



City of Boston
Board of Appeal

Tuesday, September 26, 2023

BOARD OF APPEAL

City Hall Room 801

HEARING AGENDA

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 SEPTEMBER 26, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS SEPTEMBER 26, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE SEPTEMBER 26, 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/September26Comment> sign up. Please provide your name, address,



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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/September26Comment>, 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.



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MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.



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EXTENSIONS: 9:30AM

Case: BOA-1228408 Address: 69 Readville Street Ward 18 Applicant: Terry O' Reilly

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until October 11, 2024.

Case: BOA-1228404 Address: 71 Readville Street Ward 18 Applicant: Terry O' Reilly

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until October 11, 2024.

Case: BOA- 948370 Address: 768-772 Tremont Street Ward 9 Applicant: George Morancy, Esq

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until September 26, 2024.

Case: BOA-1035621 Address: 3 Robinson Street Ward 15 Applicant: Joao Gomes

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until October 17, 2024.'

Case: BOA- 874954 Address: 303-305 Bennington Street Ward 1 Applicant: Jeffery Drago, Esq

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until October 17, 2024.

Case: BOA-992109 Address: 24 Rand Street Ward 13 Applicant: Kenneth Daddabbo, Sr.

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

Case: BOA-992105 Address: 28 Rand Street Ward 13 Applicant: Kenneth Daddabbo, Sr.

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until September 26, 2024.

Case: BOA-985935 Address: 705 VFW Parkway Ward 20 Applicant: Loutfi Nassif

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until March 13, 2024.

Case: BOA-609358 Address: 6-8 Parsons Street Ward 22 Applicant: Marc LaCasse, Esq

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until October 17, 2024.

Case: BOA-609355 Address: 10 Parsons Street Ward 22 Applicant: Marc LaCasse, Esq



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Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until October 17, 2024.

BOARD FINAL ARBITER: 9:30AM

Case: BOA-1358847 **Address:** 2 Waumbek Street Ward 12 **Applicant:** Hezekiah Pratt, AIA

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

Votes: Upon a motion and a second, the Board voted unanimously to grant the relief requested.

GCOD & BUILDING CODE: 9:30AM

Case: BOA-1518865 **Address:** 389 Marlborough Street Ward 5 **Applicant:** Robert Mellowes & Paladino

Articles (s): Article 32, Section 4.GCOD, Applicability

Purpose: Change of occupancy from two family to one family. Complete interior renovations with the addition of a roof deck ; access through hatch.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform a complete renovation to an existing dwelling.

Board members asked about the plans Ground Water Trust and BWSC Approval

Documents/Exhibits: Building Plans, BWSC and No Harm Letter, .

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

Votes: Upon a motion and a second, the Board voted unanimously to grant the relief requested.

Case: BOA#1518866 **Address:** 389 Marlborough Street Ward 5 **Applicant:** Robert Mellowes & Paladino

Purpose: Change of occupancy from two family to one family. Complete interior renovations with the addition of a roof deck ; access through hatch.

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. [Four story building with occupied roof provided with hatch]

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform a complete renovation to an existing dwelling.

Board members asked about the plans Ground Water Trust and BWSC Approval

Documents/Exhibits: Building Plans, BWSC and No Harm Letter, .

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

Votes: Upon a motion and a second, the Board voted unanimously to grant the relief requested.



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HEARINGS: 9:30AM

Case: BOA- 1514330 Address: 21 Holton Street Ward 22 Applicant: Peninsula Capital Group

Articles (s): Article 51, Section 8 Use: Forbidden - Multifamily

Purpose : Change of occupancy from 3 to 5 units. Renovate the existing dwelling and erect two three story additions for a total of five units and nine parking spaces.

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 unit to a 5 unit condo. To also erect a three story addition to the rear of the existing dwelling and include 9 off street parking spaces.

Board members asked about the plans

Documents/Exhibits: Building Plans

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

Votes: Board member Barraza moved to approve with permeable pavers, 5 parking spaces, replace trees that are taken down, and BPDA design review with attention to open space. Pined seconded and the motion carried unanimously.

