



City of Boston  
Board of Appeal

**REVISED**

3:50 pm, Nov 26, 2024

Tuesday, December 3, 2024

BOARD OF APPEALS

City Hall Room 801

## **HEARING AGENDA**

### **Revised Agenda**

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON DECEMBER 3, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS DECEMBER 3, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE DECEMBER 3, 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/December03Comment> 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/December03Comment> -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-1341467 Address: 3407-3409 Washington Street Ward 11 Applicant: Matthew J. Kiefer, ESQ**

**Case: BOA-1371277 Address: 1180 Washington Street Ward 3 Applicant: Jeffrey Drago, ESQ**

**Case: BOA-1270821 Address: 123 Fisher Avenue Ward 10 Applicant: Richard Giordano & Maggie Cohn**

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

**Case: BOA-1542657 Address: 548 East Third Street Ward 6 Applicant: 548 East 3<sup>rd</sup> Street, LLC by: Michael P. Ross, ESQ**

**Article(s)** Art 68 Sec 29 Roof Structure Restrictions Max allowed height on parcel exceeded Art 68 Sec 8Dim reg app in res sub dist Insufficient lot size Art 68 Sec 8Dim reg app in res sub dist Excessive f.a.r. Art 68 Sec 8Dim 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 8 Dim reg app in res sub dist Insufficient rear yard setback Article 68, Section 33Off 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.

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

**Case: BOA-1667121 Address: 106 Webster Street Ward 1 Applicant: James Christopher**

**Article(s)** Art 68 Sec 29 Roof Structure Restrictions Enlarged rooftop coverages from what previously reviewed at appeals hearing, approved by the BPDA and ISD dept which are in conflict with the terms of the ERT permit issued Art. 07 Sec. 4 Other Protectional Conditions Failure to comply with BOA proviso order to construct project in accordance with previous BPDA DESIGN REVIEWED approved plans: (i.e. Private roof deck conversion to a Common roof deck, Enlarged roof structures (Newly proposed Bathroom and wet bars on rooftop extensions) \*Building code review has been deferred at this time. Art. 53 Sec. 09 Dimensional Regulations Additonal F.A.R.

Art. 53 Sec. 09 Dimensional Regulations BPDA approved plans show 40'; New height shown on rudimentary AS-BUILT plans, shows roof decks and increase of roof structure sizes. New height disclosed- 51'-3"

**Purpose :** The applicant seeks to amend the plan as issued under building permit ERT593075 as per the attached plans.

**Case: BOA-1606952 Address: 160-170 State Street Ward 3 Applicant: John Pulgini**

**Article(s)** Art. 45, Section 14 Use: Forbiddenrestaurant with live entertainment

**Purpose :** COO to include live entertainment in the existing restaurant use. To reduce the occupancy number for The Black Rose as the second floor is no longer in use. Looking to have two occupancy numbers in the space one for dining with tables one at night when tables are removed.



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**Case: BOA-1652033 Address: 526 East Third Street Ward 6 Applicant: Timothy Johnson**

Article(s) Article 68, Section 8 Lot Area Insufficient Applicant will need to seek relief for Insufficient lot size of 1020 Sq. Ft., Zoning requires a minimum of 2000 Sq. Ft. Article 68, Section 8 Add'l Lot Area Insufficient Applicant will need to seek relief for Insufficient Additional Lot Area for each Additional Dwelling Unit. Zoning requires 1000 Sq. Ft. per unit. Article 68, Section 8 Floor Area Ratio Excessive Applicant will need to seek relief for Excessive Floor Area Ratio of 2.9. Zoning requires 2.0. Article 68, Section 8 Usable Open Space Insufficient Applicant will need to seek relief for Insufficient Open Space per dwelling unit. Zoning requires 200 Sq. Ft. per unit. Article 68, Section 8 Side Yard Insufficient Applicant will need to seek relief for Insufficient Side Yard setback (overhang). Zoning requires 3' (feet) minimum. Article 68, Section 33 Off Street parking Req. Applicant will need to seek relief for the number of Off Street Parking spaces required. Applicant proposes three spaces less than 8.5' and one space is tandem. Zoning requires four spaces. Article 68, Section 8 Front Yard Insufficient Applicant will need to seek relief for the front yard setback. Zoning requires a minimum of 5' (feet). No modal alignment submitted.

