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**HEARING MINUTES**

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MAY 21, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS MAY 21, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE MAY 21, 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/ZBAHearings2024>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 819 2218 4516 followed by # when prompted.**

**If you wish to offer testimony on an appeal, please click <https://bit.ly/May21Comment> 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/May21Comment> 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- 1202529 Address: 55 Bowdoin Avenue Ward 14 Applicant: Kathalene C. MacPherson**

**Discussion/Vote:** Upon a motion and a second, the Board voted unanimously to grant an extension until May 27, 2025.

**Case: BOA-1044720 Address: 3326-3328 Washington Street Ward 11 Applicant: Kirby Liu**

**Discussion/Vote:** Upon a motion and a second, the Board voted unanimously to grant an extension until July 9, 2025.

**Case: BOA- 1019011 Address: 22-24 Woodbine Street Ward 12 Applicant: Derric Small, Esq**

**Discussion/Vote:** Upon a motion and a second, the Board voted unanimously to grant an extension until May 8, 2025.

**Case: BOA-982435 Address: 198 Woodrow Avenue Ward 14 Applicant: Derric Small, Esq**

**Discussion/Vote:** Upon a motion and a second, the Board voted unanimously to grant an extension until May 9, 2025.

**Case: BOA-1110007 Address: 47 Condor Street Ward 1 Applicant: Richard Lynds, Esq**

**Discussion/Vote:** Upon a motion and a second, the Board voted unanimously to grant an extension until June 14, 2025.

**Case: BOA- 1067375 Address: 28 Geneva Street Ward 1 Applicant: Jeff Drago, Esq**

**Discussion/Vote:** Upon a motion and a second, the Board voted unanimously to grant an extension until May 21, 2025.

**Case: BOA- 983485 Address: 6 Lothian Road Ward 21 Applicant: Yan Schechter**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until May 21, 2025.

### **RECOMMENDATIONS: 9:30 AM**

**Case: BOA-1584944 Address: 82-96 Westland Avenue Ward: 4 Applicant: Hareshkumar Patel**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions

**Purpose:** Remove proviso and grant to this petitioner only.

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



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**Case: BOA-1572885 Address: 3 Bruce Street Ward: 16 Applicant: Javier Fortin**

**Article(s):** Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories)

**Purpose :** Partial teardown of attic and rebuild within existing foundation footprint with new interior layout of bathroom, bedrooms and library space. extend and improve existing side emergency egress to second floor. Install new electrical and HVAC system. Remodel existing kitchen and bathroom in 2nd unit.

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

**Case: BOA-1503897 Address: 2010 Dorchester Avenue Ward: 16 Applicant: Victoria Nguyen**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - 5' side yard buffer requirement Art. 65 Sec. 9 Residential Dimensional Reg.s - Number of allowed stories exceeded 2.5 max. Art. 65 Sec. 9 Residential Dimensional Reg.s - Excessive f.a.r.

**Purpose :** Clarification on scope of work: Change of occupancy from a one family to a two family (1 to 2 family conversion) and install a shed dormer in attic area on the right side of the property for a full bath and perform work per plans on all floors.

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

**Case: BOA-1585746 Address: 45-47 Braeburn Road Ward: 18 Applicant: Vladimir Yampolsky**

**Article(s):** Article 69, Section 8 Use: Forbidden Article 69 Section 29 Off Street Parking & Loading Req

**Purpose:** Change occupancy from a single to a two family residential dwelling as per plans.

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

**Case: BOA-1575868 Address: 294 Metropolitan Avenue Ward:18 Applicant: Paulo Pinheiro**

**Article(s):** Article 67, Section 9 Bldg Height Excessive (Stories) Article 67, Section 9 Front Yard Insufficient - Min. required: 25' Existing: 13.7' Proposed: Extending non conformity by proposing a new floor addition. Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - Proposing a new floor

**Purpose:** Remove existing roof and construct attic floor (3rd floor) per attached drawings.

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

**Case: BOA-1555503 Address: 50 Prescott Street Ward: 18 Applicant: Joseph Gardener**

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

**Purpose:** The proposed job description shall begin with an attached poured concrete foundation. Wood frame above foundation shall consist of additional bedrooms bathrooms, office space with a deck and additional egresses.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve with BPDA design review with attention to the dimensions of the rear and to preserve the existing tree.



