



City of Boston  
Board of Appeal

Tuesday, December 12, 2023

BOARD OF APPEAL

City Hall Room 801

## **REVISED 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 DECEMBER 12, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS DECEMBER 12, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

**PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:**

**THE DECEMBER 12, 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/12DecemberComment> 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/12DecemberComment> 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto: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](mailto: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](mailto: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](mailto:ZBAPublicInput@boston.gov) IN LIEU OF OFFERING TESTIMONY**



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**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.**  
**APPROVAL OF THE HEARING MINUTES: 9:30AM**

**April 25, 2023, May 9, 2023, May 18, 2023, May 23, 2023 & June 6, 2023**

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

**EXTENSIONS: 9:30AM**

**Case: BOA-734923 Address: 24-44 Kneeland Street Ward 3 Applicant: Yueguang Wu**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to deny this extension request.

**Case: BOA-1124403 Address: 160 Geneva Avenue Ward 14 Applicant: Matt Mueller**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until December 12, 2024.

**Case: BOA-1070807 Address: 150 River Street Ward 18 Applicant: John Pulgini, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until January 29, 2024.

**Case: BOA- 995699 Address: 273 Highland Street Ward 11 Applicant: Nicholas Zozula, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until February 20, 2024.

**Case: BOA- 962282 Address: 40 Berkeley Street Ward 5 Applicant: Joseph Hanley, Esq., Partner**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until June 15, 2024.

**RECOMMENDATIONS: 9:30 AM**

**(The Zoning Advisory Subcommittee held hearings for the following cases November 9, 2023. Board Secretary Norm Stembridge reported the Subcommittee's recommendations from these hearings to the Board.)**

**Case: BOA-1530571 Address: 665 Boylston Street Ward: 5 Applicant: 3 Jays Trust, Inc**

**Article:** Art. 06 Sec. 04 Other Protectional Conditions- Take out proviso granted to previous petitioner only. Requesting to change petitioner.

**Purpose:** For new restaurant "Sakabayashi" (replacing "B Good" restaurant on the ground floor and mezzanine), allow for "take out 36A" use item restricted by the "this petitioner only" proviso on the ZBA June 17, 2014 decision for ALT324710 (issued 7/21/14). No work to be done.



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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-1530576 Address: 665 Boylston Street Ward: 5 Applicant: 3 Jays Trust, Inc**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use Art. 18 Sec. 01 Front Yard Insufficient - Extension of non conforming dimensional requirement.

**Purpose:** For new restaurant "Sakabayashi" (replacing "B Good" restaurant), increase the outside seating from 13 patrons to 16 patrons. The outside seating for 13 was established by U49365155 issued on December 9, 2014.

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- 1267536 Address: 26 Spring Garden Street Ward: 13 Applicant: Kyle Keane**

**Article(s):** Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient usable open space Art. 65 Sec. 9 Residential Dimensional Reg.s - Parking within required front yard Art. 10 Sec. 01 Limitation of parking areas - 5' side yard buffer

**Purpose:** I would like to add a curb cut and parking space to my house. I would not remove any existing street parking and would add one private 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.

**Case: BOA-1524741 Address: 6 Sunnybank Road Ward: 20 Applicant: Rick Ames**

**Article(s):** Article 56, Section 8 Floor Area Ratio Excessive

**Purpose:** To upgrade existing Attic room into Bedroom/bath suite using existing stair. Add windows and skylights. No change to envelope or footprint. Existing Lot and House are Non conforming. project will need Zoning Relief for FAR

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-1528266 Address: 112 Temple Street Ward: 20 Applicant: Daniel Nephew**

**Article(s):** Article 56. Section 8 Side Yard Insufficient - Side yard setbacks for the proposed addition do not meet requirements of 10' (feet) Art.80 Sec. 80E 2 Appl. of Small Project Review - Design Review and Design Guidelines required by Boston Planning & Development Agency per Article 56, section 35.

