



City of Boston
Board of Appeal

Tuesday, September 28, 2021

BOARD OF APPEAL

City Hall Room 801

HEARING MINUTES

Acting Board Chair Erlich 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 SEPTEMBER 28, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS SEPTEMBER 28, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE SEPTEMBER 28, 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/zbaSeptember28Hearing> or by calling 1-617-315-0704 and entering access code 2343 185 5669 If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaSeptember28Comment>, to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

For individuals who need translation assistance, please notify the Board at least **48 HOURS** in advance either by signing up at <https://bit.ly/zbaSeptember28Comment>, calling 617-635-5300 or emailing zba.ambassador@boston.gov.



City of Boston
Board of Appeal

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 5:00 PM 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 1010 Mass Ave. 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 1010 Mass Ave 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 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.



City of Boston
Board of Appeal

EXTENSIONS: 9:30AM

Case: BOA-905438 Address: 64 Nelson Street Ward 17 Applicant: Kevin Cloutier

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- 959349 Address: 2005 Dorchester Avenue Ward 17 Applicant: Francine Tymes

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.

HEARINGS: 9:30AM

Case: BOA- 1221651 Address: 1 Merrimac Street Ward 3 Applicant: Boston Haymarket Acquisitions, LLC, c/o The Cincotta Company

Articles: Art. 06 Sec. 04 Other Protectional Conditions - Other protectional conditions and restrictions are required.

Purpose : No work is to be performed. The applicant is seeking an extension of a conditional use permit to provide 16, for fee, open air parking spaces on part of the property. Relief was granted by the ZBA on August 13, 2019 with a proviso that the stated relief would expire in 2 years.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting 4 valet parking spots with no change in the space.

Board members asked about plans, and screening and buffering.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flynn are in support. The West End Neighborhood Association is in non-opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero approved a 2 year extension with BPDA design review. Fortune seconded and the motion carried unanimously.

Case: BOA-1238052 Address: 145 Worcester Street Ward 4 Applicant: Marc LaCasse

Articles: Art. 64 Sec. 09 Town House/Row House Extensions into Rear Yard - Decks above the first story

Art. 32 Sec. 04 GCOD Applicability

Purpose : To amend ALT1121294. Construct 2 new cantilever decks, new sliding door system on garden level, new paving for parking at rear, and roof deck; per plans filed herewith.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting access to the roof with a hatch and extend unit 1 into the basement.

Board members asked about the hatch on the drawings and the plans.

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

Documents/Exhibits: Building Plans.



City of Boston
Board of Appeal

Votes: Board Member Barraza moved to approve the GCOD relief, and Dong seconded. Fortune moved to approve the GCOD relief and Dong seconded. Barraza moved to approve the application with BPDA design review with attention to the material on the driveway so it is more permeable, and Logue seconded. All motions carried unanimously.

Case: BOA# 1238039 Address: 145 Worcester Street Ward 4 Applicant: Marc LaCasse

Purpose: To amend ALT1121294. Construct 2 new cantilever decks, new sliding door system on garden level, new paving for parking at rear, and roof deck; per plans filed herewith.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways1011.12.2 (Roof access) access to roof, above fourth story, shall be provided through a penthouse.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting access to the roof with a hatch and extend unit 1 into the basement.

Board members asked about the hatch on the drawings and the plans.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve the GCOD relief, and Dong seconded. Fortune moved to approve the GCOD relief and Dong seconded. Barraza moved to approve the application with BPDA design review with attention to the material on the driveway so it is more permeable, and Logue seconded. All motions carried unanimously.

Case: BOA- 1237273 Address: 248 Gold Street Ward 7 Applicant: 248 Gold St., LLC

Articles: Art.68 Sec 29 Roof Structure Restrictions Article 68, Section 8 Excessive F.A.R. Article 68, Section 8 Insufficient side yard set back 3' req.Article 68, Section 33Off Street Parking & Loading Req - Insufficient parking

Purpose : Expand existing unit 1 into basement and a full 3rd floor addition to unit 2. Add a roof deck for Unit 2 only. Gut and reconfigure the entire interior layout. Building footprint to remain & use remains 2 family. Remove rear escape ladder and sprinkler building per NFPA 13R. Confirm as two family.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to expand the existing 1st floor into the basement and add a 3rd floor addition. There

Board members asked about the unit sizes, floor to ceiling height, and plans.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support, Councilor Flynn and a neighbor are in support.

