



City of Boston
Board of Appeal

Tuesday, September 10, 2024

BOARD OF APPEALS

City Hall Room 801

HEARING MINUTES

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON SEPTEMBER 10, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS SEPTEMBER 10, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE SEPTEMBER 10, 2024 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/September10Comment> 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/September10Comment> 617-635-4775, or emailing zba.ambassador@boston.gov.



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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.

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 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 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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APPROVAL OF THE HEARING MINUTES: 9:30AM

August 13, 2024

Discussion/Vote: Upon a motion and a second the Board moved to approve the hearing minutes.

EXTENSIONS: 9:30AM

Case: BOA-992109 Address: 24 Rand Street Ward 13 Applicant: Kenneth Daddabbo

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until September 26, 2025.

Case: BOA- 992105 Address: 28 Rand Street Ward 13 Applicant: Kenneth Daddabbo

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until September 26, 2025.

Case: BOA- 1352386 Address: 72 Hyde Park Ave. Ward 13 Applicant: Michael Ross

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant the extension until August 2, 2025.

GROUNDWATER CONSERVATION OVERLAY DISTRICT: 9:30AM

Case: BOA-1627274 Address: 344 Newbury Street Ward 5 Applicant: UMNV 344 Newbury, LLC

Articles(s): Art. 32 Sec. 04 GCOD Applicability

Purpose : Installation of groundwater recharge system BWSC Site Plan #23163

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant GCOD request.

HEARINGS: 9:30AM

Case: BOA- 1600076 Address: 1 Adams Street Ward 2 Applicant: Katherine Durrane

Articles(s): Article 62, Section 25 Roof Structure Restrictions Proposed roof deck Article 62, Section 8 Dimensional Regulations 62.7 Building height. Max. allowed: 35 Existing: 49' 8" Exceeded proposing the roof deck.

Purpose : Construct new roof deck, accessed by hatch. Construct new interior stair from 4th floor for access. Amendment to ALT1537682

Discussion: At the request of the Board, the applicant presented plans to erect a roof deck on the 4th story

Board members asked about the plans,

Documents/Exhibits: Building Plans

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



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Votes: Board member Whewell moved to approve with BPD review with attention to the setback from the roofline. Stembridge seconded and carried unanimously.

Case: BOA-1600087 Address: 1 Adams Street Ward 2 Applicant: Katherine Durrane

Articles(s): 9th 780 CMR 1011 Stairways 1011.12.2 Roof access shall be done through a penthouse. Proposed: done through a hatch.

Purpose : Construct new roof deck, accessed by hatch. Construct new interior stair from 4th floor for access. Amendment to ALT1537682

Discussion: At the request of the Board, the applicant presented plans to renovate the first floor and install windows and second story deck and convert unto living space.

Board members asked about the plans,

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in opposition. The Orient Heights Civic Association is in support.

Votes: Board member Langham moved to approve. Whewell seconded and carried unanimously.

Case: BOA- 1604223 Address: 13R North Avenue Ward 8 Applicant: Samuel Hurtado

Articles(s): Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Lot Frontage Insufficient Article 50, Section 29 Lot Width Insufficient Article 50, Section 29 Lot Area Insufficient Article 50, Section 43 Off Street Parking Insufficient Article 50, Section 44.13 Two or More Dwellings on Same Lot

Purpose: change of occupancy to single-studio unit. homeowner seeks to convert an existing 335 square foot accessory car garage into a livable accessory dwelling unit. footprint and height of existing garage to remain with addition of rear stair and roof deck. all utilities to be connected to main house to keep structure accessory to existing home

Discussion: At the request of the Board, the applicant presented plans to convert a detached garage into an ADU

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve with no building code relief. Whewell seconded and carried unanimously.



