



City of Boston
Board of Appeal

RECEIVED

By City Clerk at 2:13 pm, Jun 20, 2024

Tuesday, June 25, 2024

BOARD OF APPEALS

City Hall Room 801

HEARING AGENDA

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JUNE 25, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JUNE 25, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JUNE 25, 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/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/June25Comment> 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/June25Comment> 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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APPROVAL OF HEARING MINUTES: 9:30 AM

April 25, 2024, April 30, 2024, May 7, 2024 & June 4, 2024

EXTENSIONS: 9:30AM

Case: BOA-1267825 Address: 295 Webster Street Ward 1 Applicant: Devon Previte

Case: BOA-1267823 Address: 295 Webster Street Ward 1 Applicant: Devon Previte

Case: BOA-1044561 Address: 86 Fairmount Street Ward 17 Applicant: Noberto Leon

Case: BOA-1163856 Address: 1175 Dorchester Avenue Ward 15 Applicant: Nicholas Zozula, Esq

Case: BOA-1187855 Address: 61 Horace Street Ward 1 Applicant: Richard Lynds, Esq

Case: BOA- 1187853 Address: 63 Horace Street Ward 1 Applicant: Richard Lynds, Esq

Case: BOA- 1348765 Address: 155 Portland Street Ward 3 Applicant: Johanna Schneider

Case: BOA- 1175767 Address: 16-22 Linden Street Ward 21 Applicant: Johanna Schneider

Case: BOA- 1175793 Address: 6 Pratt Street Ward 21 Applicant: Johanna Schneider

Case: BOA- 1173962 Address: 28 Hansborough Street Ward 14 Applicant: Michael Ross, Esq

Case: BOA- 486152 Address: 270 Dorchester Avenue Ward 6 Applicant: Marc LaCasse, Esq

Case: BOA- 1211031 Address: 134 Terrace Street Ward 10 Applicant: Terrace Charlie LLC

Case: BOA- 830090 Address: 4 Mystic Street Ward 2 Applicant: Leo Boucher

BOARD FINAL ARBITER: 9:30AM

Case: BOA-1576380 Address: 268 Geneva Avenue Ward 15 Applicant: Matthew Eckel, Esq.

Case: BOA-1576381 Address: 276 Geneva Avenue Ward 15 Applicant: Matthew Eckel, Esq.

RECOMMENDATIONS: 9:30 AM

Case: BOA-1592730 Address: 135 Chelsea Street Ward: 1 Applicant: May Perez

Article(s): Art. 53 Sec. 08 Forbidden - To change the use from Retail with four Residential Units above to a Beauty & Nail Salon with four residential Units above.

Purpose: Change occupancy from Retail and 4 Residential Units to Beauty Shop and 4 Residential Units Floor Plans submitted for change of use. (Architectural plans of building are for Reference only. Plans used for ALT853287 issued 11/13/19 & COO1263163 issued 1/25/22).



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Case: BOA-1569956 Address: 867-871 Boylston Street Ward: 5 Applicant: Chi Bang

Article(s): Art. 08 Sec. 03 Conditional Uses - Gym/Fitness- Conditional use in a B-8-120a Sub district

Purpose: Change of occupancy to include fitness center (No work on this application) ALL Work performed on ALT1492495 *Existing restaurant with outside seating.

Case: BOA-1584046 Address: 314-330 West Second Street Ward: 6 Applicant: Mariia Berkut

Article(s): Article 68, Section 7 Use Regulations - Body art establishment use is Forbidden.

Purpose: Change of occupancy from 51 apts, garage & 4 offices/ retail to 51 apts, garage, 3 offices & body art. Installation of furniture and equipment.

Case: BOA-1576558 Address: 118 F Street Ward: 6 Applicant: David Winick

Article(s): Article 68, Section 8 Floor Area Ratio Excessive.

Purpose: Proponent requests to add additional living space in basement as per attached plans.

Case: BOA-1548719 Address: 293 Northampton Street Ward: 9 Applicant: Christopher Kennedy

Article(s): Art. 06 Sec. 04 Other Protectional Conditions - Change in Previous Decision of the Zoning Board of appeal.