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**Case: BOA- 1495809 Address: 8 Friendship Road Ward: 18 Applicant: Harold Raymond**

**Article(s):** Art. 69 Sec. 09 Insufficient lot width Art. 69 Sec. 09 Insufficient rear yard setback Art. 69 Sec. 8 Forbidden - Two family forbidden Art. 69 Sec. 09 Insufficient additional open space per unit Art. 69 Sec. 29.5 Off St.Prk'g:Design - Tandem parking

**Purpose:** Changing occupancy from 1 family to two family . We are extending the rear of the property by 14 feet on the first and second floor. Extension of living space from Unit 2 into the attic. Adding rear decks for Unit 1 & 2.

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

**Case: BOA-1538430 Address: 3 Rosa Street Ward: 18 Applicant: Social Impact Collective, Inc**

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

**Purpose:** 2 story rear addition to existing 1 family home: 1st floor living area, kitchen, half bath. Second floor bedroom w/ walk in closet, full bathroom, outdoor deck. New rear yard deck less than 1' off the ground. Addition will have interior 1st floor connection to existing home & second exterior door.

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

**Case: BOA- 1538456 Address: 94 Westminster Street Ward:18 Applicant: Denia Baez**

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

**Purpose:** Addition of rear stair up to top story

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

**Case: BOA-1546755 Address: 5 Reynold Road Ward: 18 Applicant: Lincoln Matra**

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

**Purpose:** Build skeleton of a second story addition. Involves demo, framing, window installation, siding, and roofing of addition. Frame vaulted ceiling and two new windows in existing bedroom. Frame wall in office/bedroom of existing house. Remainder of work is out of scope.

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

**Case: BOA- 1549736 Address: 43 Knoll Street Ward: 20 Applicant: Karina Broomstein**

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

**Purpose :** Demo existing back porch for 1st and 2nd floor. Rebuild new structure based on plans with new footing and framing with new roof and composite decking.

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



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**Case: BOA-1552488 Address: 340 Baker Street Ward: 20 Applicant: Shadeed Anwar**

**Article(s):** Art. 09 Sec. 02 Nonconforming Use Change -Extension of a non conforming use structure < 25%  
Conditional Art. 56, Section 16 Insufficient rear yard setback

**Purpose:** Full gut renovation, new kitchens, new bathrooms, install new sonotubes for second floor deck on rear, second egress exit will be through rear deck stairs, lower basement floor, reframe/reinforce structural member up to code, add dormers on both side of roof, raise first floor kitchen ceiling height.\*2 Family #3502/1940

**Discussion/Vote:** Upon a motion and a second the Board moved to defer until June 13, 2024.

**Case: BOA-1555663 Address: 108 Murdock Street Ward: 22 Applicant: Victor Valenzuela**

**Article(s):** Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Floor Area Ratio Excessive  
Article 51, Section 9 Rear Yard Insufficient - Side entrance (rear)

**Purpose :** Extending the existing dormer to add a 3/4 Bathroom in a finished attic, re build a 1st floor pressured treated rotted side entrance on the existing footings as the same dimensions.

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

**Case: BOA-1518380 Address: 104 Child Street Ward: 11 Applicant: Teresa Spillane**

**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - Extension of Nonconforming Building  
Art. 53 Sec. 09 Side yard Insufficient. Art. 53 Sec. 09 Rear yard insufficient. Rear deck.  
Art. 53 Sec. 09 Front yard insufficient. Art. 53 Sec. 09 Floor Area Ratio Excessive

**Purpose :** Scope includes an addition creating a home office and two car garage. A new stair in the garage will connect to a second floor workshop/storage area. A roof garden and solar panels will be added to the existing roof.

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

### **GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM**

**Case: BOA- 1542280 Address: 162 Boylston Street Ward 6 Applicant: 162 Boylston Street, LLC**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability - 32 4 (c) Construction cost is determined per Commissioner's bulletin from 2015 exceeding assessed building value.

**Purpose:** Change occupancy from Sales Room and Offices to restaurant/retail (ground level) and multifamily use (2nd story and above) to include 43 residential units. Erect vertical addition on rear portion of building (parcel 0500026000) as per plans. Project is intended to be "as or right".

