



City of Boston  
Board of Appeal

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*By City Clerk at 10:22 am, Sep 07, 2023*

**Tuesday, September 12, 2023**

**BOARD OF APPEAL**

**City Hall Room 801**

**HEARING AGENDA**

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON SEPTEMBER 12, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS SEPTEMBER 12, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE SEPTEMBER 12, 2023 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/ZBA2023Hearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 821 8044 0527 followed by # when prompted.**

**If you wish to offer testimony on an appeal, please click <https://bit.ly/September21Comment> 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/September21Comment>, 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**



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

**Case: BOA- 1144121 Address: 405 Washington Street Ward 17 Applicant: Joseph Feaster, Jr**

**Case: BOA-1215852 Address: 892 East Broadway Ward 6 Applicant: Derric Small, Esq**

**Case: BOA-897172 Address: 509 East Fifth Street Ward 6 Applicant: George Morancy, Esq**

**Case: BOA-919609 Address: 25-37 Frankfort Street Ward 1 Applicant: George Morancy, Esq**

**Case: BOA-919610 Address: 120 Gove Street Ward 1 Applicant: George Morancy, Esq**

**Case: BOA-878714 Address: 72 Dresser Street Ward 6 Applicant: Matthew Eckel, Esq**

**Case: BOA-928836 Address: 28 Monument Square Ward 2 Applicant: Jeff Harris**

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

**Case: BOA-835348 Address: 883 Hyde Park Avenue Ward 18 Applicant: EVG Farms, LLC (Sean Berte)**

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

### **RE-DISCUSSION : 9:30AM**

**Case: BOA-1484677 Address: 109 Rutherford Avenue Ward 2 Applicant: Judith Brennan**

**Article(s):** Article 62, Section 8 Rear yard insufficient. Article 62, Section 8 Usable open space insufficient. Article 62, Section 8 Bldg Height Excessive (Feet) Roof hatch head house Art. 62 Sec. 29 Off street parking insufficient Off street Parking insufficient Article 62, Section 8 Add'l Lot Area Insufficient Add'l lot insufficient.

**Purpose:** The proposed structure is a three story, three family residential home. There is one unit on each floor with designated storage space in the basement. Each unit consists of 1,434 sq/ft of living space with two bedrooms and two and a half bathrooms. The primary means of ingress and egress is the front door facing Rutherford Ave. The front door leads to a vestibule with access to the basement and a stairwell servicing all three floors and the roof. On the roof, will be a roof deck with access limited to the third-floor apartment. The roof deck will be accessed by a hatch. Each apartment will have a back deck with a second means of egress via an exterior staircase from the deck.

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

**Case: BOA- 1498769 Address: 38 Allston Street Ward 2 Applicant: Jeremy Stivaletta**

**Article(s):** Article 62, Section 8 Floor Area Ratio Excessive Article 62, Section 8 Rear Yard Insufficient

**Purpose:** Finishing basement for extension of living space to unit #1, add rear decks and exterior stairs to existing roof deck. ALT1456692.

**Case: BOA-1443339 Address: 228-230 Friend Street Ward 3 Applicant: Gray MacLethie**

**Article(s):** Aft.25 Flood Hazard District Nonresidential/Pre-existing Art. 32 Sec. 32 4Groundwater Conservation Overlay District, Applicability Art. 46, Section 9 MFR ZONE

**Purpose:** Demolish existing 2 story building. Erect a new 7 story building with 6 residential units and 600 sqft commercial on first floor.

