



City of Boston
Board of Appeal

Tuesday, August 24, 2021

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 AUGUST 24, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS AUGUST 24, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE AUGUST 24, 2021 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 <https://bit.ly/zbaAugust24Hearing> or by calling 1-617-315-0704 and entering access code 179 888 7360.

If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaAugust24Comment> 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

<https://bit.ly/zbaAugust24Comment> calling 617-635-5300 or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the WebEx 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 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



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ZBAPublicInput@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. 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 THE HEARING MINUTES: 9:30AM

FEBRUARY 23, 2021, JUNE 8, 2021 , JUNE 22, 2021

EXTENSIONS: 9:30AM

Case: BOA-921796 Address: 775 Morton Street Ward 14 Applicant: John Pulgini, Esq

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-928836 Address: 2 Monument Square Ward 2 Applicant: Jeff Harris

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-789186 Address: 40 Rugg Road Ward 22 Applicant: Braintree Realty Trust (by Rugg Road USL, LLC

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- 789187 Address: 80 Braintree Street Ward 22 Applicant: Braintree Realty Trust (by Rugg Road USL, LLC

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.

BOARD FINAL ARBITERS: 9:30AM

Case: BOA-1066920 Address: 532-534 East Third Street Ward 6 Applicant: George Morancy, Esq

Discussion/Vote: Upon a motion and a second, the Board moved unanimously to approve this application.

Case: BOA-1044698 Address: 512-514 Poplar Street Ward 18 Applicant: John Pulgini, Esq

Discussion/Vote: Upon a motion and a second, the Board moved unanimously to approve this application.

Case: BOA-940718 Address: 1524 VFW Parkway Ward 20 Applicant: Michael P Ross, Esq

Discussion/Vote: Upon a motion and a second, the Board moved unanimously to approve this application with BPDA design review for signage, screening and buffering, and clarification.



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HEARINGS: 9:30AM

Case: BOA-1191845 Address: 142 Prince Street Ward 3 Applicant: 142 Prince Realty LLC

Articles: Article 54, Section 10 Floor Area Ratio Excessive Article 54, Section 18 Roof Structure Restrictions
Art. 32 Sec. 04GCOD Applicability

Purpose : Work to include 4th floor addition to the building, along with a roof deck and added living space in the basement . This application is for zoning refusal and variance needed.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to seek 4 floor addition with roof deck and living space in the basement.

Board Members asked about occupancy, plans, and basement occupancy.

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, letter of support and letter of opposition.

Votes: Board Member Robinson to approve with BPDA design review with attention to the roof deck setback, and no building code relief. Araujo seconded and the motion carried unanimously.

Case: BOA-1035651 Address: 215 West Newton Street Ward 4 Applicant: Peter Jones

Articles: Article 64 Section 8 Lodging house use Conditional

Purpose : Change Occupancy from Multi Family to Lodging House. Lodging house is a Conditional Use. ZBA review required. If approved, new fire alarm and sprinkler system will be installed.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 5, 2021 at 12:30PM.

Case: BOA-1199022 Address: 705-711 Boylston Street Ward 5 Applicant: 711 Boylston Street Realty, LLC

Articles: Art. 08 Sec. 03 Conditional Uses-Take out use (Use Item number 36A)

Purpose : CAPITAL ONE BANKING CENTER. Change of occupancy to include bank with take out use (Item 36A). Tenant renovation of existing retail location on basement, 1st, and 2nd, floors , work to include buildout of bank drywall, electrical/fire alarm sprinkler, plumbing, HVAC and finish work.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change occupancy for take out use with a bank renovation.

Board Members asked about plans.

Testimony: The Board then requested testimony from neighbors and elected officials. The Carpenter's Union is in support. The Back-Bay Neighborhood Association is in non-opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve, Erlich seconded and the motion carried unanimously.



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Case: BOA-1205649 Address: 217 Newbury Street Ward 5 Applicant: Blumsack Canzano

Articles: Article 6 Section 4 Other Cond Necc as Protection

Purpose : Remove proviso "take out use granted to this petitioner only for this use only" from BZC 32725. No work to be done.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to remove the takeout proviso.