Documents/Exhibits: Building Plans, letter in opposition.

Votes: Board Member Barraza moved to approve with BPDA design review to remove the roof deck and special attention to the front roofline on the third story. Ruggiero seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1235197 Address: 104-104B Jamaica Street Ward 11 Applicant: Derric Small

Articles: Article 55, Section 40 Off-Street Parking & Loading Req Off-Street Parking Design (Access to Parking is over a Common Passageway) Article 55, Section 41 Dimensional Req Traffic - Visibility Across a Corner Lot Article 55, Section 8 Use Regulatios - Use: Three Family Townhouse Dwelling: Forbidden Article 55, Section 9 Lot Area Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Building Height (# of Stories) Excessive Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Side Yard Insufficient

Purpose : Erect a 3 story, Three Unit Townhouse style Dwelling. There will be Off Street Parking located at grade in Rear Yard. Building will be fully Sprinklered.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 3 story 3 unit townhouse with off street parking.

Board members asked about plans, dormers, and parking.

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

Documents/Exhibits: Building Plans, letter of support.

Votes: Board Member Ruggiero moved to approve with BPDA design review to focus on the landscaping and improve the open space, and BTD review for the signage. Fortune seconded and the motion carried 6-1.

Case: BOA- 1193512 Address: 41 Dorr Street Ward 11 Applicant: Marc Abou-Ezzi

Articles: Art. 50 Sec. 38 Design Review Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Front Yard Insufficient

Purpose : Add a roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a roof deck to an existing building.

Board members asked about the roof deck, the use, plans, access, and the headhouse.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and the Neighborhood Coalition are in support.

Documents/Exhibits: Building Plans, letter in opposition.

Votes: Board Member Barraza moved to approve with BPDA design review to reduce the size of the roof deck.

Case: BOA- 1211193 Address: 137 Centre Street Ward 11 Applicant: Aaron Barnes

Articles: Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Stories)

Purpose : Remove/ dispose of appr 1200sf floor, install 2x10 floor joist between existing joist, install 3/4 ply floor, frame 2bedroom bathroom utility room bathroom closets. And complete ceiling in approved plan with 2x4 and 2x6 studs, install 4300sf of 1/2 or 5/8 sheetrock, insulate unit walls and ceilings, install 850sf of vinyl plank 8"x48", install doors, Repair and insulate rear porch ceilings and stairway, and paint complete unit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to expand the additional 3 family.

Board members asked about the plans, roof, and height.



City of Boston
Board of Appeal

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1202544 Address: 26 Elmore Street Ward 12 Applicant: Delince Louis

Articles: Art. 50 Sec. 29 Lot Size to erect a new dwelling is insufficient Art. 50 Sec. 29 Lot width requirement is insufficient Art. 50 Sec. 29 Lot frontage requirement is insufficient Art. 50 Sec. 29 Floor area ratio requirement is insufficient Art. 50 Sec. 29 Usable open space requirement is insufficient Art. 50 Sec. 29 Front yard setback requirement is insufficient Art. 50 Sec. 29 Side yard setback requirement is insufficient Art. 50 Sec. 29 Rear yard setback requirement is insufficient Art. 50 Sec. 43 Off street parking insufficient - Off street parking requirements is insufficient

Purpose : Erect 3 Family Dwelling with roof Deck.

Discussion: At the request of the Board, the applicant requested a deferral stating they need more time to meet with abutters.

Votes: Board Member Barraza moved to defer, Ruggiero seconded, and the new hearing date will be November 9th at 12:30.

Case: BOA-1202547 Address: 21 Mayfair Street Ward 12 Applicant: Delince Louis

Articles: Art. 50 Sec. 29 Lot Area Insufficient - Rear yard setback requirement is insufficient

Purpose : Application to subdivide the lot at 21 Mayfair Street Roxbury in conjunction with ERT# 1172828 for 26 Elmore Street Roxbury.

Discussion: At the request of the Board, the applicant requested a deferral stating they need more time to meet with abutters.