**Case: BOA- 1478073 Address: 526 East Seventh Street Ward 7 Applicant: Shayne Ferrara**

**Article(s):** Article 68, Section 8 Side Yard Insufficient Art 68 Sec 29 Roof Structure Restrictions - Alteration existing roof profile

**Purpose:** Install new Roof deck same size and location as prior deck.



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**Case: BOA-1512482 Address: 244 L Street Ward 7 Applicant: Matthew Brett Homegrown Builders LLC**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel exceeded Art 68 Sec 8  
Insufficient rear yard setback Art 68 Sec 8 Location of All Front entrance not facing front lot line located on L street  
Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability

**Purpose:** The construction of a new building containing seven dwelling units with below ground car parking (14) on a 10,970 sqft parcel located at 244 L st, South Boston. There is an existing single-family dwelling to be razed on a separate demolition permit.

**Case: BOA-1404028 Address: 30 Juniper Street Ward 9 Applicant: Social Impact Collective, Inc**

**Article(s):** Article 50, Section 29 Lot Frontage Insufficient Article 50, Section 29 Floor Area Ratio Excessive  
Article 50, Section 29 Front Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req

**Purpose:** Conversion of attic space in existing 2 family home into Extended Living Area (ELA) of owner-occupied Unit 2. ELA front entrance located on 2nd floor of building's common stairwell; rear stair connects directly to Unit 2. ELA to have kitchen/living area, full bathroom, 1 bedroom, 1 office, laundry.

**Case: BOA-1446356 Address: 22-24 Albion Street Ward 18 Applicant: Vernon Woodworth**

**Article:** Article 9 Section 1 Extension of Nonconforming Use

**Purpose:** Amending alt1397494. to install a new 14 by 15 roof deck to existing low roof.

**Case: BOA-1416018 Address: 1955-1975 Beacon Street Ward 21 Applicant: HVV Massachusetts, Inc.-  
CANNABIS**

**Article(s):** Article 51 Section 16 Use Regulations - 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 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 shall be applicable to the applicant only, otherwise forbidden. Article 51 Section 16 Use Regulations - Cannabis retail use: conditional. Article 51 Section 16 Use Regulations - Cannabis accessory storage basement level. Conditional use

**Purpose:** Change occupancy from Restaurant with #37 and #36A to a Cannabis Establishment. Also, to renovate.

## **HEARINGS:11:00AM**

**Case: BOA-1406273 Address: 6 Brooks Street Ward 1 Applicant: Thomas Walsh**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. - Extensions>25% forbidden Article 27T - 5 East Boston IPOD Applicability Art.53 Sec. 08 Use: Forbidden Art. 53 Sec. 56 Off Street Parking - Insufficient parking Article 53 Section 9 Insufficient additional lot area per unit Article 53 Section 9 Insufficient open space Article 53 Section 9 Excessive f.a.r. Article 53 Section 9 Excessive height Article 53 Section 9 Side yard Article 53 Section 9 Rear yard Article 53, Section 9 Front yard

**Purpose:** Seeking to change the occupancy from 3 residential units and 1 retail space to 6 residential units and 1 retail space. Also, to renovate the building and erect additions

**Case: BOA-1482748 Address: 247 Shawmut Avenue Ward 3 Applicant: Peter Vanderweil**

**Article(s):** Art 64.9.4 Town/Rowhouse extension into rear Art.64 Sec.09 Floor Area Ratio is Excessive

**Purpose:** Install dormer in rear of top floor unit per submitted design drawings. Hardy plank siding, 2 windows to match adjacent windows, rubber roof on dormer.

**Case: BOA- 1513036 Address: 25 Colebrook Street Ward 7 Applicant: James Christopher**

**Article(s):** Article 68, Section 8 Lot Area Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Floor Area Ratio Excessive

**Purpose:** To erect a 3-story addition on top of the existing lower-level basement for an at grade garage and single-family dwelling above as per plans



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**Case: BOA-1419819 Address: 30 Dimock Street Ward 11 Applicant: The Dimmock Center**

**Article(s):** Article 50 Section 24 Use: Conditional Clinic Conditional Article 9, Section 2 Change in Non-Conforming Use - Existing offices remaining.