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Case: BOA# 1604224 Address: 13R North Avenue Ward 8 Applicant: Samuel Hurtado

Articles(s): 9th 780 CMR R302 Fire Resistant Construction R302.1 Exterior Walls. Construction, projections, openings and penetrations of exterior walls of dwellings, and accessory building shall comply with Table R302.1(1); or dwellings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13D shall comply with Table R302.1(2). [New openings proposed with less than 3ft fire separation] 9th 780 CMR R311 Means of Egress R311.1 Means of Egress. Dwelling units shall be provided with a primary and secondary means of egress in accordance with this section. Each means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the egress doors. The primary means of egress shall not require travel through a garage but the secondary means of egress may. The required egress doors shall open directly into a public way or to a yard or court that opens to a public way. [Two remote egress doors required with no obstruction of furniture]

Purpose: change of occupancy to single-studio unit. homeowner seeks to convert an existing 335 square foot accessory car garage into a livable accessory dwelling unit. footprint and height of existing garage to remain with addition of rear stair and roof deck. all utilities to be connected to main house to keep structure accessory to existing home

Discussion: At the request of the Board, the applicant presented plans to convert a detached garage into an ADU

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve with no building code relief. Whewell seconded and carried unanimously.

Case: BOA-1552298 Address: 27 Dudley Street Ward 9 Applicant: Cameron Merrill

Articles(s): Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Lot Area Insufficient Article 50, Section 32 Use: Forbidden

Purpose : Change occupancy from a 6 unit building to a 7 unit building by splitting unit 3 into 2 units making it 7 units

Discussion:Votes: Upon a motion and a second the Board moved to defer until October 8, 2024.



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Case: BOA- 1597959 Address: 3336 Washington Street Ward 11 Applicant: Lee Goodman

Articles(s): Art. 55, Section 19 Use: Forbidden Multi Family Dwelling Forbidden Art. 55, Section 19 Use: Forbidden Townhouse Forbidden Art. 55, Section 19 Use: Conditional Café (Small restaurant with take out) Conditional Art. 55, Section 20 Dimensional Regulations Floor Area Ratio excessive Art. 55, Section 20 Dimensional Regulations Building Height excessive Art. 55, Section 20 Dimensional Regulations Usable Open Space insufficient Art. 55, Section 20 Dimensional Regulations Rear Yard Art. 55, Section 40 Off Street Parking Insufficient

Purpose : Change of occupancy to include café (core/shell) and 8 residential units. Scope involves conserving existing façade, selective demolition of interior with vertical & horizontal additions to add 8 new dwelling units (Multifamily & 3 Townhouses). Building to contain mixed use with storefront at grade for existing bakery, adding café, plus 8 residential units. Existing façade and foundation of existing 1 story building to remain, per Engineer's memo. New foundation for additions and upgrades to life safety (FA/FP) also included.

Discussion: At the request of the Board, the applicant presented plans to change the occupancy to 8 dwelling units and a café. Half rental and half condo..

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Langham moved to approve. Whewell seconded and carried unanimously.

Case: BOA-1582245 Address: 50-52 Townsend Street Ward 11 Applicant: Shear-Yashuv Shear-Yashuv

Articles(s): Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 32 Use: Forbidden Article 50, Section 43 Off Street Parking Insufficient

Purpose : Combine 50 Townsend with 52 Townsend into 1 building to be known as 50 52 Townsend St. Change occupancy from a 6 family to an 8 family to include 2 units in the basement & renovate as per plans including sprinkler & fire alarm and MEP

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from a six family to an 8 family dwelling.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Collins moved to approve with no building code relief. Whewell seconded and carried unanimously.



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Case: BOA- 1632317 Address: 61 Linden Street Ward 15 Applicant: My Lam

Articles(s): Article 65, Section 8 Use Regulations Multifamily Dwelling Forbidden 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 41 Off street parking requirements Article 65, Section 65 41.5 Parking Size & Maneuverability Article 65, Section 42.2 Conformity w Ex Bldg Alignment Article 10, Section 01 Limitation of off street parking areas Parking less than 5 feet from side lot line.

