



City of Boston
Board of Appeal

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By City Clerk at 11:50 am, Oct 01, 2024

Tuesday, October 8, 2024

BOARD OF APPEAL

City Hall Room 801

HEARING AGENDA

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON OCTOBER 8, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS OCTOBER 8, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE OCTOBER 8, 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/October8Comment> 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/October8Comment> 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 HEARING MINUTES: 9:30 AM

September 19, 2024 & September 24, 2024

EXTENSIONS: 9:30AM

Case: BOA-1339798 Address: 67 Appleton Street Ward 5 Applicant: Richard Lynds, ESQ

Case: BOA-985935 Address: 705 VFW Parkway Ward 20 Applicant: John Pulgini, ESQ

Case: BOA-1228408 Address: 69 Readville Street Ward 18 Applicant: Arthur Torres

Case: BOA-1228404 Address: 71 Readville Street Ward 18 Applicant: Arthur Torres

HEARINGS: 9:30AM

Case: BOA-1603116 Address: 319-327 Chelsea Street Ward 1 Applicant: Cellco Partnership d/b/a Verizon Wireless

Article(s): Article 86 Section 3 Applicability Wireless communication on roof and facades Article 86 Section 4 Wireless Comm. Appl.86.4 Comprehensive design review and design requirements for all communication required.

Article 86 Section 6 Use and Dimen Regulations Use is Conditional. Dimensional for Roof mounter antennae: Setback from roof edge: 10' or 10% of roof depth (measured from edge facing public street to opposite edge of roof) whichever is greater. Proposed: insufficient. Setback from building used for residential: 50' Proposed: insufficient.

Purpose : The proposed project is to include in the building's occupancy a wireless communications facility that will have four sectors of façade mounted antennas (one on each of the north, east, south and west sides of the east section of the building) as well as power and radio equipment on the roof of the building. See plans and attachments.

Case: BOA-1649869 Address: 1020-1022 Bennington Street Ward 1 Applicant: JB Capital LLC

Article(s): Article 53 Section 9 Usable Open Space Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Lot Area Insufficient Article 53 Section 9 Add'l Lot Area Insufficient Article 53 Section 08 Use Forbidden Article 53 Section 56 Off Street Parking Insufficient

Purpose : Change occupancy from 4 residential units and one nail salon to 5 residential units and nail salon as per plans.

Case: BOA- 1639678 Address: 30 Fenway Ward 4 Applicant: 30 The Fenway Condominium

Article(s): Article 66 Section 42 Off Street Parking & Loading Req Insufficient parking due to increase in number of legal units Article 09 Section 01 Extension of Non Conforming Use Addition of an additional basement unit > 25% Forbidden Article 66 Section 08 Use Regulations Basement units forbidden

Purpose : CHANGE OCCUPANCY FROM 3 RESIDENTIAL UNITS & 2 OFFICES TO 5 RESIDENTIAL UNITS & 1 OFFICES. Modifications as per plans to Lower Level. Cost included under ALT1462765 Clarification: New scope of work from previous; CHANGE OCCUPANCY FROM 3 RESIDENTIAL UNITS & 2 OFFICES TO 5 RESIDENTIAL UNITS & 1 OFFICES. Split unit one in basement into two residential units, remove fire escape and change use of 5th floor office into a residential unit, install NFPA 13 system, mechanical, fire alarm, framing, window enlargement and masonry per plans provided.*Existing legal uses: Two offices, three apartments, and accessory garage #ALT649489/2016

Case: BOA- 1649572 Address: 471 West Broadway Ward 6 Applicant: Dana Nentin

Article(s): Article 68 Section 7 Use Regulations Restaurant Take Out (small) = CONDITIONAL

Purpose : Convert T Mobile commercial space to a fast casual smoothie & juice bar.



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Case: BOA-1565204 Address: 534 Massachusetts Avenue Ward 9 Applicant: Ivan Hernandez

Article(s): Article 64, Section 9.4 Town House/Row House Extension Proposed deck projects into the rear yard.

Purpose : Construct rear balcony per plans. Landmarks commission has requested that we get zoning approval before filing with them. We would like to get zoning approval in order to proceed to landmarks.