Board Members asked about plans.

Documents/Exhibits: Building Plans,

Votes: Board Member Erlich moved to approve with provisos. 1) Takeout proviso 2) this applicant only. Robinson seconded and the motion carried unanimously.

Case: BOA-1213154 Address: 247 Newbury Street Ward 5 Applicant: Canadian Park Training

Articles: Art. 8, Section 7 Use: Conditional - Fitness Gym is a Conditional use in B 3 65 District

Purpose : Add Gym studios to existing occupancy.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change the occupancy to a gym with existing floor plan.

Board Members asked about hours of operation, type of gym, noise reduction and plans.

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, letters of support.

Votes: Board Member Ruggiero moved to approve, Erlich seconded and the motion carried unanimously.

Case: BOA-1194673 Address: 33 Eastman Street Ward 7 Applicant: Eric Byrne

Articles: Art. 65 Sec. 9 Insufficient side yard setback 10' req.

Purpose : We have an existing short form permit for renovations on the third floor (Sf1163528). We removed the sheetrock on the third floor and discovered the roof was badly rotted. We are requesting to amend the permit to add a 8 x 6 foot shed dormer.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to add dormer to existing short form permit because of rot.

Board Members asked about plans.

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 to approve, Erlich seconded, and the motion carried unanimously.



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Case: BOA-1152401 Address: 87-89 West Walnut Park Ward 11 Applicant: James Christopher

Articles: Article 55, Section 8 Three Family Dwelling Use : Forbidden Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 9.3 Dim Reg: Location of Main Entrance Article 55, Section 40 Off Street Parking & Loading Req-Off Street Parking Insufficient

Purpose: Change occupancy from two-family to three family dwelling. Extend living space into the existing basement, and create a walk out unit in the basement

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 11, 2021 at 12:30PM.

Case: BOA-1210032 Address: 401A William T Morrissey Boulevard Ward 3 Applicant: James Grossmann

Articles: Art. 10 Sec. 01 Limitation of off street parking areas - (Accessory uses are not allowed in a required front yard area) Art. 65 Sec. 9 Front yard setback requirements is insufficient

Purpose: Erect a garage in the rear yard.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to build a garage in the rear.

Board Members asked about existing curb cut, plans, size of the garage.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, and the Carpenter's Union are in support. Councilor Baker, the Fox Point Association and Abutters are in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review and BTD review. Ruggiero seconded, Kindell Jr recused, and the motion did not carry 2-5

Case: BOA- 961017 Address: 182 Sydney Street Ward 13 Applicant: James Christopher

Articles: Article 65, Section 8 Use Regulations-Forbidden Article 65, Section 39 Screening & Buffering Req Article 65, Section 9 Insufficient rear yard setback Article 65, Section 9 Insufficient lot size Article 65, Section 9 Insufficient side yard setback Article 65, Section 9 Excessive F.A.R. Article 65, Section 9 Front yard setback (Ft. Porch roof)

Purpose : To construct a new four-unit residential building as per the attached plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a new 4 family building with 5 parking spaces.

Board Members asked about location, parking, basement occupancy, accessibility, and plans.

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

Documents/Exhibits: Building Plans, letters of support.

Votes: Board Member Robinson moved to approve with BPDA design review with attention to the ground level and accessibility. Erlich seconded and the motion carried unanimously.



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Case: BOA-116627 Address: 60 Stanley Street Ward 15 Applicant: John Pulgini

Articles: Art. 65 Sec. 08 Forbidden - 13 family use Article 65, Section 9 Front Yard: Min. 15' Proposed: 1' and 3' Article 65, Section 9 FAR Max. allowed: 0.4 Proposed: 1.72 Article 65, Section 42.3 Traffic Visibility Across Corner Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Sec 65 41 Off Street Loading Req.-spaces required: 1.5*13 units= 19.5. Proposed: 13 Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose : To construct a new three story residential building with 13 residential units (UPDATED TO 8 RESIDENTIAL UNITS 03/03/21), with off street parking as per attached plans. To combine the 2 existing parcels; 1501963000 consisting of 3,995 SF and Parcel 1501692000 4,099 SF to create a new lot consisting 8,095 sqft

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 5, 2021 at 12:30PM.

