



City of Boston
Board of Appeal

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By City Clerk at 8:03 am, Dec 06, 2024

Tuesday, December 10, 2024

BOARD OF APPEALS

City Hall Room 801

HEARING AGENDA

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

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

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE DECEMBER 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/December10Comment> 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/December10Comment>-635-4775, or emailing zba.ambassador@boston.gov.



City of Boston
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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



City of Boston
Board of Appeal

APPROVAL OF HEARING MINUTES: 9:30 AM

November 7, 2024 & November 19, 2024

EXTENSION: 9:30 AM

Case: BOA-121309 Address: 1480 Blue Hill Avenue Ward: 18 Applicant: Yancarlo Fernandez

Case: BOA-1185582 Address: 12 George Street Ward: 18 Applicant: Don Taylor

Case: BOA-1349025 Address: 1153-1155 Washington Street Ward: 17 Applicant: George Morancy, ESQ

BOARD FINAL ARBITER: 9:30 AM

Case: BOA-1476876 Address: 246 Havre Street Ward: 1 Applicant: Richard Lynds

RECOMMENDATIONS: 9:30 AM

Case: BOA-1629666 Address: 20 Flavia Street Ward: 16 Applicant: Michael Kerin

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Two story addition off back of house.

Case: BOA-1577332 Address: 15 Packard Avenue Ward: 17 Applicant: Tony Tran

Article(s): 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 9 Floor Area Ratio Excessive

Purpose: Addition third floor per plan. Please see the plan attachment

Case: BOA- 1626437 Address: 58 Cedrus Avenue Ward: 18 Applicant: James Declesiaste

Article(s): Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Add'l Lot Area Insufficient

Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Usable Open Space Insufficient

Article 67, Section 9 Side Yard Insufficient

Purpose: Change occupancy from single family into a 2-family residential. Extend living space into the basement from unit 1. *One family

#3491/1928

Case: BOA- 1613879 Address: 43-45 Wood Avenue Ward: 18 Applicant: Aisha Celester

Article(s): Art. 09 Sec 01 Extension of Non-Conforming Use Art 69 Sec 09 Insufficient open new driveway proposed

Purpose: Proposed driveway with two parking spots is being requested on the right side of 43 45 Wood Avenue per plan submitted dated 6/29/23



City of Boston
Board of Appeal

HEARINGS: 9:30AM

Case: BOA-1571240 Address: 13 CleveMont Avenue Ward 22 Applicant: Josh Fetterman

Article(s): Art. 51 Sec. 08 Use Regulations MFR- Use forbidden (4 units) Art. 51 Sec. 09 Insufficient lot size Art. 51 Sec. 09 Insufficient additional lot area per unit Art. 51 Sec. 09 Insufficient open space per unit Art. 51 Sec. 09 Art. 51 Sec. 09 Max allowed height exceeded Art. 51 Sec. 09 Excessive fa.r.Art. 51 Sec. 09 Insufficient side yard setback Art. 51 Sec. 09 Insufficient rear yard setback Art. 51 Sec. 09 Insufficient lot width Art. 51 Sec. 09 Insufficient lot width frontage Art. 51 Sec. 09 Insufficient front yard setback Article 51, Section 56 Off-Street Parking Insufficient

Purpose: Purpose Change occupancy from Fraternal Club & Temple to 4 family. Construct upper and rear addition. Requires ZBA relief, nominal fee.*ASSIGNED TO FD 12.28.23 ** 7.9.24 ZBA requested review for updated Project/Plan review on behalf of the BOA: Four story reduced to 3 story with enlarged dormer, to include a new basement unit (4 units total to remain).

Case: BOA- 1666624 Address: 112 Queensberry Street Ward 21 Applicant: Fenway Community Development Corporation MOH-ARTICLE 80

Article(s): Article 32, Section 4. GCOD, Applicability Article 29 Section 4 GPOD Applicability Art. 66, Section 8 Use: Forbidden Basement unit Forbidden Article 66, Section 9 Floor Area Ratio Excessive Article 66, Section 9 Usable Open Space Insufficient Article 66, Section 9 Rear Yard Insufficient Art. 66 Sec. 43 Application of dimensional requirements 66 43.2 Conformity of Existing Building Alignment Article 66 Section 42 Off Street Parking & Loading Req Parking Article 66 Section 42 Off Street Parking & Loading Req Loading

Purpose: Erect a 6 story, multi family dwelling, with basement level, containing 24 units of affordable housing. Building features bike storage. Demolition of a 1 story abandoned commercial building to be filed under separate permit.

