



City of Boston  
Board of Appeal

TUESDAY, July 21, 2020

BOARD OF APPEAL

CITY HALL, ROOM 801

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## **HEARING MINUTES**

Board Chair Araujo called the meeting to order promptly at 10:00 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:

**All matters listed on this JULY 21, 2020 hearing agenda were originally scheduled and noticed, in accordance with the Enabling Act. Due to the public health emergency, those previously scheduled hearings were postponed and all matters deferred to this JULY 21, 2020 hearing.**

**PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:**

**THE JULY 21, 2020 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX MEETING PLATFORM.**

**Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/zbaJuly21hearing> or by calling 1-617-315-0704 and entering access code 129 400 7164.**

**If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaJuly21comment> 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/zbaJuly21comment>, calling 617-635-4775 or emailing [isdboardofappeal@boston.gov](mailto:isdboardofappeal@boston.gov).**



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**The ZBA Ambassador will be available within the WebEx Event from at 9:00 AM to 10:00 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](mailto:zba.ambassador@boston.gov).**

**To signal you wish to offer comment within the meeting platform, please use the “raise hand” function, if connected by video, or dial \*9, 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.**

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

**Interested persons who are unable to participate in the hearing remotely may make an appointment to appear in person at City Hall, in the BPDA board room, 9th Floor Room 900. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing [isdboardofappeal@boston.gov](mailto:isdboardofappeal@boston.gov) for accommodations to be made. Individuals appearing at City Hall without an appointment will not be permitted to enter.**

**MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO [isdboardofappeal@boston.gov](mailto:isdboardofappeal@boston.gov) IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM**



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**EXTENSIONS: 10:00 AM**

**Case: BOA-803394 Address: 246-248 Dorchester Avenue Ward: 6 Applicant: Joseph P. Henley, 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-630296 Address: 415-425A LaGrange Street Ward: 20 Applicant: Joseph P. Henley, 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-660625 Address: 24 Greenwood Street Ward: 14 Applicant: Douglas Wohn, AIA**

**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 deny the request for a one year extension.

**Case: BOA-805934 Address: 3 Snelling Place Ward: 3 Applicant: William Ferullo, 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-449621 Address: 135 Bremen Street Ward: 1 Applicant: Jeffrey Drago, 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-738454 Address: 55 Chaucer Street Ward: 1 Applicant: George Morancy, 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-7388449 Address: 57 Chaucer Street Ward: 1 Applicant: George Morancy, 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-827166 Address: 466-476 River Street Ward: 18 Applicant: Rodger Brown**

**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-808994 Address: 34 Green Street Ward: 2 Applicant: Keith Hinzman**

**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-629541 Address: 85 Linden Street Ward: 21 Applicant: Jackson Slomiak**

**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.

### **BUILDING CODE: 10:00 AM**

**Case: BOA-1049399 Address: 42-44 South Russell Street Ward: 1 Applicant: Timothy Burke Purpose: Remove portion of roof to install new dormer on rear wall and roof deck with new stair and hatch access. Install new bathroom and interior finishes. Install associated new mechanical and electrical work.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting building code relief required to build a hatch access for the new roof deck.

Board members asked about the kind of relief that the applicant requested for hatch access.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved for approval and Fortune seconded and the Board voted unanimously to approve.

### **HEARINGS: 10:00 AM**

**Case: BOA-1029772 Address: 282-308 Bremen Street Ward: 1 Applicant: Nicholas Zozula Article(s): 53(53-8) 53(53-9) 27T(27T-5: Use Regulations, Add'l Lot Area Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Bldg Height Excessive (Feet), Usable Open Space Insufficient, Front Yard Insufficient, Rear Yard Insufficient, East Boston IPOD Applicability, Use Regulations)**

**Purpose: Erect a new 5 story, 145 unit residential building with ground floor retail, art studios/art gallery, and community spaces and at grade parking per Article 80 LPR.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to revitalize the current non-conforming building by building a new 5 story building with 145 units that will be mixed commercial and residential use.

Board members asked about the breakdown of the units, average square footage of each kind of unit, parking provided, potential restaurant tenants, proposed roof deck, ability of tenants to sublease their



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units, traffic impacts of the project, the intent for the ground level space, and accommodations for Lyft and Uber drop offs.

