



City of Boston
Board of Appeal

Tuesday, October 19, 2021

BOARD OF APPEAL

City Hall Room 801

Hearing Minutes

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON OCTOBER 19, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS OCTOBER 19, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE OCTOBER 19, 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/zbaOctober19Hearing> or by calling 1-617-315-0704 and entering access code 2339 380 5928. If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaOctober19Comment>, 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/zbaOctober19Comment>, 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



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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 8:30AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

The hearing can also be viewed via live-stream on the City's website at <https://www.boston.gov/departments/broadband-and-cable/watch-boston-city-tv>. Closed captioning is available.

Interested persons who are unable to participate in the hearing remotely may make an appointment to 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.



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APPROVAL OF THE HEARING MINUTES 9:30AM

September 21, 2021
September 28, 2021
October 5, 2021

Discussion/Vote: Board member Ruggiero moved to approve the hearing minutes. Erlich seconded and they were approved unanimously.

EXTENSIONS: 9:30AM

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.

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.

Case: BOA-957170 Address: 602 Canterbury Street Ward 18 Applicant: Matthew Eckel

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-995699 Address: 273 Highland Street Ward 11 Applicant: Joseph Hanley, 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-920014 Address: 40 William C. Kelly Square Ward 1 Applicant: Richard Lynds, 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.



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Case: BOA- 819243 Address: 806 Saratoga Street Ward 1 Applicant: Richard Lynds, 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-819227 Address: 96 Wordsworth Street Ward 1 Applicant: Richard Lynds, 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-694031 Address: 31 Woodlawn Street Ward 11 Applicant: Richard Lynds, 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-694028 Address: 33 Woodlawn Street Ward 11 Applicant: Richard Lynds, 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- 658980 Address: 10 McBride Street Ward 19 Applicant: John Moran

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-30642 Address: 340-360 Boylston Street Ward 5 Applicant: Adam Hundley, 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.

GCOD ONLY: 9:30AM

Case: BOA-1228216 Address: 340 Beacon Street Ward 5 Applicant: 340 Beacon, LLC

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

Purpose : All fees are associated with permit ALT1180137. Renovation existing garage at Unit 1. To extend existing accessory garage into Unit 1 courtyard with new deck on the garage roof accessed via bridge to Unit 1 and stairs to Unit 1 courtyard.

Discussion/Vote: At the request of the Board, the applicant presented plans and letters from GCOD. GCOD commented that they have the letters on file. Board Member Ruggiero moved to approve, Robinson seconded and the motion carried unanimously.



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HEARINGS: 9:30AM

Case: BOA-1245796 Address: 197 Lexington Street Ward 1 Applicant: Roderick Sembrano

Article(s): Art. 27G E Boston IPOD Art. 53 Sec. 08^ Forbidden - Multifamily use Art. 53 Sec. 09 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Required: 1.5 new parking spaces Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Art. 53, Section 9 Dimensional Regulations - open space insufficient. Required: 1,200 sqft

Purpose : Change of occupancy from 3 to 4 units by adding 1 unit in the lowest level. Replacing rear stair.

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

Board members asked why relief should be granted, plans, ADU program, and the current use of the basement.

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 Ruggiero moved to approve, Robinson seconded, Araujo opposed, and the motion carried 5-1.

Case: BOA-1245852 Address: 218 Brooks Street Ward 1 Applicant: 218 Brook Street Realty Trust

Article(s): Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Article 27T 5 East Boston IPOD Applicability Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Rear Yard Insufficient Art. 53 Sec. 08 Forbidden - 3 Family is a Forbidden use in a 2F 2000 sub district Art. 53 Sec. 56 Off Street Parking - Off street parking is insufficient.

Purpose: Erect an addition with roof deck and change occupancy to a three unit residential dwelling as per plans.

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

Board members asked about floor to ceiling height in the basement, plans, and the roof deck.

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 Ruggiero moved to approve with BPDA design review, Robinson seconded and the motion carried unanimously.



