



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 Stembridge:

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON AUGUST 8, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS AUGUST 8 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE AUGUST 8, 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/August8Comment> 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.



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For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/August8Comment>, 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 event host. You must select yes before you can speak. On a phone, you will hear a prompt that the event host is asking you to unmute yourself. You must press *6 to unmute yourself before you can speak. Commenters will be asked to state their name, address and comment. Comments will be limited as time requires.

IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 8:30AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

The hearing can also be viewed via live-stream on the City’s website at <https://www.boston.gov/departments/broadband-and-cable/watch-boston-city-tv>. Closed captioning is available.

Interested persons who are unable to participate in the hearing remotely may make an appointment to offer testimony. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov for accommodations to be made.

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE



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HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.



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APPROVAL OF THE HEARING MINUTES: 9:30AM

May 9, 2023

Upon a motion and a second the Board moved to unanimously approve the hearing minutes.

EXTENSIONS: 9:30AM

Case: BOA-914212 Address: 79 Devon Street Ward 14 Applicant: Brandon Westerling

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 18, 2024.

Case: BOA-734154 Address: 14 Gleason Street Ward 14 Applicant: Brandon Westerling

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 8, 2024.

Case: BOA-1186589 Address: 64 Tolman Street Ward 16 Applicant: George Morancy, Esq

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 18, 2024.

Case: BOA-834506 Address: 98 Magnolia Street Ward 13 Applicant: Kendra Roe

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 8, 2024.

Case: BOA-834511 Address: 100 Magnolia Street Ward 13 Applicant: Kendra Roe

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 8, 2024.

Case: BOA- 834505 Address: 7-9 Ceylon Street Ward 13 Applicant: Kendra Roe

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 18, 2024.

Case: BOA- 834501 Address: 170 Magnolia Street Ward 13 Applicant: Kendra Roe

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 18, 2024.

Case: BOA-834542 Address: 162 Magnolia Street Ward 13 Applicant: Kendra Roe

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 8, 2024.

Case: BOA- 834493 Address: 164 Magnolia Street Ward 13 Applicant: Kendra Roe

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 8, 2024.

Case: BOA-1033474 Address: 1 Highgate Street Ward 21 Applicant: Jeffrey Drago, Esq

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of March 13, 2024.

Case: BOA-788662 Address: 587 Albany Street Ward 8 Applicant: Jeffrey Drago, Esq

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 23, 2024.



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Case: BOA-1047748 Address: 3992-3996 Washington Street Ward 19 Applicant: Jeffrey Drago, Esq

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 8, 2024.

Case: BOA-1186247 Address: 715 River Street Ward 18 Applicant: Michelle Pierre-Vimont

Discussion/Vote: Upon a motion and a second the Board voted unanimously on a new date of August 18, 2024.

BOARD FINAL ARBITER: 9:30AM

Case: BOA-1419480 Address: 18 Fabyan Street Ward 14 Applicant: Derric Small, Esq

Discussion: To remove the previous proviso because the building has already been approved. Upon a motion and a second the board moved to unanimously approve.

BUILDING CODE : 9:30AM

Case: BOA-1489621 Address: 50 B Street Ward 6 Applicant: Daniel Kahn

Purpose: Add two roof decks and head house for private use.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. ZBA Proviso says to change to roof Hatch.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add new roof decks and new extended stairs. Building hatches require building code relief.

Board members asked about plans,

Documents/Exhibits: Building Plans.

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

HEARINGS:9:30AM

Case: BOA- 1199457 Address: 29 Sutherland Road Ward 21 Applicant: 27-29 Sutherland Road, LLC

Article(s): Art. 51 Sec. 08 Use Regulations - Multi family dwelling unit (7 units) is a forbidden use

Art. 51 Sec. 09 Lot area for the add'l units is insufficient Art. 51 Sec. 09 Floor area ratio is excessive

Art. 51 Sec. 09 Usable open space is insufficient Art. 51 Sec. 09 Front yard setback requirement is insufficient

Art. 51 Sec. 09 Rear yard setback requirement is insufficient Art. 51 Sec. 40 5(a) Off street parking design - Off street parking design (access drive and maneuverability)

Purpose: Change occupancy from 4 family [under CO5789] to 7 residential dwelling units with construction of new 3-unit addition; accessory parking for 7 vehicles as shown on plans.

