



City of Boston
Board of Appeal

Tuesday, January 9, 2024

BOARD OF APPEAL

City Hall Room 801

HEARING MINUTES

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JANUARY 9, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JANUARY 9, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JANUARY 9, 2024 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/January9Comment> 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/January9Comment> 617-635-4775, or emailing 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

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 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 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. 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.

APPROVAL OF HEARING MINUTES: 9:30 AM

Hearing minutes for: June 6, 2023, June 15, 2023, June 27, 2023, July 20, 2023, July 25, 2023, August 8, 2023, August 17, 2023 & August 29, 2023

EXTENSIONS: 9:30AM

Case: BOA-1211702 Address: 95-97 Broadway Ward 5 Applicant: Michael P. Ross, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until February 11, 2024.

Case: BOA-1270821 Address: 123 Fisher Avenue Ward 10 Applicant: Margaret Cohen & Richard Giordano

Discussion/ Votes: Upon a motion and a second the Board granted an extension until February 4, 2024.

Case: BOA-1101366 Address: 75 Willow Court Ward 7 Applicant: Nicholas Zozula, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until December 3, 2024.

Case: BOA- 1101368 Address: 78 Willow Court Ward 7 Applicant: Nicholas Zozula, Esq

Discussion/ Votes: Upon a motion and a second the Board granted an extension until December 3, 2024.

Case: BOA- 1201309 Address: 1480 Blue Hill Avenue Ward 18 Applicant: Yancarlo Fernandez

Discussion/ Votes: Upon a motion and a second the Board granted an extension until December 28, 2024.

Case: BOA-1264670 Address: 240 Silver Street Ward 6 Applicant: Kevin Cloutier

Discussion/ Votes: Upon a motion and a second the Board granted an extension until April 14, 2024.

BOARD FINAL ARBITER: 9:30AM

Case: BOA-1446390 Address: 108-108C Allston Street Ward 21 Applicant: Ryan Spitz

Discussion: The applicant is seeking reduce the parking from 35 to 27 spaces and 33 to 36 units.

The Board asked about the plans,

Votes: Board member Collins moved to approve. Stembridge seconded and the motion carried unanimously.

GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1543914 Address: 8 East Springfield Street Ward 8 Applicant: George McCarthy

Article(s): Art. 32 Sec. 04 GCOD Applicability - GCOD

Purpose: Erect 4 family dwelling.

Discussion: The applicant is seeking GCOD relief.

The Board asked about the BGWT and no harm letters on file.

Votes: Board member Barazza moved to approve. Stembridge seconded and the motion carried unanimously.

GROUNDWATER CONSERVATION OVERLAY DISTRICT & BUILDING CODE:
9:30AM

Case: BOA -1544127 Address: 667-667A Tremont Street Ward 4 Applicant: George McCarthy

Article(s): Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability - GCOD overlay district:
Basement Extension

Purpose: Nominal Fee Requested. Amendment to existing long form permit ALT1518258 for a 4-unit residential structure. Removal of finishes, new structural framing, new mep's, insulate, Extension living space in the basement and interior/exterior finishes. New Roof Deck (exclusive to unit 4).

Discussion: The applicant is seeking GCOD relief.

The Board asked about the BGWT and no harm letters on file.

Votes: Board member Barazza moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA#1544133 Address: 667-667A Tremont Street Ward 4 Applicant: George McCarthy

Purpose: Nominal Fee Requested. Amendment to existing long form permit ALT1518258 for a 4-unit residential structure. Removal of finishes, new structural framing, new mep's, insulate, Extension living space in the basement and interior/exterior finishes. New Roof Deck (exclusive to unit 4)

Violation 9th 780 CMR 1011 Stairways IBC Art. 1011.12 Stairway to roof.

Discussion: The applicant is seeking GCOD relief.

The Board asked about the BGWT and no harm letters on file.

Votes: Board member Barazza moved to approve. Stembridge seconded and the motion carried unanimously.

HEARINGS: 9:30AM

Case: BOA-1483092 Address: 621 East Second Street Ward 6 Applicant: Second Street Nominee Trust

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - Extension of Non-Conforming Dwelling at the rear of another Dwelling. Art. 68 Sec. 33 Off Street parking Req. Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Side Yard Insufficient 10'min at driveway Article 68, Section 8.2 Dim Regs: Lot Frontage Article 68. Section 8.4 Dim Regs: Extension in Rear Yard

Purpose: Change of occupancy from 3 family to 6-unit building. Addition/renovation to 6 unit building w/garage, new rear balconies, below grade patios, new electrical, plumbing, mechanical, and sprinkler/fire alarm systems, as per plans submitted, including a new elevator.

