



City of Boston  
Board of Appeal

Tuesday, November 1, 2022

BOARD OF APPEAL

City Hall, Room 801

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## **HEARING MINUTES**

Board Chair Erlich called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Chair announced that the hearing was being conducted remotely via an online meeting platform and subject to the below advisory which was part of the publicly posted hearing agenda. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON NOVEMBER 1, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS NOVEMBER 1, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE NOVEMBER 1, 2022 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.**

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/ZBAhearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 996 0844 0932 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/November1Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.



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**For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/November1Comment>, calling 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).**

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

**If you wish to offer comment within the meeting platform, please use the “Raise Hand” function that should appear on the bottom of your screen, if connected by computer or device, or dial \*9, if connected by phone. On a computer or device, you will receive a request to unmute yourself from the event host. You must select yes before you can speak. On a phone, you will hear a prompt that the event host is asking you to unmute yourself. You must press \*6 to unmute yourself before you can speak. Commenters will be asked to state their name, address and comment. Comments will be limited as time requires.**

**IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 8:30AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.**

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

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

**MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO [ZBAPublicInput@boston.gov](mailto:ZBAPublicInput@boston.gov) IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48**



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**HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE  
IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE  
PROPOSED PROJECT AND THE DATE OF THE HEARING.**



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## **APPROVAL OF THE HEARING MINUTES: 9:30AM**

**SEPTEMBER 15 & 27, 2022**

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

## **HEARINGS: 9:30AM**

**Case: BOA-1343873 Address: 46 West Cedar Street Ward 5 Applicant: David McMahon**

**Article(s):** Art. 13 Sec. 13 1 Existing and proposed FAR is excessive. Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability

**Purpose:** Demolition of an existing single-story brick "L" and the illegal roof deck above. New construction includes a new addition to the full rear of the existing house. The proposed addition will be one story with a new roof deck above. This will be an extension of the existing living space.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to repurpose an area in disrepair.

Board members asked about plans, access, water run off.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Ruggiero moved to approve. Dong seconded and the motion carried unanimously. The Board also voted unanimously to approve the GCOD relief.

**Case: BOA-1393201 Address: 220 Clarendon Street Ward 5 Applicant: Insomina Cookies**

**Article(s):** Art. 08 Sec. 03 Conditional Uses -Retail catering (36A) cookie bakery

**Purpose:** Change of occupancy to include a cookie shop (Use 36A) in street level storefront. Fit out to include equipment, restrooms and utilities as per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to open an insomnia cookie location open until 12pm.

Board members asked about plans, access, take out.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Ruggiero moved to approve with this petitioner only, standard takeout language, and submit to the Back Bay Architectural Board. Dong seconded and the motion carried unanimously.



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**Case: BOA -1392781 Address: 9 West Broadway Ward 6 Applicant: 618 Holdings LLC**

**Article(s):** Article 68, Section 29 Roof Structure Restrictions - Roof Deck The proposed Penthouse alters roof profile.

**Purpose:** Install roof deck this application is for refusal letter only.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add to restore a curb cut and erect a three unit dwelling with a roof deck with hatch access. Close to the T station

Board members asked about plans, roof deck, plans, parking

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flaherty, Breadon, the BAIA are in support.

**Documents/Exhibits:** Building Plans. Letters in support and opposition.

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

**Case: BOA-1363933 Address: 140-140A D Street Ward 6 Applicant: Casey Tenney**

**Article(S):** Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Art. 68 Sec. 33 Off Street parking Req. Article 68, Section 8 Add'l Lot Area Insufficient

**Purpose:** Change of occupancy from store, one family to two family. Rear building addition, interior remodel. Current structural building to stay intact.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change from a store to a 2 family, which has been previously taxed as a two family.

Board members asked about plans, occupancy, height, access.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn is in support.

**Documents/Exhibits:** Building Plans.

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



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**Case: BOA-1363952 Address: 584-586 East Broadway Ward 6 Applicant: Heather Carbone**

**Article(s):** Article 68, Section 7 Body art establishment use: Forbidden.

**Purpose:** Interior renovation of existing commercial and residential space. Occupancy change from 1 commercial unit (yoga studio) and 2 residential units to 2 commercial units (1 Yoga Studio, 1 Body Art Establishment) and 2 residential units. Increasing the living space in the residential units.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to allow for 2 commercial spaces and 2 residential units.

