



City of Boston
Board of Appeal

Tuesday, November 28, 2023

BOARD OF APPEAL

City Hall Room 801

HEARING MINUTES

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON NOVEMBER 28, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS NOVEMBER 28, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE NOVEMBER 28, 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/November28Comment> 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/November28Comment> 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



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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 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

AUGUST 8, 2023

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

EXTENSIONS: 9:30AM

Case: BOA-1182380 Address: 5 Glenburne Street Ward 12 Applicant: Matt Muller

Discussion/ Votes: Upon a motion and a second the Board granted an extension until October 28, 2024.

Case: BOA-1041086 Address: 24 Spalding Street Ward 11 Applicant: Jeffrey Drago, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until November 28, 2024.

Case: BOA-1024177 Address: 259 Quincy Street Ward 14 Applicant: Gideon Oknin

Discussion/ Votes: Upon a motion and a second the Board granted an extension until October 17, 2024.

Case: BOA-1071909 Address: 28 Monument Street Ward 2 Applicant: Gerald Adler

Discussion/ Votes: Upon a motion and a second the Board granted an extension until December 11, 2024.

Case: BOA-946259 Address: 30 Cumberland Street Ward 4 Applicant: Kevin Kelly

Discussion/ Votes: Upon a motion and a second the Board granted an extension until December 8, 2024.

BOARD FINAL ARBITER: 9:30AM

Case: BOA-881804 Address: 141-151 Condor Street Ward 1 Applicant: Jeffrey Drago, Esq

Discussion: The applicant is seeking reduce the parking from 35 to 27 spaces and 33 to 36 units.

The Board asked about the plans,

Votes: Board member Collins moved to approve. Stembridge seconded and the motion carried unanimously.



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HEARINGS: 9:30AM

Case: BOA-1533539 Address: 37 Dighton Street Ward 22 Applicant: DND Homes-ARTICLE 80

Article(s): Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 8 Use: Forbidden Article 51, Section 56 Off Street Parking & Loading Req

Purpose: To combine three parcels, raze existing structures, and erect a new residential building with 44 units and 28 parking spaces.

Discussion: The applicant is seeking to combine 3 parcels and raze the current. New building

The Board asked about the plans, landscape

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Breadon and the BAIA are in support.

Documents: Building plans,

Votes: Board member Collins moved to approve. Barraza seconded and the motion carried unanimously.

Case: BOA-1502246 Address: 372 Metropolitan Avenue Ward 18 Applicant: Alexander Lisek

Article(s): Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Usable Open Space Insufficient Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Lot Area Insufficient Article 67, Section 32 Off Street Parking Article 67, Section 33 Application of Dimensional Req Two or More Dwellings on Same Lot. Article 9, Section 2 Change in Non Conforming Use

Purpose: In conjunction with ALT1310016 for Two Dwellings on One Lot. No work proposed.

Discussion: The applicant is seeking to convert into a 1 family dwelling. There are 2 dwellings on 1 lot a new dwelling would be slightly smaller than the front home.

The Board asked about the plans, proposal, ADU

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

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

Case: BOA-1491034 Address: 372R Metropolitan Avenue Ward 18 Applicant: Alexander Lisek

Article(s): Article 67, Section 9 Lot Frontage Insufficient Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Usable Open Space Insufficient Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Lot Width Insufficient Article 67, Section 9 Lot Area Insufficient Article 67, Section 32 Off Street Parking Article 67 Section 33 Application of Dimensional Req - 67 33.13 Two or More Buildings on One Lot.

Purpose: Change of occupancy to convert garage/barn into a single-family house. Scope includes a 2-story addition. Also see ALT1473783.

Discussion: The applicant is seeking to convert into a 1 family dwelling. There are 2 dwellings on 1 lot a new dwelling would be slightly smaller than the front home.

The Board asked about the plans, proposal, ADU



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Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

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

Case: BOA-1513261 Address: 289 Ashmont Street Ward 16 Applicant: Carlos & Gayl Swaby

Article(s): Article 65, Section 9 Side Yard Insufficient Art. 55 Sec. 65 41 Off Street parking insufficient - Garage parking removed.

