

City of Boston

Board of Appeal

**TUESDAY, JUNE 30, 2020 BOARD OF APPEAL CITY HALL, ROOM 801**

**HEARING MINUTES**

Board Chair Araujo called the meeting to order promptly at 10:00 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

**PLEASE BE ADVISED OF THE FOLLOWING BOARD OF APPEAL SCHEDULE CHANGES:**

**APPEALS ORIGINALLY SCHEDULED FOR THE BOARD’S ADVISORY**

**SUBCOMMITTEE ON JUNE 18, 2020 HAVE BEEN DEFERRED TO JUNE 30, 2020 AT 10:00 AM.**

**ALL MATTERS NOW TO BE HEARD ON JUNE 30, 2020 HAVE COMPLETED THE**

**COMMUNITY PROCESS AND MEET THE SUBCOMMITTEE ELIGIBILITY**

**CRITERIA WHICH INCLUDE SMALLER SCALE RESIDENTIAL PROJECTS FOR SINGLE-FAMILY OR TWO-FAMILY DWELLINGS OR FOR SMALL BUSINESSES OCCUPYING LESS THAN 35,000 SQUARE FEET OF COMMERCIAL SPACE.**

**THE SUBCOMMITTEE HEARING AND FULL HEARING OF ALL SCHEDULED APPEALS HAVE BEEN CONSOLIDATED AND WILL NOW BE HEARD ONLY ONCE BY A QUORUM OF THE BOARD.**

**All matters listed on this JUNE 30, 2020 hearing agenda were originally scheduled and noticed, in accordance with the Enabling Act. Due to the public health emergency, those previously scheduled hearings were postponed and all matters deferred to this JUNE 30, 2020 hearing.**

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

**THE JUNE 30, 2020 HEARING WILL BE HELD VIRTUALLY VIA VIDEO**

**TELECONFERENCE AND TELEPHONE VIA THE WEBEX MEETING PLATFORM.**

**Interested persons can participate in the hearing REMOTELY by going to** [**bit.ly/zbajune23hearing**](https://bit.ly/zbajune23hearing) **or by calling 1-617-315-0704 and entering access code 129 919 9448.**

**If you wish to offer testimony on an appeal, please click** [**bit.ly/zbajune23comment**](http://bit.ly/zbajune23comment) **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** [**http://bit.ly/zbajune23comment,**](http://bit.ly/zbajune23comment) **calling 617-635-4775 or emailing isdboardofappeal@boston.gov.**

**The ZBA Ambassador will be available within the WebEx Event from 9:00 AM to 10:00 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via WebEx. Questions and/or concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.**

**To signal you wish to offer comment within the meeting platform, please use the “raise hand” function, if connected by video, or dial \*9, if connected by phone. The requester will be administratively unmuted and asked to state their name, address and comment. Comments will be limited as time requires.**

**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.**](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 appear in person at City Hall, in the BPDA board room, 9th Floor Room 900. 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. Individuals appearing at City Hall without an appointment will not be permitted to enter.**

**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 isdboardofappeal@boston.gov IN**

**LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM HEARING: 10:00 a.m.**

**Case: BOA-1050441 Address: 120 Buttonwood St Ward 07 Applicant: Donika Pulake**

**Article(s): 65(65-9) 65(65-9) 65(65-9: Residential Dimensional Reg.s, Residential**

**Dimensional Reg.s, Residential Dimensional Reg.s)**

**Purpose: Erect addition in rear of house 15x20 homeowner filing application.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a rear addition for additional living space.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and City Councilor Essaibi-George are in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

**Case: BOA-1048302 Address: 5 Caspian Way Ward 13 Applicant: John Lydon**

**Article(s): 65(65-9), 65(65-9) 65(65-9: Floor Area Ratio Excessive, Side Yard Insufficient, Rear Yard Insufficient)**

**Purpose: Remove and rebuild second floor addition and a cupola. Each unit to comprise 3 bedrooms, 3 bathrooms, and a shared living room kitchen area. Full renovation to include restoration of foundation; new insulation, electrical and plumbing; repair of structural elements.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate existing two-family structure and create a second floor living area.

Board Members asked about the structure remaining a two-family home and extending living space to attic or basement.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilors Baker and Essaibi-George are in support.

**Documents/Exhibits:** Building Plans, Letter of Support

**Votes:** Board Member Erlich moved for approval with BPDA design review and Kindell seconded and the Board voted unanimously to approve.

**Case: BOA-1059801 Address: 29-29A Charles Street Ward 18 Applicant: Brian Romain Article(s): 10(10-1) 69(69-9: Limitation of Area, Usable Open Space Insufficient) Purpose: Propose (2) off-street parking with driveway and curb cut.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a driveway with curb cut for two cars.

