



City of Boston
Board of Appeal

Tuesday September 21, 2021

BOARD OF APPEAL

CITY HALL, Room 801

HEARING MINUTES

Board Chair Erlich 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 SEPTEMBER 21, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS SEPTEMBER 21, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE SEPTEMBER 21, 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 <https://bit.ly/zbaSeptember21Hearing>, or by calling 1-617-315-0704 and entering access code 2331 840 1815 If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaSeptember21Comment>, 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/zbaSeptember21Comment> calling 617-635-5300 or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the WebEx Event from 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 ZBAPublicInput@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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APPROVAL OF THE HEARING MINUTES

JULY 13, 2021; JULY 27, 2021; AUGUST 10, 2021; AUGUST 24, 2021; AUGUST 31, 2021

Discussion/Vote: Upon a motion and a second, the minutes were approved unanimously.

EXTENSIONS: 9:30AM

Case: BOA-719823 Address: 29 A Street Ward 6 Applicant: George Morancy, Esq

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-853785 Address: 68 Forest Street Ward 8 Applicant: Eunice Williams

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 ONLY: 9:30AM

Case: BOA-#1229831 Address: 839 Saratoga Street Ward 1 Applicant: 893 Saratoga Street, LLC

Purpose: Change of occupancy to 6 units residential dwelling with 6 parking spaces and roof deck with roof hatch access. (BOA proviso 10/9/20). Raze existing building under SF.

Violation: Violation Description Violation Comments 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/Vote: The applicant sought relief from the Board. Robinson moved to approve, Fortune seconded, (Ruggiero and Ligris recused), and the motion carried unanimously.

Case: BOA-#1224884 Address: 121 Havre Street Ward 1 Applicant: Mattera Irrevocable Trust

Purpose: Change occupancy from a two (2) to a four (4) unit residential dwelling by constructing 2 story vertical addition with new rear decks and roof deck as per plans.

Violation Violation Description Violation Comments 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/Vote: The applicant sought relief from the Board. Erlich moved to approve, Ruggiero seconded, and the motion carried unanimously.



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HEARINGS: 9:30AM

Case: BOA-1212777 Address: 486-490 Bennington Street Ward 1 Applicant: Andrew Riggi

Articles: Art. 27G E Boston IPOD Art. 53 Sec. 12 FAR: Max. allowed: 1 Proposed: 2.81 Art. 53 Sec. 12 Building Height: Max. allowed: 35' Proposed: 43.6' Art. 53 Sec. 12 Rear Yard: Required: 20' Proposed: 3.1' Art. 53 Sec. 12 Open space required: 450 sq ft insufficient Art. 53 Sec. 56 Off-Street Parking Required residential: 1.75*9= 15.75 spaces Provided: 6 spaces Art. 53 Sec. 57 Dimensional Application - 53.53.1 - Street wall continuity in NBS

Purpose : New construction of a 4 story building where the ground floor contains a studio style dwelling unit and 8 additional residential units reside on the upper 3 floors. 6 indoor parking spaces.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail saying the original scope had ground level occupancy but that has been eliminated. This is transit accessible with a roof deck.

Board Members asked about the decks, plans, units, parking, curb cut, and context.

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

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

Votes: Board Member Robinson moved to deny without prejudice. Fortune seconded, Ruggiero recused, and Ligris opposed. The motion carried 5-2.

Case: BOA-1222066 Address: 304 Sumner Street Ward1 Applicant: 304 Sumner St., LLC

Articles: Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 56 Off Street Parking & Loading Req -Off Street Parking Insufficient Article 53, Section 52 Roof Structure Restrictions Article 53 Section 8 Use Regulations -Multi Family Dwelling Use : Forbidden Article 27T 5 East Boston IPOD Applicability

Purpose : Change occupancy from three (3) to four (4) residential unit. Construct two story vertical addition and four story rear addition with rear and front decks for Unit #4. Renovate the existing structure.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail for a 3 family existing with a rear addition, creating a 4 family residential.

Board Members asked about the flood zone, how the units will change, plans and height.

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

Documents/Exhibits: Building Plans, letter of support.

Votes: Board Member Robinson moved to approve with BPDA design review, Ruggiero seconded and the motion carried unanimously.