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Case: BOA-1193863 Address: 683 Columbia Road Ward 7 Applicant: James Christopher

Article(s): Art. 65 Sec. 08 Forbidden - Multifamily use 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 Art. 65 Sec. 41 Off street parking requirements - Insufficient. Required spaces: $7 \times 1.25 = 8.75$
Article 65, Section 9.2 Dim Regs: Location of Main Entrance - Shall face the front lot line

Purpose : To construct a new rear addition to the single family home at 683 Columbia Rd. and attached to the existing rear barn. The new building will change the use from lodging house to seven residential units as per the attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to construct a small addition and attach both structures and increase the unit count.

Board members asked about plans, joint ownership, off street parking, and the driveway.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review with special attention to the fencing at the rear, and that the record of the easement for the shared driveway is sent to the Board. Dong seconded and the motion carried unanimously.

Case: BOA- 1101370 Address: 16 Baker Court Ward 7 Applicant: Willow Baker, LLC

Article(s): Article 65, Section 16 Floor Area Ratio Excessive Article 65, Section 16 Building Height Excessive Article 65, Section 15 Use Regulations - Multi Family Dwelling Use: Conditional Article 65, Section 41 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose : Erect 4 story multi family building with 12 residential units, no parking, private roof decks and 12 bike racks (1 in each unit). The existing building to be razed on separate permit.

Discussion/Vote: Board member Erlich moved to defer this application, Robinson seconded, and the motion carried unanimously. The new hearing date is December 7th 2021 at 12:30.



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Case: BOA- 1101366 Address: 75 Willow Court Ward 7 Applicant: Willow Baker, LLC

Article(s): Article 65, Section 15 Use Regulations - Multi Family Dwelling Use: Conditional Article 65, Section 16 Floor Area Ratio Excessive Article 65, Section 16 Building Height Excessive Article 65, Section 16 Rear Yard Setback Insufficient

Purpose : Erect 7 story multi family building with 118 residential units, 19 parking spaces, racks for 120 bicycles, balconies on all levels and roof deck. Existing buildings to be razed on separate permit. File in conjunction with ALT1071028, ALT1071032, ALT1071048, ALT1071050, ALT1071058

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 6-unit multifamily mixed-use development.

Board members asked about plans, units, accessibility, layout, microunits, parking, biking, sidewalks, streets, public space, and pickup and drop off locations.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor Baker, Councilor Flaherty, Rep. Collins, the Carpenter's Union, and abutters are in support. Abutters are in opposition.

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

Votes: Board Member Erlich moved to approve with BPDA design review, no microunits, and to limit the hours available to the roof deck. Ruggiero seconded and the motion carried unanimously.

Case: BOA-1101368 Address: 78 Willow Court Ward 7 Applicant: Willow Baker, LLC

Article(s): Article 65, Section 15 Use Regulations - Professional School Use : Conditional Article 65, Section 15 Use Regulations - Trade School Use : Conditional Article 65, Section 15 Use Regulations - Multi Family Dwelling Use : Conditional Article 65, Section 16 Floor Area Ratio Excessive Article 65, Section 16 Building Height Excessive Article 65, Section 16 Rear Yard Setback Insufficient

Purpose : Erect 7 story mixed use building with 106 residential units, 40 parking spaces, racks for 125 bicycles, balconies and roof decks on each level per plan. On 1st & 2nd floors construct 20,700 sf of office, retail, professional school & trade school use (core & shell). Existing building to be razed on separate permit. File in conjunction with ALT1070833, ALT1070925, ALT1070928.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 6-unit multifamily mixed-use development.

Board members asked about plans, units, accessibility, layout, microunits, parking, biking, sidewalks, streets, public space, and pickup and drop off locations.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor Baker, Councilor Flaherty, Rep. Collins, the Carpenter's Union, and abutters are in support. Abutters are in opposition.

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

Votes: Board Member Erlich moved to approve with BPDA design review, no microunits, and to limit the hours available to the roof deck. Ruggiero seconded and the motion carried unanimously.