Case: BOA-1622321 Address: 751-757 Dudley Street Ward 13 Applicant: Saizberg Family Realty Trust-ARTICLE 80

Article(s): Article 65 Section 15 Use: Conditional General Retail (1st Story) Conditional Article 65 Section 16 Dimensional Regulations Floor Area Ratio Excessive Article 65 Section 16 Dimensional Regulations Building Height Excessive Article 65 Section 16 Dimensional Regulations Rear Yard Insufficient Article 65 Section 41 Off street parking requirements Article 65 Section 65 41 Off Street Loading Req. Article 65 Section 42.3 Traffic Visibility Across Corner

Purpose : Erect 6 Story mixed use building on newly created 9,908 sqft lot which includes 48 residential units, 1 general retail space, parking garage, roof deck and amenity spaces with bike room. Existing building to be razed under separate permit. *Parcels owned in common have been combined under subdivision alteration permit #ALT1590207

Case: BOA- 1625894 Address: 530-542 Washington Street Ward 17 Applicant: De Rong Wu

Article(s): Article 06 Section 04 Other Protectional Conditions Request to remove proviso "to petitioner only"

Purpose : Remove Proviso granted to this petitioner only (Nick Belibasakis) Under BZC 25829. Applying for Take out for new ownership Derong Wu

Case: BOA- 1644871 Address: 108 Florence Street Ward 19 Applicant: Andrew Litchfield

Article(s): Article 67 Section 9 Floor Area Ratio Excessive Zoning requires FAR of .5. The Applicant will need to seek relief for excessive Floor Area Ratio of .73. Article 67 Section 9 Bldg Height Excessive (Stories) Zoning requires 2 1/2 Stories. The applicant will need to seek relief for 3 Stories. Article 67 Section 9 Usable Open Space Insufficient Zoning requires 1750 SF per unit for open space. The Applicant will need to seek relief for 1356 SF of Open Space which will be less than the existing of 1404 SF. Article 67 Section 32 Off Street Parking Zoning requires six (6) parking spaces. The Applicant will need to seek relief for the number of parking spaces required for four units.

Article 67 Section 30 Off street parking screening & buffering Applicant will need to seek relief for Off street parking screening & buffering. Article 67 Section 9 Front Yard Insufficient Applicant will need to seek relief for the Front Yard setback for the proposed third level. Article 67 Section 9 Side Yard Insufficient Applicant will need to seek relief for the side yard setback for the third level. Article 67 Section 9 Rear Yard Insufficient Applicant will need to seek relief for the Rear yard setback for the third level.

Purpose : nominal fee requested. proposal is to add to the top floor and renovate an existing four family building

Case: BOA- 1631620 Address: 4228-4230 Washington Street Ward 19 Applicant: Adam Rogoff

Article(s): Article 67 Section 11 Use Regulations BAR w/Live entertainment use Conditional

Purpose : (1) Add "Live Entertainment" to bar use as well as theatre and banquet uses. (2) Increase the occupant load from 156 to 250 by adding 2 additional single user non accessible toilet rooms and one additional toilet in the existing common men's room at the lower level. Clarification: Change existing legal occupancy from Rental Agency Office, Beer Garden and Retail Space to Rental Agency Office, Beer Garden and Retail Space, Bar with Live entertainment with occasional Theater and Banquet/Event Use with a dance floor and Office Uses, then Increase the occupant load from 156 to 250 by adding 2 additional single user non accessible toilet rooms and one additional toilet in the existing common men's room at the lower level.

Case: BOA-1632893 Address: 35 Glenellen Road Ward 20 Applicant: Adie Lazerow

Article(s): Article 56 Section 8 Side Yard Insufficient Article 56 Section 8 Rear Yard Insufficient Article 56 Section 8 Front Yard Insufficient Article 56 Section 8 Usable Open Space Insufficient Article 56 Section 8 Floor Area Ratio Excessive

Purpose : Office, bathroom, and open deck at rear. Entry vestibule at front.



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Case: BOA- 1628644 Address: 154 Brook Farm Road Ward 20 Applicant: Vernon Woodworth

Article(s): Article 56 Section 08 Floor Area Ratio excessive Article 56 Section 08 Useable Open Space insufficient. Article 56 Section 8 Front Yard Insufficient Article 56 Section 8 Left Side Yard insufficient Article 56 Section 8 Rear Yard Insufficient

Purpose : Construction of new 2.5 story single family. Nominal fee pending ZBA approval requested.

Case: BOA- 1628698 Address: 179 Church Street Ward 20 Applicant: Tomasa Pujol

Article(s): Article 56 Section 8 Front Yard Insufficient Article 56 Section 8 Side Yard Insufficient

Purpose : Add one additional parking space, rebuild concrete steps

Case: BOA- 1508455 Address: 10-12 Lyne Road Ward 21 Applicant: Justin Huang

Article(s): Article 51 Section 9 Dimensional Regulations Rear yard insufficient.

