



City of Boston
Board of Appeal

Tuesday, April 25, 2023

BOARD OF APPEAL

Room 801

HEARING MINUTES

Board Chair Dong 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 Norm Stenbridge:

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON APRIL 25, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS APRIL 25, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE APRIL 25, 2023 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/ZBA2023Hearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 821 8044 0527 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/April25Comment> 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/April25Comment>, calling 617-635-4775, 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

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



City of Boston
Board of Appeal

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



City of Boston
Board of Appeal

APPROVAL OF THE HEARING MINUTES: 9:30AM

March 14, 2023

Discussion/ Votes: Upon a motion and a second the Board moved approve the hearing minutes.

EXTENSIONS: 9:30AM

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

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until April 27, 2024.

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

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until April 27, 2024.

Case: BOA-1016543 Address: 70 Eutaw Street Ward 1 Applicant: Lorene Schettino, Esq

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until May 8, 2024.

Case: BOA-1019227 Address: 18 Cottage Street Ward 1 Applicant: Jeff Drago, Esq

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until May 24, 2024.

Case: BOA-1131510 Address: 35 Cushing Avenue Ward 13 Applicant: Peter Gammie

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until May 7, 2024.

GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1440379 Address: 5 Jerusalem Place Ward 3 Applicant: David Neilson

Article(s): Art. 32 Sec. 32 4Groundwater Conservation Overlay District, Applicability

Purpose: Construct a new single family residence on a vacant lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 1 family dwelling.

Board members asked about plans GCOD

Documents/Exhibits: Building Plans.

Votes: Board Member Collins moved to approve the proposal. It was seconded by Pinado and approved unanimously.



City of Boston
Board of Appeal

BUILDING CODE: 9:30AM

Case: BOA#1445868 Address: 210 West Springfield Street Ward 9 Applicant: Gregory McCarthy

Purpose: Amendment to ALT1340313. Per BPDA PROVISIO. (BOA1376022/A1351986). Roof deck access has been changed to bubble hatch instead of head house.

Violations Violation Description Violation Comments
9th 780 CMR 1011 Stairways IBC Art.1011.12 Stairway to Roof

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

Board members asked about plans,

Documents/Exhibits: Building Plans.

Votes: Board Member Pinado moved to approve the proposal. It was seconded by Stembridge and approved unanimously.

HEARINGS:9:30AM

Case: BOA-1430845 Address: 143-143cTremont Street Ward 22 Applicant: Chayla White, Esq

Article(s): Article 51 Section 8 Use Regulations - Use : Multifamily Dwelling : Forbidden Article 51 Section 8 Use Regulations - Use : Townhouse : Forbidden Article 51 Section 8 Use Regulations - Use : Accessory Parking : Forbidden Article 51 Section 9 Floor Area Ratio Excessive Article 51 Section 9 Building Height (# of Stories) Excessive Article 51 Section 9 Side Yard Insufficient Article 51 Section 9 Location of Main Entrance of a Dwelling shall face the Front Lot Line Article 51, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 51 Section 9 Front Yard Insufficient

Purpose: Erect 5 New Townhomes.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add 5 townhouses with off street parking on a narrow lot with privacy fence.

Board members asked about plans, proposal, layout, retaining wall, landscaping

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board Member Valencia moved to approve the proposal with BPDA design review. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1443147 Address: 309 Summit Avenue Ward 21 Applicant: Marc LaCasse

Article(s): Article 51, Section 8 Use: Forbidden - Use Forbidden of 9 units Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Bldg Height Excessive (Feet) 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 57.3 Traffic Visibility Across Corner -Corner lot of (Summit ave. and Allston st.) Article 51, Section 56 Off Street Parking Insufficient

Purpose: Demolish existing building [under separate demo permit]; erect new 3 story 9 unit residential dwelling building with parking for 9 vehicles and 16 bicycle storage spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to demo the existing and erect a 3 story 9 unit dwelling in context with 9 parking spaces.

Board members asked about plans, violations, curb cut. The Board noted that this was in context.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn, Flaherty, and Murphy are in support.

Votes: Board Member Valencia moved to approve the proposal with BPDA design review. It was seconded by Stembridge and approved unanimously.

