



City of Boston  
Board of Appeal

**RECEIVED**

*By City Clerk at 11:41 am, Dec 04, 2023*

Tuesday, December 5, 2023

BOARD OF APPEAL

City Hall Room 801

**HEARING AGENDA**  
**REVISED AGENDA**

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON DECEMBER 5, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS DECEMBER 5, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE DECEMBER 5, 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/December5Comment> 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/December5Comment> 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**



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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.**



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**APPROVAL OF THE HEARING MINUTES: 9:30AM**

**April 6, 2023 & April 11, 2023**

**EXTENSIONS: 9:30AM**

**Case: BOA- 1252953 Address: 595-603 Newbury Street Ward 5 Applicant: Richard Lynds, Esq**

**Case: BOA-657089 Address:157-157A Howard Avenue Ward 13 Applicant: Lisa Beasley**

**Case: BOA-1069147 Address: 235 Condor Street Ward 1 Applicant: Richard Lynds, Esq**

**Case: BOA-759563 Address: 80 Marginal Street Ward 1 Applicant: Richard Lynds, Esq**

**GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM**

**Case: BOA-1537620 Address: 31 Stuart Street Ward 3 Applicant: George Morancy**

**Article:** Article 32, Section 4. GCOD, Applicability - Groundwater Conservation Overlay District Applicability

**Purpose:** Change occupancy from Restaurant with Live Entertainment & 1 Family (707/2008) to Restaurant with Live Entertainment & 4 Family and renovate upstairs residential.

**HEARINGS: 9:30AM**

**Case: BOA-1527713 Address: 112-114 Chelsea Street Ward 1 Applicant: Exequiel Loja**

**Article:** Art. 06 Sec. 04 Other Protectional Conditions - Accessory take out restaurant Condition Use

**Purpose:** Retail store renovation for Nutrition 3 and fit out with a product prep demonstration counter per plans submitted (Note: Not a BAR nor a Restaraunt w/take out).

**Case: BOA-1506912 Address: 845 Albany Street Ward 8 Applicant: Brewster Ambulance Service INC**

**Article:** Art. 50, Section 32 Use: Conditional - Garage with Dispatch Conditional

**Purpose:** Change of occupancy from "fur cleaning and storage" to ambulance parking garage and dispatch.

**Case: BOA-1535538 Address: 2 Sargent Street Ward 13 Applicant: Melissa DaRosa**

**Article:** Article 50, Section 29 - Lot Area Insufficient Article 50, Section 44.13 - Two or More Dwellings on Same Lot

**Purpose:** Two family in conjunction with ALT for Two Dwelling on one lot

**Case: BOA-1517694 Address: 2R Sargent Street Ward 13 Applicant: Melissa DaRosa**

**Article(s):** Art. 50, Section 43 Off-Street Parking Insufficient 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 Usable Open Space Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 44.13 Two or More Dwellings on Same Lot

**Purpose:** Confirm occupancy as Accessory Carriage house and change to a Detached Single-Family Dwelling; ADU 2.0. Scope includes creating a new side entry door for secondary egress and interior renovations to create independent living space.

**Case: BOA-1508144 Address: 60 Alban Street Ward 17 Applicant: Andrea Dietrich**

**Article(s):** Article 65, Section 9 - Rear Yard Insufficient Article 65, Section 42 Application of Dimensional Req - Two or More Dwellings on the Same Lot

**Purpose:** Existing Single-Family Dwelling on Lot. There will be a 2nd Dwelling built to the rear of existing building.



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**Case: BOA-1522969 Address: 45 Milton Avenue Ward 17 Applicant: ONYX Management & Development**  
**Article(s):** Art. 65 Sec. 08 Forbidden - MFR use Forbidden in the Zone Art. 65 Sec. 9 Residential Dimensional Reg.s - Excessive f.a.r. Art. 65 Sec. 9 Residential Dimensional Reg.s - Number of allowed stories has been exceeded  
**Purpose:** Erect a three story six-unit dwelling complex on newly created 10800sf lot with off street parking for 9 vehicles in rear yard. This combined parcel will be 10,800 sf (see ALT1202780, ALT1202781, ALT1202782). Existing dwelling and two sheds to be razed on separate permit(s).

### **HEARINGS: 11:00AM**

**Case: BOA-1536940 Address: 8 Old Road Ward 14 Applicant: Harvard Street Neighborhood Health Center-ARTICLE 80**

**Article(s):** Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Bldg Height Excessive (Feet) Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Lot Area Insufficient Article 60, Section 8 Use: Forbidden Article 60, Section 8 Use: Conditional Article 60, Section 40 Off Street Parking & Loading Req Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Rear Yard Insufficient Article 60, Section 9 Side yard Insufficient

**Purpose:** This new health center building will be built across 3 parcels: 8 Old Road, 14 Ellington Street, and 16 Ellington Street (the former two are owned by the City). to combine 14 16 Ellington St to now be known as 8 old Rd. The health center will be three stories without a basement, approximately 42,300 SF. The parcels are currently vacant or used for parking.

