



City of Boston
Board of Appeal

TUESDAY, MAY 18, 2021

BOARD OF APPEAL

CITY HALL, ROOM 801

HEARING MINUTES

Acting Board Mark 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 MAY 18, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS MAY 18, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MAY 18, 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 <http://bit.ly/zbaMay18hearing> or by calling 1-617-315-0704 and entering access code 173 101 6655.

If you wish to offer testimony on an appeal, please click <http://bit.ly/zbaMay18comment> 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 <http://bit.ly/zbaMay18comment>, calling 617-635-5300 or emailing zba.ambassador@boston.gov.



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The ZBA Ambassador will be available within the WebEx Event from at 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via WebEx. Questions and/or concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

If you wish to offer comment within the meeting platform, please use the “raise hand” function, if connected by video, or dial *3, if connected by phone. The requester will be administratively unmuted and asked to state their name, address and comment.

Comments will be limited as time requires.

IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 9:00 AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

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

Closed captioning is available.

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

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO isdboardofappeal@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. 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 HEARING MINUTES: 9:30AM

Minutes from: September 29, 2020; October 20, 2020; November 17, 2020; March 30, 2021; and April 6, 2021

Discussion/Vote: Upon a motion and second, the Board voted unanimously to approve all hearing minutes.

EXTENSIONS: 9:30 AM

Case: BOA-836636 Address: 603 Dorchester Avenue Ward 7 Applicant: Greg Clark

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 two year extension from the date of expiration. Relief expires August 23, 2022.

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.

Case: BOA-1035808 Address: 65 Gove Street Ward 1 Applicant: Richard Lynds, Esq

Discussion: The applicant requested an extension of time for the Board to file its decision in this matter.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a 60 day extension to sign.

Case: BOA-1029221 Address: 837 Saratoga Street Ward 1 Applicant: Richard Lynds, Esq

Discussion: The applicant requested an extension of time for the Board to file its decision in this matter.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a 60 day extension to sign.

Case: BOA-834506 Address: 98 Magnolia Street Ward 13 Applicant: Kendra Roe

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 from the date of the hearing.

Case: BOA-834511 Address: 100 Magnolia Street Ward 13 Applicant: Kendra Roe

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



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Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension from the date of the hearing

Case: BOA- 834505 Address: 7-9 Ceylon Street Ward 13 Applicant: Kendra Roe

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 from the date of the hearing

Case: BOA- 834501 Address: 170 Magnolia Street Ward 13 Applicant: Kendra Roe

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 from the date of the hearing

Case: BOA-834542 Address: 162 Magnolia Street Ward 13 Applicant: Kendra Roe

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 from the date of the hearing

Case: BOA- 834493 Address: 164 Magnolia Street Ward 13 Applicant: Kendra Roe

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 from the date of the hearing

Case: BOA-834563 Address: 8 Woodford Street Ward 13 Applicant: Kendra Roe

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 from the date of the hearing



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Case: BOA- 834539 Address: 23 Magnolia Street Ward 13 Applicant: Kendra Roe

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 from the date of the hearing

Case: BOA- 834541 Address: 4 Chamblet Street Ward 13 Applicant: Kendra Roe

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 from the date of the hearing

Case: BOA-834537 Address: 7 Half Moon Street Ward 13 Applicant: Kendra Roe

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 from the date of the hearing

HEARINGS: 9:30 AM

Case: BOA-1160871 Address: 297 Maverick Street Ward 1 Applicant: 297 Maverick, LLC

Articles: Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Feet)
Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 52 Roof Structure Restrictions Article 27T 5 East Boston IPOD Applicability

Purpose: Renovate existing three family dwelling. Construct a rear addition with rear decks and roof decks. Extend partial living space to basement.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate a three family and add rear decks, an addition, a roof deck, and basement living space.

Board members asked about a head house, basement living space, and plans.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support.

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Ruggiero moved for approval with BPDA design review, changing the head house to a hatch, and for no basement living space and Robinson seconded. The Board voted unanimously for approval.



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Case: BOA- 1145941 Address: 212 Chelsea Street Ward 1 Applicant: Eric Zachrison

Articles: Article 27T 5East Boston IPOD Applicability Article 53 Section 9 Lot Area for Additional Dwelling Units Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Building Height (# of Stories) Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53 Section 9 Side Yard Insufficient Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient

Purpose: Change Occupancy from a Two (2) Family Dwelling to a Three (3) Family Dwelling. Renovations and addition of a new 4th story onto an existing 3 story building. Installation of a new automatic sprinkler system.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change a two family to a three family with a fourth floor addition.

Board members asked about parking and height in the neighborhood context.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support.

Documents/Exhibits: Building Plans, 2 letters of support

Votes: Board Member Robinson moved for approval with BPDA design review and Logue seconded. The Board voted unanimously for approval.

