



City of Boston
Board of Appeal

TUESDAY, NOVEMBER 17, 2020

BOARD OF APPEAL

CITY HALL, ROOM 801

HEARING MINUTES

Board Chair Araujo 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 Mark Fortune:

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON NOVEMBER 17, 2020 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS NOVEMBER 17, 2020 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE NOVEMBER 17, 2020 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/zbaNov17hearing> or by calling 1-617-315-0704 and entering access code 173 046 0223.

If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaNov17comment> 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/zbaNov17comment>, calling 617-635-4775 or emailing isdboardofappeal@boston.gov.



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The ZBA Ambassador will be available within the WebEx Event from at 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via WebEx. 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, if connected by video, or dial *3, if connected by phone. The requester will be administratively unmuted and 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 9:00 AM 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 appear in person at City Hall, in the BPDA board room, 9th Floor, Room 900. 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. Individuals appearing at City Hall without an appointment will not be permitted to enter.

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 isdboardofappeal@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING.



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EXTENSION: 9:30 AM

Case: BOA-806805 Address: 40 Wilcock Street Ward 14 Applicant: Stuart T Schrier

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.

Case: BOA-806808 Address: 48 Wilcock Street Ward 14 Applicant: Stuart T Schrier

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.

Case: BOA-831064 Address: 17 Madeline Street Ward 22 Applicant: Steven T Schrier

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.

Case: BOA-594105 Address: 157 Cottage Street Ward 1 Applicant: Brian Scagliola

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.

BUILDING CODE: 9:30 AM

Case: BOA-1125030 Address: 5 Rutland Square Ward 4 Applicant: Joseph Holland

Purpose: Amendment to Long Form Permit ALT712597. Build new roof deck on main roof of building.

Violation: 9th 780 CMR 1011 Stairways 1011.12.2 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.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting building code relief required to build a hatch access for the new roof deck.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved for approval and Fortune seconded and the Board voted unanimously to approve.



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HEARINGS: 9:30 AM

Case: BOA-1068974 Address: 57 Brooks Street Ward 1 Applicant: Realty, LLC
Articles: 27T(27T-5) 53(53-9: Floor Area Ratio Excessive; Usable Open Space Insufficient)
Purpose: Amend ALT1037434 to extend living space into basement, erect a roof deck and include parking in the rear for 3 vehicles.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space to the basement, build a roof deck and create off-street parking for three cars.

Board members asked about occupancy in the basement, location of utilities, driveway and screening and buffering.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Edwards are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-1072104 Address: 160 West Canton Street, Ward 04 Applicant: Peter McLoughin
Articles: Art. 64 Sec. 09 Floor Area Ratio Excessive Max. allowed: 2 Proposed: 2.2, Art. 32 Sec. 32 4
Groundwater Conservation Overlay District Applicability, Article 64, Section 9.4 Town House/Row House Extensions Balcony above first story.
Purpose: Excavate basement to create additional living area; new deck at rear [first floor]; and construct roof deck. Install groundwater recharge system in the GCOD. Amendment to ALT925443.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate a single-family dwelling and extend living space to the basement and add a roof deck with hatch access.

Board members asked about the size of the roof deck, access to the deck and if the proposal was already built. The BWSC letter and letter of no harm were noted to be on file.

Testimony: The Board then requested testimony from neighbors and elected officials. Councilor Flynn is in support. Mayor's Office of Neighborhood Services is in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval of GCOD relief but to deny all other requested zoning relief and Fortune seconded and the Board voted unanimously to approve in part and deny in part.



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Case: BOA-1072105 Address: 160 West Canton Street Ward 04 Applicant: Peter McLoughin
Purpose: Excavate basement to create additional living area; new deck at rear [first floor]; and construct roof deck. Install groundwater recharge system in the GCOD. Amendment to ALT925443.
Violation 9th Edition 780 CMR 1011 Stairways 1011.12.2 Roof access shall be provided through a penthouse.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to renovate a single-family dwelling and extend living space to the basement and add a roof deck with hatch access.

Board members asked about the size of the roof deck, access to the deck and if the proposal was already built. The BWSC letter and letter of no harm were noted to be on file.

Testimony: The Board then requested testimony from neighbors and elected officials. Councilor Flynn is in support. Mayor's Office of Neighborhood Services is in opposition.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval of building code relief and Fortune seconded and the Board voted unanimously to approve in part and deny in part.

Case: BOA-1066050 Address: 548 East Fourth Street Ward 6 Applicant: Gary Mendoza
Articles: Article 68, Section 8 Excessive F.A.R., Article 68, Section 8 Excessive Height, Article 68, Section 8 Insufficient rear yard setback.
Purpose: Renovate 3rd Floor unit and expand up to New 4th Floor Penthouse Addition. Add Private Residential Elevator at Rear and reconfigure rear decks into egress stair for all units.

Discussion: At the applicant's request, the matter was deferred to the December 1, 2020 hearing.

Case: BOA-1066047 Address: 546 East Fourth Street Ward 6 Applicant: Gary Mendoza
Articles: Article 68, Section 8 Excessive F.A.R., Article 68, Section 8 Insufficient rear yard setback, Article 68, Section 8 Insufficient side yard setback, Article 68, Section 8 Max allowed Building height exceeded
Purpose: Renovate 3rd floor Add 4th floor penthouse addition Add Private Residential Elevator Renovate and add egress stair.

