



City of Boston
Board of Appeal

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By City Clerk at 4:28 pm, Jan 30, 2025

Tuesday, February 4, 2025

BOARD OF APPEALS

City Hall Room 801

HEARING AGENDA

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON FEBRUARY 4, 2025 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS FEBRUARY 4, 2025 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE FEBRUARY 4, 2025 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/ZBAHearings2025> . You may also participate by phone by calling into the Zoom Webinar at 1 (646) 931 3860 and entering the Webinar ID: 814 9024 3514 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/February4Comment> 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/February4Comment> 635-4775, or emailing 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.

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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BOARD FINAL ARBITER: 9:30AM

Case: BOA-1163038 Address: 44-46 Soldiers Field Place Ward 22 Applicant: Kevin Longo

GROUNDWATER CONSERVATION OVERLAY DISTRICT : 9:30AM

Case: BOA-1680504 Address: 291 Beacon Street Ward 5 Applicant: MGM Development

Article(s) Art. 32 Sec. 04 GCOD Applicability

Purpose : Complete gut renovation of a four story rooming house, adding a new fifth story approved by BBAC. Unit 1 spans the basement, first, and second floors, while Unit 2 occupies the third, fourth, and fifth floors, as detailed in the architectural drawings.

HEARINGS: 9:30AM

Case: BOA- 1675304 Address: 140 Chelsea Street Ward 1 Applicant: Richard Lynds

Article(s) Art. 32 Sec. 04 GCOD Applicability Basement excavation Art. 53 Sec. 08 Forbidden Basement units are forbidden Art. 53 Sec. 09 Dimensional Regulations Max allowed f.a.r. exceeded Art. 53 Sec. 09 Dimensional Regulations Insufficient additional lot area /unit Art. 53 Sec. 09 Dimensional Regulations Number of allowed habitable stories exceeded- 3 max Art. 53 Sec. 09 Dimensional Regulations Insufficient open space/unit Art. 53 Sec. 09 Dimensional Regulations Insufficient parking Article 53 Section 8 Use Regulations Use forbidden

Purpose : Change occupancy from a three (3) unit residential dwelling to a four (4) unit residential dwelling as per plans.

Case: BOA-1671987 Address: 252-272 Tremont Street Ward 3 Applicant: David Ingraham

Article(s) Article 11, Section 2 On Premise Signs in Non Residential Districts Height of sign excessive. Article 11, Section 2 On Premise Signs in Non Residential Districts Sign area excessive.
Article 11, Section 7 Electronic Signs Electronic signs require obtainment of a conditional use permit in this district.
Article 11, Section 7 Electronic Signs Projection of electronic sign excessive.

Purpose: The Project involves the installation of an electronic sign on an exterior portion of the building located at 270 Tremont Street / 50 Stuart Street.

Case: BOA-1283550 Address: 9 Sussex Street Ward 9 Applicant: New City Investors, LLC

Article(s) Art. 32 Sec. 04 GCOD Applicability Art. 50 Sec. 29 Dimensional Requirements Insufficient lot size Art. 50 Sec. 29 Dimensional Requirements Excessive f.a.r. Art. 50 Sec. 29 Dimensional Requirements Insufficient open space per unit Art. 50 Sec. 29 Dimensional Requirements Insufficient rear yard setback Article 50 Section 26 Establish of Res. Subdistricts # of allowed attached row houses exceeded Article 50, Section 43 Off-Street Parking & Loading Req Insufficient parking

Purpose : Combine two lots and erect new construction 2 family as per plans.

Case: BOA-1671334 Address: 14 Winthrop Street Ward 12 Applicant: Community Movement Commons

Article(s) Art. 50, Section 28 Use: Forbidden Neighborhood birth Center (clinic use) Art. 50, Section 28 Use: Forbidden Offices Art. 50, Section 28 Use: Conditional Community areas (Community center use) Article 50, Section 29 Front Yard Insufficient Min. required: 20' Proposed 6.6' on Winthrop St. and 7' on Kearsarge Ave.

Purpose: Combining 4 lots into 1 under applications ALT1642958 and ALT1640331. Construction of a new facility for the Community Movement Commons including a Neighborhood Birth Center (Clinic use), community areas (Community use), shared and rentable offices, and 10 outdoor parking spaces and 1 ambulance parking. Outdoor spaces will feature birth and community gardens. Existing structures on the site will be previously demolished.



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Case: BOA-1682064 Address: 570 Warren Street Ward 12 Applicant: Commonwealth Land Trust

Article(s) Art. 50 Sec. 43 Off street parking requirements C) Proposed parking in required front yard open space
Art. 50, Section 43 Off-Street Parking Insufficient Article 50 Section 29 Dimensional Regulations
Insufficient open space Article 50 Section 29 Dimensional Regulations Insufficient rear yard setback

Purpose : Exterior renovation/ change to relocate the handicap ramp to make it ADA compliant. This renovation is in conjunction with two prior permits: ALT 132055 (INCORRECT ALT) and ALT 1335594. We are also combining lots.

