



City of Boston
Board of Appeal

Tuesday, April 26, 2022

BOARD OF APPEAL

City Hall Room 801

Hearing Minutes

Board Chair Araujo called the meeting to order promptly at 9:30 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 Chair announced that the hearing was being conducted remotely via an online meeting platform and subject to the below advisory which was part of the publicly posted hearing agenda. 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 APPEALS TO BE HEARD ON APRIL 26, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS APRIL 26, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE APRIL 26, 2022 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/ZBAhearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 996 0844 0932 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/April26Comment> 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/April26Comment>, calling 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 appear in person at City Hall in the BPDA Board Room. 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 OR FROM BPDA BOARD ROOM. 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



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IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.

APPROVAL OF THE HEARING MINUTES: 9:30AM

MARCH 17, 2022 & MARCH 22, 2022

Discussion/Vote: Upon a motion and a second, the Board voted unanimously to approve the hearing minutes.

EXTENSIONS: 9:30AM

Case: BOA- 803394 Address: 246-248 Dorchester Avenue Ward 6 Applicant: Joseph Hanley, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of May 11, 2023 subject to all applicable tolling and a 1 year extension.

Case: BOA- 822528 Address: 71 Mozart Street Ward 10 Applicant: Jason Hutchinson

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of March 11, 2023 subject to all applicable tolling and a 1 year extension.

Case: BOA- 932844 Address: 192 Gladstone Street Ward 1 Applicant: Catherine Clifford & Michael Barber

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of April 31, 2023 subject to all applicable tolling and a 1 year extension.

Case: BOA- 805934 Address: 3 Snelling Place Ward 3 Applicant: William Ferullo, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of April 27, 2023 subject to all applicable tolling and a 1 year extension.

Case: BOA- 805933 Address: 3 Snelling Place Ward 3 Applicant: William Ferullo, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of April 27, 2023 subject to all applicable tolling and a 1 year extension.



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Case: BOA- 865262 Address: 72 Dresser Street Ward 6 Applicant: Matthew Eckel, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of September 19, 2023 subject to all applicable tolling and a 1 year extension.

Case: BOA- 768729 Address: 79-89 West Broadway Ward 6 Applicant: Marc LaCasse, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of May 11, 2023 subject to all applicable tolling and a 1 year extension.

BOARD FINAL ARBITER: 9:30AM

Case: BOA- 1132440 Address: 133 Boardman Street Ward 1 Applicant: Derric Small, Esq

Discussion/Vote: Upon a motion and a second, the Board voted unanimously to approve this matter.

Case: BOA- 937968 Address: 1112-1116 Boylston Street Ward 4 Applicant: Josh Zakim

Discussion/Vote: Upon a motion and a second, the Board voted unanimously to approve this matter with a 1 year sunset proviso from the issuance of the certificate of occupancy.

GREENBELT PROTECTION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA- 1281020 Address: 160 William T Morrissey Boulevard Ward 13 Applicant: Boston College High School

Article(s): Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability

Purpose: Exterior fence construction along Morrissey Boulevard, Grandstand reconstruction at existing location, and addition of a Maintenance building between the Cotter Stadium and Monan Park.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect an exterior fence.

Board members asked about plans.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review with special attention to the materials. Robinson seconded and the motion carried unanimously.



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HEARINGS: 9:30AM

Case: BOA- 1282958 Address: 228 Havre Street Ward 1 Applicant: Mike Smith

Article(s): Art. 53 Sec. 52 Roof Structure Restrictions Art. 27GE Boston IPOD

Purpose: Completely replace roof and construct new roof Deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a roof deck and extend access into the backyard.

Board members asked about plans, layout, visibility, access.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review with special attention to the dimensions and the railing layout. Ruggiero seconded and the motion carried unanimously.

Case: BOA-1160061 Address: 69 Saratoga Street Ward 1 Applicant: Maria Carolina Taborda

Article(s): Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53 Section 8 Use Regulations - Three Family Dwelling: Forbidden Use

Purpose : Change of occupancy from Single Family to Three Family Dwelling. Legalize extension of living space to basement and two additional units. Build new emergency escape. Construct new exterior stairway. Take kitchen out from basement.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until June 7th, 2022 11:30.

Case: BOA- 1288053 Address: 325-327 Sumner Street Ward 1 Applicant: Ryan Kaufman

Article(s): Art. 27G E Boston IPOD Article 53 Section 8 Use Regulations Article 53, Section 56 Off Street Parking & Loading Req

Purpose: Change occupancy from a two family residential dwelling to an office with one residential unit above as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the dwelling to an office and 1 unit residential.