Case: BOA-1170542 Address: 9 Downer Court Ward 15 Applicant: Joseph Feaster

Articles: Art. 65 Sec. 08 Forbidden - MFR is a Forbidden Use in a three family subdistrict Art. 65 Sec. 9# of allowed stories has been exceeded 2.5 stories max Art. 65 Sec. 9 Allowed Height exceeded 35' max. Art. 65 Sec. 9 Excessive F.A.R. .5 max. Art. 65 Sec. 9 Insufficient front yard setback 15' req. Art. 65 Sec. 9 Insufficient side yard setback 10' min. req. Art. 65 Sec. 9 Insufficient rear yard setback 30' req. Article 65, Section 41 Off Street Parking & Loading Req - Design/space size min req. Article 65, Section 39 Screening & Buffering Req -None proposed

Purpose : Construction of new (4) story, (12) unit apartments with on grade garage parking.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 5, 2021 at 12:30PM.

Case: BOA-1173647 Address: 173 Westville Street Ward 15 Applicant: Judy Akpan and Jean Raymond

Articles: Article 65, Section 8 3 Family use: Forbidden 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 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 42.2 Conformity w Ex Bldg Alignment -Street Modal not provided

Article 65, Section 41 Off Street Parking & Loading Req - Insufficient. 3 tandem spaces. Maneuverability.

Purpose : Seeking to erect a three family residential dwelling with three parking spaces on a vacant lot.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 3family building with 3 parking spaces.

Board Members asked about open space, plans and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review with attention to the rear yard setback. Erlich seconded and the motion carried unanimously.



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Case: BOA-1160774 Address: 25 Hillock Street Ward 20 Applicant: Fadi G. Abichaker

Articles: Article 67, Section 32 Off-Street Parking & Loading Req-Parking in front yard Article 67, Section 9 Insufficient additional lot area per unit Article 67, Section 9 Insufficient open space (1750 per unit Required)

Purpose : Improve the existing attached garage to be used as a living space for the handicap homeowner. No change in height or size. No Structural work. Meet energy code. Meet the Mass. Building Code. Install heat and hookup the bathroom sewer pipe to the existing house sewer.

Discussion: The applicant did not show up to the hearing.

Votes: Board Member Ruggiero moved to deny without prejudice. Erlich seconded and the motion carried unanimously.

Case: BOA-1165882 Address: 9 Everett Street Ward 22 Applicant: George Morancy

Articles: Art. 51 Sec. 08 Multi family dwelling unit (7 units proposed) is a forbidden use Art. 51 Sec. 09 Lot area for the add'l dwelling units is insufficient Art. 51 Sec. 09 Floor Area Ratio is excessive Art. 51 Sec. 09 Height requirements is excessive (3 stories max.) Art. 51 Sec. 09 Height requirements is excessive (35ft max. allowed) Art. 51 Sec. 09 Usable open space requirements is insufficient Art. 51 Sec. 09 Side yard setback requirements is insufficient Art. 51 Sec. 56 Off street parking requirements -Off street parking requirements is insufficient Art. 51 Sec. 56 Off street parking requirements - Off street parking design (Access drive & maneuverability is insufficient)

Purpose : Change occupancy from two family dwelling to seven family dwelling. Add vertical addition to create fourth street; add rear addition. Add five off street parking spaces at grade in the rear to be accessed via existing curb cut.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect vertical addition to increase a 2 family to a 2 family with 5 parking spaces.

Board Members asked about the zoning district, plans, street context, and the density of the neighborhood.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Breadon, the Allston Community Association and the Brighton Allston Improvement Association are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review for screening and buffering and BTDA review. Erlich seconded, Pinado recused, and the motion carried unanimously.



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Case: BOA-1180946 Address: 14-22 Birch Street Ward 20 Applicant: I & I Rose Garden LLC

Articles: Article 67 Section 11 Use Regulations - Cannabis Establishment / Kitchen Use: Conditional Article 67 Section 11 Use Regulations – Any cannabis establishment shall be sited at least one half mile or 2,460 feet from another existing cannabis establishment.

