



City of Boston
Board of Appeal

Tuesday, November 16, 2021

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 16, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS NOVEMBER 16, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE NOVEMBER 16, 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/zbaNovember16Hearing> or by calling 1-617-315-0704 and entering access code 2339 018 3245. If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaNovember16Comment>, 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/zbaNovember16Comment>, calling 617-635-5300 or emailing zba.ambassador@boston.gov.



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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 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 8:30AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

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

Interested persons who are unable to participate in the hearing remotely may make an appointment to 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.

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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EXTENSIONS: 9:30AM

Case: BOA- 759563 Address: 80 Marginal Street Ward 1 Applicant: Richard Lynds, 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 with a new date of December 15, 2022 subject to all applicable tolling.

Case: BOA-1006360 Address: 8 Ford Street Ward 1 Applicant: Richard Lynds, 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 with a new date of March 27, 2023 subject to all applicable tolling.

Case: BOA-1006358 Address: 8C Ford Street Ward 1 Applicant: Richard Lynds, 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 with a new date of March 27, 2023 subject to all applicable tolling.

Case: BOA- 830090 Address: 4 Mystic Street Ward 2 Applicant: Timothy Sheehan

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 with a new date of December 21, 2022 subject to all applicable tolling.

Case: BOA- 992109 Address: 24 Rand Street Ward 13 Applicant: Kenneth Daddabbo Sr.

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 with a new date of March 31, 2023 subject to all applicable tolling.

Case: BOA- 992105 Address: 28 Rand Street Ward 13 Applicant: Kenneth Daddabbo Sr.

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 with a new date of March 31, 2023 subject to all applicable tolling.



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Case: BOA-734154 Address: 14 Gleason Street Ward 14 Applicant: Prince Kallon

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 with a new date of November 21, 2022 subject to all applicable tolling.

Case: BOA-914212 Address: 79 Devon Street Ward 14 Applicant: Prince Kallon

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 with a new date of November 21, 2022 subject to all applicable tolling.

Case: BOA-799147 Address: 30 Thorn Street Ward 18 Applicant: Nicholas Zozula, 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 with a new date of November 6, 2022 subject to all applicable tolling.

Case: BOA-967381 Address: 83-89 Queensberry Street Ward 5 Applicant: Peter Kochansky, 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 with a new date of February 6, 2023 subject to all applicable tolling.

Case: BOA-967386 Address: 95-101 Queensberry Street Ward 5 Applicant: Peter Kochansky, 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 with a new date of February 6, 2023 subject to all applicable tolling.

Case: BOA-831064 Address: 17 Madeline Street Ward 22 Applicant: Harold McGonagle, RA

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 with a new date of November 16, 2022 subject to all applicable tolling.



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BOARD FINAL ARBITER: 9:30AM

Case: BOA-799147 Address: 30 Thorn Street Ward 18 Applicant: Nicholas Zozula, Esq

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating the unit has been reconfigured, and has reduced the number of units. There is no new zoning needed.

Votes: Board Member Erlich moved to approve, Ruggiero seconded and the motion carried unanimously.

GCOD: 9:30AM

Case: BOA-1237924 Address: 232 Clarendon Street Ward 5 Applicant: 232 Clarendon, LLC

Article(s): Art. 32 Sec. 32.4 Groundwater Conservation Overlay District, Applicability

Purpose : Change of occupancy to remove retail store and renovate/reconfigure existing spaces of residential and office units. New fire alarm and fire protection systems

Discussion/Votes: The Boston Groundwater Trust has both required letters on file. Board Member Erlich moved to approve GCOD, Barraza seconded, Ligris recused, and the motion carried unanimously.

HEARINGS: 9:30AM

Case: BOA- 1243007 Address: 30 Allston Street Ward 2 Applicant: David Giller

Article(s): Art. 62 Sec. 30.6 Driveway min.10' wide Article 62, Section 8 Side Yard Insufficient

Purpose: Tandem driveway installation for 2 parking spaces

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a curb cut to increase the pitch of the walkway.

Board members asked about the plans, sidewalk, proposal, property line, and occupancy.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and abutters are in support. BTB says the spaces should be different sizes.

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

Votes: Board Member Barraza moved to approve with BTB review and 1 parking space. Ruggiero seconded, Erlich opposed, and the motion carried 6-1.