Votes: Board Member Barraza moved to defer, Ruggiero seconded, and the new hearing date will be November 9th at 12:30.

Case: BOA-1161636 Address: 260-266A Bowdoin Street Ward 15 Applicant: Samantha Rivas

Articles: Article 65, Section 15 Use: Conditional - Art & Live Entertainment use is conditional

Purpose : Change occupancy to 1 Rest #36a, 37, Rest 36a, 37, 38, Office and Retail/Art with Live entertainment. Work to include putting up new partition to create storage space and painting walls.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy.

Board members asked about plans, occupancy and the space.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with the proviso that this is applicable for this applicant only. Ruggiero seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1189690 Address: 555 Washington Street Ward 22 Applicant: Russell Forsberg

Articles: Article 51 Section 16 Use Regulations - Multifamily use: Conditional Article 51, Section 17 Dimensional Regulations - FAR allowed: 1 Proposed: 3,574/3,500 = 1.02 (plot plan does not show the sqft).

Article 51, Section 56 Off Street Parking Insufficient

Purpose : Change legal occupancy from Two Family Dwelling & Chiropractor's Office to Four Family Dwelling. This is an existing condition, no work is intended.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting access to change the occupancy to a 4 family.

Board members asked about the plans and the current use.

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

Documents/Exhibits: Building Plans, letter in opposition.

Votes: Board Member Barraza moved to approve, Dong seconded, and the motion carried unanimously.

HEARINGS:11:00AM

Case: BOA- 1241551 Address: 15 Crestway Road Ward 4 Applicant: Anthony Pascucci

Articles: Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient

Article 53, Section 56 Off Street Parking & Loading Req

Purpose : Cut 14 ft curb cut and cement driveway.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting access to a 2 car driveway with a 14 foot curb cut.

Board members asked about the plans.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve, the motion failed. Board Member Barraza moved to approve with 1 parking space and a 10-foot curb cut. Ruggiero seconded and the motion carried 6-1.

Case: BOA-1234384 Address: 14 Thomas Park Ward 7 Applicant: Joseph Lazar

Articles: Article 68, Section 8 Excessive F.A.R. 2.0 max

Purpose: Basement renovation.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to finish the basement and allow space for a playroom.

Board members asked about the occupancy, floor to ceiling height, plans and parking.

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

Documents/Exhibits: Building Plans, letters of support.



City of Boston
Board of Appeal

Votes: Board Member Ruggiero moved to approve with no building code relief. Barraza seconded and the motion carried unanimously.

Case: BOA-1235689 Address: 37 Wales Street Ward 14 Applicant: Heading Homes, Inc.

Articles: Article 60 Section 40 Off Street Parking & Loading Req Article 60, Section 8 Use Regulations - USE Forbidden in a three family sub district Article 60, Section 9 Insufficient additional lot area per unit Article 60, Section 9 Excessive f.a.r Article 60 Section 9 # of allowed stories has been exceeded Article 60, Section 9 Max. allowed height has been exceeded Article 60, Section 9 Insufficient usable open space Article 60, Section 9 Insufficient rear yard setback

Purpose : Construction of a 5 story (54') Low income permanent housing building with 26570sf/GFA that shall consist of 20 low income permanent housing units made up of 17 2 bedroom, 3 3 bedroom units and 1 management office. Demolition of existing building to be performed on a separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a new community low income housing 4 story building with 9 parking spaces.

Board members asked about the plans and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Campbell and DND are in support. An abutters are in opposition.

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

Votes: Board Member Barraza moved to approve with BPDA design review for the exterior.

Case: BOA- 1224334 Address: 18 Armandine Street Ward 17 Applicant: Eric Zachrison

Articles: Article 65, Section 9 Building Height Excessive Article 65, Section 9 Side Yard Insufficient

Purpose : To construct a new rear exterior Spiral stair and a Roof Deck with a Pergola.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting access to add a spiral staircase to get up to the roof.

Board members asked about the plans.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review for the roof deck but not the pergola. Dong seconded and the motion carried 6-1.