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Case: BOA-1202617 Address: 226 Havre Street Ward 1 Applicant: A Limited Liability Company, LLC

Articles: Art. 27GE Boston IPOD Art. 53 Sec. 08 Forbidden - 4 family use Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Lot Frontage Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient -Required: 3*400 = 1,200 sqft Provided 0 sqft (parking spaces and driveway are not open space) Art. 53 Sec. 56^Off street parking insufficient - Required: 3 *1.5 = 4.5 spaces. Proposed: 3 Art. 53 Sec. 56 Off St.Parking Requirements - Design: Access is through a driveway shared with the neighbor's lot. Dimensional requirements: 50% of the spaces shall be 8.5'x20' Proposed are 8.3' x20'

Purpose : Change occupancy from a one (1) to a four (4) unit residential dwelling by erecting an addition with rear decks with three (3) parking spaces in rear.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail for a 39.25 foot high 4 unit residential dwelling with 3 parking spaces.

Board Members asked about context, the roof, basement use, unit size, plans and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and Councilor Edwards are in support. The BBDA recommends denial without prejudice, and BTB recommends 2 parking spots at a 45 degree angle.

Documents/Exhibits: Building Plans, letter of support and letter in opposition.

Votes: Board Member Ruggiero moved to approve with BPDA design review and BTB review for safe passage of vehicles. Dong seconded, Ligris recused and the motion carried unanimously.

Case: BOA-1222307 Address: 70 Shawsheen Road Ward 1 Applicant: Trichilo Development, LLC

Articles:Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Lot Frontage Insufficient Article 53, Section 9 Lot Width Insufficient Article 53, Section 9 Lot Area Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 53 Section 8 Use Regulations -Multi Family Dwelling Use : Forbidden Article 27T 5 East Boston IPOD Applicability

Purpose : Erect a 5 unit dwelling and 6 parking spaces.

Discussion/Vote: The applicant requested a deferral stating they needed more time for an abutters meeting. Upon a motion and a second, the Board voted unanimously to defer this matter until October 19, 2021 at 12:30PM.



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Case: BOA-1223820 Address: 14B Geneva Street Ward 1 Applicant: 14B Geneva St., LLC

Articles: Art. 25 Sec. 5 Flood Hazard Districts Article 27T 5 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions Art. 53, Section 56 Off Street Parking Insufficient - 4 < 6 req'd Article 53, Section 57.2 Conformity Ex Bldg Alignment Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Lot Width Insufficient Article 53, Section 9 Lot Frontage Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Art. 53 Sec. 09 Side yard insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose : New construction of four residential units, 4 stories, with roof deck, four ground level parking spaces. Fully sprinklered building.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail for 4 parking spots, 4 roof decks with 4 residential units. This is new construction.

Board Members asked about plans, and context with the neighborhood.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and an abutter are in support. The BPDA recommended denial without prejudice.

Documents/Exhibits: Building Plans, 1 letter in opposition.

Votes: Board Member Ruggiero moved to approve with BPDA review, increased landscaping, and to make and improve commitment to improve the area. Dong seconded and the motion carried unanimously.

Case: BOA-1224890 Address: 87 Putnam Street Ward 1 Applicant: Beachmont Investments, LLC

Articles: Article 53Section 9 Insufficient additional lot area Article 53Section 9 Excessive F.A.R. Article 53Section 9 # of allowed habitable stories exceeded Article 53Section 9 Insufficient open space per unit Art. 53 Sec. 56 Off Street Parking -Insufficient parking Art. 53 Sec.08 Forbidden -4 unit dwelling Forbidden Art. 53 Sec.08 Forbidden -Footnote #7 Basement units Forbidden Article 27T 5 East Boston IPOD Applicability Article 53 Section 9 Insufficient side yard setback

Purpose : Change occupancy from a three (3) to a four (4) unit residential dwelling and renovate existing building and add rear and roof decks as per plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to make a 3 family a 4 family with no parking.

Board Members asked about the setback, bedrooms, basement space and plans.

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

Documents/Exhibits: Building Plans, letters of support and a letter in opposition.

Votes: Board Member Ligris moved to approve, Robinson seconded and the motion carried unanimously.