Purpose : Construct new 3 Story, 6 unit multifamily building with balconies and balconies. Demolish existing single family under separate permit.

Discussion/Votes: Upon a motion and a second the Board moved to defer until October 8, 2024

Case: BOA- 1575600 Address: 214 Norwell Street Ward 17 Applicant: John Pulgini

Articles(s): Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Usable Open Space Insufficient 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 Add'l Lot Area Insufficient

Purpose : To erect a new 3 story /3 unit dwelling with 3 off street parking spaces in the rear as per plans.

Discussion/Votes: Upon a motion and a second the Board moved to defer until October 8, 2024

Case: BOA- 1589819 Address: 133-135 Whitfield Street Ward 17 Applicant: Douglas Miller

Articles(s): Article 65, Section 9 Floor Area Ratio Excessive Max. allowed: 0.4 Proposed: 1.2 Article 65, Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5 Proposed: 3 (3rd floor exceeds 50% of 2nd floor's area) Article 65, Section 9 Front Yard Insufficient Min. required: 15' Proposed: 5.3' (new porch) Article 65, Section 9 Side Yard Insufficient Min. required: 10' Proposed: 5.7' Article 65 Section 42 Off Street Parking Insufficient Required: 3 Proposed: none shown in the plot plan.

Purpose : The property is currently a legal 2 family multifamily. We propose to make the property 3 family multifamily which includes adding meter, fire escape, heating, electric, shower for the third unit. In addition, redo the front deck. See attached contractor scope of work.

Discussion: At the request of the Board, the applicant presented plans to convert the third floor on the 2 unit and change the occupancy to a three family dwelling and add a fire escape.

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.

Votes: Board member Collins moved to approve. Whewell seconded and carried unanimously.



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HEARINGS: 11:00AM

Case: BOA-1637375 Address: 336 Meridian Street Ward 1 Applicant: 336 Meridian Corp

Articles(s): ARTICLE 53; SECTION 53 5 E.B. District Dimensional Insufficient rear yard setback proposed <10' from lot line Regulations (Table F) not allowed per Article 53 29 section 10Rear yards of shallow lots (i.e takedown of existing rear porches and reconstruct as newly extended living space for office/gym use per plans submitted) Article 53 Section 56 Off Street Parking Insufficient parking

Purpose: Renovate and change occupancy from a three (3) unit residential dwelling to a four (4) unit residential with a new private roof deck, per plans submitted.

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from a three family to a four family dwelling.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Collins moved to approve. Whewell seconded and carried unanimously.

Case: BOA-1627289 Address: 238-240 Maverick Street Ward 1 Applicant: Matthew Wessels

Articles(s): Article 53, Sec. 08*^ Forbidden Multifamily use Article 53, Section 9 Add'l Lot Area Insufficient Min. required: 4,000 sqft Proposed: 1,652 sqft Article 53, Section 9 Floor Area Ratio Excessive Max. allowed: 1 Proposed: 2.64 Article 53, Section 9 Bldg Height Excessive (Stories) Max. allowed: 3 Proposed: 4 Article 53, Section 9 Bldg Height Excessive (Feet) Max. allowed: 35' Proposed: Approx. 48' (top of skylight considered according to roof structure restrictions article) Article 53, Section 9 Usable Open Space Insufficient Min. required: 1,200 sqft Article 53, Section 9 Front Yard Insufficient Min. required: 5' Proposed for both streets: 0' Article 53, Section 9 Rear Yard Insufficient Min. required: 30' Proposed" 5.9' Article 53, Section 52 Roof Structure Restrictions Roof deck exceeding max. allowed height. and max. allowed structure's area. Roof deck insufficiently separated from abutting streets. Article 53, Section 56^ Off street parking insufficient Required: 1 Proposed: 0 Article 32, Section 32 4 Groundwater Conservation Overlay District, Applicability Article 53, Section 9 Side yard insufficient Min. required: 2.5' Proposed: 2.2'

Purpose: Erect addition, confirm occupancy as three family and change to four units with a roof deck exclusive to unit 4.

