



City of Boston
Board of Appeal

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Tuesday, February 6, 2024

BOARD OF APPEAL

City Hall Room 801

HEARING AGENDA

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON FEBRUARY 6, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS FEBRUARY 6, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE FEBRUARY 6, 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/ZBAHearings2024>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 819 2218 4516 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/February6Comment> 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/February6Comment>, 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



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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.



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EXTENSIONS: 9:30AM

Case: BOA-1279801 Address: 120 Braintree Street Ward 22 Applicant: Derric Small, ESQ

Case: BOA-1228936 Address: 7-11 Curtis Street Ward 1 Applicant: Jeffrey Drago, ESQ

Case: BOA-1253082 Address: 21 Walworth Street Ward 20 Applicant: Ana Ruiz

Case: BOA-1050294 Address: 382 Sumner Street Ward 1 Applicant: Doreen Amato

Case: BOA-1085883 Address: 197 Chelsea Street Ward 1 Applicant: Richard Lynds, ESQ

Case: BOA- 979536 Address: 346-348 West Broadway Ward 6 Applicant: George Morancy, ESQ

Case: BOA-798863 Address: 11 Inwood Street Ward 15 Applicant: Hai Tran & Niem Nguyen

Case: BOA-388758 Address: 1102-1106 Blue Hill Avenue Ward 14 Applicant: Joseph Jeudy

GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA- 1539319 Address: 76 Webster Street Ward 1 Applicant: 76 Webster, LLC

Article(s): Article 32, Section 4. GCOD, Applicability - GCOD District

Purpose: Renovate three units per plans, replace kitchen cabinets, renovate bathrooms, new heating system and new windows. (New rear deck with 2nd egress)

BUILDING CODE: 9:30AM

Case: BOA-1552781 Address: 167 Maverick Street Ward 1 Applicant: Jacob Simons-City Real Estate Development

Purpose: Erect a new residential four-story building with eleven units, roof decks, and four rear parking spaces (accessed through Easement bk.63710 pg.307). Existing structure to be razed under separate demo permit
Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. [Hatches are provided to roof deck in lieu of penthouses]

9th Edition 780 CMR CHPT 02 Chapter 02 Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. [Condenser units locate on private roof, requiring passage for access/maintenance through a dwelling unit, therefor, no longer an independent dwelling unit. Also refer to 2015 IMC 306.5. Separate common passage required]

HEARINGS: 9:30AM

Case: BOA-1550055 Address: 89 Condor Street Ward 1 Applicant: 89 Condor Street, LLC

Article(s): Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 57.2 Conformity Ex Bldg Alignment - Front yard Art. 53 Sec. 08 Forbidden - Multiple Families 4 Units Use Forbidden. Art. 53 Sec. 56 Off street parking insufficient - Req. 1.5/unit. Proposed 2 spaces. Article 27T – 5 East Boston IPOD Applicability - IPOD overlays

Purpose: Erect a new four (4) story four (4) unit residential dwelling.



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Case: BOA-1530534 Address: 41 Wordsworth Street Ward 1 Applicant: Sharron Menninger

Article(s): Article 53, Section 52 Roof Structure Restrictions Article 53, Section 9 Side Yard Insufficient

Purpose: Amending plans to add roof deck to existing structure and add egress stairs (amending ALT1277234).

Case: BOA-1528615 Address: 158 Athens Street Ward 6 Applicant: Bridgitte Mott and Alex Hornat

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

Art 68 Sec 8 Insufficient rear yard setback Art 68 Sec 29 Roof Structure Restrictions - New roof deck access via existing head house

Purpose: The scope of this project is to construct an about 14'x12' roof deck for Unit 1 exclusive use. Access to roof deck is via existing headhouse. Unit 2 roof deck is existing to remain. Legal use and occupancy is a 2 family (i.e. alt646208/2018 address formerly known as 131hf WEST third street modified via an amendment connected with issued permit and order) ALT646201/BOA#686328.