Case: BOA-1681301 Address: 65 Ballou Avenue Ward 14 Applicant: Mass VIBE Homes Project-MOH

Article(s) Article 60 section 30 (2) 2. Screening and Buffering of 5' Buffer Requirement from proposed parking areas
Parking, Loading, and Storage not provided Article 60 Section 60-4 - Dim. Regs Applicable in Residential
Insufficient additional lot area per dwelling unit Subdistricts (Table D) Article 60, Section 60-32 - Off-Street Parking and
Loading Requirements (5) Design; Clear maneuvering areas (Tandem parking) Article 60, Section 60-32 - Off-Street
Parking and Loading Requirements Insufficient Parking Article 60, Section 60-4 Dimensional Regulations Table D
Insufficient Lot Size Article 60, Section 60-4 Dimensional Regulations Table D Insufficient Front Yard Setback
Article 60, Section 60-4 Dimensional Regulations Table D Insufficient Side Yard Setback

Purpose : As part of Welcome Home Boston, erect a 3 story, affordable multi family dwelling (3 units) sustainable building located at 65 Ballou Ave in Dorchester. This will be new ground up construction with balconies, porches and parking. MassVIBE Homes is pleased to submit this building permit.

Case: BOA- 1681304 Address: 71 Ballou Avenue Ward 14 Applicant: Mass VIBE Homes Project-MOH

Article(s) Article 60 section 30 (2) 2. Screening and Buffering of Parking, Loading, and Storage 5' BUFFER
REQUIRED MISSING Article 60 Section 60-4 - Dim. Regs Applicable in Residential Subdistricts (Table D)
INSUFFICIENT FRONT YARD SETBACK (TBD @ BOA) Article 60 Section 60-4 - Dim. Regs Applicable in
Residential Subdistricts (Table D) Insufficient additional lot area per unit Article 60, Section 60-32 - Off-Street
Parking and Loading Requirements INSUFFICIENT PARKING Article 60, Section 60-32 - Off-Street Parking and
Loading Requirements (5) Design Clear maneuvering areas (Tandem Parking) Article 60, Section 60-4 Dimensional
Regulations Table D Insufficient rear yard setback (New variance via 12.9.24 revised submissions) Article 60, Section
60-4 Dimensional Regulations Table D Insufficient usable open space per unit (New via 12.9.24 revised submissions)
Article 60, Section 60-4 Dimensional Regulations Table D INSUFFICIENT SIDEYARD SETBACK Article 60,
Section 60-4 Dimensional Regulations Table D INSUFFICIENT LOT SIZE

Purpose : As part of Welcome Home Boston, erect a 3 story, affordable multi family dwelling (3 units) sustainable building located at 71 Ballou Ave in Dorchester. This will be new ground up construction with balconies, porches and parking. MassVIBE Homes is pleased to submit this building permit.

Case: BOA-1681313 Address: 85 Selden Street Ward 17 Applicant: Mass VIBE Homes Project-MOH

Article(s) Art. 65 Sec. 9 Residential Dimensional Reg.s EXCESSIVE F.A.R. Art. 65 Sec. 9 Residential Dimensional
Reg.s NUMBER OF ALLOWED STORIES HAS BEEN EXCEEDED Article 65, Section 9 Dimensional Regulations
INSUFFICIENT SIDE YARD SETBACK

Purpose : MOH As part of Welcome Home Boston, erect a 3 story, affordable multi family dwelling (2 units) sustainable building located at 80 Selden Street in Dorchester. This will be new ground up construction with balconies, porches and parking. MassVIBE Homes is pleased to submit this building permit. Clarification on scope of work: As part of Welcome Home Boston, erect a 3 story, affordable multi family dwelling (3 units) sustainable building located at 85 Selden Street in Dorchester. This will be new ground up construction with balconies, porches and parking. MassVIBE Homes is pleased to submit this building permit.