City of Boston
Board of Appeal

RECOMMENDATIONS: 11:30 AM

Case: BOA-1215905 Address: 34 High Street Ward: 2 Applicant: Kendall Miller and Jefferson Miller

Article(s): Article 62, Section 8 Rear Yard Insufficient Article 62, Section 8 Usable Open Space Insufficient Article 62, Section 29 Off Street Parking Insufficient -Off Street Parking Design / Maneuverability (Minimum Conforming Parking Space must be 7' x 18' in this Zoning District)

Purpose : Construct a new 2 story addition onto existing Dwelling. Addition will feature a 2 level oriel window. There will be a new Deck built into Rear Yard which will cover existing Parking spaces. Building will be fully sprinklered.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to increase the square footage for more livable space.

Board members asked about plans, the deck and open space.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. BTD said both spaces were too small.

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

Votes: Board Member Barraza moved to approve with BPDA and BTD design review. Ruggiero seconded and the motion carried unanimously.

Case: BOA- 1225487 Address: 777 East Broadway Ward: 6 Applicant: George Morancy

Article(s): Art. 68 Sec.31 Screening and Buffering Article 68, Section 8 Side Yard Insufficient Article 68, Section 34.6 Side Yard of Certain Narrow Lots

Purpose : Pave portions of side and rear yards with permeable pavers and create two off street parking spaces accessory to 777 East Broadway, with access provided by side driveway accessed by existing curb cut; widen curb cut approximately 5.2 feet; remove or modify existing side bay for access.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to widen the curb cut.

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

Case: BOA- 1190195 Address: 683 East Seventh Street Ward: 7 Applicant: Tremont Construction Management

Article(s): Article 68, Section 7.2 Basement Units Forbidden Article 68, Section 8 Add'l Lot Area Insufficient 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 Article 68, Section 8.3 Dim Regs: Location of Main Entrance Article 68, Section 33 Off Street Parking & Loading Req - 0 < 1 req'd (Studio)

Purpose : Change of occupancy to 2 family at 683 E 7th St. Convert basement of single family residence to a second unit. New finishes and fixtures throughout basement. New and reworked MEP's to accommodate added unit. Replace rear bulkhead with new unit entrance as shown.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to a 2 family with basement space.

Board members asked about the basement use, plans, and utilities in the basement.

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

Documents/Exhibits: Building Plans.



City of Boston
Board of Appeal

Votes: Board Member Robinson moved to defer this until October 19th, Fortune seconded and the motion carried unanimously.

Case: BOA-1087142 Address: 15 Nottingham Street Ward: 14 Applicant: Rubem Gomes

Article(s): Art. 65 Sec. 9 Floor area ratio is excessive

Purpose: Extend living space in basement add 2 bedroom and bathroom per attached drawing.

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

Votes: Board Member Fortune moved to deny without prejudice, Robinson seconded and the motion carried unanimously.

Case: BOA- 1206766 Address: 99 Woodrow Avenue Ward: 14 Applicant: Melissa King

Article(s): Article 60, Section 9 Side Yard Insufficient

Purpose: Confirm occupancy as existing single family. Changing permit from short form to long form permit. Extending existing dormer to the right side of the home 5ft by 8ft. Adding 1 lolly column to the basement. Digging 3 footings for the front porch.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to a single family and work on the roof.

Board members asked about plans, the height.

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

Documents/Exhibits: Building Plans, 5 signature pages in support.

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

Case: BOA-1228701 Address: 9 Blake Street Ward: 18 Applicant: Romano Silva

Article(s): Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Bldg Height Excessive (Stories)
Art. 69 Sec.23 Neighborhood Design O.D.

Purpose : Construct 3rd Story bedroom addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a new bathroom addition.

Board members asked about plans, and if the drawings were consistent.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1213068 Address: 18 Prescott Street Ward: 18 Applicant: Fitzroy L Brown

Article(s): Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Bldg Height Excessive (Stories)
Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 8 Two Family Dwelling Use:Forbidden
Article 69 Section 29 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Confirm as single family dwelling. Change occupancy from a single to a two family dwelling.
Legalize two family dwelling and extension of living space to attic. Correct violation # V508957 and work associated with SF1157238 (all cost on this permit).

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

Votes: Board Member Fortune moved to deny without prejudice, Robinson seconded and the motion carried unanimously.