Purpose: On vacant lot, erect new 4 story, 3 unit residential building with garage & roof deck as per plans submitted.

**Case: BOA-1623815 Address: 440 East Eighth Street Ward 7 Applicant: Douglas Stefanov**

Article(s) Article 68, Section 8 Add'l Lot Area Insufficient Applicant will need to seek relief for Insufficient lot area for the two additional units proposed.

Purpose : Convert 2nd floor storage areas into two residential units for a total of 6 residential units. Install walls, doors, kitchens and baths as per plans. No changes to the exterior of building.

**Case: BOA-1629989 Address: 44 Creighton Street Ward 10 Applicant: Xavier A Sepulveda**

Article(s) Art. 55 Sec. 09 Dimension Regulations Insufficient additional lot area per unit Art. 55 Sec. 09 Dimension Regulations Insufficient lot width frontage Art. 55 Sec. 09 Dimension Regulations Insufficient Lot width Art. 55 Sec. 09 Dimension Regulations Insufficient open space per unit Art. 55 Sec. 09 Dimension Regulations Insufficient front yard setback Art. 55 Sec. 09 Dimension Regulations Insufficient side yard set back

Purpose : RENOVATION / EXTENSION OF LIVING SPACE CHANGE OF OCCUPANCY FROM SINGLE FAMILY TO 3 FAMILY DWELLING Clarification: Change Use and Occupancy from a one to a three family dwelling and then fully renovate and extend structure towards the rear, as well as, construct a second and third floor addition per plans submitted

**Case: BOA-1663221 Address: 36 Wildwood Street Ward 14 Applicant: Samuel Ani**

Article(s) Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 8 Use: Forbidden Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 37 Off Street Parking Insufficient

Purpose : Change occupancy from three family to four family; convert basement to residential unit

**Case: BOA-1496202 Address: 57 Samoset Street Ward 16 Applicant: Tri Nguyen**

Article(s) Article 65, Section 41 Off Street Parking & Loading Req Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Side Yard Insufficient

Purpose : Single family and 1 car garage to be erected, include MEP.

**Case: BOA-1602037 Address: 1159-1161 Washington Street Ward 17 Applicant: 1159 Washington Street Realty Trust**

Article(s) Art.65 Sec.15 Use: Conditional Take out restaurant Conditional Article 65 Section 16 Dimensional Regulations Excessive f.a.r. Article 65 Section 16 Dimensional Regulations Max allowed height exceeded 40' max Article 65 Section 16 Dimensional Regulations Insufficient side yard setback abutting a residential subdistrict Art. 65 Sec. 41 Off street parking requirements Insufficient parking Art. 65 Sec. 41 Off St. Loading Req'mnts None proposed Article 65 Section 16 Dimensional Regulations Insufficient minimal usable open space/unit 50 per unit required.

Purpose : Demolish exist. single story bldg. and construct a mixed use 4 story bldg. on combined lots (parcels 1704052000, 1704052001). First floor will have a restaurant tenancy, residential entry lobby and 6 enclosed residential parking spaces. The upper 3 floors will have 14 Group 1 dwelling units.



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**Case: BOA-1662062 Address: 55 Belgrade Avenue Ward 20 Applicant: John Walsh-ARTICLE 80**

**Article(s)** Article 67, Section 11 Use Regulations Multi Family Dwelling (1st Floor) Conditional  
Article 67, Section 12 Dimensional Regulations Floor Area Ratio Excessive Article 67, Section 12 Dimensional  
Regulations Building Height (Stories) Excessive Article 67, Section 12 Dimensional Regulations Building Height (Feet)  
Excessive Article 67, Section 12 Dimensional Regulations Rear Yard Insufficient Article 67, Section 33.1 Conformity Ex  
Bldg Alignment Article 67, Section 32 Off Street Parking Article 67, Section 32 Off Street Parking & Loading Req  
Loading

**Purpose :** Erect a 4 story, 15 unit, condominium building with below grade parking. Building features rear decks and a  
common roof deck. See also ALT1596250 & ALT1596253. Raze existing buildings at 55 & 57 Belgrade Ave on  
separate permits.