Case: BOA- 1489609 Address: 821 Cummins Highway Ward 18 Applicant: Cesar DaSilva

Articles (s): Art. 09 Sec. 01 Extension of Non Conforming Use - Nonconforming Use increase <25%-Conditional

Art. 60 Sec. 09 Floor Area Ratio excessive Art. 60 Sec. 09 Insufficient side yard setback Art. 60, Sec.09

Insufficient rear yard setback Art. 60, Sec.09 Insufficient front yard setback on a corner lot (two front yards/modal)

Purpose : Rear addition and interior renovation.

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

Board members asked about the plans

Documents/Exhibits: Building Plans

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

Votes: upon a motion and a second, the Board moved to deny without prejudice.



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Case: BOA-1494349 Address: 2 Dexter Row Ward 2 Applicant: Vincent Santaniello
Articles (s): Art. 62 Sec. 19 Neighborhood Design Overlay Districts Art.62, Sec.08 Floor Area Ratio Excessive
Purpose : 2 Dexter Row is located in an overlay district in the neighborhood shopping sub district. this zoning triggers an automatic Board Of Appeals application for any projects. The project is an existing 4 story residence, to be renovated with a three story addition on the back.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate the existing dwelling by including an addition to the rear of the dwelling.

Board members asked about the plans

Documents/Exhibits: Building Plans

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

Votes: Board member Barraza moved to approve with BPDA design review and BTD review. The motion was seconded and carried unanimously.

Case: BOA-1507818 Address: 120 Saint Andrew Road Ward 1 Applicant: Cesar DaSilva
Articles (s): Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height (# of Stories) Excessive Article 53 Section 9 Rear Yard Insufficient Article 10, Section 1 Limitation of Area - Limitation of Area of Accessory Use (Off Street Parking located in Side Yard is required to be 5' 0" from abutting Property Line) Article 27T 5 East Boston IPOD Applicability - East Boston Interim Planning Overlay District Applicability
Purpose: Change of Occupancy from a One Family Dwelling to a Two Family Dwelling. Construct a 2 story addition and extension onto the existing House. Renovation of Basement to create additional living space. New kitchens, new bathrooms as per attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy of the existing dwelling from a 1 family to a 2 dwelling. Interior renovations and off street parking included.

Board members asked about the plans

Documents/Exhibits: Building Plans

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

Votes: Board member Barraza moved to approve with the provisos that they work within the existing curb cut and with BPDA design review. The motion was seconded and carried unanimously.



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HEARINGS: 11:00AM

Case: BOA-1501918 Address: 40-42 Fowler Street Ward 14 Applicant: Marc LaCasse, Esq

Articles (s): Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Add'l Lot Area Insufficient
Art. 60 Sec. 40 Off street parking insufficient

Purpose : Change occupancy from 2F to 3F and interior renovations to confirm prior use as 3F [as taxed by Assessor since 1985]; add sprinkler system; add closets and minor interior changes as shown on plans; no change to building footprint or envelope.

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

Board members asked about the plans and the proposal

Documents/Exhibits: Building Plans

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

Votes: Board member Barazza moved to approve the appeal. Pinado seconded and the motion carried unanimously.

Case: BOA-1513689 Address: 135 William T Morrissey Blvd Ward 13 Applicant: BCP BEAT Property LLC

Articles (s): Article 65, Section 15 Use: Conditional - Adult Education Center Article 65, Section 15 Use: Conditional - Trade School Article 65, Section 15 Use: Conditional - Professional School

Purpose: To allow BCP Beat Property LLC to change the occupancy to include, in addition to the existing uses, the following uses: Adult Education Center, Professional School, and Trade School.
(Interior Fit out of shell space for new Classroom & Teaching Lab located on the First Floor)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy of the existing center to allow for adult education uses.

Board members asked about the plans

Documents/Exhibits: Building Plans

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

Votes: Upon a motion and a second the Board moved to approve this appeal unanimously.