Purpose: Change of occupancy to a commercial cannabis kitchen and retail bakery shop. No structural work will take place.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to open a Cannabis Establishment.

Board Members asked about frontage, bakery only, customer flow, security, hours of operation, basement space, buffer zone, plans and signage.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review, and it to be for this applicant only. Kindell Jr seconded and the motion carried unanimously.

HEARINGS:11:00AM

Case: BOA-1213818 Address: 1209 Bennington Street Ward 1 Applicant: Zuelma Flores

Articles: Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient Article 53 Section 8 Use Regulations Multi Family Dwelling Use : Forbidden Article 27T 5 East Boston IPOD Applicability

Purpose: Erect a 3 story Multi Family Dwelling (6 residential units) with roof deck and parking for five (5) vehicles. Raze existing building to be filed under SF1203017.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 11, 2021 at 12:30PM.

Case: BOA-1189443 Address: 209-209A Endicott Street Ward 3 Applicant: Michael Bonetti

Articles: Art. 54 Section 18 Roof structures restricted district Art. 54 Section 10 Floor area ratio is excessive Art. 54 Section 10 Usable open space requires is insufficient Art. 54 Section 21 Off street parking requirement for the new dwelling unit is insufficient

Purpose: Change occupancy from four dwelling to five dwelling units, renovate and add roof deck, 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 to add a new unit to existing 5 story 4-unit building, renovations, roof deck.

Board Members asked about basement dimensions, windows, access to basement and the units.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve, Robinson seconded and it carried unanimously.



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Case: BOA-1183021 Address: 259 Gold Street Ward 7 Applicant: David Nadeau

Articles: Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Bldg Height Excessive (Feet)
Article 68, Section 29 Roof Structure Restrictions

Purpose: Owner occupants of 259 Gold Street Unit 3 and Unit 4 to build roof deck.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 11, 2021 at 12:30PM.

Case: BOA#1183236 Address: 259 Gold Street Ward 7 Applicant: Davvid Nadeau

Purpose: Owner occupants of 259 Gold Street Unit 3 and Unit 4 to build roof deck.

Violation: Violation Description: 9th 780 CMR 1011 Stairways

Violation Comments: 1011.12.2 Roof access. Where a stairway is provided to a roof of 4 or more stories, access to the roof shall be provided through a penthouse complying with Section 1510.2

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 11, 2021 at 12:30PM.

Case: BOA-1171485 Address: 93 Brookley Road Ward 11 Applicant: Venice Construction, LLC

Articles: Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Floor Area Ratio Excessive

Purpose: Three front exterior decks are to be framed in and conditioned to add to the living area of each of the three condos.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to add three front decks for each condo unit.

Board Members asked about 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 to approve , Dong seconded, and the motion carried unanimously.

Case: BOA-1005452 Address: 22 Mount Bowdoin Terrace Ward 14 Applicant: Stuart Schrier

Articles: Article 65, Section 08 Three family dwelling unit is a forbidden use Article 65, Section 9 Lot size to erect a new building is insufficient Article 65, Section 9 Floor Area ratio is excessive Article 65, Section 9 Height is excessive (stories) Article 65, Section 9 Front setback requirement is insufficient Article 65, Section 9 Side yard requirement is insufficient Article 65, Section 9 Rear yard setback requirement is insufficient

Purpose: To erect a new 3 family dwelling with 3 parking spaces.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a new 3 family with 3 parking spaces.

Board Members asked about the zoning district, building dimensions, basement space, and parking.

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 Robinson moved to approve with BPDA design review for front accessibility, and no 4th unit (a 3 family only). Erlich seconded and the motion carried unanimously.



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Case: BOA-1191809 Address: 34 Gwinnett Street Ward 18 Applicant: William Moccia

Articles: Article 69, Section 9 Front Yard Insufficient Art. 69 Sec.23 Neighborhood Design O.D.

Purpose: 20 x 20 Addition to existing structure. Basement, First floor and second floor.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to seek an addition to the existing structure.

Board Members asked about basement living space, and plans.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinsnson moved to approve with BPDA design review. Dong seconded and the motion carried unanimously.