Board members asked about plans, project, windows, walkout, and accessibility.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn and an abutter is in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with the proviso that this has to be reviewed by the architectural board. Dong seconded and the motion carried unanimously.

**Case: BOA-1368775 Address: 196-198 Broadway Ward 6 Applicant: Richard Rowland, Jr.**

**Article(s):** Article 68, Section 7 Fitness Facility Forbidden

**Purpose:** Change occupancy of retail store to fitness facility.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to turn a vacant salon space into a gym. Redesign the interior with no structural changes. This will be a 24 hr fitness with a scan code on the door in the evening.

Board members asked about plans, hours, access.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn is in support.

**Documents/Exhibits:** Building Plans. Letters in support and opposition.

**Votes:** Board Member Ruggiero moved to approve to this petitioner only. Dong seconded and the motion carried unanimously.

**Case: BOA -1369883 Address: 8-10 Mercer Street Ward 7 Applicant: Mark Little**

**Articles** Art. 68 Sec.08 Insufficient additional lot area per unit. Art 68 Sec 8 Excessive f.a.r. Art 68 Sec 8 Excessive building height in sub district Art 68 Sec 8 Insufficient open space Art 68 Sec 29Roof Structure Restrictions - Parcel max allowed building height has been exceeded

**Purpose:** Erect new four story building with five dwelling units, two fourth story decks, rear balconies at second and third stories, and 10 accessory off street parking spaces. (5 Stackers1/1) Parking access to be provided by driveway shared with 12 Mercer Street. 8 Mercer Street lot and 10 Mercer Street lot are being combined under ALT1056673. The purpose of this application is to convert the issued permit numbered ALT1056666(REVOKED) to an ERT permit, as the previously existing structure was damaged during reconstruction and was razed. All zoning relief was granted under ALT1056666 and BOA1066911 and is active and valid. (REVOKED) Zoning relief for 12 Mercer Street, for shared driveway, was granted under U491056686 and BOA1066917 and is active and valid. (Not yet issued)

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 31, 2023 at 11:30AM.



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**Case: BOA -1341429 Address: 83 Corbet Street Ward 17 Applicant: Steven Franc**

**Article(s):** Art. 60 Sec. 09 Rear yard insufficient Art. 60 Sec. 09 Side yard insufficient Art. 60 Sec. 40 Off street parking insufficient

**Purpose:** Proposed to change a one family to a two family.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 1 family to a 2 family. No exterior changes.

Board members asked about plans, height and context.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Documents/Exhibits:** Building Plans.

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

**Case: BOA -1392117 Address: 1161 Adams Street Ward 17 Applicant: 6 Adams Street LLC**

**Article(s):** Article 65, Section 41 Off Street Parking & Loading Req Article 65, Section 32 NDOD Review Required Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Rear Yard Insufficient Article 65, Section 8 Use Regulations - MFR is a forbidden use in a 1F 5000 sub district

**Purpose:** The project consists of 29 multifamily units in 5 floors with underground structured parking for each market rate unit. The site consists of 1161 Adams Street and 1169 Adams Street (2 Lots). Both lots have existing single story buildings on them which will be demolished.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 5 story 29 residential development. 5 affordable units are included. 29 garage spaces included and replace current industrial use close to the MBTA.

Board members asked about plans, unit breakdown, context, proposal.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Baker, Murphy, and the Carpenter's Union is in support.

**Documents/Exhibits:** Building Plans. Letters in support and opposition.

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



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**Case: BOA-1377517 Address: 260 Roslindale Avenue Ward 20 Applicant: Nadine & Chelsea Powell**

**Article(s):** Article 67, Section 32 Off Street Parking - Removal of garaged parking

**Purpose:** Removal of attached garage (SF cost \$15,000.00) and build a 2 1/2 story addition in place of garage. Extension of living space to basement for Mudroom, and additional gross area added to 1st & 2nd story in place of garage. Scope of single family remodel includes new electrical/plumbing, and existing HVAC to extend to addition.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add convert an existing garage space into an office space. Garage is too small to function as a garage.

Board members asked about plans, basement, footprint, addition.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flaherty and Rep Consalvo are both in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review and no front yard parking. Dong seconded and the motion carried unanimously.

**Case: BOA-1370747 Address: 124-126 Kenrick Street Ward 22 Applicant: Pat McKenna**

**Article(s):** Article 51, Section 8 Use: Forbidden Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient

**Purpose:** Addition to property. work on existing property: interior demolition, new kitchens and bathrooms, new plaster, sheetrock, trim, doors and siding update electrical and plumbing. \*This is for initial application to get refusal letter.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change from an 4 unit to an 8 unit development with 1 affordable unit.