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Case: BOA- 1242756 Address: 23 East Concord Street Ward 8 Applicant: Timothy Burke

Article(s): Article 64, Section 9.4 Town House/Row House Extension

Purpose : Construct two new bracket supported balconies projecting 6' on the rear of the building at the Third and Fourth floors.

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

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 and letters of support.

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

Case: BOA- 1245167 Address: 89 Munroe Street Ward 12 Applicant: Derric Small

Article(s): Article 50, Section 29 Floor Area Ratio Excessive

Purpose : Legalization of living space extension into the attic of a three family dwelling. V419013

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to extend and legalize the living space into the attic.

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

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve the application. Robinson seconded and the motion carried unanimously.



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Case: BOA-1246894 Address: 135 Dudley Street Ward 12 Applicant: Edgar Carrere

Article(s): Article 50, Section 11 Floor Area Ratio Excessive Article 50, Section 11 Building Height Excessive
Article 50, Section 11 Rear Yard Insufficient

Purpose : Construct a 6 story building consisting of (60) residential units with ground level commercial area as Phase 2 of the 135 145 Dudley Street Project master plan with (140) existing Phase 1 lower level parking spaces to accommodate the complete project.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a mixed-use project that is 6 stories with lower level parking.

Board members asked about plans, unit breakdown, bedrooms, parking, affordability, open space, shared parking, artist livable space, and a shadow study.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services the Carpenter's Union and DND are in support. A local business is in opposition.

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

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

Case: BOA-1246900 Address: 145 Dudley Street Ward 12 Applicant: Edgar Carrere

Article(s): Article 50, Section 11 Floor Area Ratio Excessive Article 50, Section 11 Building Height Excessive
Article 50, Section 11 Rear Yard Insufficient

Purpose : Construct a 10 story building consisting of (110) residential units (152,823 sf) with 140 space parking garage (51,721sf) below. This building to be considered phase 1 of the 135 145 Dudley Street Project master plan.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a mixed-use project that is 6 stories with lower level parking.

Board members asked about plans, unit breakdown, bedrooms, parking, affordability, open space, shared parking, artist livable space, and a shadow study.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services the Carpenter's Union and DND are in support. A local business is in opposition.

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

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



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Case: BOA- 1223021 Address: 27 Bradshaw Street Ward 14 Applicant: Tom Cooney

Article(s): Article 60, Section 9 Floor Area Ratio Excessive Article 9 Section 1 Extension of Nonconforming Use

Purpose : Enclose existing porch on first and second floor, kitchen and two bathroom renovation, finish with patch and paint.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to increase the indoor living space by enclosing the porch.

Board members asked about plans, occupancy, and added enclosed space.

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. Erlich seconded and the motion carried unanimously.

Case: BOA- 1216057 Address: 9 Joseph Street Ward 16 Applicant: James Uddin

Article(s): Article 9 Section 1 Extension of Nonconforming Use Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Bldg Height Excessive (Stories) Article 68, Section 8 Floor Area Ratio Excessive

Purpose: Construct new dormers to the roof to make attic livable and extend living space to basement for Unit #1 to existing three family dwelling. We will also be adding sprinklers and making alterations to the second unit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate the basement to add more livable space.

Board members asked about height in the basement, plans, basement use, elevations, egress, and bedrooms in the basement.

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 in support, and letter in opposition.

Votes: Board Member Ruggiero moved to approve with BPDA design review with special attention to the dormers, and no bedrooms in the basement. Dong seconded and the motion carried unanimously.



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Case: BOA-1141110 Address: 565 American Legion Highway Ward 18 Applicant: Solli Engineering

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use - Car wash use is Conditional.

Purpose: The project proposes to maintain the existing building and provide minor architectural upgrades to the exterior. The proposed site improvements include new site drives, parking, drainage structures, payment station, curbing, pavement and vacuum stations. The approval of this application is conditional to the approval of sister application ALT1130629.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to extend the carwash onto the joining parcel.

Board members asked about plans, traffic, screening and buffering.

