



City of Boston  
Board of Appeal

**RECEIVED**

By City Clerk at 10:19 am, Jul 20, 2023

Tuesday, July 25, 2023

BOARD OF APPEAL

Room 801

## HEARING AGENDA

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JULY 25, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS JULY 25, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

**PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:**

**THE JULY 25, 2023 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.**

Interested persons can participate in the hearing **REMOTELY** by going to <https://bit.ly/ZBA2023Hearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 821 8044 0527 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/July25Comment> 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/July25Comment>, calling 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).

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



City of Boston  
Board of Appeal

concerns can also be emailed to the ZBA Ambassador at [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).

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

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

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

Interested persons who are unable to participate in the hearing remotely may make an appointment to offer testimony. Please notify the Board at least **48 HOURS** in advance either by calling 617-635-4775 or emailing [isdboardofappeal@boston.gov](mailto: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](mailto:ZBAPublicInput@boston.gov) IN LIEU OF OFFERING TESTIMONY ONLINE. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.**



City of Boston  
Board of Appeal

### **EXTENSIONS: 9:30AM**

**Case: BOA-826724 Address: 1199-1203 Blue Hill Avenue Ward 14 Applicant: George Minasdis**

**Case: BOA-1176005 Address: 1717-1719 Hyde Park Avenue Ward 18 Applicant: David Linhart, Esq**

### **BOARD FINAL ARBITERS: 9:30AM**

**Case: BOA-606484 Address: 64-64C Allandale Street Ward 20 Applicant: Marc LaCasse, Esq**

**Case: BOA-606486 Address: 66-66C Allandale Street Ward 20 Applicant: Marc LaCasse, Esq**

**Case: BOA-606487 Address: 68-68B Allandale Street Ward 20 Applicant: Marc LaCasse, Esq**

**Case: BOA-606488 Address: 70-70B Allandale Street Ward 20 Applicant: Marc LaCasse, Esq**

**Case: BOA-606489 Address: 72-72B Allandale Street Ward 20 Applicant: Marc LaCasse, Esq**

**Case: BOA-1365467 Address: 100 Allstate Road Ward 15 Applicant: Joseph Hanley, Esq**

### **CALL OF THE CHAIR:9:30AM**

**Case: BOA-1432589 Address: 336R Pond Street Ward 19 Applicant Antonio Ferrara**

**Purpose:** Appellant seeks a determination that the Inspectional Services Department erred in its interpretation of the Zoning Code and refusal of a building permit application on grounds that the proposed project violates Article 55 of the Boston Zoning Code. Appellant contends that ISD incorrectly cited Article 55, Section 41.1, Conformity with Existing Building Alignment and improperly denied Permit # ERT1104783.

### **HEARINGS:9:30AM**

**Case: BOA- 1478134 Address: 361 Belgrade Avenue Ward 20 Applicant: Upton Belgrade Investment Partners, LLC-ARTICLE 80**

**Article(s):** Article 67 Sect 12 Will exceed dimensional FAR of 1.0. The Project proposes a FAR of 3.0. Article 67 Sect 12 Will exceed dimensional Height of 35' (feet). The Project proposes Height of 63'(feet). Article 67 Sect 12 Will exceed dimensional stories height of 3. The Project proposes height of 5 stories. Article 67 Sect 12 Will not meet the dimensional Front Yard setbacks of 10' (NS). The Project proposes Street Conformity (Modal Alignment). Article 67 Sect 12 Will not meet dimensional Side Yard setbacks of 10'(NS). The Proposed project has a Side Yard setback of 3'. Article 67 Sect 12 Will not meet dimensional Rear Yard setbacks of 10' feet (NS). The proposed Project will not have a Rear Yard setback, it will be 0' feet. Article 67 Section 32 Off Street Parking & Loading Req - The number of Parking Spaces & Loading Bays are subject to BPDA Large Project Reviews. The Project proposes a garage for 86 vehicles. Article 67, Section 9 Front Yard Insufficient - Will not meet dimensional Front Yard setbacks of 20' (feet) for 2F 5000. Art. 67 Sec. 09 Side Yard Insufficient - Will not meet the dimensional Side Yard setbacks of 10' for 2F 5000 Article 67, Section 9 Rear Yard Insufficient - Will not meet dimensional Rear Yard setback of 40' for 2F 5000. Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability The proposed project is subject to Greenbelt Protection Overlay District Applicability. Article 67, Section 8 Use Regulations - Use Accessory Parking in the 2F 5000 subdistrict for the MFR use. (underground parking).