**Testimony:** The Board then requested testimony from neighbors and elected officials. The Carpenter's Union, the Electrician's Union, East Boston Community members, and four neighbors are in support. Mayor's Office of Neighborhood Services and two neighbors are in opposition.

**Documents/Exhibits:** Building Plans, Letters of Opposition.

**Votes:** Board Member Ruggiero moved for denial and Deveau seconded and the Board voted unanimously to deny.

**Case: BOA-1046127 Address: 201-241 Stuart Street Ward: 5 Applicant: Michael Flannery Article(s): 32(32-4) 38(38-7) 38(38-18) 38(38-19): GCOD Applicability, Building Height, Floor Area Ratio, Use Regulations, Sky Plan Set Back)**

**Purpose: Redevelopment of the Motor Mart Garage, including construction of a new residential tower, all as more particularly shown on the enclosed plans.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to revamp the Motor Mart garage and build 231 residential units above it.

Board members asked about the number of residential units, unit breakdowns, roof decks for units, square footage of the units, affordable units on site, spaces for the rental car agency, and the required FAR and height for the project.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, City Councilor Flynn, and City Councilor Essaibi-George are in support. Additionally, the carpenters union, the electrician's union, the plumber's union, the Heritage Condo Association, the groundwater trust, and an abutter are in support. An attorney representing a neighboring property at 20 Park Plaza is in opposition to the project.

**Documents/Exhibits:** Building Plans, Letters of Opposition.

**Votes:** Board Member Erlich moved for approval subject to BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.



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**Case: BOA-1055553 Address: 1260 Boylston Street Ward: 5 Applicant: Andrew Flynn  
Article(s): 66(66-14) 66(66-15) 32(32-4) 66(66-42: Use Regulations in NB, Dimensional Regulations in NB, Regulations in NB, Regulations in NB, GCOD Applicability, Off-Street Parking and Loading Req)**

**Purpose: Erect new mixed-use building containing 451 apartments. Amenity spaces on levels 2 and 14. Theater and retail space to be shell space (fit-out by others). Two levels of below grade BOH space. See ALT1044673 and ALT1043616.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a 15 floor mixed use building, first and second floor retail space with a non-for-profit theatre with a LGBTQ focus.

Board members asked about the number of units proposed, breakdown of the units, average square feet of the units, building height, number of stories, the theatre space, any proposed roof decks, parking spaces, and community space to compensate for compact living.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Additionally, the groundwater trust, the carpenter's union, the electrician's union, a community group, and an abutter are in support. One resident of the Fenway Neighborhood is in opposition.

**Documents/Exhibits:** Building Plans, Letters of Support, Letter of Opposition.

**Votes:** Board Member Erlich moved for approval subject to BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.

**Case: BOA-1044130 Address: 218-220 Old Colony Avenue Ward: 7 Applicant: George Morancy  
Article(s): 8(8-7) 13(13-1) 23(23-1) 23(23-9: Use Regulations, Add'l Lot Area Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Feet), Usable Open Space Insufficient, Front Yard Insufficient, Side Yard Insufficient, Rear Yard Insufficient, Bldg Height Excessive (Stories), Off-Street Parking Req, Parking Design)**

**Purpose: Erect a new mixed use building with 1 commercial space and 32 dwelling units with parking below as per plans. Existing building at 15 Gustin Street to be razed under separate permit.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a new five story mixed use building with ground commercial space and 32 residential units.

Board members asked about any proposed roof decks or balconies and the parking garage.





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**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, City Councilor Flynn, and City Councilor Flaherty are in support. Additionally, the carpenters union and the electricians union are in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved for approval subject to BPDA design review and Deveau seconded and the Board voted unanimously to approve.

**Case: BOA-1029694 Address: 35 Brookley Road Ward: 11 Applicant: John Pulgini**  
**Article(s): 55(55-19) 55(55-20) 55(55-40): Use Regs in Local Industrial, Dimensional Regulations in LI, Off-Street Parking and Loading Req)**  
**Purpose: Demo existing structure to erect a new 45 unit residential development.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a 45 unit, 4 story building where the current use is petroleum industrial and abuts the Forrest Hills bus yard.