Purpose: Extend the current use under Boston Transportation Department License # OPAIR 78839 until November 30, 2026. The current use expires November 30, 2023

Case: BOA-1548439 Address: 111-113 H Street Ward: 7 Applicant: Michael Barone, Jr

Article(s): Art. 06 Sec. 04 Other Protectional Conditions - Proposed removal of previous BOA proviso orders of record

Purpose: Remove Proviso granted that petitioner only under BOA966578. Application to modify Boston Board of Appeals Decision No. BOA966578 to remove the proviso that "[beer and wine limited to one (1) cooler with two doors]" so as to permit the retail sale of all alcoholic products at 111 113 H Street, Ward 7, Boston, MA 02127. No construction to be required. *Legal use of structure: Five Family & Store with Liquor Alt923519/2019

Case: BOA- 1262365 Address: 18 Coleus Park Ward: 14 Applicant: Neal Kennedy

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

Purpose: Construct third story addition on existing two-family dwelling. Proposed renovation as per plans.

Case: BOA-1542663 Address: 11 Adams Street Ward: 15 Applicant: James Guerrier

Article(s): Art. 65 Sec. 9 Residential Dimensional Reg.s - Excessive f.a.r. Art. 65 Sec. 9 Residential Dimensional Reg.s - Number of allowed occupied stories exceeded Article 65, Section 9 Insufficient rear yard setback

Article 65, Section 9 Insufficient side yard setback

Purpose: Additional changes to the Roof.

Case: BOA-1578198 Address: 8 Dacy Street Ward: 18 Applicant: David Higgins

Article(s): Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Bldg Height Excessive (Stories)

Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Floor Area Ratio Excessive

Article 69, Section 9 Lot Area Insufficient Article 69, Section 9 Add'l Lot Area Insufficient Article 69, Section 8 Use:

Forbidden Article 69 Section 29 Off Street Parking & Loading Req

Purpose: Renovate Existing 2 Family, Change Roof style from A frame roof to square rubber roof & add living space on 3rd Floor.

Case: BOA-1589504 Address: 130 Central Avenue Ward: 18 Applicant: Derric Small

Article(s): Article 69, Section 9 Side Yard Insufficient

Purpose: Create off street parking for two vehicles.

Case: BOA-1567349 Address: 30-32 Eatonia Street Ward: 22 Applicant: Edward Lee

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

Purpose: Extending living space from unit 1 into the basement. Replace existing floor tile with new. Replace exist in old dry wall. Build new 3 bedrooms in basement.



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Case: BOA-1552488 Address: 340 Baker Street Ward: 20 Applicant: Shaded Anwar

Article(s): Art. 09 Sec. 02 Nonconforming Use Change -Extension of a non conforming use structure < 25% Conditional Art. 56, Section 16 Insufficient rear yard setback

Purpose: Full gut renovation, new kitchens, new bathrooms, install new sonotubes for second floor deck on rear, second egress exit will be through rear deck stairs, lower basement floor, reframe/reinforce structural member up to code, add dormers on both side of roof, raise first floor kitchen ceiling height.*2 Family #3502/1940

HEARINGS: 9:30AM

Case: BOA-1577687 Address: 477 Lagrange Street Ward 20 Applicant: Adam Dizdari

Article(s): Article 9, Section 2 Change in Non-Conforming Use; Article 56, Section 7. Use: Forbidden - 3F in 1F Forbidden; Article 56 Sec. 7.2 Basement Unit Forbidden; Article 56, Section 8 Usable Open Space Insufficient; Article 56, Section 8 Floor Area Ratio Excessive; Article 56, Section 8 Lot Area Insufficient; Article 56, Section 39 Off Street Parking Insufficient; Article 56, Section 8.3 Location of Main Entrance.

Purpose: Change of occupancy to a 3 family. Adding a new basement unit, including new finishes, insulation, new plumbing, new electrical, new gas service, and life safety upgrades.

Case: BOA- 1595840 Address: 41 Mansur Street Ward 18 Applicant: Ivan J Quinones

Article(s): Article 67, Section 9 Side Yard Insufficient.

Purpose: Demo the second floor of a Cape style house and convert it to a full second floor to accommodate family size.