**Purpose:** Erect a 5 story, 129,000 gsf building with 124 Residential units, 2600 sf of commercial space garaged parking for up to 86 vehicles and overall site upgrades.



City of Boston  
Board of Appeal

**Case: BOA-1481408 Address: 1320 Dorchester Avenue Ward 15 Applicant: Doug George-ARTICLE 80**

**Article(s):** Article 65, Section 41 Off Street Parking & Loading Req - Off street parking is insufficient.  
Article 65, Section 16 Floor area ratio is excessive Article 65, Section 16 Building height in feet is excessive Article 65, Section 16 Rear Yard is insufficient,

**Purpose:** Proposed new six story residential apartment building with 70 studio units, 4 parking spaces and ground floor commercial component. Project will be fully compliant with City of Boston Compact Living Guidelines.

**Case: BOA- 1428646 Address: 42 East Street Ward 15 Applicant: Bonnie Tan**

**Article(s):** Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Bldg Height Excessive (Stories)  
Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose:** Demolish existing single family building and erect a new 3 story 3 unit townhouse will require variance for dimensional setback, FAR, and Lot Size.

**Case: BOA-1411034 Address: 177 Harvard Street Ward 14 Applicant: Stuart Schrier**

**Article(s):** Art. 60 Sec. 40 Off street parking insufficient Article 60, Section 8 Use: Forbidden - Accessory food pantry (Accessory retail) Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Side Yard Insufficient Rear deck Article 60, Section 9 Rear Yard Insufficient Rear deck

**Purpose:** Change of occupancy from Adult education/offices to Place of Worship, 2 Residential Units (Parish house) and Accessory Food Pantry for ministry. Scope includes extension of floor area into basement for pantry, rebuild & extend existing 2 story rear porch, construction a new side accessible ramp down to basement, and a new rear stair down to basement. Also, includes renovation of parish building with new life safety, insulation, electrical, plumbing and heating. (See ALT39328 for previous approval by the ZBA on 3/8/2011, the work was not done due to financial hardship forcing a re application).

**Case: BOA- 1475908 Address: 78 Rutland Street Ward 9 Applicant: Ben Wild**

**Article(s):** Art. 64 Sec. 09 Town House/Row House Extensions into Rear Yard

**Purpose:** SF1277295, SF1277289, SF1277298 Change of Occupancy from 3 family to single. new windows front, new main entry, rear deck, restore bay window, 2 windows on side. Emergency structural work bow front window.

**Case: BOA- 1435105 Address: 5 Swift Terrace Ward 1 Applicant: Marc LaCasse, Esq**

**Article(s):** Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Floor Area Ratio Excessive  
Article 53, Section 56 Off Street Parking & Loading Req Article 27T 5East Boston IPOD Applicability - ARTICLE 27T 8

**Purpose:** Demolish existing structures on separate permit. Construct new 7 unit dwelling with parking for 5 vehicles; 3 private roof decks; basement storage.

**Case: BOA-1476698 Address: 964 Bennington Street Ward 1 Applicant: Diana Aponte**

**Article(s):** Article 27T 5East Boston IPOD Applicability - East Boston Interim Planning Overlay District Applicability  
Article 25 Section 5 Flood Plain Regulations - Flood Hazard District Article 53 Section 12 Floor Area Ratio Excessive

**Purpose:** Make the Basement part of the First floor Unit. Install connecting stairs, new partitions, do all electrical, plumbing, and new windows to bring it up to Code.

