



City of Boston
Board of Appeal

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Tuesday, July 13, 2021

BOARD OF APPEAL

Room 801

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JULY 13, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JULY 13, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JULY 13, 2021 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/ZBAJuly13Hearing> or by calling 1-617-315-0704 and entering access code 179 915 0730. If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaJuly13comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

For individuals who need translation assistance, please notify the Board at least **48 HOURS** in advance either by signing up at <https://bit.ly/zbaJuly13comment> calling 617-635-4775 or emailing isdboardofappeal@boston.gov.

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.



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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 zbapublicinput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.



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APPROVAL OF THE HEARING MINUTES 9:30AM

August 11, 2020
October 6, 2020
October 27, 2020
November 10, 2020
January 12, 2021

EXTENSION: 9:30AM

Case: BOA-629541 Address: 85 Linden Street Ward 21 Applicant: Jason Slomiak
Case: BOA-900189 Address: 27 Leedsville Street Ward 15 Applicant: Tong Vu
Case: BOA-609358 Address: 6-8 Parsons Street Ward 22 Applicant: Marc LaCasse
Case: BOA-609355 Address: 10 Parsons Street Ward 22 Applicant: Marc LaCasse
Case: BOA-486152 Address: 270 Dorchester Avenue Ward 6 Applicant: Marc LaCasse
Case: BOA-874954 Address: 303-305 Bennington Street Ward 1 Applicant: Jeffrey Drago
Case: BOA-579100 Address: 931 Bennington Street Ward 1 Applicant: Richard Lynds
Case: BOA-825473 Address: 173-177 Maverick Street Ward 1 Applicant: Richard Lynds
Case: BOA-825475 Address: 175 Maverick Street Ward 1 Applicant: Richard Lynds
Case: BOA-825478 Address: 177 Maverick Street Ward 1 Applicant: Richard Lynds
Case: BOA-907414 Address: 2-10 Maverick Street Ward 1 Applicant: Richard Lynds

BUILDING CODE: 9:30AM

Case: BOA- Address: 181 Warren Avenue Ward 4 Applicant: Carrie and Taruno Steffensen
Purpose: Reconstruct the existing Unit 4 private legal roof deck with a zoning compliant slightly different footprint and a zoning compliant roof hatch; perform minor interior renovations within Unit 4 (4th floor unit) including adding stair to roof hatch. Project was approved by Landmarks.
Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access shall be through a penthouse

HEARING: 9:30AM

Case: BOA-1172467 Address: 37 Merrimac Street Ward 3 Applicant: David Sokol
Article: Art. 06 Sec. 03A Additional Conditions in Restricted Parking District
Purpose: The continued use of the open-air parking lot at 37 Merrimac Street, subject to provisos, by LAZ Parking, LLC.
Case: BOA- 1164225 Address: 390-396 Second Street Ward 6 Applicant: Jeffrey D Boyer
Articles: Article 68, Section 8 Front Yard Insufficient Article 68, Section 29 Roof Structure Restrictions
Purpose: Four roof decks and two headhouses built on top of existing roof.



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Case: BOA-1140271 Address: 34 Dorset Street Ward 7 Applicant: The Unoriginal, LLC

Articles: Article 65, Section 8 Use Regulations Use: Three Family Dwelling: Forbidden Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Building Height (# of Stories) Excessive Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 41 Off Street Parking & Loading Req Off Street Parking Insufficient
Purpose: Construct a new 3 story, 3 Unit Residential Dwelling per plans. Building will be fully sprinklered.

Case: BOA-1189128 Address: 1619-1621 Tremont Street Ward 10 Applicant: MH Tremont, LLC

Articles: Art. 09 Sec. 01 Extension of Non-Conforming Use MFR is a forbidden use in a CC Subdistrict. Adding units extends this nonconformance. Article 59, Section 16 Floor area ratio is excessive Art. 59, Section 16 Rear yard is insufficient Art. 59, Section 16 Usable open space is insufficient. Art. 59 Sec. 37 Off Street Parking Off street parking is insufficient
Purpose: Increase commercial space on street level & basement. Construct new rear vertical addition on top of existing first floor commercial space at rear to add living space to existing units & construct new fourth floor addition to add two additional residential units. Install Sprinkler System throughout.