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from a 3 family to a four family with new roof deck for the exclusive use of unit 4.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Whewell moved to approve. Valencia seconded and carried unanimously.



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Case: BOA#1627005 Address: 238-240 Maverick Street Ward 4 Applicant: Matthew Wessels

9th 780 CMR 1011 Stairways Access to the proposed roof deck shall be done through a penthouse instead of a hatch.

Purpose: Erect addition, confirm occupancy as three family and change to four units with a roof deck exclusive to unit 4.

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from a 3 family to a four family with new roof deck for the exclusive use of unit 4.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Whewell moved to approve. Valencia seconded and carried unanimously.

Case: BOA-1625940 Address: 400-408 West Broadway Ward 6 Applicant: George Morancy, ESQ-ARTICLE 80

Purpose: Change of Occupancy from 36 Residential units, 36 parking spaces, and 1 retail store see ERT884395 to 36 Residential Units, 36 Parking spaces, and RESTAURANT which is a conditional use.

Discussion/Votes: Upon a motion and a second the Board moved to defer until September 24, 2024.

Case: BOA- 1630349 Address: 275 Gold Street Ward 7 Applicant: Kyle Parsons

Articles(s): Art 68 Sec 29 Roof Structure Restrictions Max allowed restricted height to parcel has been exceeded
Art 68 Sec 8 Dim reg app in res sub dist Insufficient rear yard setback Art 68 Sec 8 Dim reg app in res sub dist
Insufficient side yard setback Art 68 Sec 8 Dim reg app in res sub dist Insufficient front yard setback Art 68 Sec 8
Dim reg app in res sub dist Insufficient usable open space per unit Art 68 Sec 8 Dim reg app in res sub dist Max
allowed height in subdistrict 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 minimal lot size Art 68 Sec 8 Dim reg app in res sub dist
Excessive f.a.r Art 68 Sec 33 Off Street parking Req. Design/ maneuvering areas for each required parking space.
(revised scope) Art. 68 Sec. 33 Off Street parking Req. Insufficient parking still exists due to tandem design (revised
scope)

Purpose: Revised scope of work 3.12.24: Nominal Fee requested. Erect a new 3 family, 4 story building, with three car parking, no elevator. Fully Sprinklered. *HP variance required from AAB for lift access to grp 1 designed dwelling
**Previous scope redacted: Nominal Fee requested. Erect a new 4 family, 4 story building, with no parking, no elevator. Fully Sprinklered.

Discussion/Votes: Upon a motion and a second the Board moved to defer until October 8, 2024.



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Case: BOA- 1605933 Address: 53 Burrell Street Ward 8 Applicant: Sean George

Articles(s): Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 43 Off Street Parking Insufficient Article 50, Section 29 Lot Area Insufficient

Purpose: Demolish existing garages in order to erect a new Three Family.

Discussion: At the request of the Board, the applicant presented plans to demo the garages and erect 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.

Votes: Board member Collins moved to approve. Whewell seconded and carried unanimously.

Case: BOA- 1616343 Address: 120 Glendower Road Ward 18 Applicant: Ulson Lucien

Articles(s): Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Add'l Lot Area Insufficient Article 67, Section 9 Lot Width Insufficient Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Bldg Height Excessive (Stories) Article 67, Section 9 Usable Open Space Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Dimensional Regulations Insufficient lot width frontage

Purpose: SCOPE OF WORK Clarification: Construct a two family dwelling on newly created 4,000sf parcel per plans provided.(See ALT XXXXXX for subdivision of existing lot at 124 Glendower RD to Subdivide existing 8548 sf lot into two separate lots. 124 Glendower to have 4548sf and new lot to have 4000sf for this newly proposed two family detached dwelling per plans provided.) Original scope: I want to subdivide the existing lot from 8500sq to 4000sq/4500sq and I would like to build two family dwelling on the 4500sq side

Discussion: At the request of the Board, the applicant presented plans to subdivide 2 lots and erect a 2 family welling with 4 off street parking spaces.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Collins moved to approve with BPD review. Whewell seconded and carried unanimously.