Purpose: The Crump Swaby family, owners of the single family home located at 289 Ashmont St, are proposing to extend their living area into an existing attached 1 car garage and erect a small rear addition and deck. The extended living area will have a kitchenette, bathroom, sleeping area, and small rear deck. Building to remain a single family.

Discussion: The applicant is seeking to add a small rear addition to make living more accessible. Occupancy will remain a 1 family.

The Board asked about the plans, proposal

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

Documents: Building plans,

Votes: Board member Collins moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA-1479078 Address: 841 Columbia Road Ward 13 Applicant: 843 Columbia Road, LLC

Article(s): Article 65, Section 9 Front yard insufficient Article 65, Section 9 Side yard insufficient Article 65, Section 9 Floor Area Ratio Excessive - FAR Excessive. Article 65, Section 9 Bldg Height Excessive (Stories) - Stories height excessive. Art.65 Sec. 8 Use: Forbidden - Multiple Family Forbidden Use. Article 65, Section 9 Lot Frontage Insufficient - Lot Frontage insufficient. Art. 65 Sec. 41 Off street parking requirements - Off street parking insufficient.

Purpose: "Seeking to combine parcel 1303314000 and parcel 1303313000 to create a 7,098 square foot lot to be known as 841 Columbia Road. Also, to erect a new building with 6 residential units and 6 parking spaces. Project will include one unit as affordable." (Need apply Alteration permit to combine lot separately).

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 23, 2024.

Case: BOA-1452363 Address: 18-20 Hartwell Street Ward 12 Applicant: Bacem Moussa

Article(s): Art. 50, Section 28 Use: Conditional - Owner is requesting a change of use from a Three family to Lodging for 18 People. The proposed use is conditional.

Purpose: To secure a Permit for a change of Occupancy from a 3 Family dwelling to a Lodging House for 18 persons and to perform all necessary work in the Plans. V585108

Discussion: The applicant is seeking to change the occupancy from a 3 family to a lodging house.

The Board asked about the plans, proposal

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,



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Votes: Board member Pinado moved to approve with no more than 16 bedrooms and no building code relief. Whewell seconded and the motion carried unanimously.

Case: BOA-1507043 Address: 688-688B Columbia Road Ward 7 Applicant: Mark Richardson

Article(s): Art. 65 Sec. 08 Forbidden - Multifamily use Article 65, Section 9 Bldg Height Excessive (Stories) - Extension of non conformity proposing decks, stairs and corridor on 3rd floor Article 65, Section 9 Front Yard Insufficient - Extension of non conformity proposing decks and stairs. Article 65, Section 9 Rear Yard Insufficient - Min. required: 30' Proposed: 22' Article 65, Section 9.2 Dim Regs: Location of Main Entrance - It shall face the front lot line. Art. 55 Sec. 65 41 Off Street parking insufficient - Required: 2.5 more parking spaces. Article 65, Section 9 Side Yard Insufficient - Proposing extension of corridor on 2nd and 3rd stories Article 65, Section 9 Floor Area Ratio Excessive - Proposing extension of corridor on 2nd and 3rd stories

Purpose: Convert 2 units into 4 units (2) 3 Bedrooms 2 bathrooms into (4) 2 bedrooms 1 bathroom.

Discussion: The applicant is seeking to change the occupancy from 2 to 4 units by not changing the footprint of the building envelope.

The Board asked about the plans, proposal,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

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

HEARINGS: 11:00AM

Case: BOA-1536404 Address: 21 Wallingford Road Ward 21 Applicant: Frank Williams

Article(s): Article 51, Section 9 Dimensional Regulations - Lot Area size insufficient.
Article 51, Section 9 Add'l Lot Area Insufficient - Add'l lot area insufficient. Article 51, Section 56 Off Street Parking Insufficient - Parking space insufficient.

Purpose: Changing Occupancy from a Two Family into a Three Family. The work Cost reflected on SF1412690.

Discussion: The applicant is seeking to change the occupancy from a 2 to a 3 family.