Case: BOA-1431895 Address: 184 Wren Street Ward 20 Applicant: Mike & Erin Donaghy

Article(s): Article 56, Section 8 Floor Area Ratio Excessive Article 56, Section 8 Bldg Height Excessive (Stories) Article 56, Section 8 Side Yard Insufficient

Purpose: The project scope is to construct a full height addition to the side of an existing 2 1/2 storey detached single family house to add a bathroom on the first floor, a master bedroom on the second floor, and to finish the existing attic as a dormered third storey with two additional bedrooms.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add space to an existing 3rd floor to increase the livable space. The height of the home will not increase.

Board members asked about plans, proposal,

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flaherty is in support.

Votes: Board Member Pinado moved to approve the proposal with BPDA design review. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1432793 Address: 23 Regin Road Ward 18 Applicant: Derick Joyner

Article(s): Article 60, Section 8 Use: Forbidden Article 60, Section 9 Bldg Height Excessive (Stories)

Purpose: To erect a three family dwelling with 3 parking spaces in the rear.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 family with 3 off street parking spaces. Condos. Permeable pavers and new landscaping.

Board members asked about plans, proposal, landscaping.

Documents/Exhibits: Building Plans. Letter in opposition.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Arroyo is in support.

Votes: Board Member Pinado moved to approve the proposal. It was seconded by Stembridge and approved unanimously.

Case: BOA-1352114 Address: 6 Winter Street Ward 15 Applicant: Taou Khamouli

Article(s): Article 65, Sec 65 41 Off Street Loading Req.

Purpose: Please check the related a application : U491209045 At 10 Winter St Dorchester MA 02122 and 6 Winter St Dorchester, MA 02122 we would like to cut one curb for both properties to use the spaces between both buildings for parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to have a large curb cut for 2 homes to allow for 4 tandem off street parking spaces.

Board members asked about plans, proposal, sidewalk.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board Member Pinado moved to approve the proposal. It was seconded by Stembridge and approved unanimously.

Case: BOA-1352108 Address: 10 Winter Street Ward 15 Applicant: Taou Khamouli

Article(s): Art. 65 Sec. 41 Off street parking requirements

Purpose: At 10 Winter St Dorchester MA 02122 and 6 Winter St Dorchester, MA 02122 plan to cut one curb for both properties to use the spaces of both buildings for parking. The space we have on the side of both 6 and 10 Winter St in between the 2 buildings will easily allow 4 6 cars.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to have a large curb cut for 2 homes to allow for 4 tandem off street parking spaces.

Board members asked about plans, proposal, sidewalk.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board Member Pinado moved to approve the proposal. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1397632 Address: 31 Downer Avenue Ward 13 Applicant: Alexander Brown

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient
Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive
Article 65, Section 42.2 Conformity w Ex Bldg Alignment Article 65, Section 32 NDOD Review Required
Art.65 Sec. 8 Use: Forbidden - Parking space: Forbidden by 3 family use Forbidden Art. 65 Sec. 60 83 Family Detached
Dwelling, Forbidden Art. 65 Sec. 64 34 Restricted Roof Structure District

Purpose: To change the existing two family into a three family with three parking spaces in the rear.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change a 2 family to a 3 family with 3 off street parking spaces.

Board members asked about plans, basement, access

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Baker and Flaherty are in support.

Votes: Board Member Pinado moved to approve the proposal with BPDA design review and no building code relief. It was seconded by Stenbridge and approved unanimously.

Case: BOA- 1034997 Address:120 Minden Street Ward 10 Applicant: Morat Kiani

Article(s): Article 55, Section 8 Use Regulations - 4 family use Forbidden Article 55, Section 9 Floor Area Ratio
Excessive Article 55, Section 9 Usable Open Space Insufficient

Purpose: Change of occupancy from a 3 family to a 4 family. Existing condition, no work to be done.

Discussion/ Votes: Upon a motion and a second the Board moved defer this appeal until June 27, 2023.



City of Boston
Board of Appeal

Case: BOA-1444249 Address: 584 East Fourth Street Ward 6 Applicant: George Morancy, Esq

Article(s): Article 68, Section 8 Side Yard Insufficient

Purpose: Amendment for ALT1039568. Add 3rd floor deck. 3rd story deck and deck components do not alter any other portion of approved permit and approved structure.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a deck on the 3rd floor. No other changes.

Board members asked about plans,

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn and Flaherty are in support.

Votes: Board Member Pinado moved to approve the proposal. It was seconded by Stembridge and approved unanimously.