**HEARINGS:11:00AM**

**Case: BOA- 1455410 Address: 2 Wilkins Place Ward 19 Applicant: Patrick Michaud**

**Article(s):** Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Lot Width Insufficient  
Article 67, Section 9 Add'l Lot Area Insufficient Article 67, Section 9 Front Yard Insufficient  
Article 67, Section 9 Rear Yard Insufficient

**Purpose:** Erect 1515 square foot two story single family home with 2 parking spaces similar in design to existing homes on Wilkins Place.



City of Boston  
Board of Appeal

**Case: BOA- 1443137 Address: 43-45 Stanton Street Ward 17 Applicant: Marc LaCasse, Esq**

**Article(s):** Art. 55 Sec. 65 41 Off Street parking insufficient - Parking spaces required: 21 Proposed: 191 accessible parking required, see building code refusal letter. Art. 65 Sec. 08 Forbidden - Multifamily use Art. 65 Sec. 41 Off St. Loading Req'mnts - 1 loading bay required Article 65, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.4 Proposed: 1.2 Article 65, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 2.5 Proposed: 4 Article 65, Section 9 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: 45' 2" Article 65, Section 9 Rear Yard Insufficient - Min. required: 30' Proposed: 13.1'

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

**Case: BOA- 1473828 Address: 114-122 Harvard Street Ward 14 Applicant: Travis Lee-ARTICLE 80**

**Article(s):** Article 60, Section 9 Addl' lot area Insufficient Article 60, Section 9 FAR insufficient Article 60, Section 8 Use: Forbidden - 16 units MFR Forbidden Article 60, Section 9 Usable open space insufficient Article 60, Section 9 Front Yard insufficient Article 60, Section 9 Rear Yard Insufficient Art. 60 Sec. 37 Off St. Parking Requirements - Parking space insufficient Art. 60 Sec. 40(4) Off Street parking location - Non combine Lot Article 60, Section 41.2 Traffic Visibility Across Corner - Harvard St./Standish St.

**Purpose:** Applicant submits nominal fee application to obtain zoning refusal letter for a proposed 3 story building with 16 residential units, about 1250sf of ground floor commercial space and 8 off street parking spaces.

**Case: BOA- 1473831 Address: 18-24 Standish Street Ward 14 Applicant: Travis Lee**

**Article(s):** Article 60, Section 9 Addl' lot area insufficient Article 60, Section 9 FAR Excessive Article 60, Section 9 Usable Open space insufficient Article 60, Section 9 Side yard insufficient Article 60, Section 9 Front yard insufficient Article 60, Section 9 Rear Yard insufficient Art. 60 Sec. 37 Off St. Parking Requirements - Parking space insufficient Article 60, Section 8 Use: Forbidden - 8 units MFR Forbidden

**Purpose:** Applicant submits this nominal fee application to obtain a zoning refusal letter to facilitate the construction of a new 3 story building with 6 residential units and 3 off street parking spaces.

**Case: BOA- 1481099 Address: 222 Bowen Street Ward 6 Applicant: Anthony Monahan**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel exceeded Art. 68 Sec. 33 Off Street parking Req. - Maneuvering areas Art 68 Sec 8 Insufficient lot area per unit 1000/unit req. Art 68 Sec 8 Excessive f.a.r 2.0. max. Art 68 Sec 8 Excessive height in sub district 40' max Art 68 Sec 8 Insufficient open space 200sf/unit Art 68 Sec 8 Insufficient front yard setback 5' minimum (Note side walk narrower than 39") Art. 68 Sec.08 Insufficient front yard setback 5' minimum (Note side walk narrower than 39") Art.68 Sec. 33 Off Street Loading Req. - Insufficient parking unit

**Purpose:** Erect new 4 unit residential building with 2 full parking spots, per plans \* Clarification: Combine Parcel #'s 0600999000 and 0600998000 and Erect a new Four story, 4 unit residential building with two private roof decks and 2 full parking spots per plans on the newly created lot consisting of 2,289sf. \*Existing structures to be razed on a separate permit demolition application w/article 85 approval.