Discussion: At the applicant's request, the matter was deferred to the December 1, 2020 hearing.



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Case: BOA-1122205 Address: 20 Swallow Street Ward 6 Applicant: James Christopher

Articles: Art. 68 Sec.08 Lot area to erect a dwelling unit is insufficient, Art. 68 Sec.08 Floor area ratio is excessive, Art. 68 Sec.08 Usable open space required is insufficient, Art. 68 Sec.08 Rear yard setback required is insufficient, Art. 68 Sec.08 Side yard setback required is insufficient, Art. 68 Sec. 33 Off Street parking Req. Off street parking required is insufficient

Purpose: To Subdivide the existing lot at 747 749 East 5th Street (ALT093439), and construct as single family on the newly created 1,096 SF lot addressing Swallow St.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a single-family dwelling on a subdivided lot at 20 Swallow Street. No work to be performed at 747-749 East Fifth Street.

Board members asked about the zoning subdistrict, the minimum lot size requirement and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Flynn, Essaibi-George and Flaherty are in support.

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved for approval with BPDA design review and Ligris seconded and the Board voted 6 to 1 to approve. Chair Araujo was recorded in opposition.

Case: BOA-1122204 Address: 747-749 East Fifth Street Ward 6 Applicant: James Christopher

Articles: Art. 68 Sec.08 Lot size to maintain existing dwelling is insufficient (due to lot subdivision), Art. 68 Sec.08 Floor area ratio is insufficient, Art. 68 Sec.08 Usable open space required is insufficient, Art. 68 Sec.08 Rear yard setback required is insufficient, Art. 68 Sec. 33 Off Street parking Req. Off street parking required is insufficient

Purpose: To subdivide the existing lot at 749 East 5th St. creating two new lots Lot A will be 1,697 SF w/ no change to the existing building the rear lot addressing Swallow St will be 1,697 SF.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a single-family dwelling on a subdivided lot at 20 Swallow Street. No work to be performed at 747-749 East Fifth Street.

Board members asked about the zoning subdistrict, the minimum lot size requirement and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Flynn, Essaibi-George and Flaherty are in support.

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved for approval with BPDA design review and Ligris seconded and the Board voted 6 to 1 to approve. Chair Araujo was recorded in opposition.



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Case: BOA-1066748 Address: 318-320 E Street, Ward 6 Applicant: James Donoghue
Articles: Article 68, Section 29 Roof Structure Restrictions, Article 68, Section 8 Floor Area Ratio Excessive, Article 68, Section 8 Bldg Height Excessive (Feet), Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Side Yard Insufficient
Purpose: Construct new addition with deck on third floor to extend Unit 2 and Unit 4 to include one bedroom and bathroom.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build an addition to complete third story and a new third story deck.

Board members asked about unit sizes and an existing rear.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Flynn and Essaibi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Ligris seconded and the Board voted unanimously to approve.

Case: BOA-1115025 Address: 141 D Street Ward 6 Applicant: Joseph Scarfo
Articles: Article 68, Section 8 Lot Area Insufficient Required: 2,000 sqft Proposed: 1,286 sqft, Article 68, Section 8 Usable Open Space Insufficient Required: 200 sqft Proposed: 175.15 sqft, Article 68, Section 8 Side Yard Insufficient Required: 3' Proposed: 1' (L&R), Article 68, Section 8 Rear Yard Insufficient Required: 15' (Proposed backyard decks within 15'), Article 68, Section 34.1 Conformity Ex Bldg Alignment, Article 68, Section 33 Off Street Parking & Loading Req Required: 2 Proposed: 1
Purpose: Erect 3 story Single Family Dwelling with 1 garage parking and roughly 800 Sq ft footprint. The living area will be roughly 1900 Sq ft comprised of 4 bedrooms and 3 bathrooms. Gross area of roughly 2350 is within Far but Seeking variances for minimum lot size and rear yard setback. [ePlan]

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-story single-family dwelling with one garage parking space. The appellant informed the Board that the proposed project was in compliance with the State Building Code.

Board members asked about the design of the dwelling.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Flynn and Essaibi-George are in support.

Documents/Exhibits: Building Plans, letters of opposition

Votes: Board Member Ruggiero moved for approval with BPDA design review and Erlich seconded and the Board voted unanimously to approve.



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Case: BOA- 1115028 Address: 141 D Street Ward 6 Applicant: Joseph Scarfo

Purpose: Erect 3 story Single Family Dwelling with 1 garage parking and roughly 800 Sq ft footprint. The living area will be roughly 1900 Sq ft comprised of 4 bedrooms and 3 bathrooms. Gross area of roughly 2350 is within Far but Seeking variances for minimum lot size and rear yard setback. [ePlan]

Violation: 9th 780 CMR R310 Emergency Escape and Rescue Openings Rescue openings from bedrooms shall open directly into a public way or yard or court that opens to a public way.

9th 780 CMR R302 Fire Resistant Construction Wall openings (windows) are not allowed in a side line for insufficient distance between lot line and wall.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-story single-family dwelling with one garage parking space. The appellant informed the Board that the proposed project was in compliance with the State Building Code.

Board members asked about the design of the dwelling.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Flynn and Essaibi-George are in support.