Case: BOA-1428169 Address: 98-100 F Street Ward 6 Applicant: Marc LaCasse, Esq

Article(s): Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Side Yard Insufficient

Article 68, Section 8 Rear Yard Insufficient Article 68, Section 29 Roof Structure Restrictions

Purpose: On combined parcel [see ALT1376038 and ALT1376044] to be known at 98 100 F Street, combine existing structures to create 2 dwelling units and attached garage for 4 vehicles; one story bump out on each side; introduction of six dormer windows at front along third level; rear terraces and balconies.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 2 parcels and make aesthetically pleasing. Improve the conditions and have tandem parking for 4 spots.

Board members asked about plans, parking

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn, and Flaherty are in support.

Votes: Board Member Aiken moved to approve the proposal with BPDA design review. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1447633 Address: 48 Montgomery Street Ward 4 Applicant: Lewis Legon (by John M. Moran, Esq)
Article(s): Art. 32 Sec. 04GCOD Applicability - Structure Substantially rehabilitated
Purpose : Renovation of existing single family as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to seek GCOD and building code relief. With hatch access.

Board members asked about plans, proposal, maneuverability.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn, Flaherty, and Murphy are in support.

Votes: Board Member Pinado moved to approve the proposal. It was seconded by Stembridge and approved unanimously.

Case: BOA#1447667 Address: 48 Montgomery Street Ward 4 Applicant: Lewis Legon (by John M. Moran, Esq)

Purpose: Renovation of existing single family as per plans.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access through a penthouse.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to seek GCOD and building code relief. With hatch access.

Board members asked about plans, proposal, maneuverability.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn, Flaherty, and Murphy are in support.

Votes: Board Member Pinado moved to approve the proposal. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

HEARINGS:11:00AM

Case: BOA-1439355 Address: 68 Lake Shore Road Ward 22 Applicant: John Pulgini

Article(s): Art. 51 Sec. 09 Insufficient side yard setback

Purpose: Adding a two story addition that will include 2 additional baths, two bedrooms with a two car garage and an expansion of the front porch

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 2 story addition to an existing home. Side yard violation is pre-existing.

Board members asked about plans,

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn, Flaherty, and Murphy are in support.

Votes: Board Member Collins moved to approve the proposal with BPDA design review. It was seconded by Stembridge and approved unanimously.

Case: BOA-1438423 Address: 5 Delany Circle Ward 22 Applicant: Ian Meyers

Article(s): Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Floor Area Ratio Excessive

Article 51, Section 9 Rear Yard Insufficient

Purpose: Proposed 1 story addition with a rear addition with balcony.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new 1 story addition with a balcony in the rear which is in context.

Board members asked about plans, proposal,

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. The BAIA is in support.

Votes: Board Member Pinado moved to approve the proposal. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1447146 Address: 1035-1037 Commonwealth Avenue Ward 21 Applicant: Matthew Pennino
Article(s): Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability Art. 51 Sec. 56^ Off street parking requirements - Insufficient parking Art.51 Sec.56 Off St Parking Design - Access and free maneuvering areas of required parking spaces (Parking removed 3.9.23) Article 51 Section 16 Use Regulations - Accessory parking garage - Conditional (residential/commercial) Article 51 Section 17 Excessive f.a.r. -2.0 max. Article 51 Section 17 Max allowed height exceeded in sub district -45' max Article 51, Section 16 Use Regulations - MFR (55 units)- Conditional Article 51, Section 56 Off-Street Loading Insufficient

Purpose: Demolish Existing structure and Erect a new six story 68' 1" building with 55 units and 1 retail store and 33 accessory use stacker parking spaces on ground floor to include a common roof deck above with elevator access on the existing 11,993 sf lot. *Existing structure to be razed on a separately filed and reviewed demolition permit application **REVISED PLANS PROVIDED STACKER PARKING REMOVED 3.9.23

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to demo the existing and erect a 55 unit dwelling with 9 affordable units.

Board members asked about plans, proposal, breakdown

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Breadon and the Councilors Union are in support.

Votes: Board Member Aiken moved to approve the proposal with BPDA design review. It was seconded by Stembridge and approved unanimously.

Case: BOA-1407798 Address: 23-27 Cedar Street Ward 17 Applicant: Cynthia Cuevas
Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 42.2 Conformity w Ex Bldg Alignment Article 65, Section 32 NDOD Review Required
Purpose: Third floor addition to existing three-unit townhouse with three new on-grade parking spaces in rear and large extension of front and rear porches.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a 3rd floor addition on an existing 3 unit townhouse with 3 new parking spots in the rear with dormers on the attic. The Board noted the parking was excessive.