Case: BOA-1514976 Address: 26 Montrose Street Ward 12 Applicant: Begekadu Defar

Articles (s): Article 50, Section 29 Side Yard Insufficient - Right side Required 10 ft. Proposed 5 ft. Article 50, Section 29 Floor Area Ratio Excessive - Allowed .8 FAR. Proposed 2.0 (Showed Zoning Analysis) Art. 50 Sec. 43 Off street parking insufficient - Required 1.0 Per/Unit. Proposed none

Purpose: Change occupancy from 2 family to 3 family. Demo existing third floor and add new roof gable/dormers to create three bedrooms, kitchen, bathroom, and living room for Unit # 3.



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Discussion/Vote: Upon a motion and a second, the Board moved to defer until November 14, 2023.

Case: BOA- 1476876 Address: 246 Havre Street Ward 1 Applicant: Two M Realty Trust

Articles (s): Art. 25 Sec. 5 Flood Hazard Districts Art. 53, Section 56 Off-Street Parking Insufficient Art. 53, Section 8 Use: Forbidden - MFR - Forbidden Article 27T – 5 East Boston IPOD Applicability Article 32, Section 4. GCOD, Applicability Article 53, Section 57.2 Conformity Ex Bldg Alignment - Entry & Decks 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 9 Usable Open Space Insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose : Erect a four (4) story building containing nine (9) residential units with eight (8) parking spaces. Building features front and rear decks, and ground level garage.

Discussion/Vote: At the request of the applicant the Board voted to defer the hearing until October 31, 2023.

Case: BOA#1476878 Address: 246 Havre Street Ward 1 Applicant: Two M Realty Trust

Purpose: Erect a four (4) story building containing nine (9) residential units with eight (8) parking spaces. Building features front and rear decks, and ground level garage.

Violation: Description: Violation Comments: 9th 780 CMR 1011 Stairways 1011.12 Stairway to roof. In buildings four or more stories above grade plane, one stairway shall extend to the roof surface unless the roof has a slope steeper than four units vertical in 12 units horizontal (33-percent slope). Exception: Other than where required by Section 1011.12.1, in buildings without an occupied roof access to the roof from the top story shall be permitted to be by an alternating tread device, a ships ladder or a permanent ladder. [Four story building with flat roof, unoccupied, not provided with common stairway to roof.] 9th 780 CMR 1011 Exterior Walls 705.8.1 Allowable area of openings. The maximum area of unprotected and protected openings permitted in an exterior wall percentages in any story of a building shall not exceed the specified in Table 705.8. [Exceeds 15% at 3.25' setback] 9th 780CMR 1006.3 Egress from stories 1006.3.1 Egress based on occupant load or occupied roofs

Discussion/Vote: At the request of the applicant the Board voted to defer the hearing until October 31, 2023.

RECOMMENDATIONS: 11:30 AM

(The Zoning Advisory Subcommittee held hearings for the following cases September 21, 2023. Board Secretary Norm Stembridge reported the Subcommittee's recommendations from these hearings to the Board.)

Case: BOA-1497572 Address: 65 High Street, Ward: 2 Applicant: Joseph Holland

Article(s): Article 62, Section 25 Roof Structure Restrictions

Purpose: Removal of existing 1 story rear addition, erection of new 2 story addition, extension of living space to basement, new 1st story rear deck, and new 2nd story deck (above addition). Extending electrical and HVAC systems into new addition. Replacement of windows throughout.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to BPDA Design Review.

Case: BOA-1466435 Address: 889 Dorchester Avenue, Ward: 7 Applicant: Zhuoming Li

Article(s): Art.65 Sec.05 Conditional - Take out in MFR/LS is conditional

Purpose: Request for removal of a proviso for takeout.



