



## **HEARING MINUTES**

Board Chair Dong called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Chair announced that the hearing was being conducted remotely via an online meeting platform and subject to the below advisory which was part of the publicly posted hearing agenda. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Norm Stembridge:

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JANUARY 23, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS JANUARY 23, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE JANUARY 23, 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/ZBAHearings2024>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 819 2218 4516 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/January23Comment> 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/January23Comment>, 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 ONLINE. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS**



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**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.**

**EXTENSIONS: 9:30AM**

**Case: BOA-1066748 Address: 318-320 E Street Ward 6 Applicant: Nicholas Zozula, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until January 29, 2025

**Case: BOA-1066736 Address: 1-2 Church Avenue Ward 6 Applicant: Nicholas Zouzla, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until April 27, 2025

**Case: BOA-1261925 Address: 150 Kneeland Street Ward 3 Applicant: Timothy Fraser, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until March 11, 2025

**Case: BOA-1258631 Address: 1027-1029 Tremont Street Ward 9 Applicant: Jeffrey Drago, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until February 11, 2025

**Case: BOA-1285857 Address: 362 Weld Street Ward 20 Applicant: Kathryn Oates-Dacey**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until March 4, 2025

**Case: BOA-1079364 Address: 6 Oakhurst Street Ward 14 Applicant: Cambiz Raufi**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until February 26, 2025

**Case: BOA-1133499 Address: 117 Coleridge Street Ward 1 Applicant: Derric Small, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until October 8, 2025.

**BOARD FINAL ARBITER: 9:30AM**

**Case: BOA-1523229 Address: 44-46 Winter Street Ward 3 Applicant: Mayara Cordeiro, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the Board Final Arbitrator request.



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**RECOMMENDATIONS: 9:30 AM**

*(The Zoning Advisory Subcommittee held hearings for the following cases January 23, 2024. Board Secretary Norm Stenbridge reported the Subcommittee's recommendations from these hearings to the Board.)*

**Case: BOA-1529769 Address: 1301-1305 Boylston Street Ward: 5 Applicant: Fenway Enterprises 1301 Boylston Street LLC**

**Article(s):** Art. 07 Sec. 03 Conditions for Variance Art. 07 Sec. 4 Other Protectional Conditions Art. 06 Sec. 04 Other Protectional Conditions Art. 06 Sec. 03A Additional Conditions in Restricted Parking District

**Purpose:** The applicant is requesting a zoning code refusal letter from ISD in order to file an application with the board of appeal to extend the existing and long-standing zoning relief for use of the property for parking. see the enclosed materials for additional information.

**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 and provisos.

**Case: BOA-1519941 Address: 506 East Third Street Ward: 6 Applicant: Lindsey Callahan**

**Article(s):** Art 68 Sec 8 Insufficient rear yard setback Art 68 Sec 8 Insufficient side yard setback  
Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel has been exceeded Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of existing roof profile

**Purpose:** Nominal fee requested. Add a third story to an existing single-family home.

**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-1501014 Address: 3141 Washington Street Ward: 11 Applicant: Paula Martinez**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions

**Purpose:** Changing provisional granted.

**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-1527160 Address: 188-190 Fuller Street Ward: 17 Applicant: Alfonso Sira**

**Article(s):** Article 65, Section 9 Floor Area Ratio Excessive - Proposed project will increase FAR by extending living space into the attic for Unit #2. Required FAR .5; Proposed project .67

Art. 80 Sec. 80E 2 Small Proj. Review - Design Review and Design Guidelines required Boston Planning & Development Agency per Article 65, section 37.

**Purpose:** Demolition of existing roofing and framing. Conversion of attic into additional living space for second floor unit.