Board Members asked about location of parking, whether the dwelling is one or two family, and if the parking will be used by both units.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilor Essaibi-George are in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

**Case: BOA-1057713 Address: 176-178 Dana Avenue Ward 18 Applicant: Kenell Jones**

**Article(s): 69(69-8) 69(69-9: Use Regulations in Res District, Dimensional Regulations) Purpose: Change in Occupancy From a one family dwelling to a two family dwelling. Close a wall at the bottom of both stairwells and install kitchen on second floor.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy from a onefamily to two-family dwelling and build a second floor kitchen,

Board Members asked about proposed basement or attic use and the square footage of the the proposed units.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services is in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

**Case: BOA-1035817 Address: 150 Chestnut Ave Ward 19 Applicant: Oliver Bouchier**

**Article(s):55(55-41) 10(10-1) 55(55-41) 10(10-1): Application of Dimensional Req,**

**Limitation of Off Street Parking aArea)**

**Purpose: Install driveway and curb for 1 parking space.**

**Discussion:** At the applicant’s request, the matter was deferred to the September 22, 2020 Hearing.

**Case: BOA-1033903 Address: 101-103 Green Street Ward 19 Applicant: Venell Construction**

**Article(s): 55(55-9: Floor Area Ratio Excessive)**

**Purpose: Renovation in existing finished basement to change laundry room/storage area into new laundry room/full bathroom. Utility connections in common area of basement shared by 101/103 Green St.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate basement to add laundry room and a full bathroom.

Board Members asked about basement ceiling height.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services is in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Ruggiero moved for approval and Erlich seconded and the Board voted unanimously to approve.

**Case: BOA-1060172 Address: 24 Hollywood Road Ward 20 Applicant: Lucio Trabucco**

**Article(s): 56(56-8) 56(56-8: Rear Yard Insufficient, Floor Area Ratio Excessive)**

**Purpose: Alteration and addition to a single family residence. Wood framed addition to the rear to include living/kitchen area on ground floor and master suite on second floor.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build rear addition to a one-family residence for family room, kitchen, and master bedroom.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services is in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval with BPDA design review and Kindell seconded and the Board voted unanimously to approve.

**Case: BOA-1056154 Address: 95 Stratford Street Ward 20 Applicant: Ivan Hernandez Article(s): 56(56-8) 56(56-8:Dimensional Regulations, Dimensional Regulations) Purpose: Construct new front porch per attached plans.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a front porch.

Board Members asked about the dimensions of the front porch.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and City Councilor O’Malley are in support.

**Documents/Exhibits:** Building Plans, 2 Letters of Support

**Votes:** Board Member Ruggiero moved for approval with BPDA design review and Erlich seconded and the Board voted unanimously to approve.

**Case: BOA-1046028 Address: 67 Pearl Street Ward 02 Applicant: William Mohan**

**Article(s): 15(15-01) 17(17-01) 62(62-25: Floor Area Ratio Excessive, Usable Open Space**

**Insufficient, Roof Structure Restrictions)**

**Purpose: Remodel existing 2 family home, drop floor of basement.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate two-family dwelling for two condos.

Board Members asked about basement living space, basement ceiling height, basement use, utilities, and means of egress.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services is in support.

**Documents/Exhibits:** Building Plans, Letter of Support

**Votes:** Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

**Case: BOA-1030849 Address: W 171 Brookline Street Ward 04 Applicant: Bradley Apone**

**Article(s): 32(32-4) 64(64-9.4: Groundwater Conversation Overlay District, Applicability,**

**Town/Rowhouse Extension Into Rear)**

**Purpose: Install a new rear deck on the first floor to amend ALT931291.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct rear cantilever deck off the first floor.

Board Members asked about how the deck is supported and if it has Landmarks Commission approval.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and City Councilor Flynn are in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval and Ruggiero seconded and the Board voted unanimously to approve.

**Case: BOA-1046947 Address: 67-69 Sanford Street Ward 17 Applicant: Michael Liu**

**Article(s): 9(9-1: Extension of Non-Conforming Use)**

**Purpose: Propose two off-street parking spaces behind the existing two-family dwelling filed in accordance with the submitted plans. This application has been filed in conjunction with plans for ALT969210.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build an addition to an existing two-family dwelling and to build two parking spaces.

Board Members asked if the dwelling is a two-family structure.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and City Councilor Campbell are in support.

**Documents/Exhibits:** Building Plans, Letters of Support

**Votes:** Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

**Case: BOA-1046942 Address: 67-69 Sanford Street Ward 17 Applicant: Michael Liu**

**Article(s): 9(9-1) 65(65-9) 65 (65-9: Extension of Non-Conforming Use, Dimensional**

**Regulations, Dimensional Regulations)**

**Purpose: In existing two-family, construct a rear addition on the side of #67 to match #69, to include a dormer, add a 1.5 baths to each unit, to replace roof, siding, and windows in accordance with the submitted plans.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build an addition to an existing two-family dwelling and to build two parking spaces.