Case: BOA-1474864 Address: 48 Intervale Street Ward 14 Applicant: Marc LaCasse

Article(s): Article 50, Section 28 Use: Conditional - MFR (4 unit); Article 50, Section 29 Rear Yard Insufficient; Article 50, Section 29 Side 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 Lot Frontage Insufficient; Article 50, Section 29 Lot Width Insufficient; Article 50, Section 29 Add'l Lot Area Insufficient; Article 50, Section 44.2 Conformity Ex Bldg. Alignment

Purpose: Construct new 3 story, 4 dwelling unit building with 4 garage parking spaces at ground level on vacant parcel of land. Building features two private roof decks for top floor units and front facing decks.

Case: BOA-1593053 Address: 156 Wellington Hill Street Ward 14 Applicant: EJS Investments, Inc-Article 80

Article(s): Article 60 Sec. 08 Use Regs appl in Res Subdistrict - Retail forbidden; Article 60 Sec. 08 Use Regs appl in Res Subdistrict - MFR is forbidden in a three family; subdistrict Article 60 Sec. 09 Floor Area Ratio excessive; Article 60 Sec. 09 Height Excessive Article 60 Sec. 09 Side yard insufficient Article 60 Sec. 9 Additional Lot Area Insuff.; Article 60 Section 9 Insufficient open space per unit; Article 60 Section 9 Number of allowed stories exceeded; Article 60 Section 9 Insufficient front yard setback; Article 60, Section 40 Off-Street Parking & Loading Req.

Purpose: Incorporate the three (3) levels of existing structure into a five (5) story, twenty-seven (27) unit mixed use building, with a common roof deck and twelve (12) parking spaces, and retail space on the ground level. Combine parcels # 1404700000/3500 and 1404699000/2485SF into one lot and construct a new five (5) story, twenty-seven (27) unit mixed use building, with a common roof deck and twelve (12) parking spaces and retail space on the ground level with a 1,635 sq. ft common roof deck and 1,058 sq. ft. of green roof w/elevator access in accordance with the submitted plans.

Case: BOA-1590502 Address: 8 Burney Street Ward 10 Applicant: Dermont Doyne

Article(s): Article 59, Section 8 Usable Open Space Insufficient; Article 59, Section 8 Rear Yard Insufficient; Article 59, Section 8 Side Yard Insufficient; Article 59, Section 8 Bldg. Height Excessive (Feet); Article 59, Section 8 Lot Area Insufficient; Article 59, Section 37 Off Street Parking & Loading Req.; Article 59, Section 18 Use Regulations; Article 59, Section 8 Floor Area Ratio Excessive.

Purpose: Demolish existing 3 story building and erect a new 5 story building with 9 units per plans.



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Case: BOA-1592042 Address: 131 Commonwealth Avenue Ward 5 Applicant: Donna Diaz

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

Purpose: Amendment to ALT #1515220. Includes interior reconfiguration with structural work; all new HVAC, plumbing and electrical infrastructure and finishes; insulation upgrade; new smoke and CO₂/CO detectors/alarm system, removal of secondary egress internal stairs, new NFPA 13 sprinklers install and new roof deck. Building is a single-family w/ smokes detectors/alarms.

Case: BOA-1590133 Address: 1 Exeter Plaza Ward 5 Applicant: CPT One Exeter Plaza, LLC

Article(s): Article 08 Sec. 03 Conditional Uses College/ University use.

Purpose: Renovation of 9,367 square feet on ground floor and lower level. Change in the occupancy to include the following uses: College/ University education with classroom and dance studios.

Case: BOA-1596893 Address: 67-69 Church Street Ward 5 Applicant: Marc LaCasse

Article(s): Article 63, Section 6 Est. of Residential Districts - Max number of dwelling units in the building exceeded – Conditional; Article 09 Sec. 02 Nonconforming Use Change - <25% conditional; Article 63, Section 8 Excessive F.A.R.

Purpose: Change occupancy from a restaurant and 5 residential units to 6 residential units by converting core/shell restaurant space at ground floor to a residential dwelling unit. Prior occupancy established by COO1525093 under ALT842306. Build out ground floor space to now change the occupancy to create the 6th residential unit on the first floor with newly proposed extended residential living space into the basement area.

Case: BOA- 1333288 Address: 287-295 Hanover Street Ward 3 Applicant: Mark Little

Article(s): Article 54 Section 13 Rear Yard Insufficient.

Purpose: Build new roof deck for Unit #5 as per plans.