Case: BOA-1152951 Address: 37 North Square Ward 3 Applicant: 190 North Street, LLC

Article: Article 54, Section 12 Use Regulations Use: Restaurant: Conditional

Purpose: Change Occupancy of Retail Store and One Family to Restaurant and One Family. Expand existing Restaurant at 33 North sq. into 37 North Sq for extra seating and install fire separation door activated by Fire Alarm system in conjunction with ALT1125040.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to expand an existing restaurant into an adjacent building.

Board members asked about building code relief and burdens on the restaurant because of the pandemic.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval and Robinson seconded. The Board voted unanimously for approval.



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Case: BOA-#1152954 Address: 37 North Square Ward 3 Applicant: 190 North Street, LLC

Purpose: Change Occupancy of Retail Store and One Family to Restaurant and One Family. Expand existing Restaurant at 33 North sq. into 37 North Sq for extra seating and install fire separation door activated by Fire Alarm system in conjunction with ALT1125040.

Violations: Violation Description: Violation Comments:9th 780 CMR 706 Fire Walls 706.1.1 Party Walls Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings.9th 780CMR 101 Referenced Codes 521CMR 17.5 DINING AREAS All dining areas, including raised or sunken dining areas, mezzanines, loggias, and outdoor seating areas, shall be accessible. 9th 780CMR 101 Referenced Codes 521CMR 30.2 LOCATION Accessible toilet rooms shall be on an accessible route. Where unisex toilet room(s) are provided, they shall be located in the same areas as other toilet rooms.

Discussion/Vote: The applicant requested a deferral because it was not ready to present its building code case. Board Member Ruggiero moved to deny and Secretary Fortune seconded. The Board voted unanimously to deny.

Case: BOA-1134769 Address: 363 Albany Street Ward 3 Applicant: Noah Ziomek

Article: Article 64, Section 35 Sign Regulations Bill board sign installation is forbidden in this zoning sub district

Purpose: We will be removing the existing billboard on the corner of the building and installing a new structure, and 2 20'x60' digital billboards.

Discussion/Vote: Upon a request from the applicant, the Board voted unanimously to defer this matter until the June 29, 2021 hearing at 21:30PM.

Case: BOA- 1162927 Address: 296-302 Cambridge Street Ward 5 Applicant: Sweetgreen, Inc

Article: Article 8 Section 7 Use Regulations Restaurant Use: Conditional

Purpose: Change of Occupancy from Spinning Studio to Restaurant. Renovation an existing 3,361 SF ground floor space There will be no internal or external structural changes but will propose façade changes.

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 from a spin studio to a restaurant.

Board members asked about take out, a good neighbor agreement, placement of door on Strong Place, and a pickup window.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Essaibi-George are in support. Councilor Bok and the Beacon Hill Civic Association are opposed.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with the side door on Strong Place to only be used as an exit, BPDA design review, relief for this applicant only, and standard takeout provisos and Robinson seconded. The Board voted unanimously for approval.



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Case: BOA-1009416 Address: 25 Dorchester Street Ward 6 Applicant: Patrick Alviti

Article: Article 68, Section 29 Roof Structure Restrictions

Purpose: Adding a 20'X25' private roof deck as per plans for the sole use of unit 3 only.

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

Board members asked about it being a condo, access to the deck, size of deck.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Flynn, Flaherty and Essaibi-George, the BPD, Senator Collins, and an abutter are opposed.

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

Votes: Secretary Fortune moved for denial and Logue seconded. The Board voted unanimously to deny.

Case: BOA- 1164448 Address: 1778 Columbia Road Ward 7 Applicant: Andrew Enright

Article: Article 29 Section 4 GPOD Applicability

Purpose: Erect new three family dwelling with roof deck and parking garage.

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 three story, three family building needing GPOD relief only.

Board members asked about plans, minimal violations, and design of the building.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Flynn, Flaherty and Essaibi-George, and the City Point Neighborhood Association are opposed.

Documents/Exhibits: Building Plans, 130 signatures opposed

Votes: Board Member Robinson moved for approval with BPDA design review, but his motion failed to receive a second. Board Member Ruggiero then moved for denial and Secretary Fortune seconded. The Board voted 6-1 to deny with Robinson opposed.

Case: BOA-1161468 Address: 14 Ennis Road Ward 11 Applicant: Ennis the Menace, LLC

Article: Art. 55, Section 9 Minimum lot width requirement is insufficient

Purpose: Build an unattached 2 family on same lot as another unattached 2 family, build per plans. Combine lots at 12 14 Ennis per ALT1143405. Total of 6 parking. Intent is to create two zoning complaint buildings on 1 lot at 14 Ennis St. See SF1143442 for associated demo work. In conjunction with ERT1143528.

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 two family on the same lot as an existing building.

Board members asked about a shared driveway, the other building, curb cut width, and basement living space.



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

Documents/Exhibits: Building Plans, 3 letters of support

Votes: Board Member Robinson moved for approval with BPDA design review and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA- 1175112 Address: 843 Columbia Road Ward 13 Applicant: Vacheh William Avanesian

Article: Article 65, Section 9 Floor Area Ratio Excessive 1.2 > 0.5max

Purpose: Legalize 216 GSF of existing finished basement as livable space. NO WORK.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to legalize existing basement living space with no work.