Case: BOA-1653396 Address: 302 Summit Avenue Ward 21 Applicant: 302 Summit LLC

Article(s): Article 51, Section 8 Use: Forbidden The applicant will need to seek relief for the change in use from a Three family to a Four family. The Four family is forbidden.Article 51, Section 9 Add'l Lot Area Insufficient The applicant will need to seek relief for the insufficient lot area per dwelling unit. Article 51, Section 9 Floor Area Ratio Excessive The applicant will need to seek relief for an excessive Floor Area Ratio (F.A.R.) of 1.39. Zoning requires .08.Article 51, Section 9 Bldg Height Excessive (Stories) The applicant will need to seek relief for excessive story height of 4 (four) stories. Zoning requires 3 (three) stories as the maximum.Article 51, Section 9 Bldg Height Excessive (Feet) The applicant will need to seek relief for the building height of 42' 3". Zoning requires the maximum height not to exceed 35' (feet).Article 51, Section 56 Off Street Parking Insufficient The applicant will need to seek relief insufficient parking spaces. Zoning requires a minimum of seven parking spaces for 4 (four) units.

Purpose: Add a fourth dwelling unit by renovating the unfinished attic of the existing detached 3 1/2 story 3 family dwelling. scope includes adding shed dormers on both sides of the existing roof. There is no proposed change to the building footprint. The building will be sprinklered per NFPA 13R.

Case: BOA-1653330 Address: 105 Green Street Ward 19 Applicant: Rebecca Robertson

Article(s): Art.55 Sec.41 Traffic Visibility Across Corner Art. 55 Sec. 09 Front Yard Insufficient Art. 55 Sec. 09 Floor Area Ratio Excessive

Purpose: Enclosed existing porch with new front steps.

Case: BOA- 1636283 Address: 9 Hillcroft Road Ward 19 Applicant: Lorraine Bophelo Mayo

Article(s): Article 55, Section 9 Bldg Height Excessive (Stories) Article 55, Section 9 Floor Area Ratio Excessive

Purpose: Convert attic into living space with full bathroom and dormer



City of Boston
Board of Appeal

Case: BOA-1645617 Address: 1182-1196 Hyde Park Avenue Ward 18 Applicant: Little Haiti International Cuisine

Article(s): Art. 09 Sec. 02 Nonconforming Use Change Conditional
Art. 69 Sec. 11 Conditional Restaurant with take-out with live entertainment after 1030 pm- conditional
Article 69 Section 29 Off-Street Parking & Loading Req Insufficient parking
Purpose: Change my occupancy to include live entertainment

Case: BOA-1669715 Address: 155 Humboldt Avenue Ward 12 Applicant: Nuestra Comunidad Development-MOH-ARTICLE 80

Article(s): Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Floor Area Ratio Excessive
Purpose: Subdividing and reconfiguring the lot at 155 Humboldt Ave, due to the proposed project located at 157 Humboldt Ave and 64 Waumbeck Street; see ERT1527624. Lot at 155 Humboldt to give area to parcels 1203219000 & 120322100, new area to be 7,405 sqft. Lot at 157 Humboldt to be 15,457 after combination of parcels 1203219000 & 1203221000.

Case: BOA- 1669711 Address: 157 Humboldt Avenue Ward 12 Applicant: Nuestra Comunidad Development-MOH-ARTICLE 80

Article(s): Art. 50, Section 28 Use: Forbidden Multi Family Dwelling Forbidden Art. 50, Section 28 Use: Conditional Community Room – Conditional 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 29 Add'l Lot Area Insufficient Art. 50, Section 43 Off Street Parking Insufficient Art. 50, Section 43 Off Street Loading Insufficient
Purpose: The Nehemiah Development Project will be a newly constructed, 4 story, L shaped building providing 26 affordable housing and Community Room/Center. Building to have family rental units comprised of 8 one bedroom, 14 two bedrooms, 4 three-bedroom units, an elevator, laundry room, bike storage, solar panels (LEED Gold), green space, & parking. See ALT1627973 & ALT1667657 for subdivisions.

Case: BOA- 1667294 Address: 31 Gay Head Street Ward 10 Applicant: Cesar DaSilva

Article(s): Art. 55, Section 8 Use: Forbidden MFR Forbidden Art. 55 Sec. 55 40 Off street parking insufficient Article 55, Section 9 Lot Area Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Usable Open Space Insufficient Art. 55, Section 8 Use: Forbidden Basement unit Forbidden
Purpose: Change occupancy from three-family to four-family. Build a new kitchen on the ground floor, new sprinkler, and fire alarm systems. [ePlan]

Case: BOA- 1537047 Address: 85 Mount Pleasant Avenue Ward 8 Applicant: Xuesong Gu

Article(s): Art. 50, Section 32 Use: Forbidden
Purpose: Seeking to renovate the existing structure including erecting a rear addition. Also, to change the occupancy from a single-family dwelling to a multi-family building with five units and five parking spaces. Nominal Fee

Case: BOA- 1632757 Address: 509-509A East Eighth Street Ward 7 Applicant: Nicole Lopreato

Article(s): Art 68 Sec 29 Roof Structure Restrictions Article 68, Section 8 Side Yard Insufficient
Purpose: Nominal fee requested. Add roofdeck and stairs.