**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-1498625 Address: 4-6 Milton Avenue Ward: 17 Applicant: Simon Suazo**

**Article(s):** Article 60, Section 8 Use Regulations - Use Conditional

**Purpose:** Adding used car sales for 6 cars, access is through the garage.

**Discussion/Vote:** The applicant requested a deferral which was granted. The new hearing date is January 23, 2024.



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**Case: BOA-1521693 Address: 83 Deforest Street Ward: 18 Applicant: Vaughn Gibson**

**Article(s):** Article 69 Section 9 Side Yard Insufficient. Art. 69 Sec. 09 FAR Excessive. Art. 69 Sec. 09 Front yard Insufficient. Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. > 1000 s.f. Conditional Use.

**Purpose:** Addition to rear of existing building.

**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-1498471 Address: 92 Windham Road Ward: 18 Applicant: Rogerio Lopes**

**Article(s):** Article 69, Section 9 Rear Yard Insufficient

**Purpose:** Adding a four-season room 8x16 on the right side of the house.

**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- 1515093 Address: 14 Tarleton Road Ward: 20 Applicant: Donald Coleman**

**Article(s):** Article 56, Section 8 Insufficient side yard setback 10' required Article 56, Section 8 Insufficient front yard setback 20' req.

**Purpose:** Full renovation of kitchen, bathroom and dining room. Relocation of front entrance. Relocation of other point of egress. Relocation of stairs. New second floor construction: roof with front and rear dormer. New siding. Addition to kitchen. \*Parcel # 2008763000 and Parcel # 2008762000 combined into one new lot to be 9,006sf.

**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

## **HEARINGS: 9:30AM**

**Case: BOA-1547345 Address: 1457 VFW Parkway Ward 20 Applicant: Injaga Delivery-CANNABIS**

**Article:** Art. 56, Section 7 Use: Conditional - Cannabis establishment, delivery and manufacturing

**Purpose:** Change of occupancy from a retail store to a Cannabis store (Recreational use) with Delivery, Courier and manufacturing (i.e. Extraction, processing, packaging) location.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until March 12, 2024.

**Case: BOA-1539233 Address: 81 Furbush Road Ward 20 Applicant: Gilmar Costa**

**Article:** Article 56, Section 8 - Rear Yard Insufficient

**Purpose:** Demolition existing deck and build new sunroom deck (same size, same place).

**Discussion:** The applicant did not show to the hearing.

**Votes:** Upon a motion and a second, the Board voted to defer this until March 26, 2024

**Case: BOA-1486245 Address: 1260 Boylston Street Ward 5 Applicant: Scape, North America**

**Article:** Art. 63, Section 11 Use: Conditional - Amusement game machines in commercial establishment

**Purpose:** Interior finish out of a 1st gen building. Interior walls, 2 single restrooms, back of house area, and associated MEP's. Immersive Gamebox is closest to an "amusement game machine in a commercial space". It is a "dry" social entertainment concept where customers play in interactive smart rooms.



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**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until March 12, 2024.

**Case: BOA- 1540780 Address: 32 High Street Ward 2 Applicant: Jane Reitz**

**Article(s):** Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Floor Area Ratio Excessive

**Purpose:** Confirm occupancy as one family. Seeking to renovate the existing single family structure including a rear addition and rear decks.

**Discussion:** At the request of the Board, the applicant presented plans to confirm the occupancy as a 1 family and renovate the living 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 voted to approve with BPDA design review.

**Case: BOA- 1472285 Address: 344 Bremen Street Ward 1 Applicant: Logan Automotive, INC**

**Article(s):** Article 53 Section 9 Add'l D.U. Insufficient. Art. 53 Sec. 08 Forbidden - Multi Families: 6 Units Forbidden Art. 53 Sec. 09 Usable open space insufficient. Art. 53 Sec. 09 Front yard setback Insufficient. Art. 53 Sec. 09 Side yard Insufficient. Art. 53 Sec. 09 Rear Yard Insufficient. Art. 53 Sec. 09 Floor Area Ratio Excessive - FAR Excessive Article 53, Section 9 Bldg Height Excessive (Stories) - Allowed 3. Proposed 4 Stories height Article 53, Section 9 Bldg Height Excessive (Feet) - Allowed 35 feet. Proposed 40' 10" Art. 53 Sec. 56 Off St. Parking Requirements - Parking space Insufficient. Article 27T – 5 East Boston IPOD Applicability – IPOD Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability - GCOD