Board members asked about plans, use, variance, and context.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Edwards, and the Jeffries Point Association are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review, Robinson seconded, Araujo opposed, and the motion carried 6-1.



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Case: BOA-1289288 Address: 95 Barnes Avenue Ward 1 Applicant: Derek Dolan

Article(s): Art. 53 Sec. 09 # of allowed habitable stories has been exceeded Art. 53 Sec. 52 Roof Structure Restrictions
Article 27T - 5 East Boston IPOD Applicability

Purpose: The building is currently a two story two-family building with a partially finished attic space on the third floor. We would like to dormer and complete an interior remodel of the third floor attic space and also add a roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to create additional living space by adding dormers and proposing a roof deck.

Board members asked about plans, access, roof deck, visibility.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Edwards is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review, Erlich seconded and the motion carried unanimously.

Case: BOA- 1262450 Address: 18 Cordis Street Ward 2 Applicant: Joseph Coote

Article(s): Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Rear Yard Insufficient

Purpose: Confirm as a one family and change to a two family, existing condition. Replace existing sunroom and deck; and, kitchen renovation.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until June 21st 2022 11:30.

Case: BOA-1306134 Address: 160 West Canton Street Ward 4 Applicant: Marc LaCasse

Article(s): Art 64.9.4Town/Rowhouse extension into rear

Purpose : Add rear balcony at parlor level projecting 6' from rear facade of building. Conditional use permit required under Article 64 9(4) and request issuance of zoning code refusal letter to pursue required relief.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a townhouse, rowhouse extension that is bracket mounted.

Board members asked about plans.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Flynn is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve, Erlich seconded, and the motion carried unanimously.



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Case: BOA-1299341 Address: 27-29 Isabella Street Ward 5 Applicant: Amar & Aparna Tanna

Article(s): Article 63, Section 20 Roof Structure Restrictions - Proposed Pergola alters existing Roof Profile
Article 9, Section 1 Extension of Nonconforming Building - There is a 35' Height Restriction in this Zoning District.
The height to the top of the Proposed Pergola is approximately 87'

Purpose: Installation of a 10' x 25' cedar Pergola structure with an open slat wall consisting of 4 posts, beams, rafters, brackets, and a retractable shade canopy manually operated with in the pergola frame. one triangular corner will have an acrylic roof post will be secured to the outside of the roof deck joist.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a pergola to the rear on an existing roof deck.

Board members asked about plans, height, access, and previous ZBA decision.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Flynn is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review, Erlich seconded and the motion carried unanimously.

Case: BOA- 1287036 Address: 1759-1763 Washington Street Ward 9 Applicant: 31 Heath Street Realty Partners, LLC

Article(s): Article 50 Section 28 Use Regulations - Restaurant Use: Conditional Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient

Purpose: Change occupancy to multifamily residential 76 units and commercial/restaurant use at ground floor; restore historic facade of existing building; construct new addition above existing structure up to 13 floors and infill on adjoining parcel. Two parcels to be combined under ALT923578 and ALT92350.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to new 76-unit residential dwelling with 10 affordable units.

Board members asked about plans, layout, unit sizes, breakdown, compact units, 3 beds.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilors Baker, Santiago, Anderson, and ab abutter are in support. Councilor Arroyo is in non-opposition. Multiple abutters, Wambach, and the Chester Square Association are in opposition.

Documents/Exhibits: Building Plans, letters in support and opposition.

Votes: Board Member Erlich moved to deny without prejudice, and the motion failed. Board Member Dong moved to defer. Robinson opposed and Ruggiero opposed but the motion carried 5-1 and the new date is July 12th, 2022.



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Case: BOA- 1291093 Address: 41 Williams Avenue Ward 18 Applicant: Rosa Design and Construction LLC
Article(s): Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient
Article 69, Section 9 Side Yard Insufficient Art. 69 Sec.23 Neighborhood Design O.D. Art. 09 Sec. 02 Nonconforming
Use Change

Purpose: Renovation to change occupancy from two family to four family dwelling. Small addition above existing structure for additional bedroom at 3rd floor per plans. Building to be fully sprinklered.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy from a 2 family to a 4 family and extend the driveway in the rear.

Board members asked about plans, context, and open space.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board.

Documents/Exhibits: Building Plans, letters in support.