**Case: BOA-1662701 Address: 55 Belgrade Avenue Ward 20 Applicant: John Walsh-ARTICLE 80**

**Article(s)** 9th 780 CMR 706 Fire Walls 706.8 Openings. Each opening through a fire wall shall be protected in  
accordance with Section 716.5 and shall not exceed 156 square feet (15 m2). The aggregate width of openings at any  
floor level shall not exceed 25 percent of the length of the wall. [Property line remaining in the middle of the Building  
and exceeding fire wall limitations.]

**Purpose :** Erect a 4 story, 15 unit, condominium building with below grade parking. Building features rear decks and a  
common roof deck. See also ALT1596250 & ALT1596253. Raze existing buildings at 55 & 57 Belgrade Ave on  
separate permits.

**Case: BOA-1663380 Address: 35 Wellsmere Road Ward 20 Applicant: Scott Gosse**

**Article(s)** Article 67, Section 32 Off-Street Parking Article 67, Section 8 Use: Forbidden Article 67, Section 9  
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 (Feet) Article 67, Section 9 Usable Open Space Insufficient Article 67,  
Section 9 Side Yard Insufficient Article 67, Section 9 Lot Frontage Insufficient

**Purpose :** Subdivide existing lot of 13,200 sf into 3 lots, this lot #1 to contain 4,400 SF. Erect a 3 family dwelling with 6  
parking spaces in the rear. This application in conjunction with 37 Wellsmere Rd ERT1603129 and 39 Wellsmere Rd  
ALT1603134 Existing rear garage to be demolished

**Case: BOA-1663381 Address: 37 Wellsmere Road Ward 20 Applicant: Scott Gosse**

**Article(s)** Article 67, Section 32 Off-Street Parking Article 67, Section 8 Use: Forbidden  
Article 67, Section 9 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 (Feet) Article 67, Section 9  
Usable Open Space Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9  
Lot Frontage Insufficient

**Purpose :** Subdivide existing lot of 13,200 sf into 3 lots, this lot #2 to contain 4,400 SF. Erect a 3 family dwelling with 6  
parking spaces in the rear. This application in conjunction with 35 Wellsmere Rd (ERT1603126) and 39 Wellsmere Rd  
ALT1603134 Existing garage to be demolished.

**Case: BOA-1663382 Address: 39 Wellsmere Road Ward 20 Applicant: Scott Gosse**

**Article(s)** Article 67, Section 8 Use: Forbidden Article 67, Section 9 Lot Area Insufficient Article 67, Section 9  
Lot Width Insufficient Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Usable Open Space  
Insufficient Article 67, Section 9 Bldg Height Excessive (Feet) Article 67, Section 9 Side Yard Insufficient  
Article 67, Section 9 Lot Frontage Insufficient

**Purpose :** Subdivide existing lot of 13,200 sf into 3 lots, this lot #3 to contain 4,400 SF. Move existing 2 family approx 10'  
to left, change occupancy to 3 family and add dormers on both sides add 6 parking spaces in the rear. This application in  
conjunction w/ 37 Wellsmere ERT1603129 & 35 Wellsmere ERT1603126



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

### **Case: BOA- 1575584 Address: 81 Lexington Street Ward 1 Applicant: James Christopher**

**Article(s):** Art.53 Sec. 08 Use: ForbiddenMFR Forbidden Art.53 Sec. 08 Use: ForbiddenBasement units Forbidden Art.53 Sec. 08 Use: Forbidden Local Retail Forbidden Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 57.2Conformity Ex Bldg Alignment Art. 53, Section 56 Off Street Parking Insufficient

**Purpose:** Erect a 3 story mixed used building on newly created lot; 3,706sqft. Building consisting of 1 Local Retail space at grade and 8 residential units. Scope includes basement units, balconies, and common roof deck. See ALT1553019 for subdivision. Demolition of existing building on separate permit

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

**Article(s)** Art. 09 Sec. 02 Nonconforming Use Change Article 62, Section 25 Roof Structure Restrictions Article 62, Section 29 Off-Street Loading Insufficient Article 62, Section 7 Use: Forbidden Multi-Family Dwelling – 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 8 residential units by constructing a 4 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.