**Case: BOA- 1539444 Address: 808 Morton Street Ward 14 Applicant: Timothy Johnson**

**Article(s):** 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 Side Yard Insufficient Article 60, Section 8 Use: Forbidden

**Purpose:** On a vacant parcel, erect a 3 story, 4 unit residential building w/rear balconies, side garden patios and 4 off street parking spaces as per plans submitted.

**Case: BOA-1507893 Address: 1809-1813 Dorchester Avenue Ward 16 Applicant: George Morancy-ARTICLE 80**

**Article(s):** Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) 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 Add'l Lot Area Insufficient Art. 65 Sec. 42 Conformity with Existing Building Alignment Article 65 Section 42.3 Traffic Visibility Across Corner Art. 65 Sec. 41 Off street parking requirements Art. 65 Sec. 41 Off St. Loading Req'mnts

**Purpose:** Combine Parcels 1601490000 & 1601489020 to erect a new four story mixed use building to contain 26 dwelling units, one ground level Local Retail (Core/Shell), and common roof deck. Existing commercial building to be razed on separate permit.

**Case: BOA-1521739 Address: 7 Brown Terrace Ward 19 Applicant: John Pulgini**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use - Adding additional units in the basement Article 55, Section 8 MFR is Forbidden in a 3F 500 Sub district Article 55, Section 9 Add'l Lot Area Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 40 Off Street Parking & Loading Req - Off street parking is insufficient

**Purpose:** Existing 6 family apartment building (9 Seaverns Ave) to be combined with existing 6 family 11 Seaverns to create one building with (12) residential units. The scope includes renovating unfinished basement into 4 new units. Basement to be fully sprinklered. for a total of 16 units.

**Case: BOA-1521740 Address: 11 Seaverns Avenue Ward 19 Applicant: John Pulgini**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use - Adding additional units in the basement Article 55, Section 8 MFR is Forbidden in a 3F 500 Sub district Article 55, Section 9 Add'l Lot Area Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 40 Off Street Parking & Loading Req - Off street parking is insufficient

**Purpose:** Existing 6 family apartment building(9 Seaverns Ave) to be combined with existing 6 family 11 Seaverns to create one building with (12) residential units. The scope includes renovating unfinished basement into 4 new units. Basement to be fully sprinklered. for a total of 16 units.



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**Case: BOA-1521747 Address: 5-7 Brown Terrace Ward 19 Applicant: John Pulgini**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use Adding additional units in the basement Article 55, Section 8 MFR is Forbidden in a 3F 500 Sub district Article 55, Section 9 Add'l Lot Area Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 40 Off Street Parking & Loading Req - Off street parking is insufficient

**Purpose:** Existing 6 family apartment building (9 Seaverns Ave) to be combined with existing 6 family 11 Seaverns to create one building with (12) residential units. The scope includes renovating unfinished basement into 4 new units. Basement to be fully sprinklered. for a total of 16 units.

**Case: BOA-1521753 Address: 9-11 Seaverns Avenue Ward 19 Applicant: John Pulgini**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use - Adding additional units in the basement Article 55, Section 8 MFR is Forbidden in a 3F 500 Sub district Article 55, Section 9 Add'l Lot Area Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 40 Off Street Parking & Loading Req - Off street parking is insufficient

**Purpose:** Existing 6 family apartment building(9 Seaverns Ave) to be combined with existing 6 family 11 Seaverns to create one building with (12) residential units. The scope includes renovating unfinished basement into 4 new units. Basement to be fully sprinklered. for a total of 16 units.

**Case: BOA-1523210 Address: 84 Prince Street Ward 19 Applicant: Robert Boxer**

**Article(s):** Article 55, Section 9 Floor Area Ratio Excessive - FAR Excessive. Art. 55 Sec. 09 Dimensional Regulations - Side yard Insufficient. Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - Extension of non conforming use.

**Purpose:** Full gut renovation, addition, new windows new stucco siding, new electrical, new plumbing, new HVAC,

**Case: BOA-1533227 Address: 29 Orange Street Ward 20 Applicant: Ivan Hernandez**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - Side yard buffer required -(5' min.) Article 67 Section 32 Off-Street Parking & Loading Req 4) Proposed parking in portion of required front yard Article 67, Section 32 Off-Street Parking - Tandem parking design results in insufficient parking and clear maneuvering areas Article 67, Section 9 Dimensional Regulations - Insufficient additional lot area per unit- 8,000sf total min. lot size required Article 67, Section 9 Dimensional Regulations - Excessive f.a.r. - .5 max

**Purpose:** Building new 2 family duplex home

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

**Case: BOA-1428422 Address: 551 East Seventh Street Ward 7 Applicant: Stuart Mullally**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Pre-established maximum height allowed on parcel exceeded Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback (Created via new submission 4.23.25) Art. 68 Sec. 33 Off Street parking Req. - Insufficient parking (Created via revised submission 4.25.23) Art. 68 Sec. 33 Off Street parking Req. - Manuevering areas/Design Article 68, Section 8 Dimensional Regulations Insufficient minimum lot area per unit

**Purpose:** Erect a new 3 story 3 family house as per plans, existing building to be razed under separate permit. 4.25.23 5' easement established on proposed survey.