Discussion/ Votes: The Board moved unanimously to defer this proposal until October 17, 2023.



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Case: BOA-1422753 Address: 9-11 Holton Street Ward 22 Applicant: Patrick McKenna

Article(s): Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Lot Area Insufficient Article 51, Section 8 Use Regulations

Purpose: Addition to property. Work on existing property: interior demolition, new kitchens and bathrooms, new plaster, sheetrock, trim, doors and siding update electrical and plumbing.

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 to a 6 family dwelling with 4 off street parking spaces in the rear. No living in the basement.

Board members asked about plans, parking

Documents/Exhibits: Building Plans.

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

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

Case: BOA-1446390 Address: 108-108C Allston Street Ward 21 Applicant: Patrick McKenna

Article(s): Article 51, Section 8 Use: Forbidden - Forbidden 4 Unit townhouses Article 51, Section 9 Side Yard Insufficient - Required 10ft. Proposed left side 3ft. Article 51, Section 9 Bldg Height Excessive (Stories) - allowed 2 1/2 stories height. Proposed 3 stories height Article 51, Section 9.4 Dim Reg: Location of Main Entrance - Main entrance was're face on Front lot line. Article 51, Section 9 Floor Area Ratio Excessive - Allowed .6 FAR. Proposed .88 FAR Article 51, Section 9 Front Yard Insufficient - Front yard setback insufficient.

Purpose: Erect 4 townhouses.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to build a new 3 story 4 unit dwelling townhouse style.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Murphy and Flaherty are in support. The Allston Civic Association is in support.

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



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Case: BOA-1462119 Address: 1742-1748 Dorchester Avenue Ward 16 Applicant: DIMI, Inc

Article(s): Art. 65 Sec. 41 Off street parking requirements - Insufficient parking for residential Art. 65 Sec. 9 Max allowed height exceeded Art. 65 Sec. 9 Insufficient usable open space Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Insufficient rear yard setback Art. 65 Sec. 08 Conditional - Restaurant use conditional Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 Insufficient additional lot area per unit Art. 65 Sec. 9 Number of allowed stories has been exceeded Art. 10 Sec. 01 Limitation of parking areas - 5' side yard setback buffer requirement Art. 65 Sec. 41 Off street parking requirements - Insufficient parking for Restaurant Art. 65 Sec. 41 Off street parking requirements - Clear maneuvering areas/turn radius design Two-way parking garage with right 90-degree angle parking (12'x2= 24' required) Art. 65 Sec. 42 Appl. of Dimensional Req'mnts - Traffic visibility across a corner lot

Purpose: Demolish the existing single story gas station and automotive shop on separate permit and construct a mixed use, 4 storey building with a restaurant space on the ground floor and 14 Group 1 (per 521 CMR) dwelling units on the upper floors. Provide 9 parking spaces on grade at rear. *Existing structure to be razed on a separately applied for and issued permit.

Discussion/ Votes: The Board moved unanimously to defer this proposal until August 29, 2023.

Case: BOA-1484717 Address: 229-233 Bowdoin Street Ward 15 Applicant: Derric Small

Article(s): Article 65, Section 41 Off Street Parking & Loading Req Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Feet) Art. 65 Sec. 08 Conditional - Dwelling units are a conditional use in a LC zone

Purpose: Proposed three story addition to change use from stores, laundromat and dry cleaners to store, laundromat and six dwelling units, as per plans.

Discussion/ Votes: The Board moved unanimously to defer this until September 26, 2023.

Case: BOA- 1341023 Address: 81 Woodlawn Street Ward 11 Applicant: Highline Development

Article(s): Article 55, Section 9 Lot Area Insufficient Article 55, Section 9 Lot Width Insufficient Article 55, Section 9 Lot Frontage Insufficient Article 55, Section 9 Floor Area Ratio Excessive

Purpose: New erection of a 3-family building on an empty lot per plans. to include 3 car indoor parking.