Votes: Board Member Pinado moved to approve with BPDA design review with attention to the layout and reduce the number of parking spaces. Erlich seconded, Araujo opposed, and the motion carried 6-1.

Case: BOA- 1296351 Address: 9 Littledale Street Ward 18 Applicant: Christopher Gray
Article(s): Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Lot Width Insufficient
Purpose: To erect a one family home on the existing residential lot. Previous one family structure burned down in a fire.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a new single family home due to fire damage.

Board members asked about plans, layout, context, and setback.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Arroyo is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review, Erlich seconded and the motion carried unanimously.

Case: BOA- 1034332 Address: 36-38 Hichborn Street Ward 22 Applicant: 38 Hichborn St., LLC
Articles(s): Article 51, Section 19 Use: Forbidden – Multi family residential use is a forbidden use Article 51, Section 20 Floor area ratio is excessive Article 51, Section 20 Maximum height requirement is excessive Article 51, Section 20 Required usable open space is insufficient Article 51, Section 20 Front yard setback is insufficient Article 51, Section 20 Rear yard setback is insufficient Article 51, Section 56 Off Street Parking Insufficient - Off street parking requirement is insufficient Article 51, Section 56 Off Street Loading Insufficient - Off street loading requirement is insufficient Art. 51 Sec. 56^Off street parking requirements - Off street parking maneuvering areas and vehicular means of access to a public street are not in compliance with the zoning code demand.
Purpose : Erect 5 story residential building with 24 units over parking on combined lots formerly known as 34 and 36 38 Hichborn and a restaurant. Companion Projects: ALT1026801, ALT1026805

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 5 story with 3 affordable units, 24 units total and to add a restaurant.

Board members asked about plans, lot, rendering.



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Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Baker is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review, with attention to the building alignment, and exterior design. Ruggiero seconded and the motion carried unanimously.

Case: BOA-1152039 Address: 70 Von Hillern Street Ward 7 Applicant: Dennis Kulesza

Article(s): Article 65 Section 21 Use Regulations - Cannabis Establishment Use : Conditional Article 65, Section 21 Use Regulations - 65 21 fn25. Cannabis Establishment, provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

Purpose: Change of Occupancy to Cannabis Establishment (Recreational Marijuana).

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until June 7th, 2022 11:30.

HEARINGS: 10:30AM

Case: BOA-1301189 Address: 121 Salem Street Ward 3 Applicant: North Square Strategies, LLC

Article(s): Art. 54 Section 12 Use: Conditional

Purpose: For Zoning Relief Change of Occupancy to include Ice Cream Shop with Take Out Use. No Work on Alt Application; Work Performed on SF#1286483

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to open an ice cream shop in the North End with take out.

Board members asked about plans, current use, take out experience, and grates.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Edwards is in support.

Documents/Exhibits: Building Plans, letters of support.

Votes: Board Member Ruggiero moved to approve with BPDA design review and this petitioner only, Erlich seconded and the motion carried unanimously.

Case: BOA- 1303634 Address: 755 Boylston Street Ward 5 Applicant: Marci Costa

Article(s): Article 9 Section 1 Extension of Nonconforming Use

Purpose: Outdoor seating on sidewalk per plan. Five tables fourteen seats. Associated with building permit application ALT1185346.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting outdoor seating and an increase in seating capacity.

Board members asked about plans.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board.



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Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve, Robinson seconded, and the motion carried unanimously.

Case: BOA- 1280423 Address: 5 Magnolia Place Ward 13 Applicant: Akash Lalla

Article(s): Article 50, Section 29 Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Art. 50 Sec. 29 Usable open space insufficient Article 50, Section 29 Side Yard Insufficient Art. 50 Sec. 29^ Lot Area Insufficient Art. 50 Sec. 43 Off street parking requirements - Design: Tandem space. Maneuverability. Art. 10 Sec. 01 Limitation of off street parking areas - Parking spaces on the side yard shall be separated 5 feet from the side lot line.

Purpose: Convert single family dwelling to 3 Story 2 family dwelling. Replace existing foundation. Expand house footprint as shown on proposed plot plan.

Discussion/Vote: Upon a motion and a second, the Board voted unanimously to defer this matter until July 12, 2022 at 11:30.