Board members asked about plans, proposal, breakdown, layout

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flaherty, Breadon, the BAIA are in support.

**Documents/Exhibits:** Building Plans. Letters in support.

**Votes:** Board Member Barraza moved to approve with BPDA design review and identify unit #2 as an affordable unit. Dong seconded and the motion carried unanimously.





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## **HEARINGS:10:30AM**

**Case: BOA-1395028 Address: 516 Sumner Street Ward 1 Applicant: Michael Stuchins**

**Article(s):** Art. 53 Sec. 08 Forbidden - Multifamily use Art. 27G E Boston IPOD Art. 53 Sec. 56 Off Street Parking - Required: 1.5 spaces Art. 53 Sec. 09 Floor Area Ratio Excessive - Max. allowed: 1 Existing: 1.22 Proposed: 2.36 Article 53, Section 9 Add'l Lot Area Insufficient - Min. lot area required: 4,000 sqft Proposed: 2,500 sqft Article 53, Section 9 Usable Open Space Insufficient - Min. required: 300 x 4 units = 1,200 sqft Article 53, Section 9 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: 42' 5" Article 53, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 3 Proposed: 4

**Purpose:** Confirm occupancy as 3 family and store and change to a 4 family. Renovate the building including adding a rear addition, (r.d. eliminated from scope 09/29/22) and extending living space to the bottom floor.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate an existing dwelling to change the occupancy to a 4 family dwelling. The height will remain and the footprint will remain.

Board members asked about plans, proposal, decks, trees

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Documents/Exhibits:** Building Plans. Letters in support and opposition.

**Votes:** Board Member Barraza moved to approve with BPDA design review with the note that if a tree was removed it had to be replaced. Dong seconded and the motion carried unanimously.

**Case: BOA -1214604 Address: 423 William F McClellan Highway Ward 1 Applicant: Sons Divine Providence Inc.**

**Article(s):** Art.11 Sec.06 Billboard Signs Article 11, Section 7 Electronic Signs - electronic/digital Art. 53, Section 28 Use: Forbidden - Use not identified in table "D" Art. 53, Section 55 Sign Regulations - Insufficient front yard setback Art. 53, Section 55 Sign Regulations - Max allowed height exceeded

**Purpose:** Erect an outdoor advertising device (digital billboard) consisting of a single monopole with back to back digital faces with dimensions of 14' by 48' (60' Height) facing William F. McClellan Highway, East Boston.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 10, 2023 at 11:30AM.



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**Case: BOA-1332107 Address: 548 East Third Street Ward 6 Applicant: Sean Nully, By: Steven Petitpas of Aesthetic Images**

**Article(s):** Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Lot Area Insufficient

**Purpose:** Demolition of a single family detached house. New construction of 3 unit residential building with parking.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to demo a single family and erect a 3-unit residential dwelling. No roof decks.

Board members asked about plans, proposal and context.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flaherty, and Flynn are both in opposition.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve. No one seconded the motion and it did not carry. Ruggiero moved to deny without prejudice, Fortune seconded and the motion carried unanimously.

**Case: BOA -1306137 Address: 944 East Broadway Ward 6 Applicant: Timothy Johnson**

**Article(s):** Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient

**Purpose:** Remove gable roof and install flat roof. Construct new infill addition at rear, add new front deck above existing front entry. Install new rear decks. Install new Oriel window along driveway. New Lula elevator and reconfigure interior of units. Install new sprinkler system.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to include a new front deck and replace the roof deck with a new one while keeougn

Board members asked about plans, roof deck, plans, parking

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn is in support.

**Documents/Exhibits:** Building Plans. Letters in support and opposition.

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



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**Case: BOA-1392478 Address: 71 Proctor Street Ward 8 Applicant: Brown Rudnick LLP**

**Article(s):** Article 50, Section 32 Use Regulations in IDA - Use: Elementary or Secondary School: Conditional  
Article 50, Section 33 Floor Area Ratio Excessive Article 50, Section 43 Off Street Parking & Loading Req - Off Street  
Parking Insufficient

**Purpose:** Combine 69 71 Proctor St with Parcel# 0800480000 to be known as one lot 71 Proctor Street. Construction of a new 4 story Academic Facility (Charter School, Classrooms, Cafeteria, Gymnasium, Storage Space and Parking) of approx.83,500 gross sq. ft. (the "Project"). Demolition will be performed under separate permit.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to combine parcels for a new charter school called Roxbury Prep. Transportation, gymnasium, bike room, lab uses.