Discussion/ Votes: The Board moved unanimously to defer this proposal until September 26, 2023.

HEARINGS:11:00AM

Case: BOA-1444270 Address: 27 Shepard Street Ward 22 Applicant: Anthony King

Article(s): Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 8 Use: Forbidden - MFR in a 2F 5000 (A) Article 51, Section 9 Side Yard Insufficient Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 9 Add'l Lot Area Insufficient - Per Dwelling unit.

Purpose: New construction of a six (6) unit residential dwelling with (7) parking spots on the ground.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to construct a new 3 story multifamily dwelling with 6 units and 7 off street parking spaces.

Board members asked about plans, paving, parking, landscaping, curb cut, structure

Documents/Exhibits: Building Plans.

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

Votes: Board Member Whewell moved to approve the proposal with BPDA design review, no B.C relief, and redesign the floor plan. It was seconded by Shepard and approved 6-1.



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Case: BOA-1473928 Address: 4-6 Alcott Street Ward 22 Applicant: Imtiyaz Hussein

Article(s): Article 51 Section 9 Lot Area for Additional Dwelling Unit Insufficient Article 51 Section 9 Usable Open Space Insufficient Article 51 Section 9 Side Yard Insufficient Article 51 Section 9 Rear Yard Insufficient Article 51, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 51 Section 9 Location of the Main Entrance to a Dwelling shall face the Front Lot Line

Purpose: Seeking to change the occupancy of the existing structure from a two family dwelling to a three family dwelling. Also, to rebuild rear decks and erect a new egress stair. Sprinkler system to be installed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 2 family to a 3 family dwelling with new egress stairs. Open space and 2 off street parking spaces.

Board members asked about plans, paving

Documents/Exhibits: Building Plans.

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

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

Case: BOA-1468247 Address: 277-279 Roslindale Avenue Ward 20 Applicant: Jose de La Rosa

Article(s): Article 67, Section 8.2 Use Regs: Basement Units Art. 67 Sec. 9.4 Location of Main Entrance - Entry to basement unit shall face the front lot line Article 67, Section 9 Lot Area Insufficient - Min. required: 8,000 sqft Proposed: 4,950 sqft Article 67, Section 9 Usable Open Space Insufficient - Min. required: 5,250 sqft Article 67, Section 9 Floor Area Ratio Excessive - Max allowed: 0.5 Proposed: 0.8 Art. 67 Sec. 08 Three family dwelling unit use is a forbidden use. Art. 67 Sec. 30 Off street parking screening & buffering - 2 off street parking spaces required

Purpose: Change of occupancy from two family to three family, relocate rear mechanical room add bulkhead door and egress window for additional bedroom, basement is existing finish space. Sprinkler system to be installed.

Discussion/ Votes: The Board moved unanimously to defer this proposal as requested by the applicant.

Case: BOA-1461525 Address: 48 Torrey Street Ward 17 Applicant: Edward Gaeta

Article(s): Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Rear Yard Insufficient Art. 65 Sec. 08 Forbidden - MFR In a 3F 6000 Article 65, Section 41 Off Street Parking & Loading Req

Purpose: The proposed project will require the demolition and removal of the three existing garage structures. The proposal is a new (14) unit 3 levels of multi-family housing over 1 level of off-street open-air parking, lobby, and utilities. Demolition permit will be applied for separately. Also see the associated ALT1439850.

Discussion/ Votes: The Board moved unanimously to defer this proposal as requested by the applicant.



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Case: BOA-1412139 Address: 25 Colebrook Street Ward 7 Applicant: Chris Drew

Article(s): Article 68, Section 8 Lot Area Insufficient Article 68, Section 8 Rear Yard Insufficient
Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Usable
Open Space Insufficient Article 68, Section 8 Floor Area Ratio Excessive

Purpose: To erect a 3 story addition on top of the existing lower level basement for an at grade garage and single family dwelling above as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new three-story addition which will be located on an existing single family dwelling.