Case: BOA-1258783 Address: 99 Erie Street Ward 14 Applicant: Michael Dello Russo

Article(s): Article 60, Section 41.1 Conformity Ex Bldg Alignment - (Non parallel) 7.8'avg & 6.1' closest point provided Article 60, Section 40 Off Street Parking & Loading Req - 1. 0 < 7 req'd 2. Rear driveway less than 10ft wide. Article 60, Section 8 Use: Forbidden - MFR in 3F zone Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient

Purpose: Combining parcels 1402477001 & 1402451000 to erect a new 7 unit apartment building. New construction, with roof decks and new rear driveway.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until June 21, 2022 at 11:30.

Case: BOA- 1295593 Address: 30 Clarkson Street Ward 15 Applicant: Duane Boyce, Norfolk Design & Construction

Article(s): Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Building Height (# of Stories) Excessive Article 65, Section 42 Application of Dimensional Req - Conformity with Existing Building Alignment

Purpose: To erect a new 2 family dwelling on vacant lot This is a DND Project.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect 2, 2 family homes.

Board members asked about plans, lot, rendering.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Baker is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review, with attention to the building alignment, and exterior design. Ruggiero seconded and the motion carried unanimously.



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Case: BOA-1295590 Address: 38 Clarkson Street Ward 15 Applicant: Duane Boyce, Norfolk Design & Construction

Article(s): Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Building Height (# of Stories) Excessive Article 65, Section 42 Application of Dimensional Req - Conformity with Existing Building Alignment

Purpose: To erect a new Two (2) Family Dwelling on vacant lot This is a DND Project.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect 2, 2 family homes.

Board members asked about plans, lot, rendering.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Baker is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review, with attention to the building alignment, and exterior design. Ruggiero seconded and the motion carried unanimously.

Case: BOA- 1280120 Address: 76 Brent Street Ward 16 Applicant: Cesar DaSilva

Article(s): Art. 65, Sec. 9 Insufficient side yard Art. 65, Sec. 9 Insufficient rear yard Art. 65, Sec. 9 Insufficient open space Art. 65, Sec. 9# of allowed stories exceeded Art. 65, Sec. 9 Excessive f.a.r Art. 55, Sec. 65 41 Off Street parking insufficient - Insufficient parking

Purpose: Build 3rd. floor & a ground floor additions to an existing one family. Clarification: Extend living space into the basement area and change occupancy from a one family on record to a three family dwelling the construct 3rd flr, additions and renovate entire dwelling per plans submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change from a 1 family to a 3 family, and to renovate and extend into the basement.

Board members asked about plans, basement living, layout, lot, and roof.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board.

Documents/Exhibits: Building Plans, letters in opposition.

Votes: Board Member Erlich moved to approve with BPDA design review and a 2 family with no basement living. Robinson seconded and the motion carried unanimously.



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Case: BOA- 1305785 Address: 77 Bailey Street Ward 17 Applicant: Brendan Wilbur

Article(s): Art.65 Sec. 8 Use: Forbidden – MFR Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient - 9ft Fence Article 65, Section 9 Rear Yard Insufficient - 9ft Fence Article 65, Section 42.2 Conformity w Ex Bldg Alignment - 15.4ft provided. Art. 65 Sec. 41 Off street parking requirements - 65 41.5 Design Safe accessible path, including to/from common areas.

Purpose: Erect a new three story, 9 unit, multi family dwelling. Propose (12) off street parking spaces at grade level; under building footprint and rear of property. 9 ft privacy fence along rear lot line and portions of side lot lines. Raze existing structure under SF.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 3 story 9 unit dwelling with 1 affordable unit with 12 open air parking spaces. Homeownership condos with bike racks and no roof decks.

Board members asked about plans, proposal, violations, side yard, fence, and density.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood services deferred judgement to the Board. Abutters are in opposition and abutters are in support.

Documents/Exhibits: Building Plans, letters of support, letters in opposition.

Votes: Board Member Erlich moved to deny without prejudice. Pinado seconded and the motion carried unanimously.

Case: BOA- 711945 Address: 19 Regina Road Ward 17 Applicant: Humayun Morshed

Article(s): Art. 10, Sec. 01 Limitation of Area of Accessory Uses - 5 ft min from side lot line Arti 65, Sec. 9 Open space insufficient Art. 09, Sec. 01 Extension of Non Conforming Use - 3 family in a 2 family zone.

Purpose: Driveway along with curb cut permit from Public Works. Proposing two parking spaces. Parking space for exclusive use of homeowner.

Discussion: The applicant did not show up to the hearing.