Board members asked about plans, access, layout, park.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Murphy, Baker, Flaherty, and the Carpenter's Union. A representative for an abutter is in opposition.

**Documents/Exhibits:** Building Plans. Letters in support.

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

**Case: BOA -1341467 Address: 3407-3409 Washington Street Ward 11 Applicant: 3409 Washington JP LLC**

**Article(s):** Article 55 section 40 Off Street Parking & Loading Req Article 55, Section 9 Floor Area Ratio Excessive  
Article 55, Section 9 Bldg Height Excessive (Feet) Art. 08 Sec. 07 Use: Forbidden Art. 08 Sec.07 Use: Conditional

**Purpose:** Construct a new 22,660 sf mixed use building. The project consists of 29 residential units, a 400-sf community commercial space on the ground level, and 7 parking spaces.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to construct a mixed use development that is a 5 minute walk the T.

Board members asked about plans, proposal, community space, units, and breakdown.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Documents/Exhibits:** Building Plans. Letters in support and opposition.

**Votes:** Board Member Barraza moved to approve with BPDA design review with attention to the pick up and drop mark affordable units rear elevation, and trash removal. Dong seconded and the motion carried unanimously.



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**Case: BOA -1348170 Address: 109 Ellington Street Ward 14 Applicant: Mike Kenny**

**Article(s):** Article 60, Section 9 Floor Area Ratio Excessive -  $1.4 > 0.8$ max Article 60, Section 9 Lot Area Insufficient -  $3,746\text{sqft} < 5,000\text{sqft}$  min Article 60, Section 9 Add'l Lot Area Insufficient -  $3,746\text{sqft} < 7,500\text{sqft}$  min Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 41.1 Conformity Ex Bldg Alignment -  $4' < 15'$ min (Modal) Article 60, Section 9 Side Yard Insufficient -  $3\frac{1}{6}.7' < 10'$ min

**Purpose:** Erect three family residence, with front decks and rear parking; per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a three family with front decks rear parking.

Board members asked about plans, proposal.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell is in support.

**Documents/Exhibits:** Building Plans. Letters in support and opposition.

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

**Case: BOA -950222 Address: 1 Carmen Street Ward 14 Applicant: James Christopher**

**Article(s):** Article 65, Sec 65-41 Off-Street Loading Req. Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose:** To Construct a new three story three unit residential building in association with lot subdivision ALT931392.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 10, 2023 at 11:30AM.

**Case: BOA -950227 Address: 1A Carmen Street Ward 14 Applicant: James Christopher**

**Article(S):** Art. 65 Sec. 41 Off street parking requirements - Off street parking requirement is insufficient  
Art. 65 Sec. 9 Minimum lot width requirement is insufficient Art. 65 Sec. 9 Minimum lot frontage requirement is insufficient  
Art. 65 Sec. 9 Minimum lot size required for the existing three family after subdivision is insufficient  
Art. 65 Sec. 9 Floor area ratio is excessive Art. 65 Sec. 9 Usable open space is insufficient  
Art. 65 Sec. 9 Side yard requirement is insufficient

**Purpose:** Subdivision of the existing lot at 1 Carmen St. To create two lots 1 Carmen St. Parcel No. 1440571000 to be 3,256 square Feet. New parcel will be 2720 square feet.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 10, 2023 at 11:30AM.



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**Case: BOA-1391894 Address: 52 Rockne Avenue Ward 16 Applicant: Deborah Swanson**

**Article(s):** Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Front Yard Insufficient  
Article 65, Section 9 Rear Yard Insufficient

**Purpose:** The existing building is a one story wood framed bungalow style house with a full concrete basement foundation. The existing house was built in 1926 and has approximately 1,088 sq. ft. of living area. The proposed project would include the renovation of the first floor and a full second floor addition with two (2) bedrooms, a shared bathroom, and a master bedroom with en suite bathroom. A laundry room is to be included on the second floor.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate a single family home and add livable space to include more bedrooms.

Board members asked about plans, proposal.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support.