Documents/Exhibits: Building Plans, letters of opposition

Votes: Board Member Ruggiero moved for denial and Deveau seconded and the Board voted unanimously to deny.

Case: BOA-1066736 Address: 1-2 Church Avenue, Ward 6 Applicant: American Boiler & Cooling, Inc

Articles: Article 68, Section 29 Roof Structure Restrictions, Article 68, Section 33 Off Street Parking & Loading Req Off Street Parking Insufficient, Article 68, Section 8 Floor Area Ratio Excessive, Article 68, Section 8 Bldg Height Excessive (Feet), Article 68, Section 8 Usable Open Space Insufficient, Article 68, Section 8 Front Yard Insufficient, Article 68, Section 8 Side Yard Insufficient, Article 68, Section 8 Rear Yard Insufficient, Article 68, Section 8 Add'l Lot Area Insufficient

Purpose: Change of occupancy from Single Family to 6 Unit Multi Family Dwelling. Construct two story vertical addition on existing footprint with rear deck. Extend living space to basement. This application has been filed in conjunction with ALT1048373 and ALT1048381 to combine lots into one lot to be known as 2 Church Avenue for this ALT1049550.

Discussion: At the applicant's request, the matter was deferred to the February 23, 2021 hearing.



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Case: BOA-861626 Address: 204 N Beacon Street Ward 22 Applicant: Ron Lipof
Article: Article 51, Section 16 Use Regulations Cannabis Establishment, Conditional
Purpose: Existing restaurant space (A 2 use group) to be converted to marijuana dispensary establishment (M use group). Work includes all new interior fit up and exterior modifications to storefront.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to a cannabis establishment.

Board members asked about ownership of the building, a billboard, parking, line queuing, hours of operation, signage and waiting room protocols.

Testimony: The Board then requested testimony from neighbors and elected officials. An Abutter was in support. Councilor Breadon was in non-opposition. Mayor's Office of Neighborhood Services, State Reps Moran and Homan, the Brighton-Allston Improvement Association and multiple others were in opposition.

Documents/Exhibits: Building Plans, 598 letters of support, 104 letters of opposition

Votes: Board Member Erlich moved for denial and Ligri seconded and the Board voted unanimously to deny.

RE-DISCUSSIONS: 11:30 AM

Case: BOA-1006765 Address: 407 Saratoga Street Ward 1 Applicant: Jim Chen
Article(s): Article 53, Section 9 Floor Area Ratio Excessive
Purpose: Extend living area of unit 1 into the basement by building an interior wall partitions according to proposed architectural plans. Enlarge 2 windows and 1 door opening to meet basement egress requirements.

Discussion: Initially the applicant was not present and the matter was denied without prejudice. The applicant then appeared and the case was recalled. At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to extend living space to the basement.

Board members asked about the basement ceiling height, window sill height, utilities, excavating and number of bedrooms and location.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans

Votes: Upon the initial failure to appear, Board Member Fortune moved for denial without prejudice and Ligris seconded and the Board voted unanimously to deny without prejudice. Upon the applicant's appearance, recall of the case and discussion by the Board, Board Member Erlich moved for approval with a proviso that no building code relief be granted by the appeal and Ruggiero seconded and the Board voted unanimously to approve.



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Case: BOA-990167 Address: 103-111 Arch Street Ward 3 Applicant: Sonder USA, Inc

Article: 8(8-7)

Purpose: To change the occupancy from twenty-one residential units and dental office to twenty-one executive suites and dental office. Also to renovate.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change 21 residential dwelling units to 21 executive suites.

Board members asked about unit sizes, average length of stay, the current use, advertisement of the units, staffing of the building.

Testimony: The Board then requested testimony from neighbors and elected officials. An abutter is in support. Mayor's Office of Neighborhood Services, Councilors Flynn and Essaibi-George, the Alliance of Downtown Civic Organizations and the Beacon Hill Civic Association are in opposition.

Documents/Exhibits: Building Plans, letters of support, letters of opposition

Votes: Board Member Erlich moved for denial and Fortune seconded and the Board voted unanimously to deny.

Case: BOA-1049883 Address: 850-852 Summer Street Ward 6 Applicant: 850 Summer Street, LLC

Article: 68(68-7)

Purpose: Add fitness studio to building to include running machines.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to include a fitness studio with running machines.

Board members asked about capacity of the fitness studio.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flynn are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Deveau moved for approval with BPDA design review and Ligris seconded and the Board voted unanimously to approve.

Case: BOA- 1059551 Address: 511R Dorchester Avenue Ward7 Applicant: On The Dot LLC

Article: 20(20-1)

Purpose: Rebuild/replace 290 linear feet of retaining wall (5' to 8' high) in rear setback.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.



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Case: BOA- 1059548 Address: 511R Dorchester Avenue Ward 7 Applicant: On The Dot LLC

Article: 6-3A, 8(8-7)

Purpose: Maintain Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles). Add Use Item #58 (surface parking lot for 355 commercial distribution/delivery vans and/or standard-sized vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA- 1059546 Address: 475 Dorchester Avenue Ward 7 Applicant: On The Dot LLC

Article: 6-3A, 8(8-7)

Purpose: Establish Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles) and Use Item #58 (surface parking lot for 29 commercial distribution/delivery vans and/or standard-sized vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA- 1059545 Address: 409-411 Dorchester Avenue Ward 7 Applicant: On The Dot LLC

Article: 6-3A

Purpose: Establish Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St. Raze existing building on separate permit application.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA- 1059544 Address: 409R Dorchester Avenue Ward 7 Applicant: On The Dot LLC

Article: 6-3A

Purpose: Establish Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.