Votes: Board Member Fortune moved to deny without prejudice. Robinson seconded and the motion carried unanimously.

Case: BOA-1306240 Address: 26 Arlington Street Ward 22 Applicant: John Pulgini

Article(s): Article 51, Section 8 Use: Forbidden Article 51, Section 56 Off Street Parking & Loading Req Article 51, Section 9 Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient

Purpose : Confirm occupancy as a single family building and change to a 3 family residential building with 3 parking spaces. Addition to the rear of the structure.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change from a 1 family to a 3 family with 3 parking spots.

Board members asked about plans, layout, configuration, rear addition.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood services deferred judgement to the Board. Councilor Breadon and the Brighton Allston Improvement Association is in support.

Documents/Exhibits: Building Plans.



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Votes: Board Member Erlich moved to approve with BPDA design review. Erlich seconded and the motion carried unanimously.

Case: BOA-1307908 Address: 415-417 Blue Hill Avenue Ward 12 Applicant: Rooted In LLC

Article(s): Art. 50, Section 28 Use: Forbidden - Cannabis establishment is a Forbidden use. Article 50 Section 28 Use Regulations - 50 28 fn13. Cannabis Establishment, provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

Purpose: Change of use to Cannabis Warehouse Facility.

Discussion/Vote: The applicant requested a deferral to adjust the plans. Upon a motion and a second, the Board voted unanimously to defer this matter until June 21, 2022 at 11:30.

RECOMMENDATIONS: 11:30 AM

Case: BOA-1283840 Address: 102 High Street Ward:2 Applicant: Concept Building, Inc

Article(s): Article 62, Section 25 Roof Structure Restrictions-Lower roof, roof deck

Purpose: Install 12x12' roof deck over existing first floor EPDM roof.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deck over an addition with a patio in the rear.

Board members asked about plans, proposal.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review with relief only for the roof deck. Fortune seconded and the motion carried unanimously.

Case: BOA- 1283294 Address: 47-48 Snow Hill Street Ward: 3 Applicant: Ryan Medows

Article(s): Article 54, Section 10 Rear Yard Insufficient Article 54, Section 10 Floor Area Ratio Excessive Article 54, Section 18 Roof Structure Restrictions

Purpose: Construct new 1 story vertical addition and roof deck on existing three story building. Upper unit 2 to be renovated

Discussion/Vote: The applicant requested a deferral to meet with the community. Upon a motion and a second, the Board voted unanimously to defer this matter until June 7th, 2022 at 11:30.

Case: BOA- 1299297 Address: 149 H Street Ward: 7 Applicant: Kenneth Woods

Article(s): Article 68, Section 29 Roof Structure Restrictions Article 68, Section 33 Off Street Parking & Loading Req- Off Street Parking Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Bldg Height Excessive (Feet) Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Add'l Lot Area Insufficient

Purpose: Change occupancy from a one to a two family dwelling. Proposed rear and vertical additions with rear and roof decks and renovate as per plans.

Discussion: The applicant did not show up to the hearing.



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Votes: Board Member Barraza moved to deny without prejudice, Fortune seconded, and the motion carried unanimously.

Case: BOA- 1261647 Address: 15 Meehan Street Ward: 11 Applicant: 15 Meehan Street LLC

Article(s): Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 41.1 Conformity Ex Bldg Alignment-Modal calculation not provided to verify compliance

Purpose: Increase living space and add extension for egress/porches at rear.

Discussion/Vote: The applicant requested a deferral to meet with the community and the full Board. Upon a motion and a second, the Board voted unanimously to defer this matter until June 7th, 2022 at 11:30.

Case: BOA- 1287825 Address: 14 Victoria Street Ward: 13 Applicant: Henrik & Andrea Strandberg

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

Purpose: Extend existing dormer to the exterior wall for the stairway from 2nd to 3rd floor, to allow enough headroom to walk up or down the stairs.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to increase the ceiling height and convert the dormer. The house was built in 1893. This will not expand the footprint.

Board members asked about plans, proposal and dormer.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. An abutter is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review. Fortune seconded and the motion carried unanimously.

Case: BOA- 1288317 Address: 69 Richview Street Ward: 16 Applicant: Matthew Murphy

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

Purpose: Remodel Kitchen, 1st Fl bathroom addition, new rear deck addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to widen the stairs to prepare for a future ramp and make the home more handicap accessible.

Board members asked about plans, occupancy, driveway, and proposal.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. An abutter is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve, Fortune seconded and the motion carried unanimously.

