



City of Boston
Board of Appeal

Tuesday, October 17, 2023

BOARD OF APPEAL

Room 801

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 OCTOBER 17, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS OCTOBER 17, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE OCTOBER 17, 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/October17Comment> 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 <http://bit.ly/October17Comment>, 617-635-4775, or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or

concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

If you wish to offer comment within the meeting platform, please use the “Raise Hand” function that should appear on the bottom of your screen, if connected by computer or device, or dial *9, if connected by phone. On a computer or device, you will receive a request to unmute yourself from the event host. You must select yes before you can speak. On a phone, you will hear a prompt that the event host is asking you to unmute yourself. You must press *6 to unmute yourself before you can speak. Commenters will be asked to state their name, address and comment. Comments will be limited as time requires.

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

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

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

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



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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-1227079 Address: 57-59 Greaton Road Ward 20 Applicant: Timothy Burke

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

Case: BOA-1198971 Address: 196 Havre Street Ward 1 Applicant: Jeffrey Drago, Esq

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

Case: BOA-1240760 Address: 46 Everett Street Ward 1 Applicant: Richard Lynds, Esq

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

Case: BOA#1240917 Address: 46 Everett Street Ward 1 Applicant: Richard Lynds, Esq

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

Case: BOA-1240765 Address: 48 Everett Street Ward 1 Applicant: Richard Lynds, Esq

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

Case: BOA#1240920 Address: 48 Everett Street Ward 1 Applicant: Richard Lynds, Esq

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

Case: BOA-981180 Address: 199-201 Hampden Street Ward 8 Applicant: Evan Smith

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

Case: BOA-1035609 Address: 820 William T Morrissey Blvd Ward 16 Applicant: Kelly Frey

Discussion/ Votes: Upon a motion and a second the Board granted an extension until October 25 2024.

Case: BOA-1066449 Address: 6 Glover Court Ward 7 Applicant: George Morancy, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until October 25 2024.



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GCOD AND BUILDING CODE : 9:30AM

Case: BOA- 1522084 Address: 358 Marlborough Street Ward 5 Applicant: Armando Hernandez

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

Purpose: Change of occupancy to single family. Interior building renovations, per plans, including new plumbing, sprinkler, electrical and HVAC systems, new elevator, all as shown on plans filed herewith. New roof hatch to a new roof deck, no other exterior alterations except masonry repairs and window/door replacements.

Discussion: The applicant is seeking GCOD relief

The Board asked about the proposal

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

Case: BOA#1522085 Address:358 Marlborough Street Ward 5 Applicant: Armando Hernandez

Purpose: Change of occupancy to single family. Interior building renovations, per plans, including new plumbing, sprinkler, electrical and HVAC systems, new elevator, all as shown on plans filed herewith. New roof hatch to a new roof deck, no other exterior alterations except masonry repairs and window/door replacements.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. [Occupied roof above fourth story provided with a hatch]

Discussion: The applicant is seeking GCOD relief

The Board asked about the proposal

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

HEARINGS:9:30AM

Case: BOA-1485963 Address: 340 West Second Street Ward 6 Applicant: Gerry DiPierro

Article(s): Article 68, Section 8 Rear Yard Insufficient

Purpose: Repair and replace existing roof top deck on flat rubber roof. Expand existing deck by approx. 600 s/ft. New deck to sit on sleeper studs on flat rubber roof. Decking to be composite material. Existing 5' tall parapet wall encircling entire roof to remain and obstruct view from the street.

Discussion: The applicant is seeking to have a small project change approved with private roof deck.

The Board asked about the plans,

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 Valencia moved to approve. Stembridge seconded and the motion carried unanimously.



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Case: BOA-1438279 Address: 421 East Sixth Street Ward 7 Applicant: Michael Welsh

Article(s): Article 68, Section 29 - Roof Structure Restrictions - The height of any building existing on (the existing date of this amendment [October 15, 2019]), shall determine that allowed building height on that lot subsequent to total or partial demolition of such building. Any proposed construction on the lot that would exceed the prior height shall require Board of Appeal approval, and shall be subject to the roof structure and building height restrictions of this Section 68 29 and the height limits applicable to the Subdistrict in which the lot is located. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in Article 2A respecting the definition of the term "grade," if a building abuts more than one street, "grade" is the average elevation of the street with the lowest elevation.

Purpose: Construction of new multifamily dwelling with four units and eight garage spaces. Building to include sprinklers. Full set of construction plans by architect and engineers to be submitted after zoning review determination. Demolition to be included in separate permit application.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 14, 2023.

Case: BOA-1444113 Address: 8 Adrian Street Ward 13 Applicant: Andrew Falkenstein

Article(s): Article 50, Section 29 Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive
Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear
Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req

Purpose: Erect new 2F dwelling on vacant lot.

Discussion: The applicant is seeking to erect a new 2 family dwelling on a vacant lot and improve the road conditions.

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.

Documents: Building plans,

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



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Case: BOA- 1450560 Address: 81-81A Wrentham Street Ward 16 Applicant: Paulette Whittaker

Article(s): Art.65 Sec. 8 Use: Forbidden - 2F in 1F Article 65, Section 9 Lot Frontage Insufficient
Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Rear Yard Insufficient
Article 65, Section 42.13 Two or More Dwellings on Same Lot - Dwelling behind another dwelling.
Article 65, Section 42.2 Conformity w Ex Bldg Alignment - 92ft provided

Purpose: Erect a new 3 story two family dwelling with garage parking at grade and rear decks/stairs on newly created Lot B (9,108sf), see plans attached. Easement proposed for fire truck access, shared with 77 79 Wrentham St. Existing structure to be razed under separate demo permit. See ALT1027510 for subdivision of Parcel ID: 1603163001 & see ERT1329294 for Lot A dwelling.

Discussion: The applicant is seeking to erect a 3 story 2 family dwelling with a curb cut and fire lane access.

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 opposition.

Documents: Building plans,

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

HEARINGS:11:00AM

Case: BOA-1494933 Address: 260 Newbury Street Ward 5 Applicant: Masion Newbury LLC

Article(s): Article 3, Section 3 1A Special Purpose Overlay - Section 3 1A(c) : Parking Accessory to Non Residential Uses : Conditional Use Article 32, Section 4. GCOD, Applicability - Groundwater Conservation Overlay District Applicability: Conditional Use

Purpose: Renovation of existing structure including new MEP systems, FA, sprinkler, floors, elevator, stair tower, windows and common area finishes. New construction includes: penthouse w/ roof deck, two story rear addition, and recessed entry terrace. Tenant spaces to be core and shell for future tenants.

Discussion: The applicant is seeking to convert to an office and retail use with groundwater included.

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-1289178 Address: 40 B Street Ward 6 Applicant: Joe Hassell-ARTICLE 80

Article(s): Art. 13 Sec. 04 Dwellings in Nonresidential district Article 13, Section 1 Add'l Lot Area Insufficient - Min. lot area required: 5,000 + 54,000 = 59,000 sqft Article 13, Section 1 Setback of Parapet Insufficient Article 13, Section 1 Floor Area Ratio Excessive - Max. allowed: 1 Proposed: 4.46 Article 13, Section 1 Usable Open Space Insufficient - Min. required: 54 x 400 = 21,600 sqft Article 13, Section 1 Front Yard Insufficient - Min. required: 25' Proposed: 1.5' Article 13, Section 1 Side Yard Insufficient - Required as per section 19.4 Proposed: 0(R) and 3' (L) Article 13, Section 1 Rear Yard Insufficient - Min. required: 30' Proposed: 2.5' Art. 18 Section 2 Conformity with existing building alignment Modal not provided Article 13, Section 1 Bldg Height Excessive (Feet) - Max. allowed: 2.5 Proposed: 6



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Article 13, Section 1 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: 63
Art. 23 Section 1 Off Street Parking (Residential) Insufficient - Min. spaces required: $0.9 \times 54 = 48.6$ spaces. Proposed: 22
Art. 23 Sec. 09 Design - Driveway is ancillary, done through 55W Fifth St.

Purpose: Construct new 6 Story residential building with 45 units (Reduced 07/10/23) and 22 parking spaces. BOA and BBRS since the access to the proposed parking spaces is done through 55 West 5th St. development and there is an opening on the fire walls between the 2 buildings. In conjunction with ALT1513291.

Discussion: The applicant is seeking to erect a 6 story 45 unit building with 8 IDP units and underground parking.

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 and Flaherty are in support.

Documents: Building plans,

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

Case: BOA#1521943 Address: 40 B Street Ward 6 Applicant: Joe Hassell

Purpose: Construct new 6 Story residential building with 45 units (Reduced 07/10/23) and 22 parking spaces BOA and BBRS since the access to the proposed parking spaces is done through 55 West 5th St. development and there is an opening on the fire walls between the 2 buildings. In conjunction with ALT1513291.

Violation Violation Description Violation Comments 9th 780 CMR 706 Fire Walls 706.1.1 Party Walls shall be constructed as fire walls, without openings, and shall create separate buildings. 706.8 Openings through a fire wall shall be protected and not exceed 156 sqft.

Discussion: The applicant is seeking to erect 4 individual buildings and consolidate the lot with 10 IDP units. MBTA accessible proposal. Address 11&9 are 3 units, 17 is 38 units, 19 is 1 unit.

The Board asked about the plans, proposal, AMI

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

Documents: Building plans,

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

Case: BOA-1521939 Address: 55 West Fifth Street Ward 6 Applicant: Joe Hassell

Article(s): Art. 23 Sec. 09 Design - Ancillary driveway for development on 40B Street.

Purpose: Remove CMU wall to allow for passage through garage to proposed garage structure for next door at 40 B street. In conjunction with ERT1254885. This is being done at the request of the BPDA to minimize garage openings on the street.

Discussion: The applicant is seeking to erect 4 individual buildings and consolidate the lot with 10 IDP units. MBTA accessible proposal. Address 11&9 are 3 units, 17 is 38 units, 19 is 1 unit.

The Board asked about the plans, proposal, AMI

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



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Documents: Building plans,

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

Case: BOA-#1521796 Address: 55 West Fifth Street Ward 6 Applicant: Joe Hassell

Purpose: Remove CMU wall to allow for passage through garage to proposed garage structure for next door at 40 B street. In conjunction with ERT1254885. This is being done at the request of the BPDA to minimize garage openings on the street.

Violation Violation Description Violation Comments 9th 780 CMR 706 Fire Walls 706.1.1 Party walls shall be constructed as fire walls, without openings, and shall create separate buildings. 706.8 Openings through a fire wall shall be protected and not exceed 156 sqft.

Discussion: The applicant is seeking to erect 4 individual buildings and consolidate the lot with 10 IDP units. MBTA accessible proposal. Address 11&9 are 3 units, 17 is 38 units, 19 is 1 unit.

The Board asked about the plans, proposal, AMI

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

Documents: Building plans,

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

RE-DISCUSSIONS :11:30 AM

Case: BOA-1406273 Address: 6 Brooks Street Ward 1 Applicant: Thomas Walsh

Article(s): Art. 32 Sec. 04 GCOD Applicability Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. - Extensions>25% forbidden Article 27T – 5 East Boston IPOD Applicability Art.53 Sec. 08 Use: Forbidden Art. 53 Sec. 56 Off Street Parking - Insufficient parking Article 53 Section 9 Insufficient additional lot area per unit Article 53 Section 9 Insufficient open space Article 53 Section 9 Excessive f.a.r. Article 53 Section 9 Excessive height Article 53 Section 9 Side yard Article 53 Section 9 Rear yard Article 53, Section 9 Front yard

Purpose: Seeking to change the occupancy from 3 residential units and 1 retail space to 6 residential units and 1 retail space. Also, to renovate the building and erect additions

Reason for Prior Deferral: Defer to allow parties to negotiate terms

Discussion: The applicant is seeking to change the occupancy to 6 residential units with 1 retail space. MBTA accessible and storage and mechanicals in the basement.

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 Whewell moved to approve with BPDA design review and BWSC relief. Stembridge seconded and the motion carried unanimously.

Case: BOA-1461351 Address: 219 Leyden Street Ward 1 Applicant: Jonathan Sanchez

Article(s): Article 53, Section 9 Side Yard Insufficient - Side yard insufficient. Article 53, Section 9 Bldg Height Excessive (Stories) - 3 Stories height Article 53, Section 9 Floor Area Ratio Excessive - FAR Excessive. Art.53 Sec.08 Use Forbidden - Multi Family 4 units Use Forbidden. Art. 53, Section 56 Off Street Parking Insufficient - Off-street



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Parking Insufficient. Article 53 Section 62Basement units - Basement Unit 1A: Forbidden Article 27T 5East Boston IPOD Applicability - IPOD Overlay. Article 53, Section 9 Bldg Height Excessive (Feet) - Proposed 42'.2"

Purpose: Erect addition on existing structure, renovate and change occupancy to a four-unit dwelling.

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

Discussion: The applicant is seeking to erect a 3 story multifamily in context with the hip roof.

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. An abutter is in opposition.

Documents: Building plans,

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

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

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

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

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

Discussion: The applicant is seeking erect a 5 unit dwelling with parking and rear decks.

The Board asked about the plans, proposal, lot coverage, and 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 Valencia moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA- 1264670 Address: 240 Silver Street Ward 6 Applicant: Marco Lei, Trustee of the Lei-Chan Family Irrevocable Trust

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Maximum allowed height on parcel exceeded Art 68 Sec 8 Insufficient lot size Art 68 Sec 8 Insufficient additional lot area Art 68 Sec 8 Excessive F.A.R. Art 68 Sec 8 Max. allowed height has been exceeded Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Insufficient rear yard setback Article 68, Section 33Off-Street Parking & Loading Req

Purpose: Demolish existing, two story, single family home and erect a four story, two family multi level duplex dwelling with two off street parking spaces per plans. Existing structures takedown is subject to a separately applied for and issuance of an sf demolition permit 2.21.23 Revised plans reviewed on behalf of the BOA (i.e. Removed Roof deck, bulkhead and one unit replaced with two parking spaces (1st level), and the removal of an additional unit on second level resulting in a two-family occupancy)

Reason for Prior Deferral: To allow owner to work with abutters



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Discussion: The applicant is seeking to erect a 4 story 2 family dwelling with a 2 car driveway. The Board found that this was harmonious with the neighborhood.

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 Flynn is in support. An abutter is in opposition.

Documents: Building plans,

Votes: Board member Aiken moved to approve with BPDA design review. Stembridge seconded and the motion carried 6-1.

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/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 28, 2023.

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 Dimensional Regulations - Floor area ratio requirements is excessive Article 51 Section 17 Dimensional Regulations - Height requirement is excessive Article 51 Section 17 Dimensional Regulations - Usable open space requirements is insufficient Art. 51 Sec. 23 Off street parking requirement - Off street parking requirements is insufficient

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

Reason for Prior Deferral: Revised plans submitted

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 28, 2023.

HEARINGS: 1:00PM

Case: BOA-1456727 Address: 270 Sumner Street Ward 1 Applicant: Evandro DaSilva

Article(s): Art. 27G E Boston IPOD Article 53, Section 52 Roof Structure Restrictions Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Art. 32 Section 9 GCOD Enforcement Article 53, Section 9 Usable Open Space Insufficient

Purpose: Rehabilitate existing dwelling, rear addition, add a roof deck exclusive to unit 3, add rear decks and add 1 parking space to the Rear.

Discussion: The applicant is seeking to propose a 3-unit 3 story dwelling and rehabilitate the existing conditions. No parking required

The Board asked about the plans, proposal



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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 Aiken moved to approve with BPDA design review with attention to the mechanicals. Stembridge seconded and the motion carried unanimously.

Case: BOA-1461678 Address: 106 Moore Street Ward 1 Applicant: Trichilo Development, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability Art. 53 Sec. 08 Forbidden - MFR IN A 2F 2000
Art. 53 Sec. 56 Off Street Parking 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 Front Yard Insufficient Article 53, Section 52 Roof Structure Restrictions

Purpose: Raze existing dwelling (on separate permit) and erect an eight (8) unit residential dwelling with nine (9) parking space and three (3) private roof decks.

Discussion: The applicant is seeking to raze the existing dwelling and erect an 8 unit residential dwelling with 9 parking spaces.

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. Multiple abutters are in support.

Documents: Building plans,

Votes: Board member Whewell moved to deny without prejudice and the motion failed. A member of the Board moved to approve with BPDA design review. The motion carried 6-1.

Case: BOA-1491576 Address: 338-344 Sumner Street Ward 1 Applicant: Petruccelli 2018 Irrevocable Trust

Article(s): Art. 53 Sec. 09 Floor Area Ratio Excessive Floor Area is existing non conforming from Existing 2.78 to Proposed 3.92. Article 53, Section 9 Bldg Height Excessive (Feet) Building Height is existing non conforming from the requirement of 35'. Existing 41' 3" to remain the same with proposed project.
Article 53, Section 9 Usable Open Space Insufficient Existing non conforming Required 300 sf; Existing: is 229 sf. Proposed project will have less than required and existing conditions. Article 53, Section 9 Front Yard Insufficient Existing non conforming. Proposed project will be same or less. Art. 53 Sec. 08 Use Forbidden Existing Non conforming. Existing use: Is a four (4) family with retail. Proposed use: Is a six (6) family with retail. Art. 53 Sec. 09 Side yard insufficient Existing non conforming Proposed project will be the same. Article 53, Section 9 Lot Area Insufficient Existing non conforming. Required to have a lot area of 2,000 sf. Existing and proposed will have the lot area of 1840 sf. Article 53, Section 9 Bldg Height Excessive (Stories) Existing Non conforming Stories. Required to have three (3) stories. Existing & Proposed structure will have four (4) stories. Article 53, Section 52 Roof Structure Restrictions Proposed project has two (2) roof decks, one for Unit A3 and the other for Unit B4. Article 53, Section 9 ****Rear Yard Insufficient Existing Non conforming. Required to have 10'. The existing & proposed has a rear yard less 10' as required. Art. 53 Sec. 56 Off Street Parking Existing Non Conforming. Required to have 2 (two) off street parking spots. Proposed project shows none (0) off street parking. Article 27T 5 East Boston IPOD Applicability Proposed project subject to East Boston Interim Planning Overlay District (IPOD). Applicant needs to seek relief from the board.

Purpose: Change occupancy from a mixed use multifamily dwelling with ground level retail and 4 units to ground level retail and six units. With vertical addition and two (2) private roof decks. To also include life safety upgrades and exterior improvements.

Discussion: The applicant is seeking to change the occupancy to 6 units.

The Board asked about the plans, proposal



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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 Aiken moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA-1523532 **Address:** 129 B Street **Ward 6 Applicant:** Sean & Margaret Duddy

Article(s): Art 68 Sec 29Roof Structure Restrictions - Reconfiguration of existing roof profile Art 68 Sec 8Dim reg app in res sub dist - Insufficient rear yard setback of a shallow lot Art 68 Sec 8Dim reg app in res sub dist - Insufficient side yard setback Art 68 Sec 8 Dim reg app in res sub dist - Excessive f.a.r.

Purpose: Confirm occupancy as one family. A complete gut remodel of the interior and exterior, inclusive of digging down the basement, adding 2 shed dormers, removing rear stairwell, and creating ~2.5 custom baths, laundry & kitchen.

Discussion: The applicant is seeking to extend the living space on an existing dwelling on a corner lot.

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 an abutter are in support.

Documents: Building plans,

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

Case: BOA- 1523713 **Address:** 9 Vaughan Avenue **Ward 14 Applicant:** Timothy Fraser, Esq-ARTICLE 80

Article(s): Art. 50, Section 43 Off Street Parking Insufficient - Required: 3 parking spaces. Proposed: 0 Article 50, Section 44.2Conformity Ex Bldg Alignment - Street modal calculation not provided to verify its compliance.

Article 50, Section 44.13Two or More Dwellings on Same Lot - 4 buildings in one lot. Art. 50 Sec. 29 Usable open space insufficient - Min. required: 18,000 sqft Article 50, Section 29 Add'l Lot Area Insufficient - Min. required: 46,000 sqft Proposed: 19,921 sqft Article 50, Section 29 Floor Area Ratio Excessive - Max. allowed: 1 Proposed: 2.42 Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 6.4' Article 50, Section 29 Rear Yard Insufficient - Min. required: 20' Proposed: 6.7' Art.50, Section 44 50.44.4 Front wall of building not parallel to front lot line.

Purpose: Proposing 3 residential unit semi attached building. 9 Vaughan Avenue will be one of four buildings that will be occupying a single consolidated lot (see permit appl. ALT1465809 and ALT1465813) and is part of 45 Unit development approved by BPDA. See other applications: ALT1465829 (19 Vaughan Ave) ERT1465824 (11 Vaughan Ave) ERT1465827 (17 Vaughan Ave). Demolition of existing structure under SF#.

Discussion: The applicant is seeking to erect 4 individual buildings and consolidate the lot with 10 IDP units. MBTA accessible proposal. Address 11&9 are 3 units, 17 is 38 units, 19 is 1 unit.

The Board asked about the plans, proposal, AMI

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

Documents: Building plans,

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



City of Boston
Board of Appeal

Case: BOA- 1523744 Address: 11 Vaughan Avenue Ward 14 Applicant: Timothy Fraser, Esq-ARTICLE 80

Article(s): Art. 50 Sec. 43 Off street parking insufficient - Required: 3 parking spaces. Proposed: 0
Article 50, Section 44.2 Conformity Ex Bldg Alignment - Street modal calculation not provided to verify its compliance.
Art.50, Section 44 50.44.4 Front wall of building not parallel to front lot line. Article 50, Section 44.13 Two or More Dwellings on Same Lot - Four buildings in one lot. Art. 50 Sec. 29 Usable open space insufficient - Min. required: 18,000 sqft Article 50, Section 29 Add'l Lot Area Insufficient - Min. required: 46,000 sqft Proposed: 19,921 sqft
Article 50, Section 29 Floor Area Ratio Excessive - Max. allowed: 1 Proposed: 2.42 Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 6.4' Article 50, Section 29 Rear Yard Insufficient - Min. required: 20' Proposed: 3.9' Article 50, Section 29 Side Yard Insufficient - Min. required: 10' Proposed: 5.35'

Purpose: Proposing 3 residential unit semi attached building. 11 Vaughan Avenue will be one of four buildings that will be occupying a single consolidated lot (see permit appl. ALT1465809 and ALT1465813) and is part of 45 Unit development approved by BPDA. See other applications: ALT1465829 (19 Vaughan Ave) ERT1465821 (9 Vaughan Ave) ERT1465827 (17 Vaughan Ave).

Discussion: The applicant is seeking to erect 4 individual buildings and consolidate the lot with 10 IDP units. MBTA accessible proposal. Address 11&9 are 3 units, 17 is 38 units, 19 is 1 unit.

The Board asked about the plans, proposal, AMI

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

Documents: Building plans,

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

Case: BOA-1523749 Address: 17 Vaughan Avenue Ward 14 Applicant: Timothy Fraser, Esq-ARTICLE 80

Article(s): Article 50, Section 44.2 Conformity Ex Bldg Alignment - Street modal calculation not provided to verify its compliance. Article 50, Section 44.13 Two or More Dwellings on Same Lot - Four buildings in one lot.
Art.50, Section 44 50.44.4 Front wall of building not parallel to front lot line. Art. 50 Sec. 29 Usable open space insufficient - Min. required: 18,000 sqft Article 50, Section 29 Add'l Lot Area Insufficient - Min. required: 46,000 sqft Proposed: 19,921 sqft Article 50, Section 29 Floor Area Ratio Excessive - Max. allowed: 1 Proposed: 2.42 Article 50, Section 29 Rear Yard Insufficient - Min. required: 20' Proposed: 10' Article 50, Section 29 Side Yard Insufficient - Min. required: 10' Proposed: 4' (R) Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 3.9' Article 50, Section 29 Bldg Height Excessive (Stories) - Max. allowed: 4 Proposed: 5' Article 50, Section 29 Bldg Height Excessive (Feet) - Max. allowed: 45' Proposed: 56'

Purpose: Proposing 38 residential units, 5 story building with (32)30 parking spaces (16 stackable spaces). 17 Vaughan Avenue will be one of four buildings that will be occupying a single consolidated lot (see permit appl. ALT1465809 and ALT1465813) and is part of 45 Unit development approved by BPDA. See other applications: ALT1465829 (19 Vaughan Ave) ERT1465821 (9 Vaughan Ave) ERT1465824 (11 Vaughan Ave).

Discussion: The applicant is seeking to erect 4 individual buildings and consolidate the lot with 10 IDP units. MBTA accessible proposal. Address 11&9 are 3 units, 17 is 38 units, 19 is 1 unit.

The Board asked about the plans, proposal, AMI

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

Documents: Building plans,

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



City of Boston
Board of Appeal

Case: BOA-1523753 Address: 19 Vaughan Avenue Ward 14 Applicant: Timothy Fraser, Esq-ARTICLE 80
Article(s): Article 50, Section 44.13 Two or More Dwellings on Same Lot - 4 buildings in one lot Article 50, Section 29 Add'l Lot Area Insufficient - Min. lot area required: 46,000 sqft Proposed: 19,921 sqft Article 50, Section 29 Floor Area Ratio Excessive - Max. allowed: 1 Proposed: 2.42 Art. 50 Sec. 29 Usable open space insufficient - Min. required: 18,000 sqft Article 50, Section 29 Rear Yard Insufficient - Min. required: 30' Proposed: 3' 10"
Purpose: Existing building will be refurbished to change the occupancy from an existing 2 fam to a 1 Fam. 19 Vaughan Avenue will be one of four buildings that will be occupying a single consolidated lot (see permit appl. ALT1465809 and ALT1465813) and is part of 45 Unit development approved by BPDA. See other applications: ERT1465821 (9 Vaughan Ave) ERT1465824 (11 Vaughan Ave) ERT1465827 (17 Vaughan Ave).

Discussion: The applicant is seeking to erect 4 individual buildings and consolidate the lot with 10 IDP units. MBTA accessible proposal. Address 11&9 are 3 units, 17 is 38 units, 19 is 1 unit.

The Board asked about the plans, proposal, AMI

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

Documents: Building plans,

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

Case: BOA- 1496081 Address: 1295-1297 River Street Ward 18 Applicant: Geneise Israel-CANNABIS
Article(s): Art. 69 Sec. 11 Conditional -Cannabis: Conditional Use. Also Text Amendment No.432 at least 500ft. from Pre Existing High school. Proposed within 500ft. Article 69 Section 11 Use Regulations - Forbidden: buffer zone conflict with another cannabis establishment.
Purpose: Change of Occupancy to Cannabis Business.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 14, 2023.

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

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 28, 2023.



City of Boston
Board of Appeal

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

BOARD MEMBERS:

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NORMAN STEMBRIDGE-SECRETARY
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DAVID AIKEN

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 October 17, 2023 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.