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

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

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

Case: BOA- 1141111 Address: 569 American Legion Highway Ward 18 Applicant: Solli Engineering

Article(s): Article 67, Section 11 Use Regulations - Car wash use: Conditional

Purpose: Change occupancy from Liquor Store to Car Wash and Site improvements including the construction of new pavement, site drive, drive aisles, vacuum stations, landscape islands, security fencing and dumpster pad with enclosure.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to extend the carwash onto the joining parcel.

Board members asked about plans, traffic, screening and buffering.

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

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

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



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HEARINGS: 11:00AM

Case: BOA-1203114 Address: 396-398 Hanover Street Ward 3 Applicant: Table by Jen Royle, LLC

Article(s): Article 6, Section 4 Other Cond Necc as Protection - Change in previous decision of ZBA

Purpose: Removal of existing proviso "take out granted to this petitioner only"

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

Board members asked about plans, exterior changes, and signage.

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 to approve with BPDA design review with special attention to signage, that this was for this petitioner only, and all needed takeout provisions. Robinson seconded and the motion carried unanimously.

Case: BOA-1248286 Address: 663 East Sixth Street Ward 6 Applicant: Ryan M Macpherson

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Building extension into the rear yard Article 68, Section 8.4 Dim Regs: Extension in Rear Yard Article 68, Section 33 Off Street Parking & Loading Req - Insufficient parking .Article 68, Section 33 Off Street Parking & Loading Req -Design. Insufficient driveway width Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Side Yard Insufficient

Purpose: Change of occupancy from a 2 family to a 3 family dwelling via addition. Renovate an existing carriage house and connect the carriage house to the existing structure with conditioned garage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate the carriage house and connect it to the main house. This would change the occupancy from a 2 to a 3 family.

Board members asked about plans, lot size, height, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Flynn, a neighbor, and the City Point Association are in support. BTB recommends not approving the project.

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

Votes: Board Member Robinson moved to approve with BPDA design review, attention to the driveway and buffering, and BTB review.



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Case: BOA-1249236 Address: 40-42 Terrace Street Ward 10 Applicant: Terrace Bravo, LLC, Kirby Liu

Article(s): Article 59, Section 18 Use Regulations - Use : Multifamily Dwelling : Forbidden

Purpose: Property is currently being built and permitted as affordable artist live/work housing under existing zoning. We are pursuing a zoning relief change to multifamily residential to allow the units to be sold to the wider affordable housing pool.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change an affordable artist use and make it a regular affordable multifamily residential use.

Board members asked about plans, ground floor communal space, and occupancy.

Votes: Board Member Robinson moved to defer, Ruggiero seconded, and the case will be heard on November 9th, 2021 at 12:30.

Case: BOA- 1249238 Address: 132 Terrace Street Ward 10 Applicant: Terrace Bravo, LLC, Kirby Liu

Article(s): Article 59, Section 18 Use Regulations - Use : Multifamily Dwelling : Forbidden

Purpose: Property is currently being built and permitted as affordable artist live/work housing under existing zoning. We are pursuing a zoning relief change to multifamily residential to allow the units to be sold to the wider affordable housing pool.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change an affordable artist use and make it a regular affordable multifamily residential use.

Board members asked about plans, ground floor communal space, and occupancy.

Votes: Board Member Robinson moved to defer, Ruggiero seconded, and the case will be heard on November 9th, 2021 at 12:30.

Case: BOA- 1243079 Address: 202 Savin Hill Avenue Ward 13 Applicant: Michael Chavez

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

Purpose: Build a new addition to the existing 2 bed 2 bat condo unit . The new addition will include an expand living room foot print on the first floor and an additional second floor above the existing and expanded living room .

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert and expand the condo to add more livable space.

Board members asked about plans, the extension, character, and the historic neighborhood.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services deferred to the Board. Abutters are in support. Rep Nick Collins and abutters are in opposition.