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Case: BOA- 1258260 Address: 10 Union Park Ward 3 Applicant: Pat Kinsel and Jill Ozzie

Article(s): Art. 32 Sec. 04 GCOD Applicability Art 64.9.4Town/Rowhouse extension into rear -Balcony and addition exceeding 50 sqft Art. 56 Sec. 64 34Restricted roof structure district - main roof and garage roof Article 64 Section 8 Use Regulations - Accessory swimming pool < 4' from lot lines Article 64, Section 9Floor Area Ratio Excessive Article 64, Section 9 Rear Yard Insufficient

Purpose : Change occupancy from lodging house to single family; install groundwater recharge system, extend living space to basement & excavate, rear addition at basement & levels 1 -4, rear deck at level 2, construct attached garage and pool in rear yard connected to main building through a bridge, roof decks on garage and main roof.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a balcony and rear walkout deck that is 6ft from the rear. Swimming pools are an allowed use and it meets the usable open space requirement.

Board members asked about the plans, roof structure, dimensions, pool or hot tub, and egress in the basement.

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

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

Votes: Board Member Barraza moved to approve with BPDA design review. Erlich seconded, Ruggiero opposed, and Ligris recused. The motion carried 5-2.

Case: BOA- 1255984 Address: 353 East Eighth Street Ward 7 Applicant: Marc LaCasse

Article(s): Article 68. Section 8.4Dim Regs: Extension in Rear Yard - Extension exceeding 1,000sqft Article 68, Section 8 Front Yard Insufficient Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Side Yard Insufficient

Purpose :Renovation & rear addition (extension of living space) to existing 3 family semi detached building, new rear decks, and extension of living space into basement; no change to existing occupancy. The proposed project will also include new kitchens, baths, and interior partition walls on all levels. Fire protection & alarm systems will be installed per NFPA 13.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to install a small rear walkout that is enclosed. This meets the rear year and setback requirements.

Board members asked about the plans, size, setback, restrictions and the height.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review and no bedrooms in the basement. Erlich seconded, Ruggiero, Ligris, and Dong opposed. The motion failed 4-3.



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Case: BOA-1175371 Address: 20 Centre Street Ward 9 Applicant: Michael Chavez

Article(s): Article 50, Section 29 Lot Frontage Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Art. 50, Section 28 Use: Forbidden Art. 50 Sec. 38 Design Review
Purpose : The property is actually located at 20 Centre St, NOT 22 Centre St. Please update database! Proposed building to be trades training center for Youth Build Boston. Main use to be wood shop with accessory educational space. Slab on grade, 2 stories, wood frame or light metal construction.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 11, 2022 at 12:30PM.

Case: BOA- 1248137 Address: 34 Evergreen Street Ward 10 Applicant: Jeremy Sears

Article(s): Article 55, Section 9 Side Yard Insufficient Article 55, Section 8 Use Regulations - Three Family Dwelling use : Forbidden Article 10, Section 1 Limitation of Area - Off street parking shall not be located less than 5' 0" from side lot line.

Purpose : Combine Parcel 1 and 2 to be a newly created lot of 6234 SF. Change of occupancy from two family dwelling to three family dwelling. Legalize existing owner occupied three family. Proposed three (3) off street parking. Minor reconfiguration of the interior on the first and second floors. Minor exterior dormer addition to provide head height clearance at existing stairs. FA/FP Included.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to reconfigure the existing structure, and combine lots.

Board members asked about the plans, basement, parking, and relief needed.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor O'Malley and Councilor Flaherty are in support. BTB says the parking works.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve, Ligris seconded, Ruggiero recused, and the motion carried 6-1.

Case: BOA-1182380 Address: 5 Glenburne Street Ward 12 Applicant: John McCallum

Article(s): Article 50 Section 29 Lot Area Insufficient Article 50 Section 29 Lot Width Insufficient Article 50 Section 29 Lot Frontage 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 43 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 10, Section 1 Limitation of Area of Accessory Uses Article 50, Section 43 Off Street Parking & Loading Req - Off Street Parking Design / Maneuverability (Tandem Parking) Article 50 Section 29 Building Height Excessive

Purpose: Erect a new 3 story, Three (3) Family Dwelling. There will be a Single Parking space located on vacant lot with easement.*Note: see alt filed in conjunction with this application for existing deck by seller.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a 3 family with basement space and 1 onsite parking space. With rear balconies.

Board members asked about the plans, proposal, zoning district, lot size, rear yard, parking, and curb cut.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review, preserving the trees and maximize parking, and BTB review. Erlich seconded, Ruggiero opposed and the motion carried unanimously.



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Case: BOA- 1221501 Address: 400 Harvard Street Ward 14 Applicant: Wesner Simplice

Article(s): Article 60, Section 40 Off Street Parking & Loading Req -Location. Off street parking shall not be located in any part of a Front Yard.

Purpose : Change of occupancy from single family to two family dwelling. Legalize existing two family and four off street parking. House has been a two family for many years. No work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy from a 1 to a 2 family with parking.