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy and add a vertical addition.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans, BGWT letters

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Vote:** Board member Collins moved to approve. Pinado seconded and the motion carried unanimously.



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**Case: BOA-1584690 Address: 173 Commonwealth Avenue Ward 5 Applicant: Paul Pfeiffer**

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

**Purpose:** Complete remodel of the residence at 173 Commonwealth per the plans and supporting docs attached.  
Clarification: Change of occupancy from a 7 unit dwelling to a one family dwelling and then perform full gut renovation and reconstruction of roof deck with new headhouse and other interior/exterior work to include three off street parking spaces in rear per plans

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy in a GCOD overlay district and perform interior gut renovations.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Vote:** Board member Whewell moved to approve. Collins seconded and the motion carried unanimously.

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

**Case: BOA-1546998 Address: 543 East Second Street Ward 6 Applicant: Timothy Wilson**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions Pre-existing structures-Max allowed height on parcel has been exceeded Art 68 Sec 8 Dim reg app in res sub dist Insufficient additional lot area per unit Art 68 Sec 8 Dim reg app in res sub dist Insufficient rear yard setback Article 68, Section 33 Off-Street Parking & Loading Req Insufficient off street parking Article 68, Section 33 Off-Street Parking & Loading Req Design/Clear maneuvering areas

**Purpose:** Combine parcels 3138, 3139 & 3140 and subdivide into two lots: lot 1 @ 4,271 sf+/ (543 east second street to remain); and, lot 2 @ 4,656 sf+/ as per subdivision plan submitted. on lot 2, erect a new 4 story, 6 unit residential building w/garage, front & rear decks as per plans submitted. See stamped land survey for correct parcel numbers (subdivision permit ALT1535648) 543R East second street to be razed on a separately filed and issued demolition permit.

**Discussion:** At the request of the Board, the applicant presented plans to erect 4 story 6 homeownership units. The Board noted that the height worked and that it was in context and appropriate.

Board members asked about the plans, proposal and the layout

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn and abutters were in support. Abutters are in opposition and one abutter didn't like the 4<sup>th</sup> story.

**Vote:** Board member Collins moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.



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**Case: BOA-1584507 Address: 2136-2140 Washington Street Ward 8 Applicant: Kaidi Grant**

**Article(s):** Article 50, Section 10 Use Regulations in Roxbury EDA - Private/Social club serving alcohol w/limited live entertainment Conditional Article 50, Section 43 Off-Street Parking & Loading Req - Insufficient parking

**Purpose:** 3.13.24 Revised scope of work: Proposed Change of use and occupancy from office and retail use to office (2nd flr) and social club w/limited live entertainment to include, flex retail boutique use (1stflr) w/storage in basement" per plans provided. Subject to ZBA approval a completed set of stamped construction documents shall then be provided. There is no proposed construction for this project. We are seeking to change the occupancy from retail to social club. This project is not increasing the foot print.

**Discussion:** The applicant requested a deferral.

**Vote:** Upon a motion and a second the Board moved to defer until June 25, 2024.

**Case: BOA- 1573263 Address: 73-75 Bowdoin Avenue Ward 14 Applicant: Cesar DaSilva**

**Article(s):** Art. 10 Sec. 01 Limitation of off street parking areas - Parking less than 5 feet from side lot line.

**Purpose:** New curb cut and creating of two tandem parking spots. Alterations to existing dwelling to be filed under separate permit.

**Discussion:** At the request of the Board, the applicant presented plans to add a new curb cut for 2 off street parking spaces. The Board noted that they are not favorable with 1 for 1 parking or front yard parking.

Board members asked about the plans, spots

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Vote:** Board member Collins moved to deny. Stenbridge seconded and the motion carried unanimously.

**Case: BOA- 1528931 Address: 15 Levant Street Ward 15 Applicant: Urban Determination**

**Article(s):** Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Rear yard insufficient.

**Purpose :** New construction of three family with three parking spaces semi enclosed at rear. Nominal fee requested pending Zoning Board of Appeals decision.

**Discussion:** At the request of the Board, the applicant presented plans to erect a 3-family dwelling with 3 off street parking spaces.