Case: BOA-1600486 Address: 7 Beaver Place Ward 5 Applicant: Stephen Payne

Article(s): Art. 32 Sec. 04 GCOD Applicability Art. 13 Sec. 13 1 Rear yard setback
Purpose: Reconstruction of 7 beaver previous ALT937727 time expance ran out before updating more info request. will not be installing car Lift*CLARIFICATION: Previous BOA variances granted were not complied with prior to 5/2023 were deemed null and void. Applicant is now looking to respectfully reconstruct building in accordance with new plan submittals and to reduce off street parking by eliminating the car lift.



City of Boston
Board of Appeal

Case: BOA- 1623668 Address: 39 Charles Street Ward 5 Applicant: Jason Indelicato

Article(s): Art. 08 Sec. 04 Forbidden Use Use item 37 is forbidden in H districts. Art. 23 Sec. 01 Off street parking requirements Art. 08 Sec. 04 Forbidden Use Use item 36A is forbidden in H districts.

Purpose: Change occupancy from Coin Operated Laundry and 5 Residential Units to Restaurant with 5 Residential Units. Work to include tenant fit out for restaurant as per plans attached. Restaurant to include takeout.

Case: BOA- 1671553 Address: 31 Massachusetts Avenue Ward 5 Applicant: Elite Ink Tattoo Co.

Article(s): Art. 08 Sec. 03 Conditional Uses Body Art establishment

Purpose: Change of occupancy to include a Body Art Establishment.

Case: BOA-1660634 Address: 372 Marlborough Street Ward 5 Applicant: George Haroutiouian

Article(s): Art. 32 Sec. 04 GCOD Applicability Art. 13 Sec. 13 1 Insufficient rear yard setback. Public alley in rear is less than 20' .Article 19, Section 4 Side Yards in H Districts Insufficient side yard setback Article 20 Section 4 Rear Yards in H Districts Insufficient rear yard setback

Purpose: Complete renovation of existing building. Covert from (14) units to (4) units. Addition of proposed garage extension. Installation of new electrical, plumbing, HVAC, Fire Alarm, sprinkler system throughout building. Addition of deck at Level 3 rear, Level 1 and at roof.

Case: BOA-1639584 Address: 149-151 Pearl Street Ward 3 Applicant: Siam Bistro Thai Cuisine

Article(s): Art. 08 Sec. 03 Conditional Use Remove provisional and grant this petitioner only

Purpose: Remove provisional and grant this petitioner only (Adisorn Wiwatyukhan).

Case: BOA- 1611821 Address: 2 Brooks Street Ward 1 Applicant: Agui Desouza

Article(s): 9th780 CMR R311 Means of Egress R311.1 MEANS OF EGRESS "The primary means of egress shall not require travel through a garage but the secondary means of egress may."

Purpose: Adding new automatic garage door *one family #3660/2005

RE-DISCUSSIONS: 11:30 AM

Case: BOA- 1663235 Address: 3-17 Lothrop Street Ward 22 Applicant: Fraser Allan

Article(s): Art. 51 Sec. 08 MFR USE of 8 units is forbidden in the subdistrict Art. 51 Sec. 09 Insufficient additional lot area per dwelling unit Art. 51 Sec. 09 Excessive f.a.r. Art. 51 Sec. 09 Insufficient open space per dwelling unit Art. 51 Sec. 09 Insufficient side yard setback Art. 51 Sec. 09 Insufficient rear yard setback Art. 51 Sec. 09 Insufficient lot frontage width for proposed townhouse style design Article 51, Section 56 Off Street Parking & Loading Req Insufficient parking Art. 51 Sec. 09 Insufficient front yard setback

Purpose: To erect eight three story townhouses with an interior one car garage

CLARIFICATION: To erect an eight-unit three story townhouse style building with an interior one car garage below each unit on the newly created 12,273sf lot filed under the companion subdivision applications to combine lots into one (i.e. ALT1629894 and ALT1633082). Existing structures on lots are to be filed, reviewed and approved to be razed on separately secured demolition permits.