**Purpose:** Confirming single family home in existence for many years. Remove an existing uninsulated three seasons room from the rear of an existing Victorian home and construct a new addition including a Great Room, bath, laundry, renovations to the existing kitchen, and an expanded deck.

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



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**Case: BOA-1516206 Address: 41 Coolidge Road Ward: 22 Applicant: Stephen Brickman**

**Article(s):** Art. 10 Sec. 01 Limitation of Area of Accessory Uses - 5' buffer requirement Art. 51 Sec. 09 Insufficient usable open space per unit free from motor vehicle use Art.51 Sec.56 Off St Parking Design - (4) No parking allowed in required front yards

**Purpose:** Proposed off street parking for two vehicles on right side of home access via new driveway with curb cut per plan submitted.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second the Board moved to defer to the full Board.

**Case: BOA-1517797 Address: 46 Linwood Street Ward: 11 Applicant: Robert Purinton**

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

**Purpose:** Curb cut for private driveway for electric plug-in vehicle.

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 to this petitioner only.

**Case: BOA-1462924 Address: 25 Burr Street Ward: 19 Applicant: Cameron Merrill**

**Articles (s):** Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Front Yard Insufficient

**Purpose:** We are looking to widen the curb cut for our driveway. Proposing 4 parking spaces.

Discussion/Vote: The applicant requested a withdrawal. Upon a motion and a second the Board voted to approve the withdrawal.

**HEARINGS: 9:30AM**

**Case: BOA-1539718 Address: 1270 Commonwealth Avenue Ward 21 Applicant: 1266 Commonwealth Ave Co, LLC-ARTICLE 80**

**Article(s):** Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Side Yard Insufficient Article 51, Section 56. Off Street Parking & Loading Req Article 51, Section 8 Use: Conditional Article 51, Section 8 Use Regulations

**Purpose:** Denial request on zoning review plan set for construction of a new, up to 6 story building containing approximately 206 multi family dwelling units, approximately 2,100 square feet of ground floor retail, residential amenities, and approximately 68 at grade structured vehicle parking spaces.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 6 story multifamily 206 dwellings with ground floor retail and 68 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 carpenters union is in support and the ACA is in opposition.

**Votes:** Upon a motion and a second, the Board moved to approve.



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**Case: BOA- 1472842 Address: 370 Vermont Street Ward 20 Applicant: 419-421 Baker Street Realty Trust**

**Article(s):** Article 56, Section 39 Off Street Parking & Loading Req Off street parking spaces do not meet minimum dimensional requirements. Also, no loading area is provided. Article 56, Section 40.1 Conformity w Ex Bldg Alignment Proposed building does not conform with existing building alignment on Vermont and Baker Streets Article 56 Section 16 Building height in feet is excessive Article 56 Section 16 Side yard is insufficient. 12 feet required due to abutting a 1F 6000 sub district. Article 56 Section 16 Rear yard is insufficient 40' required Article 56, Section 40.2 Traffic Visibility Across Corner

**Purpose:** Demolition of an existing one-story brick building and erect a four-story wood structure to house 14 residential units on the upper floors with retail on the ground floor and partial basement.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 4 story mixed use building with 14 residential dwelling units and ground floor commercial space and at grade parking.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell deferred to the Board. Councilors Murphy and Flaherty are in support as well as the carpenters union. Abutters are in opposition.

**Votes:** Upon a motion and a second, the Board moved to approve with permeable pavers and no building code relief for accessibility.

**Case: BOA-1537868 Address: 6 Dellmore Road Ward 19 Applicant: Robert Nichols**

**Article(s):** Art. 55 Sec. 09 Lot area insufficient. Art. 55 Sec. 09 FAR Excessive. Art. 55 Sec. 09 Usable open space insufficient. Art. 55 Sec. 09 Front yard setback insufficient. Art. 55 Sec. 09 Side yard setback Insufficient. Art. 55 Sec. 09 Rear yard setback insufficient. Art. 55 Sec. 55-40 Off street parking insufficient

**Purpose:** Erect 3 unit as per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 story 3 family 5 townhouse style dwellings

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 approve with BPDA design review and maintain the setback shown in the plans.