Board members asked about the plans, buffering, green space.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Vote:** Board member Collins moved to approve with BPDA design review. Stenbridge seconded and the motion carried unanimously.





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**Case: BOA- 1563876 Address: 1905-1907 River Street Ward 18 Applicant: Juan Rojas**

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

**Purpose:** Erect two side by side two family house

**Discussion:** At the request of the Board, the applicant presented plans to erect 2, 2 family dwellings with 2 off street parking spaces for each unit. (4 total)

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Vote:** Board member Collins moved to approve with BPDA design review with attention to eliminating the possibility of any front yard parking. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1589775 Address: 30 Pinewood Street Ward 18 Applicant: Daisy De La Rosa**

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

**Purpose:** Adding full second floor to existing story and half dwelling. Build and new deck at the rear of the building.

**Discussion:** At the request of the Board, the applicant presented plans to add a new second floor addition to make the home 2 stories. Also a new deck in the rear.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Vote:** Board member Collins moved to approve. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1583137 Address: 1481 Centre Street Ward 20 Applicant: Jouveth Shortell**

**Article(s):** Article 9, Section 2 Change in Non-Conforming Use Art. 56, Section 7 Use: Conditional - Daycare Conditional Art. 56 Sec. 39 Off street parking requirements

**Purpose:** Change occupancy from 2 family to 2 family with daycare/pre-school in the basement. Replace two slide doors and one main door. Interior painting. Replace all floors to vinyl floors in the new daycare/pre school space.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a 2 family to a 2 family with daycare/ preschool use.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Vote:** Board member Collins moved to approve. Stembridge seconded and the motion carried unanimously.



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**Case: BOA-1521952 Address: 259R- 259RF Market Street Ward 22 Applicant: Penny Investment, LLC**

**Article(s):** Article 51 Section 9.4 Dim Reg: Location of Main Entrance Article 51, Section 56 Off-Street Parking Insufficient Article 51, Section 57.13 Two or More Dwellings on Same Lot - Dwelling at rear of another Dwelling Article 51, Section 8 Use: Forbidden - MFR in 1F - Forbidden Article 51, Section 9 Lot Frontage 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  
**Purpose:** Erect (4) new 3 story townhomes in a newly created rear lot (Lot B, 10,845 sq. ft.) behind the existing two-family dwelling, which will remain on the street facing lot. Each townhome features garaged parking for two cars and top story decks. See ALT1484754 & ALT1515523 for subdivision applications.

**Discussion:** The applicant requested a deferral to re-advertise.

**Vote:** Upon a motion and a second the Board moved to defer until June 25, 2024.

**Case: BOA-1521950 Address: 257 Market Street Ward 22 Applicant: Penny Investment, LLC**

**Article(s):** Article 51, Section 9 Rear Yard Insufficient Article 51, Section 56 Off Street Parking Insufficient Article 9, Section 2 Change in Non Conforming Us - Decrease in lot size to existing Non conforming use.  
**Purpose:** Filed with ERT1480650, the intent is to subdivide the lot, retain the existing two family on the lot designated as 257 Market St, and build a new multifamily building on the new rear lot. Subdivision of Parcel 2202571000 to create two new parcels; Lot A = 5,857sqft & Lot B 10,845sqft.

**Discussion:** The applicant requested a deferral to re-advertise.

**Vote:** Upon a motion and a second the Board moved to defer until June 25, 2024.

**HEARINGS: 11:00AM**

**Case: BOA-1563584 Address: 2 Hillsboro Street Ward 7 Applicant: Brian Goldson-MOH**

**Article(s):** Art. 65 Sec. 08 Forbidden - MFR use- Forbidden Art. 65 Sec. 08 Forbidden - Basement units Art. 65 Sec. 08 Forbidden - Accessory use parking Art. 65 Sec. 41 Off street parking requirements - Proposed parking in front yard and area >10' Art. 65 Sec. 41 Off street parking requirements - Insufficient parking per Article 65 Zoning regulation Art. 65 Sec. 41 Off-St. Loading Req'mnts - No loading bay area proposed Art. 65 Sec. 9 Residential Dimensional Reg. - Excessive f.a.r Art. 65 Sec. 9 Residential Dimensional Reg. - # of allowed stories has been exceeded Art. 65 Sec. 9 Residential Dimensional Reg. - # of allowed stories has been exceeded Art. 65 Sec. 9 Residential Dimensional Reg. - Lot frontage width Art. 65 Sec. 9 Residential Dimensional Reg. - Rear yard max occupancy >25% requested Art.65 Sec. 42 Appl of Dimensional Reqs - Accessory building Insufficient rear yard setback Article 65, Section 42 Application of Dimensional Req - 4) front wall of building not parallel < 3/4 of required front yard depth Article 65, Section 8 Use Regulations - Artist use -Forbidden