The Board asked about the plans, proposal

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

Votes: Board member Whewell moved to approve with BPDA design review and GCOD relief. Stembridge seconded and the motion carried unanimously.

Case: BOA-1520516 Address: 36 Ellison Avenue Ward 17 Applicant: Tim Roach

Article(s): Article 65, Section 9 Side Yard Insufficient - Requires 10' - Proposes 6.5'

Purpose: Confirm as one family. Demolish small rear porch. Add small 10' x 20' one story addition and deck. Open rear wall as per plan and install beam to carry load as per engineering drawings. Extend kitchen and convert existing two piece washroom to three piece bathroom in this space.

Discussion: The applicant is seeking to confirm the occupancy as a 1 family and add an extension on the deck.



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The Board asked about the plans, proposal

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

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

Case: BOA-1536060 Address: 310 Northern Avenue Ward 6 Applicant: MCP 310 Northern LLC an affiliate of Marcus Partners, Inc-ARTICLE 80

Article(s): Art. 06 Sec. 03A Additional Conditions in Restricted Parking District Art. 08 Sec. 07 Use: Forbidden
Art. 13 Sec. 13 1 Dimensional Regulations Art. 21, Section 1 Setback of Parapet Insufficient

Purpose: Erect a new 7 story approximately 441,622 square foot life sciences/research and development building with retail space and one level of underground parking. This will be one of two buildings on the same lot (see also permit application for 5 FID Kennedy Avenue).

Discussion: The applicant is seeking to erect a 7 story dwelling with ground retail.

The Board asked about the plans, proposal,

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

Documents: Building plans,

Votes: Board member Collins moved to approve. Barraza seconded and the motion carried unanimously.

Case: BOA-1536080 Address: 5 Fid Kennedy Avenue Ward 6 Applicant: MCP 310 Northern LLC an affiliate of Marcus Partners, Inc. -ARTICLE 80

Article(s): Art. 06 Sec. 03A Additional Conditions in Restricted Parking District Art. 08 Sec. 07 Use:
Forbidden

Art. 13 Sec. 13 1 Dimensional Regulations Art. 21, Section 1 Setback of Parapet Insufficient

Purpose: Erect a new 6 story, approximately 281,312 square foot life sciences/research and development building with retail space and one level of underground parking. This will be one of two buildings on the same lot (see permit application for 310 Northern Avenue).

Discussion: The applicant is seeking to erect a 7 story dwelling with ground retail.

The Board asked about the plans, proposal,

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

Documents: Building plans,

Votes: Board member Collins moved to approve. Barraza seconded and the motion carried unanimously.



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Case: BOA-1506316 Address: 1 Morton Place Ward 1 Applicant: Maria Carolina Taborda

Article(s): Art. 53, Section 9 Dimensional Regulations - Excessive f.a.r Article 53 Section 9 Dimensional Regulations - # of allowed stories has been exceeded Article 53, Section 52 Roof Structure Restrictions - Roof profile reconfiguration Article 27T 5 East Boston IPOD Applicability

Purpose: Finish work on two 10 x 13 dormer on attic.

Discussion: The applicant is seeking to replace dormers that were left open to the elements and in total disrepair.

The Board asked about the plans, proposal

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

Documents: Building plans,

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

Case: BOA-1535335 Address: 98 Bennington Street Ward 1 Applicant: 98-100 Bennington Street, LLC

Article(s): Art.53 Sec. 08 Use: Forbidden - Use Forbidden: Mutiple Family Art. 53 Sec. 09 Dimensional Regulations - Add'l Lot Area Insufficient. Art. 53 Sec. 09 Side Yard Insufficient. Art. 53 Sec. 52 Roof Structure Restrictions - Alteration change roof profile. Article 53, Section 9 Floor Area Ratio Excessive - FAR Excessive. Article 53, Section 9 Bldg Height Excessive (Feet) - Proposed 49' 9". Article 53, Section 9 Bldg Height Excessive (Stories) - Proposed 4 stories height. Art. 53 Sec. 56 Off St. Parking Requirements - Off street parking insufficient. Article 27T 5 East Boston IPOD Applicability - IPOD Overlays Art. 32 Sec. 04 GCOD Applicability

Purpose: Change occupancy from a three (3) to a four (4) unit residential dwelling by remodeling, erecting vertical addition with roof deck and new rear decks and extending living space of unit 1 into basement.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter.