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**Case: BOA-1515218 Address: 26 Rowena Street Ward 16 Applicant: James Christopher**

**Article:** Art. 65 Sec. 65 41.4 Parking in the Front Yard

**Purpose:** The applicant seeks to create a new curb cut, with off street parking for 2 cars, to be primarily used by 24 hour visiting nurses.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new curb cut with off street parking and 25ft curb cut.

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 approve.

**Case: BOA-1530337 Address: 148 Lexington Street Ward 1 Applicant: On Point Capital**

**Article(s):** Article 53, Section 9 Floor Area Ratio Excessive - Requires 1.0 Proposes 1.4 Article 53, Section 9 Rear Yard Insufficient - Requires 40' (Feet) Proposes 30' (Feet) Art. 53 Sec. 52 Roof Structure Restrictions -Proposes a Roof Deck (12' x 15') exclusively for Unit #3 Article 27T – 5 East Boston IPOD Applicability -East Boston Interim Planning Overlay District (IPOD) review and approval needed. Article 53, Section 9 Bldg Height Excessive (Feet) Requires Building Height 35' (Feet) - Proposes (per plans page A3) show 36' 3"

**Purpose:** To confirm occupancy as a three family and to construct a rear addition, rear decks, and a roof deck. Basement to be used as storage, mechanical and common laundry.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add 3 rear decks and an exclusive roof deck that is MBTA accessible

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 approve with BPDA design review.

**Case: BOA-1466913 Address: 38 Lexington Street Ward 1 Applicant: Ian Roundtree**

**Article(s):** Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 52 Roof Structure Restrictions - Alteration change existing roof profile.

**Purpose:** Add roof deck.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add an exclusive use roof deck on an interior work to be done with an addition to an existing rear staircase.

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.

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

**Case: BOA#1466908 Address: 38 Lexington Street Ward 1 Applicant: Ian Roundtree**

**Purpose:** Add roof deck

**Violation** Violation Description Violation Comments 9th 780 CMR 1011 Stairways IBC Art. 1011.12 Stairway to the roof.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add an exclusive use roof deck on an interior work to be done with an addition to an existing rear staircase.

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 approve with BPDA design review.

**Case: BOA- 1540041 Address: 261 Princeton Street Ward 1 Applicant: Princeton 261 LLC**

**Article(s):** Art. 27G E Boston IPOD Art. 53 Sec. 08 Forbidden - Multifamily use Art. 53 Sec. 52 Roof Structure Restrictions- Per building code, the access to the roof deck has to be done through a penthouse. Currently is through a hatch. Art. 53 Sec. 56 Off St.Parking Requirement - Parking spaces dimensions. Art. 53 Sec. 56 Off street parking insufficient -Required: 12.25 spaces. Proposed: 4 Article 53, Section 9 Add'l Lot Area Insufficient- Min. lot area required: 7,000 sqft Proposed: 3,300 sqft Art. 53 Sec. 09 Floor Area Ratio Excessive -Max. allowed: 1 Proposed: 3.8 Article 53, Section 9 Bldg Height Excessive (Stories) -Max. allowed: 3 Proposed: 4 Article 53, Section 9 Bldg Height Excessive (Feet) Max. allowed: 35' Proposed: 38' If the roof deck building code violation gets corrected, the height considered will be up to the top of the penthouses. Article 53, Section 9 Usable Open Space Insufficient - Min. required: 2,100 sqft Proposed: 1,200 sqft Article 53, Section 9 Front Yard Insufficient - Min. required: 5' Proposed: 2' Art. 53 Sec. 09 Side yard insufficient - Min. required: 2.5' Proposed: 0' (L&R) Article 53, Section 9 Rear Yard Insufficient - Min. required: 30' Proposed: 4' Article 53, Section 56.5(a) Off Street Pkg Maneuverability Article 53, Section 57.2 Conformity Ex Bldg Alignment- Street modal calculation not provided to verify compliance.

**Purpose:** To raze existing structure and erect a new residential building with 7 Units, 2 Roof Decks and 4 parking spaces (ground level)

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until January 9, 2024.