Board members asked about the use of the first floor and the current use of the illegal space.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Baker and Essaibi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Robinson moved for approval and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA- 1171375 Address: 51 Lawley Street Ward 16 Applicant: Timothy Johnson

Article: Article 65, Section 42 Application of Dimensional Req Conformity with Existing Building Alignment

Purpose: Amend long form permit ERT694507 to allow proposed 2-family building to encroach on existing building alignment as per plans.

Discussion/Vote: Upon a request from the applicant, the Board voted to defer this matter until the July 13, 2021 hearing at 12:30PM.

Case: BOA- 1163273 Address: 4160-4164 Washington Street Ward 19 Applicant: Juan Rojas

Articles: Art. 67 Sec. 11 Use Regulations In this neighborhood sub district dwelling unit use located in first floor is conditional Art. 67 Sec. 12 Floor area ratio is excessive Art. 67 Sec. 12 Height is excessive (3 stories max. allowed) Art. 67 Sec. 12 Height is excessive (35 ft max. allowed) Art. 67 Sec. 12 Front yard setback is insufficient (Bexley Road) Art. 67 Sec. 12 Rear yard setback requirements is insufficient Art. 67 Sec. 56 Off street parking requirements Off street parking requirements is insufficient Article 67 Section 33 Application of Dimensional Req Traffic visibility across corners Article 67 Sec. 29 Specific Design Review Street wall continuity (Washington Street) Article 67 Sec. 29 Specific Design Review Street wall continuity (Bexley Rd)

Purpose: Erect new four stories building with 7 residential units and 2 commercial spaces (offices/retail).

Discussion/Vote: The applicant failed to submit plans to the Board in time for the hearing. Upon a motion and second, the Board voted unanimously to defer this matter until the July 13, 2021 hearing at 12:30PM.



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Case: BOA-941670 Address: 257-259 Cambridge Street Ward 22 Applicant: Union Twist, Inc

Articles: Article 51 Section 16 Use Regulations Use: Cannabis Establishment: Conditional Article 51, Section 53 Screening & Buffering Req (Proposed Project is abutting a Residential District)

Purpose: Change of Occupancy to include a Cannabis Establishment. The Applicant also proposes to modify the existing layout and conditions of the interior of the Building pursuant to the plans submitted with this application. Partial demolition of existing Building to create new Off Street Parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to operate a Cannabis Establishment and create parking.

Board members asked about parking, underground parking, online ordering vs. foot traffic, proximity to schools and parks, security, and employees.

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 of support, 3 letters of opposition

Votes: Board Member Ruggiero moved for approval with BPDA design review and relief for this applicant only and Secretary Fortune seconded. The Board voted unanimously to approve.

HEARINGS:11:00AM

Case: BOA-1146559 Address: 456 Saratoga Street Ward 1 Applicant: Pedro Morais

Articles: Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Rear Yard Insufficient Article 9 Section 1 Extension of Nonconforming Use Article 53, Section 9 Bldg Height Excessive (Feet)

Purpose: Add a room enclosing the deck on 1st floor and a few renovations to 1st floor unit. Enlarge the rear decks on 2nd & 3rd floor and add a new deck above. Residing the whole building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to enclose a first floor deck, enlarge second and third floor decks, and add a new deck above.

Board members asked about the project footprint, pre-existing rear yard violation, existing decks, and a basement unit.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval and Robinson seconded. The Board voted unanimously to approve.



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Case: BOA-1146206 Address: 342 Meridian Street Ward 1 Applicant: Vazberg, LLC

Articles: Article 53, Section 9 Floor Area Ratio Excessive 3.1 > 1.0max Article 53, Section 9 Add'l Lot Area Insufficient 1944sqft < 4000 sqft req'd Art. 53, Section 56 Off Street Parking Insufficient 0 provided < 1 req'd Article 27T East Boston IPOD Article 53, Section 9 Usable Open Space Insufficient

Purpose: Change occupancy to a 4 unit residential dwelling, renovate lower unit including upgrades to life safety of building, as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change a three family to a four family by adding a lower level unit.

Board members asked about basement use, grade, plans, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support. BPDA recommended denial because of a basement bedroom.

Documents/Exhibits: Building Plans, 6 letters of support

Votes: Board Member Robinson moved for approval with the addition of bollards to protect the egress to the public way and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA-1121528 Address: 241 Lexington Street Ward 1 Applicant: Jeronimo Almeida

Articles: Article 53, Section 52 Roof Structure Restrictions Proposed roof deck not on main roof, to include, access. Article 53 Section 9 Insufficient rear yard setback 30' min req.

Purpose: Construct new roof deck.

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

Board members asked about access to the deck.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Edwards and Essaibi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Robinson moved for approval and Ruggiero seconded. The Board voted unanimously to approve.