Board members asked about the Article 80 review process, the breakdown of the units, and the unit sizes.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and City Councilor O'Malley are in support. Additionally, the carpenters union, the electricians union, and four Jamaica Plain residents are in support. Two Jamaica Plain residents, two neighborhood associations, and a direct abutter are in opposition to the project.

**Documents/Exhibits:** Building Plans, Letters of Support, Letters of Opposition.

**Votes:** Board Member Erlich moved for approval subject to BPDA design review for density and Fortune seconded and the Board voted unanimously to approve.

**Case: BOA-1030527 Address: 512 Blue Hill Avenue Ward: 14 Applicant: Eltion Allen**  
**Article(s): 50(50-29: Dimensional Requirements)**  
**Purpose: Change occupancy from 2 units to 4 units.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to 4 units, making use of attic to expand units on the second floor with no living space in the basement.

Board members asked if the change would be through the attic or the basement, will it be achieved by dormers, the location of and access to utilities, and the proposed size of each unit.





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**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 Erlich moved for approval and Deveau seconded and the Board voted unanimously to approve.

**Case: BOA-1001614 Address: 48 Hansborough Street Ward: 14 Applicant: Alfonso Sira Article(s): 60(60-9) 60(60-41: Dimensional Regulations, Application of Dimensional Req) Purpose: Erect a 3 family residential building on vacant lot.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a 3 family house on a 4000 square foot lot.

Board members asked what the zoning district is, the FAR, and how long the driveway is.

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

**Documents/Exhibits:** Building Plans, Letter of Opposition.

**Votes:** Board Member Erlich moved for approval subject to strong BPDA design review for context and Fortune seconded and the Board voted unanimously to approve.

**Case: BOA-939989 Address: 4 Hecla Street Ward: 15 Applicant: Joe Holland Article(s):65(65-8) 65(65-9) 65(65-42: Forbidden, Residential Dimensional Reg.s, Off-Street Parking Insufficient) Purpose: Full demo of existing 3-family building at 4 Hecla St. New construction of 4-story apartment building with 9 total units. Includes new surface parking area at first floor level of building.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a 9 unit residential building where an existing 3 unit building sits using an adjacent lot at 2 Hecla St.

Board members asked about the zoning district of the project and the square footage of the lots.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, City Councilor Baker, and the BPDA are in opposition.



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**Documents/Exhibits:** Building Plans, Letter of Support from an abutter, Letter of Opposition from a neighborhood association.

**Votes:** Board Member Erlich moved for denial and Ruggiero seconded and the Board voted unanimously to deny.

**Case: BOA- 978496 Address: 95-99 Freeport Street Ward: 15 Applicant: Mai Phung**  
**Article(s): 65(65-21: Use Regulations Applicable in Local Subdistricts)**  
**Purpose: Change occupancy to include 10 apartments (as per plans).**

**Discussion:** As a result of the applicant's failure to appear at the hearing, the Board moved to dismiss without prejudice.

**Votes:** Board Member Fortune moved for a dismissal without prejudice and Ruggiero seconded and the Board voted unanimously to dismiss without prejudice.

**Case: BOA-1019761 Address: 21 Fenton Street Ward: 15 Applicant: Modern Constructing Inc**  
**Article(s): 65(65-9: Lot Area Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Usable Open Space Insufficient, Front Yard)**  
**Purpose: Build a two family building.**

**Discussion:** At the Board's request, the matter was deferred to the September 29, 2020 Hearing.

**Case: BOA-1028568 Address: 577 Freeport Street Ward: 16 Applicant: Thomas Malone**  
**Article(s): 65(65-9) 65(65-41) 10(10-1: Side Yard Insufficient, Off-Street Parking and Loading Req, Limitation of Area)**  
**Purpose: Erect new pre-manufactured, modular two-family dwelling with proposed 3 off-street parking spaces. Raze existing single-family dwelling on separate permit.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to tear down existing one-family dwelling on a non-conforming lot and will build a new two family home with a two-story deck in the back.

Board members asked about proposed parking, if a full basement will be included, location of utilities, the curb cut, and if the proposed home is a modular home.