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Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Case: BOA-1491061 Address:10 East Cottage Street, Ward: 8 Applicant: Glenn Knowles

Article(s): Article 50 Section 26 Establish of Res. Subdistricts Accessory Use Conditional
Art. 10 Sec. 01 Limitation of parking areas 5' Side yard buffer requirement

Purpose: New curb cut for a two-car driveway. Clarification: Proposed parking for two parking spaces, to include, new curb cut and a fence with gate

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Case: BOA-1468501 Address:55 Monadnock Street, Ward: 13 Applicant: Eugene Barros

Article(s): Article 65, Section 9 Lot Area Insufficient Art. 65 Sec. 65 8 Floor Area Ratio excessive
Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Usable Open Space Insufficient

Purpose: Proposed to construct an addition to an existing single unit of a duplex and convert into a 2 family (as per plans). Relocate the existing curb cut entrance for the off-street parking.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to BPDA Design Review.

Case: BOA-1483184 Address: 80 Pleasant Street, Ward:13 Applicant: Cynthia Le

Article(s): Article 9 Section 1 Extension of Nonconforming Use - Extension of a Nonconforming Use. Accessory Parking is for an existing Three Family Dwelling in a Two-Family Residential Zoning District (2F 5000)

Purpose: Off Street Parking for 4 cars.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Case: BOA-1484588 Address:47-49 Owencroft Road, Ward:17 Applicant: Kerrie Griffin

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

Purpose: Extension of living space into the attic.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Case: BOA-1428568 Address:84-100 River Street, Ward: 17 Applicant: Cameron Merrill

Article(s): Art.65 Sec.15 Use: Conditional - per article 6 3 Conditions required for approval

Purpose: Changing Occupancy from a Bank to a Nail Salon

Discussion/Vote: At the request of the applicant the Subcommittee voted to defer the hearing until November 9, 2023.



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Case: BOA-1502177 Address: 32R Augustus Avenue, Ward: 18 Applicant: Juliet Turner

Article(s): Article 67, Section 9 Bldg Height Excessive (Feet)

Purpose: Existing 2 car garage will be demolished. We will erect a new 24 x 26 two car garage with an open storage loft above. We will provide electrical and plumbing for a wash sink and two water spigots. (Demo permit SF1422859)

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to BPDA Design Review.

Case: BOA-1441910 Address: 25 Neillian Crescent, Ward: 19 Applicant: Ivan Hernandez

Article(s): Article 55, Section 9 Front Yard Insufficient Art. 88 Sec. 04 Design Review Req.

Purpose: Construct new vestibule in front of dwelling.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Case: BOA-1496409 Address: 38 Sycamore Street, Ward: 19 Applicant: Nicole Heerd & Jacob Peck

Article(s): Art. 67 Sec. 09 Open Space insufficient Art. 67 Sec. 09 Side Yard Insufficient Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Dimensional Regulations - Insufficient rear yard setback

Purpose: Confirm Occupancy as a single family. Construct a full height rear addition and porch. Scope includes a dormer, mudroom on the first floor, master suite on the second floor, and a full height rear porch in the back. Upgrading siding and adding an entry canopy (open to elements).

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to BPDA Design Review.

Case: BOA-1492359 Address: 25 Oriole Street, Ward: 20 Applicant: Emmett Geraghty

Article(s): Art. 10 Sec. 01 Limitation of parking areas - 5' Side yard buffer req. Art. 51 Sec. 56 Off St Parking Design – Location Art. 56 Sec. 07 Use regulations applicable in residential sub districts - Accessory parking for a non-conforming two family home conditional Art. 56, Section 8 Insufficient usable open space

Purpose: Residential tandem parking permit trying to alleviate congested street parking as this is a cut through St. from Bellevue Hill, several driveways currently exist on this street.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to provisos.

Case: BOA-1492091 Address: 3 Ardmore Road, Ward: 20 Applicant: Daniel Moran

Article(s): Art. 10 Sec. 01 Limitation of parking areas - Parking less than 5ft from side lot line.

Purpose: Adding a driveway with 2 parking spaces on side of dwelling.



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Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to BPDA Design Review.