**Purpose:** MOH PROJECT Construct a new five story residential building on a parcel created by combining parcels 0703656000 and 0703657000. Building consists of a total of 21 affordable, residential, home ownership units. Six parking spaces will be provided. No loading area will be provided. Zoning relief will be required. (1.9.2024 Updated scope of work to include, Industrial Use: Artist Mixed Use/18 of the 21 units preference for CITY certified artists)

**Discussion:** The applicant requested a deferral to revise the plans.

**Vote:** Upon a motion and a second the Board moved to defer until June 4th, 2024.



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**Case: BOA-1576209 Address: 4-6 East Springfield Street Ward 8 Applicant: Gregory McCarthy**

**Article(s):** Article 64, Section 19 FAR exceeded. Max. allowed: 3 Article 64, Section 19 Min. rear yard required: 20'  
Proposed: 0.7' Art. 64 Sec. 34 Restricted Roof Structure Regs Art. 64 Sec. 36 Off St. Parking Requirements - 1.4 parking spaces required (0.7 spaces/unit)

**Purpose:** Change of occupancy from 4 to 6 residential units. removal of interior finishes, addition of another story on top of structure with roof deck, insulate, new mep's, and finishes throughout.

**Discussion:** The applicant requested a deferral to redo the plans.

**Vote:** Upon a motion and a second the Board moved to defer until July 16th, 2024.

**Case: BOA- 1552645 Address: 243D Savin Hill Avenue Ward 13 Applicant: James Christopher**

**Article(s):** Art. 65 Sec. 9 Residential Dimensional Reg.s - Lot frontage requirement is insufficient Art. 65 Sec. 9 Residential Dimensional Reg.s - In this residential zoning sub district the main entrance of a dwelling shall face the front lot line

**Purpose:** To construct a new single-family home.

**Discussion:** At the request of the Board, the applicant presented plans to erect a new 1 family dwelling.

Board members asked about the plans, passageway

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Fitzgerald, abutters, and a local association are in support.

**Vote:** Board member Pinado moved to approve with BPDA design review. Stenbridge seconded and the motion carried unanimously.

**Case: BOA-1582608 Address: 34R Williams Avenue Ward 18 Applicant: The Chamos Services**

**Article(s):** Art. 69 Sec. 09 #34R Insufficient lot size Art. 69 Sec. 09 #34R Insufficient lot width  
Art. 69 Sec. 09 #34R Insufficient lot width frontage Art. 69 Sec. 09 #34R Insufficient open space Art. 69 Sec. 09 #34R Insufficient side yard setback (Note: Adjoining structure on left side of abutting lot is within less than 4ft)  
Art. 69 Sec. 09 #34R Insufficient rear yard setback Art. 69 Sec. 29.5 Off-St.Prk'g:Design - Insufficient parking  
Article 69 Section 30 Application of Dimensional Req - Two or more dwellings on the same lot; Proposed residential dwelling built to the rear of another dwelling.-Forbidden

**Purpose:** Change the existing detached structure into an Additional Dwelling Unit. 2.0

**Discussion:** At the request of the Board, the applicant presented plans to add an ADU within the same envelope, there will be 2 dwellings on the same lot. The Board noted that the roof line changed from the original.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Pepen is in support.

**Vote:** Board member Collins moved to approve. Stenbridge seconded and the motion carried unanimously.



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**Case: BOA-1553455 Address: 1052 Hyde Park Avenue Ward 18 Applicant: Elias Akiki**

**Article(s):** Article 69, Section 8 Use: Forbidden - MFR Forbidden Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 30.1 Conformity Ex Bldg Alignment Article 69 Section 29 Off Street Parking & Loading Req – Parking Art. 10 Sec. 01 Limitation of off street parking areas - Parking less than 5 feet from side lot line.