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

**Documents/Exhibits:** Building Plans.



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**Votes:** Board Member Ruggiero moved for approval with the provisos that there be no front yard parking, BPDA design review, and reduce the curb cut and Deveau seconded and the Board voted unanimously to approve.

**Case: BOA-981052 Address: 31 Lonsdale Street Ward: 16 Applicant: Phung Porzio, Inc**  
**Article(s): 65(65-8) 65(65-41) 65(65-9: Lot Area Insufficient, Floor Area Ratio Excessive, Bldg Height Excessive (Stories), Front Yard Insufficient, and Side Yard Insufficient)**  
**Purpose: Construction of a new unit on the third floor, permit was previously issued for 3 family but work never completed.**

**Discussion:** At the applicant's request, the matter was deferred to the September 29, 2020 Hearing.

**Case: BOA-768314 Address: 511 Gallivan Boulevard Ward: 16 Applicant: Gregory Sampson**  
**Article(s): 9(9-1: Extension of Non Conforming Use)**  
**Purpose: McDonald's proposes to perform an interior renovation of its existing restaurant. Construct a small addition to the front of the store and perform exterior facade and signage improvements, all as shown on the plans filed with the application.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to increase the floor area ten percent to allow for digital service and improve accessibility.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and the carpenter's union are in opposition.

**Documents/Exhibits:** Building Plans, Letters of Opposition from neighborhood association.

**Votes:** Board Member Erlich moved for a denial without prejudice and Ruggiero seconded and the Board voted unanimously to dismiss without prejudice.

**Case: BOA-1044698 Address: 512-514 Poplar Street Ward: 18 Applicant: Brian Discroll**  
**Article(s): 67(67-8) 67(67-9) 67(67-32: Use Regulations, Dimensional Regulations, Off-Street Parking and Loading Req)**  
**Purpose: To construct new 2 family dwelling.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a new two family residence with four parking spaces on the basement level. Lot is currently on a vacant, undersized lot.

Board members asked the applicant to explain their zoning violations.



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**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and City Councilor Arroyo are in support. Additionally, two abutters are also in support. One direct abutter is in opposition.

**Documents/Exhibits:** Building Plans, Letter of Support from an abutter.

**Votes:** Board Member Erlich moved for approval subject to significant BPDA design review and with the proviso that the underground garage be removed and Ruggiero seconded and the Board voted unanimously to approve.

**Case: BOA-1020215 Address: 1631 Hyde Park Avenue Ward: 18 Applicant: Carlos Reyes Article(s): 69(69-14) 69(69-27.2: Use Regulations, Scn'g/Bffr'g:Pk'g;Load;gStrge) Purpose: Use of premises for outdoor sale of 4 used motor vehicles and 10 off-street parking spaces for auto-body (repair). Total existing spaces 14 dedicated to auto-body/repair uses only.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change use to allow used cars to be sold at an auto-body repair shop.

Board members asked about the current use of the space, experience in operating a dealership, name of the shop, parking for customers, and if the use is conditional or forbidden.

**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 Ruggiero moved for with the proviso that relief be limited to petitioner only and Erlich seconded and the Board voted unanimously to approve.



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**Case: BOA-1050947 Address: 7 Brown Terrace Ward: 19 Applicant: Seaverns Brown Realty Trust**

**Article(s): 9(9-1: Extension of Non Conforming Use)**

**Purpose: The existing 6 family apt building at 7 Brown Terrace is to be combined with the other existing attached 6-family buildings 9 Seaverns Ave, 11 Seaverns Ave, and 5 Brown Terrace on same lot, to become 1 building addressed as 9-11 Seaverns Ave of 24 apts. Part of applications ALT1031020 and related.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to combine existing buildings onto the same lot and to add 8 additional units to the new combined basement of the building.

Board members asked about floor to ceiling heights, dimensions of the windows, trash storage, egress, and whether the appeal was before the board previously.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved for approval to combine the buildings into one lot and Ruggiero seconded and the Board voted unanimously to approve. Board Member Erlich moved for approval of extending six units into the basement and Ruggiero seconded and the motion failed to carry because Chairperson Araujo voted in opposition and the motion to approve failed.