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

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



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Case: BOA-1136987 Address: 1403-1405 Dorchester Avenue Ward 15 Applicant: Mai Phung
Article(s): Article 65, Section 8 Use Regulations - Restaurant (>1,000 sqft) with take out use: Forbidden
Purpose: Proposed to change occupancy of an existing commercial space into a restaurant with take out.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert to a commercial space.

Board members asked about plans.

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, letter in support, and letter in opposition.

Votes: Board Member Erlich moved to approve with BPDA design review, with all takeout provisos and that this is for this petitioner only. Ruggiero seconded and the motion carried unanimously.

Case: BOA- 1215768 Address: 26 Hichborn Street Ward 22 Applicant: Philmor Hichborn Property, LLC
Article(s): Article 51, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient
Purpose: Change occupancy from 23 dwelling units and 36 parking spaces to 23 dwelling units and 24 parking spaces; reconfigure HP parking space; expand bike storage area on upper garage level resulting in reduction of 2 parking spaces; eliminate 10 stacker spaces as previously approved [not feasible].

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

Board members asked about plans, previous board experience, stackers, and the proposal.

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

Documents/Exhibits: Building Plans.

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



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Case: BOA-1194502 Address: 26 Arlington Street Ward 22 Applicant: Pulgini & Norton, LLP

Article(s): Article 51, Section 8 Use: Forbidden Article 51, Section 9 Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Art. 10 Sec. 01 Limitation of off street parking areas - Parking less than 5ft from side lot line. Article 51, Section 56 Off Street Parking & Loading Req - 3 < 4min add'l parking req'd

Purpose: Confirm occupancy as a single family building and change to a 3 family residential building with 3 parking spaces. Addition to the rear of the structure.

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

Board members asked about plans, square footage, addition, unit sizes, and the trees in the rear yard.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Breadon, and the Brighton Allston Improvement Association are in support. BTDA says the driveway works and the BPDA suggests to DWOP this application as it is too dense.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny without prejudice, Erlich seconded, Robinson opposed, and the motion carried 5-1.

RECOMMENDATIONS: 11:30 AM

Case: BOA-1193574 Address: 50 Elm Street Ward: 2 Applicant: Patrick Mahoney

Article(s): Art. 10 Sec. 01 Limitation of parking areas - Limitation of parking area (parking in required side yard must be located 5ft away as screening and buffering from the side lot line)

Purpose : Cut curb and add 2 driveway with 2 parking spaces.

Discussion: At the request of the Board, the applicant asked to withdraw their application to rework the curb cut and the parking configuration.

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

Case: BOA-1223600 Address: 50 Elm Street Ward: 2 Applicant: Patrick Mahoney

Article(s): Art. 62 Sec. 25 Roof Structure Restrictions - Extension of rear roof line.

Purpose: Renovate entire unit. Remove existing shed and addition and replace with new addition and shed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting an entire unit renovation.

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, letters in opposition.

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



City of Boston
Board of Appeal

Case: BOA- 1234121 Address: 10 Mount Vernon Street Ward: 2 Applicant: John Poop & Megan Poop

Article(s): Article 62, Section 25 Roof Structure Restrictions

Purpose: Demolition of select interior partition walls. New first floor kitchen bump out and 3rd floor roof dormers. New mechanicals, wall framing, windows, doors, roofing, siding and interior finishes.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add dormers to expand the living space.

Board members asked about plans, square footage, the bump out, the attic, and ceiling height.

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 in support.

Votes: Board Member Barraza moved to approve with BPDA design review with special attention to the exterior, looking at the window type for context, and the side door on Windsor st. Fortune seconded and the motion carried unanimously.

Case: BOA-1242012 Address: 28 Cross Street Ward: 2 Applicant: Top Pro Construction, Inc

Article(s): Article 62, Section 25 Roof Structure Restrictions - Roof Structure Restrictions

Purpose : Amendment to Longform ALT1171467 to Include addition of Back deck off of Master Bedroom on 3rd floor. Deck is within all setbacks.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add an addition on the back deck.

Board members asked about plans, the roof line restrictions, violations, bedrooms in the basement, and if this applicant had been before the board before.