**Documents/Exhibits:** Building Plans. Letters in support.

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

**Case: BOA -1311358 Address: 24 Dawson Street Ward 16 Applicant: Timothy Johnson**

**Article(s):** Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 Allowed # of occupied stories exceeded Art. 65 Sec. 9  
Insufficient side yard setback (roof deck)

**Purpose:** Extend living into lower level and erect new roof deck w/spiral stair access as per plans submitted. \*To include reconstruction/extension of rear deck off of the 1st story.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a second story attached deck on a single family with a new roof, interior stair and bulkhead.

Board members asked about plans, access, proposal

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker and an abutter is in support.

**Documents/Exhibits:** Building Plans. Letters in support.

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



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**Case: BOA 1346254 Address: 10 Woodhaven Street Ward 18 Applicant: Derick Joyner**

**Article(s):** Article 60, Section 11 Use: Forbidden Article 60, Section 9 Lot Width Insufficient

**Purpose:** To erect a two family dwelling with 4 off street parking space in the rear.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 10, 2023 at 11:30AM.

**Case: BOA 1378776 Address: 3 Leseur Road Ward 18 Applicant: Paul Wood/Boston Hammer, Inc.**

**Article(s):** Art. 69 Sec. 09 Insufficient rear yard setback 40' req. Art. 69 Sec. 09 Insufficient side yard setback 12' req.

Art. 69 Sec. 09 Excessive Floor area .3 max ratio allowed Art. 69 Sec. 09 Insufficient front yard setback 25'

req./modal alignment with Fairmount Avenue

**Purpose:** Add 36 feet wide x 12 feet to the rear of the existing dwelling to expand 3 bedrooms along the back of the house.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a single story addition in the rear to expand the bedrooms. On a corner lot.

Board members asked about plans, layout, setback.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Documents/Exhibits:** Building Plans.

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

### **RE-DISCUSSIONS: 11:30 AM**

**Case: BOA- 1303397 Address: 124 Leyden Street Ward 1 Applicant: Sandra Bonito**

**Article(s):** Art. 53 Sec. 08 Forbidden Four family dwelling Use-Forbidden Art. 53 Sec. 09 Insufficient lot size

Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09 Number of allowed stories has been exceeded Art. 53 Sec. 09 Insufficient

rear yard setback Art. 53 Sec. 09 Insufficient front yard setback Art. 53 Sec. 09 Insufficient side yard setback Art. 53

Sec. 56 Off-Street Parking Insufficient parking Article 27T - 5 East Boston IPOD Applicability

**Purpose:** See ALT 1262476 for subdivision permit application. Work proposed to include erection of new four family dwelling at 126 Leyden Street. Clarification; Subdivide 6004sf lot into two lots A (?) and B(?). Lot A 3634sf shall have a new structure to be known as 124 Leyden street and the existing structure known as 126 Leyden street (three family) on created Lot B 2370sf shall remain.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 10, 2023 at 11:30AM.

**Case: BOA-1303651 Address: 126 Leyden Street Ward 1 Applicant: Sandra Bonito**

**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.-reduction of lot size via subdivision of a

nonconforming USE >25% Forbidden Art. 53 Sec. 56 Off Street Parking - Insufficient parking Existing removed

Art. 53 Sec. 09 Insufficient lot size Art. 53 Sec. 09 Applicable in Residential Sub Districts (open space insufficient;

Insufficient lot width Art. 53 Sec. 09 Insufficient lot width frontage Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09

Insufficient side yard

**Purpose:** Proposed to subdivide 126 Leyden Street existing lot into Lots A and B as shown on attached subdivision plan. (Companion application to the ERT filed for 124 Leyden street) \*Structure to remain on lot =3 Family doc#446/1892

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 10, 2023 at 11:30AM.



City of Boston  
Board of Appeal

**Case: BOA-1290231 Address: 231 Everett Street Ward 1 Applicant: Richard Crespo, Crespo Group**

**Article(s):** Article 27T 5 East Boston IPOD Applicability Article 53 Section 9 Insufficient additional lot area per unit Article 53 Section 9 Excessive f.a.r. Article 53 Section 9 Insufficient side yard setback Article 53 Section 9 Insufficient open space per unit Article 53 Section 9 Insufficient rear yard setback Article 53 Section 56 Off Street Parking & Loading Req-Insufficient parking

**Purpose:** Seeking to erect a new structure with three units and two roof decks on a vacant lot.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add to restore a curb cut and erect a three unit dwelling with a roof deck with hatch access. Close to the T station

Board members asked about plans, roof deck, plans, parking

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flaherty, Breadon, the BAIA are in support.

