



City of Boston  
Board of Appeal

**RECEIVED**

**By City Clerk at 4:16 pm, Apr 20, 2022**

Tuesday, April 26, 2022

BOARD OF APPEAL

City Hall Room 801

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## Hearing Agenda

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON APRIL 26, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS APRIL 26, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE APRIL 26, 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/April26Comment> 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/April26Comment>, 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).



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**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 appear in person at City Hall in the BPDA Board Room. 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 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**

**MARCH 17, 2022 & MARCH 22, 2022**

## **EXTENSIONS: 9:30AM**

**Case: BOA- 803394 Address: 246-248 Dorchester Avenue Ward 6 Applicant: Joseph Hanley, Esq**

**Case: BOA- 822528 Address: 71 Mozart Street Ward 10 Applicant: Jason Hutchinson**

**Case: BOA- 932844 Address: 192 Gladstone Street Ward 1 Applicant: Catherine Clifford & Michael Barber**

**Case: BOA- 805934 Address: 3 Snelling Place Ward 3 Applicant: William Ferullo, Esq**

**Case: BOA- 805933 Address: 3 Snelling Place Ward 3 Applicant: William Ferullo, Esq**

**Case: BOA- 865262 Address: 72 Dresser Street Ward 6 Applicant: Matthew Eckel, Esq**

**Case: BOA- 768729 Address: 79-89 West Broadway Ward 6 Applicant: Marc LaCasse, Esq**

## **BOARD FINAL ARBITER: 9:30AM**

**Case: BOA- 1132440 Address: 133 Boardman Street Ward 1 Applicant: Derric Small, Esq**

**Case: BOA- 937968 Address: 1112-1116 Boylston Street Ward 4 Applicant: Josh Zakim**

## **GREENBELT PROTECTION OVERLAY DISTRICT ONLY: 9:30AM**

**Case: BOA- 1281020 Address: 160 William T Morrissey Boulevard Ward 13 Applicant: Boston College High School**

**Article(s):** Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability

**Purpose:** Exterior fence construction along Morrissey Boulevard, Grandstand reconstruction at existing location, and addition of a Maintenance building between the Cotter Stadium and Monan Park.

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

**Case: BOA- 1282958 Address: 228 Havre Street Ward 1 Applicant: Mike Smith**

**Article(s):** Art. 53 Sec. 52 Roof Structure Restrictions Art. 27GE Boston IPOD

**Purpose:** Completely replace roof and construct new roof Deck.

**Case: BOA-1160061 Address: 69 Saratoga Street Ward 1 Applicant: Maria Carolina Taborda**

**Article(s):** Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53 Section 8 Use Regulations - Three Family Dwelling: Forbidden Use

**Purpose :** Change of occupancy from Single Family to Three Family Dwelling. Legalize extension of living space to basement and two additional units. Build new emergency escape. Construct new exterior stairway. Take kitchen out from basement.



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**Case: BOA- 1288053 Address: 325-327 Sumner Street Ward 1 Applicant: Ryan Kaufman**

**Article(s):** Art. 27G E Boston IPOD Article 53 Section 8 Use Regulations Article 53, Section 56 Off Street Parking & Loading Req

**Purpose:** Change occupancy from a two family residential dwelling to an office with one residential unit above as per plans.

**Case: BOA-1289288 Address: 95 Barnes Avenue Ward 1 Applicant: Derek Dolan**

**Article(s):** Art. 53 Sec. 09 # of allowed habitable stories has been exceeded Art. 53 Sec. 52 Roof Structure Restrictions Article 27T - 5 East Boston IPOD Applicability

**Purpose:** The building is currently a two story two-family building with a partially finished attic space on the third floor. We would like to dormer and complete an interior remodel of the third floor attic space and also add a roof deck.

**Case: BOA- 1262450 Address: 18 Cordis Street Ward 2 Applicant: Joseph Coote**

**Article(s):** Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Rear Yard Insufficient

**Purpose:** Confirm as a one family and change to a two family, existing condition. Replace existing sunroom and deck; and, kitchen renovation.