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

Documents/Exhibits: Building Plan, letters in opposition.

Votes: Board Member Barraza moved for approval, Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1221855 Address: 671 East Sixth Street Ward: 6 Applicant: Trustee of Richard J. Curtin Revocable Trust

Article(s): Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 33 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 68, Section 29 Roof Structure Restrictions

Purpose : Confirm occupancy as Single Family Dwelling. Change Occupancy to a Two Family Dwelling. Proposed dormer addition, rear roof deck, new egress stair, extend living space into basement and renovate as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change a 1 family to a 2 family, adding dormers and another egress in the rear.

Board members asked about plans, current use of the basement space, floor to ceiling height.

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

Documents/Exhibits: Building Plans and letters in support.

Votes: Board Member Barraza moved to approve with BPDA design review on the exterior and no habitable bedrooms in the basement. Fortune seconded and the motion carried unanimously.

Case: BOA-1242188 Address: 80 H Street Ward: 6 Applicant: David MaGrath

Article(s): Art 68 Sec 29 Roof Structure Restrictions - a) height above roof (c) Access via new exterior stair case

Purpose : Construct a new roof deck to include staircase on left side of structure for access.

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

Board members asked about plans, elevation, context, and a staircase.

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, letters in opposition.

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

Case: BOA-1057367 Address: 33 Belden Street Ward: 7 Applicant: Pedro Andujar

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.

Purpose : Confirm occupancy as 2 family. Kitchen, bathroom, basement extended living space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to move the interior stairs to the exterior and gut and renovate on the first floor.

Board members asked about plans, the occupancy, location of renovations, basement space, and the height.

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 Barraza moved to deny without prejudice, Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1227079 Address: 57-59 Greaton Road Ward: 20 Applicant: Timothy Burke

Article(s): Article 56, Section 8 Excessive F.A.R. .4 max. Article 56, Section 8 Insufficient side yard setback 10' req.
Article 56, Section 8# of allowed stories exceeded 2.5.story max.

Purpose : Construct new dormers to create additional living space on the third floor with new bathroom. Construct new stair from second floor for access. Work includes new framing, finishes and associated mechanical and electrical work.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to expand living space into the attic for the second family on the top floor.

Board members asked about plans, additional living space, and access.

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 in opposition.

Votes: Board Member Barraza moved to approve with BPDA design review with special attention to the exterior and attention to the size and height of the dormer.

Case: BOA-1233448 Address:8 Chesbrough Road Ward: 20 Applicant: Caitlin Viera

Article(s): Article 56. Section 8 Side Yard Insufficient

Purpose : Add outdoor deck to rear of structure.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add an outdoor deck to the rear of the structure.

Board members asked about plans, violations, plot plan, the footprint, and the neighboring buildings.

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.

Votes: Board Member Barraza moved to approve with BPDA design review and that the drawings must be reviewed for the setbacks by Barraza before approval. Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1214558 Address: 247 Willow Street Ward: 20 Applicant: James Feeney

Article(s): Article 56, Section 8 Floor Area Ratio Excessive Article 56, Section 8 Bldg Height Excessive (Stories)
Article 56, Section 8 Side Yard Insufficient Article 56, Section 8 Rear Yard Insufficient

Purpose : First floor addition to rear of existing house with extension of living space up to attic that includes addition of shed dormers on each side of house. Add 2 Bedrooms and bath on 3rd Floor. Add Family Room out back on 1st floor. Scope also includes new rear open air deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add two bedrooms in the attic by adding dormers.

Board members asked about plans, living space, height, and the rear yard setback.

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 opposition.

Votes: Board Member Barraza moved to approve with BPDA design review, and attention to the size and height of the dormer to match the ridgeline of the roof. Fortune seconded and the motion carried unanimously.

Case: BOA- 1226162 Address: 32-34 Kenrick Street Ward: 22 Applicant: Donna Wong & Chi Cheong Leung

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

Purpose : Proposed rear dormer with a new bathroom on second floor, new bedroom reconfiguration and interior renovation to existing two family residence.