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Case: BOA- 1059543 Address: 19 Alger Street Ward 7 Applicant: On The Dot LLC

Article: 6-3A, 8(8-7)

Purpose: Establish Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles) and Use Item #58 (surface parking lot for 4 commercial distribution/delivery vans and/or standard-sized vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA- 1059542 Address: 11 Alger Street Ward 7 Applicant: On The Dot LLC

Article: 6-3A, 8(8-7)

Purpose: Establish Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles) and Use Item #58 (surface parking lot for 21 commercial distribution/delivery vans and/or standard-sized vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA-1059541 Address: 9 Alger Street Ward 7 Applicant: On The Dot LLC

Article: 6-3A, 8(8-7)

Purpose: Establish Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles) and Use Item #58 (surface parking lot for 29 commercial distribution/delivery vans and/or standard-sized vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA-1059539 Address: 7 Alger Street Ward 7 Applicant: On The Dot LLC

Article: 6-3A, 8(8-7)

Purpose: Establish Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles) and Use Item #58 (surface parking lot for 15 commercial distribution/delivery vans and/or standard-sized vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.



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Case: BOA- 1059537 Address: 4 Alger Street Ward 7 Applicant: On The Dot LLC

Article: 6-3A

Purpose: Establish Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles). No new parking spaces.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA-1059536 Address: 3 Alger Street Ward 7 Applicant: On The Dot LLC

Article: 6-3A, 8(8-7)

Purpose: Maintain Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles). Add Use Item #58 (surface parking lot for 1 commercial distribution/delivery vans and/or standard-sized vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA- 1059532 Address: 3 Alger Street Ward 7 Applicant: On The Dot LLC

Article: 20(20-1)

Purpose: Rebuild/replace 215 linear feet of retaining wall (5'-8' high) in rear setback.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA- 1059531 Address: 2 Alger Street Ward 7 Applicant: On The Dot LLC

Article: 6-3A, 8(8-7)

Purpose: Establish Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles) and Use Item #58 (surface parking lot for 22 commercial distribution/delivery vans and/or standard-sized vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St. Raze existing building on separate permit application.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA- 1059529 Address: 2 Alger Street Ward 7 Applicant: On The Dot LLC

Article: 20(20-1)

Purpose: Construct two free-standing canopies. Rebuild/replace 77 linear feet of retaining wall (less than 5' high). Raze existing building on separate permit application.

Discussion: The applicant requested to withdraw the appeal for zoning relief.



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Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA- 1059528 **Address:** 1 Alger Street **Ward 7 Applicant:** On The Dot LLC
Article: 6-3A, 8(8-7)

Purpose: Maintain Use Item #55 (outdoor storage, staging & vehicular access for equipment & commercial vehicles). Add Use Item #58 (surface parking lot for 1 commercial distribution/delivery vans and/or standard-sized vehicles) as ancillary to the warehouse /distribution use & operations at 4 Alger St.

Discussion: The applicant requested to withdraw the appeal for zoning relief.

Votes: Board Member Ruggiero moved for denial and Erlich seconded and the Board voted unanimously to deny.

Case: BOA-1058736 **Address:** 353-361 Dorchester Street **Ward 7 Applicant:** George Morancy
Article: 23(23-1), 13(13-1: Lot area insufficient, Add'l lot area insufficient, Floor area Ratio excessive, Usable open space insufficient, Front yard insufficient, Side yard insufficient, Rear yard insufficient, Bldg height excessive (feet) & Bldg height excessive (stories))

Purpose: Demolish existing single-story commercial building and erect new four-story mixed-use building to contain five dwelling units and ground-floor restaurant (coffee shop).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-story, six unit residential dwelling with no off-street parking. The proposal was reduced from the initial proposal.

Board members asked about changes in violations due to the reduced proposal, building height and if a roof deck was proposed.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flynn are in support.

Documents/Exhibits: Building Plans, letters in support, letters in opposition

Votes: Board Member Erlich moved for approval with BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.



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Case: BOA- 1004357 Address: 71-73 Humboldt Avenue Ward 12 Applicant: Niles Sutphin

Article: 50(50-29) 50(50-28) 50(50-43)

Purpose: Change of Use and Occupancy; Existing Use Day School; Demolish existing Day School; Renovate existing space to construct two (2) new dwelling units; All new systems; Existing building is currently multi-family non sprinklered

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to replace a ground floor day care use with two dwelling units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans, letter of opposition

Votes: Board Member Erlich moved for approval and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA- 977908 Address: 29 Bigelow Street Ward 22 Applicant: Thomas Geraghty

Article: 9(9-2) 51(51-9: Insufficient rear yard setbacks, Insufficient lot size & Excessive F.A.R.) 51(51-56) 10(10-1)

Purpose: To be filed in conjunction with ALT931152 – 29R Bigelow Street. 1 of two buildings on one lot. No work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy of rear carriage house to a single-family dwelling, thereby creating two dwellings on one lot.

Board members asked about the condition of the carriage house, the size of the dwelling, parking, garage, basement space and the number of bedrooms.