**Documents/Exhibits:** Building Plans. Letters in support and opposition.

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

**Case: BOA-1307730 Address: 306 Sumner Street Ward 1 Applicant: Hammond Pond Realty, LLC**

**Article(s):** Art. 25 Sec. 5 Flood Hazard Districts Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Article 27T 5 East Boston IPOD Applicability Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53 Section 8 Use Regulations-MFR is a Forbidden use in a 3F 2000 Sub district Article 53, Section 56 Off Street Parking & Loading Req-Off street parking is insufficient

**Purpose:** Erect addition and change occupancy from a three (3) to a four (4) unit residential dwelling with rear decks.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 4 unit residential dwelling with rear decks and a vertical addition. No roof decks. In context

Board members asked about plans, proposal, setback

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. The Jeffries Point Association is in opposition.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review. Dong seconded and the motion carried unanimously. The Board voted unanimously to approve the GCOD relief.



City of Boston  
Board of Appeal

**Case: BOA- 1215328 Address: 5 Breed Street Ward 1 Applicant: Melissa Novaco**

**Articles:** Article 27T – 5 East Boston IPOD Applicability Art. 53, Section 56 Off Street Parking Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories)

**Purpose:** Seeking to erect a new Multi Family Dwelling (four units).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add to erect a four family dwelling condo units slab on grade. They are in context with the neighborhood. Restore the curb cut to allow for on street parking. Near a T stop.

Board members asked about plans,

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred judgement to the Board. The Carpenter’s Union is in support, and so is an abutter.

**Documents/Exhibits:** Building Plans. Letters in support and opposition.

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

**Case: BOA-1351772 Address: 42-44 Dorset Street Ward 7 Applicant: Gerard Molloy**

**Article(s):** Article 68, Section 8 # of allowed occupied stories exceeded 2.5.stories max Art 68 Sec 8 Insufficient side yard setback dormer Art 68 Sec 8 Excessive f.a.r. .5 max.

**Purpose:** Gut rehab with installation of bathrooms, kitchens, rear decks; update electrical and plumbing\*to include, dormer work on left and right sides, as well as, extension of living space into basement area (2 Family #702/2006)

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to perform a full gut rehab of an existing 2 family dwelling with rear decks included. No bedrooms in the basement.

Board members asked about plans, proposal

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support.

**Documents/Exhibits:** Building Plans. Letters in support.

**Votes:** Board Member Barraza moved to approve with BPDA design review and no bedrooms in the basement. Dong seconded and the motion carried unanimously.





City of Boston  
Board of Appeal

**Case: BOA-1094129 Address: 4011-4019 Washington Street Ward 19 Applicant: Neal Gold**

**Article(s):** Article 67, Section 12 Floor area ratio is excessive Article 67, Section 12 Building height in feet is excessive Article 67, Section 12 Building height in stories is excessive Article 67, Section 32 Off Street Parking - Off street parking is insufficient Article 67, Section 33 Application of Dimensional Req - Traffic visibility across corner is insufficient

**Purpose:** Construct new mixed use property as per included plans. Property will be 19 residential units, a day care and a retail space. On site parking for 19 vehicles.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 31, 2023 at 11:30AM.

**Case: BOA- 1361985 Address: 108-108E Allston Street Ward 21 Applicant: Pat McKenna**

**Article(s):** Article 51, Section 56 Off-Street Parking Insufficient Article 51, Section 8 Use: Forbidden - MFR is a forbidden use in a 2F-5000 Sub-district Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9.4 Dim Reg: Location of Main Entrance

**Purpose:** Erect 6 new townhomes.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add erect 5 new townhomes with 5 condo units and massing.

Board members asked about plans, proposal, access, density

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. The Allston Civic Association is in support. Councilor Breadon deferred judgement to the Board.

**Documents/Exhibits:** Building Plans.

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



City of Boston  
Board of Appeal

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

**BOARD MEMBERS:**

MARK ERLICH- CHAIR  
MARK FORTUNE-SECRETARY  
JOSEPH RUGGIERO  
SHERRY DONG

**SUBSTITUTE MEMBERS:**

HANSY BETTER BARRAZA  
JEANNE PINADO

**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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**

**For a video recording of the November 1, 2022 Board of Appeal Hearing please go to: [https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).**