**Case: BOA-1446767 Address: 340 West Second Street Ward 6 Applicant: George Morancy**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Proposing penthouse, stairway #2 Article 68, Section 33 Off Street Parking & Loading Req - Reduction in the number of spaces from 70 to 54 Article 68, Section 8 Bldg Height Excessive (Feet) - Increased non conformity from previously approved ERT Article 68, Section 8 Bldg Height Excessive (Stories) - Increased non conformity from previously approved ERT

**Purpose:** Amendment to ERT236651 to reduce the original approved 70 parking spaces to 54 parking spaces in garage with new automated parking lift system; Relocate 2nd means of egress from garage; Extend Stair #2 to roof and create new headhouse same construction as stair#1; Install new rubber roof mats; Eliminate roof covers at light wells at two locations.



City of Boston  
Board of Appeal

**Case: BOA- 1456430 Address: 119 Addison Street Ward 1 Applicant: DCM Realty, LLC**  
**Article(s):** Art. 53 Sec. 08 Forbidden - 9 unit Forbidden use Article 27T Section 9 IPOD Enforcement  
**Purpose:** Change occupancy from 9 executive suites to 9 residential units with 1 voluntary inclusionary development unit. No work to be done.

**RECOMMENDATIONS: 11:30 AM**

**Case: BOA-1464901 Address: 44 Brooks Street Ward: 1 Applicant: Hector Martinez**  
**Article(s):** Art. 53 Sec. 08 Forbidden Take in in 3F 2000 is Forbidden  
**Purpose:** Two (2) Residential Units and Grocery Store for Ice cream (incidental use) With Takeout

**Case: BOA- 1416327 Address: 964 Saratoga Street Ward: 1 Applicant: MI Pueblito Orient Heights**  
**Article(s):** Art. 9 Sec. 1 Ncnfrm'g Use:Structl Change Art. 25 Sec. 5 Flood Hazard Districts  
Article 27T Section 9 IPOD Enforcement  
**Purpose:** Construct at the outdoor seating, a seasonal canopy over the existing outdoor patio, which is currently being utilized by the restaurant.

**Case: BOA- 1480844 Address: 500 Boylston Street Ward: 4 Applicant: Oxford Properties Group**  
**Article(s):** Art. 08 Sec.07 Use: Conditional 36A Retail Catering for Starbucks Coffee Shop/Café Art. 08 Sec.07 Use: Conditional 37 Take out for Starbucks Coffee Shop/Cafe  
**Purpose:** Former retail space "Talbots" to be converted to a new Starbucks Coffee café. We request a zoning use review with nominal fee as we are considered a takeout use 36A /37 and may need BOA.

**Case: BOA- 1480839 Address: 2 Park Plaza Ward: 5 Applicant: Moskow Holdings LLC**  
**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions Remove for this petitioner only  
**Purpose:** Tenant fit up for a new Starbucks Coffee shop. The space is currently a Boloco restaurant. Remove the proviso of this petitioner only.

**Case: BOA- 1447530 Address: 1250 Boylston Street Ward: 5 Applicant: Hashem Alatiyat**  
**Article:** Art. 06 Sec. 04 Other Protectional Conditions  
**Purpose:** Food trailer

**Case: BOA- 1467752 Address: 10 Saint Margaret Street Ward: 7 Applicant: Justin Byrnes**  
**Article(s):** Art. 07 Sec. 03 Conditions for Variance - Removal of previous BOA proviso order of record on parent permits conditions of variance approval; "No side yard variance granted" Art. 65 Sec. 9 Insufficient rear yard setback Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 Insufficient open space  
**Purpose:** Project to construct a 2-story addition, including garage and bedroom, to an existing one family residence. The ALT associated with this amendment is ALT1174108. Additional two story addition on left side of dwelling.

**Case: BOA- 1399573 Address: 16 Holborn Street Ward: 12 Applicant: Oswald Webbe**  
**Article:** Art. 50 Sec. 01 Floor Area Ratio excessive  
**Purpose:** Extension of living space into the basement from unit 1. Repair concrete basement floor, frame walls according to plans, install plumbing for bathroom and laundry, new electrical work, frame and insulate walls, blue board walls and ceilings, install doors and trims, tile floors and paint all walls and trims.