Testimony: The Board then requested testimony from neighbors and elected officials. An abutter is in support. Mayor's Office of Neighborhood Services, Councilors Breadon and Essaibi-George, the Brighton-Allston Improvement Association and multiple abutters are in opposition.

Documents/Exhibits: Building Plans, letters of support, letters of opposition

Votes: Board Member Erlich moved for denial and Kindell seconded and the Board voted unanimously to deny.



City of Boston
Board of Appeal

Case: BOA- 977902 Address: 29R Bigelow Street Ward 22 Applicant: Thomas Geraghty
Article: 51(51-57.2) 51(51-57.13) 51(51-9: Insufficient rear yard setback, Insufficient lot size, Insufficient lot width, Insufficient lot width frontage & Insufficient side yard setback)
Purpose: Change use from a Carriage house to a Single Family Dwelling. Construct a new 2nd story addition and side addition onto existing building. The side addition will be for a new Garage. There will also be a new Roof Deck from 2nd floor as per plans. Building to be fully Sprinklered. Construction documents to be submitted upon ZBA approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy of rear carriage house to a single-family dwelling, thereby creating two dwellings on one lot.

Board members asked about the condition of the carriage house, the size of the dwelling, parking, garage, basement space and the number of bedrooms.

Testimony: The Board then requested testimony from neighbors and elected officials. An abutter is in support. Mayor's Office of Neighborhood Services, Councilors Breadon and Essaibi-George, the Brighton-Allston Improvement Association and multiple abutters are in opposition.

Documents/Exhibits: Building Plans, letters of support, letters of opposition

Votes: Board Member Erlich moved for denial and Kindell seconded and the Board voted unanimously to deny.

HEARINGS: 12:30 PM

Case: BOA-1027687 Address: 596 Tremont Street, Ward 9 Applicant: Mark Little
Article: Article 64, Section 34 Roof Structure Restrictions Roof deck area greater than 330 sqft
Purpose: BUILD NEW ROOF DECK ACCORDING TO PLANS.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a roof deck with hatch access.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved for approval and Ligris seconded and the Board voted unanimously to approve.



City of Boston
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Case: BOA-1027690 Address: 596 Tremont Street Ward 9 Applicant: Mark Little
Purpose: BUILD NEW ROOF DECK ACCORDING TO PLANS.
Violation: 9th 780 CMR 1011 Stairways 1011.12.2 Roof access through a penthouse.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to build a roof deck with hatch access.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved for approval and Ligris seconded and the Board voted unanimously to approve.

Case: BOA- 1066169 Address: 501 Shawmut Avenue Ward 9 Applicant: Eltion Allen
Article: Article 64, Section 9.4 Town House/Row House Extension
Purpose: Remove window to create new door opening, install new door, install new decking on new balcony, cut heat and reconnect, remove old fire escape, fabricate new balcony and install.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to add a new rear balcony.

Board members asked about the dimensions of the balcony and if it was bracket supported.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services is in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Fortune seconded and the Board voted unanimously to approve.

Case: BOA-1112536 Address: 36 Rossmore Road, Ward 11 Applicant: Elaine Scales
Articles: Article 55, Section 9 Lot Area for Additional Dwelling Units Insufficient, Article 55, Section 9 Floor Area Ratio Excessive, Article 55, Section 9 Usable Open Space Insufficient, Article 55, Section 9 Front Yard Insufficient, Article 55, Section 9 Side Yard Insufficient, Article 55, Section 40 Off Street Parking & Loading Req Off Street Parking Insufficient, Article 55, Section 40 Off Street Parking & Loading Req Off Street Parking Design / Maneuverability
Purpose: Erect 3 family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two three-family dwellings with a shared driveway and four total off-street parking spaces.

Board members asked about the existing building, the construction materials, number of bedrooms and unit sizes and parking.



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Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor O'Malley and the neighborhood association are in support.

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Erlich moved for approval with BPDA design review and subject to an executed easement for the driveway and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-1112531 **Address:** 34 Rossmore Road, **Ward 11 Applicant:** Elaine Scales

Articles: Article 55, Section 9 Area for Additional Dwelling Units Insufficient, Article 55, Section 9 Floor Area Ratio Excessive, Article 55, Section 9 Usable Open Space Insufficient, Article 55, Section 9 Front Yard Insufficient, Article 55, Section 9 Side Yard Insufficient, Article 55, Section 40 Off Street Parking & Loading Req Off Street Parking Insufficient, Article 55, Section 40 Off Street Parking & Loading Req Off Street Parking Design / Maneuverability

Purpose: Erect 3 family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect two three-family dwellings with a shared driveway and four total off-street parking spaces.

Board members asked about the existing building, the construction materials, number of bedrooms and unit sizes and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor O'Malley and the neighborhood association are in support.

Documents/Exhibits: Building Plans, letter of support

Votes: Board Member Erlich moved for approval with BPDA design review and subject to an executed easement for the driveway and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-1118167 **Address:** 10 Old Colony TER **Ward 13 Applicant:** Mark Lydon

Articles: Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 29 Section 4 GPOD Applicability Applicable due to increase of impervious surface of a site by more than two thousand (2,000) square feet

Purpose: Erect new single family dwelling. Raze existing building on separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a new single-family dwelling.

Board members asked about the footprint of the building.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Baker and Essaibi-George are in support.



City of Boston
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Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.