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

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

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1534938 Address: 250 Bremen Street Ward 1 Applicant: Ciampa Investments, Inc.**

**Article(s):** Art. 27G E Boston IPOD Art. 32 Sec. 04GCOD Applicability Article 25A Section 4CFROD Applicability 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 Article 53, Section 56 Off Street Parking & Loading Reg Art. 53 Sec. 08 Forbidden

**Purpose:** Erect a new eight (8) unit residential dwelling with parking for six (6) vehicles.

**Case: BOA-1539217 Address: 116 Evans Street Ward 17 Applicant: Derric Small**



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**Article(s):** Article 60 Section 9 Insufficient additional lot area per unit Article 60 Section 9 Insufficient front yard setback Article 60 Section 9 Insufficient side yard setback Article 60 Section 9 Insufficient open space per unit  
**Purpose:** Confirm as a two family dwelling and change to a three family dwelling, renovate and construct third story per plans submitted

**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

**Documents/Exhibits:** Building Plans

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

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

**HEARINGS: 11:00AM**

**Case: BOA- 1540489 Address: 26 Newburg Street Ward 20 Applicant: Ricardo Hernandez-Pinzon**

**Article(s):** Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Usable Open Space Insufficient Article 67, Section 9 Bldg Height Excessive (Stories) Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Add'l Lot Area Insufficient Article 67, Section 9 Lot Area Insufficient

**Purpose:** Change occupancy to two family. Scope involves addition of roof dormers to create a new 3rd floor unit; additions at the front and rear; renovation of front and back porches to accommodate new unit; and extension of living space into basement. Plumbing and electrical rewiring included.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change to a two family with new dormers and extending living into the basement.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1539221 Address: 246R Park Street Ward 20 Applicant: Ivan Hernandez**

**Article(s):** Article 56, Section 8 Rear Yard Insufficient Article 56, Section 8 Side Yard Insufficient Article 56, Section 8 Bldg Height Excessive (Feet)

**Purpose:** Demo existing garage on separate permit and construct new garage per plans.

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

Board members asked about the plans



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**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 voted to approve.

**Case: BOA-1530397 Address: 125 Redlands Road Ward 20 Applicant: Nan Yang**

**Article:** Article 56, Section 8 Floor Area Ratio Excessive - FAR Excessive (Extension living space in the Attic).

**Purpose:** Interior layout changes only.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to complete attic renovations. The Board found this proposal to be straightforward.

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 voted to approve.

**Case: BOA-1535026 Address: 2250 Dorchester Avenue Ward 17 Applicant: John Pulgini**

**Article(s):** Article 65 Section 15 Use Regulations - Drive through bank. Article 65 Section 16 Min. rear yard required: 20' Proposing drive up canopy Article 65, Section 39 Screening & Buffering Req - Proposing fence abutting Residential district Art. 55 Sec. 65 41 Off Street parking insufficient- Reducing number of existing parking spaces. Article 65, Section 32 Neighborhood Design Overlay Districts

**Purpose:** Change of occupancy to include drive through bank. Remove existing drive thru window and install new drive up canopy at existing Rockland Trust Bank. Remove existing guardrail and install new decorative fence as per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate and upgrade an existing Rockland Trust.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1512575 Address: 115 Adams Street Ward 15 Applicant: 115 Adams Street, LLC**

**Article(s):** Art. 65 Sec. 42 Off Street Parking Insufficient - Parking space insufficient. Art.65 Sec. 8 Use: Forbidden - Multi Family Use: Forbidden. Art. 65 Sec. 9 Residential Dimensional Reg.s - Add'l Lot area insufficient. Art. 65 Sec. 9 Residential Dimensional Reg.s - Usable open space insufficient. Article 65, Section 9 Floor Area Ratio Excessive - FAR Excessive. Article 65, Section 9 Bldg Height Excessive (Feet) - West staircase head house. Article 65, Section 9 Rear Yard insufficient.

