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9:09 am, May 04, 2021

City of Boston Board
of Appeal

TUESDAY, MAY 4, 2021

BOARD OF APPEAL

CITY HALL, ROOM 801

Revised Agenda

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MAY 4, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS MAY 4, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MAY 4, 2021 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 <http://bit.ly/zbaMay4hearing> or by calling 1-617-315-0704 and entering access code 173 440 6714.

If you wish to offer testimony on an appeal, please click <http://bit.ly/zbaMay4comment> 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 <http://bit.ly/zbaMay4comment>, calling 617635-5300 or emailing zba.ambassador@boston.gov.

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



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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. 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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EXTENSIONS: 9:30 AM

Case: BOA-878714 Address: 72 Dresser Street Ward 6 Applicant: Daniel Toscano

Case: BOA- 659702, Address: 86-88 North Washington Street Ward3 Applicant: Scott Kirkwood

Case: BOA-853552 Address: 146-146A Bunker Hill Street Ward 2 Applicant: George Morancy

BUILDING CODE ONLY: 9:30 AM

Case: BOA#1164272 Address: 119 West Newton Ward 4 Applicant: Tom Corcoran

Purpose: Roof deck to be constructed at 119 W Newton. Price reflected on Permit ALT924525.

Amendment to Permit ALT924525. All required files for permitting on Permit Application ALT924525.

Violation: Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 All stairways used for roof access to an occupied roof shall be via a penthouse not a hatch.

HEARINGS: 9:30 AM

Case: BOA-1172896 Address: 34 Cottage Street Ward 1 Applicant: James Rissling

Articles : Art. 27G E Boston IPOD applicability Art. 53 Sec. 08 Forbidden 4 family use Art. 53 Sec. 56 Off street parking insufficient 1.5 space required. Provided 0 Art. 53 Sec. 09 Floor Area Ratio Excessive Max. allowed: 1 Existing/Proposed: 2.6 Article 53, Section 9 Rear Yard Insufficient Min. required: 30' Proposed 4th floor new/done without permits rear deck Article 53, Section 9 Usable Open Space Insufficient Required: 4*300= 1,200 sqft Proposed:0 Article 53, Section 9 Bldg Height Excessive (Feet) Max. allowed: 35' Existing: 40.42' Proposed new/done without permit rear deck structure Article 53, Section 9 Bldg Height Excessive (Stories) Max. allowed: 3 Proposed: 4 (area of 4th floor is >50% of 3rd floor area) Article 53, Section 9 Lot Area Insufficient Total required: 2,000 sqft Proposed: 952 sqft Article 53, Section 9 Add'l Lot Area Insufficient Total required: 4,000 sqft Proposed: 952 sqft Art. 53 Sec. 52 Roof Structure Restrictions new/done without permit rear deck on roof level.

Purpose: Change of occupancy of the existing four unit building from a three family into a four family. There is no construction work anticipated.

Case: BOA-1151448 Address: 153 Everett Street Ward 1 Applicant: Dennis Topakov Articles:

Article 53, Section 52 Roof Structure Restrictions Article 27T East Boston IPOD **Purpose:**

Install deck framing, install composite decking, install railings.



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Case: BOA-1173196 Address: 65 Falcon Street Ward 1 Applicant: 65 Falcon Prime, LLC

Articles: Art. 53 Sec. 08 Forbidden Multi family dwelling unit building: Forbidden Art. 53, Section 9 Floor Area Ratio: Excessive Art. 53, Section 9 Height (stories): Excessive Art. 53, Section 9 Height (ft): Excessive Art. 53, Section 9 Side yard: Insufficient Art. 53, Section 9 Rear yard: Insufficient Article 27T 5 East Boston IPOD Applicability Art. 53 Sec. 56 Off street parking insufficient **Purpose:** Erect a four (4) unit residential dwelling as per plans.

Case: BOA-1173987 Address: 42 Everett Street Ward 1 Applicant: Sunrise Bay, LLC

Articles: Article 27T East Boston IPOD Art. 53 Sec. 09 Insufficient open space Article 53 Section 8 Use Regulations Six units(MFR) – Forbidden Article 53 Section 9 Insufficient additional lot area/unit Article 53 Section 9 Excessive F.A.R. Article 53 Section 9 Excessive # of stories Article 53 Section 9 Rear yard insufficient Article 53 Section 9 Max allowed height exceeded (3.31.20 New plans provided show an increase of two feet height; changed to 38'-7"/37') Article 53, Section 52 Roof Structure Restrictions Article 53, Section 52 Off-Street Loading Reg's Insufficient parking

Purpose: Change occupancy to a seven (7 removed) 6 unit residential dwelling by erecting an addition and adding a unit to the basement. Work description updated 3.8.21