**Purpose:** Change of Use. Change of basement occupancy from Daycare to Clinic (Vaccination Center)

**Case: BOA-1291555 Address: 18 Birchcroft Road Ward 18 Applicant: Said Ennaya**

**Article(s):** Article 69, Section 9 Lot Area Insufficient Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Bldg Height Excessive (Feet) Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient Article 69 Section 29 Off Street Parking & Loading Req - Off street parking is insufficient

**Purpose:** Tear down an existing single-family house to build a new 2 family house.

**Case: BOA-1477573 Address: 28A Ridlon Road Ward 18 Applicant: David Bello**

**Article(s):** Article 69, Section 9 Side Yard Insufficient Article 69 Section 30 Application of Dimensional Req Does not meet dimensional requirements lot was created in April 1894 Article 69, Section 9 Lot Width Insufficient Article 69, Section 9 Lot Frontage Insufficient Article 69, Section 9 Floor Area Ratio Excessive

**Purpose:** Erect a one family dwelling Create two parking spaces in the rear.

**Case: BOA-1483633 Address: 753 American Legion Highway Ward 18 Applicant: James Heffernan**

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

**Purpose:** Install concrete block retaining wall, see attached retaining wall plans & plot plan for reference.

**Case: BOA-1502802 Address: 76 Ashford Street Ward 21 Applicant: Rise Construction-ARTICLE 80**

**Article(s):** Article 51, Section 19 Use: Forbidden Multifamily use Article 51, Section 20 FAR Max. allowed: 1 Proposed: 6.23 Article 51, Section 20 Max. building height allowed: 35' Proposed: 215' Article 51, Section 20 Min. usable open space: 50x254 units = 12,700 sqft Proposed: 2,790 sqft

**Purpose:** Erect a 17-story building with approximately 254 housing units, up to 63 off street vehicle parking spaces, and ground floor retail space. Existing structure to be razed under separate permit.

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

**Case: BOA#1475953 Address: 169 Maverick Street Ward 1 Applicant: Trichilo Development, LLC**

**Purpose:** Erect addition, renovate, and change occupancy from three (3) to four (4) residential units with rear and roof decks.

**Violation:** Violation Description: 9th 780 CMR 1006 Number of Exits and Exit Access Doorwa

**Violation Comments:**ART.IBC Table 1006.3.2(1) Fourth stories above grade: Not Permitted.

**Reason for Prior Deferral: The Board moved to defer.**

**Case: BOA- 1435105 Address: 5 Swift Terrace Ward 1 Applicant: Marc LaCasse, Esq**

**Article(s):** Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 56 Off Street Parking & Loading Req Article 27T 5East Boston IPOD Applicability - ARTICLE 27T 8

**Purpose:** Demolish existing structures on separate permit. Construct new 7 unit dwelling with parking for 5 vehicles; 3 private roof decks; basement storage.

**Reason for Prior Deferral: This was deferred to allow time for community process and to re-advertise the updated plans**





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**Case: BOA- 1481099 Address: 222 Bowen Street Ward 6 Applicant: Anthony Monahan**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel exceeded Art. 68 Sec. 33 Off Street parking Req. - Maneuvering areas Art 68 Sec 8 Insufficient lot area per unit 1000/unit req. Art 68 Sec 8 Excessive f.a.r 2.0. max. Art 68 Sec 8 Excessive height in sub district 40' max Art 68 Sec 8 Insufficient open space 200sf/unit Art 68 Sec 8 Insufficient front yard setback 5' minimum (Note side walk narrower than 39") Art. 68 Sec.08 Insufficient front yard setback 5' minimum (Note side walk narrower than 39") Art.68 Sec. 33 Off Street Loading Req. - Insufficient parking unit

**Purpose:** Erect new 4-unit residential building with 2 full parking spots, per plans \* Clarification: Combine Parcel #'s 0600999000 and 0600998000 and Erect a new Four story, 4-unit residential building with two private roof decks and 2 full parking spots per plans on the newly created lot consisting of 2,289sf. \*Existing structures to be razed on a separate permit demolition application w/article 85 approval.

