



HEARING MINUTES

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MARCH 12, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

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

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MARCH 12, 2023 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/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/March12Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

For individuals who need translation assistance, please notify the Board at least **48 HOURS in advance either by signing up at <https://bit.ly/March12Comment>, 617-635-4775, or emailing zba.ambassador@boston.gov.**

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



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

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

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

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

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

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.



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HEARING MINUTES:

February 6, 2024, February 15, 2024, and February 27, 2024.

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

EXTENSIONS: 9:30AM

Case: BOA-1283800 Address: 128 Webster Street Ward 1 Applicant: Lorene Schettino, ESQ

Discussion/ Votes: Upon a motion and a second the Board granted an extension until March 25, 2025

Case: BOA-911272 Address: 9 Chelsea Street Ward 1 Applicant: Richard Lynds, ESQ

Discussion/ Votes: Upon a motion and a second the Board granted an extension until March 25, 2025

Case: BOA-450351 Address: 118-1183 Bennington Street Ward 1 Applicant: Richard Lynds, ESQ

Discussion/ Votes: Upon a motion and a second the Board granted an extension until March 25, 2025

Case: BOA-1039457 Address: 1R Lorenzo Street Ward 16 Applicant: Tim Johnson

Discussion/ Votes: Upon a motion and a second the Board granted an extension until March 12, 2025

Case: BOA-1182215 Address: 1954 Commonwealth Avenue Ward 21 Applicant: Matthew J. Walko

Discussion/ Votes: Upon a motion and a second the Board granted an extension until March 31, 2025

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

Discussion/ Votes: Upon a motion and a second the Board granted an extension until March 12, 2025

HEARINGS: 9:30AM

Case: BOA-1533753 Address: 206 Byron Street Ward 1 Applicant: Marc LaCasse, ESQ

Article(s): Art.53 Sec. 08 Use: Forbidden - 3 Family Forbidden. Art. 53 Sec. 09 Rear Yard Insufficient.

Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) - Allowed 2 1/2 stories. proposed 3 stories. Art. 53 Sec. 09 Side yard insufficient. Article 27T 5 East Boston IPOD Applicability - IPOD

Purpose: Change Occupancy of 2 family to 3 family. Extend living space in the basement Renovation of the existing 2 family building to modify interior layouts and add a third unit on the third floor. The project proposes to add dormers to the roof for livable space on the third floor and proposes to add exterior decks and stairs for all units in the rear.

Discussion: The applicant is seeking to add a third unit in the existing attic space and build dormers.

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. Councilor Coletta is in support.



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

Case: BOA-1520504 Address: 68-74 Harrison Avenue Ward 3 Applicant: Nine Tyler Realty Trust
Article(s): Art. 09 Sec. 02 Nonconforming Use Change - Large restaurant conditional (Existing nonconforming) >25% Article 43 Section 19 Use Regulations - Live entertainment uses (night club use) Conditional
Purpose: Change of occupancy to include Live entertainment use. accessory to the existing restaurant use. (Cost reflected on ALT1267208) Nominal fee 1st. 2nd and 3rd floor China Pearl restaurant

Discussion: The applicant is seeking to include live entertainment- not night club use.

The Board asked about the plans, proposal, hours

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

Votes: Board member Stembridge moved to deny without prejudice. Stembridge seconded and the motion carried 5-2.

Case: BOA-1550107 Address: 451 East Seventh Street Ward 7 Applicant: Chris Fitzpatrick
Article(s): Article 68, Section 8 Lot Area Insufficient - Required to have a lot area of 2000 SF. The proposed project will have 1755 SF (Existing Condition). Article 68, Section 8 Usable Open Space Insufficient - Required to have 200 SF of useable open space per unit. Project proposes to have 232 SF of open space per dwelling unit
Article 68, Section 8 Floor Area Ratio Excessive - Required to have FAR of 2.0 . Proposed project will have a FAR of 2.63. Art. 68 Sec. 33 Off Street parking Req. - Project is required to have six parking spaces (1.5 per unit). Proposed project will have zero parking spaces.
Purpose: Change occupancy from 3 units to 4 units. Demo lower level. Install 1 kitchen and 1 bathroom. Install new plumbing, electrical, and windows per code.