Discussion: The applicant is seeking to change the occupancy to a six family dwelling

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Flynn and an abutter are in support. Abutters are in opposition.

Votes: Board member Barazza moved to approve with two provisos. Stembridge seconded and the motion carried unanimously.

Case: BOA-1480657 Address: 164 Savin Hill Avenue Ward 13 Applicant: Pauline king

Article(s): Art.65 Sec. 8 Use: Forbidden - 3F Forbidden 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 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Change of occupancy from 1 family to 3 units. Scope includes a full gut renovation with additions to the roof and side of the existing building; creating 3 stories. Building will feature below grade garage parking, front/rear decks, and a new elevator. Basement intended for storage & parking only.

Discussion: The applicant is seeking to change the occupancy from a one to a three family dwelling.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Murphy is in support. Abutters and a local civic association are in opposition.

Votes: Board member Barraza moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA-1535280 Address: 59 Wales Street Ward 14 Applicant: Miguel Gomes

Article(s): Art. 60 Sec. 40 Off street parking insufficient Article 60, Section 8 Use Regulations - Newly proposed use is forbidden Article 60, Section 9 Insufficient additional lot area per unit Article 60, Section 9 Insufficient usable open space per unit

Purpose: Renovate and change use from 3 family to 5 family per attached drawing. I would like to pay nominal fee since this will go to ZBA due to lot size and parking spaces.

Discussion: The applicant is seeking to change the occupancy to a five unit dwelling. The Board found this proposal to be straightforward.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Votes: Board member Barraza moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA-1538870 Address: 17 Alveston Street Ward 19 Applicant: ADCO Development

Article(s): Art. 51 Sec. 09 Excessive f.a.r.

Purpose: To amend Permit No. ALT1316705 by extending living space into the basement level.

Discussion: The applicant is seeking to extend living space into the basement.

The Board asked about the plans, egress

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Votes: Board member Barraza moved to approve with no building code relief. Stembridge seconded and the motion carried unanimously.

Case: BOA-1538874 Address: 21 Alveston Street Ward 19 Applicant: ADCO Development

Article(s): Art. 51 Sec. 09 Excessive f.a.r.

Purpose: To amend Permit No. ERT1316710 by extending living space into basement level TO INCLUDE ROOF DECK on top of second story per plans submitted.

Discussion: The applicant is seeking to extend living space into the basement.

The Board asked about the plans, egress

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Votes: Board member Barraza moved to approve with no building code relief. Stembridge seconded and the motion carried unanimously.

Case: BOA-1523368 Address: 33-39 Harvard Avenue Ward 21 Applicant: Eden Harvard LLC-ARTICLE 80

Article(s): Article 51, Section 17 Building Height (in feet) excessive. Article 51, Section 17 Rear Yard Insufficient. Article 51 Section 17 Floor Area Ratio Excessive.

Purpose: Erect a mixed-use development with 170 units and approximately 5,300 square feet of ground floor commercial/retail space as shown and described on the enclosed plans and memo. Combine four lots 2100716000, 2100718000, 2100719000, and 2100709000. Raze existing buildings on site under separate permits.

Discussion: The applicant is seeking to erect a 170 mixed unit count dwelling with 29 affordable units. Public event space, and outdoor patio space included.

The Board asked about the plans, egress

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Breadon and the Carpenters Union are in support. A local neighborhood association deferred to the Board.

Votes: Board member Langham moved to approve. Stembridge seconded and the motion carried unanimously.

HEARINGS: 11:00AM

Case: BOA-1465637 Address: 149 Lexington Street Ward 1 Applicant: Blanca Heredia

Article(s): Art. 53 Sec. 11^ Use: Conditional Art. 09 Sec. 01 Extension of Non-Conforming Use Art. 27GE Boston IPOD

Purpose: Owner seeks to create a bed and breakfast. The bed and breakfast will not replace the 4 family. It will remain a 4 family with a bed and breakfast.

Discussion: The applicant is seeking to make 3 units in a 4 unit dwelling a bed and breakfast.