Case: BOA- 1538686 Address: 86 Astoria Street Ward 18 Applicant: Natalyn Francis

Article(s): Article 60, Section 8 Use: Forbidden - Basement Unit Forbidden Article 60, Section 9.3 Dim Regs: Location of Main Entrance - Basement unit Article 60, Section 9 Rear Yard Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient

Purpose: Correct Violations V582833 and V582855. Renovate and reconfigure existing 3 family with addition & extension of living space to attic & basement. Scope includes relocating 3rd unit (previously at second story) to the basement; extending living space. Renovate basement into habitable space as the 3rd unit & renovate attic. Also, enclose rear porches and provide a 2-story addition to the rear, per attached plans. FA/FP included.



City of Boston
Board of Appeal

Case: BOA-#1538740 Address: 86 Astoria Street Ward 18 Applicant: Natalyn Francis

Violations V582833 and V582855. Renovate and reconfigure existing 3 family with addition & extension of living space to attic & basement. Scope includes relocating 3rd unit (previously at second story) to the basement; extending living space. Renovate basement into habitable space as the 3rd unit & renovates attic. Also, enclose rear porches and provide a 2-story addition to the rear, per attached plans. FA/FP included Violation Violation Description Violation Comments 9th 780 CMR 1007Exit and Exit Access Doorway Configuration1007.1.1 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. [Basement unit with less than half the required exit separation; only a NFPA 13D sprinkler system provided] 9th 780 CMR 1028 Exit Discharge1028.5 Access to a public way. The exit discharge shall provide a direct and unobstructed access to a public way. [Main entry encroaching onto driveway, not providing a dedicated 36" wide obstructed path to the public way.]

Case: BOA- 1597917 Address: 5-11 Ashmont Park Ward 16 Applicant: Anthony Monahan

Article(s): Art. 65 Sec. 08 Forbidden MFR- Forbidden Art. 65 Sec. 41 Off street parking requirements
Insufficient parking- 6 spaces required Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient additional lot area per unit Art. 65 Sec. 9 Residential Dimensional Reg.s Excessive f.a.r. Art. 65 Sec. 9 Residential Dimensional Reg.s
Insufficient front yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient side yard setback
Purpose: Purpose: Erect new 5-unit residential building with two private roof decks and 5 covered parking spaces on vacant lot per plans submitted

Case: BOA- 1635245 Address: 64 Harvest Street Ward 7 Applicant: Theodore Hannibal

Article(s) Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Side Yard Insufficient
Purpose : Build a roof deck for the exclusive use of Unit #3.

Case: BOA-1634764 Address: 80 G Street Ward 7 Applicant: Matt Ramey

Article(s): Art 68 Sec 29 Roof Structure Restrictions Reconfiguration of existing roof profile
Article 68, Section 8 Max allowed height in district exceeded Art 68 Sec 8 app in res sub dist Additoonal lot area per unit is insufficient Art. 68 Sec.08 Insufficient open space per dwelling unit Art 68 Sec 8 app in res sub dist Insufficient front yard setback Art 68 Sec 8 app in res sub dist Insufficient side yard setback Art 68 Sec 8 app in res sub dist Insufficient rear yard setback Article 68, Section 33 Off Street Parking & Loading Req Off street parking design/maneuvering areas Art 68 Sec 29 Roof Structure Restrictions Max allowed height on parcel exceeded Art 68 Sec 8 app in res sub dist Max allowed building extension of SF into rear yard is >1000gsf
Purpose: Build 3 story addition to existing 3 family to convert to 6 family. Demolish existing 3 car garage.

Case: BOA- 1658107 Address: 21 Wellington Street Ward 4 Applicant: Fraser Allan

Article(s): Art. 32 Sec. 04 GCOD Applicability
Purpose: Interior Renovation and one story rear addition of this Two-Family home. Add two parking spaces and roof deck.

INTERPRETATION: 12:00 NOON

Case: BOA- 1669915 Address: 36 Orient Avenue Ward 1 Applicant: Michael Ferrara

Article(s): Article 53, Section 9 Bldg Height Excessive (Stories) Allowed EBR 2.5 Excessive 50% the area of the floor next below. ART. 2 "story, half"
Purpose: The petitioner seeks a determination that the Inspectional Services Department erred in issuing a refusal letter citing Article 53 Section 9-Building Height Excessive (Stories).



City of Boston
Board of Appeal

RECONSIDERATION: 12:00 NOON

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 Additional F.A.R. Art. 53 Sec. 09 Dimensional Regulations BPDA approved plans show 40'; New height shown on rudimentary ASBUILT 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 plan

**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