Case: BOA- 1071314 Address: 273 Havre Street Ward 1 Applicant: John Fetterman

Articles: Art. 53 Sec. 56 Off-Street Parking Insufficient parking Art. 53 Sec. 56 Off-St. Parking Requirements (a) clear access and maneuvering areas on own lot Art. 53 Sec. 56 Off-St. Parking Requirements (d) Design size of spaces Article 27T-5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations Use – Forbidden Article 53 Section 9 Excessive F.A.R. Article 53 Section 9 # of stories exceeded Article 53 Section 9 Max allowed height – Exceeded Article 53 Section 9 Insufficient usable open space Article 53 Section 9 Insufficient side yard setback Article 53 Section 9 Insufficient additional lot area per unit

Purpose: Seeking to raze the existing structure Combine lots as shown on ALT1065133 and then erect a four family residential dwelling with associated parking. *Existing structure to be razed on a separate permit.

Case: BOA-1128243 Address: 14 Murray CT Ward 1 Applicant: Daniel Griffith

Articles: Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Article 53, Section 52 Roof Structure Restrictions

Purpose: Nominal fee letter. Spiral stairwell on balcony leading to roof deck, and construction of roof deck.



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Case: BOA-1163168 Address: 18R Union Park Ward 3 Applicant: Marc LaCasse

Articles: Art. 32 Sec. 04 GCOD Applicability Article 64 Section 9 Accessory Building - > 25% of rear yard open space Article 64, Section 36 Off-Street Parking & Loading Req Design/size Article 64, Section 37.4 Accessory Bldg in Rear Yards rear yard setback – 4’ min.

Purpose: Construct new two car garage at rear of existing single family home at 18 Union Park; Amendment to ALT1010357 issued on July 9, 2020. Entrance to garage from Public Alley 701 at rear of 18 Union Park.

Case: BOA-11425432 Address: 50 Von Hillern Street Ward 7 Applicant: George Morancy

Articles: Article 65, Section 15 Use: Forbidden Outdoor sale of used motor vehicles. Article 6, Section 3A Add'l Cond in Restricted Parking District

Purpose: Looking for permit to operate an office supporting outdoor sale of used car business. No work on site, will be contracted with a service company in another part of the city. Parking lot holds more than 30 cars but we would leave parking for office staff and visitors.

Case: BOA- 1144288 Address: 150-152 State Street Ward 3 Applicant: LDJ Development, LLC

Articles: Article 45 Section 14 Use Regulations Cannabis Establishment Use: Conditional Article 45 Section 14 Use Regulations Cannabis Establishment Location shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment.

Purpose: Change of occupancy to Cannabis Establishment. Modify existing layout and conditions of building interior.

HEARINGS: 11:00 AM

Case: BOA-1176325 Address: 270-272 Paris Street Ward 1 Applicant: Thomas Falcucci

Articles: Article 53 Section 56 Off Street Parking & Loading Req Article 53, Section 9 Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Art. 27G E Boston IPOD

Purpose: Proposed 3 story addition above existing garage for 8 new residential units and a roof deck, as per plans. Permit set to be submitted upon zba approval.

Case: BOA-1133492 Address: 2 Putnam Street Ward 1 Applicant: David Choi

Articles: Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations Multi Family Dwelling (4 units) Use: Forbidden Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off Street Parking & Loading Req Off street Parking Insufficient Article 53, Section 9 Floor



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Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 9, Section 2 Change in Non Conforming Use Article 10, Section 1 Limitation of Area Off street parking shall not be located less than 5' 0" from side lot line

Purpose: Change of occupancy from three family to four family dwelling. Construct new third story addition for fourth unit. Propose roof deck and rear deck. Propose (1) off street parking.

Case: BOA#1133544 Address: 2 Putnam Street Ward 1 Applicant: David Choi

Purpose: Change of occupancy from three family to four family dwelling. Construct new third story addition for fourth unit. Propose roof deck and rear deck. Propose (1) off street parking.

Violation: Violation Description Violation Comments 9th 780 CMR 705 Exterior Walls 705.8.1 Allowable area of openings. The maximum area of unprotected and protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in Table 705.8.

Case: BOA- 1161114 Address: 116 London Street Ward 1 Applicant: 116 London Street, LLC

Articles: Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations Use: Multi family Dwelling: Forbidden Article 53 Section 9 Lot Area for Additional Dwelling Units Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Building Height (# of Stories) Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off Street Parking & Loading Req Off Street Parking Insufficient Art. 25 Sec. 5 Flood Hazard Districts Residential Construction in a Floodplain District

Purpose: Change Occupancy from a Two (2) Family Dwelling and Office to a Four Family Dwelling. Also, to erect a 4th story addition onto existing building and renovate. Building will be fully sprinklered.