The Board asked about the plans, egress

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Coletta is in support of the project.

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

Case: BOA-1530340 Address: 58 Wordsworth Street Ward 1 Applicant: Jeffrey Drago, Esq

Article(s): Art. 27G E Boston IPOD Art. 53 Sec. 08 Forbidden - 3 family use Art. 53 Sec. 56^ Off street parking insufficient - 1 parking space required Art. 53 Sec. 52Roof Structure Restrictions Art. 53 Sec. 09 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Front Yard Insufficient Art. 53 Sec. 09 Side yard insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose: Change occupancy from two family to three family. Erect rear and third story additions and rear decks. Renovate existing building.

Discussion: The applicant is seeking to add a third story rear addition.

The Board asked about the plans, egress

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Coletta is in support.

Votes: Board member Barraza moved to approve. Stembridge seconded and the motion carried unanimously.

**Case: BOA -1545096 Address: 80 Shawsheen Road Ward 1 Applicant: EBCDC by Jeffrey R. Drago, Esq-
ARTICLE 80**

Article(s): Art. 25 Sec. 5 Flood Hazard Districts Art. 53, Section 25 Use: Forbidden - MFR - Forbidden
Art. 53, Section 56 Off-Street Loading Insufficient Art. 53, Section 56 Off-Street Parking Insufficient Article 25A
Section 4 CFROD Applicability Article 27T - 5 East Boston IPOD Applicability Article 53 Section 26 Building Height
Excessive Article 53 Section 26 Rear Yard Article 53 Section 26 Floor Area Ratio Excessive

Purpose: Erect a new 4 story residential building on newly created Lot 22 (18,345SF) and be known as 80 Shawsheen
Road. Building contains 35 dwelling units and rear parking (at grade & partially covered by building). See ALT1397380
for subdivision of Parcel ID 0101361001 and ERT1397377. Existing structure to be razed on separate demo permit.

Discussion: The applicant is seeking to use space previously used as a truck storage and convert it to an affordable
housing project. 35 rental units and 14 off street parking spaces. An additional building will have 22 units and 22 off
street parking spaces. The Board found that this proposal had affordable homeownership opportunities and great open
space.

The Board asked about the plans, egress

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to
the Board. Councilor Coletta, the Carpenters Union, a neighbor, MOH, and an abutter are in support.

Votes: Board member Barraza moved to approve with BPDA and BTM review. Stembridge seconded and the motion
carried unanimously.

**Case: BOA-1545111 Address: 82 Shawsheen Road Ward 1 Applicant: EBCDC by Jeffrey R. Drago, Esq-
ARTICLE 80**

Article(s): Art. 25 Sec. 5 Flood Hazard Districts Art. 53, Section 25 Use: Forbidden - MFR - Forbidden Art. 53,
Section 56 Off-Street Loading Insufficient Art. 53, Section 56 Off-Street Parking Insufficient Article 25A Section 4
CFROD Applicability Article 27T - 5 East Boston IPOD Applicability Article 53 Section 26 Floor Area Ratio
Excessive Article 53 Section 26 Building Height Excessive Article 53 Section 26 Rear Yard

Purpose: Erect a new 5 story residential building on newly created Lot 23 (17,882 SF) and be known as 82 Shawsheen
Road. Building contains 22 dwelling units and ground level garaged parking. See ALT1397380 for subdivision of Parcel
ID 0101361001 and ERT1397375. Existing structure to be razed on separate demo permit.

Discussion: The applicant is seeking to use space previously used as a truck storage and convert it to an affordable
housing project. 35 rental units and 14 off street parking spaces. An additional building will have 22 units and 22 off
street parking spaces. The Board found that this proposal had affordable homeownership opportunities and great open
space.

The Board asked about the plans, egress

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to
the Board. Councilor Coletta, the Carpenters Union, a neighbor, MOH, and an abutter are in support.

Votes: Board member Barraza moved to approve with BPDA and BTM review. Stembridge seconded and the motion
carried unanimously.