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Case: BOA- 1616347 Address: 124 Glendower Road Ward 18 Applicant: Ulson Lucien

Articles(s): Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Add'l Lot Area Insufficient Article 67, Section 9 Lot Width Insufficient Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Bldg Height Excessive (Stories) Article 67, Section 9 Usable Open Space Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Dimensional Regulations Insufficient lot width frontage

Purpose: SCOPE OF WORK Clarification: Construct a two family dwelling on newly created 4,000sf parcel per plans provided. (See ALT XXXXXX for subdivision of existing lot at 124 Glendower RD to Subdivide existing 8548 sf lot into two separate lots. 124 Glendower to have 4548sf and new lot to have 4000sf for this newly proposed two family detached dwelling per plans provided.)Original scope: I want to subdivide the existing lot from 8500sq to 4000sq/4500sq and I would like to build two family dwelling on the 4500sq side

Discussion: At the request of the Board, the applicant presented plans to subdivide 2 lots and erect a 2 family welling with 4 off street parking spaces.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Collins moved to approve with BPD review. Whewell seconded and carried unanimously.

RE-DISCUSSIONS: 11:30 AM

Case: BOA-1588133 Address:190R Paris Street Ward 1 Applicant: Ardit Kraja

Article(s): Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Usable Open Space Insufficient

Purpose: Confirm occupancy as one family. Seeking to renovate the existing single family structure known as 190R Paris Street including erecting a side addition and dormers. Nominal Fee.

Discussion/Votes: Upon a motion and a second the Board moved to defer until October 8, 2024.

Case: BOA-1606963 Address: 30 Concord Street Ward 2 Applicant: James williams

Article(s): Article 62, Section 25 Roof Structure Restrictions

Purpose: New front dormer and extended rear dormer. New third floor layout with new bathroom and bedroom rework for three bedrooms. All associated plumbing, electrical and HVAC. ZBA / BPDA approval will be required.

Discussion: At the request of the Board, the applicant presented plans to make the existing shed dormer bigger.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve with BPD review. Whewell seconded and carried unanimously.



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Case: BOA- 1601715 Address: 32 Concord Street Ward 2 Applicant: James Herter

Article(s): Article 62, Section 25 Roof Structure Restrictions - The proposed project will need relief from the BOA for said violation. The Project is also located in a Neighborhood Design Overlay District.

Purpose: New front and rear dormers. New third floor and revised second floor layout. All associated plumbing, electrical and HVAC. ZBA / BPDA approval will be required. Confirming occupancy of a single-family dwelling.

Discussion: At the request of the Board, the applicant presented plans to make the existing shed dormer bigger.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve with BPD review. Whewell seconded and carried unanimously.

Case: BOA- 1624853 Address: 53-85 Canal Street Ward 3 Applicant: Jeffrey Drago

Article(s): Art. 11 Sec. 2 Signs Non Residential Dist. Top of sign exceeds the maximum height allowed. Sign area exceeds the maximum allowed. Art.11 Sec.06 Billboard Signs Billboards and signboards not allowed in this district.(b) No new billboards within 660 feet of a federally funded highway are allowed.

Art. 46 Sec. 08 Bul/Tri Dist Des Review (b) Exterior alterations affecting more than five hundred (500) square feet of the Street Wall façade above the Ground Floor Ceiling Height of an existing building are subject to Small Project Review. Art.80 Sec. 80E 2 Appl. of Small Project Review

Purpose : To remove existing posters structures on the side of the wall and replace with a 25' x 25' static wallspace which has no Structure

Discussion: At the request of the Board, the applicant presented plans to remove the existing structures and replace with wallspace. Not digital and will not illuminate.

Board members asked about the plans,

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. A local civic association is in support.

Votes: Board member Collins moved to approve. Whewell seconded and carried unanimously.