Case: BOA-1164514 Address: 44 West Seventh Street Ward 6 Applicant: Boston Housing Authority

Article: Art. 08 Sec. 04Forbidden Use Storage building is a forbidden use in an H1 Subdistrict **Purpose:** 6000 sq.ft. Pre Engineered single story storage building to be used by The Boston Housing Authority for BHA Central Stores Facility.

Case: BOA-1046789 Address: 9 Hewins Street Ward 14 Applicant: Eric Lindsey

Articles: Article 10, Section 1 Limitation of Area Off street parking shall not be located less than 5' 0" from side lot line Article 60, Section 40 Off Street Parking & Loading Req Location. Off street parking shall not be located in any part of a Front Yard Article 60, Section 8 Use Regulations Multi Family Dwelling Use : Forbidden Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Front Yard Insufficient



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Purpose: Erect a new four (4) units residential dwelling as per plans. Proposed (4) off street parking.

Case: BOA- 1160937 Address: 1 Westinghouse PZ Ward 18 Applicant: John Barry

Article: Article 69 Section 29 Off Street Parking & Loading Req Project has insufficient parking and loading

Purpose: Renovate Building F at site to include a recreational fitness facility. Bosse Sports facility will include indoor basketball courts, and tennis courts as per plans filed. NOMINAL FEE LETTER ATTACHED. Relief from ZBA needed for parking.

Case: BOA- 1164916 Address: 8 Libbey Street Ward 20 Applicant: Dennis Sullivan

Articles: Article 56, Section 8 Lot Area Insufficient Article 56, Section 8 Floor Area Ratio Excessive Article 56, Section 8 Lot Width Insufficient Article 56, Section 8 Lot Frontage Insufficient Article 56, Section 8 Side Yard Insufficient Art. 10 Sec. 01 Limitation of Area of Accessory Uses

Purpose: Erect a one family home on a vacant lot to include a driveway suitable for minimum off street parking requirements.

Case: BOA-921789 Address: 175 Maple Street Ward 20 Applicant: John Pulgini

Articles: Art. 56, Section 8 Floor area ratio is excessive Art. 56, Section 8 Front yard setback is insufficient

Purpose: Renovate existing, single family dwelling as follows: perform exterior and interior renovations to the existing first story, including a covered front porch and uncovered side/rear porch per plans. Remove existing attic to replace with a second story of habitable living space and a new attic for storage. Remove all pre existing, non permitted work that resulted in habitable living space in basement.

Case: BOA-1163050 Address: 372 North Beacon Street Ward 22 Applicant:Michelle Ciccuolo

Articles: Article 51, Section 16 Use Regulations Parking lot use: Conditional Article 51, Section 57.3

Traffic Visibility Across Corner proposed 10' security fence Article 51, Section 53 Screening & Buffering Req Proposed fence abutting the street shall be no more than 4 feet.

Purpose: Change use of parking lot to vehicle impound lot (tow lot).

RE-DISCUSSIONS: 12:30 PM

Case: BOA- 1158608 Address: 254 Paris Street Ward 1 Applicant: SG Paris Development, LLC

Articles: Article 27T-5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations Multi-Family Dwelling: Forbidden Article 53, Section 56 Off-Street Parking & Loading Req Off-Street Parking Insufficient Article 53, Section 9 Lot Area Insufficient 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



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Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose: Seeking to raze the existing and erect a building with six residential units and five parking spaces.
[ZBA ePlan]

Case: BOA-1102145 Address: 43 Union Park Ward 3 Applicant: Timothy Sheehan

Article: Art. 64 Sec. 34 Restricted Roof Structure Regs removing roof stairs, proposing hatch and roof deck (238 sqft)

Purpose: Gut renovation of an existing duplex condominium. A new private roof deck accessed via a stair and hatch, a new kitchen, new bedrooms and bathrooms. Two front existing dormers will be attached, existing rear dormer will be enlarged. ZBA and SELC approval req'd.

Case: BOA#1102146 Address: 43 Union Park Ward 3 Applicant: Timothy Sheehan

Purpose: Gut renovation of an existing duplex condominium. A new private roof deck accessed via a stair and hatch, a new kitchen, new bedrooms and bathrooms. Two front existing dormers will be attached, existing rear dormer will be enlarged. ZBA and SELC approval req'd.

Violation: Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access shall be through a penthouse

Case: BOA-1155320 Address: 760 East Broadway Ward 6 Applicant: Pulgini & Norton, LLP

Articles: Article 68, Section 7.2 Basement Units Forbidden Article 68, Section 8 Add'l Lot Area Insufficient lot already undersized adding a unit will add to the non conformance Article 68, Section 33 Off Street Parking &

Loading Req Off street parking is insufficient. None provided

Purpose: Confirm occupancy as a 3 family. Renovate entire structure and convert to a 4 family residential building.