Case: BOA-1497982 Address: 780-780B Adams Street Ward 16 Applicant: John Pulgini

Article(s): Art.65 Sec.15 Use Regulations - Take out use is Conditional. Article 65, Section 15 Use: Conditional –
Multifamily Article 65, Section 16 FAR. Max. allowed:1 Proposed: 4.17 Article 65, Section 16 Height: Max. allowed:
40' Proposed: 42' Article 65, Section 16 Open space required: 450 sqft Proposed: none Article 65 Section 16 Rear Yard
min. required: 20' Proposed: 3' Article 65, Section 41 Off Street Parking & Loading Req - Required for residential use:
1.25 *9= 11.25 spaces Required for bakery: 2spaces/1,000 sqft Proposed: 3,000 sqft Spaces required: 5 Total spaces
proposed: none Article 65 Section 42.3 Traffic Visibility Across Corner

Purpose: Erect four-story mixed-use building to include cafe/bakery with takeout and 9 residential units. Existing
structure to be razed on separate SF permit.

Discussion: The applicant is seeking to renovate where Greenhills bakery is. Erect a 4 story on top of the bakery for 9 residential units. The bakery will remain.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Abutters and the Cedar Grove Association are in support. Rep for abutters and Top Shelf Cookies are in opposition.

Votes: Board member Barraza moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA-1513811 Address: 664 Adams Street Ward 16 Applicant: Mai Tran Nguyen

Article(s): Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 39 Screening & Buffering Req - 5' screening & buffering Requirement Art. 65 Sec. 60 83 Family Detached Dwelling, Forbidden - 3 Family Forbidden Art. 65 Sec. 65 41.5 Parking Size & Maneuverability - Maneuverability Parking

Purpose: Confirm occupancy as one family and change to 3 family. New plumbing and electrical work. New siding.

Discussion: The applicant is seeking a deferral

Votes: Board member Barraza moved to defer until February 27, 2024. The motion was seconded and carried unanimously.

RE-DISCUSSIONS: 11:30 AM

Case: BOA-1540041 Address: 261 Princeton Street Ward 1 Applicant: Princeton 261, LLC

Article(s): Art. 27G E Boston IPOD Art. 53 Sec. 08 Forbidden -Multifamily use Art. 53 Sec. 52 Roof Structure Restrictions - Per building code, the access to the roof deck has to be done through a penthouse. Currently is through a hatch. Art. 53 Sec. 56 Off St. Parking Requirements -Parking spaces dimensions. Art. 53 Sec. 56^ Off street parking insufficient - Required: 12.25 spaces. Proposed: 5 Article 53, Section 9 Add'l Lot Area Insufficient Art. 53 Sec. 09 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Front Yard Insufficient Art. 53 Sec. 09 Side yard insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 56.5(a) Off Street Pkg Maneuverability Article 53, Section 57.2 Conformity Ex Bldg Alignment -Street modal calculation not provided to verify compliance.

Purpose: To raze existing structure (under SF#) and erect a new residential building with 7 Units, 2 Roof Decks and 5 parking spaces (ground level).

Reason for Prior Deferral: Re-advertised project

Discussion: The applicant is seeking a deferral.

Votes: Board member Barraza moved to defer until February 27, 2024. The motion was seconded and carried unanimously.

Case: BOA#1540166 Address: 261 Princeton Street Ward 1 Applicant: Princeton 261, LLC

Purpose: To raze existing structure (under SF#) and erect a new residential building with 7 Units, 2 Roof Decks and 5 parking spaces (ground level).

Violation: 9th 780 CMR 1011 Stairways Access to the roof shall be through a penthouse.

Reason for Prior Deferral: Re-advertised project

Discussion: The applicant is seeking a deferral.

Votes: Board member Barraza moved to defer until February 27, 2024. The motion was seconded and carried unanimously.

Case: BOA-1510490 Address: 88 Chestnut Street Ward 5 Applicant: Joseph Holland

Article(s): Art. 15 Sec. 01 Floor Area Ratio excessive - Existing FAR already exceeds allowed ratio. Adding new living space to the basement will further exceed the allowed 2.0 ratio. Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability

Purpose: Full gut remodel, replacing roof deck in kind with existing.

Reason for Prior Deferral: Re-advertised project

Discussion: The applicant is seeking to remodel and replace an existing roof deck.

The Board asked about the plans, proposal.

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Votes: Board member Barraza moved to approve with BLC review. Stembridge seconded and the motion carried unanimously.