Case: BOA-1209461 Address: 29 Priscilla Road Ward 21 Applicant: Jonathan Katz

Articles: Article 51, Section 9 Floor area ratio excessive

Purpose: Owner started the job under a short form permit sf1140732 at rough inspection the building inspector realized the scope of work required a long form I am working with the owner to complete the work. Scope of work includes finish of the basement to include a bedroom, bathroom and common space

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 11, 2021 at 12:30PM.

Case: BOA-1140570 Address: 21 Broad Street Ward 3 Applicant: Rasta Rootz, LLC

Articles: Article 8 Section 7 Cannabis Establishment / Dispensary Use: Conditional Article 8 Section 7 Any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment

Purpose: Change occupancy from Restaurant/Bar to Cannabis Dispensary and Interior renovation for 5 story building located at 21 Broad Street, Boston, MA for Rasta Rootz LLC

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to open a cannabis establishment.

Board Members asked about plans, security, customer flow, appointments, deliveries, density, and location.

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 non-opposition. 75 State Street and a commercial abutter are in opposition.

Documents/Exhibits: Building Plans, letters of support and opposition.

Votes: Board Member Ruggiero moved to approve with provisions. 1)BPDA design review for signage 2)This applicant only 3) no MAAB relief for accessibility of the building.



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RECOMMENDATIONS: 11:30 AM

Case: BOA-1194620 Address: 33 Bartlett Street Ward: 2 Applicant: Timothy Sheehan

Articles: Art. 62 Sec. 25 Roof Structure Restrictions Article 62, Section 8 Side Yard Insufficient

Purpose : This is the renovation of an existing third floor attic. The renovated space will consist of a master bedroom along with bath and guest bedroom. The existing gable roof will be enlarged with the addition of shed and gable dormers.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 19, 2021 at 12:30PM.

Case: BOA-1190278 Address: 252 Bunker Hill Street Ward: 2 Applicant: 252 Bunker Hill Street Condo Trust

Articles: Art. 62 Sec. 25 Roof Structure Restrictions Art. 09 Sec. 01 Extension of Non Conforming Use Article 62, Section 14 Rear yard setback requirements is insufficient

Purpose : Demo sections of existing roof. Add new dormers, windows, roofing and siding. Please note that new dormer height will be lower than the existing ridge/shed roof height.

Discussion/Vote: The board moved to approve with BPDA design review.

Case: BOA-1193432 Address: 41 Monument Avenue Ward: 2 Applicant: Timothy Sheehan

Articles: Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 25 Roof Structure Restrictions Article 9 Section 1 Extension of Nonconforming Use

Purpose : This is for a 20' wide x 26' long new roof deck accessed via a roof hatch.

Discussion/Vote: The board moved to approve this application unanimously.

Case: BOA-1173917 Address: 36 Baldwin Street Ward: 2 Applicant: Kelly Parvani

Articles: Art. 62 Sec. 25 Roof Structure Restrictions

Purpose : Create new master bedroom with walk in closet and bathroom in attic space. Extending living space into the attic and construct dormers in accordance with the submitted plans.

Discussion/Vote: The board moved to approve with BPDA design review.

Case: BOA-1179009 Address: 70 Russell Street Ward: 2 Applicant: Timothy Sheehan

Articles: Article 62, Section 8 Floor Area Ratio Excessive

Purpose : Extend living space to basement for Unit #1. There will be exterior window replacement / enlargement. Level 2 work area will be under 50% of total building area No sprinklers will be required

Discussion/Vote: The board moved to deny this application unanimously.

Case: BOA-1192874 Address: 123 Pembroke Street Ward: 4 Applicant: Sean Kennedy

Articles: Article 64, Section 9.4 Town House/Row House Extension

Purpose : Construct rear deck at parlor level per plans. Construct roof deck per plans. Amendment to ALT1156723.

Discussion/Vote: The board moved to approve this application unanimously.

Case: BOA#1194422 Address: 123 Pembroke Street Ward: 4 Applicant: Sean Kennedy

Purpose: Construct rear deck at parlor level per plans. Construct roof deck per plans. Amendment to ALT1156723.

Articles: Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse comply with Section 1510.2.