Case: BOA-1178769 Address: 19 Granada Park Ward 11 Applicant: Walter Lemus

Articles: Art. 55, Section 8 Use: Forbidden 3F in 2F Zone Article 55, Section 9 Usable Open Space Insufficient
Purpose: Change of occupancy to 3 family. Update to the original building project (ALT898873), enclose 3rd floor deck. The contractor did something outside of the current building plan and we are working to get approval. We also have a contractor ready to put sprinklers in the unit but need a new building permit approved. Updated Plans Attached.

Case: BOA-1203726 Address: 89 Woodrow Avenue Ward 14 Applicant: 89 Woodrow, LLC

Articles: Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Rear Yard Insufficient Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 37 Off Street Parking Insufficient
Purpose: Subdivide existing parcel into two lots; (1. Lot B 3250 sq. ft. to contain existing 8-unit dwelling structure.); (2. Lot A 10,150 sq. ft. ,to be known as 8 Oakhurst St to contain new 9-unit dwelling structure and accessory parking.) No work to be done on this permit. New construction on separate ERT.

Case: BOA-1178048 Address: 8-8A Oakhurst Street Ward 14 Applicant: 89 Woodrow, LLC

Articles: Article 60, Section 8 Use: Forbidden MFR is a forbidden use in a 3F5000 Subdistrict Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Rear Yard Insufficient
Purpose: Erect new three story, 9 dwelling unit building with 13 accessory parking spaces at grade. New structure to be located on newly created lot of 10,150 sq. ft. under subdivision application ALT1155354.

Case: BOA-1142166 Address: 15 Leedsville Street Ward 15 Applicant: Vernon Woodworth

Articles: Article 65, Section 9 Rear Yard Insufficient Article 65, Section 41 Off Street Parking & Loading Req Off street parking is insufficient.
Purpose: Change occupancy, 2 to 3 family. Work as shown on attached.

Case: BOA-1175415 Address: 20 Ufford Street Ward 17 Applicant: Rashawn & Ryan Willingham

Articles: Article 65, Sec 65 41 Off Street Loading Req. 65.41.4 Location in the front shall not exceed 10'
Article 65, Section 42.2 Conformity w Ex Bldg Alignment street modal calculation not provided to verify compliance
Article 65, Section 9 Lot Area Insufficient Required: 6,000 sqft Proposed: 3,757sqft Article 65, Section 9 Floor Area Ratio Excessive Max. allowed: 0.4 Article 65, Section 9 Bldg Height Excessive (Stories) Allowed: 2.5 Proposed 3 (including attic) Article 65, Section 9 Usable Open Space Insufficient Required: 1,500 sqft Article 65, Section 9 Side Yard Insufficient Min. required: 10' Proposed: 5' (R) Article 65, Section 9 Rear Yard Insufficient Min. required: 20' Proposed: 4' Art. 10 Sec. 01 Limitation of off street parking areas off street parking spaces shall be separated 5' from side lot line. Proposed separation is 2'
Purpose: Proposed to erect a two family dwelling on a vacant lot (as per plans).



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Case: BOA-1179668 Address: 48-50 Codman Hill Avenue Ward 17 Applicant: Obrian Stadhard

Articles: Article 65, Section 9 Floor Area Ratio Excessive $0.6 > 0.5$ max Article 65, Section 9 Side Yard Insufficient $5.8' < 10'$ min
Article 65, Section 9 Bldg Height Excessive (Stories) $3 > 2 \frac{1}{2}$ max

Purpose: Add dormer above existing third floor bathroom in order to increase ceiling height in bathroom only. Project cost/fees are reflected on permit #SF1146264.