Discussion: The applicant is seeking to defer this proposal until April 30, 2025.

Votes: Upon a motion and a second the Board moved to defer this until 4/30/2025.

Case: BOA-1542896 Address: 78 Gates Street Ward 7 Applicant: Timothy Johnson
Article(s): Article 68, Section 34.2 Traffic Visibility Across Corner Article 68, Section 34.1 Conformity Ex Bldg Alignment - Modal calculation not provided to verify its compliance. Article 68, Section 8 Add'l Lot Area Insufficient - Min. lot area required: 8,000 sqft Proposed: 1,660 sqft Article 68, Section 8 Floor Area Ratio Excessive - Max. allowed: 2 Proposed: 2.8 Article 68, Section 8 Usable Open Space Insufficient - Min. area required: 1,200 sqft Proposed: 288 sqft Article 68, Section 8 Front Yard Insufficient - Min. required: 5' Proposed: 0 Article 68, Section 8 Rear Yard Insufficient Article 68, Section 33 Off Street Parking & Loading Req - Min. required parking spaces: 6 Proposed: 4 Article 68, Section 33 Off Street Parking & Loading Req - 68 33.5 (e) Design: Parking spaces dimensions. Art 68 Sec 29 Roof Structure Restrictions - Access to roof shall be through a hatch Article 68, Section 8 Bldg Height Excessive (Feet) - Max. allowed: 40' Proposed: 47'
Purpose: On a vacant lot, erect a new 4 story, 6 unit res. bldg. w/ 4 garaged parking spaces.

Discussion: The applicant is seeking to build a new 4 story 6 unit dwelling with at grade parking currently on a vacant lot.

The Board asked about the plans, proposal, parking



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

Votes: Board member Valencia moved to approve with BPDA design review. Stembridge seconded and the motion carried 5-2.

Case: BOA-1537073 Address: 512 Massachusetts Avenue Ward 9 Applicant: Michael Stack

Article(s): Article 64, Section 9.4 Town House/Row House Extension Article 64, Section 9 Usable Open Space Insufficient

Purpose: The proposed will includes the addition of approximately 154sf of living space which will extend into the back yard of the property.

Discussion: The applicant is seeking to erect a 5 unit residential dwelling and work on a garden level unit and enclose the patio area.

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 support.

Votes: Board member Valencia moved to approve. Stembridge seconded and the motion carried 5-2.

Case: BOA- 1547998 Address: 107 Chestnut Avenue Ward 10 Applicant: Daniel Clark

Article(s) Article 55, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.6 Existing: 0.77 Proposed: 0.82 Article 55, Section 9 Front Yard Insufficient - Min. required: 15' Proposed: 0.2'

Purpose: Raise existing dormer in attic, and finish attic.

Discussion: The applicant is seeking to raise the dormer 4 feet and finish the attic space and use it as livable space.

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.

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

Case: BOA-1550517 Address: 109 Pleasant Street Ward 13 Applicant: Vazberg Properties

Article(s): Art. 65 Sec. 08 Forbidden - Application proposes to change the occupancy from a three to a four family. The additional unit will be located in the basement, which is a forbidden use. Article 65, Section 9 Floor Area Ratio Excessive - Project proposes to increase the required FAR of .05 to 1. Article 65, Section 9 Bldg Height Excessive (Stories) - Project proposes to increase the required story height from 2 1/2 stories to 3 Stories. The height will be conforming at 30' (feet). Article 65, Section 9 Side Yard Insufficient - The proposed project will have a side set back of 5' (feet) or less and will not meet the required setbacks of 10' (feet). Article 65, Section 9 Rear Yard Insufficient - The project proposes to have less than required 30' (feet) in the rear due to four(4) proposed parking spaces. Art. 55 Sec. 65 41 Off Street parking insufficient - Project proposes to have four parking spaces in the rear, zoning requires five parking spaces.

Purpose: Change occupancy from 3 units to 4 units



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Discussion: The applicant is seeking to change the occupancy from a 3 family to a 4 family.