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

Board members asked about plans, location, height, occupancy, and square footage.

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 Barraza moved to approve with BPDA design review with special attention to the ridgeline. Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

RE-DISCUSSIONS: 12:30PM

Case: BOA-1222307 Address: 70 Shawshen Road Ward 1 Applicant: Trichilo Development, LLC

Articles: Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Lot Frontage Insufficient Article 53, Section 9 Lot Width Insufficient Article 53, Section 9 Lot Area Insufficient 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 5 unit dwelling and 6 parking spaces.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 7th, 2021 at 11:30.

Case: BOA-1053181 Address: 661-661A Tremont Street Ward 4 Applicant: James Christopher

Articles: Article 64, Section 9.4 Town House/Row House Extension Article 64, Section 9Rear Yard Insufficient Article 64, Section 9 Building Height Excessive Article 64, Section 9 Floor Area Ratio Excessive Article 64 Section 9 Insufficient side yard setback Article 64, Section 34 Roof Structure Restrictions Proposed penthouse with wet bar and roof deck Article 64 Section 9 Insufficient usable open space Art. 32 Sec. 04 GCOD Applicability

Purpose: To construct a rear addition, and head house as per the attached plans. No change to occupancy.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 7th, 2021 at 11:30.

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 withdrawal. Board member Fortune moved to deny this without prejudice. Erlich seconded and the motion carried unanimously.

Case: BOA-1172719 Address: 136 West Eighth Street Ward 6 Applicant: Homegrown Builders, LLC

Articles: Article 68, Section 8 Lot Area Insufficient 1,311sqft < 2,000sqft min. Article 68, Section 8 Add'l Lot Area Insufficient 1,311sqft < 4,000sqft min. Article 68, Section 8 Floor Area Ratio Excessive 2.4 > 2.0max Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Side Yard Insufficient 0' < 3'min Article 68, Section 8 Rear Yard Insufficient 2'avg/0.8 < 15'min (Shallow Lot & Non parallel lot line) Article 68, Section 29 Roof Structure Restrictions Article 68, Section 33 Off Street Parking & Loading Req 2 provided < 4 min.

Purpose: Build new construction three family home at vacant parcel of land. Also see ALT1156178.

Discussion/Vote: The applicant did not show up to the hearing. Board member Fortune moved to deny the application without prejudice. Erlich seconded and the motion carried unanimously.



City of Boston
Board of Appeal

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/Vote: The applicant did not show up to the hearing. Board member Fortune moved to deny the application without prejudice, Erlich seconded and the motion carried unanimously.

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: 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 extend living space into the basement.

Board members asked about plans, the zoning district, plans, and the basement height.

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, Robinson seconded and the motion carried unanimously.

Case: BOA-1212283 Address: 150 Quincy Street Ward 13 Applicant: Laura Palmer
Articles: Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient
Purpose : Erect new three family dwelling with proposed (3) off street parking on a vacant lot

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a 3 family on an empty lot.

Board members asked about zoning, the proposal, plans, parking, and the roof deck.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and project r.i.g.h.t are in support.

Documents/Exhibits: Building Plans, letters in support.

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



City of Boston
Board of Appeal

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

Articles: Art. 65 Sec. 08Forbidden - 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. 9Insufficient side yard setback 10' min. req. Art. 65 Sec. 9 Insufficient rear yard setback 30' req. Article 65, Section 41Off Street Parking & Loading Req - Design/space size min req. Article 65, Section 39Screening & Buffering Req -None proposed

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

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: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate, convert, and add an addition in the basement with no bedrooms.

Board members asked about plans, ceiling height, number of bedrooms, and the kitchen in the basement.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor’s Office of Neighborhood Services is in non-opposition and abutters are in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with the proviso that there are no bedrooms in the basement. Fortune seconded but Araujo, Ruggiero, and Dong opposed. The motion failed 3-3 and the application has been denied.

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

BOARD MEMBERS:

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

SUBSTITUTE MEMBERS:

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 19, 2021 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.