**Case: BOA-1050946 Address: 5 Brown Terrace Ward: 19 Applicant: Seaverns Brown Realty Trust**

**Article(s): 9(9-1: Extension of Non Conforming Use)**

**Purpose: The existing 6 family apt building at 5 Brown Terrace is to be combined with the other existing attached 6-family buildings 9 Seaverns Ave, 11 Seaverns Ave, and 7 Brown Terrace on same lot, to become 1 building addressed as 9-11 Seaverns Ave of 24 apts. Part of applications ALT1031020 and related.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to combine existing buildings onto the same lot and to add 6 additional units to the new combined basement of the building.

Board members asked about floor to ceiling heights, dimensions of the windows, trash storage, egress, and whether the appeal was before the board previously.



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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved for approval to combine the buildings into one lot and Ruggiero seconded and the Board voted unanimously to approve. Board Member Erlich moved for approval of extending six units into the basement and Ruggiero seconded and the motion failed to carry because Chairperson Araujo voted in opposition and the motion to approve failed.

**Case: BOA-1050630 Address: 11 Seaverns Avenue Ward: 19 Applicant: Seaverns Brown Realty Trust**

**Article(s): 9(9-1: Extension of Non Conforming Use)**

**Purpose: The existing 6 family apt building at 11 Seaverns Ave is to be combined with the other existing attached 6-family buildings 9 Seaverns Ave, 5 Brown Terrace, and 7 Brown Terrace on same lot, to become 1 building addressed as 9-11 Seaverns Ave of 24 apes. Part of applications ALT1031020 and related.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to combine existing buildings onto the same lot and to add 6 additional units to the new combined basement of the building.

Board members asked about floor to ceiling heights, dimensions of the windows, trash storage, egress, and whether the appeal was before the board previously.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved for approval to combine the buildings into one lot and Ruggiero seconded and the Board voted unanimously to approve. Board Member Erlich moved for approval of extending six units into the basement and Ruggiero seconded and the motion failed to carry because Chairperson Araujo voted in opposition and the motion to approve failed.



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**Case: BOA-1050628 Address: 9-11 Seaverns Avenue Ward: 19 Applicant: Seaverns Brown Realty Trust**

**Article(s): 9(9-1) 55(55-8) 55(55-9) 55(55-40): Extension of Non Conforming Use, Use: Forbidden, Dimensional Regulations, Off Street Parking Insufficient, Off Street Loading Insufficient)**

**Purpose: The existing 6 family apt building at 9 Seaverns Ave is to be combined with the other existing attached 6-family buildings 11 Seaverns Ave, 5 Brown Terrace, and 7 Brown Terrace to become one building addressed as 9-11 Seaverns Ave of 32 apartment. Change occupancy to include 8 additional units in basement. Renovate existing unfinished basement of the existing 24 unit brick-clad apartment building for 8 new units in the existing basement (including 2 Group 2A). Minor modifications to the rear exterior for light, egress, and lift. The renovated basement will be fully sprinklered. See other applications ALT946184, ALT946174, and ALT946178.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to combine existing buildings onto the same lot and to add 6 additional units to the new combined basement of the building.

Board members asked about floor to ceiling heights, dimensions of the windows, trash storage, egress, and whether the appeal was before the board previously.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved for approval to combine the buildings into one lot and Ruggiero seconded and the Board voted unanimously to approve. Board Member Erlich moved for approval of extending six units into the basement and Ruggiero seconded and the motion failed to carry because Chairperson Araujo voted in opposition and the motion to approve failed.

**Case: BOA-1023729 Address: 809-821 Beacon Street Ward: 21 Applicant: Lawrence Baker Article(s): 6(6-4: Other Cold Necc as Protection)**

**Purpose: Remove proviso BZC-31677 for non-conforming use, conditional use permit for Children's Medical Center parking open air lot. (Parking for 249 vehicles).**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to have a five year review of their screening and buffering for an existing parking lot pursuant to an old proviso. Same owner, same operator, and same number of spaces.

Board members asked about BPDA's recommendations.





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**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Additionally, the carpenters union is in support.