**Case: BOA- 1399546 Address: 45 Winthrop Street Ward: 12 Applicant: Steve Desmangles**  
**Article(s):** Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient  
Article 50 , Section 43 Off Street Parking & Loading Req  
**Purpose:** Relocate existing curb cut.



City of Boston  
Board of Appeal

**Case: BOA- 1461000 Address: 86 Grampian Way Ward: 13 Applicant: Maureen Marotta**

**Article(s):** Article 65, Section 9 FAR insufficient Article 65, Section 9 Side Yard Insufficient  
Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - Extension of Non conforming use.

**Purpose:** 3rd floor rear addition extending the existing bedroom and adding a bathroom and rear balcony. City of Boston Board of Appeal

**Case: BOA- 1019280 Address: 10-12 Bentham Road Ward: 15 Applicant: Arlene Cruthird**

**Article(s):** Article 65, Section 42 Application of Dimensional Req 65.42.7 driveway providing access to off street parking shall be not less than 10 feet Art. 10 Sec. 01 Limitation of off street parking areas

**Purpose:** Off street parking for two residential vehicles.

**Case: BOA-1436951 Address: 10-10A Walk Hill Street Ward: 19 Applicant: Emiliano Amoroso**

**Article:** Art. 06 Sec. 04 Other Protectional Conditions - Remove proviso for a "petitioner only"

**Purpose:** Remove proviso of this applicant only

**Case: BOA-1472867 Address: 210 Roslindale Avenue Ward: 20 Applicant: William Seweryn**

**Article(s):** Article 67, Section 9 Bldg Height Excessive (Stories) Article 67, Section 9 Floor Area Ratio Excessive  
Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Side Yard Insufficient Art. 09 Sec. 01  
Reconstruction/Extension of Nonconforming Bldg.

**Purpose:** New single story addition to rear of structure to serve as a family room. New back porch to accommodate addition. New dormers on 3rd floor to allow for unfinished attic to become master bedroom with full bath.

**Case: BOA-1471763 Address: 247 Willow Street Ward: 20 Applicant: James Feeney**

**Article(s):** Article 56, Section 8 Rear Yard Insufficient Article 56. Section 8 Side Yard Insufficient

**Purpose:** Amending ALT1165872 scope of work. Removal of Attic scope; shed dormers and third floor living area removed from original plans. New scope involves rear addition now extending 2 stories; instead of 1 story. Reconfiguration of interior spaces included.

**Case: BOA- 1440414 Address: 89 Willowdean Avenue Ward: 20 Applicant: Matthew Palmer**

**Article:** Article 56. Section 8 Side Yard Insufficient

**Purpose:** Construct 15x23 Addition and expand enclosed porch 8x14'2"

**Case: BOA- 1431753 Address: 12 Amherst Street Ward: 20 Applicant: Anthony Ross**

**Article(s):** Article 67, Section 8 Use Regulations Ancillary commercial parking for bank on adjacent lot Forbidden  
Article 67, Section 9 Dimensional Regulations Parking in minimal front yard setback on a lot is not allowed

**Purpose:** Raze existing 2 family dwelling on a separate permit, grading and paving of lot for use as ancillary parking (11 parking spaces) for employee parking for adjacent bank.

**Case: BOA- 1433343 Address: 141 Colberg Avenue Ward: 20 Applicant: Eric Zachrison**

**Article(s):** Article 67, Section 9 Rear Yard Insufficient Art. 29, Section 4 Greenbelt Protection Overlay District

**Purpose:** Addition to an existing single-family home.

**Case: BOA-1412546 Address: 36 G Street Ward: 6 Applicant: James Christopher**

**Articles (s):** Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of existing structures roof profile Art 68 Sec 8  
Dim reg app in res sub dist - Extensions into rear >1,000GSF Conditional Art 68 Sec 8 Dim reg app in res sub dist -  
Extension of dimensional in an undesized lot 25% Insufficient lot size

**Purpose:** Confirm Occupancy as a One family dwelling and erect a rear addition as per the attached plans with no change to occupancy.

**Reason for Prior Deferral:** This was deferred due to the applicant changing the plans and having to refile with  
ISD.