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Case: BOA-1181148 Address: 58 Burbank Street Ward 4 Applicant: Sean George

Articles: Article 32, Section 4. GCOD, Applicability Groundwater Conservation Overlay District Applicability Article 66, Section 8 Use Regulations Use: Offices: Forbidden Article 66, Section 9 Floor Area Ratio Excessive Article 66, Section 9 Usable Open Space Insufficient Article 66, Section 9 Rear Yard Insufficient Article 66, Section 42 Off Street Parking & Loading Req Off Street Parking Insufficient

Purpose: Erect a new 7 story Residential Building. The 1st Floor will consist of Amenity and Office space. Floors 2 7 will consist of Residential Dwelling Units. Each Dwelling Unit will have a projecting exterior Deck. Building will be fully sprinklered. Nominal fee letter attached. Previous ALT Application (ALT957456) Abandoned.

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 seven story, seven unit mixed use building.

Board members asked about the size of the units, if they are compact units, common amenities, and whether there is a height violation.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. An abutter is opposed. BPDA expressed that the unit sizes are smaller than its Metro units.

Documents/Exhibits: Building Plans, letters of support, letters of opposition, BWSC and no harm letters

Votes: Board Member Ruggiero moved for approval of the GCOD with no provisos and Robinson seconded. The Board voted unanimously to approve the GCOD relief. Board Member Ruggiero then moved for approval of the remaining relief with BPDA design review for size and design of the units and Secretary Fortune seconded. The Board voted 6-1 to approve the remaining relief with Acting Chair Erlich opposed.

Case: BOA- 1151392 Address: 22 Castleton Street Ward 10 Applicant: Anita Lauricella

Articles: Art. 55, Section 8 Use: Forbidden 3F in 2F zone Article 55, Section 9 Floor Area Ratio Excessive $0.7 > 0.6_{max}$ Article 55, Section 9 Side Yard Insufficient $7.7' < 10'_{min}$ Article 55, Section 9 Bldg Height Excessive (Stories) $3 > 2 \frac{1}{2}_{max}$ Art. 55, Section 40 Off Street Parking Insufficient 1 Add'l Req'd

Purpose: Change occupancy from a 2 to a 3 residential building and creation of new third floor unit in the attic and additional rear access.

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 from two family to three family by converting the attic.

Board members asked about neighborhood context, plans, and dormers above roof ridge.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors O'Malley and Essaibi-George and an abutter are in support. BPDA recommended denial because a three family is out of context.

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Robinson moved for approval with BPDA design review for attention to the height of the dormer/roof and Ruggiero seconded. The Board voted unanimously to approve.



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Case: BOA- 1163154 Address: 360 Norfolk Street Ward 14 Applicant: James Christopher

Articles: Art. 09 Sec. 01 Extension of Non-Conforming Use Article 60 Section 40 Off-Street Parking & Loading Req
Parking Insufficient

Purpose: To construct a new second story addition to the existing auto body shop, creating new office space as per the attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add a second story to an auto body shop for office space.

Board members asked about the zoning district and 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 Robinson moved for approval with BPDA design review and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA-1163311 Address: 110-112 Tonawanda Street Ward 17 Applicant: Son Nguyen

Articles: Article 65, Section 8 Use Regulations Four Family Dwelling Use: Forbidden Article 65, Section 8.2 Use Regulations: Basement Units Dwelling Units in Basements are Forbidden Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Combining two lots (Parcel ID 1701262000 and 17012621000) into a newly created single lot to be 8,415 SF. Change of Occupancy from two family to a four family dwelling. Finishing the basement as a unit. Modifying the third floor to make as fourth unit. Construct new rear addition for enclosed egress stairs on the rear of the house. Propose (8) off street parking.

Discussion/Vote: The applicant requested relief to convert a two family to a four family. The Board did not have sufficient information to make a decision based on the plans before it. Upon a motion from Member Ruggiero and a second from Robinson, the Board unanimously voted to defer this matter for the applicant to provide better plans until the July 13, 2021 hearing at 12:30PM.

Case: BOA-1166231 Address: 3815 Washington Street Ward 19 Applicant: APW, LLC

Article: Article 55, Section 16 Use Regulations School use 2nd story and above is conditional

Purpose: School currently occupies ground/first floors of existing building; wants to expand to 2nd floor. Zoning subdistrict is "Neighborhood Shopping" and, per Article 55 table B, calls this educational use "conditional" on 2nd floor. Seeking change of use on 2nd floor from office to educational.

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 from an office to education.

Board members asked about the exact location on Washington Street, changes to the building, and plans.

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



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Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Robinson moved for approval and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA-1026920 Address: 115 K Street Ward 6 Applicant: Holland Brands SB, LLC

Articles: Art. 68 Sec.13 Use Regs. Sub section 68 39 cannabis establishment Conditional Art. 68 Sec.13 Use Regs. Sub section 68 39 cannabis establishment Accessory uses (offices/storage) Conditional

Purpose: Change of Occupancy, to telecom Service and Cannabis establishment/retail for recreational use (with accessory storage and offices) and then perform interior fit out of existing building per code. (Address A.K.A. 348, 550 East First Street). The Demolition of existing accessory structures on lot and the parking reconfiguration to accommodate 37 parking spaces shall be filed on separate permits accompanied with a stamped land survey.