**Case: BOA#11540166 Address: 261 Princeton Street Ward 1 Applicant: Princeton 261 LLC**

**Purpose:** To raze existing structure and erect a new residential building with 7 Units, 2 Roof Decks and 4 parking spaces (ground level)

**Violation** Violation Description Violation Comments 9th 780 CMR 1011 Stairways Access to the roof shall be through a penthouse.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until January 9, 2024.



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## **HEARINGS: 11:00AM**

**Case: BOA-1527826 Address: 30 Mildred Avenue Ward 18 Applicant: Norfolk Design and Construction**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - Proposed parking is within 5 feet of the side lot line Article 60, Section 8 Use: Forbidden - MFR is forbidden in a 3F 6000 Sub district Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Rear Yard Insufficient

**Purpose:** Seeking to combine Parcel ID 1800808000 and 1800807000 to form one 7,108 square foot lot to be known as 30 Mildred Ave. Also, to erect a new residential building with 6 affordable units and 4 parking spaces.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to combine parcels on 4 vacant lots and combine 2 total lots with 6 affordable dwelling units on 1 lot and open space with a community garden.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Arroyo, Flaherty, the Mayors Office of Housing, and Grow Boston are in support.

**Votes:** Upon a motion and a second, the Board moved to approve.

**Case: BOA-1540077 Address: 34 Mildred Avenue Ward 18 Applicant: Norfolk Design and Construction**

**Article:** Article 60, Section 8 Use: Forbidden - Community Garden is not a listed use in a 3F 6000 Sub district

**Purpose:** To consolidate Parcel ID 1800806000 & 1800805000 to create a new +/- 7,072 sq. ft. lot to be known as 34 Mildred Ave. Also, to change the occupancy from vacant lots to community garden and install 6 X 12 tool shed. See companion case ERT1515069 previously reviewed by plans examiner Jim Kennedy.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to combine parcels on 4 vacant lots and combine 2 total lots with 6 affordable dwelling units on 1 lot and open space with a community garden.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Arroyo, Flaherty, the Mayors Office of Housing, and Grow Boston are in support.

**Votes:** Upon a motion and a second, the Board moved to approve.

**Case: BOA-1415566 Address: 22 Torrey Street Ward 17 Applicant: Anastacio Baptista**

**Article(s):** Art. 65 Sec. 08 Forbidden -7 unit dwelling in a three-family subdistrict- Forbidden Art. 65 Sec. 41 Off street parking requirements - Insufficient parking Art. 65 Sec. 65-41.4 Parking in the Front Yard - Corner lot-Two front yards Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient lot size Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient lot width Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient lot width frontage Art. 65 Sec. 9 Residential Dimensional Reg.s - Excessive f.a.r Art. 65 Sec. 9 Residential Dimensional Reg.s - Max allowed building height exceeded Art. 65 Sec. 9 Residential Dimensional Reg.s - Number of allowed stories exceeded Art. 65 Sec. 9



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Residential Dimensional Reg.s - Insufficient front yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient side yard setback

**Purpose:** Erect a 7 unit building with 7 off street parking spaces on the newly created lot B consisting of 5225sf lot with vehicle easement access for 26 Torrey Street.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until January 23, 2024.

**Case: BOA-1415562 Address: 26 Torrey Street Ward 17 Applicant: Anastacio Baptista**

**Article(s):** Art. 65 Sec. 41 Off street parking requirements - Design of space sizes and clear access Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient lot size Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient lot width Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient lot width frontage Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient side yard setback

**Purpose:** Subdivide lot into lots. Lot A to be known as 26 Torrey Street and lot B to be known as 22 Torrey Street. Subdivide 8,330sf lot into two lots. Lot A shall have 3,105sf and shall maintain the existing three family w/three off street parking spaces to remain as 26 Torrey Street (space #'s 1,2,3,) and lot B shall contain 5225sf and be newly known as 22 Torrey Street with a proposed 16' wide easement access from Moody Street for vehicle access to parking by 26 Torrey Street. Application has been filed in conjunction with ERT1353053 for structure and other proposed off-street parking.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until January 23, 2024.