Case: BOA-1548018 Address: 27-29 Farragut Road Ward 6 Applicant: Rise Construction-ARTICLE 80

Article(s): Art 68 Sec 29 Roof Structure Restrictions Max allowed height on parcel has been exceeded Art 68 Sec 8 Insufficient additional lot area/unit Art 68 Sec 8 Excessive F.A.R. Art 68 Sec 8 Max allowed building height in subdistrict has been exceeded Art 68 Sec 8 Insufficient usable open space per unit Art 68 Sec 8 Insufficient side yard setback Art 68 Sec Insufficient rear yard setback Art 68 Sec 8 Insufficient front yard setback Art. 68 Sec. 33 Off Street parking Req. - Insufficient parking Art. 68 Sec. 33 Off Street parking Req. - Design with clear maneuvering areas (car stacker system) Art. 68 Sec. 34 Appl. of Dim. Req. - Traffic visibility across a corner lot Art. 68 Sec. 33 Off Street Loading Req.

Purpose: Erect a multi family residential four-story building with 21 dwelling units and up to 21 off street stacker parking spaces. Existing structure to be razed under separate permit.

Case: BOA- 1536310 Address: 18 Gardner Street Ward 11 Applicant: Evan Smith

Article(s): Article 50, Section 29 Rear Yard Insufficient Article 50, Section 29 Side Yard Insufficient

Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Add'l Lot Area Insufficient Art. 50, Section 43 Off Street Parking Insufficient

Purpose: Erect a 4 unit Building with 2 parking spots on the Combine 2 lots see ALT1535882.

Case: BOA-1545997 Address: 472-474 Western Avenue Ward 22 Applicant: George Morancy

Article(s): Article 51 Section 16 Use Regulations - Residential accessory uses in basement and 1st floor Conditional Article 51 Section 17 Excessive f.a.r. 1.0 max Article 51 Section 17 Max allowed building height has been exceeded 35' Max. Article 51 Section 17 Insufficient rear yard setback 20' min. required Article 51 Section 17 Insufficient open space per unit 50sf per unit required Article 51 Section 17 Insufficient front yard setback 7' required Article 51, Section 56 Off Street Parking & Loading Req - Insufficient parking None proposed/28 spaces required Article 51, Section 57.3 Traffic Visibility Across Corner Article 51, Section 53 Screening & Buffering Req

Purpose: New construction a 5 story 14-unit residential building. Short form demolition filed under separate permit.

HEARINGS: 11:00AM

Case: BOA-1554122 Address: 519 East Second Street Ward 6 Applicant: Michael Clark

Article(s): Art. 06 Sec. 04 Other Protectional Conditions

Purpose: Install 6 roof decks and 2 headhouses (Amending Permit ERT1026325)

Case: BOA-1546075 Address: 1853 Commonwealth Avenue Ward 21 Applicant: Rita Kraner

Article(s): Article 51, Section 8 Use: Forbidden - Multiple Family Use Forbidden. Proposed 6 units

Art. 51 Sec. 09 Additional lot area insufficient. Art. 51 Sec. 09 Usable open space insufficient. Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 53 Screening & Buffering Req - Screening and buffering requirement.

Purpose: Change use from office to residential building with 6 units and 4 parking spaces



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Case: BOA-1552790 Address: 226-228 Washington Street Ward 22 Applicant: George Morancy

Article(s): Article 51, Section 8 Use: Forbidden Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Rear Yard Insufficient Article 51, Section 56. Off Street Parking & Loading Req Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Lot Area Insufficient

Purpose: Construct new 6 unit multifamily residential dwelling. Raze existing building on separate SF permit.

Case: BOA-1547506 Address: 224-232 Market Street Ward 22 Applicant: Patrick Lee

Article(s): Article 51 Section 54 Add'l Req's in NB Subdistricts - Expansion of Bar Seating or Standing : Conditional Article 9 Section 1 Extension of NonConforming Use

Purpose: ALT133055 Amendment to building permit ALT1330555. This includes fire sprinkler, fire alarm, and Place of Assembly. Occupant load increase of 30 within the new additions for a total of 150 Persons.

Case: BOA- 1413004 Address: 560-562 Washington Street Ward 22 Applicant: Ozan Dokmecioglu DND Homes, LLC

Article(s): Article 51, Section 27 Use: Forbidden - Multifamily Article 51, Section 50.2 Conformity Ex Bldg Alignment Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 9 Add'l Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Art. 51 Sec. 09 Open Space insufficient Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient

Purpose: Seeking to erect a new residential building with 14 units and 9 parking spaces. Existing structure to be razed on a separate permit building has 1 elevator and 1 car lift that provides vehicular access to parking spaces on garage.