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Case: BOA- 1681315 Address: 106 Selden Street Ward 17 Applicant: Mass VIBE Homes Project-MOH
Article(s) Art. 65 Sec. 41 Off street parking requirements INSUFFICIENT PARKING Art. 65 Sec. 41 Off street parking requirements DESIGN ACCESS DRIVE CLEARANCE TO PARKING SPACES <10' IN WIDTH Article 65, Section 9 Dimensional Regulations EXCESSIVE F.A.R. Article 65, Section 9 Dimensional Regulations NUMBER OF ALLOWED STORIES EXCEEDED Article 65, Section 9 Dimensional Regulations INSUFFICIENT SIDE YARD SETBACK Article 65, Section 9 Dimensional Regulations INSUFFICIENT USABLE OPEN SPACE PER UNIT FREE FROM MOTORVEHICLE DRIVES/PARKING AREAS

Purpose : As part of Welcome Home Boston, erect a 3 story, affordable multi family dwelling (6 units) sustainable building located at 106 Selden Street in Dorchester. This will be new ground up construction with balconies, porches and parking. MassVIBE Homes is pleased to submit this building permit

Case: BOA- 1681309 Address: 80 Selden Street Ward 17 Applicant: Mass VIBE Homes Project-MOH
Article(s) Article 65, Section 9 Dimensional Regulations EXCESSIVE F.A.R. Article 65, Section 9 Dimensional Regulations NUMBER OF ALLOWED STORIES HAS BEEN EXCEEDED Article 65, Section 9 Dimensional Regulations INSUFFICIENT SIDE YARD SETBACK

Purpose : As part of Welcome Home Boston, erect a 3 story, affordable multi family dwelling (3 units) sustainable building located at 80 Selden Street in Dorchester. This will be new ground up construction with balconies, porches and parking. MassVIBE Homes is pleased to submit this building permit

RE-DISCUSSION: 11:30AM

Case: BOA- 1671922 Address: 303 Sumner Street Ward 1 Applicant: Derric Small

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use Art. 09 Sec. 02 Nonconforming Use Change Art. 53 Sec. 08Forbidden - Restaurant (small take out) Use is Forbidden Accessory Outdoor Café Use is Forbidden
Purpose: Change the legal occupancy to include a restaurant with # 36A take out use and outdoor seating. (No Work) Full Service Restaurant 3 Residential units #alt1408946/2022

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# 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 shallnot require travel through a garage but the secondary means of egress may."

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

Case: BOA-1622743 Address: 8-8A Hudson Street Ward 3 Applicant: Bonnie Tan

Article(s): Art. 43, Section 19 Use: Conditional 1st Floor Take Out Conditional Art. 43, Section 19 Use: Conditional 2nd Floor Take Out Conditional Article 43 Section 23 Off Street Parking Regulations Article 49A 5 Greenway Use Regulations Ground Level Take out Forbidden Overlay Article 32, Section 4. GCOD, Applicability

Purpose: Combine Parcel IDs: 0305312000 and 0305311000, to erect a 6 story mixed use building with basement in existing vacant lots. Basement for storage and mechanical room only, 1st floor to 2nd floors are A 2 Restaurant with Take out uses (#36A/37)(core/shell), and 3rd floor to 6th floor are Residential uses with total of 8 units.



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Case: BOA-1542657 Address: 548 East Third Street Ward 6 Applicant: 548 East 3rd 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.

Case: BOA- 1649361 Address: 58 Baxter Street Ward 6 Applicant: James Christopher

Article(s): Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 29 Roof Structure Restrictions Art. 68 Sec. 33 Off Street parking Req. Article 68, Section 34.1 Conformity Ex Bldg Alignment Art. 25 Sec. 5 Flood Hazard Districts

Purpose: Erect a new four story, 6 unit, residential building with garaged off-street parking and rear decks, as per the attached plans. See ALT1636402 for subdivision.

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-1669854 Address: 295 West First Street Ward 6 Applicant: JSIP West First Street, LLC -ARTICLE 80

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel has been exceeded Art 68 Sec 7 Use: Forbidden - Take out restaurant use Forbidden Art 68 Sec 7 Use: Forbidden - Local retail Forbidden Art 68 Sec 7 Use: Forbidden - Art Gallery/Art USE Forbidden 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 - Excessive f.a.r. Art 68 Sec 8 Dim reg app in res sub dist - Max building height in subdistrict has been exceeded 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 - Insufficient minimum front yard setback Art 68 Sec 8 Dim reg app in res sub dist - Insufficient minimum side yard setback

Purpose: Submitting for Zoning Refusal. Erect four to six story mixed use residential building of up to 240 residential units, on site and above grade garaged parking for up to 125 vehicles, commercial space for retail/food service. Companion ALT to be filed for lot combination.



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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-1671229 Address: 35 Sudan Street Ward 13 Applicant: Vazberg Properties

Article(s): Art. 65 Sec. 08 Forbidden Article 65, Section 9 Add'l Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Usable Open Space Insufficient Art. 65 Sec. 41 Off street parking requirements
Purpose: To change occupancy from three family to four family by converting basement level into a residential unit

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

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 Article 51, Section 9 Add'l Lot Area Insufficient Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 56 Off Street Parking & Loading Req Insufficient maneuverability. Article 51, Section 56 Off Street Parking & Loading Req Required parking spaces do not meet size requirements (50% of required spaces should be 8 1/2' x 20').

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.

**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