The Board asked about the plans, proposal,

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

Votes: Board member Whewell moved to approve with no building code relief. Stembridge seconded and the motion carried 5-2.

HEARINGS: 11:00AM

Case: BOA-1511632 Address: 141 Addison Street Ward 1 Applicant: BP Realty Trust-ARTICLE 80

Article(s): Art. 53, Section 26 FAR Excessive. Art. 53, Section 26 Rear Yard insufficient. Art. 53 Sec. 52 Roof structure restrictions - access is by roof hatch or bulkhead Article 27T – 5 East Boston IPOD Applicability - IPOD

Purpose: Demo existing commercial structure (to be demolished under a separate permit application) and erect a new multifamily structure, intended to be four (4) stories above grade and shall include twenty (20) dwelling units, bike storage, and fifteen (15) enclosed parking spaces 1 Handicap Assessable.

Discussion: The applicant is seeking to demo the existing and erect a 4 story 20 unit dwelling 20% IDP-permeability is a challenge on the site.

The Board asked about the plans, proposal, height and context.

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

Votes: Board member Valencia moved to approve. Stembridge seconded and the motion carried 6-1.

Case: BOA- 1527595 Address: 135 Havre Street Ward 1 Applicant: Jodi & Kurt Chisholm

Article(s): Art. 32 Sec. 04 GCOD Applicability - Rear yard stairway Art. 27G E Boston IPOD Article 53, Section 52 Roof Structure Restrictions - Proposing non conforming roof deck Art. 53 Sec. 56 Off street parking insufficient - One new unit without parking Art. 53 Sec. 08 Forbidden - Multifamily Article 53, Section 9 Add'l Lot Area Insufficient - Total lot area required: 4,000 sqft Art. 53 Sec. 09 Floor Area Ratio Excessive - Max. allowed: 1 Existing: 1.84 Proposed: 2.48 Article 53, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 3 Proposed: 4 Article 53, Section 9 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: 43' 6" Article 53, Section 9 Usable Open Space Insufficient - Min. required: 1,200 sqft Article 53, Section 9 Front Yard Insufficient - Extending non conformity. Article 53, Section 9 Side Yard Insufficient - Extending non conformity. Article 53, Section 9 Rear Yard Insufficient - Min. required: 10' Proposed: 4' 6"

Purpose: Change the occupancy from a 3 family to 4 family (by way of additional story) & a roof deck.

Discussion: The applicant is seeking a deferral to make design changes to the building.

Votes: Upon a motion and a second the Board moved to defer until May 7, 2024.

Case: BOA-1534498 Address: 70-72 Bennington Street Ward 1 Applicant: Gabriela Teran

Article(s): Art. 53 Sec. 08 Use: Conditional

Purpose: Changing occupancy from 8 residential units retail space & beauty salon to include 8 residential units, beauty salon & private club



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Discussion: The applicant is seeking to change the occupancy from 8 units and retail to 8 units and hair salon and a club.

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, Councilor Coletta, and the former owner are in support.

Votes: Board member Valencia moved to approve. Stembridge seconded and the motion carried 5-2.

Case: BOA-1341015 Address: 146 M Street Ward 6 Applicant: Samuel Sterling

Article(s): Art 68 Sec 29Roof Structure Restrictions - Roof deck is more than 1 foot above the highest point of roof. Article 68, Section 8 Bldg Height Excessive (Feet) - Max. allowed: 40' Proposed roof deck exceeds it. Article 68, Section 8 Rear Yard Insufficient - Min. requested: 20' Proposed stair at 14'

Purpose: Add roof deck and stair for exclusive use of unit 3.

Discussion: The applicant is seeking a deferral to meet with the community.

Votes: Upon a motion and a second the Board moved to defer until April 30th.

Case: BOA- 1559314 Address: 21 Fenton Street Ward 15 Applicant: Modern Contracting Inc.

Article(s): Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient

Purpose: Build new two family house with two off street parking.

Discussion: The applicant is seeking to build a two family with 2 off street 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. Councilor Flitzgerald is in support.