**Documents/Exhibits:** Building Plans. Letters of Support.

**Votes:** Board Member Ruggiero moved for approval for 5 years subject to BPDA design review for screening and buffering and Erlich seconded and the Board voted unanimously to approve.

**Case: BOA-1047724 Address:130 Chestnut Hill Avenue Ward: 21 Applicant: Life Development Inc.**

**Article(s): 51(51-8) 51(51-9: Multi Unit Dwelling Use is Forbidden Use, Retail Use is a Forbidden Use, and Medical Clinic Use is a Forbidden Use, Floor Area Ratio Excessive, Height Requirement Excessive (Stories), Height requirement Excessive (Feet), Front Yard Setback Insufficient, Rear Yard Setback Insufficient, Side Yard Setback Insufficient)**

**Purpose: Demolition of 64 Boston Housing Authority units (the J.J. Carroll Apartments) and new construction of approximately 144 apartments, approximately 11,000 sf for a PACE Center (medical clinic), ground floor common space, and neighborhood-oriented retail.**

**Discussion:** At the applicant's request, the matter was deferred to the September 29, 2020 Hearing.

**Case: BOA-1051356 Address:132 Chestnut Hill Avenue Ward: 21 Applicant: Life Development Inc.**

**Article(s):51(51-9) 9(9-1: Dimensional Regulations, Extension of Non-Conforming Use).**

**Purpose: A proposed development at 130 Chestnut Hill Ave includes an enclosed pedestrian bridge to the adjacent existing building at 132 Chestnut Hill Ave. The 130 Chestnut Hill Ave project has permit application number ERT1016280.**

**Discussion:** At the applicant's request, the matter was deferred to the September 29, 2020 Hearing.

**Case: BOA#1048641 Address: 100-110 Lincoln Street Ward: 22 Applicant: Greg McCarthy  
Article(s): 51(51-56) 51(51-16) 51(17) 51(51-57: Off-Street Parking and Loading Requirement, Off-Street Parking Insufficient, Use Regulations, Dimensional Regulations, Application of Dimensional Req)**

**Purpose: Erect a new multifamily building (32 Units) with parking on ground level, as per plans. Existing building to be razed under separate permit. Permit set to be submitted upon ZBA approval. 5 story structure.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a 5 story condominium building on a 13,000 sq ft lot that currently houses a truck storage company.



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Board members asked about the average size of the units and access to roof deck.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and City Councilor Breedon are in support. Additionally, the Brighton-Allston Civic Association and the carpenters union are in support.

**Documents/Exhibits:** Building Plans, Letters of Opposition.

**Votes:** Board Member Erlich moved for approval subject to BPDA design review and Deveau seconded and the Board voted unanimously to approve.

**INTERPRETATION: 12:00 P.M**

**Case: BOA-1046898 Address: 34-42 Warren Street Ward 2 Applicant: Kenneth Flynn**

**Purpose: The petitioner's appeal seeks a determination that the Inspectional Services Department erred in issuing the permit #ALT1019933. The permit issued as an allowed use for Tatte Bakery.**

**Discussion:** The attorney for the appellant presented arguments that the permit was issued in error; that the permit was not issued in accordance with the provisions of the applicable Urban Renewal Plan. A representative of the Inspectional Services Department testified that the permit was issued properly.

**Vote:** Board Member Erlich moved to refer the matter to the legal department specifically to determine if the Board is the appropriate venue to deal with this appeal and if retail use encompasses restaurant or take-out use and Fortune seconded and the Board voted unanimously to refer.

**BOARD MEMBERS:**

**CHRISTINE ARAUJO- CHAIR**

**MARK FORTUNE- SECRETARY**

**MARK ERLICH**

**JOSEPH RUGGIERO**

**ALTERNATE MEMBERS:**

**TYRONE KINDELL, JR.**

**KERRY WALSH LOGUE**

**EDWARD DEVEAU**

For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to [https://ww.w.municode.com/library/ma/boston/codes/redevelopment\\_authority](https://ww.w.municode.com/library/ma/boston/codes/redevelopment_authority).

For a video recording of the July 21, 2020 Board of Appeal Hearing please go to: [https://www.cityofboston.gov/cable/video\\_library.asp](https://www.cityofboston.gov/cable/video_library.asp).