**Reason for Prior Deferral:** This was deferred with a recommendation by the BPDA to allow for them to review the new plans and make changes.

**Case: BOA-1391838 Address: 18R Plain Street Ward 16 Applicant: David Higgins**

**Article(s):** Article 65, Section 42.13 Two or More Dwellings on Same Lot Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Frontage Insufficient 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:** Erect New Single Family Home: Per Plans.

**Reason for Prior Deferral:** This was deferred because the first two motions failed. The third motion was to defer which carried.

**HEARINGS: 1:00PM**

**Case: BOA-1465504 Address: 9 Armory Street Ward 2 Applicant: Kendrick LLC**

**Article(s):** Art. 62 Sec. 08 Insufficient lot width Art. 62 Sec. 08 Insufficient lot width frontage Art. 62 Sec. 08 Insufficient usable open space Art. 62 Sec. 08 Insufficient side yard setback Art. 62 Sec. 30 Insufficient rear yard setback of structure on Shallow lot

**Purpose:** Erect one family (three story) attached building on existing (1,112sf) vacant lot as per plans filed herewith. Building to be used for one family building after construction. NDOD zoning overlay

**Case: BOA-1484079 Address: 46 Montgomery Street Ward 4 Applicant: David Watson**

**Article:** Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability

**Purpose:** Change occupancy from two family to single family dwelling, add a roof deck, and renovate per plans. (V458662 will be corrected upon completion of the scope of work.)

**Case: BOA#1501802 Address: 46 Montgomery Street Ward 4 Applicant: David Watson**

**Purpose:** Change occupancy from two family to single family dwelling, add a roof deck, and renovate per plans. (V458662 will be corrected upon completion of the scope of work.)

**Violation:** Violation Description Violation Comments

9th 780 CMR 1011 Stairways1011.12.2 Roof access shall be through a penthouse.

**Case: BOA-1480829 Address: 15 Revere Street Ward 5 Applicant: Irving Revere, LLC**

**Article(s):** Art. 23 Sec. 01 Off street parking requirements - Extra parking required: 0.7 spaces/unit Total: 1.4 spaces Article 13, Section 1 Usable Open Space Insufficient - Extra open spaces required: 150sqft/unit Total: 300 sqft

**Purpose:** Change Occupancy from "10 Dwelling Units, Laundry & Office" to "12 Dwelling Units".

**Case: BOA-1447612 Address: 591 Albany Street Ward 8 Applicant: Rebecca Rutenberg-CANNABIS**

**Article:** Article 64, Section 15 Use: Conditional - Change of Occupancy from Medical Marijuana Treatment Center to Cannabis Establishment for Medical and Adult Use (Recreational).

**Purpose:** Change of Occupancy from Medical Marijuana Treatment Center to Cannabis Establishment (medical + recreational). No construction proposed.



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**Case: BOA-1485817 Address: 521 Cambridge Street Ward 21 Applicant: John Walsh-ARTICLE 80**

**Article(s):** Article 51 Section 16 Use Regulations - Units on first floor: Conditional use. Article 51 Section 17 Floor Area Ration Max. allowed: 1 Proposed: 3.65 Article 51 Section 17 Max. height allowed: 35' Proposed: 66' 2" Article 51 Section 17 Min. rear yard required: 20' Proposed: 5' Art. 51.52 Specific Design Requirements -51.52.1 Street Wall continuity Article 51, Section 56 Off Street Parking Insufficient -Min. parking spaces required: 2spaces/unit. Total required: 66 spaces. Proposed: 0 Article 51, Section 56 Off Street Parking & Loading Req - Loading bays required: 1 Proposed: 0

**Purpose:** Erect 6 story residential building consisting of 33 apartments. In conjunction with ALT1445173 and ALT1451585 to combine 2 lots into 1.

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

**BOARD MEMBERS:**

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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)**