Purpose : Rebuild a two level rear deck.

RE-DISCUSSIONS: 11:30 AM

Case: BOA- 1616380 Address: 36 Leyden Street Ward 1 Applicant: David Gradus

Article(s): Article 53 Section 9 Rear Yard Insufficient Applicant will need to seek relief for rear yard set back of 23.8'(feet). Existing Non Conforming Article 53 Section 9 Front Yard Insufficient Applicant will need to seek relief for front yard set back of 6.9' (feet). Existing Non Conforming.

Purpose: To subdivide the lot at 36 Leyden St into two lots, Lot 1 to remain 36 Leyden St with a lot area of 2450 SF and Lot 2 to be known as 36A Leyden St with a lot area of 2450 SF; see companion case ERT1585421

Case: BOA- 1616384 Address: 36A Leyden Street Ward 1 Applicant: David Gradus

Article(s): Article 53 Section 8 Use: Forbidden Applicant will need to seek relief for the change of use from a two family to a three family. Article 53 Section 9 Lot Width Insufficient Applicant will need to seek relief for insufficient lot width of 35' (feet). Article 53 Section 9 Lot Frontage Insufficient Applicant will need to seek relief for insufficient Lot Frontage of 35' (feet). Article 53 Section 9 Floor Area Ratio Excessive Applicant will need to seek relief for excessive Floor Area Ratio of 1.79. Article 53 Section 9 Bldg Height Excessive (Stories) Applicant will need to seek relief for excessive story building height of 3 stories. Article 53 Section 9 Front Yard Insufficient Applicant will need to seek relief for insufficient front yard set back of 5' (feet). Article 53 Section 9 Side yard insufficient Applicant will need to seek relief for insufficient side yard set back of 3' (feet). Article 53 Section 9 Rear Yard Insufficient Applicant will need to seek relief for insufficient rear yard set back of 10.2' (feet).

Purpose: Erect a new residential building with 3 units and 2 parking spaces on newly created lot with a total lot area of 2450 SF to be known as 36A Leyden St; see companion subdivision case at 36 Leyden St

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

Articles(s) Article 53 Section 9 Rear Yard Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Usable Open Space Insufficient Article 32 Section 04 GCOD Applicability

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.

Case: BOA-1599326 Address: 46 High Street Ward 2 Applicant: 46 High Street Residences LLC

Article(s): Article 09 Section 02 Nonconforming Use Change Article 10 Section 01 Limitation of off street parking areas Parking within 5ft of side lot line Article 62 Section 25 Roof Structure Restrictions Article 62 Section 29 Off-Street Loading Insufficient Article 62 Section 7 Use: Forbidden MFR – Forbidden Article 62 Section 8 Bldg Height Excessive (Stories) Article 62 Section 8 Bldg Height Excessive (Feet) Article 62 Section 8 Usable Open Space Insufficient

Purpose: Change occupancy from 5 residential units to 9 residential units by constructing a 3 1/2 Story addition in the rear with on site parking. Building proposed to feature 4 stories with decks (at roof/floors), new elevator, and upgrades to life safety.



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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

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.

Case: BOA- 1542650 Address: 226 Magnolia Street Ward 14 Applicant: Shanti Acquisition, LLC

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 Bldg Height Excessive (Feet) Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 32 Use: Forbidden Article 50, Section 29 Add'l Lot Area Insufficient

Purpose: Proposing a new 4-story multifamily building with garage; consisting of 5 new residential units with 5 parking spaces in basement. Demolition of existing building located on site to be filed under a separate short form permit.

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.

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.

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.

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.



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RECONSIDERATION: 1:00PM

Case: BOA-1542657 Address: 548 East Third Street Ward 6 Applicant: Michael Ross

Article(s): Art 68 Sec 29 Roof Structure Restrictions -Max allowed height on parcel exceeded Art 68 Sec 8 Dim reg app in res sub dist - Insufficient lot size Art 68 Sec 8 Dim reg app in res sub dist - Excessive f.a.r. Art 68 Sec 8 Dim reg app in res sub dist - Insufficient open space per unit 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 side yard setback Art 68 Sec 8Dim reg app in res sub dist - Insufficient rear yard setback Article 68, Section 33 Off Street Parking & Loading Req - Insufficient parking Art. 68 Sec. 33 Off Street parking Req. - Design and clear maneuvering areas Art 68 Sec 8 Dim reg app in res sub dist - Insufficient additional lot area per unit required

Purpose: Demolish existing structure pursuant to Article 85 and erect a three-family building with parking.

**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