Votes: Board member Aiken moved to approve with parking and driveway access. Stembridge seconded and the motion carried unanimously.

Case: BOA-1562160 Address: 61 Lithgow Street Ward 16 Applicant: Blerina Idrizi

Article(s): Art.65 Sec. 8Use: Forbidden - Project proposes a change in use from a three family to a six family. Article 65, Section 9Floor Area Ratio Excessive - Project proposes an increase to the required FAR 1.3. Article 65, Section 9 Usable Open Space Insufficient - Project proposes off street parking (in rear) that will decrease the amount of open space per unit.Art. 65 Sec. 41Off street parking requirements - Zoning requires at least 8 parking spots. The submitted plans only show 5 parking spaces (9" x 18'). Article 65, Section 9Rear Yard Insufficient - Zoning Rear Yard setback requires 15'. The submitted plans shows that the rear yard setback will be compromised by the proposed parking spots.

Purpose: Converting 3 family dwelling unit to 6 family dwelling unit.

Discussion: The applicant is seeking to change the occupancy from a 3 family to a 6 family with rear porches and rear egress stairs.

The Board asked about the plans, open space, setbacks.



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

Votes: Board member Mukahhal moved to approve with the provisos to remove 1 parking space and BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA- 1543408 Address: 58 Durnell Avenue Ward 20 Applicant: Alix Cantave
Article (s): Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Front Yard Insufficient
Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Lot Area Insufficient
Purpose : Build addition in rear of building and renovate interior.

Discussion: The applicant is seeking to add a small extension to the rear of the property and include a bathroom and extend into the basement space with a new bedroom.

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. Councilor Pepén is in support.

Votes: Board member Whewell moved to approve. Stembridge seconded and the motion carried 5-2

RE-DISCUSSIONS: 11:30 AM

Case: BOA-1534938 Address: 250 Bremen Street Ward 1 Applicant: Ciampa Investments, INC.
Article(s): Art. 27G E Boston IPOD Art. 32 Sec. 04 GCOD Applicability Article 25A Section 4 CFROD Applicability
Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9
Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open
Space Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 56 Off Street Parking & Loading Req
Art. 53 Sec. 08 Forbidden Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient
Purpose: Erect a new eight (8) unit residential dwelling with parking for six (6) vehicles.
Reason for Prior Deferral: The applicant requested an administrative deferral

Discussion: The applicant is seeking a deferral to renote and change the description.

Votes: Upon a motion and a second the Board moved to defer until April 9, 2024.

Case: BOA-1486245 Address: 1260 Boylston Street Ward 5 Applicant: Scape, North America
Article: Art. 63, Section 11 Use: Conditional - Amusement game machines in commercial establishment
Purpose: Interior finish out of a 1st gen building. Interior walls, 2 single restrooms, back of house area, and associated
MEP's. Immersive Gamebox is closest to an "amusement game machine in a commercial space". It is a "dry" social
entertainment concept where customers play in interactive smart rooms.
Reason for Prior Deferral: The applicant requested a deferral to revise the plans

Discussion: The applicant is seeking a deferral to re-advertise.

Votes: Upon a motion and a second the Board moved to defer until April 30th.

Case: BOA- 1443137 Address: 43-45 Stanton Street Ward 17 Applicant: Marc LaCasse, Esq
Article(s): Art. 55 Sec. 65 41 Off Street parking insufficient - Parking spaces required: 21 Proposed: 191 accessible
parking required, see building code refusal letter. Art. 65 Sec. 08 Forbidden - Multifamily use Art. 65 Sec. 41 Off St.
Loading Req'mnts - 1 loading bay required Article 65, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.4



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Proposed: 1.2 Article 65, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 2.5 Proposed: 4 Article 65, Section 9 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: 45' 2" Article 65, Section 9 Rear Yard Insufficient - Min. required: 30' Proposed: 13.1'

Purpose: Change of occupancy from convent to multifamily with 14 dwelling units with 19 parking spaces; renovate existing structure and add new 4 story addition at rear of existing building; demolish one story garage at rear of property (Short Form #); new systems and add sprinkler system.