**Purpose:** Erect a new 3 story, multifamily residential building, with 12 units and surface parking on newly created 11,151 sqft lot. See ALT1546422 and ALT1546420 for subdivisions. Demolition of existing building to be filed under separate permits.

**Discussion:** At the request of the Board, the applicant presented plans to erect a 3 story 12 unit dwelling with 12 off street parking spaces.

Board members asked about the plans, proposal, basement, area

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Murphy, Pepén and an abutter are in support.

**Vote:** Board member Collins moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1572704 Address: 40 Rexford Street Ward 18 Applicant: Daniel McKenzie**

**Article(s):** Article 60, Section 8 Use: Forbidden Article 60, Section 37 Off Street Parking Insufficient

**Purpose:** Change of occupancy from a 2 family to a 3 family. Renovate the kitchen, bathroom, and bedroom on the third floor of the Property

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a 2 family to a 3 family. Taxes already paid as a 3 family and this would only require interior modifications.

Board members asked about the plans, footprint changing? No.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Vote:** Board member Collins moved to approve. Stembridge seconded and the motion carried unanimously.



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**Case: BOA-1450603 Address: 556 Cambridge Street Ward 21 Applicant: George Morancy**

**Article(s):** Article 51 Section 17Max. floor area ratio allowed:0.5 Proposed: 2.91 Article 51 Section 17Max. building height allowed: 15' Proposed: 40' (top of roof) and 43.6' (to parapet) Article 51 Section 17Min. open space required: 700 sqft Article 51 Section 17 Min. side yard required: 10' Proposed: 2.9' Article 51 Section 17Min. rear yard required: 20' Proposed: 6.9' Article 51 Section 16Use Regulations - Multifamily use: conditional Art. 51.52Specific Design Requirements - 1 Street Wall continuity in Neighborhood Business Subdistricts. Art. 51 Sec. 23^Off street parking requirement - Insufficient parking. Required 28 spaces

**Purpose:** Construct new 4 story 14 unit residential building.

**Discussion:** At the request of the Board, the applicant presented plans to erect a 4 story 14-unit dwelling. The site conditions make it so that off street parking is not feasible.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. The Carpenters Union is in support. An abutter is in opposition.

**Vote:** Board member Collins moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

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

**Case: BOA-1529408 Address: 31 Rosedale Street Ward 17 Applicant: Design Build Boston Construction**

**Article(s):** Art. 10 Sec. 01 Limitation of off street parking areas - Parking located less than 5 feet from the side lot line. Art. 65 Sec. 65-41.4 Parking in the Front Yard - Through Lot, per Article 65-42.10. New parking in Front Yard at Dunlap Street .Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories)

**Purpose:** Changing occupancy from a two family into three. Scope includes new basement unit, addition of roof dormers, new front addition of interior stair tower, and complete gut renovation. Also includes new interior layouts, superinsulation for energy efficiency, and installation of high performance windows. Enhance the building's functionality and sustainability through meticulous craftsmanship. FA/FP included.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a 2 family to a 3 family.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell is in support.

**Vote:** Board member Collins moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.



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**Case: BOA#1529408 Address: 31 Rosedale Street Ward 17 Applicant: Design Build Boston Construction**  
**Article(s):** 9th 780 CMR 1011 Stairways 9th 780 CMR 1023 Interior Exit Stairways and Ramps 1011.5.3 Winder treads. Winder treads are not permitted in means of egress stairways except within a dwelling unit. [Curved/Winder stair proposed at common single means of egress serving all occupants. Compliance with IBC-1011 required.] 1023.1 General. Interior exit stairways and ramps serving as an exit component in a means of egress system shall comply with the requirements of this section. Interior exit stairways and ramps shall be enclosed and lead directly to the exterior of the building or shall be extended to the exterior of the building with an exit passageway conforming to the requirements of Section 1024, except as permitted in Section 1028.1. An interior exit stairway or ramp shall not be used for any purpose other than as a means of egress and a circulation path. [Fire sprinkler room located within interior exit

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a 2 family to a 3 family.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell is in support.