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Case: BOA-1226344 Address: 82 Moore Street Ward 1 Applicant: Eighty-Four Moore Street Trust

Articles: Art. 27GE Boston IPOD Art. 53 Sec. 08 Forbidden - Multifamily use Art. 53 Sec. 52Roof Structure Restrictions Article 53, Section 57.3 Traffic Visibility Across Corners Art. 53 Sec. 09 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9Rear Yard Insufficient

Purpose : Raze existing structure, combine parcel numbers 0100867000 and 010086800 to create one lot consisting of 5,000 s.f. and erect a six (6) unit residential dwelling with parking for nine (9) vehicles.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail for a pre existing 2 unit to combine parcels and make a 6 unit dwelling with 9 parking spaces and no head house.

Board Members asked about plans, the ground floor units and accessibility.

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

Documents/Exhibits: Building Plans, letters of support and a letter in opposition.

Votes: Board Member Robinson moved to approve with BPDA design review for screening and buffering for the benefit of 78 Moore St, and to look at massing on Horace & Moore St. Fortune seconded, Ruggiero opposed and Ligris is not present. The motion carried 5-2.

Case: BOA-1226834 Address: 7 Columbus Square Ward 4 Applicant: David Cohen

Articles: Art. 32 Sec. 32-4 Groundwater Conservation Overlay District, Applicability Art. 64 Sec. 09 Town House/Row House - Extensions into Rear Yard Article 64, Section 9 Floor Area Ratio Excessive

Purpose: Amendment to BUILDING PERMIT ALT1145731 Extend the rear addition from 5'9" to 10'0" Convert large storage room on Garden Level to a bedroom with egress window.

Discussion/Vote: The applicant requested a deferral stating they need time for additional community outreach. Upon a motion and a second, the Board voted unanimously to defer this matter until November 16, 2021 at 12:30PM.

Case: BOA#1226846 Address: 7 Columbus Square Ward 4 Applicant: David Cohen

Purpose: Amendment to BUILDING PERMIT ALT1145731 Extend the rear addition from 5'9" to 10'0" Convert large storage room on Garden Level to a bedroom with egress window.

Violation Violation Description Violation Comments 2015 IEBC CH3 (780 CMR CHPT34) 03 Compliance Methods Fire Escapes 305 - Access shall not be through a window. Door required.9th 780 CMR 1021 Egress Balconies Egress balconies : shall be separated from the interior of the building by walls and opening protectives as required by Corridors. 9th 780 CMR 705 Exterior Wall Reference IBC table 705.8. Openings too close to the lot lines. One of the openings is giving access to the fire escape balcony.

Discussion/Vote: The applicant requested a deferral stating they need time for additional community outreach. Upon a motion and a second, the Board voted unanimously to defer this matter until November 16, 2021 at 12:30PM.



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Case: BOA-1206082 Address: 566 East Third Street Ward 6 Applicant: Josh Crowe

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

Purpose : Change occupancy from 3 to 4 units (8BR total). Demo interior, front and rear building walls. Expand rear foundation, frame, add joist support. Create fourth 1BR/1Ba unit. Install 4 kitchens, 8 baths. Install new plumbing, electrical and windows throughout, new EPDM roof and 3 decks. All per code.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to build condo units, and change occupancy from a 3 to a 4 with 8 bedrooms in total.

Board Members asked about modifications, plans, the basement, and the floor to grade height.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and Councilors Flynn, Flaherty, Mejia are in opposition.

Documents/Exhibits: Building Plan, letters in opposition.

Votes: Board Member Robinson moved to deny without prejudice. Ruggiero seconded, Ligris recused and the motion carried 5-2.

Case: BOA-1050100 Address: 680 Massachusetts Avenue Ward 8 Applicant: Scott Holmes

Articles: Art. 32 Sec. 32-4 Groundwater Conservation Overlay District, Applicability Article 64, Section 9 Usable Open Space Insufficient Article 64, Section 36 Off-Street Loading Insufficient - article 64.36.5- Design (a) Article 64, Section 9 Floor Area Ratio Excessive

Purpose : Change occupancy from five to six dwelling units. Renovate common areas.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 16, 2021 at 12:30PM.

Case: BOA-1212283 Address: 150 Quincy Street Ward 13 Applicant: Laura Palmer

Articles: Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient

Purpose : Erect new three family dwelling with proposed (3) off street parking on a vacant lot.