Discussion/Vote: The board moved to approve this application unanimously.



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Case: BOA- 1215852 Address: 892 East Broadway Ward: 6 Applicant: Brian Donovan

Articles: Article 68, Section 7 Use Regulations-Accessory pool conditional.

Purpose : Building a pool in my backyard.

Discussion/Vote: The board moved to approve this application unanimously.

Case: BOA-1126695 Address: 168 Humboldt Avenue Ward: 12 Applicant: Carlos Martins

Articles: Art. 50 Sec 29 Side Yard Insufficient Art. 50 Sec 29 Rear Yard Insufficient

Purpose : Reframe roof where damaged by the fire reframe exterior wall damaged by fire new plumbing, new electrical, new hardwood floor remove and replace siding and windows, painting.

Discussion/Vote: The board moved to approve with BPDA design review.

Case: BOA-1164411 Address: 48 Boutwell Street Ward: 16 Applicant: Brian Kelly

Articles: Article 65, Section 32 NDOD Review Required Article 65, Section 9 Floor Area Ratio Excessive

Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Side Yard Insufficient

Purpose : Renovation to an existing 2 family house, including the addition of two (2) shed dormers in the existing attic.

Project will also include adding living area to the basement and a new 2 story deck with stairs at the back of the house.

Discussion/Vote: The board moved to approve with BPDA design review.

Case: BOA-1157678 Address: 41 Rockwell Street Ward: 17 Applicant: Alex Lawrence

Articles: Art. 65 Sec. 9 Side yard requirement is insufficient

Purpose : Build new addition as per plans Interior renovation as per plans.

Discussion/Vote: The board moved to approve with BPDA design review.

Case: BOA- 1180983 Address: 24 Dodge Road Ward: 18 Applicant: Jean Ernest Marc

Articles: Art. 69 Sec. 30.5 Side Wall Unparallel to Lot Article 69, Section 9 Floor Area Ratio Excessive

Purpose : Adding a one car garage to the side and more living square footage to the rear of the house.

Discussion/Vote: The board moved to approve with BPDA design review.

Case: BOA-1183955 Address: 20 Clare Avenue Ward: 18 Applicant: Norberto Leon

Articles: Art. 88 Sec. 04 Design Review Req. Art. 67 Sec. 09 Side Yard Insufficient

Purpose: New porch and bedroom addition at front of house, extension of habitable space.

Discussion/Vote: The board moved to approve with BPDA design review.

Case: BOA-1190438 Address: 9 McDonough CT Ward: 18 Applicant: Timothy Burke

Articles: Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Rear Yard Insufficient

Purpose : Construct new Second Floor addition for new bedroom and bathroom. Install new Hall bathroom and alter existing partition layout. Work includes associated mechanical, plumbing and electrical work.

Discussion/Vote: The board moved to approve with BPDA design review.



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Case: BOA- 1198930 Address: 10 Crandall Street Ward: 18 Applicant: Michael

Articles: Art. 67, Sec. 28 Design review required Article 67, Section 9 Rear Yard Insufficient
Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Bldg
Height Excessive (Stories) Article 67, Section 9 Floor Area Ratio Excessive

Purpose : Third floor dormer; third floor insulation and finishes; heat pump installation; siding repair; and associated tasks.

Discussion/Vote: The board moved to approve with BPDA design review.

Case: BOA-1184268 Address: 80 Prince Street Ward: 19 Applicant: Henry Spitzer

Articles: Article 55, Section 9 Floor Area Ratio Excessive

Purpose: Renovate basement for small office, mechanical room and play area. Renovate existing 1/2 bath in basement.

Discussion/Vote: The board moved to approve this application unanimously.

Case: BOA-1184465 Address: 11 Bertson Avenue Ward: 20 Applicant: Robert Reissfelder

Articles: Article 56, Section 8 Floor Area Ratio Excessive Article 56. Section 8 Side Yard Insufficient

Purpose : Add 8' Dormer for 2 floor bath.

Discussion/Vote: The board moved to approve this application unanimously.

