 Ruthven Street **Ward** 12 **Applicant:** Rosa Design and Construction LLC

Article(s): Art. 09 Sec. 01 Extension of non-conforming use is conditional Art. 50, Sec. 29 Floor area ratio is excessive Art. 50, Sec. 29 Height requirement is excessive (stories) Art. 50, Sec. 29 Height requirement is excessive (ft)

Purpose: To proceed with ZBA reconfiguration in 1st floor and extension to attic floor with dormers, total number of units remains the same as before in ALT1019604.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to renovate existing 4 family dwelling and add dormers.

Board members asked is this a legal 4 family? Is there occupancy in the basement?

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support, abutters are in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approval with BPDA design review, and asked this is looked at with a comparison to 10 Ruthven nearby. Robinson seconded.

Case: BOA- 1084674 **Address:** 10-12 Belfort Street **Ward** 13 **Applicant:** Brendon C Sullivan

Article(s): Article 65 Section 41 Off Street Parking and Loading – Insufficient off-street parking

Purpose: Confirm occupancy as an existing two-family dwelling then Convert from two family to three family per plans attached. It started as an eplan. > ZBA

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating change the occupancy from a 2 family to a 3 family.

Board members asked unit sizes, bedroom counts, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support as well as Councilor Baker and Councilor Essaibi-George.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve, seconded by Ruggiero approved 6-0



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Case: BOA-965182 **Address:** 45-45C Richfield Street **Ward** 15 **Applicant:** Peter Vanko
Article(s): Article 65, Section 8 Use Regulations – MFR is a forbidden use in a 2F-6000 Sub district
Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Width Insufficient Article 65,
Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section
9 Bldg Height Excessive (Stories) Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9
Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard
Insufficient

Purpose: Construct (4) new townhouses on existing vacant lot.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to erect 2 townhouses on vacant lot.

Board members asked about parking and bedroom count, reduction in violations, basement occupancy.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support along with Councilor Campbell and Councilor Essaibi-George. A butter in opposition.

Documents/Exhibits: Building Plans, one letter of opposition.

Votes: Board Member Erlich moved to approve with BPDA, Ruggiero seconded. . BPDA denied density of the 4 unit proposed. 6-0

Case: BOA- 1039457 **Address:** 1R Lorenzo Street **Ward** 16 **Applicant:** Timothy Johnson
Article(s): Article 65, Section 42 Application of Dimensional Req – 2. Conformity with existing Building
Alignment Article 65, Section 9 # of allowed habitable stories has been exceed
Purpose: Combine parcels 274 & 2727 and erect new 2-1/2 story, 2 family dwelling w/rear decks and 4 off
street parking spaces as per plans submitted.

Discussion/ Vote: Upon request of the applicant, they are asking the Board for a deferral. Erlich moves to defer, it seconded by Ruggiero and approved. This is deferred to 6/8/21



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Board of Appeal

Case: BOA-1071898 **Address:** 9 Adams Terrace **Ward** 16 **Applicant:** Andy Pollock
Article(s): Article 65 Section 41 Off Street Parking and Loading Article 65, Section 8 3 Family forbidden Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories)
Purpose: Change occupancy from 2 to 3 family. Fire damaged building adding dormers to existing 3rd floor unit.
Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating change two family to a three family; damaged building. Add dormers for third unit and extend into the basement.

Board Members asked if this was taxed as a three family, the unit sizes, and the parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support along with Councilor Baker.

Documents/Exhibits: Building Plans

Votes: Board Member Fortune moved to approve with BPDA, seconded by Ruggiero, and approved. 6-0

Case: BOA- 1005928 **Address:** 238-240 Norwell Street **Ward** 17 **Applicant:** Morris Schopf
Article(s): Article 65, Section 41 Off Street Parking & Loading Req Article 65, Section Lot Area Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient
Purpose: Construction of a 2-family house on an existing non-conforming lot. Details on documents filed with this application.

Discussion: Deny without prejudice

Testimony: The Board then requested testimony from neighbors and elected officials.

Documents/Exhibits: Building Plans

Votes: Board Member Fortune moved to deny without prejudice, seconded by Ruggiero and approved. .