Board members asked about the front door, plans, and asphalt.

Testimony: The Board then requested testimony from neighbors and elected officials. BTD said the parking should be pushed back and relocate the curb cut and eliminate the other one.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to deny without prejudice. Barraza seconded, Ruggiero opposed and the motion carried 6-1.

Case: BOA-1209015 Address: 7-9 Wenham Street Ward 19 Applicant: 7-9 Wenham Street LLC

Article(s): Article 55, Section 8 Use Regulations - MFR is a Forbidden use in a 3F 5000 Sub district Article 55, Section 9 Add'l Lot Area Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Bldg Height Excessive (Feet) Article 55, Section 9 Bldg Height Excessive (Stories) Article 55, Section 9 Side Yard Insufficient Article 55, Section 40 Off Street Parking & Loading Req

Purpose: Existing building is a 3 family with a 1/2 story, unfinished attic. This project would convert the attic into a fourth unit. The life safety systems would be upgraded to meet the new occupancy.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert a 3 family into a 4 family. This is existing non-conforming and does not go above the existing building height.

Board members asked about the plans, occupancy, proposal, egress, and bedroom count.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review and focus on the placement of the dormers. Ligris seconded and the motion carried unanimously.



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Case: BOA- 1244853 Address: 53-55 South Fairview Street Ward 20 Applicant: Timothy Burke

Article(s): Art. 10 Sec. 01 Limitation of off street parking areas - Parking located within five (5) feet of side lot line.

Article 67, Section 9 Usable Open Space Insufficient

Purpose: Construct curb cut and parking area for two cars.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add 2 parking spots with a 10 ft curb cut for permeable pavers.

Board members asked about the plans, corner lot, garage, and landscaping.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services is in support. BTB says the plan does work.

Documents/Exhibits: Building Plans.

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

Case: BOA-1256688b Address: 25-29 Poplar Street Ward 20 Applicant: Poplar Street Investments LLC

Article(s): Article 67, Section 32 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Change of Occupancy from Barbershop and Beauty Salon to Barbershop, Retail, and 9 Residential Dwelling Units. Construct 3 story addition above existing first floor. Construct new rear stairway addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting relief for off street parking. They have been before the BPDA and were approved.

Board members asked about the plans, relief needed, proposal, and parking.

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, letters in support.

Votes: Board Member Erlich moved to approve with the proviso that there is no work in the basement. Robinson seconded and the motion carried unanimously.



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Case: BOA-1227183 Address: 12 Colberg Avenue Ward 20 Applicant: Tim J Casey

Article(s): Article 67, Section 32 Off Street Parking - Off street parking is insufficient Art. 67 Sec. 08 Three family dwelling unit use is a forbidden use. Art. 67 Sec. 09 Side Yard Insufficient Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Usable Open Space Insufficient Article 67, Section 9 Floor Area Ratio Excessive

Purpose: Change of Occupancy from 2 family to 3 family. Renovate third floor & reconstruct dormer at North roof. Existing floor plate to Remain, no modification to building footprint.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate a owner occupied 2 family to a 3 family. Reconstruct dormer, and the parking is supported on an adjacent lot.

Board members asked about the plans, square feet, use, zoning district, plots, and parking plan.

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, letters in support.

Votes: Board Member Barraza moved to approve with BPDA design review with special attention to the height of the dormer and match the ridge of the roofline.

HEARINGS:11:00AM

Case: BOA-1211702 Address: 95-97 Broadway Street Ward 5 Applicant: Peng Meichi

Article(s): Article 32, Section 4. GCOD, Applicability Article 63, Section 20 Roof Structure Restrictions Article 63, Section 8 Floor Area Ratio Excessive Article 63, Section 8 Rear Yard Insufficient

Purpose: Change of Occupancy from Office to Office and Two Residential Units. Construct new partial second floor and third floor addition.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 11, 2022 at 12:30PM.

Case: BOA-1217482 Address: 38 P Street Ward 6 Applicant: Marc LaCasse

Article(s): Art. 68 Sec.08 Height exceeded Art.68 Sec 29 Roof Structure Restrictions Access

Purpose : Construct a private wood roof deck on an existing roof for sole use of Unit 8. Deck to be less than 12" above existing roof. Install new electrical and water hook up for roof deck. Install new door at existing headhouse for access to deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to install a new door on the headhouse and build a private roof deck.

Board members asked about the plans, construction, headhouse, occupancy, and access from unit 8.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services and Councilor Flynn, Councilor Flaherty, Representative Biele, an abutter, and the City Point Neighborhood Association are in opposition.