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

Articles: Article 50 Section 28 Use Regulations Local retail is a conditional use in a MFR sub district, Article 50, Section 29 Add'l Lot Area Insufficient, Article 50, Section 29 Floor Area Ratio Excessive, Article 50, Section 29 Usable Open Space Insufficient, 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 Proposed off street parking in insufficient

Purpose: New 9 unit apartment building with 9 elevator. The first floor will house an entrance lobby, and a garage with 9 parking spaces, bike storage, and trash can storage. Floors 2 4 will each contain (3) two three bedroom units for a total of 9 units. 2 retail spaces on first floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a nine-unit residential dwelling with not off-street parking and ground floor retail space.

Board members asked about parking and the retail space.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Campbell are in support.

Documents/Exhibits: Building Plans, letters of support, letter of opposition

Votes: Board Member Erlich moved for approval with BPDA design review to reduce the retail space and to provide parking and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1053337 **Address:** 64 Clarkwood Street, Ward 14 **Applicant:** Brodrick Egodogbare

Articles: Art. 60 Sec. 09 Usable open space insufficient, Article 60, Section 9 Lot Area Insufficient, Article 60, Section 11 Use: Forbidden

Purpose: Construction of four new town houses.

Discussion: At the applicant's request, the matter was deferred to the March 9, 2021 hearing.



City of Boston
Board of Appeal

Case: BOA- 1106908 Address: 12 Lorne Street Ward 14 Applicant: Ralph Parent
Articles: Article 60, Section 9 Lot Area Insufficient, Article 60, Section 9 Lot Width Insufficient, Article 60, Section 9 Lot Frontage Insufficient, Article 60, Section 9 Building Height (# of Stories) Excessive
Purpose: Erect new semi attached single family dwelling (townhouse style) semi attached to ERT1075475 Parcel ID 1404295000. Propose one (1) off street parking. Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI). EPLAN

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of single-family and two-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1106939 Address: 14 Lorne Street Ward 14 Applicant: Ralph Parent
Articles: Article 60, Section 9 Lot Area Insufficient, Article 60, Section 9 Lot Width Insufficient, Article 60, Section 9 Lot Frontage Insufficient, Article 60, Section 9 Building Height (# of Stories) Excessive
Purpose: Erect new semi attached single family dwelling (townhouse style) semi attached to ERT 1075474 Parcel ID 1404296000. Propose one (1) off street parking. Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI). ePlan

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of single-family and two-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.



City of Boston
Board of Appeal

Case: BOA-1106956 Address: 19 Angell Street Ward 14 Applicant: Ralph Parent

Article: Article 60, Section 9 Side Yard Insufficient

Purpose: Subdivide lot (Parcel ID: 1404224000) into two lots: Lot A Erect new detached 2 family residential dwelling Propose one (1) off street parking. Project is part of the Neighborhood Homes Initiative (NHI). EPLAN

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of single-family and two-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA- 1106945 Address: 21 Angell Street, Ward 14 Applicant: Ralph Parent

Article: Article 60, Section 9 Side Yard Insufficient

Purpose: Subdivide lot (Parcel ID: 1404224000) into two lots: Lot B Erect new detached 2 family residential dwelling. Propose one (1) off street parking. Project is part of the Neighborhood Homes Initiative (NHI). EPLAN

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of single-family and two-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.



City of Boston
Board of Appeal

Case: BOA-1106948 Address: 22 Angell Street Ward 14 Applicant: Ralph Parent
Article: Article 60, Section 9 Side Yard Insufficient
Purpose: Erect new single family residential dwelling. Propose one (1) off street parking. Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI). (Parcel ID: 1404259000) ePlan

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of single-family and two-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1106954 Address: 28 Angell Street Ward 14 Applicant: Ralph Parent
Article: Article 60, Section 9 Side Yard Insufficient
Purpose: Erect new single family residential dwelling. Propose one (1) off street parking. Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI). (Parcel ID: 1404256000)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of single-family and two-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.



City of Boston
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Case: BOA-1106958 Address: 37 Angell Street, Ward 14 Applicant: Ralph Parent
Articles: Article 10, Section 1 Limitation of Area Limitation of Area of Accessory Uses, Article 60, Section 40 Off Street Parking & Loading Req Location of Off Street Parking in Front Yard, Article 60, Section 40 Off Street Parking & Loading Req Off Street Parking Design / Maneuverability
Purpose: Subdivide lot (Parcel ID: 1404229000) into two lots. Erect new semi attached single family dwelling (townhouse style) semi attached to ERT1075473. Propose one (1) off street parking. Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI).EPLAN

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of single-family and two-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.

Case: BOA-1106960 Address: 39 Angell Street Ward 14 Applicant: Ralph Parent
Articles: Article 10, Section 1 Limitation of Area Limitation of Area of Accessory Uses Article 60, Section 40 Off Street Parking & Loading Req Location of Off Street Parking in a Front Yard Article 60, Section 40 Off Street Parking & Loading Req Off Street Parking Design / Maneuverability
Purpose: Subdivide lot (Parcel ID: 1404229000) into two lots. Erect new semi attached single family dwelling (townhouse style) semi attached to ERT 1075472. Propose one (1) off street parking. Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI).EPLAN

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of single-family and two-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Kindell seconded and the Board voted unanimously to approve.