Case: BOA-1211162 Address: 227 Manthorne Road Ward: 20 Applicant: Edward Coppinger

Articles: Article 56, Section 8 Floor Area Ratio Excessive Article 56. Section 8 Side Yard Insufficient

Purpose : Addition to single family residence per plans.

Discussion/Vote: The board moved to approve with BPDA design review.

Case: BOA-1190582 Address: 45 Selwyn Street Ward: 20 Applicant: Michael Keane

Articles: Article 67, Section 9 Insufficient Side Yard setback -10' req.

Purpose : Take off existing second floor and roof and replace with new second floor and roof on existing footprint of house as per plans. Remodel whole house new kitchens and bathrooms, new siding, new windows, new electrical/plumbing/hvac.

Discussion/Vote: The board moved to approve this application unanimously.

Case: BOA-1197822 Address: 130 Greaton Road Ward: 20 Applicant: Beth Mclean

Articles: Article 56, Section 8 Floor Area Ratio Excessive Article 56, Section 8 Front Yard Insufficient Article 56,
Section 8 Rear Yard Insufficient Article 56. Section 8 Side Yard Insufficient

Purpose : Adding a new floor and a rear addition to a single family home.

Discussion/Vote: The board moved to approve this application unanimously.

Case: BOA- 1185823 Address: 35 Foster Street Ward: 22 Applicant: Marc LaCasse

Articles: Article 51, Section 9 Floor Area Ratio Excessive

Purpose : Add living space into the basement for 2nd floor only (access through the front of main entrance for the 2nd floor only and not passing through a unit)

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 19, 2021 at 12:30PM.



City of Boston
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Case: BOA-1208353 Address: 200 Faneuil Street Ward: 22 Applicant: Ruth Jean

Articles: Art. 10 Sec. 01 Limitation of parking areas -5' side yard buffer requirement Article 51, Section 56 Off Street Parking & Loading Req - Insufficient parking Art. 51 Sec. 56^Off street parking requirements - Maneuverability

Purpose : Moving residential driveway. Close one curb cut and open a new one on other side of the property.

Discussion/Vote: The board moved to approve this application unanimously.

RE-DISCUSSIONS: 12:30PM

Case: BOA- 1133499 Address: 117 Coleridge Street Ward 1 Applicant: Jorge Betancur

Articles: Article 53 Section 8 Use Regulations Multi Family Dwelling Use: Forbidden Article 53, Section 52 Roof Structure Restrictions Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 9, Section 2 Change in Non Conforming Use Change from 3 unit to 6 unit Article 27T 5 East Boston IPOD Applicability

Purpose: Change of Occupancy from 3 unit to 6 unit Residential Building. Construct a new 3 story addition, balcony, deck, and roof deck. Propose (6) off street parking

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until September 21, 2021 at 12:30PM.

Case: BOA-1133502 Address: 411-413 Chelsea Street Ward 1 Applicant: Hugo Arango

Articles: Article 53, Section 11 Use Regulations 2 family detached use: Forbidden Article 53, Section 56 Off Street Parking & Loading Req 2 parking spaces required. Proposed 0 Article 53 Section 12 FAR max allowed: 1 Proposed: 3 Article 53 Section 12 Rear yard required: 20' Proposed: 0 Article 53, Section 52 Roof Structure Restrictions New rear yard addition. Art. 27G E Boston IPOD

Purpose: Change of Occupancy to include 2 dwelling units. Proposal to extend existing 2nd and 3rd floor plates to rear site line. Increase F>A>R> from 1 to 3. This project is adding approximately 500 SF to 2nd and 3rd floors, for a total of 1000 SF addition. This will also create stairs for exit in the back.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail saying the new design does not have a building code violation, renovate the bar and expand units.

Board Members asked about the size of the units, the deck, accessibility, and move in.

Documents/Exhibits: Building Plans.

Votes: Board Member Ligris moved to approve to deny the building code relief, Ruggiero seconded and the motion carried unanimously. Board member Erlich moved to approve the project with BPDA design review. Robinson seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA#1133546 Address: 411-413 Chelsea Street Ward 1 Applicant: Hugo Arango

Purpose: Change of Occupancy to include 2 dwelling units. Proposal to extend existing 2nd and 3rd floor plates to rear site line. Increase F>A>R> from 1 to 3. This project is adding approximately 500 SF to 2nd and 3rd floors, for a total of 1000 SF addition. This will also create stairs for exit in the back.