Case: BOA#1535337 Address: 98 Bennington Street Ward 1 Applicant: 98-100 Bennington Street, LLC

Purpose: Change occupancy from a three (3) to a four (4) unit residential dwelling by remodeling, erecting vertical addition with roof deck and new rear decks and extending living space of unit 1 into basement.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways IBC Art.1011.12 Stairway to the roof, access to the roof shall be provided through a penthouse.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter.

Case: BOA-907493 Address: 1-5 Boardman Street Ward 1 Applicant: 2F7B Development, LLC-ARTICLE 80

Article(s): Article 27T - 5 East Boston IPOD Applicability Added variance (7.25.23) Article 53 Section 12 Dimensional Regulations Excessive - F.A.R. Article 53 Section 12 Excessive Height Article 53 Section 12 Insufficient rear yard setback Article 53 Section 12 Insufficient open space Article 53 Section 12 Insufficient side yard setback Article 53 Section 57 Application of Dimensional Req - Traffic visibility Across a Corner lot Article 53, Sec. 54 Screening & Buffering Req Article 53, Section 56 Off-Street Parking & Loading Req - Insufficient parking for the proposed uses Article 53, Section 56 Off-Street Parking & Loading Req Design- parking space size (Revised submission 7.25.23) Article 53, Section 56.5(a) Off Street Pkg Maneuverability Stackable/turn radius

Purpose: Combine lots with parcel id numbers 0101726000 and 01017727000 to create a new lot consisting of 9400 s.f (ALT889220) and erect a four (4) story mixed use building containing 27 residential units and 1,590 s.f. of retail at ground level with garage parking for vehicles (Reduced to 10 spaces)* Updated drawings reviewed on behalf of BOA 7.25.23/7.26.23.

Discussion: The applicant is seeking to erect a 7 story dwelling with ground retail.



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The Board asked about the plans, proposal,

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

Documents: Building plans,

Votes: Board member Collins moved to approve. Barraza seconded and the motion carried unanimously.

RE-DISCUSSIONS: 11:30 AM

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

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

Purpose: Demolition of Existing garage/studio (under SF:#) and erection of a 5 story mixed use building with originally 9 residential units and on 10/10/23 Reduced to 6 residential units with two ground floor commercial and other educational, Artists' and community space, also on 10/10/23: Proposing 2 garaged parking spaces.

Discussion: The applicant is seeking to erect a 5 story mixed use dwelling with 6 residential units and an art space.

The Board asked about the plans, proposal, curb cut,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilors Breadon, Flaherty, and the BAIA are in support of the proposal.

Documents: Building plans,

Votes: Board member Barraza moved to approve. Collins seconded and the motion carried unanimously.

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.

Reason for Prior Deferral: Revised plans to be submitted and re-advertised

Discussion: The applicant is seeking to change the occupancy from a 4-7 dwelling on a corner lot.

The Board asked about the plans, proposal, lot, parking

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilors Breadon and Flaherty are in support. The BAIA is also in support.

Documents: Building plans,

Votes: Board member Barazza moved to approve with BPDA design review, permeable pavers, second means of egress, and accessible code review. Stembridge seconded and the motion carried unanimously.



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

Article(s): Article 50 Section 28 Use Regulations Use: Multifamily Dwelling : Forbidden Article 50 Section 28 Use Regulations - Use: Accessory Parking: Forbidden Article 50 Section 29 Lot Area for Additional Dwelling Units Insufficient Article 50 Section 29 Floor Area Ratio Excessive Article 50 Section 29 Usable Open Space Insufficient Article 50 Section 29 Front Yard Insufficient Article 50 Section 29 Side Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req-Off Street Parking Insufficient

Purpose: Reconfigure Parcel IDs 1200996000, 1200998001 & 1200998000 into Lots A & B as shown. Lot A will contain 5,285sf and Lot B will contain 4,787sf. Construct a new Six (6) Unit Residential Building with at grade Parking on Lot A. Building will be fully sprinklered. Lot B will now be an attached Six (6) Family Dwelling to be known as 74 76 Savin Street (see ALT1528356). Proposal to erect 6 condo units with 6 parking spaces.