**Case: BOA- 1525904 Address: 21 Woodworth Street Ward 16 Applicant: Guard Law LLC**

**Article(s):** Art.65 Sec. 8 Use: Forbidden - Multi\_Family Use Forbidden. Article 65, Section 9 Rear Yard Insufficient. Article 65, Section 9 Front Yard Insufficient. Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Side Yard Insufficient. Article 65, Section 9 Bldg Height Excessive (Stories) - Allowed 2 1/2 stories. Proposed 3 stories Art. 65 Sec. 41 Off street parking requirements - Off street parking space insufficient. Article 65, Section 9 Floor Area Ratio Excessive - FAR Excessive.

**Purpose:** Construct a 3 story multi-family residential building with 9 dwelling units and garage/basement parking for 9 automobiles.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to construct a new 3<sup>rd</sup> story 9 unit dwelling with 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. Councilor Baker is in support.

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



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**Case: BOA- 1518540 Address: 9 Elton Street Ward 13 Applicant: Kyle Vernest**

**Article:** Article 65, Section 9- Rear Yard Insufficient

**Purpose:** Modification of the exterior roof line to introduce a roof deck within the existing planes of the building. Also looking to finish the 3rd floor of the house with an additional Bedroom, bathroom, and living space.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a roof deck to an existing dwelling and renovate the 3<sup>rd</sup> floor to allow for more livable space.

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 approve with BPDA design review.

**Case: BOA-1521230 Address: 14 Emerson Street Ward 6 Applicant: Pamela Baranowski**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of existing roof profile with Access to main roof via headhouse Art 68 Sec 8 Dim reg app in res sub dist - Insufficient side yard setback Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback Art 68 Sec 8 Dim reg app in res sub dist - Insufficient front yard setback Art 68 Sec 8 Dim reg app in res sub dist - Excessive f.a.r. Art 68 Sec 8 Dim reg app in res sub dist - Extension of nonconforming <25%- Conditional

**Purpose:** Adding space to the 4th floor, deck modification. Construct a partial addition on top of the 3rd story and include a new roof deck.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to enclose the existing roof deck. There is no other work being done.

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 Flaherty are in support.

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

**Case: BOA-1542503 Address: 118 B Street Ward 6 Applicant: George Morancy-ARTICLE 80**

**Article(s):** Article 68, Section 29 Roof Structure Restrictions Article 68, Section 33 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 68, Section 33 Off Street Parking & Loading Req - Off Street Loading Insufficient Article 68, Section 8 Lot Area for Additional Dwelling Units Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Building Height Excessive Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 33 Off Street Parking & Loading Req -Off Street Parking Design / Maneuverability (Vehicle Stacking Lifts)

**Purpose:** Demolish existing building. Erect a new 5 story, 33-unit residential Building w/ a 26 car garage. There will be an elevator to service all floors. Many dwelling units will have balconies. Amenity spaces to include mail room & bike/trash storage as per plan submitted.



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**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add 33 residential condo units and 6 IDP units with a new sidewalk and improved streetscape. Balconies and parking spaces. Setbacks will break up the massing.

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, Flaherty and the carpenters union are in support. An abutter is in opposition.

**Votes:** Upon a motion and a second, the Board moved to approve.

**Case: BOA- 1535255 Address: 50 Terminal Street Ward 2 Applicant: Byran Peugh**

**Article(s):** Article 42B Harborpark Dist Charlestown Waterfront -catering Conditional Article 42B Harborpark Dist Charlestown Waterfront - Food prep/processing/Packaging Conditional

Art. 06 Sec. 04 Other Protectional Conditions - Remove/replace takeout to petitioner only

**Purpose:** Change occupancy of space from restaurant with takeout to include prep food processing, catering, packaging, with food truck storage (a.k.a pushcart) filed on UOP permit application.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a restaurant with take-out to include prep service as a part of the occupancy.