Discussion/Vote: The applicant requested a deferral stating they need time for additional outreach and meetings with the neighborhood. Upon a motion and a second, the Board voted unanimously to defer this matter until October 19, 2021 at 12:30PM.



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Case: BOA-1227691 Address: 241-243 Kittredge Street Ward 18 Applicant: Michelle C Archer

Articles: Art. 67 Sec. 09 Side Yard Insufficient Article 67, Section 9 Excessive f.a.r.

Purpose : Connect 2 existing mudrooms to create 2 larger rooms. Extend existing deck. Remodel 1 existing kitchen. Roofing and siding.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to convert 2 mudrooms into bathrooms, enclose with a deck extension.

Board Members asked about plans.

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

Documents/Exhibits: Building Plans

Votes: Board Member Robinson moved to approve, Dong seconded and the motion carried 6-0.

Case: BOA-1228408 Address: 69 Readville Street Ward 18 Applicant: Derric Small

Articles: Art. 69 Sec. 30.1 Bldg. Alignment Conformity - Modal not provided Art. 69 Sec. 30.13 2/More Bldgs on One Lot Art. 69 Sec. 29.5 Off St.Prk'g:Design - Incorrect parking spaces dimensions Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Side Yard Insufficient

Purpose : Erect a two family dwelling with four parking spaces. In conjunction with ERT1193052.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 2 family dwelling with 8 parking spots with 3 bed 3 baths.

Board Members asked about a curb cut, parking, open space and plans.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. BTM said it was fine from a BTM perspective.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review for landscaping, screening and buffering and to separate the buildings. Ligris was not present, Robinson seconded and the motion carried unanimously.



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Case: BOA-1228404 Address: 71 Readville Street Ward 18 Applicant: Derric Small

Articles: Art. 69 Sec. 29.5 Off St.Prk'g:Design - Incorrect parking spaces dimensions Art. 69 Sec. 30.1 Bldg.Alignmnt Conformity - Modal not provided Art. 69 Sec. 30.13 2/More Bldgs on One Lot Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Side Yard Insufficient

Purpose : Erect a two family dwelling with four parking spaces. This in conjunction with ERT1193049

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to erect a 2 family dwelling with 8 parking spots with 3 bed 3 baths.

Board Members asked about a curb cut, parking, open space and plans.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. BTM said it was fine from a BTM perspective.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review for landscaping, screening and buffering and to separate the buildings. Ligris was not present, Robinson seconded and the motion carried unanimously.

Case: BOA-1185160 Address: 2363-2365 Washington Street Ward 9 Applicant: 2363 Washington St, LLC

Articles: Article 50, Section 10 Use Regulations in Roxbury EDA - Cannabis Establishment Use:Conditional Article 50, Section 10 Use Regulations in Roxbury EDA - Any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment.

Purpose: Change Occupancy from Store to "Cannabis Dispensary"

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail for a 1200 square foot Cannabis Establishment.

Board Members asked about square feet, how many customers, online service, delivery times, security, overflow, staff, the buffer zone, and plans.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Wu, Rep. Miranda, Roxbury Main Streets Association and Roxbury Path Forward and Councilor Mejia are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review with main streets for signage. Ligris seconded and the motion carried unanimously.



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HEARINGS:11:00AM

Case: BOA-11228936 Address: 7-11 Curtis Street Ward 1 Applicant: SawJnG, LLC

Articles: Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 57.3 Traffic Visibility Across Corners Article 53, Section 56 Off Street Parking & Loading Req- Off Street Parking Insufficient Article 53 Section 8 Use Regulations - Multi Family Dwelling Use : Forbidden Article 27T 5 East Boston IPOD Applicability

Purpose : Erect a new residential building with 23 units and 17 parking spaces in a newly created lot containing 8,725 SF filed under ALT1227543. Raze building under SF1217082. See also ERT1207320.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 7, 2021 at 12:30PM.

Case: BOA-1228949 Address: 670-672 Saratoga Street Ward 1 Applicant: SawJnG, LLC

Articles: Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Lot Area Insufficient Article 53, Section 56 Off Street Parking & Loading Req-Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations - Multi Family Dwelling Use: Forbidden

Purpose : Erect a new residential building with 6 units in a newly created lot containing 3,652 SF filed under ALT1227543. See also ERT1207314.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 7, 2021 at 12:30PM.