**Case: BOA-1306134 Address: 160 West Canton Street Ward 4 Applicant: Marc LaCasse**

**Article(s):** Art 64.9.4Town/Rowhouse extension into rear

**Purpose :** Add rear balcony at parlor level projecting 6' from rear facade of building. Conditional use permit required under Article 64 9(4) and request issuance of zoning code refusal letter to pursue required relief.

**Case: BOA-1299341 Address: 27-29 Isabella Street Ward 5 Applicant: Amar & Aparna Tanna**

**Article(s):** Article 63, Section 20 Roof Structure Restrictions - Proposed Pergola alters existing Roof Profile Article 9, Section 1Extension of Nonconforming Building - There is a 35' Height Restriction in this Zoning District. The height to the top of the Proposed Pergola is approximately 87'

**Purpose:** Installation of a 10' x 25' cedar Pergola structure with an open slat wall consisting of 4 posts, beams, rafters, brackets, and a retractable shade canopy manually operated with in the pergola frame. one triangular corner will have an acrylic roof post will be secured to the outside of the roof deck joist.

**Case: BOA- 1287036 Address: 1759-1763 Washington Street Ward 9 Applicant: 31 Heath Street Realty Partners, LLC**

**Article(s):** Article 50 Section 28 Use Regulations - Restaurant Use: Conditional Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient

**Purpose:** Change occupancy to multifamily residential 76 units and commercial/restaurant use at ground floor; restore historic facade of existing building; construct new addition above existing structure up to 13 floors and infill on adjoining parcel. Two parcels to be combined under ALT923578 and ALT92350.

**Case: BOA- 1291093 Address: 41 Williams Avenue Ward 18 Applicant: Rosa Design and Construction LLC**

**Article(s):** Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Side Yard Insufficient Art. 69 Sec.23 Neighborhood Design O.D. Art. 09 Sec. 02 Nonconforming Use Change

**Purpose:** Renovation to change occupancy from two family to four family dwelling. Small addition above existing structure for additional bedroom at 3rd floor per plans. Building to be fully sprinklered.

**Case: BOA- 1296351 Address: 9 Littledale Street Ward 18 Applicant: Christopher Gray**

**Article(s):** Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Lot Width Insufficient

**Purpose:** To erect a one family home on the existing residential lot. Previous one family structure burned down in a fire.



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**Case: BOA- 1034332 Address: 36-38 Hichborn Street Ward 22 Applicant: 38 Hichborn St., LLC**

**Article(s):** Article 51, Section 19 Use: Forbidden – Multi family residential use is a forbidden use Article 51, Section 20 Floor area ratio is excessive Article 51, Section 20 Maximum height requirement is excessive Article 51, Section 20 Required usable open space is insufficient Article 51, Section 20 Front yard setback is insufficient Article 51, Section 20 Rear yard setback is insufficient Article 51, Section 56 Off Street Parking Insufficient - Off street parking requirement is insufficient Article 51, Section 56 Off Street Loading Insufficient - Off street loading requirement is insufficient Art. 51 Sec. 56^Off street parking requirements - Off street parking maneuvering areas and vehicular means of access to a public street are not in compliance with the zoning code demand.

**Purpose :** Erect 5 story residential building with 24 units over parking on combined lots formerly known as 34 and 36 38 Hichborn and a restaurant. Companion Projects: ALT1026801, ALT1026805

**Case: BOA-1152039 Address: 70 Von Hillern Street Ward 7 Applicant: Dennis Kulesza**

**Article(s):** Article 65 Section 21 Use Regulations - Cannabis Establishment Use : Conditional Article 65, Section 21 Use Regulations - 65 21 fn25. Cannabis Establishment, provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

**Purpose:** Change of Occupancy to Cannabis Establishment (Recreational Marijuana).

**HEARINGS: 10:30AM**

**Case: BOA-1301189 Address: 121 Salem Street Ward 3 Applicant: North Square Strategies, LLC**

**Article(s):** Art. 54 Section 12 Use: Conditional

**Purpose:** For Zoning Relief Change of Occupancy to include Ice Cream Shop with Take Out Use. No Work on Alt Application; Work Performed on SF#1286483

**Case: BOA- 1303634 Address: 755 Boylston Street Ward 5 Applicant: Marci Costa**

**Article(s):** Article 9 Section 1 Extension of Nonconforming Use

**Purpose:** Outdoor seating on sidewalk per plan. Five tables fourteen seats. Associated with building permit application ALT1185346.