Case: BOA-1438279 Address: 421 East Sixth Street Ward 7 Applicant: Michael Welsh

Article(s): Article 68, Section 29 - Roof Structure Restrictions - The height of any building existing on (the existing date of this amendment [October 15, 2019]), shall determine that allowed building height on that lot subsequent to total or partial demolition of such building. Any proposed construction on the lot that would exceed the prior height shall require Board of Appeal approval, and shall be subject to the roof structure and building height restrictions of this Section 68 29 and the height limits applicable to the Subdistrict in which the lot is located. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in Article 2A respecting the definition of the term "grade," if a building abuts more than one street, "grade" is the average elevation of the street with the lowest elevation.

Purpose: Construction of new multifamily dwelling with four units and eight garage spaces. Building to include sprinklers. Full set of construction plans by architect and engineers to be submitted after zoning review determination. Demolition to be included in separate permit application.

Reason for Prior Deferral: Additional community process

Discussion: The applicant is seeking to demo the existing and erect a 4 story 4 townhouse style condos.

The Board asked about the plans, proposal

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Councilor Flynn and an abutter are in opposition.

Votes: Board member Barraza moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA1507893 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 Requirements

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.

Reason for Prior Deferral: Re-advertised project

Discussion: The applicant is seeking to demo the existing and erect a 4 story 26 mixed unit count dwelling with 4 affordable units. The Board noted that the location made sense and was MBTA accessible.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. An abutter and the Carpenters Union are in support. Abutters are in opposition.

Votes: Board member Whewell moved to approve. Langham is in opposition. Stembridge seconded and the motion carried 6-1

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

Reason for Prior Deferral: Additional community process

Discussion: The applicant is seeking a deferral.

Votes: Board member Barraza moved to defer until March 12, 2024. The motion was seconded and carried unanimously.

Case: BOA-1463517 Address: 32-34 Larch Street Ward 22 Applicant: Edward Tirone

Articles (s): Art. 09 Sec. 01 Extension of Non-Conforming Use Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Floor Area Ratio Excessive

Purpose: Renovation of second floor kitchen and 2 bathrooms, 1 bathroom on second floor and 1 bathroom in third floor finished room to install 12-foot dormer for bathroom.

Reason for Prior Deferral: Board granted deferral

Discussion: The applicant is seeking a deferral.

Votes: Board member Barraza moved to defer until February 27, 2024. The motion was seconded and carried unanimously.

HEARINGS: 1:00PM

Case: BOA-1519818 Address: 287-293 Maverick Street Ward 1 Applicant: House of Isaza, LLC

Article(s): Article 53 Section 8 Use Regulations - Sit down café conditional Art. 53 Sec. 08 Use: Conditional - Accessory Take out use conditional

Purpose: Renovation of existing space to a Café. Clarification: Change occupancy from retail store into a sit down restaurant/café with takeout. *Legal use and occupancy: 37 Residential units with retail store.

Discussion: The applicant is seeking to change the occupancy from retail to a restaurant and cafe.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Votes: Board member Valencia moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA-1543187 Address: 326 A Street Ward 6 Applicant: Alana Rusin

Article(s): Art. 08 Sec. 03 Conditional Uses - Conversion of existing commercial space into additional residential units

Purpose: Converting an existing office condominium to a residential condominium with one assigned off street parking space (No Work to be done).

Discussion: The applicant is seeking to convert an office space that is located in an existing residential dwelling, into an additional dwelling unit.

The Board asked about the plans, egress

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. An abutter is in support.

Votes: Board member Barraza moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA-1479406 Address: 17 Marshfield Street Ward 8 Applicant: Michael P. Ross, Esq. Attorney for Applicant

Article(s): Art. 50 Sec. 29 Lot area insufficient Art. 50 Sec. 29 Additional lot area insufficient Art. 50 Sec. 29 Lot width insufficient Art. 50 Sec. 29 Lot frontage insufficient Art. 50 Sec. 29 Usable open space insufficient - Usable open space insufficient Article 50, Section 29 Floor Area Ratio Excessive - FAR Excessive Art. 50 Sec. 29 Side yard insufficient Art. 50 Sec. 29 Rear Yard insufficient Art. 50 Sec. 43 Off street parking requirements - Parking space insufficient Article 50, Section 44.2 Conformity Ex Bldg Alignment - Conformity existing building Alignment

Purpose: Construct a new, approximately 3,474 square foot three family dwelling on the lot of Parcel ID 0800327000 and provide two ancillary off street parking spaces to be located at 19 Marshfield Street (U491439164).