Board members asked about plans, proposal, trees, parking, context.

Documents/Exhibits: Building Plans. Letters of support and opposition.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell and an abutter is in support. Abutters are in opposition.

Votes: Board Member Valencia moved to approve the proposal with BPDA design review and 6-3 parking spaces. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1431908 Address: 74 Corona Street Ward 15 Applicant: Norma Wallace

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

Purpose: Complete gut renovation of a 3 family dwelling. Reframing and adding 3 new kitchens and 3 bathrooms. Installing fire alarm and sprinkler system.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to do a complete gut renovation on a dwelling due to a fire. Reframe, sprinkle, new fire system, new egress.

Board members asked about plans, community

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Arroyo and Worrell are in support. An abutter is in opposition.

Votes: Board Member Collins moved to approve the proposal with BPDA design review. It was seconded by Stembridge and approved unanimously.

Case: BOA-1411057 Address: 630 Dorchester Avenue Ward 7 Applicant: George Morancy, Esq

Article(s): Art. 13 Sec. 13 1 Insufficient additional lot area per dwelling unit Art. 13 Sec. 13 1 Insufficient usable open space per unit Art. 13 Sec. 13 1 Excessive f.a.r. Art. 23 Sec. 23 1 Off street parking insufficient - Insufficient off street parking

Purpose: Renovate lower level of 3-Family building to create new 4th Dwelling Unit w/separate entrance and sprinkler system as per plans submitted. Change of occupancy from 3-Family to 4-Family.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 3 family to a 4 family dwelling with MBTA access.

Board members asked about plans, lower level, CFROD

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support.

Votes: Board Member Aiken moved to approve the proposal with BPDA design review. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1435496 Address: 489-489A East Broadway Ward 6 Applicant: John Walsh

Article(s): Art. 68 Sec. 07 Use Regs. - Large restaurant (exceeds 1000 sq. ft) with take out is a forbidden use.

The Petitioner wishes to open a Coffee Shop in a space of 1244 sq. ft. with takeout and located on the ground floor.

Purpose: New Coffee Shop. Interior renovation of an existing Commercial Business tenant space for Scope of work includes minor interior demolition, new walls, new doors, new millwork, new interior lighting, new ADA restroom and new plumbing fixtures

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to approve 18 seats and an ADA restroom for a coffee shop.

Board members asked about plans,

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn is in support.

Votes: Board Member Pinado moved to approve the proposal. It was seconded by Stembridge and approved unanimously.

RE-DISCUSSIONS :11:30 AM

Case: BOA- 1183277 Address: 68 Rowe Street Ward 19 Applicant: Michael McGough

Article(s): Art. 67 Sec. 08 Use Regulations Applicable in Residential Sub Districts - 4 family use forbidden

Art. 67 Sec. 09 Open Space insufficient - Required: 4*1,750sqft= 7, 000 sqft Provided: +-4,348 sqft Art. 67 Sec. 09 Side

Yard Insufficient - Required: 10' Proposed: 5.4 (R) and 5' (L) Art. 67 Sec. 33 App. of Dimensional Req. - Conformity

with existing building alignment. Street modal not provided. Art. 67 Sec. 56 Off street parking requirements - spaces are located in the front yard Article 67, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Proposed: 0.92 Article 67,

Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5 Proposed: 3

Article 67, Section 9 Rear Yard Insufficient Required: 40' Proposed rear patio at 35' but building at 51'

Purpose: Erect (4) unit building per plans on current vacant lot.

Reason for Prior Deferral: The Board moved to defer this case.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 4 unit on a vacant lot with 6 parking spaces in the rear with 1 ADU unit.

Board members asked about plans, proposal, transit, parking, landscaping.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Arroyo and Murphy are support. An abutter is in opposition.

Votes: Board Member Collins moved to approve the proposal with BPDA design review and 1 parking space per unit. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1404307 Address: 19-21 Standard Street Ward 18 Applicant: Jean Samedi

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. - Three family in a one family subdistrict >25% forbidden Art. 60 Sec. 09 Rear yard insufficient Art. 60 Sec. 09 Side yard insufficient Art. 60 Sec. 09 Floor Area Ratio excessive Article 60 Section 9 Dimensional Regulations - # of allowed habitable stories exceeded

Purpose: Build dormer on left side of existing home as per plans submitted and have licensed company install new sprinklers, new rear porches, Juliet balconies on each side. *10.14.22 Extending three family living space in basement and attic. (Other 200k costs of work shown on issued SF permit).