City of Boston  
Board of Appeal

**Case: BOA-1450701 Address: 33-35 Shaw Street Ward: 20 Applicant: Ruben Rodriguez**

**Articles (s):** Art. 56, Section 8 Excessive f.a.r. Article 56, Section 8 # of occupied stories has been exceeded  
Art. 09 Sec. 01 ,Extension of Non Conforming Use - Two family in a one family subdistrict <25% Conditional

**Purpose :** Confirm occupancy as 2 family and then perform extension of living space into attic from unit 2.

**Reason for Prior Deferral: A deferral was requested to allow time to add more necessary details to the plans.**

### **RE-DISCUSSIONS :11:30 AM**

**Case: BOA-1309386 Address: 75 Maywood Street Ward 12 Applicant: Fred Manigat**

**Article(s):** Violation Description Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard  
Insufficient Article 50, Section 29 Side Yard Insufficient Art. 50 Sec. 18 Roof Structure and Building Height  
Restrictions

**Purpose:** Proposal to erect 6 condo units with 6 parking spaces.

**Reason for Prior Deferral: The applicant requested a deferral to update the plans**

**Case: BOA-1319563 Address: 1-3 Elmwood Street Ward 9 Applicant: Minkoo Kang-ARTICLE 80**

**Article(s):** Article 50, Section 43 Off Street Parking & Loading Req - No off street parking or loading provided  
Article 50 Section 24 Use Reg's Community Fac Dist - Restaurant is Forbidden in a Community College CF District  
Art. 50, Section 25 Building height in feet is excessive Max allowed 45'.Art. 50, Section 25 Usable open space is  
insufficient. 50sf/unit required. Art. 50, Section 25 Floor area ratio is excessive. Art. 50, Section 25 Rear yard is  
insufficient 20' required.

**Purpose :** Combine parcels to create a new 5,331sf lot and construct: a seven (7) story 40 unit apartment building with  
elevator access. The basement and first floor will have commercial space Core shell only(retail/restaurant) and tenant  
amenities. Floor 2 7 will have compact living units with one owner occupied unit. The roof will have a common roof  
deck and private deck. The building will be type IV construction.

**Reason for Prior Deferral: 5 Member Board**

**Case: BOA-1443969 Address: 404 West Second Street Ward 6 Applicant: Victoria Banos**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Roof deck access via stairs Art 68 Sec 8 Dim reg app in res sub  
dist - Insufficient rear yard setback

**Purpose:** Add roof deck and stair.

**Reason for Prior Deferral: To allow BPDA to review plans**

**Case: BOA-1475285 Address: 304 Paris Street Ward 1 Applicant: Roman Catholic Archdiocese of Boston**

**Article(s):** Article 27T 5 East Boston IPOD Applicability - IPOD Article 32, Section 4. GCOD, Applicability - GCOD  
Article 53, Section 9 Usable Open Space Insufficient - Usable open space insufficient.Art. 53 Sec. 09 Rear Yard  
Insufficient. Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 09 Lot area insufficient. Art. 53 Sec. 09 Add'l lot area  
insufficient. Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 56 Off St.Parking Requirements - Parking space  
insufficient.

**Purpose:** Erect a three (3) unit residential dwelling with a roof deck.

**Reason for Prior Deferral: 5 Member Board**





City of Boston  
Board of Appeal

## **COURT REMAND: 1:00PM**

**Case: BOA-1177912 Address: 82-84 Boston Street Ward 7 Applicant: Media Partners MRV LLC**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use - Conditional Art. 11 Sec. 06 Signs Subject to Other Reg. b) no new billboards shall be allowed within six hundred sixty (660) feet of a federally funded highway subject to the Federal Highway Beautification Act unless approved by the Board of Appeal in accordance with Article 6 after receipt by the Board of Appeal of a planning recommendation from the Boston Redevelopment Authority. Art. 65 Sec. 9 Residential Dimensional Reg.s - side yard Article 65, Section 40 Sign Regulations - (3) Free standing signs (USE Forbidden) Article 11, Section 7 Electronic Signs – Conditional Art. 33 Sec. 16 Air Right OS Applicability - Pylon Sign Forbidden

**Purpose:** Construct a single faced digital billboard Free Standing Pylon Sign to the rear of 82 Boston street per attached plans.