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 a Cannabis Establishment.

Board members asked about hours of operation, community space, and historical rezoning.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Flynn, Flaherty, and Essaibi-George, and abutters are opposed. Neighbors are in support.

Documents/Exhibits: Building Plans, numerous letter of support, numerous letters of opposition, BCB letter

Votes: Due to technical issues, it was not possible to accurately record the vote. This matter is scheduled to be reheard on July 13, 2021 at 12:30PM in comport with the applicable notice requirements to remedy this issue.

Case: BOA-1026937 Address: 115K Street Ward 6 Applicant: Holland Brands SB, LLC

Article: Art. 68 Sec.13 Use Regs. Conditional

Purpose: Renovations, improvements and minor demolition for creation Commercial Parking containing a total of 37 parking spaces for proposed cannabis retail establishment. Permit application has been submitted with minimal fee pending Zoning Review. Site has secondary address as 500 E First Street (see alt967529-fd)

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 a Cannabis Establishment.

Board members asked about hours of operation, community space, and historical rezoning.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Flynn, Flaherty, and Essaibi-George, and abutters are opposed. Neighbors are in support.

Documents/Exhibits: Building Plans, numerous letter of support, numerous letters of opposition, BCB letter

Votes: Due to technical issues, it was not possible to accurately record the vote. This matter is scheduled to be reheard on July 13, 2021 at 12:30PM in comport with the applicable notice requirements to remedy this issue.



City of Boston
Board of Appeal

RECOMMENDATIONS: 11:30AM

Case: BOA1145330 -Address: 165 West Canton Street Ward: 4 Applicant: Marc LaCasse

Article: Article 64, Section 9.4 Town House/Row House Extension Addition of a balcony above first story

Purpose: Amendment to ALT1014362 to build a roof deck per plans provided and landmarks approval. Install balcony on rear of kitchen.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review as it relates to the zoning code relief. The Subcommittee voted to recommend denial for the building code relief.

Documents/Exhibits: Building plans

Case: BOA#1145795 Address: 165 West Canton Street Ward: 4 Applicant: Marc LaCasse

Purpose: Amendment to ALT 1014362 to build a roof deck per plans provided and landmarks approval. Install balcony on rear of kitchen.

Violation: Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access shall be through a penthouse

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review as it relates to the zoning code relief. The Subcommittee voted to recommend denial for the building code relief.

Documents/Exhibits: Building plans

Case: BOA-1161109 Address: 46 N Street Ward: 6 Applicant: George Morancy

Articles: Art 68 Sec 29 Roof Structure Restrictions Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Excessive F.A.R.

Purpose: Erect third story addition to existing structure, with front and rear decks on roof of second story.

Discussion/Vote: Upon request of the applicant, the Board voted unanimously to defer this matter until the August 31, 2021 hearing at 12:30PM.

Case: BOA-1161110 Address: 48 N Street Ward: 6 Applicant: George Morancy

Articles: Art 68 Sec 29 Roof Structure Restrictions Addition Art 68 Sec 8 Excessive F.A.R. Art 68 Sec 8 Insufficient side yard setback

Purpose: Erect third story addition to existing structure, with front and rear decks on roof of second story.

Discussion/Vote: Upon request of the applicant, the Board voted unanimously to defer this matter until the August 31, 2021 hearing at 12:30PM.



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Case: BOA-1179768 Address: 697 East Eighth Street Ward: 7 Applicant: Moacir Filho Filho

Articles: Art.68 Sec 29 Roof Structure Restrictions Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient

Purpose: Existing triple deck and roof Deck replacement on the rear of the house only.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for no building code violations.

Documents/Exhibits: Building plans

Case: BOA-1172179 Address: 70 Gates Street Ward: 7 Applicant: Matthew Murphy

Articles: Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Side Yard Insufficient

Purpose: Add third floor master suite.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1173205 Address: 68 Thomas Park Ward: 7 Applicant: Synergy Construction Group, LLC

Articles: Art.68 Sec. 33 Off Street Loading Req. No parking allowed in front yard Art. 10 Sec. 01 Limitation of parking areas 5' Buffer

Purpose: Proposed new curb cut off of Thomas Park to accommodate two residential off street parking spots.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend denial.

Documents/Exhibits: Building plans

Case: BOA-1163284 Address: 1008-1010 Tremont Street Ward: 9 Applicant: JC Barbershop, LLC

Article: Art. 50, Section 28 Use: Conditional Barber shop use is a conditional use in this zoning subdistrict, when located in the first or ground floor

Purpose: Build out of a Barbershop (This is a change in occupancy as well).