Case: BOA-1233748 Address: 14 Holborn Street Ward 12 Applicant: Norfolk Design & Construction

Articles: Article 50 Section 29 Building Height (# of Stories) Excessive Article 50 Section 29 Front Yard Insufficient
Purpose : To erect a new Two (2) Family Dwelling on vacant lot. This is a DND Project.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail for affordable homeownership.

Board Members asked about the grade, slope and plans.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Ligris seconded and the motion carried unanimously.



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Case: BOA-1233752 Address: 15 Holborn Street Ward 12 Applicant: Norfolk Design & Construction

Articles: Article 50 Section 29 Building Height (# of Stories) Excessive Article 50 Section 29 Front Yard Insufficient Article 10, Section 1 Limitation of Area -Limitation of Area of Accessory Uses

Purpose : To erect a new Single Family Dwelling on vacant lot. This is a DND Project.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail for affordable homeownership.

Board Members asked about the grade, slope and plans.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Ligris seconded and the motion carried unanimously.

Case: BOA-1233756 Address: 15R Holborn Street Ward 12 Applicant: Norfolk Design & Construction

Articles: Article 50 Section 29 Building Height (# of Stories) Excessive Article 50 Section 29 Front Yard Insufficient Article 50 Section 29 Rear Yard Insufficient

Purpose : To erect a new 2 family dwelling on vacant lot This is a DND Project.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail for affordable homeownership.

Board Members asked about the grade, slope and plans.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Ligris seconded and the motion carried unanimously.

Case: BOA-1233758 Address: 17 Holborn Street Ward 12 Applicant: Norfolk Design & Construction

Articles: Article 50 Section 29 Building Height (# of Stories) Excessive Article 50 Section 29 Front Yard Insufficient

Purpose : To erect a new 1 family dwelling on vacant lot. This is a DND project.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail for affordable homeownership.

Board Members asked about the grade, slope and plans.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Ligris seconded and the motion carried unanimously.



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Case: BOA-1216622 Address: 892 River Street Ward 18 Applicant: Thomas Geraghty

Articles: Article 2A, Section 2A 1 Definitions - Entertainment Uses. Adult entertainment; amusement game machines in commercial establishment; amusement game machines in noncommercial establishment; bar; bar with live entertainment; bowling alley; billiard parlor; dance hall; drive in theater; fitness center or gymnasium; private club not serving alcohol; private club serving alcohol; restaurant with live entertainment not operating after 10:30 p.m. Applicant looking for 7 Day / 24 Hour operation.

Purpose : Interior tenant buildout, New tenant/Fitness club operating 24 hours. Change in Occupancy from Dollar Tree (Retail) to 24 hour fitness(fitness/gym). Change of Use (Current Dollar Tree location)

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail for a 24 planet fitness Monday-Thursday and closing at 10:30pm Friday-Sunday.

Board Members asked about staff, security and plans.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Arroyo, Rep Consalvo and a neighbor are in support.

Documents/Exhibits: Building Plans, letters of support and a letter in opposition.

Votes: Board Member Ruggiero moved to approve with BPDA design review and the proviso that on Friday, Saturday and Sunday that they close at 10:30pm. Dong seconded and the motion carried 6-1.

Case: BOA-1157700 Address: 55 Neponset Avenue Ward 18 Applicant: Sandra Sanchez

Articles: Art. 09 Sec. 01 Extension of Non Conforming Use

Purpose : Per Plans description Build new exterior front egress to apt. 2 on second floor, install 36X80 door install 40sqft. of hardwood flooring install 6 floor joist on second floor install about 5/6 sheet of drywall finish

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to build a staircase outside to replace the interior one which will provide more livable space.

Board Members asked about plans and design review.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services is in support. The BPDA said BPDA design review could be useful.

Documents/Exhibits: Building Plan.

Votes: Board Member Robinson moved to approve with BPDA design review. Ligris seconded and the motion carried unanimously.



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Case: BOA-1213458 Address: 500-502 Western Avenue Ward 22 Applicant: 50 Western Avenue, LLC

Articles: Article 51, Section 8 Use: Forbidden - Parking lot is a Forbidden use in a 3F 4000 Sub district

Article 51 Section 16 Use Regulations - Parking for a fee is a Forbidden Use

Purpose : Parking for a fee.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to continue to use and extend for a 3 year period for parking.