Discussion: The applicant is seeking to erect a 6 unit dwelling with 6 parking spaces.

The Board asked about the plans, proposal, curb cut, parking

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

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

Case: BOA-1538154 Address: 74-76 Savin Street Ward 12 Applicant: Fred Manigat

Article(s): Article 50 Section 28 Use Regulations - Use: Multifamily Dwelling: Forbidden Article 50 Section 29 Lot Area for Additional Dwelling Units Insufficient Article 50 Section 29 Floor Area Ratio Excessive Article 50 Section 29 Usable Open Space Insufficient

Purpose: Combine 74 Savin St and 76 Savin St. to now be known as 74 76 Savin St. In conjunction with Alt1487845 and Alt1487843. There will now be a Six (6) Unit Residential Building on new Lot. See ERT1254054.

Discussion: The applicant is seeking to erect a 6 unit dwelling with 6 parking spaces.

The Board asked about the plans, proposal, curb cut, parking

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

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

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: The applicant is seeking to raze the current, erect a 6 family dwelling, and have off street parking for 6 vehicles.



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The Board asked about the plans, proposal,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Abutters are in support and opposition.

Documents: Building plans,

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

HEARINGS: 1:00PM

Case: BOA-1505569 Address: 30-32 Hastings Street Ward 20 Applicant: Teresa O'Sullivan-ARTICLE 80

Article(s): Article 9, Section 1 Extension of Nonconforming Article 56, Section 8 Bldg Height Excessive (Stories) Article 56, Section 8 Usable Open Space Insufficient Article 56, Section 8 Rear Yard Insufficient

Purpose: The scope of work is to design and detail new three level decks at the rear of the existing house and an exterior egress stair. New doors are to be providing at existing window locations from the unit kitchens to the new decks.

Discussion: The applicant is seeking to renew fireplace licenses.

The Board asked about the plans, proposal, curb cut, parking

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

Votes: Board member Barraza moved to approve. Whewell seconded and the motion carried unanimously.

Case: BOA-1496565 Address: 34-36 Cohasset Street Ward 20 Applicant: Michael Keane

Article(s): Article 67, Section 9 Floor Area Ratio Excessive - FAR Excessive. Article 67, Section 9 Bldg Height Excessive (Stories) - Building Height Excessive 3 stories. Article 67, Section 9 Dimensional Regulations - Side yard Insufficient.

Purpose: Renovate whole house, new windows/siding/roof, build 2 new dormers, build new decks, new plumbing/electrical/HVAC, New Kitchens, new flooring, paint, sheetrock and plaster All work to be done as per plans.

Discussion: The applicant is seeking a complete renovation with new dormers, new decks, for homeownership

The Board asked about the plans, proposal,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

Votes: Board member Collins moved to approve. Barraza seconded and the motion carried unanimously.

Case: BOA-1528468 Address: 8-10 Perkins Street Ward 19 Applicant: Mario Bailote

Article(s): Article 6 Section 4 Other Cond Necc as Protection – Change to a previous Decision of the Zoning Board of Appeal

Purpose: Seeking to remove the proviso listed to E Love Foods for take out only. And place it in the owner of the properties name.No work to be done.



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Discussion: The applicant is seeking to remove the previous provisos for the new applicant.

The Board asked about the plans, proposal,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Documents: Building plans,

Votes: Board member Whewell moved to approve. Collins seconded and the motion carried unanimously.