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans



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Case: BOA-1145416 Address: 96 Warren Street Ward: 12 Applicant: Robert Bulger

Article: Article 50, Section 29 Side Yard Insufficient

Purpose: Install 30" x 30" concrete pads, install 4" concrete, cut 12' out of roof to install dormer. Furnish and install complete dormer, including window, walls, etc. *See attached Contract for further details.*

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1166344 Address: 7 Victoria Street Ward: 13 Applicant: Lai Kha

Articles: Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories)
Article 65, Section 9 Side Yard Insufficient

Purpose: Remove and replace 2 existing dormers to include a full length dormer & remove and replace existing 1st floor addition to include the removal of soil in the basement and crawlspace to create a finish ceiling height of 8 feet in the basement & crawl space add an addition to the rear of the existing dwelling on top of the 1st floor rear to tie in the 2nd flr to be part of the 1st flr to include a 1/2 bath plus electrical see plans submitted total square footage on all 3 floors is 3,921 Remove & replace existing front porch in the same footprint See attached plans.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1029463 Address: 55 Church Street Ward: 15 Applicant: Ana Ortiz

Articles: Art. 10 Sec. 01 Limitation of off street parking areas Article 65, Sec 65 41 Off Street Loading Req. 65 41.4.a) Location 65 41.5 a) Design

Purpose: Requesting a curb cut for an existing driveway for two off street parking spaces. ZBA

Discussion/Vote: At the Subcommittee hearing, the applicant requested a deferral. The Subcommittee voted to recommend deferral to June 22, 2021 at 12:30PM.

Case: BOA-1134172 Address: 16 Malcolm Road Ward: 19 Applicant: David L. Naimark & Roy G. Thomas

Articles: Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Rear Yard Insufficient

Purpose: Renovate an existing 3 season porch to a 4 season porch, new bathroom in basement, relocate laundry, build a new deck and patio as per plans.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans



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Case: BOA-1165301 Address: 185 Russett Road Ward: 20 Applicant: Yvonne Schreiner

Articles: Article 56, Section 8 Floor Area Ratio Excessive You will need relief from the BOA (Board of Appeals)
Article 56, Section 8 Front Yard Insufficient You will need relief from the BOA (Board of Appeals) Article 56,
Section 8 Rear Yard Insufficient You will need relief from the BOA (Board of Appeals)

Purpose: Repair garage, add master bedroom and bath. Add dormers to attic.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1166262 Address: 51 Dow Road Ward: 20 Applicant: Gregory Stack

Article: Article 56. Section 8 Side Yard Insufficient

Purpose: Sun Room Deck.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-1167559 Address: 287 Bellevue Street Ward: 20 Applicant: Matthew Maiona

Articles: Art. 09 Sec. 01 Reconstruction/Extension of Non-Conforming Bldg <25% Conditional
Art. 56, Section 8 Insufficient rear yard setback Art. 56, Section 8 # of allowed stories has been exceeded
Article 56, Section 8 Floor Area Ratio Excessive

Purpose: Add a third floor addition as per plan.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

Case: BOA-970452 Address: 1 Brigham Street Ward: 1 Applicant: Lily Zhuang

Articles: Article 53 Section 9 Dimensional Regulations Open Space Article 53 Section 57 Application of
Dimensional Req (5) Visibility across a corner lot Article 53 Section 56.5.a Parking maneuverability Design

Purpose: Parking for 1 car.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend denial.

Documents/Exhibits: Building plans



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Case: BOA- 1151329 Address: 64 Radcliffe Road Ward: 18 Applicant: Vanessa Denaud

Articles: Article 69 Section 9 Lot Area for Additional Dwelling Units Insufficient Article 69 Section 9 Usable Open Space Insufficient Article 69 Section 29 Off Street Parking & Loading Req Off Street Parking Insufficient

Purpose: Change of Occupancy from a Single Family Dwelling to a Two (2) Family Dwelling. Renovation is completed, one floor added with 3 bedroom, 2 bathroom to the existing floor, the existing permit Number of the alteration #ALT 893962.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend deferral to July 13, 2021 at 12:30PM.

Documents/Exhibits: Building plans

Case: BOA-1124052 Address: 181 Maple Street Ward: 20 Applicant: Kendall Dacey

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

Purpose: Single Family Building; adding front porch and rear addition to the existing building in order to create another bedroom and bathroom in the home.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with a proviso for BPDA design review.

Documents/Exhibits: Building plans

HEARINGS:12:30P.M

Case: BOA- 1068596 Address: 1088 Saratoga Street Ward 1 Applicant: John Bauer

Articles: Art.09 Sec. 01 Reconstruction/Extension of Non-Conforming Bldg Article 27T-5 East Boston IPOD Applicability Article 53, Section 57.2 Conformity Ex Bldg Alignment Front yard of corner lot Article 53 Section 8 Use Regulations (5 units REMOVED) FOUR UNITS in a 2f subdistrict Forbidden Article 53 Section 8 Use Regulations 3. Basement units Forbidden Article 53 Section 9 Insufficient side yard setback – left side < 7’ as shown on land survey (see notes) Article 53 Section 9 Excessive F.A.R. Article 53 Section 9 # of allowed stories exceeded Article 53 Section 9 Max allowed height exceeded Article 53 Section 9 Insufficient rear yard setback Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off-Street Parking & Loading Req Insufficient parking Article 53, Section 56.5 Off-Street Parking Design Size/maneuverability

Purpose: Erect addition and change occupancy to a (5 REMOVED) FOUR unit residential dwelling with parking for (3 removed) FOUR vehicles.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change a two family to a three family with an addition, add parking, and add roof decks.