Case: BOA-1480464 Address: 44 Blenford Road, Ward: 21 Applicant: Amir D Youshaei

Article(s): Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Floor Area Ratio Excessive

Purpose: Confirm occupancy as a 2-family dwelling. Extension of living space from Unit 1 into basement as per plans. Correct violation

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to no building code relief.

Case: BOA-1448246 Address: 24 Common Street Ward: 2 Applicant: Kimmerly Perry

Articles (s): Article 62, Section 8 Front Yard Insufficient Art. 62 Sec. 19 Neighborhood Design Overlay Districts

Purpose: Parking spot for residential owner use.

Discussion/Vote: At the request of the applicant the Subcommittee voted to defer the hearing until November 14, 2023.

Case: BOA-1033851 Address: 35 Rockwood Street Ward: 19 Applicant: David Click

Articles (s): Article 55, Section 9 Rear Yard Insufficient

Purpose: Renovate and upgrade existing railing and deck boards to composite and PVC railing system. Existing conventional P.T. wood deck framing structures and footings to remain unless damaged or rotten; remove and replace

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

RE-DISCUSSIONS: 11:30 AM

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

Articles (s): Art.65 Sec. 8 Use: Forbidden - MFR in 3F Forbidden Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Side Yard Insufficient – Balconies Art. 65 Sec. 41 Off street parking requirements Article 65, Sec 65 41 Off Street Loading Req. Article 65, Section 42.2 Conformity w Ex Bldg Alignment

Purpose:The proposed project will require the demolition and removal of the three existing garage structures. The proposal is a new (14) unit, 4 story, 3 levels of multi family housing over 1level of off street open air parking, lobby, and utilities. see also the associated alt1439850. demolition permit for existing building will be applied for separately.

Case: BOA- 1443137 Address: 43-45 Stanton Street Ward 17 Applicant: Marc LaCasse, Esq

Article(s): Art. 55 Sec. 65 41 Off Street parking insufficient - Parking spaces required: 21 Proposed: 191 accessible parking required, see building code refusal letter. Art. 65 Sec. 08 Forbidden - Multifamily use Art. 65 Sec. 41 Off St. Loading Req'mnts - 1 loading bay required Article 65, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.4 Proposed: 1.2 Article 65, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 2.5 Proposed: 4 Article 65, Section



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9 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: 45' 2" Article 65, Section 9 Rear Yard Insufficient - Min. required: 30' Proposed: 13.1'

Purpose: Change of occupancy from convent to multifamily with 14 dwelling units with 19 parking spaces; renovate existing structure and add new 4 story addition at rear of existing building; demolish one story garage at rear of property (Short Form #); new systems and add sprinkler system.

Discussion/Vote: At the request of the applicant the Board voted to defer the hearing until November 14, 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/Vote: At the request of the applicant the Board voted to defer the hearing until November 9, 2023.

Case: BOA-1309386 Address: 75 Maywood Street Ward 12 Applicant: Fred Manigat

Article(s): Violation Description Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Art. 50 Sec. 18 Roof Structure and Building Height Restrictions

Purpose: Proposal to erect 6 condo units with 6 parking spaces.

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

Discussion/Vote: At the request of the applicant the Board voted to defer the hearing until November 28, 2023.

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

Articles (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 Article 55, Section 9 Side Yard Insufficient

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

Discussion/Vote: At the request of the applicant the Board voted to defer the hearing until July 11, 2023.

Case: BOA- 1513036 Address: 25 Colebrook Street Ward 7 Applicant: James Christopher

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 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 3 story addition on existing garage structure. The foundation is existing.

Board members asked about the plans

Documents/Exhibits: Building Plans



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

Votes: Upon a motion and a second, the Board moved to approve with BPDA design review.

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/Vote: At the request of the applicant the Board voted to defer the hearing until November 28, 2023.

HEARINGS: 1:00PM

Case: BOA-1463517 Address: 32-34 Larch Street Ward 22 Applicant: Edward Tirone

Articles (s): Art. 09 Sec. 01 Extension of Non Conforming Use Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Floor Area Ratio Excessive

Purpose: Renovation of second floor kitchen and 2 bathrooms, 1 bathroom on second floor and 1 bathroom in third floor finished room to install 12 foot dormer for bathroom.