Case: BOA-1180850 Address: 302 Lamartine Street Ward: 19 Applicant: Willard Simmons

Article(s): Art. 55 Sec. 09 Side yard setback requirement is insufficient Art. 55 Sec. 09 Rear yard setback requirement is insufficient Art. 55 Sec. 41 Appl of Dimensional Req - Front modal alignment with the existing block

Purpose : Demolish the existing front and rear decks. Construct new front and rear porches. Replace existing slate on the mansard roof with new slate. Install a new window in the Dining Room.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to remove the existing deck and replace with a porch.

Board members asked about plans, dimensions and the footprint.

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

Documents/Exhibits: Building Plans

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

Case: BOA- 1203875 Address: 73 Pershing Road Ward: 19 Applicant: Robert Cohen

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

Purpose : Extend living space to basement for Unit #1. The finishing of 632 sq. ft. of unfinished basement space to increase the livable area for unit 1. Project scope to include new access stair from unit 1, children's playroom, game room, full bath & kitchenette. No changes to the building footprint or existing exterior.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to finish the basement for a 2 family, the work is on unit 1.

Board members asked about plans, the deck and open space.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. The BPDA recommended denial without prejudice.

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA- 1213674 Address: 26 Bertson Avenue Ward: 20 Applicant: Shane O'Neil

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg Article 56, Section 8 Floor Area Ratio Excessive

Purpose : Confirm occupancy as single fam and add Addition of second storey and rear deck to existing single storey house. Proposed house will have 3bedroom, 2full baths, 1half bath open floor plan kitchen dining living room, access to basement. Lot is non conforming at 4006.80 sf in a min.lot size 6000sf zoning area.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a 2 story addition.

Board members asked about plans, the occupancy, height, context, and the driveway.

Testimony: The Board then requested testimony from neighbors and elected officials. An abutter is in opposition.

Documents/Exhibits: Building Plans, letters of support.

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

Case: BOA- 1234261 Address: 34 Morey Road Ward: 20 Applicant: John Melo

Article(s): Article 56, Section 8 Insufficient front yard setback to the special provisions for a corner lot – 20' min setback req.

Purpose :Remove existing masonry stairs and replace with wood frame porch and stairs.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to replace the brick steps with a wood porch.

Board members asked about plans, and the size of the porch.

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

Documents/Exhibits: Building Plans, letters of support.

Votes: Board Member Robinson moved to approve with BPDA design review, Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

RE-DISCUSSIONS: 12:30PM

Case: BOA-1161771 Address: 168 Gove Street Ward 1 Applicant: 168 Gove Street, LLC

Articles: Article 27T-5 E. Boston IPOD Applicability Article 53 Section 8 Use Regulations Use Table footnote (7) – Basement units Forbidden Article 53 Section 9 Excessive F.A.R. – 1.0 max Article 53 Section 9 # of allowed stories exceeded – 3 Story Max Article 53 Section 9 Max. allowed height exceeded – 35’ max. allowed Article 53 Section 9. Insufficient open space per unit – 200sf/unit required Article 53 Section 9 Insufficient rear yard – 30’ required Article 53 Section 9 Insufficient side yard – 5’ required Article 53 Section 9 Insufficient additional lot area per unit – 1000s/unit req. Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off-Street Parking & Loading Req Insufficient parking spaces – 1.75/unit required Article 53, Section 56.5(a) Off Street Pkg Maneuverability. Article 9, Section 1 Extension of Nonconforming Building Dimensional – <25% Conditional

Purpose: Change of occupancy from four (4) unit residential dwelling to eight (8) unit residential dwelling. Construct new fifth story addition with roof deck. Full renovation as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to make the 4 unit a 6-unit residential dwelling.

Board members asked the number of units, plans, basement use, and floor to grade.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services, Councilor Flynn, and Councilor Flaherty, Councilor Edwards, and renters are in opposition. The BPDA suggested denial based on out of date plans.

Documents/Exhibits: Building Plans, letters in opposition.