Case: BOA- 1295401 Address: 19-21 Cheverus Road Ward: 16 Applicant: Jeremy Sears

Article(s): Article 65, Section 42.7 Side Yd of Certain Narrow Lots-No Side Yard in which there is a driveway providing access to off street parking or off street loading facilities required by this Article shall be less than ten (10) feet wide. Art. 10 Sec. 01 Limitation of parking areas - Proposed parking is within 5 feet of side lot line.

Purpose: Add two, non required, parking spaces located entirely in side yard in tandem configuration, for this existing two family.



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Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add 2 parking spots.

Board members asked about plans, BPDA recommendations, bump out of the building.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Abutters are in opposition.

Documents/Exhibits: Building Plans, letters of support.

Votes: Board Member Barraza moved to deny. Fortune seconded and the motion carried unanimously.

Case: BOA-1301293 Address: 609 Adams Street Ward: 16 Applicant: Gabriella Solimando

Article(s): Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Front Yard Insufficient

Purpose: Remove existing one story 7'x22' addition including brick and stone frost wall and replace with reinforced concrete foundation, new exterior walls and Structural support beam. Add a second floor to the new addition for a bathroom accessed from master bedroom. Remove and replace kitchen cabinets and appliances. Remove existing bearing wall to open kitchen to living area and install Structural beam supported by new Structural columns installed on new footings in basement. Remove, expand and replace existing dormer attic. Upgrade existing 100amp electric service to 200 amp. Add air conditioning. New siding.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to remove the existing addition, and add new structural support beams.

Board members asked about plans, occupancy, and square feet.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. The Saint Marks Association is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review with attention to the exterior. Fortune seconded and the motion carried unanimously.

Case: BOA-1245010 Address: 1224 Morton Street Ward: 17 Applicant: Tyrone Smith

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

Purpose: Move the kitchen from the right side of the home to the left and extend the front wide and forward as to make it larger. The old kitchen will now be vacant with sliding doors and an outside bathroom on the side. Also raise the roof on the second level with a roof deck with sliding doors. Confirm as single family.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate a single family to add a roof deck and renovate and reconfigure.

Board members asked about plans, occupancy and proposal.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. An abutter is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review with no building code violation. Fortune seconded and the motion carried unanimously.



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Case: BOA-1289733 Address: 38 Wellesley Park Ward: 17 Applicant: Paul Losordo

Article(s): Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories)

Purpose: Increase living area, renovation of unfinished space on partially finished 3rd floor, no structural or exterior changes, install bathroom, insulation, heating/cooling, lighting, branch power, CO/smoke, finishes and floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to increase the living area in a partially renovated 3rd floor.

Board members asked about plans, floor to ceiling height.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review with attention to the dormers and the exterior. Fortune seconded and the motion carried unanimously.

Case: BOA- 1258032 Address: 19 Webster Street Ward: 18 Applicant: Nathalie Fontanez

Article(s): Art. 69 Sec. 09 Dimensional Reg.-Lot area for the add'l dwelling unit is insufficient Art. 69 Sec. 09 Dimensional Reg.-Usable open space requirements is insufficient Art.80 Sec. 80E 2 Appl. of Small Project Review-Art. 80 Sec. 80E 2 (NDOD APPLICABILITY)

Purpose: Currently under Renovation (separate permit); change occupancy from a 1 family to a 2 family residence.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert a single family into a 2 family. Each unit will have 2 means of egress. The footprint will not change.

Board members asked about plans, total square footage, floor to ceiling height, exterior work, parking and easement.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Multiple abutters are in opposition.

Documents/Exhibits: Building Plans, letters in opposition.

Votes: Board Member Barraza moved to approve to deny without prejudice, Fortune seconded and the motion carried unanimously.

Case: BOA- 1282898 Address: 80 Poydras Street Ward: 18 Applicant: Gladys Frias

Article(s): Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient

Purpose: Renovation of first unit and conversion from a single family to a two family residence. Demo interior and roof and rebuild with addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate and change from a 1 family to a 2 family, this will be the same footprint.

Board members asked about plans, proposal, size of units, basement, utilities.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Arroyo, and the president of a local association are in support.

Documents/Exhibits: Building Plans, letters in support.



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Votes: Board Member Barraza moved to approve with BPDA design review with special attention to the exterior materials, stairway, and dormers. Fortune seconded and the motion carried unanimously.