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

Votes: Board Member Ligris moved to deny. Erlich seconded and the motion carried unanimously.



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Case: BOA-1259438 Address: 37-41 Woodcliff Street Ward 13 Applicant: Huggens Lafond

Article(s): 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 - 3 spaces required none shown on plan

Purpose : New Construction Of three attached row houses.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to correct the 3 family, there are no height violations.

Board members asked about the plans, zoning district, lot, unit sizes, basement and the roof deck.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1225615 Address: 31-33 Rosaria Street Ward 16 Applicant: Suzann Sweeney

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

Purpose : Construct 31' 5" dormers on right & left side of roof to create additional living space on 3rd level. Attic Renovation (attic is currently on the studs from previous construction) Finish the plumbing and electric installations Apply insulation as needed Install blueboard and plaster Install new hardwood floors, molding, and interior doors Install bathroom components and tiles.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add dormers to the left and right side of the roof of a 2 family.

Board members asked about the occupancy, and plans.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve, Ruggiero seconded and the motion carried unanimously.



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Case: BOA- 1259039 Address: 804 Hyde Park Avenue Ward 18 Applicant: Whiteacre Properties, LLC

Article(s): Art. 69 Sec. 8 Forbidden - MFR Forbidden Art. 69 Sec. 09 Excessive F.A.R. Art. 69 Sec. 09 Number of allowed stories exceeded Art. 69 Sec. 09 Maximum allowed height exceeded Art. 69 Sec. 09 Insufficient open space per unit Art. 69 Sec. 09 Insufficient front yard setback Art. 69 Sec. 09 Insufficient side yard setback Art. 69 Sec. 29 Off St.Prk'g/Load'g - Insufficient parking Art. 69 Sec. 30.4 Corner Lot Provision - Two required front yard setback/Modal requirements Article 69 Section 30 Application of Dimensional Req - 2. Traffic visibility across a corner lot Two front yards Article 69 Section 29 Off Street Parking & Loading Req - Insufficient Loading Area Article 69 Section 37 Screening & Buffering Req Art. 69 Sec. 29.5 Off St.Prk'g:Design - A) Maneuvering areas (i.e. Tandem) Art. 69 Sec. 07 Maximum Number of Allowed Dwelling Units on a Lot - Maximum allowed number of units on a lot exceeded

Purpose: Combine lots (submitted as a companion ALT1253894) and construct a new four story, 34 unit residential building with elevator, fully protected by an automatic sprinkler system at all levels. A separate Demolition permit to raze the buildings on both of the existing lots will be applied for if Zoning Board Approval of the requested variances is granted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to combine lots and make 34 units fully sprinkled with a 12 ft curb cut and 19 parking spaces.

Board members asked about the plans, lots, zoning, floor area ratio, parking, width of driveway, and roof deck access.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor Arroyo, and Councilor Mejia are in support. An abutter is in opposition. BTB advises removing spaces to improve maneuverability and visibility.

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

Votes: Board Member Barraza moved to approve with BTB review and BPDA design review for the exterior/massing, and for the ground floor setback on Hyde Park Ave. Ruggiero seconded, Fortune opposed and Erlich opposed. The motion carried 5-2.

Case: BOA- 1250118 Address: 4198-4206 Washington Street Ward 19 Applicant: Auros LLC

Article(s): Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Bldg Height Excessive (Stories) Article 67, Section 9 Bldg Height Excessive (Feet) Article 67, Section 9 Rear Yard Insufficient Article 67, Section 32 Off Street Parking & Loading Req Art. 80 Sec. 80E 2 Small Proj. Review - NDOD Applicability. Needs approval of BPDA.

Purpose : Construction of a new Five story mixed-use Residential building. Podium construction will consist of thirty-one residential units, Commercial space at the ground level, and a below-grade level containing storage, mechanical, and a community theater.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a mixed use building with retail, by replacing the existing 5 story. No parking, rent is the existing rate, both businesses on first level will remain, 31 residential units and 42% (hopefully 100%) affordability.

Board members asked about the plans, development, parking, size of units, and the zoning district.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services, Councilor Arroyo, and Councilor Mejia, an abutter, and the Rozzy Square Theatre is in support. Multiple abutters are in opposition. The BPDA is in support.

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

Votes: Board Member Barraza moved to approve with BPDA design review to provide parking in the basement level. Erlich seconded, Araujo, Ligris and Ruggiero opposed. The motion failed 4-3.



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RE-DISCUSSIONS: 12:30PM

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

Articles: Art. 32 Sec. 32-4 Groundwater Conservation Overlay District

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: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to extend the rear addition.