Board members asked about plans,

Documents/Exhibits: Building Plans.

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

Votes: This proposal was unanimously denied without prejudice.

Case: BOA-1408665 Address: 16 Piedmont Street Ward 5 Applicant: Bennie Ber

Article(s): Article 63, Section 20 Roof Structure Restrictions - Roof Structure Restrictions Article 63, Section 8 Floor
Area Ratio Excessive Article 63, Section 8 Regulations Rear Yard Insufficient

Purpose: Construct a 3rd story addition onto building; Construct a new Roof Deck; Alter floor layouts per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to build a 3rd story addition onto a building with a new roof deck by extending the height.

Board members asked about plans, violations, setback, and parking.

Documents/Exhibits: Building Plans.

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

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



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Case: BOA- 1480704 Address: 540 Commonwealth Avenue Ward 5 Applicant: The Shubert Foundation Inc.

Article(s): Art. 08 Sec.07 Use: Conditional

Purpose: Tenant Fit up of a new Starbucks Coffee Shop going in space formerly "Qdoba Mexican Grill". We anticipate needing BOA relief for a 36A restaurant with takeout use.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to have a Starbucks replace the a space previously used as a restaurant.

Board members asked about plans, access

Documents/Exhibits: Building Plans.

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

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

RE-DISCUSSIONS :11:30 AM

Case: BOA- 1399546 Address: 45 Winthrop Street Ward: 12 Applicant: Steve Desmangles

Article(s): Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient

Article 50 , Section 43 Off Street Parking & Loading Req

Purpose: Relocate existing curb cut.

Reason for Prior Deferral: The board moved for a deferral.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to relocate the existing curb cut. The current one is existing and needs repair.

Board members asked about plans, existing condition

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter and Councilor Ruthzee spoke in support. BTDA, and BPDA, and abutters spoke in opposition.

Votes: Board Member Shepard moved to deny the proposal. It was seconded by Stembridge and the motion carried unanimously.



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Case: BOA-1269163 Address: 734-742 Dudley Street Ward 7 Applicant: Vargas DaSilveira-ARTICLE 80
Article(s): Article 65 Section 16 FAR. Max. allowed: 1 Existing: 3.9 Proposed: 4.7 Article 65 Section 16 Building height: Max. allowed: 40' Existing: 48' Proposed: 57' Article 65 Section 16 Open space insufficient. Required: 50 x 25 = 1,250 sqft Article 65 Section 16 Rear yard. Min required: 20' Existing: 0.5' Proposed: 1 additional story at 0.5' Art. 55 Sec. 65 41 Off Street parking insufficient - Spaces required: 25 x 1.5= 37.5 Existing: 10' Proposed: any new space Art. 65 Sec. 43 Ext. of non conforming use Article 65, Section 32 NDOD Review Required

Purpose : Add sixth floor with additional 5 units permit no Ert 580730 8 1 19 also known as 734 742 Dudley street as per plan (board of appeal) Change occupancy from 20 units and 3 stores with 36a take out to 25 units and 3 stores with 36A take out.

Reason for Prior Deferral: The board moved for a deferral.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new 6th floor additional to allow for 5 additional units. The occupancy will change from 20 units to 25 units and 3 stores w takeout.

Board members asked about plans,

Documents/Exhibits: Building Plans.

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

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

Case: BOA-1461276 Address: 34 Vinton Street Ward 7 Applicant: AKG Realty LLC: Manger Theodore I. Goldberg

Article(s): Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Bldg Height Excessive (Feet) - Allowed 40ft. Proposed 43ft. Article 68. Section 8.4 Dim Regs: Extension in Rear Yard - Residential use by (1,000) or more square feet. Art.68 Sec. 33 Off Street Loading Req. - Art. 68 33.5 Parking space designed.

Purpose: An addition to an existing 3 family building to expand the existing residential units and include accessory garage space in the ground level (3 parking spaces).