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

Case: BOA- 1173654 Address: 9 Russell Street Ward 2 Applicant: 9 Russell Street, LLC

Articles: Article 62, Section 25 Roof Structure Restrictions Article 62, Section 8 Bldg Height Excessive (Stories) Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Rear Yard Insufficient Article 62, Section 29 Off Street Prkg and Loading Req-Off Street Parking Insufficient

Purpose : Confirm occupancy as existing single. To consolidate Parcel ID 0200675000, Parcel ID 0200682000, and Parcel ID 0200681000 to form one new lot containing 3,523 SF. Also, to change the occupancy from a one family to a three family, renovate, and erect front, side and vertical additions

Discussion/Vote: The applicant requested a deferral needing more time for the plans to be reviewed. Upon a motion and a second it was approved unanimously. The next hearing date will be November 9th at 12:30.

Case: BOA- 1210389 Address: 16 South Russell Street Ward 3 Applicant: Kevin Joyce

Articles: Art. 17 Sec 01 Usable open space Insufficient

Purpose: Legalize ground level dwelling unit to correct occupancy from a store and 4 dwelling units to 5 dwelling units. No work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to legalize as 5 residential apartments and solve communication errors.

Board members asked what brought them to ISD, the basement space, plans, and egress access.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services, Councilor Flynn, and Councilor Flaherty are in support. An abutter is in opposition. The BHCC is in non-opposition. BPDA suggested approval with no building code relief.



City of Boston
Board of Appeal

Documents/Exhibits: Building Plans and letters of support.

Votes: Board Member Ruggiero moved to approve with no building code relief. Barraza seconded and the motion approved unanimously.

Case: BOA-1211917 Address: 69 Montgomery Street Ward 4 Applicant: Alpine Advisory Services, Agent for Owner

Articles: Art 64.9.4 Town/Rowhouse extension into rear -Balconies additions Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Art. 64 Sec. 34 Restricted Roof Structure Regs Article 64, Section 9 Usable Open Space Insufficient

Purpose : Change of Occupancy from 2F&5 lodger to a 3 family. Full gut renovation of the entire building. New kitchens, baths, electrical, plumbing, Hvac, etc. eplan > BOA (Notes: Demo GARAGE, construct roof decks, widen dormer, redesign fire escape egress paths.)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to a 3 family and add an addition.

Board members asked about the roof deck on the top unit, space, plans, unit sizes, and head clearance on the ground floor.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve the building code relief for the hath and to use the vertical latter. Dong seconded. Fortune moved to approve the GCOD relief, Ruggiero seconded. Barraza moved to approve the project, Ruggiero seconded. All of the motions carried unanimously.

Case: BOA#1212100 Address: 69 Montgomery Street Ward 4 Applicant: Alpine Advisory Services, Agent for Owner

Purpose: Change of Occupancy from 2F&5 lodger to a 3 family. Full gut renovation of the entire building. New kitchens, baths, electrical, plumbing, Hvac, etc. eplan > BOA (Notes: Demo GARAGE, construct roof decks, widen dormer, redesign fire escape egress paths.) Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.11.12.2 Roof access through a penthouse 9th 780 CMR 1021 Egress Balconies Fire escape down to garage's roof eliminated. Instead, ladder proposed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to a 3 family and add an addition.

Board members asked about the roof deck on the top unit, space, plans, unit sizes, and head clearance on the ground floor.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve the building code relief for the hath and to use the vertical latter. Dong seconded. Fortune moved to approve the GCOD relief, Ruggiero seconded. Barraza moved to approve the project, Ruggiero seconded. All of the motions carried unanimously.



City of Boston
Board of Appeal

Case: BOA -1097311 Address: 14 Schuyler Street Ward 12 Applicant: EJS Investments, INC

Articles: Art. 50, Section 28 Use: Forbidden Multi family dwelling unit (9 units) building is forbidden Art. 50, Section 29 Lot area for the add'l dwelling units is insufficient Art. 50, Section 29 Lot width requirement is insufficient Art. 50, Section 29 Lot frontage requirement is insufficient Art. 50, Section 29 Floor area ratio is excessive Art. 50, Section 29 Usable open space requirement is insufficient Art. 50 Sec. 44.2 Existing Bldg Alignment Front yard modal alignment Art. 50, Section 29 Side yard requirement is insufficient Art. 50, Section 29 Rear yard setback requirement is insufficient
Purpose: Seeking to raze the existing structure and erect a nine unit residential dwelling with nine parking spaces. E Plans Attached. ZBA. Nominal Fee.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 4 unit dwelling with 7 parking spaces and no roof deck. Unit 1 will be an accessible unit.