Board members asked about plans and revisions.

Testimony: The Board then requested testimony from neighbors and elected officials. The Boston Groundwater Trust has both required letters on file.

Documents/Exhibits: Building Plans, BGWT letters.

Votes: Board Member Erlich moved to approve the GCOD, Ligris seconded and the motion carried unanimously. Ruggiero moved to deny the building code relief, Ligris seconded, and the motion carried unanimously.

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: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to extend the rear addition.

Board members asked about plans and revisions.

Testimony: The Board then requested testimony from neighbors and elected officials. The Boston Groundwater Trust has both required letters on file.

Documents/Exhibits: Building Plans, BGWT letters.

Votes: Board Member Erlich moved to approve the GCOD, Ligris seconded and the motion carried unanimously. Ruggiero moved to deny the building code relief, Ligris seconded, and the motion carried unanimously.

Case: BOA-1100765 Address: 191 Commonwealth Avenue Ward 5 Applicant: Vernon Woodworth

Articles: Art. 13 Sec. 13 1 Dimensional Regulations Art. 23 Sec. 01 Off street parking requirements Article 13, Section 1 Floor Area Ratio Excessive Article 13, Section 1 Usable Open Space Insufficient

Purpose : Change of use from sixteen (16) to twenty (20) apartments. Upgrade electrical, alarm and sprinkler systems.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to withdraw to redefine the application with ISD.

Votes: Board Member Erlich moved to with draw. Ligris seconded and the motion carried unanimously.



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Case: BOA- 1164225 Address: 390-396 West Second Street Ward 6 Applicant: Jeffrey D Boyer
Article(s): Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Bldg Height Excessive (Feet)
Article 68, Section Front Yard Insufficient
Purpose: Four roof decks and two headhouses with office spaces built on top of existing roof.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting 2 head houses and 4 roof decks to increase the open space.

Board members asked about the occupancy, plans, new construction and office sizes.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ligris moved to deny the application. Erlich seconded and the motion carried unanimously.

Case: BOA-1050100 Address: 680 Massachusetts Avenue Ward 8 Applicant: 680 Mass Ave LLC by Stephen Shuman
Articles: 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: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy from a 5 family to a 6 family.

Board members asked about the floor to ceiling height, basement, and 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 Barraza moved to approve. Dong seconded and the motion carried unanimously.

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. Upon a motion and a second, the Board voted unanimously to defer this matter until May 24th, 2022 at 12:30PM.

Case: BOA-1202529 Address: 55 Bowdoin Avenue Ward 14 Applicant: Kathalene MacPherson
Articles: Art. 65 Sec. 08 Three family dwelling is a forbidden use in this zoning sub district Art. 65 Sec. 08 Dwelling unit located in basement is forbidden Article 65, Section 9 Side Yard Insufficient
Purpose : This is the renovation of an existing 2 family into a 3 family residence. A 1 car garage along with a loft space above which will be part of the adjacent unit. The existing lower unit 1 duplex will be converted into 2 units.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 11, 2022 at 12:30PM.



City of Boston
Board of Appeal

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: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to subdivide into two lots with 1 8 unit residential and 1 6 unit residential dwelling. The first two units will be handicap accessible.

Board members asked about the plans, lots, unit breakdown, roof decks, and possible elevator.

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

Documents/Exhibits: Building Plans.

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

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: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to subdivide into two lots with 1 8 unit residential and 1 6 unit residential dwelling. The first two units will be handicap accessible.

Board members asked about the plans, lots, unit breakdown, roof decks, and possible elevator.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1194538 Address: 74 Burt Street Ward 17 Applicant:74 Burt Street, LLC

Articles: Article 65, Section 8 Use Regulations MFR is a forbidden use in a 1F 7000 sub district Article 65, Section 9 Lot Area 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 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Demolition of existing single-family structure and erection of new five-unit structure with seven parking spaces. Three story building with first floor garage at street grade. Two living levels above first floor garage. This application is for rejection letter to begin ZBA process

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 4 unit dwelling with 6 parking spots and a roof deck with a head house.

Board members asked about the plans, violations, the lot, unit sizes, roof decks, and the headhouse.

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

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

Votes: Board Member Erlich moved to approve with BPDA design review, a headhouse eliminated by hatch, and parapet to lower 4 feet in height. Fortune seconded and the motion carried unanimously.

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

BOARD MEMBERS:

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MARK FORTUNE-SECRETARY
MARK ERLICH
SHERRY DONG
JOSEPH RUGGIERO
KOSTA LIGRIS

SUBSTITUTE MEMBERS:

HANSY BETTER BARRAZA

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 16, 2021 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.