**Vote:** Board member Collins moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1567789 Address: 1-7 Selkirk Road Ward 21 Applicant: Alan Berfield**  
**Article(s):** Article 51, Section 9 - Rear Yard Insufficient Article 51, Section 9 - Floor Area Ratio Excessive Article 51, Section 56 - Off Street Parking Insufficient Article 51, Section 9 - Bldg Height Excessive (Stories)  
**Purpose:** Erect 4 new 3 story townhouses with 4 parking spaces on a 9135 sq ft lot.

**Discussion:** At the request of the Board, the applicant presented plans to erect 4 new 3 story townhouse dwellings with 4 off street parking spaces. All the units are identical and family sized. The Board noted that they thought that the applicant did a good job with the layout of the property.

Board members asked about the plans, proposal, affordability, sidewalks.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Breadon and the BAIA are in support. Abutters are in opposition.

**Vote:** Board member Collins moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.



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## **HEARINGS: 1:00PM**

**Case: BOA- 1587905 Address: 75-81 Dudley Street Ward 9 Applicant: Madison Park Development Corporation-MOH**

**Article(s):** Art. 50 Sec. 29 Dimensional Requirements Insufficient side yard setback Article 50 Section 28 Use Regulations Multifamily USE- Forbidden Article 50 Section 29 Dimensional Regulations Insufficient additional lot area per unit (2500sf/unit req.) Article 50 Section 29 Dimensional Regulations Excessive F.A.R.- (.8 max) Article 50 Section 29 Dimensional Regulations # of allowed stories exceeded (3 story max.) Article 50 Section 29 Dimensional Regulations Height exceeded (35' max.)

**Purpose:** Revised scope of work per plans provided 3.27.24: Combine parcels into one 8265sf lot and then construct a 4 story structure with 15 affordable housing units per MOH project agreement.

**Discussion:** At the request of the Board, the applicant presented plans to erect a 4 story 15 unit dwelling.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Vote:** Board member Aiken moved to approve. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1102152 Address: 75-83 Hancock Street Ward 15 Applicant: Marguerite Roberts ARTICLE 80**

**Article(s):** Article 9, Section 2 Change in Non Conforming Use Art.65 Sec. 8Use: Forbidden - MFR Forbidden Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 41Off Street Parking Regulations Art. 65 Sec. 41 Off St. Loading Req'mnts

**Purpose:** Change of Occupancy from Liquor Store, Laundry, Restaurant to Liquor Store, Laundry, and 41 residential units. Construct new (3) story 41 multifamily residential addition above existing (1) story mercantile tenant building. At grade open parking garage. Combined lot filed under ALT1098843.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy and reduce the curb cut to 10ft. This is a pre-existing structure.

Board members asked about the plans, proposal.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Fitzgerald is in support. An abutter is in opposition.

**Vote:** Board member Whewell moved to approve. Stembridge seconded and the motion carried unanimously.



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**Case: BOA- 1565390 Address: 16 Rowena Street Ward 16 Applicant: Cynthia Edwards**

**Article(s):** Art. 65 Sec. 60 8 3 Family Detached Dwelling, Forbidden - Forbidden. Article 65, Section 9 Floor Area Ratio Excessive - FAR Excessive. Art. 09 Sec. 01 Extension of Non Conforming Use Article 65, Section 9.2 Dim Regs: Location of Main Entrance - the main entrance of a Dwelling shall face the Front Lot Line Art. 55 Sec. 65 41 Off Street parking insufficient

**Purpose:** Change occupancy from a 2 family to a 3-family dwelling by adding a basement unit with 2 bedrooms, kitchen, living room and dining room.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a 2 family to a 3 family.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board.

**Vote:** Board member Collins moved to approve with no building code relief. Stembridge seconded and the motion carried unanimously.

**Case: BOA- 1588450 Address: 94 Harvard Street Ward 17 Applicant: Welcome Home Harvard Street LLC-MOH**

**Article(s):** Art.65 Sec. 8 Use: Forbidden - Multi Family Dwelling Forbidden Article 65, Section 9 Rear Yard Insufficient

Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Area Insufficient Art. 65 Sec. 41 Off street parking requirements Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet)

**Purpose:** Erect a 3 story, multi family dwelling (4 units) with sustainable & resilient building located at 94 Harvard Street in Dorchester. This will be new ground up construction building with an accessible ramp at the front and parking at the rear. Boston Communities is pleased to submit this building permit application.