Case: BOA-1599860 Address: 332 West Broadway Ward 6 Applicant: Julian Bolger

Article(s): Article 68 Section 07 Use Regs. Live entertainment use operating before or after 1030pm- Forbidden Article 68 Section 07 Use Regs. Restaurant with Take out- Forbidden (scope of work modification 7.29.24)

Purpose: 7.29.24 Modification of legal scope of work at appeals board: Change of occupancy of space to add take out and live entertainment after 10:30pm (DJ & Acoustic music)

Discussion: At the request of the Board, the applicant presented plans to change the occupancy to add take out use.



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Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Collins moved to approve. Whewell seconded and carried unanimously.

Case: BOA-1565102 Address: 8 Greenville Street Ward 8 Applicant: Ahmed Nur

Article(s): Art. 50 Sec. 43 Off street parking requirements Insufficient clear access and maneuvering areas for 8R Greenville proposed parking access Article 50 Section 26 Establish of Res. Subdistricts Insufficient open space per unit

Purpose: Provide an extended driveway access easement through present driveway of our 8 Greenville street for vehicular, pedestrian, and utility access for the newly proposed 3 unit dwelling to be constructed on the rear lot to be known as 8R Greenville St. This application has been applied for in conjunction with #ERT1544277

Discussion: At the request of the Board, the applicant presented plans to erect 3 rowhouses

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve with BPD review. Whewell seconded and carried unanimously.

Case: BOA-1565094 Address: 8R Greenville Street Ward 8 Applicant: Ahmed Nur

Article(s): Art. 50 Sec. 44.2 Existing Bldg Alignment Conformity with streets Existing Building line alignment for Front yard. Article 50 Section 26 Establish of Res. Subdistricts Insufficient lot size-4,000sf required Article 50 Section 26 Establish of Res. Subdistricts Insufficient lot width frontage along the public street -40' required Article 50 Section 26 Establish of Res. Subdistricts Excessive f.a.r. -1.0 max Article 50 Section 26 Establish of Res. Subdistricts Insufficient open space per unit - 200sf/unit required Article 50 Section 26 Establish of Res. Subdistricts Insufficient side yard setback -10' required Article 50 Section 26 Establish of Res. Subdistricts Insufficient rear yard setback -20' required

Purpose: Erect a four story, three family dwelling (townhouse unit design) with private roof decks and ground story parking with easement access drive from 8 Greenville per plans submitted. (See ALT1544281)

Discussion: At the request of the Board, the applicant presented plans to erect 3 rowhouses

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Valencia moved to approve with BPD review. Whewell seconded and carried unanimously.



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Case: BOA-1603160 Address: 20 Hinckley Street Ward 13 Applicant: Vazberg Properties

Article(s): 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 Frontage Insufficient Article 65, Section 9 Lot
Width Insufficient Article 65, Section 9 Lot Area Insufficient Article 65, Section 42.2 Conformity w Ex Bldg Alignment
Article 65, Section 41 Off Street Parking Regulations

Purpose: Erect a 3 story, single family house, on vacant parcel with front facing decks.

Discussion/Votes: Upon a motion and a second the Board moved to defer until October 8, 2024.

Case: BOA- 1601598 Address: 142 Erie Street Ward 14 Applicant: Matt Henzy

Article(s): Art. 60 Sec. 09 Floor Area Ratio excessive The proposed project will have a F.A.R. of 1.18 not the required
F.A.R of .8 . Art. 60 Sec. 09 Rear yard insufficient The proposed project will have a rear yard set back of 16'-3" to 17'-
6" (sixteen feet and three inches to seventeen and six inches) not 30' (thirty feet) as required. Art. 60 Sec. 09
Side yard insufficient The proposed project will have a side yard of 6'-7" (six feet & seven inches) not 10' as required.
Art. 60 Sec. 40 Off street parking insufficient The proposed project will need to seek relief for Off Street Parking.
Art. 60 Sec. 9 Additional Lot Area Insuff The proposed project will have NO additional square footage per unit.
Zoning requires at least 2,500 Square Feet. Article 60, Section 41.1 Conformity Ex Bldg Alignment The proposed
project will only have 5'-9"(five feet and 9 inches) in the front yard not 10' (ten feet) as required. Alignment with the
existing buildings will be required.