Case: BOA-1288989 Address: 160 Austin Street Ward: 18 Applicant: David Power

Article(s): Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Side Yard Insufficient

Purpose: Add a second floor addition to our home, which includes: Cantilever (1 foot) on the two long sides of the current residence. Overhanging deck on the back side (23.5' long by 2.1" wide). Squaring off corner on the front left side of the house to add additional living space (corner approximately size 5'x2').

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a second addition with an overhang deck on the rear.

Board members asked about plans, side yard, the proposal, code, and corner lot.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board.

Documents/Exhibits: Building Plans, letters in support.

Votes: Board Member Barraza moved to approve with BPDA design review with the proviso the plot plan is given to the Board. Fortune seconded and the motion carried unanimously.

Case: BOA- 1283265 Address: 26 Hawthorne Street Ward: 19 Applicant: Marion Simoneau

Article(s): Art. 67 Sec. 08 Use Regulations Applicable in Residential Sub Districts - Accessory office use: Forbidden

Purpose: Create a two room office space with half bath in the interior of existing garage. Windows and exterior doors are pre existing.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting no exterior changes, create a 2 room office space, and have a therapy office inside.

Board members asked about plans, occupancy, garage, proposal, access.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board.

Documents/Exhibits: Building Plans, letter in opposition.

Votes: Board Member Barraza moved to approve to deny, Fortune seconded and the motion carried unanimously.

Case: BOA- 1281381 Address: 99-101A Franklin Street Ward: 22 Applicant: Owen Mack

Article(s): Article 51 Section 16 Use Regulations - two dwelling units is a conditional use in a LC 5 Sub district.

Purpose: Remove Proviso granted to this owner/occupant only under BZC17102, permit #3886/1994 and Change occupancy from Single Family w/art accessory use to mixed use: 2 family with Office Accessory use and one Retail (to better reflect actual use since 2010). Upgrade plumbing run and add bathroom to meet commercial code, replace damaged existing OH door.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to bring building into conformity and remove the existing proviso.

Board members asked about plans, access, proposal, unit 1, and the basement.



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Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board.

Documents/Exhibits: Building Plans, letters in support.

Votes: Board Member Barraza moved to approve, Fortune seconded and the motion carried unanimously.

Case: BOA-1289454 Address: 4 Cherokee Street Ward: 10 Applicant: John Pulgini

Article(s): Art. 59, Section 37 Off-Street Parking Insufficient - Off street parking requirement is insufficient Art. 59, Section 8 Floor area ratio is excessive Art. 59, Section 8 Height is excessive Art. 59, Section 8 Front yard setback is insufficient Art. 59, Section 8 Side yard setback is insufficient Art. 59, Section 8 Rear yard setback is insufficient

Purpose : Proposed renovation and dormer addition to change the use from a single family house to a two family, as per plans

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral to meet with the full Board and meet with ISD.

Votes: Board Member Fortune moved to defer until June 7th 2022 at 11:30. Barraza seconded and the motion carried unanimously.

RE-DISCUSSIONS :11:30 AM

Case: BOA-1252505 Address: 166-168 Salem Street Ward 3 Applicant: Joseph Scarfo

Article(s): Article 54, Section 10 Floor Area Ratio Excessive Article 54, Section 21 Off Street Parking & Loading Req- Off Street Parking Insufficient

Purpose: Change of Occupancy from an 8 Unit Residential and 1 Store building to a 9 Unit Residential dwelling. Extend living space into Basement. Construct new Rear Decks.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until May 24, 2022 11:30.

Case: BOA-1270458 Address: 525 East Broadway Ward 6 Applicant: Albanian Orthodox, LLC

Article(s): Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 33 Off Street Parking & Loading Req-Location. Off street parking facilities required by this Section 68 33 shall be provided on the same Lot as the main use to which they are accessory. Article 68, Section 29 Roof Structure Restrictions

Purpose: Change occupancy from two family to 3 family; renovate interior; add 11' x 7.5' 2 story infill of 165 SF; add roof deck on roof of 1st floor rear addition accessible from 2d floor unit; create 4 parking spaces in rear yard.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy to a 3 family.

Board members asked about plans, layout, configuration, and previous deferral.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilors Flynn, Flaherty, and an abutter is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with no roof deck. Pinado seconded and the motion carried unanimously.