RE-DISCUSSIONS: 11:30 AM

Case: BOA- 1514378 Address: 3915 Washington Street Ward 19 Applicant: Owen Kierman

Article(s): Art. 55 Sec. 55 40 Off street parking insufficient - Off street parking Forbidden Art. 55, Section 8 Use: Forbidden - Multi Family Use: Forbidden. Art. 55 Sec. 09 Floor Area Ratio Excessive. Art. 55 Sec. 09 Lot Width Insufficient. Art. 55 Sec. 09 Lot Frontage Insufficient.

Purpose: Erect proposed new 6-unit multi family, as per plans.

Reason for Prior Deferral: Five member board -administrative deferral

Case: BOA-1473941 Address: 820 Hyde Park Ward 18 Applicant: Tyrone Hardy & Cain Hardy

Article(s): Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Lot Area Insufficient Article 69, Section 9 Lot Frontage Insufficient Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg Height Excessive (Feet) Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Rear Yard Insufficient Article 69, Section 8 Use: Forbidden

Purpose: Erect new structure, and demolish existing. (8) condominium units. Proposed parking below structure, and in rear, adding (8) parking spots, as per plans.

Reason for Prior Deferral: To be re-advertised

Case: BOA-1304433 Address: 10 Thompson Square Ward 2 Applicant: Sing Ming Chan

Article(s): Art. 62 Sec. 14 Usable open space insufficient Article 62, Section 14 Excessive f.a.r.

Article 62, Section 14 Excessive height Article 62, Section 14 Insufficient rear yard setback Article 62, Section 29 Off-Street Loading Insufficient - None proposed Art. 62 Sec. 62-29 Off street parking requirements - None proposed

Purpose: Erect a new mixed use building with commercial space (RETAIL) on first floor and 12 dwelling units above. Existing building to be razed under separate permit. *4.10.23: Reduced project scope at ZBA to 12 units and 4 stories

Reason for Prior Deferral: To continue community process

Case: BOA-1448246 Address: 24 Common Street Ward: 2 Applicant: Kimmerly Perry

Articles (s): Article 62, Section 8 Front Yard Insufficient Art. 62 Sec. 19 Neighborhood Design Overlay Districts

Purpose: Parking spot for residential owner use.

Reason for Prior Deferral: To continue community process



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Case: BOA#1475953 Address: 169 Maverick Street Ward 1 Applicant: Trichilo Development, LLC

Purpose: Erect addition, renovate, and change occupancy from three (3) to four (4) residential units with rear and roof decks.

Violation: Violation Description: 9th 780 CMR 1006 Number of Exits and Exit Access Doorway

Violation Comments: ART.IBC Table 1006.3.2(1) Fourth stories above grade: Not Permitted.

Reason for Prior Deferral: The Board moved to defer.

HEARINGS: 1:00PM

Case: BOA-1460666 Address: 61 Brooks Street Ward 1 Applicant: Edward Devaeau

Article(s): Article 27T – 5 East Boston IPOD Applicability - East Boston Interim Planning Overlay District (IPOD).
Art.53 Sec. 08 Use: Forbidden - Change of use from a Three family to a Four family. Art. 53 Sec. 09 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Rear Yard Insufficient Art. 53 Sec. 56 Off Street Parking - Requires 1 Proposes 0 (None) Art. 53 Sec. 52 Roof Structure Restrictions - Proposes a Roof Deck exclusively for Unit #3

Purpose: Change occupancy from a three unit residential dwelling to a four-unit residential dwelling and erect a roof deck exclusive to top unit.

Case: BOA-1548361 Address: 27 Mystic Street Ward 2 Applicant: Rose Locke

Article(s): Article 62, Section 8 Floor Area Ratio Excessive Article 62, Section 8 Side Yard Insufficient

Art. 62 Sec. 62 25 Roof Structures Restricted - The project proposes to build a roof deck exclusively for Unit #3.

Purpose: New addition for extension of kitchens in the rear of building for all 3 story's, plumbing, electric, siding, board plaster, fire alarm, sprinkler and new windows; new roof deck

Case: BOA-1552194 Address: 457-469A West Broadway Ward 6 Applicant: South Boston Das, LLC

Article(s): Art. 68 Sec. 07 Use Regs. - Professional office

Purpose: Interior fit out to approximately 5011/sf of the 1st floor space. Fit out work will include all new finishes: Drywall, paint, flooring, acoustical and hard ceilings, and M.E.P.S.&F.A. systems. New Occupancy will be professional office / medical (URGENT CARE CLINIC)

Case: BOA-1540339 Address: 675 East Fourth Street Ward 6 Applicant: F.L. Caulfield & Sons, Inc.