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

Discussion: The applicant is seeking to change the occupancy from a multi family to a 14 unit dwelling with 19 off street parking spaces.

The Board asked about the plans, proposal, height and context.

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

Votes: Board member Whewell moved to approve. Stembridge seconded and the motion carried 5-2.

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

Article(s): Art. 56, Section 7 Use: Forbidden - Cannabis establishment, delivery and manufacturing. Art. 56 Sec. 07 Use regulations applicable in residential sub districts - Location, Forbidden. Buffer zoning conflict, proposed within 2,640 sqft of another cannabis establishment.

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

Reason for Prior Deferral: The applicant requested a deferral to correct violations

Discussion: The applicant is seeking a deferral to provide a new traffic study.

Votes: Upon a motion and a second the board moved to defer until April 30 2024.

Case: BOA-1533227 Address: 29 Orange Street Ward 20 Applicant: Ivan Hernandez

Article(s): Art. 10 Sec. 01 Limitation of parking areas - Side yard buffer required -(5' min.) Article 67 Section 32 Off-Street Parking & Loading Req 4) Proposed parking in portion of required front yard Article 67, Section 32 Off-Street Parking - Tandem parking design results in insufficient parking and clear maneuvering areas Article 67, Section 9 Dimensional Regulations - Insufficient additional lot area per unit- 8,000sf total min. lot size required Article 67, Section 9 Dimensional Regulations - Excessive f.a.r. - .5 max

Purpose: Building new 2 family duplex home

Reason for Prior Deferral: Additional community process

Discussion: The applicant is seeking to erect two townhouse style dwellings.

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 Pepén is in support.

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



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HEARINGS: 1:00PM

Case: BOA-1492536 Address: 116 Cambridge Street Ward 2 Applicant: Adenike John-CANNABIS

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

Purpose: Remove ZBA Proviso #3 order of record: "Return to BOA in one year to update on hours of operation. Closed Sunday at 6pm and Saturday 8pm."

Discussion: The applicant is seeking to remove the previous proviso limiting the hours of operation.

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.

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

Case: BOA-1555509 Address: 116R Cambridge Street Ward 2 Applicant: Rebecca Ruteberg-CANNABIS

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use - Including Cannabis delivery

Purpose: Change Occupancy from Cannabis Establishment for retail use to Cannabis Establishment for delivery and retail uses. No construction proposed.

Discussion: The applicant is seeking to remove the previous proviso limiting the hours of operation.

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.

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

Case: BOA-1540541 Address: 335 K Street Ward 7 Applicant: Joshua Thompson

Article(s): Art 68 Sec 8 Insufficient additional lot area per unit Art 68 Sec 8 Excessive f.a.r.

Art 68 Sec 8 Insufficient open space per unit Art 68 Sec 8 Insufficient side yard setback 3' required

Article 68, Section 33 Off Street Parking & Loading Req - Design/maneuvering areas Art. 68 Sec. 33 Off Street parking

Req. - Off street parking is insufficient Art 68 Sec 8 Insufficient lot size

Art 68 Sec 8 Insufficient side yard setback. Rear 1 story addition

Purpose: Change from 1 family/lodging house to a 2 family dwelling with off street parking for two vehicles.

Discussion: The applicant is seeking to change the occupancy from a 1 family with lodging to a 2 family dwelling. All of the renovations are interior and the property is taxed as a 3 family.

The Board asked about the plans, proposal

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

Votes: Board member Valencia moved to approve. The motion failed 4-3. Board Member Whewell moved to approve with no off street parking. Stembridge seconded and the motion carried unanimously.



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Case: BOA-1553897 Address: 29 High Street Ward 15 Applicant: Fernando Dalfior

Article(s): Art.65 Sec. 8 Use: Forbidden - Use Forbidden 31 Units. Article 65, Section 9 Add'l lot insufficient. Article 65, Section 9 FAR Excessive. Article 65, Section 9 Bldg Height Excessive (Stories) - Building height excessive. Article 65, Section 9 Bldg Height Excessive (Feet) - Building height excessive (feet): Penthouse. Art. 65 Sec. 9 Residential Dimensional Reg.s - Usable open space insufficient. Article 65, Section 41 Off Street Parking & Loading Req - Parking/Loading Insufficient.