Reason for Prior Deferral: The applicant was granted an administrative deferral due to a five member board.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add an addition to an existing 3 family dwelling with expanding for 3 ground level spaces.

Board members asked about plans,

Documents/Exhibits: Building Plans.

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

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



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Case: BOA-1459061 Address: 74 Horace Street Ward 1 Applicant: Hao Quann & Jason Krupp

Article(s): Article 27T – 5 East Boston IPOD Applicability Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Insufficient off-street parking. 9 required, 6 provided. Art. 53 Sec. 08 Forbidden - MFR is forbidden in a 2F 2000 Sub district Article 53 Section 56.5.a Parking maneuverability Some of the provided parking has insufficient maneuverability.

Purpose: Raze existing building (on separate permit) and erect a six (6) unit residential dwelling with six (6) parking spaces

Reason for Prior Deferral: The applicant requested a deferral to follow modifications outlined by the BPDA.

Discussion/ Votes: The Board moved unanimously to defer this proposal until September 26, 2023.

Case: BOA-1285218 Address: 94 Morris Street Ward 1 Applicant: Rafael Galdamez

Article(s): Art. 32 Sec. 32 4Groundwater Conservation Overlay District, Applicability Art. 27G E Boston IPOD Art. 53 Sec. 08Forbidden -Multifamily use Art. 53 Sec. 56^Off street parking insufficient - Required: 6 spaces. Provided: 0 Article 53, Section 57.2Conformity Ex Bldg Alignment - modal not provided to verify compliance Article 53, Section 9 Lot Area Insufficient Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9Usable Open Space Insufficient Article 53, Section 9Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose: Erect a four (4) unit residential dwelling with roof deck.

Reason for Prior Deferral: The applicant requested an administrative deferral and it was granted

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail

Documents/Exhibits: Building Plans.

Votes: Board Member Hansy moved to approve the proposal. It was seconded and carried unanimously.

Case: BOA#1285217 Address: 94 Morris Street Ward 1 Applicant: Rafael Galdamez

Purpose: Erect a four (4) unit residential dwelling with roof deck.

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

Reason for Prior Deferral: The applicant requested an administrative deferral and it was granted

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to include roof access by hatch and add a four story building with no living space in the basement.

Documents/Exhibits: Building Plans.

Votes: Board Member Valencia moved to approve the proposal with BPDA design review and GCOD relief. It was seconded and carried unanimously.



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Case: BOA-1463031 Address: 171 Brooks Street Ward 1 Applicant: Gabriel Trisca

Article(s): Art. 27G E Boston IPOD Article 53, Section 9 Rear Yard Insufficient Article 53, Section 52Roof Structure Restrictions

Purpose : New roof Deck 3rd floor: Build new roof deck as per plans , 2x10 PT, composite decking and rails, approximate dimension 12'x18' (Deck for Unit #3 only).

Reason for Prior Deferral: The applicant requested a deferral to complete the community process.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to build a new roof deck on an existing 3rd floor.

Board members asked about plans,

Documents/Exhibits: Building Plans.

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

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

HEARINGS: 1:00PM

Case: BOA- 1242680 Address: 171 Corey Road Ward 21 Applicant: Cameron Merrill

Article(s): Article 51 Section 16Use Regulations - Multi family dwelling unit use is a conditional use Article 51 Section 17 Dimensional Regulations - Floor area ratio requirements is excessive Article 51 Section 17Dimensional Regulations - Height requirement is excessive Article 51 Section 17Dimensional Regulations - Usable open space requirements is insufficient Art. 51 Sec. 23^Off street parking requirement -Off street parking requirements is insufficient

Purpose: Demolition of Existing garage/studio and erection of a 5 story mixed use building with 9 residential units and two ground floor commercial and/or other educational (eg. Gallery) spaces.

Discussion/ Votes: The Board moved unanimously to defer this proposal until October 17, 2023.