Board members asked about the entire lot being used and unit sizes.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services, Councilors Edwards and Essaibi-George, a neighbor, and an abutter are in support. BTD recommended moving the curb cut closer to St. Edwards road. BPDA recommend reviewing the garage door.



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Documents/Exhibits: Building Plans

Votes: Board Member Robinson moved for approval with BPDA design review with attention to the garage door and building alignment and Secretary Fortune seconded. The Board voted unanimously to approve.

Case: BOA-1055809 Address: 167 Lexington Street Ward 1 Applicant: 88 Holdings, LLC

Articles: Article 53, Section 9 Floor Area Ratio Excessive Max. allowed: 0.8 Proposed: 1.22 Article 53, Section 9 Bldg Height Excessive (Stories) Allowed: 2.5 Proposed: 3 Art. 27G E Boston IPOD Article 53 Section 8 Use Regulations 3 family use: Forbidden Article 53 Section 56 Off Street Parking & Loading Req spaces required: 1 Proposed: 0

Purpose: Seeking to confirm the occupancy as a two family residential dwelling and change to a three family residential dwelling and renovate. BOA

Discussion/Vote: Upon request of the applicant, the Board voted unanimously to defer this matter until the July 27, 2021 hearing at 12:30PM.

Case: BOA-1024228 Address: 137 Leyden Street Ward 1 Applicant: John Flaherty

Articles: Article 53 Section 8 Use Regulations Use: Multifamily Dwelling: Forbidden Article 53 Section 8 Use Regulations Use: Accessory Parking: Forbidden Article 53 Section 9 Dimensional Regulations Floor Area Ratio Excessive Article 53 Section 9 Dimensional Regulations Building Height Excessive Article 53 Section 9 Dimensional Regulations Building Height (# of Stories) Excessive Article 53 Section 9 Dimensional Regulations Front Yard Insufficient Article 53 Section 9 Dimensional Regulations Side Yard Insufficient Article 53 Section 9 Dimensional Regulations Rear Yard Insufficient Article 53 Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient Article 53 Section 57 Application of Dimensional Req Conformity with Existing Building Alignment Article 27T Section 9 IPOD Enforcement East Boston IPOD Applicability

Purpose: Erect a new 5 story Nine (9) Unit Residential Dwelling. There will be Off Street Parking located under Building and in Rear Yard as per plans. Existing house to be razed under a separate permit. Construction Plans to be submitted upon ZBA approval.

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

Case: BOA- 1121088 Address: 31 Wabon Street Ward 12 Applicant: Stephen Siuda

Articles: Article 50 Section 29 Insufficient lot size 5,000 sf req. Article 50 Section 29 Insufficient additional lot area 2,500sf/unit >2 req. Article 50 Section 29 Insufficient lot width 50' req Article 50 Section 29 Insufficient lot frontage 50' req. Article 50 Section 29 Excessive F.A.R. .8 max. allowed Article 50 Section 29 Insufficient Usable open space 650sf/unit req. Article 50 Section 29 Front yard setback 20' min req. /Modal alignment Article 50 Section 29 Insufficient side yard setback 10' min. req. Article 50, Section 43 Off Street Parking & Loading Req Access/Maneuvering areas.

Purpose: New 4 story building with 6 4 residential units, 2 on the first level, 2 on the second level and two duplex units located on levels 3 and New three story, three family dwelling to include four off street parking spaces with easement access via 33 Wabon Street per revised plans submitted (U491109608 filed) * Modified 9.8.20

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 three story building with two units.



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Board members asked about plans, parking, and two properties on plans.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. An abutter and Project Right are opposed. Secretary Fortune announced that there are no new letters of support or opposition since the matter was last before the Board prior to alteration.

Documents/Exhibits: Building Plans

Votes: Board Member Robinson moved for approval with BPDA design review and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA-1135948 Address: 33 Wabon Street Ward 12 Applicant: Stephen Siuda

Article: Art. 09 Sec. 02 Nonconforming Use Change < 25% conditional (open space reduction)

Purpose: Create an 20' access easement for pedestrian and motor vehicle use to pass and repass from 33 Wabon to 31 Wabon St. (4 Parking Spaces) Application filed in conjunction with ERT1006848.

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 three story building with two units.

Board members asked about plans, parking, and two properties on plans.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. An abutter and Project Right are opposed. Secretary Fortune announced that there are no new letters of support or opposition since the matter was last before the Board prior to alteration.

Documents/Exhibits: Building Plans

Votes: Board Member Robinson moved for approval with BPDA design review and Ruggiero seconded. The Board voted unanimously to approve.