Discussion: The applicant is seeking to erect a 3 family dwelling with two off street parking spaces.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Votes: Board member Barraza moved to approve with provisos. Stembridge seconded and the motion carried unanimously.

Case: BOA-1548367 Address: 19 Marshfield Street Ward 8 Applicant: Michael P. Ross, Esq, Attorney for Applicant

Article(s): Article 50, Section 29 Usable Open Space Insufficient - Existing building usable open space insufficient Article 50, Section 28 Use regulations - Ancillary use: Conditional

Purpose: Provide two (2) ancillary parking spaces, at the rear of the property, for the proposed project at 17 Marshfield Street (see ERT1430844) to construct a new three (3) family dwelling on the lot of Parcel ID 0800327000 all under common ownership.

Discussion: The applicant is seeking to erect a 3 family dwelling with two off street parking spaces.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Votes: Board member Barraza moved to deny. Stembridge seconded and the motion carried unanimously.

Case: BOA-1380008 Address: 61 Montebella Road Ward 11 Applicant: Count of Montebello LLC

Article(s): Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Bldg Height Excessive (Feet) Article 55, Section 9 Bldg Height Excessive (Stories) Article 55, Section 9 Floor Area Ratio Excessive Art. 55, Section 8 Use: Forbidden

Purpose: Erect a Multifamily Building with 8 units & 7 garage parking spaces & 2 surface parking spaces as per plans

Discussion: The applicant is seeking to erect an 8 unit dwelling with 7 off street spaces.

The Board asked about the plans, open space, parking

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. Abutters are in support and abutters are in opposition.

Votes: Board member Barraza moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA-1534015 Address: 3927 Washington Street Ward 19 Applicant: Michael Cassidy

Article(s): 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 Front Yard Insufficient Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 8 Use Regulations - MFR is forbidden in a 3F 4000 Sub district Article 55, Section 40 Off Street Parking & Loading Req - Off street parking is insufficient. None provided

Purpose: Add 4th floor to existing 3 story 3 unit building and change legal occupancy from 3 family to 4 family per plans and extend fire protection sprinklers to new 4th floor.

Discussion: The applicant is seeking to add a 4th floor on an existing dwelling but not change the current footprint.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board.

Votes: Board member Whewell moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA -1514536 Address: 42 Orchard Road Ward 21 Applicant: Philip Hresko

Article(s): Article 51, Section 8 Use: Forbidden - Alter existing three family building into seven units within the existing envelope. Article 51, Section 9 Floor Area Ratio Excessive Art. 51 Sec. 09 Open Space insufficient - Existing structure has 357 SF of open space for three units. The propose project will require 615 SF of open space for seven units Article 51, Section 9 Front Yard Insufficient - Required to have 20' (feet) OR conformity with existing building alignment. Proposed will have setbacks that vary. Article 51, Section 9 Side Yard Insufficient - Required to have 10' (feet). Existing structure has 8' 10" varies. Proposed structure will have 5' 4" for side setbacks. Art. 51 Sec. 56^ Off street parking requirements - Required to have 1.75 space per dwelling unit. Existing structure has six (6) spaces with seven (7) existing spaces in tandem. The proposed project thirteen (13) spaces. They propose to use the existing seven (7) spaces that are in tandem.

Purpose: Existing 3 family building to be altered within the existing envelope from 3 units to 7 units, and expanding habitable space in the basement.

Discussion: The applicant is seeking a deferral because the project has to be readvertised.

Votes: Board member Barraza moved to defer until February 27, 2024. Stembridge seconded and the motion carried unanimously.

Case: BOA -1521916 Address: 15-17 Brackett Street Ward 22 Applicant: Xiang Shi

Article(s): Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient

Purpose: 1. Roof demolition 2. Build roof 3. Third floor addition 4. Build balcony 5. Siding replacement.6. Existing living space into the basement.

Discussion: The applicant is seeking to add a new roof and add an addition.

The Board asked about the plans,

Testimony: The Mayor's Office of Neighborhood Services spoke on the community process and deferred judgement to the Board. The BAIA is in support. Councilor Breadon deferred to the Board.

Votes: Board member Whewell moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

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

BOARD MEMBERS:
SHERRY DONG-CHAIR
NORMAN STEMBRIDGE-SECRETARY
GIOVANNY VALENCIA
KATIE WHEWELL
HANSY BETTER BARRAZA
ALAN LANGHAM

SUBSTITUTE MEMBERS:

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