**Case: BOA-1451588 Address: 33 Pearl Street Ward 13 Applicant: Patrick Mulligan**

**Article(s):** Art.65 Sec. 8 Use: Forbidden - Forbidden Use: MFR in 6 units Article 65, Section 9 Bldg Height Excessive (Stories) - Building height excessive (stories) Article 65, Section 9 Floor Area Ratio Excessive - FAR Excessive. Article 65, Section 9.2 Dim Regs: Location of Main Entrance - The main entrance of a dwelling unit shall face the front lot line.

**Purpose:** Seeking to raze the existing structure (demo to occur on separate permit) and erect a new residential building with 6 units and 8 parking spaces.



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**Case: BOA-1530302 Address: 4459 Washington Street Ward 20 Applicant: Jon Wardwell**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - 5' side yard buffer/required front yard of a corner lot.

Art. 67 Sec. 09 Open Space insufficient Art. 67 Sec. 09 Side Yard Insufficient

Article 2, Section 2-1 Definitions - Existing Floor area gross redistribution and conversion to habitable space/mechanical areas throughout other parts of the structure- Conditional Article 67, Section 32 Off-Street Parking & Loading Req Insufficient parking Article 67, Section 32 Off-Street Parking & Loading Req Size of space design Article 67, Section 8 Use Regulations - MFR use -Forbidden in a two-family sub-district Article 67, Section 9 Insufficient rear yard setback- 40' req. Article 67, Section 9 max allowed number of stories exceeded- 2.5 story max. Article 67, Section 9 Excessive f.a.r.- .5 max

**Purpose:** Change of occupancy from a 3 family to a MFR dwelling consisting of 8 units with seven parking spaces per plan submitted

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

**Case: BOA-1522495 Address: 3 Hamlet Street Ward 7 Applicant: M & T Construction & Design**

**Article:** Article 65, Section 9 Floor Area Ratio Excessive - FAR Excessive.

**Purpose:** Basement renovation to add extra livable space to the first floor unit. One bathroom, one sink, an office room, and storage. Framing, floor, insulation, sheetrock, finishes, electrical and plumbing work.

**Case: BOA-1527656 Address: 54 Semont Road Ward 16 Applicant: Timothy Burke**

**Article:** Article 65, Section 9 Floor Area Ratio Excessive - FAR Excessive.

**Purpose:** Amend ALT1321053 to include enclosing the rear porches on the Second and Third floors for habitable space.

**Case: BOA-1537925 Address: 22 Freeman Street Ward 16 Applicant: Hiep Chu**

**Article(s):** Art. 55 Sec. 65 41 Off Street parking insufficient - Required 1.5 space per unit. Proposed zero Art.65 Sec. 8

Use: Forbidden- MFR Forbidden Use: 14 Units Article 65, Section 9 Add'l Lot Area Insufficient - Required 1,500 sq.ft.

Add'l unit Article 65, Section 9 Usable Open Space Insufficient - Required 300 sq.ft. per Dwelling unit Article 65,

Section 9 Side Yard Insufficient - Required 5 ft. Proposed 3ft. left side/ 4ft. right side Article 65, Section 9 Rear Yard

Insufficient - Required 15ft. Proposed 5' 11" Article 65, Section 9 Bldg Height Excessive (Stories) - Allowed 3 stories.

Proposed 5 stories height Article 65, Section 9 Floor Area Ratio Excessive - Allowed 1.3 FAR. Proposed 2.56 FAR

Article 65 Section 42.3 Traffic Visibility Across Corner

**Purpose:** Vacant lot, build new 14 studio units

**Case: BOA-1538261 Address: 215-217 Brighton Avenue Ward 21 Applicant: Derric Small**

**Article(s):** Aft. 51 Sec.16 Forbidden Use - Restaurant use 2nd flr - forbidden Aft. 51 Sec. 16 Forbidden Use - Live entertainment after 10:30pm 1st and second floor- Forbidden Article 51, Section 16 Restaurant use 1st flr -Conditional

**Purpose:** Change the legal occupancy from offices and auto parts sales to a restaurant with take out and live entertainment.



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

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**For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to [https://www.municode.com/library/ma/boston/codes/redevelopment\\_authority](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**