**Purpose:** On an 8,070 sf+/- lot, erect a new 3 story, 12 unit residential building w/garage and front, side and roof decks and elevator as per plans submitted.



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**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 7 unit dwelling with 7 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 Worrell is in support.

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

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

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

**Article(s):** Art. 65 Sec. 08 Forbidden 5 unit dwelling in a three family subdistrict- Forbidden (per revised plans 11.22.23) 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- Corrected via resubmitted plans 11.22.23 Art. 65 Sec. 9 Residential Dimensional Reg.s Number of allowed stories exceeded Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient front yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient side yard setback

**Purpose:** Erect a three story 5 unit b vehicle easement access for 26 Torrey street. See ALT1357306 for subdivision (Nominal Fee) building with 5off street parking spaces on the newly created lot B consisting of 4971sf lot with vehicle easement access for 26 Torrey street. See ALT1357306 for subdivision.

**Reason for Prior Deferral: The appeal had to be re-advertised**

**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 Excessive f.a.r. (Missing variance added 11.22.23) 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 8,330sf lot into two lots. Lot A shall have 3,359sf 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 4971sf and be newly known as 22 Torrey Street with a proposed 16' wide easement access from Moody street for vehicle access to parking spaces by 26 Torrey street. Application has been filed in conjunction with ERT1353053 for structure and other proposed off-street parking.

**Reason for Prior Deferral: The appeal had to be re-advertised**

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until March 12, 2024.

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



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**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.

**Reason for Prior Deferral:** **The motion failed and the applicant requested a deferral**

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until March 12, 2024.

**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).

**Reason for Prior Deferral:** **The applicant requested a deferral and one was granted**

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until March 6 ,2024.

**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.

**Reason for Prior Deferral:** **The applicant requested a deferral and it was granted**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to reconfigure decks for a 4 family.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Upon a motion and a second, the Board voted to approve with BPDA design review and GCOD relief. Collins was in opposition. The Board also voted for a hatch instead of a head house.

**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.

**Reason for Prior Deferral:** **The applicant requested a deferral and it was granted**



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**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to reconfigure decks for a 4 family.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Upon a motion and a second, the Board voted to approve with BPDA design review and GCOD relief. Collins was in opposition. The Board also voted for a hatch instead of a head house.

**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.

**Reason for Prior Deferral: The applicant requested a deferral and it was granted**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 1 to a 3 family.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

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

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

**Case: BOA-1536698 Address: 1208C VFW Parkway Ward 20 Applicant: 705 Plantation St. Realty Trust, LLC-ARTICLE 80**

**Article(s):** Art. 56, Section 15 Use: Conditional -MFR Conditional Article 56 Section 16 Building Height

**Purpose:** Erect a new 5 story, multi family, 55 residential unit building, totaling approximately 62,140GSF with at grade parking. Building features a green roof and private roof decks. Demolition of existing 30,000 SF commercial building to be filed under separate permit.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 5 story 55 unit dwelling with 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. The Carpenters Union is in support.



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

**Case: BOA-1539060 Address: 19 Pinecliff Road Ward 20 Applicant: Robert M. Cuddy Jr.**

**Article(s):** Art. 56, Section 7 Use: Forbidden - The change of use from a two family to a three family is forbidden.

Art. 56 Sec. 08 Floor Area Ratio excessive - The proposed third floor unit will exceed the required FAR of .8

**Purpose:** Existing 3rd Floor No exterior work No structural Work Rough Electrical, Plumbing and Gas signed off on old Permit. Change from 2 family to 3 family. Egress for unit #3 permitted on ALT1404513, issued on March 7, 2023, other work performed on various permits.