**Case: BOA- 1280423 Address: 5 Magnolia Place Ward 13 Applicant: Akash Lalla**

**Article(s):** Article 50, Section 29 Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Art. 50 Sec. 29 Usable open space insufficient Article 50, Section 29 Side Yard Insufficient Art. 50 Sec. 29^ Lot Area Insufficient Art. 50 Sec. 43 Off street parking requirements - Design: Tandem space. Maneuverability. Art. 10 Sec. 01 Limitation of off street parking areas - Parking spaces on the side yard shall be separated 5 feet from the side lot line.

**Purpose:** Convert single family dwelling to 3 Story 2 family dwelling. Replace existing foundation. Expand house footprint as shown on proposed plot plan.

**Case: BOA-1258783 Address: 99 Erie Street Ward 14 Applicant: Michael Dello Russo**

**Article(s):** Article 60, Section 41.1 Conformity Ex Bldg Alignment - (Non parallel) 7.8' avg & 6.1' closest point provided Article 60, Section 40 Off Street Parking & Loading Req - 1. 0 < 7 req'd 2. Rear driveway less than 10ft wide. Article 60, Section 8 Use: Forbidden - MFR in 3F zone 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 Usable Open Space Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient

**Purpose:** Combining parcels 1402477001 & 1402451000 to erect a new 7 unit apartment building. New construction, with roof decks and new rear driveway.



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**Case: BOA- 1295593 Address:30 Clarkson Street Ward 15 Applicant: Duane Boyce, Norfolk Design & Construction**

**Article(s):** Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Building Height (# of Stories) Excessive Article 65, Section 42 Application of Dimensional Req - Conformity with Existing Building Alignment

**Purpose:** To erect a new 2 family dwelling on vacant lot This is a DND Project.

**Case: BOA-1295590 Address: 38 Clarkson Street Ward 15 Applicant: Duane Boyce, Norfolk Design & Construction**

**Article(s):**Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Building Height (# of Stories) Excessive Article 65, Section 42 Application of Dimensional Req - Conformity with Existing Building Alignment

**Purpose:** To erect a new Two (2) Family Dwelling on vacant lot This is a DND Project.

**Case: BOA- 1280120 Address: 76 Brent Street Ward 16 Applicant: Cesar DaSilva**

**Article(s):** Art. 65, Sec. 9 Insufficient side yard Art. 65, Sec. 9 Insufficient rear yard Art. 65, Sec. 9 Insufficient open space Art. 65, Sec. 9# of allowed stories exceeded Art. 65, Sec. 9 Excessive f.a.r Art. 55, Sec. 65 41Off Street parking insufficient - Insufficient parking

**Purpose:** Build 3rd. floor & a ground floor additions to an existing one family. Clarification: Extend living space into the basement area and change occupancy from a one family on record to a three family dwelling the construct 3rd flr, additions and renovate entire dwelling per plans submitted.

**Case: BOA- 1305785 Address: 77 Bailey Street Ward 17 Applicant: Brendan Wilbur**

**Article(s):** Art.65 Sec. 8 Use: Forbidden – MFR Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient - 9ft Fence Article 65, Section 9 Rear Yard Insufficient - 9ft Fence Article 65, Section 42.2 Conformity w Ex Bldg Alignment - 15.4ft provided. Art. 65 Sec. 41 Off street parking requirements - 65 41.5 Design Safe accessible path, including to/from common areas.

**Purpose:** Erect a new three story, 9 unit, multi family dwelling. Propose (12) off street parking spaces at grade level; under building footprint and rear of property. 9 ft privacy fence along rear lot line and portions of side lot lines. Raze existing structure under SF.

**Case: BOA- 711945 Address: 19 Regina Road Ward 17 Applicant: Humayun Morshed**

**Article(s):** Art. 10, Sec. 01 Limitation of Area of Accessory Uses - 5 ft min from side lot line Arti 65, Sec. 9 Open space insufficient Art. 09, Sec. 01 Extension of Non Conforming Use - 3 family in a 2 family zone.