Board Members asked if the dwelling is a two-family structure.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilor Campbell are in support.

**Documents/Exhibits:** Building Plans, Letters of Support

**Votes:** Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

**Case: BOA-1046226 Address: 1080 Adams Street Ward 17 Applicant: John Conneely**

**Article(s): 9(9-1) 9(9-1: Extension of Non-Conforming Use, Extension of Non-Conforming Use)**

**Purpose: Extend living space to attic. Install knee wall around perimeter and put dividing wall for closet bathroom area of bedroom. Work performed under SF963640.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space into the attic.

Board Members asked about the attic ceiling height, whether the residence was a one or two family dwelling, and how many bedrooms are in the unit.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services is in support.

**Documents/Exhibits:** Building Plans, Letter of Support

**Votes:** Board Member Ruggiero moved for approval and Erlich seconded and the Board voted unanimously to approve.

**Case: BOA-1043021 Address: 40-42 Prince Street Ward 03 Applicant: Victoria Tene Article(s): 43(43-19: Use: Forbidden)**

**Purpose: Change occupancy from office space to psychic reading office. No work to be done office is existing, just changing office use.**

**Discussion:** At the applicant’s request, the matter was deferred to the September 22, 2020 Hearing.

**Case: BOA-1056729 Address: 171 Newbury Street Ward 05 Applicant: Jason Zube**

**Article(s): 08(08-07: Use: Conditional)**

**Purpose: Changing from a retail store to tattoo parlor.**

**Discussion:** At the applicant’s request, the matter was deferred to the September 22, 2020 Hearing.

**Case: BOA-1022758 Address: 387-399 Centre St Ward 10 Applicant: Robert Murphy Article(s): 55(55-40) 55(55.16: Use Regulations, Off-Street Parking and Loading**

**Requirements)**

**Purpose: Convert existing beauty salon to a body piercing studio**

**Discussion:** At the applicant’s request, the matter was deferred to the September 22, 2020 Hearing.

**Case: BOA-1021322 Address: 21 Virginia Street Ward 13 Applicant: Aaron LargetCaplan**

**Article(s): 65(65-9: Floor Area Ratio Excessive)**

**Purpose: Expand existing living space existing when purchased in 2009.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space into the basement.

Board Members asked about the number of bedrooms, use of the basement space, basement ceiling height, and if the dwelling is a one or two family structure.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and City Councilor Baker are in support.

**Documents/Exhibits:** Building Plans, Letters of Support, Letter of Opposition

**Votes:** Board Member Ruggiero moved for approval with the provisos that the basement kitchen be removed, no building code relief, and no basement living space and Erlich seconded and the Board voted unanimously to approve.

**Case: BOA-1039083 Address: 4014 Washington Street Ward 19 Applicant: Felipe Duran**

**Article(s): 67(67-12: Dimensional Regulations)**

**Purpose: Renovation restaurant as per plans. Addition on the front of the restaurant for take-out use.**

**Discussion:** At the applicant’s request, the matter was deferred to the September 22, 2020 Hearing.

**Case: BOA-1053731 Address: 1143-1155 Commonwealth Avenue Ward 21 Applicant:**

**Mohammad Abo-Sharkh**

**Article(s): 6(6-4: Other Cold Necc as Protection)**

**Purpose: Remove proviso for previous owner-#36A and #37 and change to new owner’s name. No work to be done, existing to remain.**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to remove takeout proviso for new restaurant owner.

Board Members asked about the name of the restaurant and the number of seats in the restaurant.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services is in support.

**Documents/Exhibits:** Building Plans

**Votes:** Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

**HEARINGS/INTERPRETATION: 10:00 am**

**Case: BOA-1062676 Address: 11 Dana Avenue Ward 18 Applicant: Ralph Rosati**

**Article(s): 69(69-11) 69(69-11: Use Regulations, Use Regulations)**

**Purpose: The petitioner seeks a determination that the Inspectional Services Department erred in issuing permit #ERT812153. The permit was issued as an allowed use.**

**Discussion:** The applicant presented a citizen’s appeal of an as of right permit because violations should have issued for insufficient parking.

**Votes:** Board Member Erlich moved to refer the matter to the Law Department and Kindell seconded and the Board voted unanimously to refer to the Law Department.

**BOARD MEMBERS:**

  **CHRISTINE ARAUJO- CHAIR**

 **MARK FORTUNE-SECRETARY**

 **MARK ERLICH**

 **JOSEPH RUGGIERO**

 **SUBSTITUTE MEMBERS:**

 **TYRONE KINDELL, JR**

 **EDWARD DEVEAU**

**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>

**For a video recording of the June 30, 2020 Board of Appeal Hearing please go to:**

[https://www.cityofboston.gov/cable/video\_library.asp.](https://www.cityofboston.gov/cable/video_library.asp)