Violation Violation Description Violation Comments 9th 780 CMR 1030 Emergency Escape and Rescue Rescue openings from bedrooms shall open directly into a public way, yard or court that opens to a public way. 9th 780 CMR 705 Exterior Walls Exterior wall openings (reference IBC table 705.8)

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail saying the new design does not have a building code violation, renovate the bar and expand units.

Board Members asked about the size of the units, the deck, accessibility, and move in.

Documents/Exhibits: Building Plans.

Votes: Board Member Ligris moved to approve to deny the building code relief, Ruggiero seconded and the motion carried unanimously. Board member Erlich moved to approve the project with BPDA design review. Robinson seconded and the motion carried unanimously.

Case: BOA-1160394 Address: 39 Dustin Street Ward 21 Applicant: John Walsh

Articles: Article 51 Section 8 Use: Three (3) Family Dwelling: Forbidden

Article 51 Section 9 Floor Area Ratio Excessive Article 51 Section 9 Building Height (# of Stories) Excessive

Article 51 Section 9 Rear Yard Insufficient Article 51, Section 5 Off Street Parking & Loading Req- Off Street

Parking Design /Maneuverability. Article 10, Section 1 Limitation of Area of Accessory Uses Article 51 Section 9

Side Yard Insufficient Article 51 Section 9 Front Yard Insufficient

Purpose: Confirm Occupancy as an existing two-family Dwelling. Construct a new 3 story addition with decks. Change occupancy from a two-family dwelling to a three -story dwelling.

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

Board Members asked about the occupancy, conversion, parking, screening and buffering and plans.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, and the Allston Brighton Improvement Association are in support.

Documents/Exhibits: Building Plans, letters of opposition.

Votes: Board Member Ruggiero moved to approve with the provisos 1)BPDA design review for screening and buffering and 2) confirm from 2 family as current state of property. Dong seconded and the motion carried 6-1.



City of Boston
Board of Appeal

Case: BOA-1172461 Address: 171 Everett Street Ward 22 Applicant: Jing Mai

Articles: Article 51, Section 56 Off Street Parking Insufficient New required spaces: $3 \times 1.75 = 5.25$ spaces Existing 2. Total spaces: 7 Article 51, Section 8 Use Regulations 4 family use: Forbidden Article 51, Section 9 Add'l Lot Area Insufficient Total lot area required: 8,000 sqft Proposed: 4,500 sq ft Article 51, Section 9 Floor Area Ratio Excessive Max. allowed: 0.8 Proposed: 1.2

Purpose: Change use of single family building to a four unit building with addition per plan

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change the occupancy from the 1 family to a 4 family with addition and 4 parking spaces.

Board Members asked about plans, bedrooms, unit size, the basement, height, curb cut, and open space.

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

Documents/Exhibits: Building Plans, letters of support and letters in opposition.

Votes: Board Member Ruggiero moved to deny, Erlich seconded and the motion carried unanimously.

Case: BOA-1184282 Address: 67 Hopedale Street Ward: 22 Applicant: Linceo, LLC

Articles: Article 51, Section 8 Use: Forbidden 2F in 1F Zone Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient

Purpose: Change occupancy from 1 family to 2 family; renovate existing basement living area as part of Unit 1; add 2 new egress windows in basement. Renovate kitchens on floors 1 and 2 and bathrooms on floors basement, 1, 2 & 3. Add exterior rear stair and deck. Add parking for 4 cars in rear yard from existing driveway as shown on plans.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until September 21, 2021 at 12:30PM.

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

BOARD MEMBERS:

CHRISTINE ARAUJO-CHAIR
JOSEPH RUGGIERO-ACTING SECRETARY
MARK ERLICH
SHERRY DONG
ERIC ROBINSON

SUBSTITUTE MEMBERS:

JEANNE PINADO
TYRONE KINDELL, JR

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 August 24, 2021 Board of Appeal Hearing please go to:
https://www.cityofboston.gov/cable/video_library.asp