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Case: BOA-1153857 Address: 127 Bolton Street Ward 6 Applicant: Neil Gulden

Article(s): Article 68, Section 33 Off-Street Parking & Loading Req Insufficient parking -1.5/unit Article 68, Section 33 Off-Street Parking & Loading Req Access/maneuvering areas Article 68, Section 8 Insufficient lot size -2000sf min. Article 68, Section 8 Insufficient additional lot area/dwelling unit -1000sf/unit Article 68, Section 8 Excessive F.A.R. - 2.0 Article 68, Section 8 Insufficient rear yard setback -20' min Article 68, Section 8 Insufficient usable open space- 200sf /unit Article 68, Section 8 Insufficient side yard setback -3' min

Purpose: Combine vacant parcel 060483000 (127 Bolton Street) and vacant parcel 0601508000 (152 West Third Street); subdivide to create new 127 Bolton Street parcel containing 1,110 square feet, then Erect a two family dwelling with two garage parking spaces at the ground level.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a single family and a 2 family on 2 vacant lots.

Board members asked about plans, violations, zoning, and height.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Abutters are in support. Councilors Flynn, Flaherty, and abutters are in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Erlich seconded and the motion carried unanimously.

Case: BOA-1153868 Address: 152 West Third Street Ward 6 Applicant: Neil Gulden

Article(s): Article 68, Section 33 Off-Street Parking & Loading Req - (5.) Access/maneuvering areas Article 68, Section 33 Off-Street Parking & Loading Req - Insufficient parking -1.5 spaces /unit req. Article 68, Section 8 Insufficient side yard setback -3' req. Article 68, Section 8 Insufficient rear yard setbacks -20' min req. Article 68, Section 8 Insufficient lot size -2000sf req Article 68, Section 8 Insufficient additional lot area -1000sf/unit req. Article 68, Section 8 Excessive f.a.r. -2.0 max. Article 68, Section 8 Insufficient usable open space -200 sf.unit req.

Purpose: Combine vacant parcel 0601508000 (152 West Third Street) and vacant parcel 060483000 (127 Bolton Street); subdivide to create new 152 West Third Street parcel containing 1,150 square feet. Erect a two family dwelling with two garage parking spaces at the ground level.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a single family and a 2 family on 2 vacant lots.

Board members asked about plans, violations, zoning, and height.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Abutters are in support. Councilors Flynn, Flaherty, and abutters are in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Erlich seconded and the motion carried unanimously.



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Case: BOA- 1224197 Address: 73 Stanwood Street Ward 14 Applicant: Elizabeth Fernandez

Article(s): Art. 50, Section 28 Use: Conditional - 4F in 3F Zone Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Art. 50, Section 43 Off Street Parking Insufficient
Purpose : Change of occupancy from 2 family with Daycare to 4 family dwelling. Scope to include renovation of existing dwelling, adding a 4th story to the building, added front decks and roof deck with parking in the rear.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change to a 4-family dwelling.

Board members asked about plans, layout, and the configuration.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Councilor Worrell and Project Right are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Ruggiero seconded and the motion carried unanimously.

COURT REMAND: 12:00PM

Case: BOA-1190262 Address: 51 North Margin Street Ward 3 Applicant: 51 North Margin Street Realty Trust

For a Remand Hearing pursuant to an Order of the Superior Court (Dkt. No. 2184CV02102A). The Board shall rehear arguments and accept evidence and testimony from both the Applicant and members of the public and abutters on the same violations addressed at the Board's prior hearing on July 27, 2021 pursuant to all conditions required by the Remand Order.

Article(s): Art. 09 Sec. 02 Nonconforming Use Change Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Art. 54 Section 18 Roof Structure and Building Height Restrictions - Reconfiguration of existing roof profile

Purpose: To build additional 4 units as per plan, we are filing for a refusal letter to go to ZBA with nominal fee letter attached. Clarification: CHANGE OF OCCUPANCY FROM Private Club on 2nd Floor, Garage on 1st Floor to a six story MFR 4 unit dwelling by constructing four additional stories over existing structure per plans provided

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change to a fully conforming use, garage with 4 spaces, 4 residential unit condos.

Board members asked about plans, board at the time, appeal, proposal, violations, garage, unit breakdown, roof deck, unit count, and previous provisos.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood services deferred judgement to the Board. Multiple abutters are in support. Abutters and a rep for abutters are in opposition.

Documents/Exhibits: Building Plans, letters in support and letters in opposition.

Votes: Board Member Erlich moved to affirm the previous Board decision. Robinson seconded and the Board moved unanimously.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

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JEANNIE PINADO

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 April 26, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.