Reason for Prior Deferral: The Board moved to defer to allow for community process.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to increase the living by building a dormer on the left side. Pre existing non conforming 3 family.

Board members asked about plans, proposal, maneuverability.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn, Flaherty, and Murphy are in support.

Votes: Board Member Valencia moved to approve the proposal with BPDA design review. It was seconded by Collins and approved unanimously.

Case: BOA-1348905 Address: 120-124 Babson Street Ward 18 Applicant: Sketchone Studios

Article(s): Article 60, Section 8 Use: Forbidden - Elderly Housing Article 60, Section 8 Use: Conditional - Day care center, elderly

Purpose: 18 independent elderly housing plus adult daycare on ground floor.

Reason for Prior Deferral: This proposal was deferred unanimously to allow time to reduce the number of units to fall under the Article 10 requirements.

Reason for Prior Deferral: The Board moved to defer this project to allow time to rework the plans and to meet with the community.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to have 14 elderly housing units with adult daycare on the ground level and programs. ADA compliant.

Board members asked about plans, proposal, configuration, rent, IDP.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board Member Pinado moved to approve the proposal., with BPDA design review and maximize the IDP compliance. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1296092 Address: 23 Kenilworth Street Ward 9 Applicant: Sam Naylor

Article(s): Article 50 Section 28 Use Regulations - Multi Family Dwelling (6 units) Use: Forbidden Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive 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 Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Combine lots 35 41 Dudley St (0903228000) and 51 Dudley St (0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. Building A: Erect 6 residential units into a newly created lot of 2,549 SF. Combine and subdivide lots to be filed under ALT.

Reason for Prior Deferral: The applicant requested a deferral to rework the plans

Discussion: The applicant did not show to the hearing.

Votes: Board Member Stembridge moved to deny without prejudice. It was seconded and the motion carried unanimously.

Case: BOA-1296093 Address: 27-29 Kenilworth Street Ward 9 Applicant: Sam Naylor

Article(s): Article 50 Section 28 Use Regulations-Multi Family Dwelling (10 units) Use: Forbidden Article 50 Section 28 Use Regulations Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive 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 Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Off Street Parking Insufficient

Purpose: Combine lots 35 41 Dudley St (0903228000) and 51 Dudley St (0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. On 27 Kenilworth St. Building B: Erect 10 residential units and 1 commercial space into a newly created lot of 4,413 SF. Combine and subdivide lots to be filed under ALT.

Reason for Prior Deferral: The applicant requested a deferral to rework the plans

Discussion: The applicant did not show to the hearing.

Votes: Board Member Stembridge moved to deny without prejudice. It was seconded and the motion carried unanimously.

Case: BOA-1296094 Address: 49 Dudley Street Ward 9 Applicant: Sam Naylor

Article(s): Article 50 Section 28 Use Regulations-Multi Family Dwelling (6 units) Use : Forbidden Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive 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 Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Off Street Parking Insufficient

Purpose: Combine lots 35 41 Dudley St (0903228000) and 51 Dudley St (0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. On 49 Dudley St. Building C: Erect 6 residential units into a newly created lot of 2,269 SF. Combine and subdivide lots to be filed under ALT.

Reason for Prior Deferral:

Discussion: The applicant did not show to the hearing.

Votes: Board Member Stembridge moved to deny without prejudice. It was seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1332095 Address: 130 Marginal Street Ward 1 Applicant: Star property Holdings, LLC

Article(s): Art. 53 Sec. 09 Dimensional Regulations Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 12 Height Excessive Art. 53 Sec. 56 Off St.Parking Requirements Art. 53 Sec. 12 Rear Yard insufficient Art. 27G E Boston IPOD

Purpose: Erect a new residential building with four units and four parking spaces.

Reason for Prior Deferral: The applicant requested a deferral to allow time for the plans examiner to review the plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 4 unit dwelling with 3 off street parking spaces. The height is in context and this is near an MBTA location

Board members asked about plans, breakdown and parking

Documents/Exhibits: Building Plans. Letters in support and opposition.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters, and the Carpenters union are in support. Councilor Coletta is in opposition.

Votes: Board Member Shepard moved to approve the proposal with BPDA design review. It was seconded by Stembidge and approved unanimously.