Case: BOA-1171660 Address: 970 Saratoga Street Ward 1 Applicant: 970 Saratoga, LLC-ARTICLE 80

Article(s): Art. 53 Sec. 53 57 Appl. of dimensional Req.- Street wall continuity Art. 53 Sec. 12 Dimensional Reg:Nghd Bsns D. - FAR Max. allowed: 1 Proposed: 3.38 Art. 53, Section 12 Dimensional Regulations - Rear yard: Required: 20' Proposed: 0' Art. 53 Sec. 12 Dimensional Reg:Nghd Bsns D. - Building Height: Max. allowed: 35' Proposed: 59' 11" (according to Sec. 53 52) Art. 53 Sec. 12 Dimensional Reg:Nghd Bsns D. - Open space insufficient. Required: 50 sqft/ unit. Not all units have 5 sqft. Art. 53 Sec. 56 Off Street Parking - Required for residential use: 28 spaces. Required for Retail use: 4 spaces. Proposed: 0 spaces as per BPDA recommendations 06/24/22

Art. 27G E Boston IPOD Art. 25 Sec. 5 Flood Hazard Districts Art. 53 Sec. 52 Roof Structure Restrictions - Roof structures (decks and penthouse) exceed 10% of the roof area (greater than 3,300 sqft)

Purpose: New Construction of 4 stories, mixed use building containing 14 residential units, retail space, and (originally 11 parking spaces. Reduced to zero as per BPDA recommendation. Revision 06/24/22) BPDA is requesting design review if the BOA doesn't include it on its proviso. 07/13/22

Discussion: The applicant is seeking to close existing curb cuts for 2 retail spaces.

The Board asked about the plans, proposal, context, massing

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Coletta and the Carpenters Union are in support.

Documents: Building plans,

Votes: Board member Whewell moved to approve. Valencia seconded and the motion carried unanimously.

Case: BOA#1509717 Address: 970 Saratoga Street Ward 1 Applicant: 970 Saratoga, LLC-ARTICLE 80

Purpose: New Construction of 4 stories, mixed use building containing 14 residential units, retail space, and (originally 11 parking spaces. Reduced to zero as per BPDA recommendation. Revision 06/24/22) BPDA is requesting design review if the BOA doesn't include it on its proviso. 07/13/22

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways Access to private roof decks shall be through a penthouse. Proposed is through hatch.

Discussion: The applicant is seeking to close existing curb cuts for 2 retail spaces.

The Board asked about the plans, proposal, context, massing

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Coletta and the Carpenters Union are in support.

Documents: Building plans,

Votes: Board member Whewell moved to approve. Valencia seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1533260 Address: 106 Barnes Avenue Ward 1 Applicant: BBD Griffin Avenue, LLC

Article(s): Article 53 Section 8 Use Regulations - 3 Family dwelling is a Forbidden Use in a 2F 4000 sub district
Article 53, Section 56 Off Street Parking & Loading Req - Off street parking is insufficient. 1 Space required per unit.
2 spaces provided.

Purpose: Change of occupancy from a 1 family to a 3 family.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 23, 2024.

Case: BOA-1534462 Address: 9 McKay Place Ward 1 Applicant: 9 McKay Place, LLC-ARTICLE 80

Article(s): Art. 27G E Boston IPOD Art. 32 Sec. 04 GCOD Applicability Article 25A Section 4 CFROD Applicability
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 Side
Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Lot Area Insufficient Article 53,
Section 56 Off Street Parking & Loading Req Article 53, Section 52 Roof Structure Restrictions Art. 53, Section 8 Use:
Forbidden

Purpose: Demolish existing structures, combine lots and erect a five-story building with forty one (41) residential units,
thirty six (36) parking spaces, forty four (44) bicycle spaces, and roof deck.

Discussion: The applicant is seeking to erect 41 units with 35 parking spaces and 7 of the units are affordable.

The Board asked about the plans, proposal, parking

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Murphy, an abutter, and the carpenters union are in support. Councilor Coletta and abutters are in opposition.

Documents: Building plans,

Votes: Board member Whewell moved to approve. Valencia seconded and the motion carried unanimously.

INTERPRETATION/RE-DISCUSSION: 1:00PM

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

Purpose : The petitioner seeks a determination that the Inspection 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/Votes: The applicant requested to withdraw their proposal. Upon a motion and a second the Board moved to withdraw this appeal.



City of Boston
Board of Appeal

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

BOARD MEMBERS:

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DAVID COLLINS

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 November 28, 2023 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.