Case: BOA-1159605 Address: 143 Blake Street Ward 18 Applicant: Obrian Stadhard

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

Purpose: Change of Occupancy from a Single Family Home to a Two Family Dwelling. Construct a new 2 story addition for new Residential Unit.

Case: BOA- 1159113 Address: 693 Cummins Highway Ward 18 Applicant: Vernon Woodworth

Articles: Article 60, Section 8 Use Regulations Multi Family Dwelling Use: Forbidden Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Bldg Height Excessive (Stories) Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Side Yard Insufficient

Purpose: Combine two lots (PID: 1802063000 & 1802064000) into a newly created single lot to be 7,727 SF to be known as 693 Cummins Highway. Erect a new 3 story four family dwelling. Proposed (6) off street parking.

Case: BOA- 1193545 Address: 58-60 Hobson Street Ward 22 Applicant: Leonid Ostrovskiy

Articles: Article 51, Section 9 Floor Area Ratio Excessive $0.7 > 0.6$ max Article 51, Section 9 Bldg Height Excessive (Stories) $3 > 2 \frac{1}{2}$ max Article 51, Section 9 Bldg Height Excessive (Feet) $> 35'$ max Article 51, Section 9 Front Yard Insufficient $15' < 20'$ min

Purpose: The construction entails vertical addition of a third-floor story which encompasses the roughly 1,000 square feet and will be attached as a second floor to unit two of the structure. Habitable space containing two bedrooms and two bathroom locations.

HEARING:11:00AM

Case: BOA-1069764 Address: 58 Liverpool Street Ward 1 Applicant: MELS LPOOL, LLC

Articles: Art. 09 Sec. 01 Reconstruction/Extension of Non-Conforming Bldg Article 27T East Boston IP0D

Article 53 Section 56 Off-Street Parking & Loading Req Insufficient parking Article 53 Section 8 Use Regulations Use-Forbidden Article 53 Section 9 Excessive F.A.R. Article 53 Section 9 # of allowed stories – Exceeded Article 53 Section 9 Insufficient rear yard setback Article 53 Section 9 Max. allowed height exceeded Article 53 Section 9 Insufficient additional lot area per unit Article 53 Section 9 Insufficient open space per unit Article 53, Section 52 Roof Structure Restrictions

Purpose: Change the occupancy from a three family dwelling to a four family dwelling, extend living space into the basement, erect a fourth story addition and renovate; *Modified scope and plan submission at ZBA 6.3.21

Case: BOA- 1069767 Address: 60 Liverpool Street Ward 1 Applicant: MELS LPOOL, LLC

Articles: Art. 09 Sec. 01 Reconstruction/Extension of Non-Conforming Bldg Article 27T East Boston IP0D Article 53 Section 8

Use Regulations Use forbidden Article 53 Section 9 Insufficient additional lot area per unit Article 53 Section 9 Excessive F.A.R. Article 53 Section 9 # of allowed stories has been exceeded Article 53 Section 9 Max. allowed height exceeded Article 53 Section 9 Insufficient rear yard setback Article 53 Section 9 Insufficient open space per unit Article 53, Section 52 Roof Structures Restrictions Article 53, Section 56 Off-Street Parking & Loading Req Insufficient parking

Purpose: Change the occupancy of the attached three family dwelling to a four family dwelling, extend living space into the basement, erect a fourth story addition and renovate. . Scope and BOA plan set changed 6.3.21

Case: BOA-1189749 Address: 14 Moon Street Ward 3 Applicant: Joseph Scarfo

Article: Article 54, Section 10 Floor Area Ratio Excessive Max. FAR allowed: 3 Proposed: 3.9

Purpose: Complete interior renovation, new plumbing, new electrical, insulation, HVAC, new bathrooms & kitchens, framing, walls. Addition of roof deck, we are also proposing to expand unit one by adding basement living space. The unit count will stay at 4. We will be seeking variance for FAR.