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 approve.

**RE-DISCUSSIONS: 11:30 AM**

**Case: BOA-1473941 Address: 820 Hyde Park Avenue Ward 18 Applicant: Tyrone Hardy & Cain Hardy**

**Article(s):** Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Lot Area Insufficient Article 69, Section 9 Lot Frontage Insufficient Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg Height Excessive (Feet) Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Rear Yard Insufficient

**Purpose:** Erect new structure, and demolish existing. nine (9) condominium units. Proposed parking below structure, and in rear, adding seven (7) parking spots, as per plans. E Plans filed. Nominal fee letter filed with plans.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until February 6, 2024.



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

**Article(s):** Article 50, Section 29 Side Yard Insufficient Art. 10 Sec. 01 Limitation of parking areas - Off street parking.

**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.

**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 with a new gable roof and dormers to allow for a new unit.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Local neighborhood associations are in support.

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

**Case: BOA-1516206 Address: 41 Coolidge Road Ward: 22 Applicant: Stephen Brickman**

**Article(s):** Art. 10 Sec. 01 Limitation of Area of Accessory Uses - 5' buffer requirement Art. 51 Sec. 09 Insufficient usable open space per unit free from motor vehicle use Art.51 Sec.56 Off St Parking Design - (4) No parking allowed in required front yards

**Purpose:** Proposed off street parking for two vehicles on right side of home access via new driveway with curb cut per plan submitted.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add off street parking for 2 vehicles.

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.

**Case: BOA-1304433 Address: 10 Thompson Square Ward 2 Applicant: Sing Ming Chan**

**Article(s):** Art. 62 Sec. 14 Usable open space insufficient Article 62, Section 14 Excessive f.a.r.

Article 62, Section 14 Excessive height Article 62, Section 14 Insufficient rear yard setback Article 62, Section 29 Off-Street Loading Insufficient - None proposed Art. 62 Sec. 62-29 Off street parking requirements - None proposed

**Purpose:** Erect a new mixed use building with commercial space (RETAIL) on first floor and 12 dwelling units above. Existing building to be razed under separate permit. \*4.10.23: Reduced project scope at ZBA to 12 units and 4 stories

**Reason for Prior Deferral: To continue community process**

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until February 6, 2024.

**Case: BOA#1475953 Address: 169 Maverick Street Ward 1 Applicant: Trichilo Development, LLC**

**Purpose:** Erect addition, renovate, and change occupancy from three (3) to four (4) residential units with rear and roof decks.

**Violation:** Violation Description: 9th 780 CMR 1006 Number of Exits and Exit Access Doorway

**Violation Comments:** ART.IBC Table 1006.3.2(1) Fourth stories above grade: Not Permitted.



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**Reason for Prior Deferral: The Board moved to defer.**

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until February 6, 2024.

### **HEARINGS: 1:00PM**

**Case: BOA- 1514378 Address: 3915 Washington Street Ward 19 Applicant: Owen Kierman**

**Article(s):** Art. 55 Sec. 55 40 Off street parking insufficient - Off street parking Forbidden Art. 55, Section 8 Use: Forbidden - Multi Family Use: Forbidden. Art. 55 Sec. 09 Floor Area Ratio Excessive. Art. 55 Sec. 09 Lot Width Insufficient. Art. 55 Sec. 09 Lot Frontage Insufficient.

**Purpose:** Erect proposed new 6-unit multi family, as per plans.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until February 6, 2024.

**Case: BOA-1493506 Address: 6 Greenough Avenue Ward 19 Applicant: Kathryn Eno**

**Article(s):** Article 9 Section 1 Extension of Nonconforming Use - Extension of a Nonconforming Use Parking is for a Three Family Dwelling located in a Two-Family Zoning District (2F 9000) Article 10, Section 1 Limitation of Area - Limitation of Area of a Nonconforming Use Article 55, Section 9 Usable Open Space Insufficient

**Purpose:** Proposing a new driveway with a curb cut for 1 parking space.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new curb cut for a driveway for one off street parking spot.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1396801 Address: 251-253 Wood Avenue Ward 18 Applicant: Michael Ross**