Case: BOA-993501 Address: 11 Pacific ST Ward: 7 Applicant: John Barry

Article: 68(68-27S-5) 68(68-8: Insufficient side yard setbacks, Insufficient open space per unit & Excessive f.a.r.) 68(68-33)

Purpose: To construct a new rear addition and confirm occupancy as a single family and change to a three-family residential building.

Discussion/Vote: Upon the applicants request, the Board voted unanimously to defer this matter until the July 27, 2021 hearing at 12:30PM.

Case: BOA-1053337 Address: 64 Clarkwood Street, Ward 14 Applicant: Brodrick Egodogbare

Articles: Art. 60 Sec. 09 Usable open space insufficient, Article 60, Section 9 Lot Area Insufficient, Article 60, Section 11 Use: Forbidden

Purpose: Construction of four new town houses

Discussion/Vote: After a presentation by the applicant, the Board realized that the plans as presented did not have the ISD stamp that signifies that the plans are properly before the Board. Based on this, Secretary Fortune moved to defer



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this matter. The motion was seconded and the Board voted unanimously to defer this matter until the July 27, 2021 hearing at 12:30PM.

Case: BOA- 1155712 Address: 10 Ruthven Park Ward 12 Applicant: Alfonso Sira

Article: Art. 50 Sec. 43 Off street parking requirements Ancillary off street parking use is a conditional use (all car space shall be entirely located on the lot the space is intended to serve)

Purpose: Assign 2 off street parking spaces (parking 1 and parking 6) from the 6 parking spaces located at the rear of 71 Ruthven Street property to 10 Ruthven Pk as ancillary parking spaces. And create a new accessible parking on the main drive of 10 Ruthven Pk.

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

Board members asked about a chain blocking the parking area and ongoing property litigation.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Councilor Essaibi-George, the Roxbury Neighborhood Council, and a neighbor are opposed.

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval with the removal of the handicap parking space and Secretary Fortune seconded. The Board voted unanimously to approve.

Case: BOA-1155711 Address: 71 Ruthven Street Ward 12 Applicant: Derric Small

Articles: Art. 09 Sec. 01 Extension of Non Conforming Use Extension of non conforming use is conditional Art. 50, Section 29 Floor area ratio is excessive Art. 50, Section 29 Height requirement is excessive (stories) Art. 50, Section 29 Height is excessive (ft) Art. 50, Section 29 Usable open space is insufficient (due to the 6 parking spaces) Art. 50, Section 29 Side yard with access driveway cannot be less than 10ft wide (no side yard to access the parking except easement driveway) Article 50, Section 44 Application of Dimensional Req Side yard with access driveway cannot be less than 10ft wide (no side yard to access the parking except easement driveway)

Purpose: To proceed with ZBA reconfiguration in 1st floor and extension to attic floor with dormers, total number of units remains the same as before in ALT1019604 alt by mj, and 6 new off street parking spaces at the rear of property (3 for 71 Ruthven Street and 3 for 10 Ruthven Pk as ancillary).

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

Board members asked about a chain blocking the parking area and ongoing property litigation.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support. Councilor Essaibi-George, the Roxbury Neighborhood Council, and a neighbor are opposed.

Documents/Exhibits: Building Plans



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Votes: Board Member Ruggiero moved for approval with the removal of the handicap parking space and Secretary Fortune seconded. The Board voted unanimously to approve.

Case: BOA- 1112785 Address: 2149-2151 Dorchester Avenue Ward 17 Applicant: John Barry

Articles: Art. 65 Sec. 08 Forbidden Multi family dwelling unit use (6) is a forbidden use Art. 65 Sec. 9 Residential Dimensional Reg.s Usable open space is insufficient Art. 65 Sec. 41 Off street parking requirements Off street parking requirement is insufficient

Purpose: Change Occupancy from 4 family to 6 unit building. Add 2 kitchens and 2 new entrances on second and third floor.

Discussion/Vote: Upon request of the applicant, the Board voted unanimously to defer this matter until the July 27, 2021 hearing at 12:30PM.

Case: BOA-1159723 Address: 180-190 Hyde Park Avenue Ward 19 Applicant: Brian Oicle

Article: Article 55, Section 8 Use Regulations #182: Café / food service use: Conditional#184: Church / Community center / legal office: Allowed / Conditional / Forbidden

Purpose: Building at 180 190 Hyde Park Ave was 4 commercial spaces, currently is 3, we will convert back to 4 and change the use of space: #180 remain retail; #182 change retail to food service/cafe; #184 change retail to church with gatherings, legal services, and community outreach; and #188 remain retail/salon.

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 of four commercial spaces; one newly created.

Board members asked about the spaces' new tenants, plans, and grate removal.

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

Documents/Exhibits: Building Plans

Votes: Board Member Ruggiero moved for approval and Robinson seconded. The Board voted unanimously to approve.



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

BOARD MEMBERS:

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MARK ERLICH-ACTING CHAIR
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SUBSTITUTE MEMBERS:

**TYRONE KINDELL, JR
KERRY WALSH LOGUE**

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 May 18, 2021 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.