Case: BOA-1597093 Address: 22 Monument Square Ward 2 Applicant: Kevin Joyce

Article(s): Article 10, Section 1 Limitation of Area; Article 62, Section 8 Usable Open Space Insufficient.

Purpose: Install 2 8.5' x 18' off-street parking spaces in portion of rear yard behind existing residential building as per plans filed herewith.

HEARINGS: 11:00AM

Case: BOA-1466516 Address: 250 Pond Street Ward 19 Applicant: David A Gillies

Article(s): Article 55, Section 9 Rear Yard Insufficient; Article 55, Section 41.12 Two or More Dwellings on Same Lot; Article 55, Section 40 Off Street Parking Insufficient - Parking removed from main dwelling.

Purpose: In connection with ERT1415452 for two dwellings on the same lot.

Case: BOA-1605958 Address: 250R Pond Street Ward 19 Applicant: David A Gillies

Article(s): Article 55, Section 41.12 Two or More Dwellings on Same Lot; Article 55, Section 9 Lot Area Insufficient; Article 55, Section 9 Lot Frontage Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 9.3 Dim Reg Location of Main Entrance.

Purpose: Erect new 2-story single family with garage. Demolish existing two car garage under separate permit.

Case: BOA#1466520 Address: 250R Pond Street Ward 19 Applicant: David A Gillies

Purpose: Erect new 2 story single family with garage. Demolish existing two car garage under separate permit. Also see ALT1443003. Article(s) 9th 780 CMR R311 Means of Egress R311.1 Means of Egress. Dwelling units shall be provided with a primary and secondary means of egress in accordance with this section. Each means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the egress doors. The primary means of egress shall not require travel through a garage but the secondary means of egress may. The required egress doors shall open directly into a public way or to a yard or court that opens to a public way. [Only a single means of egress provided]



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Case: BOA- 1535566 Address: 94-96 Loring Street Ward 18 Applicant: Sebastien Michel

Article(s): Article 9, Section 2 Change in Non-Conforming Use; Article 69, Section 8 Use: Forbidden - 3F in 1F; Article 69 Sec. 29.5 Off St.Prk'g Design – Size; Article 69 Sec. 29 Off St.Prk'g/Load'g – Parking; Article 69, Section 9 Floor Area Ratio Excessive; Article 69, Section 9 Bldg. Height Excessive (Stories); Article 69, Section 9 Usable Open Space Insufficient; Article 69, Section 9 Front Yard Insufficient; Article 69, Section 9 Side Yard Insufficient; Article 69, Section 9 Rear Yard Insufficient; Article 10 Sec. 01 Limitation of off-street parking areas - Parking within 5ft of side lot line.

Purpose: Change of occupancy from two family into a three family. Scope includes new roof dormer for new unit on 3rd story, and a new rear 3 story deck with stairs. On the first and second floors. They will be opening walls between the kitchen and dining rooms. In the basement, they will be adding walls to create storage spaces and designated utility rooms. Convert existing driveway into parking area.

Case: BOA-1600548 Address: 15 Parkman Street Ward 16 Applicant: Modern Contracting Inc.

Article(s): Article 65 Sec. 08 Forbidden - The proposed project will need to seek relief to construct Four Units in a 2F-6000 zone; Article 65 Sec. 65-8 Floor Area Ratio excessive - The proposed project will need to seek relief for the increase of the F.A.R. to .73 from the required maximum of .4; Article 65, Section 32 Neighborhood Design Overlay Districts - The proposed project is located in a Neighborhood Design Overlay District. Approval is needed for design of structure.

Article 65, Section 9 Bldg. Height Excessive (Stories) - The proposed project will need to seek relief for the proposed story height of 3. The maximum story height required is 2-1/2

Purpose: Construct 4 new units.

Case: BOA- 1583162 Address: 30 Westville Street Ward 15 Applicant: Louis D. Brown Peace Institute Corporation

Article(s): Article 65 Sec. 8 Use: Forbidden - Community Center; Article 65 Sec. 8: Use: Forbidden - General Offices. Article 65 Sec. 8 Use: Forbidden - Accessory Outdoor Café. Article 65, Section 9: Rear Yard Insufficient; Article 65, Section 9 Side Yard Insufficient; Article 65, