



City of Boston  
Board of Appeal

Tuesday, February 27, 2024

BOARD OF APPEAL

City Hall 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 Stenbridge:

**BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON FEBRUARY 27, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS FEBRUARY 27, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE FEBRUARY 27, 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/February27Comment> 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/February27Comment>, 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.**

**EXTENSIONS: 9:30AM**

**Case: BOA- 1252941 Address 1385 River Street Ward 18 Applicant: Franklin Ortiz**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until August 13, 2025

**Case: BOA- 1280543 Address 190-192 Dudley Street Ward 8 Applicant: Patrick Mahoney, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until August 13, 2025

**Case: BOA-1102209 Address 99-105 Fairmount Avenue Ward 18 Applicant: John Pulgini, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until August 13, 2025

**Case: BOA-940063 Address 3 Aspinwall Road Ward 17 Applicant: Michael P. Ross, ESQ**

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

**Case: BOA- 1221855 Address 671 East Sixth Street Ward 6 Applicant: Ryan Spitz, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until February 17, 2025

**Case: BOA-824430 Address 127 Amory Street Ward 11 Applicant: Andy Waxman**

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

**Case: BOA-1023609 Address 75-81 Dudley Steet Ward 9 Applicant: Intiya Ambrogi-Isaza**

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

**Case: BOA-388758 Address 1102-1106 Blue Hill Avenue Ward 14 Applicant: Joseph Jeudy**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until February 6, 2025



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

**Case: BOA-1110007 Address 47 Condor Street Ward 1 Applicant: Richard Lynds, ESQ**

**Discussion/Vote:** The applicant presented plans to the Board. Upon a motion and a second, the Board moved to approve with Board Final Arbiter request.

## **RECOMMENDATIONS: 9:30 AM**

**Case: BOA-1539958 Address: 68 Horace Street Ward: 1 Applicant: Claudio Araujo**

**Article(s):** Art. 27G E Boston IPOD

**Purpose:** Project consists of attic renovation, with a roof replacement.

**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 with no building code relief.

**Case: BOA-1516063 Address: 49 Monmouth Street Ward: 1 Applicant: Agui Desouza**

**Article(s):** Article 63, Section 8 Floor Area Ratio Excessive Article 63, Section 8 Side Yard Insufficient  
Article 63, Section 8 Rear Yard Insufficient

**Purpose:** Change occupancy from a 1 family to a 2 family & Enlarge rear deck as per plans ZBA approval needed for setbacks & 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 subject to BPDA Design Review.

**Case: BOA-1549627 Address: 7 Hill Street Ward: 2 Applicant: Reinaldo Santos**

**Article(s):** Art. 62 Sec. 25 Roof Structure Restrictions - Reconfiguration of existing roof profile. (Dormers)

**Purpose:** 3rd floor dormer the back and front of house/master bathroom/laundry/roofing/siding and refinishing basement.

**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 with provisos.

**Case: BOA- 1544497 Address: 71-77 Summer Street Ward: 3 Applicant: Aarsal Jaffery (Reliance Hospitality Group)**

**Article(s):** Art. 08 Sec. 03 Conditional Uses - Takeout restaurant.

**Purpose :** Alteration of a previous hair salon to a proposed Taco John's quick service restaurant (with takeout). Scope to include MEP, restrooms, equipment, walls, finishes, etc.

**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-1511559 Address: 791 East Third Street Ward: 6 Applicant: Don Lange**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Walk out roof deck from lower roof

**Purpose :** Proposal to install a deck off of the 3rd story walk out. If proposal is approved, existing juliet balcony to be removed as part of proposal.

**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 denial without prejudice.



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**Case: BOA- 1548743 Address: 11 Edge Hill Street Ward: 10 Applicant: Andrew Litchfield**

**Article(s):** Art. 55 Sec. 09 Excessive f.a.r

**Purpose :** Nominal fee request. Renovate existing single family home per plans, including finishing basement into living space. In addition to SF1533582 and SF1529954.

**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-1545620 Address: 75 McBride Street Ward: 11 Applicant: Tim Bailey**

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

**Purpose:** Remove and replace first floor rear porch. Current porch is 3'X5'. New porch to be 11'X14' Porch to have roof.

**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-1534425 Address: 14 Victoria Street Ward: 13 Applicant: Matt Jeske**

**Article(s):** Article 10, Section 1 Limitation of Area - Limitation of Area of Accessory Uses Article 65, Section 41 Off Street Parking Regulations - Off Street Parking Design / Maneuverability

**Purpose:** We would like to add a 2 vehicle driveway on the left side of the house when facing it from the street in order to park there. Out application for a curb cut has also been submitted.

**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 re-hearing for this case will be Tuesday 2/27/2024.

**Case: BOA- 1535324 Address: 55 Samoset Street Ward: 16 Applicant: Carl Dumas**

**Article(s):** Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories)

**Purpose:** Construct a 33' x 24' third level addition.

**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-1527583 Address: 899-901 Washington Street Ward: 17 Applicant: Charles Mickle**

**Article(s):** Article 65, Section 9 Lot Area Insufficient

**Purpose :** Change of occupancy from 1 Family to 2 Family. New unit within 2nd story, existing unit to remain on 1st story and basement. Basement for storage/utilities only. See SF1510841 for related work.

**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 with provisos.

**Case: BOA-1525805 Address: 44 Bournedale Road Ward: 19 Applicant: Justin Longval**

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

**Purpose :** Addition of bathroom via and l shape addition and deck bump out on the rear of 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



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**Case: BOA-1543234 Address: 77 Woodland Road Ward: 19 Applicant: John Pulgini**

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

**Purpose :** Confirming occupancy of single family home for many years. Scope includes renovation with an addition. Sonotube foundation, as per structural engineer design. Framing second floor addition on top of remains of the main house. Following the architectural drawings and the structural engineers detail for all the work.

**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 with BPDA design review.

**Case: BOA-1544745 Address: 615-619 Centre Street Ward: 19 Applicant: Shea Butter Smoothies**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions - Remove Proviso petitioner. Conditional use.

**Purpose:** Remove proviso. Change occupancy to include juice/smoothie bar

**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- 1528556 Address: 14 Converse Street Ward: 22 Applicant: Len Stasiukiewicz**

**Article(s):** Article 51, Section 9 Side Yard Insufficient

**Purpose :** Install new kitchen addition on existing foundation. Remove and install new first floor bath remodel existing second floor bath install new rear deck with landing.

**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-1547120 Address 2-4 McCraw Street Ward 20 Applicant: Josephine Sevigny, Exodus Bagels, LLC**

**Article(s):** Article 67, Section 11 Use reg in neigh buis sub dist - Project proposes to renovate the existing commercial/restaurant space and add Take Out use to the existing restaurant & bakery uses.

**Purpose:** The proposed project includes reconfiguration of existing commercial space to include new service counter, open seating area and an additional bathroom; masonry required to open facade for windows and entryway; also includes carpentry/millwork, electrical/lighting installation, and plumbing updates.

**Discussion:** At the request of the Board, the applicant presented plans to reconfigure existing commercial 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 Peppen is in support.

**Votes:** Board member Barraza moved to approve. Stembridge seconded and the Board voted to approve.

**Case: BOA-1559621 Address 3 Regent Circle Ward 19 Applicant: Robert McTiernan**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions - Removal of proviso order "to be owner occupied"

**Purpose:** Please remove the restriction/proviso imposed in the decision of the board of appeals Case# #BZC 5906 dated November 23, 1982 which requires 3 Regent Circle Jamaica Plain to be owner occupied.



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**Discussion:** At the request of the Board, the applicant presented plans to remove the previous proviso.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Valencia moved to approve. Stembridge seconded and the Board voted to approve.

**Case: BOA- 1522524 Address 79 West Milton Street Ward 18 Applicant: Samanda Jean**

**Article(s):** Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 8 Use: Forbidden Article 69 Section 29 Off Street Parking & Loading Req

**Purpose:** Change occupancy from 1 family to 3 family including an ADU.

The applicant requested a deferral. Upon a motion and a second, the new hearing date is April 9, 2024

**Case: BOA-1563449 Address 1A Franklin Park Road Ward 12 Applicant: Peter Vanko**

**Article(s):** Art. 33 Sec.9 Parkland Open Space Subdistrict Structure proposed exceeds 600 sqft Art. 08 Sec.07 Use: Conditional Use Item 27A open space recreational building Art. 08 Sec.07 Use: Conditional Daycare use

**Purpose:** Upon land wholly owned and operated by Franklin Park Zoo, construct yurt membrane structures on wood platforms for accessory Educational (Preschool/ Daycare) use. In conjunction with Ert1543987 and Ert1543988.

**Discussion:** At the request of the Board, the applicant presented plans to build a new daycare center and preschool on Franklin Park Zoo property. The Board noted that this would be a great opportunity for students.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Valencia moved to approve. Stembridge seconded and the Board voted to approve.

**Case: BOA- 1563450 Address 1B Franklin Park Road Ward 12 Applicant: Peter Vanko**

**Article(s):** Art. 08 Sec.07 Use: Conditional - Use item 27A open space recreational building Art. 08 Sec.07 Use: Conditional - Daycare use Art. 33 Sec.9 Parkland Open Space Subdistrict - structure proposed exceeds 600 sqft

**Purpose:** Upon land wholly owned and operated by Franklin Park Zoo, construct yurt membrane structures on wood platforms for accessory Educational (Preschool/ Daycare) uses. In conjunction with Ert1543142 and Ert1543988.

**Discussion:** At the request of the Board, the applicant presented plans to build a new daycare center and preschool on Franklin Park Zoo property. The Board noted that this would be a great opportunity for students.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Valencia moved to approve. Stembridge seconded and the Board voted to approve.



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**Case: BOA-1563451 Address 1C Franklin Park Road Ward 12 Applicant: Peter Vanko**

**Article(s):** Art. 08 Sec.07 Use: Conditional - Use item 27A open space recreational building. Art. 08 Sec. 07 Use: Forbidden - Daycare use Art. 33 Sec.9 Parkland Open Space Subdistrict - Structure proposed exceeds 600 sqft  
**Purpose:** Upon land wholly owned and operated by Franklin Park Zoo, construct yurt membrane structures on wood platforms for accessory Educational (Preschool/ Daycare) uses. In conjunction with Ert1543987 and Ert1543142

**Discussion:** At the request of the Board, the applicant presented plans to build a new daycare center and preschool on Franklin Park Zoo property. The Board noted that this would be a great opportunity for students.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Valencia moved to approve. Stembridge seconded and the Board voted to approve.

**Case: BOA-1554463 Address 54 Dorset Street Ward 7 Applicant: 54 Dorset LLC**

**Article(s):** Art. 65 Sec. 08 Forbidden MFR Forbidden Art. 65 Sec. 41 Off street parking requirements - Design an clear maneuvering areas on own lot Conditional Art. 65 Sec. 08 Forbidden - Accessory/Ancillary Use Parking Forbidden Art. 65 Sec. 41 Off street parking requirements - Insufficient parking per unit Art. 65 Sec. 9 Insufficient lot size Art. 65 Sec. 9 Insufficient lot width frontage Art. 65 Sec. 9 Insufficient lot width Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 Number of allowed stories has bene exceeded Art. 65 Sec. 9 Insufficient front yard setback Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Insufficient rear yard setback

**Purpose:** Erect a new three story 6-unit residential building with 6 parking spaces per plans. See other ALT's and use of premises applications filed for lot subdivision (ALT1540490) plan which shows the granting of a shared driveway easement for the benefit of 56 Dorset Streets access to 2 separately proposed parking spaces in their rear yard (i.e. ALT1540514 U491540466, & U491540520). 5 spaces on own lot, sixth space is on abutters (a.k.a. as one ancillary space)

**Discussion:** At the request of the Board, the applicant presented plans to erect a new 3 story 6 unit dwelling with 6 off street parking space and a shared driveway The board noted a lack of open space and too much paving.

Board members asked about the plans, property, parking, paving

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Stembridge moved to approve with BPDA design review. The motion failed. Board member Barraza moved to deny without prejudice. Collins seconded and the motion carried unanimously.

**Case: BOA-1554459 Address 54 Dorset Street Ward 7 Applicant: 54 Dorset LLC**

**Article(s):** Art. 65 Sec. 08 Forbidden - Accessory/ Ancillary parking

**Purpose:** Proposed off street parking for six vehicles in rear of property per plan submitted. This application has been filed in conjunction with ALT1540490 U491540466 & ERT1540527. Note 5 Accessory vehicles in rear plus 1 ancillary space



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**Discussion:** At the request of the Board, the applicant presented plans to erect a new 3 story 6 unit dwelling with 6 off street parking space and a shared driveway The board noted a lack of open space and too much paving.

Board members asked about the plans, property, parking, paving

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Stenbridge moved to approve with BPDA design review. The motion failed. Board member Barraza moved to deny without prejudice. Collins seconded and the motion carried unanimously.

**Case: BOA- 1554465 Address 56 Dorset Street Ward 7 Applicant: Nguyen Revocable Trust**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use - Conditional use obtaining easement access from #54 Dorset St.

**Purpose:** Requesting two off street parking spaces with access via a proposed shared easement driveway being offered by #54 Dorset as well as grant one ancillary space to #54 Dorset per plan submitted. See plans for ALT1540490, U491540520 & ERT1540527. Subdivide existing lot with no curb cut and no existing parking spaces to accommodate a new 10' curb cut with an easement for a driveway access for a total of 8 parking spaces. (2 spaces for #56 and 6 spaces for #54. see plans for alt1540490, u491540520 & ert1540527)

**Discussion:** At the request of the Board, the applicant presented plans to erect a new 3 story 6 unit dwelling with 6 off street parking space and a shared driveway The board noted a lack of open space and too much paving.

Board members asked about the plans, property, parking, paving

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Stenbridge moved to approve with BPDA design review. The motion failed. Board member Barraza moved to deny without prejudice. Collins seconded and the motion carried unanimously.

**Case: BOA- 1554464 Address 56 Dorset Street Ward 7 Applicant: Nguyen Revocable Trust**

**Article(s):** Art. 65 Sec. 41 Off street parking requirements - Insufficient sole access on own lot with clear maneuvering areas Art. 65 Sec. 08 Forbidden - Accessory parking to a Three family dwelling in a 2f subdistrict

**Purpose:** Requesting two off street parking spaces with access via a proposed shared easement driveway being offered by #54 Dorset as well as grant one ancillary space to #54 Dorset per plan submitted. See plans for ALT1540490, U491540520 & ERT1540527. Subdivide existing lot with no curb cut and no existing parking spaces to accommodate a new 10' curb cut with an easement for a driveway access for a total of 8 parking spaces. (2 spaces for #56 and 6 spaces for #54. see plans for alt1540490, u491540520 & ert1540527)

**Discussion:** At the request of the Board, the applicant presented plans to erect a new 3 story 6 unit dwelling with 6 off street parking space and a shared driveway The board noted a lack of open space and too much paving.

Board members asked about the plans, property, parking, paving



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**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Stembridge moved to approve with BPDA design review. The motion failed. Board member Barraza moved to deny without prejudice. Collins seconded and the motion carried unanimously.

**Case: BOA-1523007 Address 185 E Street Ward 7 Applicant: Garrison Equilty, LLC**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel has been exceeded Art 68 Sec 8 Insufficient additional lot area per unit Art 68 Sec 8 Insufficient usable open space per unit Art 68 Sec 8 Insufficient rear yard setback Art 68 Sec 8 Insufficient front yard setback of Upper stories Article 68, Section 33 Off-Street Parking & Loading Req - Design (space sizes) to include Maneuvering areas Article 68, Section 33 Off-Street Parking & Loading Req - Insufficient access driveway width

**Purpose:** Demolish existing building, combine parcels 523, 526 & 527 and erect new 4 story, 4 unit residential building w/side balconies and with 6 car garage & 2 on grade parking as per plans submitted.

**Discussion:** At the request of the Board, the applicant presented plans in detail

Board members asked about the plans, property,

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA- 1517330 Address 84-90 A Street Ward 6 Applicant: Joshua Matt**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel has been exceeded Art 68 Sec 8 Insufficient lot size Art 68 Sec 8 Insufficient additional lot area per unit Art 68 Sec 8 Excessive f.a.r. Art 68 Sec 8 Max allowed height in district exceeded Art 68 Sec 8 Insufficient open space per unit Art 68 Sec 8 Insufficient rear yard setback Art. 68 Sec. 33 Insufficient parking Art 68 Sec 8 Insufficient side yard setback

**Purpose:** Confirm occupancy as an 8-unit garage and change occupancy to a 4 family residential with ground floor accessory parking garage by erecting an addition over existing garage. On 7/28/23 Confirmed as a garage; Clarification results in a required renovation and legal change of use and occupancy from a 1 story garage to a proposed five story, four family dwelling.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy to four residential units.

Board members asked about the plans, property, parking, paving

**Documents/Exhibits:** Building Plans

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



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

**Case: BOA-1556891 Address 322 Bunker Hill Street Ward 2 Applicant: Kate Wilber**

**Article(s):** Article 62, Section 8 Side Yard Insufficient Article 62, Section 25 Roof Structure Restrictions

**Purpose:** Install new roof deck per plans.

**Discussion:** At the request of the Board, the applicant presented plans to erect a new 3 story 6 unit dwelling with 6 off street parking space and a shared driveway The board noted a lack of open space and too much paving.

Board members asked about the plans, property, parking, paving

**Documents/Exhibits:** Building Plans

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

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

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

**Case: BOA-1554840 Address: 157 Everett Street Ward 22 Applicant: Josh Fetterman**

**Article(s):** Art. 51 Sec. 57.3 Traffic Visibility Across Corner Art. 51 Sec. 09 Rear Yard Insufficient

**Purpose:** Amending ERT961878. Revise plans to relocate main entry door from Everett St to Adamson St. Relocation to Adamson St. to be known as 1 Adamson St.

**Discussion:** At the request of the Board, the applicant presented plans to relocate the main entrance to change the address.

Board members asked about the plans, property, parking, paving

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Valencia moved to approve. Stembridge seconded and the proposal carried unanimously.

**Case: BOA-1544318 Address: 9 Schirmer Road Ward 20 Applicant: MDR Construction Co., Inc.**

**Article(s):** Art. 56 Sec. 8 Left Side Yard insufficient

**Purpose:** The entire scope of work under this permit will include raising the roof on the existing 7' 6" x 11' 0" first floor living room to create a new master bathroom on the second floor. The addition will create 82.5 square feet of new floor area on the second floor. The addition will create 82.5 square feet of new floor area on the second floor

**Discussion:** At the request of the Board, the applicant presented plans to raise the roof on an existing dwelling and add a vertical addition. The foundation will remain the same.

Board members asked about the plans, property,



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**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1536574 Address: 64 Sanborn Avenue Ward 20 Applicant: Cameron Merrill**

**Article(s):** Article 56, Section 8 Rear Yard Insufficient Article 56, Section 8Bldg Height Excessive (Stories) Article 56, Section 8 Floor Area Ratio Excessive Article 56. Section 8 Side Yard Insufficient

**Purpose:** Attic bedroom and bath fit out. Proposed work will exceed allowable F.A.R., requiring zoning relief.

**Discussion:** At the request of the Board, the applicant presented plans to renovate a vacant attic and keep work within the existing setbacks

Board members asked about the plans, proposal

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1548022 Address: 1029 Tremont Street Ward 9 Applicant: Estefany Benitez**

**Article(s):** Art. 50, Section 10 Use: Conditional - Body Art (1st Story) - Conditional

**Purpose:** Change of occupancy from Barber shop to Body Art Establishment (Tattoo). Proposed use for first floor commercial space and includes minimal work to existing space to meet Boston Board of Health Body Art Regulations. Signage to be submitted under separate permit.

**Discussion:** At the request of the Board, the applicant presented plans to have a body art studio in place of where a body art shop was.

Board members asked about the plans, property, parking, paving

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1512795 Address: 64 Telegraph Street Ward 7 Applicant: Cameron Robertson**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Walk out lower Roof deck

**Purpose:** Requesting an amendment to approved Long Form Permit ALT1492155 to extend third floor roof deck as shown on attached plans.

**Discussion:** At the request of the Board, the applicant presented plans to extend an existing roof deck on the third floor

Board members asked about the plans, property, parking, paving

**Documents/Exhibits:** Building Plans



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**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Murphy, Flynn and abutters are in opposition.

**Votes:** Board member Valencia moved to deny. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1525296 Address: 429-431 West Broadway Ward 6 Applicant: 429 Broadway LLC**

**Article(s):** Art. 09 Sec. 01 Extension of non-conforming - Restaurant use > 25% Conditional Art. 09 Sec. 01 Extension of nonconforming use take out >25% Conditional Art. 68 Sec. 07 Use Regs. - Restaurant with takeout Conditional Article 68, Section 33 Off Street Parking & Loading Req - Insufficient parking

**Purpose:** Change occupancy from two restaurants to one restaurant along with takeout by combining two existing ground floor commercial spaces into one with interior renovations as per plans. Work will include structural renovation, drywall and other finishes, FA Sprinkler, HVAC, Plumbing and electrical. Change of occupancy from two to one restaurant with takeout to be known as the "Cook House" with 352 seating and 49 standing for a total of 401 total patrons.

**Discussion:** At the request of the Board, the applicant presented plans to change the proviso so the new owner can use the space for take out

Board members asked about the plans, property, parking, paving

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters, Councilor Flynn, and the South Boston Moms Club are in support.

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

**Case: BOA- 1548795 Address: 189 West Fifth Street Ward 6 Applicant: Ina & Leo Shollo**

**Article(s):** Art 68 Sec 8 Insufficient lot size Art 68 Sec 8 Excessive f.a.r Art 68 Sec 8 Insufficient usable open space Art 68 Sec 8 Insufficient front yard setback Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Insufficient rear yard setback Art 68 Sec 8 Insufficient additional lot area per unit Art. 68 Sec. 33 Off Street parking Req. - Insufficient parking Art. 68 Sec. 33 Off Street Loading Req. - Design: Size and Maneuvering areas

**Purpose:** Erect a new four story residential building with three units and two parking spaces.

**Discussion/Votes:** The applicant requested a deferral. Upon a motion and a second the Board moved to defer until April 9, 2024.

**Case: BOA-1556758 Address: 39 Baldwin Street Ward 2 Applicant: John Brenan**

**Article(s):** Article 62, Section 8 Rear Yard Insufficient Article 62, Section 8 Usable Open Space Insufficient Article 62, Section 8 Floor Area Ratio Excessive

**Purpose:** Erect a third floor addition to existing single family home.

**Discussion:** At the request of the Board, the applicant presented plans to add a third addition to an existing one family dwelling.

Board members asked about the plans, property, parking,

**Documents/Exhibits:** Building Plans



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

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

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

**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 Requirements -Parking spaces dimensions. Art. 53 Sec. 56^ Off street parking insufficient - Required: 12.25 spaces. Proposed: 5 Article 53, Section 9 Add'l Lot Area Insufficient Art. 53 Sec. 09 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 Front Yard Insufficient Art. 53 Sec. 09 Side yard insufficient Article 53, Section 9 Rear Yard Insufficient 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 (under SF#) and erect a new residential building with 7 Units, 2 Roof Decks and 5 parking spaces (ground level).

**Reason for Prior Deferral: Re-advertised project**

**Reason for Prior Deferral: Requested a full Board**

**Discussion:** The applicant requested an administrative deferral.

**Votes:** Upon a motion and a second, the Board moved to hear this case on May 7, 2024.

**Case: BOA#1540166 Address: 261 Princeton Street Ward 1 Applicant: Princeton 261, LLC**

**Purpose:** To raze existing structure (under SF#) and erect a new residential building with 7 Units, 2 Roof Decks and 5 parking spaces (ground level).

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

**Reason for Prior Deferral: Re-advertised project**

**Reason for Prior Deferral: Requested a full Board**

**Discussion:** The applicant requested an administrative deferral.

**Votes:** Upon a motion and a second, the Board moved to hear this case on May 7, 2024.

**Case: BOA-1547328 Address: 8 Lawrence Street Ward: 2 Applicant: Coliseum Development Advisors, Inc.**

**Article(s):** Article 62, Section 8 Floor Area Ratio Excessive Article 62, Section 8 Bldg Height Excessive (Feet)  
Article 62, Section 25 Roof Structure Restrictions

**Purpose :** Install roof deck on pitched flat roof.

**Reason for Prior Deferral: To go before a full Board.**

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

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

**Case: BOA-1463517 Address: 32-34 Larch Street Ward 22 Applicant: David Quinn**

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

**Purpose:** Renovation of second floor unit to include kitchen & bath and add a 2nd bathroom in the 3rd floor living area also the construction of a 20-foot dormer to accommodate the 3rd floor bathroom see attached drawings.

**Reason for Prior Deferral: To re-do the project and re-advertise**



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**Discussion:** At the request of the Board, the applicant presented plans to add a new shed dormer to accommodate a new  $\frac{3}{4}$  bath.

Board members asked about the plans, property, contractor

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1514536 Address: 42 Orchard Road Ward 21 Applicant: Philip Hresko**

**Article(s):** Article 51, Section 9 Floor Area Ratio Excessive - MFR 1 sub district is required to have a F.A.R of one. Existing structure has a F.A.R. of 1.05. Proposed project will have a F.A.R of 1.4 Art. 51 Sec. 09 Open Space insufficient-Existing structure has 980 SF of open space per the three units. The propose project will have 200 X 7= 1400 SF required; 1873 +/- SF proposed open space and 255 +/- SF proposed for balconies. Article 51, Section 9 Front Yard Insufficient - Required to have 20' (feet) OR conformity with existing building alignment. Proposed will have setbacks that vary. The building footprint remains unchanged. Article 51, Section 9 Side Yard Insufficient - Required to have 10' (feet). Existing structure has 10' 0" to 9' 8" varies. Proposed structure will have 10' 0" to 9' 8" varies for side setbacks. Art. 51 Sec. 56 Off street parking requirements - Required to have 1.75 space per dwelling unit. Existing structure has seven (7) spaces. The proposed project requires thirteen (13) spaces but will have six (6) spaces. Article 51 Section 9 Lot Area is 5141 SF +/- for the three units. The existing lot size to remain, which is sufficient for four (4) units not for the seven (7) units proposed. Article 51, Section 9 Lot Area Insufficient - Lot Area is 5141 SF +/- for the three units. The existing lot size to remain, which is sufficient for four (4) units not for the seven units proposed. Art. 51.52 Specific Design Requirements - The proposed project is subject Aberdeen Architectural Conservation District review & approval for exterior design changes.

**Purpose:** Existing 3 family building to be altered within the existing envelope from 3 units to 7 units, and expanding habitable space in the basement.

**Reason for Prior Deferral: Re-advertised project**

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a 3 unit to a 7 unit dwelling by expanding the current dwelling. This is on a corner lot.

Board members asked about the plans, property,

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Barraza moved to approve with the provisos to remove space 6 and BLC review .Stembridge seconded and the motion carried unanimously.

**Case: BOA-1513811 Address: 664 Adams Street Ward 16 Applicant: Mai Tran Nguyen**

**Article(s):** Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 39 Screening & Buffering Req - 5' screening & buffering Requirement Art. 65 Sec. 60 83 Family Detached Dwelling, Forbidden - 3 Family Forbidden Art. 65 Sec. 65 41.5 Parking Size & Maneuverability - Maneuverability Parking

**Purpose:** Confirm occupancy as one family and change to 3 family. New plumbing and electrical work. New siding.

**Reason for Prior Deferral: The applicant requested a deferral.**



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

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

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

**Case: BOA- 1526179 Address: 26 Neponset Avenue Ward 18 Applicant: Donna Martin**

**Article(s):** Article 69, Section 30.12 Two or More Dwellings on Same Lot Article 69, Section 9 Rear Yard Insufficient Article 69 Section 29 Off Street Parking & Loading Req - Parking

**Purpose:** In conjunction with alt1494513 for two dwellings on one lot. no work proposed on existing dwelling.

**Discussion:** At the request of the Board, the applicant presented plans to renovate a 1 family dwelling and add an additional unit. The footprint will remain the same.

Board members asked about the plans, property,

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA- 1526183 Address: 26R Neponset Avenue Ward 18 Applicant: Donna Martin**

**Article(s):** Article 69, Section 30.12 Two or More Dwellings on Same Lot Article 69 Section 29 Off Street Parking & Loading Req Article 69, Section 9.3 Dim Regs: Location of Main Entrance Article 69, Section 9.2 Dim Regs: Lot Frontage Article 69, Section 9 Side Yard Insufficient

**Purpose:** Change of occupancy to single dwelling unit. convert 2 car detached garage into dwelling unit. scope includes new covered entry, kitchen, bath & bedroom. also see alt1512746.

**Discussion:** At the request of the Board, the applicant presented plans to renovate a 1 family dwelling and add an additional unit. The footprint will remain the same.

Board members asked about the plans, property,

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA- 1538435 Address: 97 Oakton Avenue Ward 16 Applicant: Joshua Thompson**

**Article(s)** Art. 65 Sec. 08 Use: Two (2) Family Dwelling: Forbidden Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 41 Off Street Parking Regulations

**Purpose:** Change of occupancy from a single family to a two family. Unit #2 will occupy the second floor and extend into the attic. Basement to remain as mechanical and storage space.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a one family to a two family dwelling with no living in the basement.

Board members asked about the plans, property,



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**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1547156 Address: 4 Sargent Street Ward 13 Applicant: Luis Nolasco**

**Article(s):** Article 50 Section 26 Establish of Res. Subdistricts - Insufficient side yard setback

**Purpose:** Demolition of roof, Construct dormers, Frame rear deck and stairwell, install balconies, repair siding, new windows, new kitchens, interior finishes, electrical, plumbing, HVAC, sprinkler system throughout per plans submitted.

**Discussion:** At the request of the Board, the applicant presented plans to demo the roof and reconfigure.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA- 1490677 Address: 22R Perrin Street Ward 12 Applicant: William Mead**

**Article(s):** Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Lot Frontage Insufficient Article 50, Section 29 Lot Area Insufficient Art. 50, Section 43 Off Street Parking Insufficient Article 50, Section 44.13 Two or More Dwellings on Same Lot

**Purpose:** Confirm as existing carriage house. Change of occupancy to two family dwelling. Scope includes a new exterior stair, new windows & doors. Also see ALT1422541.

**Discussion:** At the request of the Board, the applicant presented plans to confirm the carriage house occupancy and change to a two-family dwelling.

Board members asked about the plans, property,

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-#1490683 Address: 22R Perrin Street Ward 12 Applicant: William Mead**

**Violation** Violation Description Violation Comments 9th 780 CMR R302 Fire Resistant Construction R302.1 Exterior Walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory building shall comply with Table R302.1(1); or dwellings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13D shall comply with Table R302.1(2). [New openings proposed, not complying with separation distances to interior lot lines.]



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**Purpose:** Confirm as existing carriage house. Change of occupancy to two family dwelling. Scope includes a new exterior stair, new windows & doors. Also see ALT1422541.

**Discussion:** At the request of the Board, the applicant presented plans to confirm the carriage house occupancy and change to a two-family dwelling.

Board members asked about the plans, property,

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA- 1547401 Address: 617 Dorchester Avenue Ward 7 Applicant: Mark Little**

**Article(s):** Art. 14, Section 2 Lot Area for Additional Dwelling Unit(s) Insufficient Art. 17 Section 1 Usable Open Space Insufficient Art. 15 Section 1 Floor Area Ratio Excessive Article 16, Section 1 Bldg Height Excessive (Stories) Art. 23 Sec. 23 1 Off street parking insufficient Article 16 Section 1 Building Height Excessive

**Purpose:** Erect new four-story building to contain no more than 13 dwelling units, as per submitted plans subject to ZBA approval.

**Discussion:** At the request of the Board, the applicant presented plans to erect a new 4 story 13 unit residential dwelling.

Board members asked about the plans, property,

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn, Santana, Fitzgerald, and an abutter are in opposition.

**Votes:** Board member Valencia moved to deny without prejudice. The motion failed and so this proposal is ending in a denial.

**Case: BOA-1526253 Address: 137 Cottage Street Ward 1 Applicant: Niocla Dilibero**

**Article(s):** Art. 53 Sec. 09 Floor Area Ratio Excessive Article 53, Section 9 Rear Yard Insufficient Article 32, Section 4. GCOD, Applicability Proposes project is located in a Ground Water District Area. Art. 53 Sec. 52 Roof Structure Restrictions - Proposes existing headhouse to remain exclusively for Unit #3 and to build a deck (12' x 24') also be to used exclusively by Unit #3 Article 27T – 5 East Boston IPOD Applicability East Boston Interim Planning Overlay District (IPOD) review and approval needed. Art. 80 Sec. 80E 2 Appl. of Small Project Review - Proposed project is subject to a Design Review & Design Guidelines per Article 53, Section 51. Article 25A Section 4 CFROD Applicability - Proposed is subject to CFROD Applicability

**Purpose:** Legalization of living space into the basement and previously enclosed rear porches and renovate existing first, second & third floor. No change to occupancy or additions all work to be done within existing footprint as per plans.

**Discussion:** At the request of the Board, the applicant presented plans to add living space to the basement but the occupancy is going to remain the same.

Board members asked about the plans, CFROD

**Documents/Exhibits:** Building Plans



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

**Votes:** Board member Barraza moved to approve with no habitable bedrooms on the basement. Stembridge seconded and the motion carried unanimously.



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**STEPHANIE HAYNES**  
**BOARD OF APPEAL**  
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ALAA MUKAHHAL

**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)