**Purpose:** Driveway along with curb cut permit from Public Works. Proposing two parking spaces. Parking space for exclusive use of homeowner.

**Case: BOA-1306240 Address: 26 Arlington Street Ward 22 Applicant: John Pulgini**

**Article(s):** Article 51, Section 8 Use: Forbidden Article 51, Section 56 Off Street Parking & Loading Req Article 51, Section 9 Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient

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





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**Case: BOA-1307908 Address: 415-417 Blue Hill Avenue Ward 12 Applicant: Rooted In LLC**

**Article(s):** Art. 50, Section 28 Use: Forbidden - Cannabis establishment is a Forbidden use. Article 50 Section 28 Use Regulations - 50 28 fn13. Cannabis Establishment, provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

**Purpose:** Change of use to Cannabis Warehouse Facility.

### **RECOMMENDATIONS: 11:30 AM**

**Case: BOA-1283840 Address: 102 High Street Ward:2 Applicant: Concept Building, Inc**

**Article(s):** Article 62, Section 25 Roof Structure Restrictions-Lower roof, roof deck

**Purpose:** Install 12x12' roof deck over existing first floor EPDM roof.

**Case: BOA- 1283294 Address: 47-48 Snow Hill Street Ward: 3 Applicant: Ryan Meadows**

**Article(s):** Article 54, Section 10 Rear Yard Insufficient Article 54, Section 10 Floor Area Ratio Excessive

Article 54, Section 18 Roof Structure Restrictions

**Purpose:** Construct new 1 story vertical addition and roof deck on existing three story building. Upper unit 2 to be renovated

**Case: BOA- 1299297 Address: 149 H Street Ward: 7 Applicant: Kenneth Woods**

**Article(s):** Article 68, Section 29 Roof Structure Restrictions Article 68, Section 33 Off Street Parking & Loading Req-

Off Street Parking Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Bldg Height

Excessive (Feet) Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Add'l Lot Area Insufficient

**Purpose:** Change occupancy from a one to a two family dwelling. Proposed rear and vertical additions with rear and roof decks and renovate as per plans.

**Case: BOA- 1261647 Address: 15 Meehan Street Ward: 11 Applicant: 15 Meehan Street LLC**

**Article(s):**Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Side Yard Insufficient

Article 55, Section 9 Rear Yard Insufficient Article 55, Section 41.1 Conformity Ex Bldg Alignment-Modal calculation not provided to verify compliance

**Purpose:** Increase living space and add extension for egress/porches at rear.

**Case: BOA- 1287825 Address: 14 Victoria Street Ward: 13 Applicant: Henrik & Andrea Strandberg**

**Article(s):** Article 65, Section 9 Side Yard Insufficient

**Purpose:** Extend existing dormer to the exterior wall for the stairway from 2nd to 3rd floor, to allow enough headroom to walk up or down the stairs.

**Case: BOA- 1288317 Address: 69 Richview Street Ward: 16 Applicant: Matthew Murphy**

**Article(s):** Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose:** Remodel Kitchen, 1st Fl bathroom addition, new rear deck addition.

**Case: BOA- 1295401 Address: 19-21 Cheverus Road Ward: 16 Applicant: Jeremy Sears**

**Article(s):** Article 65, Section 42.7 Side Yd of Certain Narrow Lots-No Side Yard in which there is a driveway providing access to off street parking or off street loading facilities required by this Article shall be less than ten (10) feet wide. Art. 10 Sec. 01 Limitation of parking areas - Proposed parking is within 5 feet of side lot line.

**Purpose:** Add two, non required, parking spaces located entirely in side yard in tandem configuration, for this existing two family.



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**Case: BOA-1301293 Address: 609 Adams Street Ward: 16 Applicant: Gabriella Solimando**

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

**Purpose:** Remove existing one story 7'x22' addition including brick and stone frost wall and replace with reinforced concrete foundation, new exterior walls and Structural support beam. Add a second floor to the new addition for a bathroom accessed from master bedroom. Remove and replace kitchen cabinets and appliances. Remove existing bearing wall to open kitchen to living area and install Structural beam supported by new Structural columns installed on new footings in basement. Remove, expand and replace existing dormer attic. Upgrade existing 100amp electric service to 200 amp. Add air conditioning. New siding.