### **Case: BOA-1633160 Address: 125 B Street Ward 6 Applicant: Robin Latour**

**Article(s)** Article 86, Sec. 6 Use and Dimensional Regulations Wireless Communications Equipment required setback from roof edge not met.

**Purpose :** DISH Wireless Rooftop Cellular Installation/Eligible Facilities Request: Antennas w/support equipment (RRH, OVP Junction boxes + associated cabling & conduits) at the 67'9" foot RAD. Dish will require a lease area for ground equipment.Array on top of existing penthouse

### **Case: BOA- 1650690 Address: 165 D Street Ward 6 Applicant: James Christopher**

**Article(s):** Art. 68 Sec. 35 Nonconformity as to Dim Reqs. Front yard is required to have 5' (feet). Existing & proposed will be 8" (inches). Rear Yard is required to have 20' (feet). Existing & proposed will be 7' 9". Side yard is required to have 3' (feet). Left Existing & proposed will be 1' 10". Right Existing & proposed will be 1' 3".Art. 68 Sec. 33 Off Street parking Req.Applicant will need to seek relief for Off Street parking requirements. Zoning requires at least three parking spaces, submitted plans do not show parking.Art. 68 Sec.31 Screening and Buffering Applicant will need to seek relief from Screening & Buffering of Parking, Loading and Storage Areas. Submitted plans to not show screening and buffering requirements.

**Purpose:** The applicant seeks to construct a 2-story addition and change occupancy from retail to Retail and two residential units.

### **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 29Floor 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



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**Case: BOA- 1591933 Address: 36 Akron Street Ward 12 Applicant: 32-36 Akron Street, LLC**

**Article(s):** Art. 50 Sec. 29 Insufficient lot area per dwelling unit (8,000sf additional required)  
Art. 50 Sec. 29 Excessive f.a.r- .8 max Art. 50 Sec. 29 Number of allowed stories exceeded- 3 stories max. Art. 50 Sec. 29 Insufficient open space- 650sf/unit required Art. 50 Sec. 29 Insufficient front yard setback- 20' required Art. 50 Sec. 29 Insufficient side yard setback -10' required Art. 50 Sec. 29 Height exceeded -35' max Art. 50 Sec. 44 Traffic visibility across a corner lot Article 50, Section 43 Off-Street Parking & Loading Req Insufficient parking  
Article 50 Section 28 Use Regulations MFR 10 units - Forbidden

**Purpose :**3.27.24 Updated scope of work for clarification: Demolition of existing vacant/abandoned house, then combine the two lots owned in common into one lot and construct a new 10-unit residential multi-family building per plans submitted. Nominal Fee Letter. Demolition of building to be applied for and secured on a SF demolition permit. Redacted scope: Demolition of existing vacant/abandoned house. Proposed erection of new residential multi-family building housing 10 units. Nominal Fee Letter. \* Demolition of building to be applied for and secured on a SF demolition permit.

**Case: BOA-1643116 Address: 13 Winship Street Ward 22 Applicant: Bonnie Tan**

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

**Purpose:** This project is the existing 2 story 2 family residential building convert to the 3 story 2 family residential building with a 3 story rear addition and deck. The scope of work includes renovating existing building.

**INTERPRETATION: 1:00PM**

**Case: BOA-1602742 Address: 123-125 Broad Street Ward 3 Applicant: 125 Broad Street LLC**

**Article(s):**Art. 32 Sec. 04 GCOD Applicability - Commissioner's Bulletin 2015 02 Substantial Rehabilitate

**Purpose:** The petitioner seeks a determination that the Inspectional Services Department erred in issuing a refusal letter citing Art 32 Sec 04 GCOD Applicability.

**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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**