Case: BOA-1150584 Address: 267A-269 Dorchester Street Ward 7 Applicant: Patrick Mahoney, Esq

Articles: Article 13, Section 1 Lot Area Insufficient 806sqft < 5,000sqft min Article 13, Section 1 Add'l Lot Area Insufficient 806 sqft < 7,000 total sqft min Article 13, Section 1 Lot Width Insufficient 20ft < 50ft min Article 13, Section 1 Floor Area Ratio Excessive 3.3 > 1.0max Article 13, Section 1 Usable Open Space Insufficient 134 sqft < 1,200 sqft min Article 13, Section 1 Rear Yard Insufficient 5.1' < 20.7'min Art. 23 Section 1 Off Street Parking (Residential) Insufficient 0 provided < 3 req'd

Purpose: Erect a new three family townhouse style building, as per plans. permit set to be submitted upon ZBA approval.



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Case: BOA- 1051313 Address: 14 Meehan Street Ward 11 Applicant: Scott Dabney

Article: Art. 55, Section 19 Use: Forbidden Two family residential use is a forbidden use.

Purpose: Seeking to change the occupancy from One Family & Accessory Artist Studio and One Car Garage to an Office in first floor extended to portion of the basement space and two Residential Dwellings. Also, to renovate the building including a roof deck and to create four parking spaces.

Case: BOA- 1156551 Address: 18-26 Bradshaw Street Ward 14 Applicant: Corey Anderson

Articles: Article 60, Section 8 Use Regulations Use: Multifamily Dwelling: Forbidden Article 60, Section 9 Lot Area for Additional Dwelling Units Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient

Purpose: Erect a 3 story, Five (5) Unit Townhouse Building with Parking below. Construction Permit Set to be submitted upon ZBA approval.

Case: BOA-1087157 Address: 19-33 Ashland Street Ward 16 Applicant: 19 Ashland, LLC

Articles: Article 65, Section 41 Off Street Parking & Loading Req Maneuvering areas, Article 65, Section 8 Use Regulations Forbidden, Article 65, Section 9 Excessive F.A.R., Article 65, Section 9# of allowed stories exceeded, Article 65, Section 9 Insufficient front yard setback (Modal setback/street wall continuity), Article 65, Section 9 Insufficient rear yard setback

Purpose: Erect an 8 UNIT DWELLING new townhouse design, as per plans. Permit set to be submitted upon ZBA approval. Existing house to be razed under a separate permit. (EPLAN)

Case: BOA-1130362 Address: 59 Chellman Street Ward 20 Applicant: Pamela Bardhi

Articles: Article 56, Section 40.1 Conformity w Ex Bldg Alignment Chellman St.: Required (as per modal): 29' Proposed: 10' VFW Pkwy: Required (as per modal): 27' . Proposed: 34.2' Article 56, Section 8 Lot Width Insufficient Required on VFW Pkwy 60' Proposed: 55.11' Article 56, Section 8 Lot Frontage Insufficient Required on VFW Pkwy 60' Proposed: 55.11' Article 56, Section 8 Floor Area Ratio Excessive Max. allowed: 0.4 Proposed: 0.47 Article 56, Section 8 Rear Yard Insufficient Required: 30' Proposed: 9.9'

Purpose: Demolish existing single family home and garage damaged by severe fire in 2018. Building new construction single family home in it's place. The new project will keep existing garage location and existing curbcuts. [ePlan]

Case: BOA- 1085225 Address: 3 Westford Street Ward 22 Applicant: Greg Hermetet

Articles: Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Extension of a nonconforming dwelling <25% Art. 51 Sec. 09 Insufficient rear yard setback Art. 51 Sec. 51 57 Appl.of Dimensional Req.



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Special provisions for corner lots 20'setback/modal alignment

Purpose: MODIFIED BOA PLAN set 3.4.21: Renovate existing 1 family dwelling and construct an attached two story addition to consist of a garage at ground level with an accessory office use on the second floor per updated plans submitted.

Case: BOA- 907098 Address: 140-148 Bowdoin Street Ward 15 Applicant: 617 Therapeutic Health Care

Article: Article 64-14 Neighborhood Bus. Use Regs. Cannabis Establishment - Conditional

Purpose: Changing occupancy from Restaurant 37/36A, Sale & Service of Tires and 4 Retail Stores to Restaurant 37/36A, Retail Stores and Cannabis Dispensary.

STEPHANIE HAYNES BOARD OF APPEAL 617-635-4775

BOARD MEMBERS:

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MARK FORTUNE-SECRETARY

MARK ERLICH JOSEPH RUGGIERO KOSTA LIGRIS ERIC

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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.