Discussion/Vote: At the request of the applicant the Board moved unanimously to defer this appeal until November 14, 2023.

Case: BOA- 1477631 Address: 175-175B School Street Ward 11 Applicant: Gary Martell

Articles (s): Article 55, Section 9 Lot Frontage Insufficient - 3 Town Houses

Purpose: Erect new 3 story, 3 unit town house building with garages at grade, as per attached plans. Demolish existing single family dwelling on separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 story 3 unit dwelling with an interior garage for off-street parking.

Board members asked about the plans

Documents/Exhibits: Building Plans



City of Boston
Board of Appeal

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

Votes: Board member Barraza moved to approve with BPDA design review with attention to reducing any impacts to the neighboring property to the south. The motion was seconded and was approved unanimously.

Case: BOA-1486207 Address: 28 Clifton Street Ward 8 Applicant: Joao DaSilva

Articles (s): Article 50, Section 44.3 Traffic Visibility Across Corner - Traffic visibility across corner lot.
Article 50, Section 44.2 Conformity Ex Bldg Alignment - Conformity existing building alignment. Article 50, Section 44.13 Two or More Dwellings on Same Lot - 2 building attached on the same lot. Article 50, Section 41 Screening and Buffering Req - Screen and buffering. Art. 50 Sec. 43 Off street parking insufficient - Off street parking insufficient.
Article 50, Section 29 Add'l Lot Area Insufficient - Add'l lot area insufficient. Article 50, Section 29 Floor Area Ratio Excessive - FAR Excessive. Art. 50 Sec. 29 Rear yard insufficient. Art. 50 Sec. 29 Side yard insufficient. Art. 50 Sec. 29 Usable open space insufficient. Art. 50 Sec. 29 Front yard insufficient. Article 50 Section 29 Dimensional Regulations - Location of Main Entrance shall face to the front lot line.

Purpose: Erect 3 family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect 6 residential units on a corner lot with 4 off street parking spaces.

Board members asked about the plans

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. State Senator Miranda, and Councilor TFA are in support.

Votes: Upon a motion and a second, the Board voted to approve with BPDA design review.

Case: BOA-1501503 Address: 30 Clifton Street Ward 8 Applicant: Joao DaSilva

Articles (s): Article 50, Section 44.2 Conformity Ex Bldg Alignment - Conformity existing building alignment
Article 50, Section 44.13 Two or More Dwellings on Same Lot- 2 building attached on the same lot Art. 50 Sec. 29 Rear yard Insufficient Art. 50 Sec. 29 Side yard insufficient Art. 50 Sec. 29 Usable open space insufficient Art. 50 Sec. 29 Dimensional Requirements - Off street parking insufficient Art. 50 Sec. 29 Dimensional Requirements - Location of Main Entrance shall face to the front lot line. Art. 50 Sec. 29 Add'l lot area insufficient Art. 50, Sec.29 Floor Area Ratio Excessive - FAR Excessive

Purpose: Erect 3 family dwelling

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect 6 residential units on a corner lot with 4 off street parking spaces.



City of Boston
Board of Appeal
Board members asked about the plans

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. State Senator Miranda, and Councilor TFA are in support.

Votes: Upon a motion and a second, the Board voted to approve with BPDA design review.

INTERPRETATION: 1:00PM

Case: BOA-1485550 Address: 60 Oakridge Street Ward 17 Applicant: Derick Joyner

Purpose : The petitioner seeks a determination that the Inspectional Services Department erred in issuing a stop work order for the permit at 60 Oakridge Street (ERT1319214). To erect a three family dwelling with three parking spaces in the rear.

Discussion/Vote: At the request of the applicant the Board voted to defer the hearing until October 17, 2023.

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

BOARD MEMBERS:
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For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to https://www.municode.com/library/ma/boston/codes/redevelopment_authority



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