City of Boston
Board of Appeal

Case: BOA- 1094745 **Address:** 15 Everett Street **Ward** 18 **Applicant:** John Pulini

Article(s): Article 69, Section 8 Use Regulations – 75 units use forbidden Article 69 Section 29 Off Street Parking & Loading Req Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Usable Open Space Insufficient

Purpose: Change occupancy to 74 75 residential units with 15 parking spots and sunroom.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to change occupancy to affordable senior housing with seventy-five residential units, with five parking spaces.

Board Members asked unit sizes, parking, and services for residential residents.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support along with Councilor Arroyo, Councilor Essaibi-George, Councilor O'Malley, Councilor Flaherty, Councilor Breadon, Tim McCarthy, Pat Tierrany, Councilor Mejia, 269 letters. Greg Martin and 11 letters in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA, seconded by Ruggiero. 6-0

Case: BOA-1063637 **Address:** 7A Eliot Street **Ward** 19 **Applicant:** The Footlight Club, JP, MA

Article(s): Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Floor Area Ratio Excessive

Purpose: Accessibility Upgrade including a new fire stair and LULA.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to provide an accessibility upgrade

The Board asked if this included everything on Eliot Street.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support along with Councilor Flaherty and 10 letters.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve, seconded by Ruggiero and approved 6-0.



City of Boston
Board of Appeal

Case: BOA- 1059534 Address: 36 Redgate Road Ward 20 Applicant: Simon Rabinovitch and Jodi Bornsein

Article(s): Article 56 Section 8 Bldg height excessive (stories)

Purpose: Renovate the third-floor attic of a single detached residence into a master bedroom suite, including new bath and walk-in closet. Scope includes a newly constructed roof and shed dormer to the rear of the house and minor interior changes to the second floor.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to renovate third floor attic with shield dormers in the rear.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support along with Councilor O' Malley, Councilor Essaibi-George and 6 letters.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve, seconded by Ruggiero. Approved 6-0

Case: BOA- 1093557 Address: 38-40 Maplewood Street Ward 20 Applicant: Lucio Trabucco

Article(s): Article 56, Section 7 Use Regulations – Two Family is a forbidden use in a 1F-6000 sub-district
Article 56, Section 8 Floor Area Ratio Excessive

Purpose: Demolition of existing residential structure and erect a two family wood framed duplex. EPLAN

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to erect a 2 family

Board members asked about curb cuts, garage, and neighborhood context

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support along with Councilor Campbell and Councilor Essaibi-George. One letter and one Abutter in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BPDA, seconded by Ruggiero, approved 6-0



City of Boston
Board of Appeal

Case: BOA-1014128 **Address:** 12 Reedsdale Street **Ward** 21 **Applicant:** Bansky, LLC
Article(s): Article 51 Section 8 Use multifamily dwelling forbidden Article 51 Section 8 Use accessory parking forbidden Article 51 Section 9 Lot area for additional dwelling units insufficient Article 51 Section 9 Floor area ratio excessive Article 51 Section 9 Usable open space insufficient Article 51 Section 9 Off-street parking insufficient

Purpose: Change Occupancy from a Two (2) Family Dwelling to a Five (5) Family Dwelling. There will be a total of 4 Parking spaces. Construct a new Rear and 3rd story addition. Install a new wheelchair accessible ramp. Building will be fully Sprinklered.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating changing a two family to a four family, which is reduced from a five family. Four parking spaces.

Board members asked about parking and basement space.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support along with Councilor Breadon, Councilor Essaibi-George, 2 abutters, The Allston Civic Association, and The Brighton Allston Civic Association. One Abutter in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BPDA design review, seconded by Ruggiero, approved 6-0.

Case: BOA- 1071309 **Address:** 13 Greylock Road **Ward** 21 **Applicant:** 13 Greylock Nominee Trust
Article(s): Article 51 Section 8 Use Regulations – 4 Family use forbidden Article 51 Section 9.4 Dim Reg: Location of Main Entrance – for Unit 1 and 2 Article 51, Section 56 Off Street Parking Insufficient – Required: 7 Provided 5 Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories)
Purpose: Seeking to change the occupancy of the existing single-family residential dwelling to a four-family residential dwelling with five parking spaces. Also, to renovate, including rear and side additions and dormers. ZBA required/Nominal Fee Letter Attached. See attached e plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to change one family to a four family with five parking spaces.