Board Members asked about plans, screening and buffering, barbwire, cement wall, and open air parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and the Brighton Allston Improvement Association are in support. The ACA is in non-opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA review with screening and buffering and attention to the signage, and a 3-year sunset proviso. Dong seconded and the motion carried 6-1.

Case: BOA-1213461 Address: 7-9 Richardson Street Ward 22 Applicant: Rosine L. Garabedian

Articles: Article 51, Section 8 Use: Forbidden - Parking lot is a forbidden use in a 3F 4000 sub district

Purpose : Parking for a fee.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to continue to use and extend for a 3 year period for parking.

Board Members asked about plans, screening and buffering, barbwire, cement wall, and open air parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and the Brighton Allston Improvement Association are in support. The ACA is in non-opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA review with screening and buffering and attention to the signage, and a 3-year sunset proviso. Dong seconded and the motion carried 6-1.



City of Boston
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RE-DISCUSSIONS: 12:30PM

Case: BOA-1133499 Address: 117 Coleridge Street Ward 1 Applicant: Jorge Betancur

Articles: Article 9, Section 2 Change in Non Conforming Use Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 52 Roof Structure Restrictions Article 53 Section 8 Use Regulations - Multi Family Dwelling Use: Forbidden Article 27T 5 East Boston IPOD Applicability

Purpose : Change of Occupancy from 3 unit to 4 unit Residential Building. Legalize existing basement unit. Construct side deck. Proposed (5) off street parking.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to make a 3 family a 4 family. This is re- advertised with solar panels. The height of which contribute to the most recent violation.

Board Members asked about the plans, height, basement, patio and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review with no front yard parking. Ruggiero seconded, Ligris recused and the motion carried unanimously.

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

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail that this is now proposed as 6-unit dwelling.

Board Members asked about the plans, grade, slope, basement unit and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services, Councilor Edwards, Councilor Flaherty and the Jeffries Point Association are in opposition. BPDA recommended no basement unit and context with BPDA review.

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

Votes: Board Member Ruggiero moved to deny without prejudice. Robinson seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1134769 Address: 363 Albany Street Ward 3 Applicant: Noah Ziomek

Article: Article 64, Section 35 Sign Regulations Bill board sign installation is forbidden in this zoning sub district

Purpose: We will be removing the existing billboard on the corner of the building and installing a new structure, and 2 20'x60' digital billboards.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to change the billboards with smaller digital ones.

Board Members asked about times and plans.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood services and Councilor Flynn deferred to the Board. The East Berkley Association and an Abutter are in support. A resident and the APCO community group are in opposition. The BPDA suggested denial.

Documents/Exhibits: Building Plans, letters of support and 101 signatures of opposition.

Votes: Board Member Ligris moved to approve with BPDA design review to keep it consistent with the existing statutes, Ruggiero seconded and Robinson recused. The motion carried unanimously.

Case: BOA- 1164225 Address: 390-396 West Second Street Ward 6 Applicant: Jeffrey D Boyer

Articles: Article 68, Section 8 Front Yard Insufficient Article 68, Section 29 Roof Structure Restrictions

Purpose: Four roof decks and two headhouses built on top of existing roof.

Discussion/Vote: The applicant requested a deferral stating they need time because they resubmitted drawings and a new variance was added. Upon a motion and a second, the Board voted unanimously to defer this matter until November 16, 2021 at 12:30PM.

Case: BOA-1178769 Address: 19 Granada Park Ward 11 Applicant: Walter Lemus

Articles: Art. 55, Section 8 Use: Forbidden 3F in 2F Zone Article 55, Section 9 Usable Open Space Insufficient

Purpose: Change of occupancy to 3 family. Update to the original building project (ALT898873), enclose 3rd floor deck. The contractor did something outside of the current building plan and we are working to get approval. We also have a contractor ready to put sprinklers in the unit but need a new building permit approved. Updated Plans Attached.

Discussion/Vote: The applicant requested a deferral stating they need time due to technical issues with the plans. Upon a motion and a second, the Board voted unanimously to defer this matter until November 16, 2021 at 12:30PM.