**Case: BOA-1245010 Address: 1224 Morton Street Ward: 17 Applicant: Tyrone Smith**

**Article(s):** Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose:** Move the kitchen from the right side of the home to the left and extend the front wide and forward as to make it larger. The old kitchen will now be vacant with sliding doors and an outside bathroom on the side. Also raise the roof on the second level with a roof deck with sliding doors. Confirm as single family.

**Case: BOA-1289733 Address: 38 Wellesley Park Ward: 17 Applicant: Paul Losordo**

**Article(s):** Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories)

**Purpose:** Increase living area, renovation of unfinished space on partially finished 3rd floor, no structural or exterior changes, install bathroom, insulation, heating/cooling, lighting, branch power, CO/smoke, finishes and floor.

**Case: BOA- 1258032 Address: 19 Webster Street Ward: 18 Applicant: Nathalie Fontanez**

**Article(s):** Art. 69 Sec. 09 Dimensional Reg.-Lot area for the add'l dwelling unit is insufficient Art. 69 Sec. 09 Dimensional Reg.-Usable open space requirements is insufficient Art.80 Sec. 80E 2 Appl. of Small Project Review-Art. 80 Sec. 80E 2 (NDOD APPLICABILITY)

**Purpose:** Currently under Renovation (separate permit); change occupancy from a 1 family to a 2 family residence.

**Case: BOA- 1282898 Address: 80 Poydras Street Ward: 18 Applicant: Gladys Frias**

**Article(s):** Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient

**Purpose:** Renovation of first unit and conversion from a single family to a two family residence. Demo interior and roof and rebuild with addition.

**Case: BOA-1288989 Address: 160 Austin Street Ward: 18 Applicant: David Power**

**Article(s):** Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Side Yard Insufficient

**Purpose:** Add a second floor addition to our home, which includes: Cantilever (1 foot) on the two long sides of the current residence. Overhanging deck on the back side (23.5' long by 2.1" wide). Squaring off corner on the front left side of the house to add additional living space (corner approximately size 5'x2').

**Case: BOA- 1283265 Address: 26 Hawthorne Street Ward: 19 Applicant: Marion Simoneau**

**Article(s):** Art. 67 Sec. 08 Use Regulations Applicable in Residential Sub Districts - Accessory office use: Forbidden

**Purpose:** Create a two room office space with half bath in the interior of existing garage. Windows and exterior doors are pre existing.

**Case: BOA- 1281381 Address: 99-101A Franklin Street Ward: 22 Applicant: Owen Mack**

**Article(s):** Article 51 Section 16 Use Regulations - two dwelling units is a conditional use in a LC 5 Sub district.

**Purpose:** Remove Proviso granted to this owner/occupant only under BZC17102, permit #3886/1994 and Change occupancy from Single Family w/art accessory use to mixed use: 2 family with Office Accessory use and one Retail (to better reflect actual use since 2010). Upgrade plumbing run and add bathroom to meet commercial code, replace damaged existing OH door.





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**Case: BOA-1289454 Address: 4 Cherokee Street Ward: 10 Applicant: John Pulgini**

**Article(s):** Art. 59, Section 37 Off-Street Parking Insufficient - Off street parking requirement is insufficient Art. 59, Section 8 Floor area ratio is excessive Art. 59, Section 8 Height is excessive Art. 59, Section 8 Front yard setback is insufficient Art. 59, Section 8 Side yard setback is insufficient Art. 59, Section 8 Rear yard setback is insufficient

**Purpose :** Proposed renovation and dormer addition to change the use from a single family house to a two family, as per plans

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

**Case: BOA-1252505 Address: 166-168 Salem Street Ward 3 Applicant: Joseph Scarfo**

**Article(s):** Article 54, Section 10 Floor Area Ratio Excessive Article 54, Section 21 Off Street Parking & Loading Req- Off Street Parking Insufficient

**Purpose:** Change of Occupancy from an 8 Unit Residential and 1 Store building to a 9 Unit Residential dwelling. Extend living space into Basement. Construct new Rear Decks.