Case: BOA-1182390 Address: 221 L Street Ward 7 Applicant: Courtlyn Long

Article: Art 68 Sec 29 Roof Structure Restrictions Roof structures restricted district

Purpose: Construct roof deck and stair access from rear porch.



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

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

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

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

Articles: Article 69 Section 29 Off Street Parking & Loading Req Off Street Parking Insufficient Article 69, Section 9 Rear Yard Insufficient Article 69, Section 9.3 Dim Regs: Location of Main Entrance Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line. Article 69, Section 8 Use Regulations Townhouse (3 units) Use : Forbidden

Purpose: Confirm occupancy as existing single family. Change occupancy to Townhouse (three residential units). Erect two residential unit addition to the rear of the current structure.

CALL OF THE CHAIR:11:30AM

Case: BOA-1017963 Address: 53hf Harvard Street Ward 14 Applicant: Matt Mueller

For a return to the Board on a proviso in the prior decision filed November 06, 2020. The applicant has submitted updated plans which did not incur additional zoning violations nor did they substantially increase any existing non-conformity. The Board is to determine whether the new plans are in compliance with the Board's prior decision per the terms of the proviso.

Articles: 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 Article 65, Section 8 Use Regulations Office Use: Forbidden Article 65, Section 41 Off Street Parking & Loading Req Off Street Parking Insufficient Article 65, Section 41 Off Street Parking & Loading Req Design. Inappropriate maneuvering area. Driveway shall not be less than 10' 0" wide.

Purpose: Erect a new three story mixed use building with office on first floor with two residential units above. Propose (2) off street parking. (the address change should be 53 Harvard St rkc). Demolish existing one story building on separate permit.

RE-DISCUSSION: 12:30PM

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.

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

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.



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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).

Case: BOA-1098890 Address: 35 Avalon Road Ward 20 Applicant: John Pulgini

Articles: Article 56, Section 8 Lot Area Insufficient 4710sqft < 6000sqft min. Article 56, Section 8 Lot Width Insufficient 50' < 60' min. Article 56, Section 8 Lot Frontage Insufficient 50' < 60'min Article 56, Section 8 Floor Area Ratio Excessive 0.5 > 0.4max Art. 56 Sec. 39 Off street parking requirements #4a (Location) Parking in front yard. Art. 10 Sec. 01 Limitation of parking areas Proposed easement for off street parking serving abutting lot located within 5ft of side lot line. See U491171381.

Purpose: Erect single family 2 story house with garage on vacant lot. Also see U491171381

Case: BOA-174692 Address: 39 Avalon Road Ward 20 Applicant: John Pulgini

Articles: Art. 10 Sec. 01 Limitation of parking areas Parking proposed with less than 5ft from side lot line. Article 56. Section 8 Side Yard Insufficient 10ft wide driveway not provided within lot. Pending decision of proposed easement on ERT1085831.

Purpose: Laydown of driveway for the existing single family at 39 Avalon Road, which currently benefits from off street parking on the 35 Avalon Road parcel. Please see companion case ERT1085831.

RECONSIDERATION: 1:00PM

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

For reconsideration of the Board's May 18, 2021 vote 6-1 to deny the relief requested below, Per Article 5, Section 5-3 of the Zoning Code, the applicant has requested to be heard on whether alleged technological and procedural issues at the first hearing merit waiving the one year bar on returning to the Board to be heard on the same project.

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.

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

For reconsideration of the Board's May 18, 2021 vote 6-1 to deny the relief requested below, Per Article 5, Section 5-3 of the Zoning Code, the applicant has requested to be heard on whether alleged technological and procedural issues at the first hearing merit waiving the one-year bar on returning to the Board to be heard on the same project.

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 550 E First Street (see alt967529-fd).



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STEPHANIE HAYNES
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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