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Case: BOA-1490218 Address: 496-500 Talbot Avenue Ward 16 Applicant: Thomas Rooney-ARTICLE 80

Article(s): Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Add'l Lot Area Insufficient Article

65, Section 41 Off Street Parking & Loading Req - Off street parking is insufficient

Purpose: Change of occupancy from 40 to 42 residential units with commercial units unchanged. Please reference ERT #954971 and ZBA Approval/Decision #963960. Building envelope and elevations unchanged. Existing square footage on 4th floor being re configured to create units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 40 to a 42 unit dwelling. No changes to be made. Only internal reconfiguration needed.

Board members asked about plans,

Documents/Exhibits: Building Plans.

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

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

Case: BOA-1455486 Address: 285 Washington Street Ward 14 Applicant: Stephane Goncalves Rodrigues

Article(s): Art. 65 Sec. 08Forbidden - You will need relief from BOA. Restaurant/Coffee shop takeout use forbidden in 3F 5000

Purpose: Convert storage area in existing convenience store into a coffee serving area. Please see plans for details.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to convert a storage area in a convenience store into 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. Councilors Worrell and Flaherty are in support.

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



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Case: BOA-1487838 Address: 509 East Fifth Street Ward 6 Applicant: George Morancy

Article(s): Article 68, Section 33 Off Street Parking & Loading Req

Purpose: Amend ERT885769/ALT886824 with BOA897172 to change ground floor plan only from parking for 4 vehicles to bicycle and building storage. New zoning violation for insufficient off street parking. All cost of work reflected on application ERT885769.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to amend the application to change the ground floor for parking for 4 vehicles and bicycles and building storage.

Board members asked about plans, violations, setback, and parking.

Documents/Exhibits: Building Plans.

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

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

Case: BOA-1489026 Address: 24 Dry Dock Avenue Ward 6 Applicant: John Pulgini-ARTICLE 80

Article(s): Article 6, Section 3AAdd'l Cond in Restricted Parking District Art. 08 Sec.07 Use: Conditional - Trade/Professional School Conditional Art. 15 Section 1 Floor Area Ratio Excessive Article 20, Section 8Rear Yd of Certain Shallow Lot Art. 21, Section 1 Setback of Parapet Insufficient Art. 24 Section 1 Off Street Loading Insufficient Art. 25 Sec. 5 Flood Hazard Districts Article 25A Section4 CFROD Applicability

Purpose: New Construction of an 8 story + Mechanical Penthouse steel framed core and shell building for following uses: Marine industrial use; life sciences/research and development (#48) with industrial uses (#68/69), offices (#41). Ground Trade/Professional School (#18), Ground Restaurant/Lunch Counter/Take Out (#36A/37), & Ground BSR Office (#39); below grade Parking garage included. Total approximate square footage of 280,000 sf includes above grade general industrial, marine industrial and supportive uses as well as 1 level of below grade parking containing up to 70 on site parking spaces. LPR Separate demo/short form permit to be filed for existing building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 8 story building with below grade parking. Office, school, and restaurant space.

Board members asked about plans, community benefits, developers, tenants

Documents/Exhibits: Building Plans.

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

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



City of Boston
Board of Appeal

Case: BOA-1386283 Address: 24 Geneva Street Ward 1 Applicant: Nicola Diberto

Article(s): Art. 32 Sec. 04 GCOD Applicability Article 27T 5East Boston IPOD Applicability - Erect a building have GFA greater 1000SF Article 53, Section 9Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Lot Frontage Insufficient Article 53, Section 9 Lot Width Insufficient Article 53, Section 9 Add'l Lot Area Insufficient Art. 53, Section 56 Off Street Parking Insufficient

Purpose: Erect a five (5) story six (6) unit residential dwelling with parking for four (4) vehicles.

Discussion/ Votes: The Board moved unanimously to defer this proposal until October 17th, 2023.

OPEN SESSION: 1:00PM

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

BOARD MEMBERS:
SHERRY DONG-CHAIR
NORMAN STEMBRIDGE-SECRETARY
HANSY BETTER BARRAZA
RAHEEM SHEPARD
ALAN LANGHAM
KATIE WHEWELL

SUBSTITUTE MEMBERS:

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 August 8, 2023 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.