Board Members asked two family unit sizes and parking

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support along with Councilor Breadon, Councilor Essaibi-George, abutters and Allston Civic Association

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BPDA, seconded by Ruggiero, approved 6-0



City of Boston
Board of Appeal

Case: BOA-1096134 **Address:** 102-104 Litchfield Street **Ward** 22 **Applicant:** Laurie Soave
Article(s): Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Lot Area Insufficient

Purpose: Convert existing 2 family into 3 family w/ ‘aging in place’ single unit on first floor and (2) two-bedroom apartments on second floor. Fully replace walls/roof from second floor up, first floor to be gut renovation, basement work limited to Change of use R3 to R2.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail stating to change two family to a three family, vertical addition to the second floor.

Board members asked about the unit sizes

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor’s Office of Neighborhood services is in support along with Councilor Breadon, Councilor Essaibi-George, Allston Civic Association, Allston Brighton Improvement Association.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved to approve with BPDA, seconded by Ruggiero, approved 6-0

INTERPRETATION:1:00p.m.

Case: BOA- 1090365 **Address:** 73 Sheridan Street **Ward** 19 **Applicant:** Dr Andrew King
Purpose: The petitioner’s seeks a determination that the Inspectional Services Department erred in issuing the permit# ERT987106. The permit was issued as an allowed use.

Discussion/Vote: Asking the Board to invalidate the ERT permit issued because it exceeds occupancy limit requirements for that district. What is the side lot requirement? (Article 55 section 1 table E in question). The chairwoman asked all parties involved to provide all written discussion they wish to be on record to be submitted by the 16th. Board member Ruggiero moved to defer until this can be reviewed by the Legal Department, Erlich seconded, it carried.



City of Boston
Board of Appeal

RECONSIDERATION1:00p.m.

Case: BOA-B1029772 Address: 282-308 Bremen Street **Ward 1 Applicant:** 282 Bremen Development, LLC
Request for reconsideration, pursuant to Article 5-3, of the Board's 7/21/20 Decision to Deny the requested relief to erect a new 5-story, 145 units residential building with ground floor retail, Art Studios/Art Gallery, and Community space and at grade parking per Article 80 LPR.

Article(s): Article 27T 5 East Boston IPOD Applicability

Article 53(53-Section 8: Arts Studio Use: Forbidden, Art Gallery Use: Forbidden, Local Retail Use: Forbidden, Restaurant Use: Forbidden, Take-out Restaurant Use: Forbidden & Multi-Family Dwelling Use: Forbidden)

Article 53(53-Section 9: Add'l Lot Area Insufficient, Floor area ratio excessive, Bldg Height excessive (stories), Bldg Height excessive (Feet), Usable Open Space Insufficient, Front Yard Insufficient & Rear Yard Insufficient)

Purpose: Erect a new 5 story, 145 units residential building with ground floor Retail, Art Studios/Art Gallery, and Community spaces and at grade parking per Article 80 LPR. Note: This application has been filed in conjunction with ALT1018868, ALT1018869, ALT1018871 to combine lots into one lot to be known as 282 308 Bremen Street for this ERT1018375.

Discussion/Vote: 4 level, stepping up to 5 level, large mixed-use building. 13 artist spaces with art studios below, 21 affordable units, and 61 parking spaces. The Chairwoman asks why they chose not to include 3 families in this building? What are the changes that are different than the ones in July that would make this Board reconsider? Where will there be loading and offloading, will this be happening on Bremen street? The Board is worried not much has changed with the project since the previous hearing. Many East Boston Associations are in opposition. A handful of direct abutters called in giving their support for the project. BPDA and others were under the impression that this reconsideration was to reconsider having another hearing, not a new vote. The Chairwoman explained that this reconsideration was to make a final motion on the project. Board Member Ruggiero made a motion to deny the reconsideration, no one seconded, and the motion did not carry, it was approved 4-3 and this will have another hearing at a later date.

**STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775**

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
JOSEPH RUGGIERO

SUBSTITUTE MEMBERS:

TYRONE KINDELL, JR
EDWARD DEVEAU

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.

For a video recording of the October 6, 2020 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.