**Article(s):** Art. 09 Sec. 02 Nonconforming Use - Change Change in a in conforming use >25%- Forbidden Art. 69 Sec. 09 Excessive f.a.r- .5 max Art. 69 Sec. 09 Insufficient usable open space Art. 69 Sec. 09 Insufficient side yard setback Art. 69 Sec. 09 Insufficient open space per unit- 1800sf/unit Art. 69 Sec. 09 # of allowed stories exceeded- 2.5 max Art. 69 Sec. 09 Insufficient front yard setback (corner lots) Art. 69 Sec. 09 Insufficient lot width- 60'width req.

Art. 69 Sec. 09 Location of main entrance- New units' entryway Art. 69 Sec. 29 Off-St.Prk'g/Load'g - Insufficient parking- 2 spaces/unit req. Art. 69 Sec. 8 Forbidden - MFR- Forbidden

**Purpose:** Combine 251 253 wood and 0 Ellard Road into a single lot (properties are in same ownership and merge for purposes of zoning). Construct new addition to existing structure and change occupancy from two family dwelling to multifamily (4) and include 3 off street parking spaces.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to combine lots into one lot and add an addition to an existing dwelling and change the occupancy from a 2-4 family dwelling and add 2 ½ stories with a total of 7 parking spaces.

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. Councilor Arroyo is in support. An abutter is in opposition.

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

**Case: BOA-1537358 Address: 1081 River Street Ward 18 Applicant: Skybridge Properties, LLC-ARTICLE 80**  
**Article(s):** Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Bldg Height Excessive (Feet) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 8 Use: Forbidden Article 69 Section 29 Off Street Parking & Loading Req Art. 69 Sec. 07 Maximum Number of Allowed Dwelling Units on a Lot Article 69, Section 9 Rear Yard Insufficient  
**Purpose:** Nominal Fee requested for new construction of a 28-unit, four story residential building. The building will have an elevator and will be fully sprinklered.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add 28 unit 4 story dwelling on a corner lot that is MBTA accessible.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Upon a motion and a second, the Board moved to approve.

**Case: BOA- 1523227 Address: 48 Piedmont Street Ward 5 Applicant: Domenico Mastrototaro**  
**Article(s):** Article 63, Section 20 Roof Structure Restrictions - Proposed Roof deck on lower roof Article 63, Section 8 Insufficient rear yard setback  
**Purpose:** Remove a window on the 2nd floor to open up a door; Cut the rubber roof to add a 6"x6" pressure treated post deck; Use anchor bolts 5/8; Frame wood deck with pressure treated; Drill on the brick wall to install 2"x10" PT leager with 5/8 with lag bolt; Install composite for the floor; Install rail.

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

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Upon a motion and a second, the Board moved to approve.



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**Case: BOA- 1537333 Address: 68 Tremont Street Ward 2 Applicant: Carey Rogers**

**Article(s):** Art. 62 Sec. 25 Roof Structure Restrictions - Alter change exiting roof line profile. Article 62, Section 8 Bldg Height Excessive (Feet) - Allowed 35'. Proposed Penthouse.

**Purpose:** Project consists of interior/exterior renovations 1 family single home roof deck. Scope includes build of interior/Exterior spaces, extension of living space roof deck, and roof access room.

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

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 approve with BPDA design review.

**Case: BOA- 1506164 Address: 23 Hudson Street Ward 3 Applicant: De Wei Guan**

**Article:** Art 06 Sec. 04 Other Protectional Conditions

**Purpose:** Remove previous Provisos BZC 29829 on the new tenant for newly renovated restaurant. Requesting for Certificate of Occupancy 2 Restaurant w/37/36A,12 Apartments and Bakery Shop #ALT1441470/2023.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to remove the previous proviso to allow for the new owner to use the space as take-out.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Upon a motion and a second, the Board moved to approve.



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

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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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)

**For a video recording of the December 12, 2023 Board of Appeal Hearing please go to:**  
[https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).