Purpose: New construction of a 3 story building with 31 units.

Discussion: The applicant is seeking to erect a 3 story 31 unit dwelling with new trees and outdoor 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. An abutter deferred to the Board.

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

Case: BOA-1559568 Address: 584 Cambridge Street Ward 21 Applicant: Odessit Capital

Article(s): Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Lot Area Insufficient Article 51, Section 56. Off Street Parking & Loading Req

Purpose: To erect a new residential building with 8 units and 4 parking spaces in rear of property

Discussion: The applicant is seeking to erect an 8 unit with 4 off street 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. The BAIA and the Carpenters Union are in support.

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

Case: BOA-1548966 Address: 55 Bostonia Avenue Ward 22 Applicant: Matthew Pennino

Article(s): Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Lot Area Insufficient Article 51, Section 8 Use: Forbidden

Purpose: New two family building on two stories with two off street parking spaces. This parcel was originally two lots. I am subdividing the lot at 12 Regal into two lots to be 12 Regal and 55 Bostonia Ave.

Discussion: The applicant is seeking to add a new 2 family with 2 off street parking spaces. The Board found that the variances are contextual.

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.

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



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Case: BOA-1561839 Address: 500 Western Avenue Ward 22 Applicant: 500 Western Avenue, LLC-ARTICLE 80

Article(s): Article 51 Section 16 Use Regulations - 9 residential units use is conditional on first floor. Aft. 51 Sec. 16 Forbidden Use - Artists' mixed use living/working on first floor. Article 51 Section 16 Use Regulations Parking for a fee is a conditional use on basement floors. Article 51, Section 17 FAR: Max. allowed: 1 Proposed: 3 Article 51, Section 17 Max. building height allowed: 35' Proposed: 65' Article 51, Section 17 Open space required: 5,900 sqft Proposed is insufficient. Article 51, Section 17 Front yard shall be established at 7' Proposed for Western Ave. 16.8' for Mackin St: 14.3' and for Richardson St: 5' Art. 51.52 Specific Design Requirements - 51.52.1 Street wall continuity Art. 51 Sec. 08 Use Regulations - Multifamily dwelling use: Forbidden Art. 51 Sec. 08 Use Regulations - Parking garage fee paid parking: Forbidden Art. 51 Sec. 08 Use Regulations - Accessory Parking: Forbidden Article 51, Section 9 Add'l Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Front Yard Insufficient

Purpose: Erect new mixed use residential building with 118 dwelling units, with commercial space (core and shell) on the ground floor and 2 levels of below grade parking for 143 spaces and 6 spaces on GF for retail uses, part of these spaces will be used for community parking for a fee. Consolidation of existing lots under applications: ALT1388093 ALT1388091. Two buildings being demolished under SF# and SF#

Discussion: The applicant is seeking to erect a mixed use development surrounded by mixed zoning. 116 units.

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. The BAIA, Councilor Breadon, and an abutter are in support. The ACA deferred to the Board.

Votes: Board member Aiken moved to approve. Stenbridge seconded and the motion carried unanimously.

COURT REMAND: 1:00PM

Case: BOA- 1432486 Address: 46 Leo M Birmingham Parkway Ward 22 Applicant: Danny Moll

Article(s): Art. 29 Sec. 04 Green Belt Overlay District Applicability Art. 51, Section 57.3 Traffic Visibility Across Corner Article 51, Section 17 Dimensional Regulations Article 51, Section 56 Off-Street Parking & Loading Req

Purpose: Court remand for rehearing on BOA-1432486 demo existing building, new construction of a residential use building with Thirty-eight (38) dwelling units and thirteen (13) parking spaces at grade.

Discussion: The applicant is seeking to incorporate all of the parks and recs recommendations.

The Board asked about the plans, proposal, GPOD.

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. The Carpenters Union is in support. An abutter is concerned with parking.

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



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

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For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to
https://www.municode.com/library/ma/boston/codes/redevelopment_authority