The Suffolk County Superior Court has ordered that the Zoning Board hold a remand hearing on the above listed appeal, pursuant to its May 19, 2023 order in Media Partners MRV, LLC v. Boston Board of Appeal Et al, case No. 2284CV01482. The Board will determine whether it will grant or deny the required relief at the above listed address that would satisfy the requirements need for the Board to issue a Conditional Use Permit under Article 6, Section 6-3, or Variance under Article 7, Section 7-3 of the Zoning Code.

## **HEARINGS: 1:00PM**

**Case: BOA-1482725 Address: 247-251 Hancock Street Ward 15 Applicant: AU Manager LLC-ARTICLE 80**

**Article(s):** Art.65 Sec. 8 Use: Forbidden - MFR Forbidden 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 Side Yard Insufficient Art. 65 Sec. 41Off street parking requirements Art. 65 Sec. 41Off St. Loading Req'mnts Article 65, Section 42.2Conformity w Ex Bldg Alignment

**Purpose:** New construction of a multifamily residential development, comprised of a six story building with 47 residential units, approximately 1,500 square feet public open space, roof deck, 18 accessory off street parking spaces and 57 bike storage spaces. Existing building shall be razed on a filed demolition permit.

**Case: BOA-1450131 Address: 60-70 Geneva Avenue Ward 14 Applicant: Michael P. Ross, Esq**

**Article(s):** Article 50 , Section 43 Off Street Parking & Loading Req Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Side Yard Insufficient Article 50 Section 28 Use Regulations Article 50, Section 29 Add'l Lot Area Insufficient

**Purpose:** Applicant proposes to construct a 5 story, 50 unit residential building, inclusive of the existing masonry structure. (Job Site: 66 Geneva St.)

**Case: BOA-1475349 Address: 361 Centre Street Ward 10 Applicant: John Pulgini-ARTICLE 80**

**Article(s):** Art. 55, Section 8 Use: Conditional - Community Center Art. 09 Sec. 01Reconstruction/Extension of Nonconforming Bldg. Art. 55 Sec. 55 40^Off street parking insufficient - To be determined by BPDA through large project review process Art.55 Sec.41Appl of Dimensional Req. - Seven buildings in the same lot. Article 55, Section 9 Add'l Lot Area Insufficient - 55,000 sqft required in existing lot Article 55, Section 9 Floor Area Ratio Excessive - Increased with new addition Article 55, Section 9Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed addition: 46' Article 55, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 3 Proposed: 5 Article 55, Section 9 Side Yard Insufficient - Several buildings are being affected by the rear yard addition Article 55, Section 9Rear Yard Insufficient - Several buildings are being affected by the rear yard addition Article 55, Section 9 Usable Open Space Insufficient - 8,250 sqft required for the proposed 55 units.

**Purpose:** The proposed adaptive reuse of the Blessed Sacrament Church will include 55 affordable rental units and new community space on the ground floor, 22 off street parking spaces. New construction additions and selective demolition/exterior renovations will improve site safety and accessibility for future residents and neighbors. Subject to BPDA Large Project review.



City of Boston  
Board of Appeal

**Case: BOA-1466320 Address: 465 East Eighth Street Ward 7 Applicant: Ivonne Zapata**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel has been exceeded

**Purpose:** \*Clarification: Construct a third floor addition on top of the existing structure, (i.e. Third story addition)

Exterior: new stair from level 3 to roof level, new headhouse at roof level, new roof deck + railing at roof level interior: plumbing and electrical circuit replacement.

**Case: BOA- 1463156 Address: 524 East Seventh Street Ward 7 Applicant: George Morancy**

**Article(s):** Art. 68 Sec.31 Screening and Buffering - Screening and buffering required Article 68, Section 8 Usable Open Space Insufficient - Required 200 sf. per unit Art. 68 Sec. 33 Off Street parking Req. - Location off street parking

**Purpose:** Create four off street accessory parking spaces in the rear yard, to be accessed via an easement to be granted over an existing driveway, for the use of residents of 524 East Seventh Street.