Case: BOA-1203726 Address: 89 Woodrow Avenue Ward 14 Applicant: 89 Woodrow, LLC

Articles: Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Rear Yard Insufficient Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 37 Off Street Parking Insufficient

Purpose: Subdivide existing parcel into two lots; (1. Lot B 3250 sq. ft. to contain existing 8-unit dwelling structure.); (2. Lot A 10,150 sq. ft. ,to be known as 8 Oakhurst St to contain new 9-unit dwelling structure and accessory parking.) No work to be done on this permit. New construction on separate ERT.

Discussion/Vote: The applicant requested a deferral stating they need time to meet with abutters and revise the proposal. Upon a motion and a second, the Board voted unanimously to defer this matter until November 16, 2021 at 12:30PM.



City of Boston
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Case: BOA-1178048 Address: 8-8A Oakhurst Street Ward 14 Applicant: 89 Woodrow, LLC

Articles: Article 60, Section 8 Use: Forbidden MFR is a forbidden use in a 3F5000 Subdistrict Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Rear Yard Insufficient

Purpose: Erect new three story, 9 dwelling unit building with 13 accessory parking spaces at grade. New structure to be located on newly created lot of 10,150 sq. ft. under subdivision application ALT1155354.

Discussion/Vote: The applicant requested a deferral stating they need time to meet with abutters and revise the proposal. Upon a motion and a second, the Board voted unanimously to defer this matter until November 16, 2021 at 12:30PM.

Case: BOA-1184282 Address: 67 Hopedale Street Ward: 22 Applicant: Linceo, LLC

Articles: Article 51, Section 8 Use: Forbidden 2F in 1F Zone Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient

Purpose: Change occupancy from 1 family to 2 family; renovate existing basement living area as part of Unit 1; add 2 new egress windows in basement. Renovate kitchens on floors 1 and 2 and bathrooms on floors basement, 1, 2 & 3. Add exterior rear stair and deck. Add parking for 4 cars in rear yard from existing driveway as shown on plans.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail to say this project was previously deferred to revise the plans. There is no living space in the basement and there is no rear yard parking.

Board Members asked about a curb cut, parking, open space and plans.

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

Documents/Exhibits: Building Plans, letters of support.

Votes: Board Member Ruggiero moved to approve with BPDA design review, Ligris seconded and the motion carried unanimously.

COURT REMAND: 1:00PM

Case: BOA-1164448 Address: 1778 Columbia Road Ward 7 Applicant: Andrew Enright

"For a Remand Hearing pursuant to an Order of the Superior Court (Dkt. No. 2184CV1372) to determine whether any reasonable site plan conditions are required for Greenbelt Protection Overlay District compliance under standards of Article 29, Section 6 of the Zoning Code."

Purpose :Erect new three family dwelling with roof deck and parking garage.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail saying the court ruled the Board cannot deny GPOD relief.

Votes: Board Member Ruggiero moved to approve with BPDA design review for landscaping and context with the neighborhood. Robinson seconded and the motion carried unanimously.



City of Boston
Board of Appeal

CALL OF THE CHAIR: 1:00PM

Case: BOA-1150574 Address: 153-155 Blue Hill Avenue Ward 12 Applicant: Loretta Sparrow Et al

Purpose: The petitioner's seeks a determination that the Inspectional Services Department erred in issuing the permit# ALT1067111. The permit was issued as an allowed use.

Discussion: At the request of the board, the applicant presented plans and described the proposed project in detail saying ISD erred in issuing the permit application.

Board Members determined that the appellants failed to present any evidence that the applicant did not intend to use the premises as a Community Center as it is defined in the Zoning Code.

Votes: Board Member Ruggiero moved to conclude that ISD did not err in its decision to grant the permit, Dong seconded and the motion carried unanimously.

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

BOARD MEMBERS:

MARK ERLICH-ACTING CHAIR
MARK FORTUNE-SECRETARY
SHERRY DONG
KOSTA LIGIRIS
JOSEPH RUGGIERO
ERIC ROBINSON

SUBSTITUTE MEMBERS:

TYRONE KINDELL, JR.

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 September 21, 2021 Board of Appeal Hearing please go to: https://www.cityofboston.gov/cable/video_library.asp.