City of Boston
Board of Appeal

Case: BOA-1106963 Address: 242-244 Norwell Street Ward 17 Applicant: Ralph Parent

Articles: Article 10, Section 1 Limitation of Area Limitation of Area of Accessory Use, Article 65, Section 9 Lot Area Insufficient, Article 65, Section 9 Lot Width Insufficient, Article 65, Section 9 Lot Frontage Insufficient, Article 65, Section 9 Floor Area Ratio Excessive, Article 65, Section 9 Building Height (# of Stories) Excessive, Article 65, Section 9 Usable Open Space Insufficient, Article 65, Section 9 Front Yard Insufficient, Article 65, Section 9 Side Yard Insufficient, Article 65, Section 41 Off Street Parking & Loading Req Location of Off Street Parking, Article 65, Section 41 Off Street Parking & Loading Req Off Street Parking Design / Maneuverability
Purpose: Erect new single family residential dwelling. Propose one (1) off street parking. Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI). (Parcel ID: 1700345000).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of four single-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Fortune seconded and the Board voted unanimously to approve.

Case: BOA- 1106967 Address: 78 Spencer Street, Ward 17 Applicant: Ralph Parent

Article: Article 65, Section 9 Lot Area Insufficient

Purpose: Erect new single family residential dwelling. Propose one (1) off street parking. E Plans Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI). (Parcel ID: 1700418000).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of four single-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Fortune seconded and the Board voted unanimously to approve.



City of Boston
Board of Appeal

Case: BOA-1106968 Address: 113 Wheatland Avenue Ward 17 Applicant: Ralph Parent

Articles: Article 10, Section 1 Limitation of Area Limitation of Area of Accessory Use, Article 65, Section 9 Lot Area Insufficient, Article 65, Section 9 Lot Width Insufficient, Article 65, Section 9 Lot Frontage Insufficient, Article 65, Section 9 Floor Area Ratio Excessive, Article 65, Section 41 Off Street Parking & Loading Req Off Street Parking Location, Article 65, Section 41 Off Street Parking & Loading Req Off Street Parking Design / Maneuverability

Purpose: Subdivide lot (Parcel ID: 1700330000) into two lots. Erect new semi attached single family dwelling (townhouse style) semi attached to ERT 1075483. E Plans Propose one (1) off street parking. Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of four single-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Fortune seconded and the Board voted unanimously to approve.



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Case: BOA-1106972 Address: 115 Wheatland Avenue, Ward 17 Applicant: Ralph Parent

Articles: Article 10, Section 1 Limitation of Area Limitation of Area of Accessory Use, Article 65, Section 9 Lot Area Insufficient, Article 65, Section 9 Lot Width Insufficient, Article 65, Section 9 Lot Frontage Insufficient, Article 65, Section 9 Floor Area Ratio Excessive, Article 65, Section 41 Off Street Parking & Loading Req Off Street Parking Location, Article 65, Section 41 Off Street Parking & Loading Req Off Street Parking Design / Maneuverability

Purpose: Subdivide lot (Parcel ID: 1700330000) into two lots. Erect new semi attached single family dwelling (townhouse style) semi attached to 113 Wheatland Ave ERT1075484. Propose one (1) off street parking. Project is part of the Department of Neighborhood Development Neighborhood Homes Initiative (NHI).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to construct a Department of Neighborhood Development housing project consisting of four single-family dwellings.

Board members asked about parking and deed restrictions for affordability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilors Campbell, Essaibi-George and Flaherty, and the Greater Mattapan Neighborhood Council are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval and Fortune seconded and the Board voted unanimously to approve.

**Case: BOA-1095049 Address: 223-227A Bowdoin Street Ward 15 Applicant: Rosa Design and Construction, LLC
Article: Art. 09 Sec. 02 Nonconforming Use Change**

Purpose: Install carpet, paint walls, and sign to change occupancy from dry cleaner to retail store. [ePlan]

Discussion: At the applicant's request, the matter was deferred to the November 19, 2020 subcommittee hearing.

Case: BOA-1115095 Address: 10-10A Hallet Street Ward 16 Applicant: Timothy Johnson

Articles: Article 65, Section 8 Use Regulations Two Family Dwelling Use: Forbidden, Article 65, Section 9 Lot Area Insufficient, Article 65, Section 9 Lot Width Insufficient, Article 65, Section 9 Lot Frontage Insufficient, Article 65, Section 9 Floor Area Ratio Excessive, Article 65, Section 9 Bldg Height Excessive (Stories), Article 65, Section 9 Bldg Height Excessive (Feet), Article 65, Section 9 Front Yard Insufficient, Article 65, Section 9 Rear Yard Insufficient

Purpose: ERECT NEW 4 STORY, 2 FAMILY DWELLING ON VACANT LAND, PARCEL 4212, W/GARAGE AND REAR DECKS AS PER PLANS SUBMITTED. BUILDING TO BE SPRINKLERED. [ZBA ePlan]

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a four-story, two-family duplex style dwelling with rear decks.

Board members asked about unit sizes and bedroom counts and a curb cut.



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Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Baker and Essaibi-George are in support.