Article(s): Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Insufficient rear yard setback

Purpose: Installation of a new pressure treated ramp on the exterior of the building, rooming house #ALT434042/2014

Case: BOA-1553384 Address: 8-10 Mercer Street Ward 7 Applicant: Mark Little

Article(s): Art 68 Sec 8 Max allowed building height in sub-district exceeded Art. 10 Sec. 01 Limitation of parking

areas - 5' buffer Art. 06 Sec. 04 Other Protectional Conditions Art. 68 Sec. 33 Off Street parking Req. -

Insufficient Driveway access < 10' Art. 68 Sec. 33 Off Street parking Req. - 4) Design and clear maneuvering areas

Purpose: Erect new four-story building with five dwelling units, two fourth-story decks, rear balconies at second and third stories, and 10 5 accessory off-street parking spaces. (5 Stackers1/1) Parking access to be provided by driveway shared with 12 Mercer Street. 8 Mercer Street lot and 10 Mercer Street lot are being combined under ALT1056673. The purpose of this application is to convert the issued permit numbered ALT1056666(REVOKED) to an ERT permit, as the previously-existing structure was damaged during reconstruction and was razed. All zoning relief was granted under ALT1056666 and BOA1066911 and is active and valid. (REVOKED) Zoning relief for 12 Mercer Street, for shared driveway, was granted under U491056686 and BOA1066917 and is active and valid. (Not yet issued).



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Case: BOA-1530363 Address: 28 Evergreen Street Ward 10 Applicant: Jesse Wilson

Article(s): Article 9, Section 2 Change in Non Conforming Use Art. 55, Section 8 Use: Forbidden - MFR in 2F
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 9
Rear Yard Insufficient Art. 55, Section 40 Off Street Parking Insufficient

Purpose: Change of occupancy from 3 family to 4 family dwelling. Scope includes a new 3 story rear addition, new dormer on existing portion of roof, new side entry and upgrades to life safety (FA/FP). Additional rear unit features ground & roof decks, and habitable basement. Existing barn to be demolished under separate permit.

Case: BOA-1486693 Address: 16 Mather Street Ward 16 Applicant: Shanti Kleiman

Article(s): Article 65, Section 9 Rear Yard Insufficient Article 65, Section 42.13 Two or More Dwellings on Same Lot
Purpose: In conjunction with ALT1334733, at 16R Mather St, for Two Dwellings on the Same Lot. 16 Mather is an existing 2 family dwelling. No work proposed.

Case: BOA-1486752 Address: 16R Mather Street Ward 16 Applicant: Shanti Kleiman

Article(s): Article 65, Section 9.2 Dim Regs: Location of Main Entrance Article 65, Section 9 Rear Yard Insufficient
Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Usable
Open Space Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 42.13 Two or More
Dwellings on Same Lot

Purpose: Change of occupancy from barn into single family, featuring two bedrooms, two bathrooms, living areas and kitchen. Includes new roof dormers. New heating and domestic hot water equipment to be installed. All living spaces to be fully sprinklered.

Case: BOA-1552468 Address: 42 Waverly Street Ward 22 Applicant: 40 Waverly, LLC

Article(s): Article 51, Section 8 Use: Forbidden - Multifamily Article 51, Section 9 Add'l Lot Area Insufficient
Article 51, Section 9 Floor Area Ratio Excessive Art. 51 Sec. 09 Open Space insufficient Article 51, Section 9 Front
Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Art. 51 Sec. 57.2 Exst'g Bldg Algnmnt Conformity -
Modal calculation not provided so to verify compliance. Art.51 Sec.56 Off St Parking Design - Dimensions of
spaces Article 51, Section 56 Off Street Loading Insufficient - Min. required: 28 spaces. Proposed: 14

Purpose: Build a new 14 unit residential building (by special permit) with 14 underground parking spaces on the proposed combined lot at 42 Waverly St, Brighton MA (filed under the permits ALT1529573 and ALT1529575). The existing houses at 40 and 42 Waverly St will be razed under SF1529580 and SF1529584.



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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