Purpose: New construction of 3 family per revised plans dated May 31,2024.

Discussion: At the request of the Board, the applicant presented plans to erect 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.

Votes: Board member Valencia moved to approve with BPD review. Whewell seconded and carried
unanimously.

Case: BOA-1466516 Address: 250 Pond Street Ward 19 Applicant: David A Gillies

Article(s): Article 55, Section 9 Rear Yard Insufficient; Article 55, Section 41.12 Two or More Dwellings on Same Lot;
Article 55, Section 40 Off Street Parking Insufficient - Parking removed from main dwelling.

Purpose: In connection with ERT1415452 for two dwellings on the same lot.

Discussion: At the request of the Board, the applicant presented plans to convert a garage into an in law suite
and create a 1 family dwelling.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Whewell moved to approve. Whewell seconded and carried unanimously.



City of Boston
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Case: BOA-1605958 Address: 250R Pond Street Ward 19 Applicant: David A Gillies

Article(s): Article 55, Section 41.12 Two or More Dwellings on Same Lot; Article 55, Section 9 Lot Area Insufficient; Article 55, Section 9 Lot Frontage Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 9.3 Dim Reg Location of Main Entrance.

Purpose: Erect new 2-story single family with garage. Demolish existing two car garage under separate permit.

Discussion: At the request of the Board, the applicant presented plans to convert a garage into an in law suite and create a 1 family dwelling.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Whewell moved to approve. Whewell seconded and carried unanimousl

Case: BOA#1466520 Address: 250R Pond Street Ward 19 Applicant: David A Gillies

Purpose: Erect new 2 story single family with garage. Demolish existing two car garage under separate permit. Also see ALT1443003. Article(s) 9th 780 CMR R311 Means of Egress R311.1 Means of Egress. Dwelling units shall be provided with a primary and secondary means of egress in accordance with this section. Each means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the egress doors. The primary means of egress shall not require travel through a garage but the secondary means of egress may. The required egress doors shall open directly into a public way or to a yard or court that opens to a public way. [Only a single means of egress provided]

Discussion: At the request of the Board, the applicant presented plans to convert a garage into an in law suite and create a 1 family dwelling.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Whewell moved to approve. Whewell seconded and carried unanimously.

HEARINGS: 1:00PM

Case: BOA- 1615937 Address: 297 Newbury Street Ward 5 Applicant: Ember Gardens Boston LLC/Shane Hyde-CANNABIS

Purpose: Change Occupancy from Retail to cannabis dispensary. Renovation of interior space to fit out as retail space (cannabis dispensary). Some interior non bearing walls will be removed and new walls constructed.

Discussion: At the request of the Board, the applicant presented plans to change the occupancy from a retail to a cannabis use.

Board members asked about the plans,



City of Boston
Board of Appeal

Documents/Exhibits: Building Plans

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

Votes: Board member Whewell moved to approve. Whewell seconded and carried unanimously.

Case: BOA-1398736 Address: 5 Warren Avenue Ward 18 Applicant: David Collins

Article(s): Article 69, Section 29 Off Street Parking & Loading Req 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

Purpose: Erect new structure, and demolish existing. Convert occupancy from single family to 9 condominium units. Proposed parking below structure, and in rear, adding (9) parking spots, as per plans. E-Plans filed. *NOMINAL FEE LETTER filed with plans.

Discussion: At the request of the Board, the applicant presented plans to convert the occupancy from a 1 family to a 9 condo units.

Board members asked about the plans,

Documents/Exhibits: Building Plans

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

Votes: Board member Whewell moved to approve. Whewell seconded and carried unanimously.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

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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