Documents/Exhibits: Building Plans, signatures in support

Votes: Board Member Erlich moved for approval with BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-1123382 **Address:** 270 Talbot Avenue **Ward 17 Applicant:** Travis Lee
Articles: Article 65, Section 41 Off-Street Parking & Loading Req Off-Street Parking Insufficient, Article 65, Section 41 Off-Street Parking & Loading Req Off-Street Loading Insufficient, Article 65, Section 42 Application of Dimensional Req Conformity with Existing Building Alignment, Article 65, Section 8 Use Regulations Use: Multi-family Dwelling: Forbidden, Article 65, Section 8 Use Regulations Use: Retail Store: Forbidden, Article 65, Section 8 Use Regulations Use: Restaurant: Forbidden, Article 65, Section 8 Use Regulations Use: Office: Forbidden, Article 65, Section 9 Floor Area Ratio Excessive, Article 65, Section 9 Building Height Excessive, Article 65, Section 9 Building Height (# of Stories) Excessive, Article 65, Section 9 Front Yard Insufficient
Purpose: This Nominal Fee permit application is to request a zoning refusal letter to facilitate a hearing at the Zoning Board of Appeals. The proposed project includes a four story building with 21 apartments and about 2,700sf of retail space. The project also includes 9 off street parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a four-story dwelling with 21 residential units and ground floor commercial.

Board members asked about unit types and sizes, affordable units and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Campbell and Essaibi-George are in support.

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Erlich moved for approval with BPDA design review and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-835348 **Address:** 883 Hyde Park Avenue, **Ward 18 Applicant:** Ben Smith
Article: Article 69 Section 11 Use Regulations Cannabis Establishment (conditional)
Purpose: Renovate existing commercial space to convert from day care center to registered marijuana dispensary (RMD) as per plans as prepared by Nutec Design Associates, Inc., dated 04.24.18.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to change occupancy to a cannabis establishment. 10 parking spaces to be provided by agreement.

Board members asked about the size of the space, number of employees, parking, hours of operation and security.



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Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilors Essaibi-George and Arroyo, the Hyde Park Neighborhood Association and an abutter are in support.

Documents/Exhibits: Building Plans, letters of support

Votes: Board Member Ruggiero moved for approval with BPDA design review and relief granted to this petitioner only and Fortune seconded and the Board voted 6 to 1 to approve. Board Member Ligris is in opposition.

Case: BOA-1119909 Address: 151-159 Belgrade Avenue Ward 20 Applicant: BCB2020, LLC

Article: Art. 07 Sec. 03 Conditions for Variance Proviso: "To petitioner only"

Purpose: Remove proviso "take out for this petitioner only". No work to be done. [ePlan]

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to remove a prior proviso to this petitioner only. No work to be done.

Board members asked about the name of the restaurant.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flaherty are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with takeout provisos and Ruggiero seconded and the Board voted unanimously to approve.

Case: BOA-1102432 Address: 44-46 Belgrade Avenue Ward 20 Applicant: Belgrade Triangle, LLC

Articles: 67(67-12: Floor Area Ratio Excessive, Front Yard Insufficient, Side Yard Insufficient, Rear Yard Insufficient) 67(67-30) 67(67-32) 67(67-33)

Purpose: Erect 3 story, 8 residential unit building with 1 commercial space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting zoning relief required to erect a three-story, eight-unit building with one commercial space.

Board members asked about the applicable zoning subdistrict, parking, curb cut and if a roof deck was proposed.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Arroyo and an abutter are in support.

Documents/Exhibits: Building Plans, letters in support

Votes: Board Member Erlich moved for approval with BPDA design review and to reduce the curb cut and Deveau seconded and the Board voted unanimously to approve.



City of Boston
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Case: BOA-1024095 Address: 11 Faneuil Street Ward 22 Applicant: CRM Property Corp

Articles: Article 51 Section 16 Use Regulations Use: Multifamily Dwelling: Conditional, Article 51 Section 16 Use Regulations Use: Accessory Parking: Conditional, Article 51 Section 17 Floor Area Ratio Excessive, Article 51 Section 17 Building Height Excessive, Article 51 Section 17 Side Yard Insufficient, Article 51 Section 17 Rear Yard Insufficient, Article 51, Section 53 Screening & Buffering Req Screening and Buffering Insufficient, Article 51, Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient, Article 51, Section 56 Off Street Parking & Loading Req Off Street Loading Insufficient, Article 51, Section 56 Off Street Parking & Loading Req Off Street Parking Design / Maneuverability, Article 51, Section 57 Application of Dimensional Req Conformity with Existing Building Alignment

Purpose: Raze the existing Commercial structure. Erect a new 5 story Residential Building with 41 Dwelling Units and a 51 space Parking Garage built underneath.

Discussion: At the applicant's request, the matter was deferred to the February 23, 2021 hearing.

INTERPRETATION: 12:30PM

Case: BOA-1118048 Address: 874 East Sixth Street Ward 6 Applicant: Paula Sylvester and Jane Sylvester Brusca

Purpose: The Petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit# ERT698417. The permit was issued as an allowed use.

Discussion: At the request of the Board, the appellants presented their argument that ISD issued the building permit in error due to changes to the project which should have resulted in zoning code violations due to the building's height.

Board members asked about prior proceedings before the Board and in the Superior Court which remanded a prior Board decision of denial. The Board also asked about flood zone elevations.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved that ISD did not err in issuing the permit and Kindell seconded and the Board voted unanimously to deny.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
JOSEPH RUGGIERO
KOSTA LIGRIS

ALTERNATE MEMBERS:

TYRONE KINDELL, JR
EDWARD DEVEAU

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 November 17, 2020 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.