HEARINGS: 1:00PM

Case: BOA-1439675 Address: 214R Stratford Street Ward 20 Applicant: James O'Loughlin

Article(s): Article 56. Section 8 Side Yard Insufficient Art. 56 Sec. 08 Building Height Excessive

Purpose: Raze existing garage and rebuild new garage 18'x28' and offset 1' from property line no increase in living area.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to raze the existing garage and add a new one. No work being done to the home. The Board found that this proposal was straightforward.

Board members asked about plans,

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board Member Valencia moved to approve the proposal. It was seconded by Collins and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1414548 Address: 201 Forest Hills Street Ward 11 Applicant: Forest Hills Housing Cooperative, Inc

Article(s): Art. 55, Section 8 Use: Conditional - Community center: Use Conditional Article 55, Section 37 Specific Design Requirements Article 55, Section 41.12 Two or More Dwellings on Same Lot

Purpose: New construction free standing one story community services building to provide accessibility because accessibility does not exist in the existing buildings.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to allow a one story community services building with a new center for large development in a courtyard between buildings.

Board members asked about plans, proposal,

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board Member Pinado moved to approve the proposal with BPDA design review. It was seconded by Stembridge and approved unanimously.

Case: BOA- 1440171 Address: 31 Winchester Street Ward 5 Applicant: Marc LaCasse, Esq

Article(s): Article 63, Section 8 Rear Yard Insufficient

Purpose: Replace and modify roof deck on the third floor, per structural engineer drawings. Remove exterior stairs from third to second floor (not a means of egress, per code consultant report).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a small expansion to the existing deck at the rear of the dwelling.

Board members asked about plans,

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn is in support.

Votes: Board Member Aiken moved to approve the proposal. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

Case: BOA-1366165 Address: 1 Harvard Place Ward 2 Applicant: Terry Caddell

Article(s): Article 62, Section 8 Rear Yard Insufficient Article 62, Section 8 Front Yard Insufficient
Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 25 Roof Structure Restrictions - Also Building
Code Violation IBC 1011.12 Art. 62 Sec. 30.1 Conformity of Bldg. Alignmnt

Purpose: Add interior stair and roof deck.

Discussion/ Votes: Upon a motion and a second the Board moved defer this appeal until June 27, 2023.

Case: BOA- 1433817 Address: 147-163 Orleans Street Ward 1 Applicant: East Boston Neighborhood Health Center

Article(s): Art. 53, Section 36 Use: Forbidden - Clinic is a forbidden use in a CE Sub district.

Purpose: Work consists of interior renovations and exterior work limited to vestibule construction at lot addressed as 151 163 Orleans (in 1 story portion of building addressed as 155 Orleans). Seeking to change occupancy to permit clinical health care uses.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from all medical use to include a senior care center. MBTA accessible. Clinical healthcare uses.

Board members asked about plans, proposal, loading, exterior, trees and parking.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Coletta is in support.

Votes: Board Member Pinado moved to approve the proposal with BPDA and BTD review. It was seconded by Stembridge and approved unanimously.

Case: BOA-1448501 Address: 69 Saratoga Street Ward 1 Applicant: Gabriel Restrepo

Article(s): Art. 09 Sec. 02 Nonconforming Use – Change: Change of Use from a Single to a Three Family
Art. 53 Sec. 08 Forbidden - Three Family Dwelling: Forbidden Use Art. 53 Sec. 09 Floor Area Ratio Excessive
Art. 53 Sec. 09 Side yard insufficient Article 32, Section 4 GCOD, Applicability Article 53 Section 56 Off-Street
Parking & Loading Req Article 53, Section 9 Rear Yard Insufficient

Purpose: Change the legal occupancy from a one family dwelling to a three family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the 1 family dwelling to a 3 family with no bedrooms in the basement. There are some pre-existing non-conformities.

Board members asked about plans, proposal, basement, CFROD

Documents/Exhibits: Building Plans. Letters in support and opposition.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Coletta is in opposition.

Votes: Board Member Pinado moved to approve the proposal with no building code relief, no living in the basement, and BPDA design review. It was seconded by Stembridge and approved unanimously.



City of Boston
Board of Appeal

**STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775**

BOARD MEMBERS:
SHERRY DONG-CHAIR
NORM STEMBRIDGE-SECRETARY
RAHEEM SHEPARD
GIOVANNY VALENCIA

SUBSTITUTE MEMBERS:
DAVID COLLINS
JEANNE PINADO
DAVID AIKEN

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 25, 2023 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.