**Case: BOA-1270458 Address: 525 East Broadway Ward 6 Applicant: Albanian Orthodox, LLC**

**Article(s):** Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 33 Off Street Parking & Loading Req-Location. Off street parking facilities required by this Section 68 33 shall be provided on the same Lot as the main use to which they are accessory. Article 68, Section 29 Roof Structure Restrictions

**Purpose:** Change occupancy from two family to 3 family; renovate interior; add 11' x 7.5' 2 story infill of 165 SF; add roof deck on roof of 1st floor rear addition accessible from 2d floor unit; create 4 parking spaces in rear yard.

**Case: BOA-1153857 Address: 127 Bolton Street Ward 6 Applicant: Neil Gulden**

**Article(s):** Article 68, Section 33 Off-Street Parking & Loading Req Insufficient parking -1.5/unit Article 68, Section 33 Off-Street Parking & Loading Req Access/maneuvering areas Article 68, Section 8 Insufficient lot size -2000sf min. Article 68, Section 8 Insufficient additional lot area/dwelling unit -1000sf/unit Article 68, Section 8 Excessive F.A.R. - 2.0 Article 68, Section 8 Insufficient rear yard setback -20' min Article 68, Section 8 Insufficient usable open space- 200sf /unit Article 68, Section 8 Insufficient side yard setback -3' min

**Purpose:** Combine vacant parcel 060483000 (127 Bolton Street) and vacant parcel 0601508000 (152 West Third Street); subdivide to create new 127 Bolton Street parcel containing 1,110 square feet, then Erect a two family dwelling with two garage parking spaces at the ground level.

**Case: BOA-1153868 Address: 152 West Third Street Ward 6 Applicant: Neil Gulden**

**Article(s):** Article 68, Section 33 Off-Street Parking & Loading Req - (5.) Access/maneuvering areas Article 68, Section 33 Off-Street Parking & Loading Req - Insufficient parking -1.5 spaces /unit req. Article 68, Section 8 Insufficient side yard setback -3' req. Article 68, Section 8 Insufficient rear yard setbacks -20' min req. Article 68, Section 8 Insufficient lot size -2000sf req Article 68, Section 8 Insufficient additional lot area -1000sf/unit req. Article 68, Section 8 Excessive f.a.r. -2.0 max. Article 68, Section 8 Insufficient usable open space -200 sf.unit req.

**Purpose:** Combine vacant parcel 0601508000 (152 West Third Street) and vacant parcel 060483000 (127 Bolton Street); subdivide to create new 152 West Third Street parcel containing 1,150 square feet. Erect a two family dwelling with two garage parking spaces at the ground level.

**Case: BOA- 1224197 Address: 73 Stanwood Street Ward 14 Applicant: Elizabeth Fernandez**

**Article(s):** Art. 50, Section 28 Use: Conditional - 4F in 3F Zone Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Art. 50, Section 43 Off Street Parking Insufficient

**Purpose :** Change of occupancy from 2 family with Daycare to 4 family dwelling. Scope to include renovation of existing dwelling, adding a 4th story to the building, added front decks and roof deck with parking in the rear.



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**COURT REMAND: 12:00PM**

**Case: BOA-1190262 Address: 51 North Margin Street Ward 3 Applicant: 51 North Margin Street Realty Trust**

For a Remand Hearing pursuant to an Order of the Superior Court (Dkt. No. 2184CV02102A). The Board shall rehear arguments and accept evidence and testimony from both the Applicant and members of the public and abutters on the same violations addressed at the Board's prior hearing on July 27, 2021 pursuant to all conditions required by the Remand Order.

**Article(s):** Art. 09 Sec. 02 Nonconforming Use Change Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Art. 54 Section 18 Roof Structure and Building Height Restrictions - Reconfiguration of existing roof profile

**Purpose:** To build additional 4 units as per plan, we are filing for a refusal letter to go to ZBA with nominal fee letter attached. Clarification: CHANGE OF OCCUPANCY FROM Private Club on 2nd Floor, Garage on 1st Floor to a six story MFR 4 unit dwelling by constructing four additional stories over existing structure per plans provided

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

**BOARD MEMBERS:**

CHRISTINE ARAUJO- CHAIR  
MARK FORTUNE-SECRETARY  
JOSEPH RUGGIERO  
MARK ERLICH  
SHERRY DONG  
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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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**