**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 to a 3 family 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 voted to approve.

**Case: BOA-1535266 Address: 176 Minot Street Ward 16 Applicant: JP Doherty**

**Article(s):** Article 65, Section 9 Floor Area Ratio Excessive -The proposed renovations will exceed the required FAR of

.5 Art. 65 Sec. 08 Forbidden - Proposed project is a change of use from three family and a professional office to four

Family. The professional office will be the fourth unit. The basement unit appealed by ZBA March 11th 1986 (BZA#8274) & LF1435.

**Purpose:** Change use of occupancy of the 1st floor commercial space to residential and renovations to the basement apartment. (Three to Four Units)

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from commercial space to residential space.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Upon a motion and a second, the Board voted to approve with no building code relief.

**Case: BOA- 1547581 Address: 14 Hillside Street Ward 10 Applicant: Derric Small**

**Article(s):** Art. 59, Section 37 Off street parking insufficient. Art. 59, Section 7 Use: Forbidden - 3 Family Use: Forbidden.

**Purpose:** Change of occupancy to a 3 family by adding new 13R sprinkler system and fire alarm to the whole house and add internal stairway case to the 2nd and 3rd floor unit. Per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to confirm the occupancy as a 3 family. No living in the basement.



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. A local neighborhood association and abutters are in support.

**Votes:** Upon a motion and a second, the Board voted to approve with the provisos to meet with neighbors before and during construction.

**Case: BOA-1535768 Address: 297 Bunker Hill Street Ward 2 Applicant: Douglas MacDonald**

**Article(s):** Art. 62 Sec. 25 Roof Structure Restrictions - Alter Change roof line profiles Article 62, Section 8 Rear yard insufficient. Art. 62 Sec. 08 Side yard insufficient Article 62, Section 8 Usable Open Space Insufficient Article 62, Section 8 Floor Area Ratio Excessive - FAR Excessive.

**Purpose:** This is for the enlargement of and reconstruction of an existing one car garage into a two-car garage. The addition of a bi level rear deck which will extend over the same expanded garage and a roof deck accessed via. a new set of stairs and hatch. ZBA relief will be required. Please see ALT1483105.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to convert a 1 car garage into a 2 car garage with bi level decks and a roof deck.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1390898 Address: 161 Leyden Street Ward 1 Applicant: Taylor Ferguson**

**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - > 25% - Forbidden Art. 53 Sec. 52 Roof Structure Restrictions - Max allowed height exceeded Art. 53 Sec. 52^ Roof structure restrictions - Roof Access Art. 53 Sec.08 Forbidden - Accessory Roof decks to a forbidden MAIN USE in a 2f sub-district-Forbidden Article 53 Section 9 Insufficient side yard setback

**Purpose:** Install roof deck per plans, 6 dwelling units #ERT620498.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new roof deck on an existing 6 unit dwelling.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

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

**INTERPRETATION: 1:00PM**



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**Case: BOA-1550520 Address: 10A Park Lane Ward 11 Applicant: Martell Johnson, Esq**

**Purpose:** The Appellant seeks a determination that the Inspectional Services Department erred in issuing the permit #ERT1318263 and incorrectly relied on Article 4.1 in violation of height and front yard setback requirements and without Neighborhood Design Overlay District

**Discussion:** At the request of the Board, the Permit Holder presented plans and described the proposed project in detail to rebuild an existing garage that was dilapidated. Appellant argued that ISD incorrectly relied on Article 4 to issue the building permit and that the proposed garage would violate the zoning code. Deputy Commissioner Marc Joseph testified on behalf of ISD noting the Article 4 procedure and stating ISD correctly relied on Article 4 to issue the permit.

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 voted to approve with ISD's original assessment that the permit was correctly issued under Article 4.



City of Boston  
Board of Appeal

**STEPHANIE HAYNES**  
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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 November 14, 2023 Board of Appeal Hearing please go to:**  
[https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).