**Case: BOA- 1291960 Address: 17-19 Barrett Avenue Ward 7 Applicant: Peter Vanko**

**Article(s):** Article 68, Section 8 Add'l Lot Area Insufficient - Lot area required: 3,000 sqft Proposed: 2,766 sqft

Article 68, Section 8 Side Yard Insufficient - Min. required: 3' Proposed: 0' (R) Article 68, Section 8 Rear Yard

Insufficient - Min. required: 20' Proposed: 9.7' Article 68, Section 8 Usable Open Space Insufficient - Min. required: 400 sqft Proposed: 342 sqft

**Purpose:** Construct a new 2 family, 3 story > (reduced to a 2 story 03/13/23) building with 3 outdoor off street parking spaces. See companion, lot combination ALT1286497.

**Case: BOA-1471767 Address: 556 East Broadway Ward 6 Applicant: Marc LaCasse**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel exceeded Art 68 Sec 8 Max allowed height in the sub district has been exceeded Art 68 Sec 8 Excessive f.a.r. Art 68 Sec 29 Roof Structure Restrictions -

Proposed Roof deck on lower roof Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Insufficient rear yard setback

**Purpose:** Gut renovation of existing 3 family dwelling; proposed new 4th floor addition; new roof deck at second floor on roof of existing rear addition; renovate entire structure; remove rear masonry wall at 2nd and 3rd floors and install glass curtain wall on 2nd, 3rd and proposed 4th floor; new MEP systems.

**Case: BOA-1468765 Address: 251-255 West Third Street Ward 6 Applicant: Steven Deering**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel exceeded Art. 68 Sec. 34

Appl. of Dim. Req. - Insufficient traffic visibility across a corner lot Article 68, Section 8 Max allowed height in sub-

district exceeded Article 68, Section 8 Max allowed f.a.r. exceeded Article 68, Section 8 Insufficient lot area per additional unit Article 68, Section 8 Insufficient front yard setback Article 68, Section 8 Insufficient side yard setback

**Purpose:** Erect a four story Three family structure consisting of a (3) Unit Townhouse design with garage parking and roof decks, per plans filed herewith. (note: Combining lots/parcel# 0601647000 + 0601647000 = 2731sf lot size)

\*Existing structure to be razed on a separately filed and issued SF demolition permit \*Three family (Townhouse units)

**Case: BOA- 1449394 Address: 99 Blackstone Street Ward 3 Applicant: Sterling Sign Systems, LLC**

**Article(s):** Article 11, Section 7 Electronic Signs

**Purpose:** Installation of one 40"x 15' 10" internally illuminated wall sign for "Gordon Ramsay Burger".



City of Boston  
Board of Appeal

**RECONSIDERATION: 1:00PM**

**Case: BOA-1421808 Address: 1 Mount Vernon Street Ward 7 Applicant: Jake Federico**

**Article:** Article 65, Section 8 - Use Regulations - Recreational cannabis establishment is a forbidden use in a 3F 5000 Sub district. Definition of cannabis establishment includes delivery. Art. 65 Sec. 08 Forbidden - Table A: Fn14.

Cannabis Establishment, provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

Appellant seeks reconsideration of the Board's vote on May 9, 2023 to deny Appellant's appeal of BOA1421808, seeking to change occupancy of the property at 1 Mount Vernon Street from food processing and warehouse for food products to a recreational cannabis establishment. The applicant is not proposing any construction. The applicant intends to utilize the current footprint of the building. The building will be occupied as-is, without need of building modifications.

**Discussion Of Open Meeting Complaint Regarding BOA1444979, BOA1475322 & BOA1464137**



City of Boston  
Board of Appeal

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

BOARD MEMBERS:  
SHERRY DONG-CHAIR  
NORMAN STEMBRIDGE-SECRETARY  
HANSY BETTER BARRAZA  
RAHEEM SHEPARD  
GIOVANNY VALENCIA

SUBSTITUTE MEMBERS:  
JEANNE PINADO  
DAVID COLLINS

**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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**