**Discussion:** At the request of the Board, the applicant presented plans to erect a 3 story 4 unit dwelling with 2 parking spaces. Then erect another 4 story 8 unit dwelling with homeownership opportunities and a greenery buffer. On City owned land.

Board members asked about the plans, proposal.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell and an abutter is in support. WOW is concerned with the parking.

**Vote:** Board member Pinado moved to approve. Stembridge seconded and the motion carried unanimously.





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**Case: BOA- 1588457 Address: 84 Harvard Street Ward 17 Applicant: Welcome Home Harvard Street LLC-MOH**

Article(s) Art. 65 Sec. 41 Off street parking requirements Article 65, Section 42.3 Traffic Visibility Across Corner Art.65 Sec. 8 Use: Forbidden - Multifamily Dwelling Forbidden Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Front Yard Insufficient

Purpose: Erect a 4 story multi family with 8 units, sustainable and resilient building located at 84 Harvard Street in Dorchester. This will be a new ground up construction building with balconies. Boston Communities is pleased to submit this building permit application. parking. This will be a new ground up construction proposed by Boston Communities.

**Discussion:** At the request of the Board, the applicant presented plans to erect a 3 story 4 unit dwelling with 2 parking spaces. Then erect another 4 story 8 unit dwelling with homeownership opportunities and a greenery buffer. On City owned land.

Board members asked about the plans, proposal.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell and an abutter is in support. WOW is concerned with the parking.

**Vote:** Board member Pinado moved to approve. Stembridge seconded and the motion carried unanimously.

**Case: BOA#1588549 Address: 84 Harvard Street Ward 17 Applicant: Welcome Home Harvard Street LLC-MOH**

**Purpose:** Erect a 4 story multi family with 8 units, sustainable and resilient building located at 84 Harvard Street in Dorchester. This will be a new ground up construction building with balconies. Boston Communities is pleased to submit this building permit application.

**Article(s):** 9th 780 CMR 1007 Exit and Exit Access Doorway Configuration 1007.1.1 Two exits or exit access doorways. Where two exits, exit access doorways, exit access stairways or ramps, or any combination thereof, are required from any portion of the exit access, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. Interlocking or scissor stairways shall be counted as one exit stairway. Exemption: 2. Where a building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, the separation distance shall be not less than one third of the length of the maximum overall diagonal dimension of the area served. [Assuming the Building will be equipped with a NFPA 13 or 13R sprinkler system, the easterly unit on fourth floor fails to meet the one third minimum separation distance between required egresses.] 9th 780 CMR 1023 Interior Exit Stairways and Ramps 1023.1 General. Interior exit stairways and ramps serving as an exit component in a means of egress system shall comply with the requirements of this section. Interior exit stairways and ramps shall be enclosed and lead directly to the exterior of the building or shall be extended to the exterior of the building with an exit passageway conforming to the requirements of Section 1024, except as permitted in Section 1028.1. An interior exit stairway or ramp shall not be used for any purpose other than as a means of egress and a circulation path. [Interior exit stairway contains a trash room and closets at every level; not allowed.]

**Discussion:** The applicant requested to withdraw the B.C relief.

**Vote:** Upon a motion and a second the Board moved to unanimously approve.



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**INTERPRETATION: 1:00PM**

**Case: BOA- 1592433 Address: 1493-1501 Dorchester Avenue Ward 16 Applicant: Michael Ross**

**Article(s):** Art. 65 Sec. 65 18 Use Regulations - Take out Conditional Use

**Purpose:** The petitioner seeks a determination that the Inspectional Services Department erred in issuing permit (ALT1533659). Petitioner alleges that the proposed build out and use in this permit application for a Papa John's take out restaurant requires a Conditional Use permit under the Boston Zoning Code.

**Discussion:** This interpretation is before the Board because the space was previously used for takeout for a Papa Johns location. There is conversation about an old 2015 memorandum regarding 75% determination for takeout space and the need for relief.

**Vote:** Board member Collins moved to uphold ISD's recommendation. Stembridge seconded, Aiken opposed and the motion carried 6-1.



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**STEPHANIE HAYNES**  
**BOARD OF APPEAL**  
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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)**