Board members asked about plans, occupancy, parking spaces, and width of the building.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Project right is in non-opposition.

Documents/Exhibits: Building Plans.

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

Case: BOA -1184796 Address: 12R Plain Street Ward: 16 Applicant: David Higgins

Articles: Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 42.13 Two or More Dwellings on Same Lot A Dwelling shall not be built to the rear of another Dwelling.
Purpose: Change of Occupancy from Existing Carriage House into a Single Family Dwelling. Construct new exterior stairway and new second floor with new roof structure. The foundation and some of the structure and walls will remain. All systems and utilities will be replaced. The floors and roof will be re framed.

Discussion: The applicant requested a deferral stating they need more time to meet with the liaison as well as more neighbors. The new date is November 9th at 12:30.

Case: BOA-1194924 Address: 18 Evans Street Ward 17 Applicant: Timothy Johnson

Articles: Article 65, Section 8 Use Regulations Three Family Dwelling 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)
Purpose: On a Vacant parcel erect a 3-story, 3 family building w/front balconies and rear on-grade parking as per plans submitted.

Discussion/Vote: The applicant requested a withdrawal. Upon a motion and a second, the Board voted unanimously to deny without prejudice.

Case: BOA- 1185582 Address: 12 George Street Ward 18 Applicant: Derric Small

Articles: Article 69 Section 29 Off Street Parking & Loading Req Off Street Parking Insufficient Article 69, Section 9 Rear Yard Insufficient Article 69, Section 9.3 Dim Regs: Location of Main Entrance Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line. Article 69, Section 8 Use Regulations Townhouse (3 units) Use : Forbidden
Purpose: Confirm occupancy as existing single family. Change occupancy to Townhouse (three residential units). Erect two residential unit addition to the rear of the current structure.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral so the plan examiner has more time to review plans.



City of Boston
Board of Appeal

Votes: Board Member Fortune moved to defer, Dong seconded and the motion carried unanimously. The new date will be November 9th at 12:30.

Case: BOA-1080192 Address: 10 Woodhaven Street Ward 18 Applicant: Valentine Watson

Articles: Article 60, Section 9 # of allowed stories has been exceeded Article 60, Section 9 Insufficient lot frontage width Article 60, Section 8 Use Regulations Forbidden Article 60, Section 9 Insufficient additional lot area per unit Article 60 Section 40 Off Street Parking & Loading Req (d) Design Article 60 Section 37 Street Wall Continuity Front yard Modal alignment calc. not shown

Purpose: Erect two family dwelling. Propose (2) off street parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 2 family with 4 parking spaces.

Board members asked about plans, plot plan and asphalt.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny without prejudice. Dong seconded and the motion carried 6-1.

RECONSIDERATION: 1:00PM

Case: BOA- 990440 Address: 195 Dudley Street Ward 12 Applicant: Rooted In, LLC

For reconsideration of the Board's August 10, 2021 vote 5-1 to deny the relief requested below. Per Article 5, Section 5-3 of the Zoning Code, the applicant has requested to reopen the record to address alleged procedural and substantive errors that impacted the Board's decision.

Articles: Article 50, Section 10 Use: Forbidden - Cannabis establishment located less than 2640 ft away from another one is forbidden. Note that this proposed cannabis use is located less than 2640ft from an existing cannabis establishment Article 50, Section 10 Use: Conditional - Cannabis establishment use is a conditional use

Purpose : Change of occupancy to add Recreational Cannabis Dispensary to existing occupancy.

Discussion: At the request of the Board, the applicant presented their case for reconsideration. The applicant argued that the Board had not considered the public support of the project because of an administrative error and that it should rehear the case on those grounds.

Votes: Board Member Ruggiero moved to deny the reconsideration. Dong seconded and the motion carried 6-1.



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

BOARD MEMBERS:

MARK ERLICH-ACTING CHAIR
MARK FORTUNE-SECRETARY
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KOSTA LIGIRIS
JOSEPH RUGGIERO

SUBSTITUTE MEMBERS:

KERRY LOGUE
HANSY BETTER BARRAZA

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 September 28, 2021 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.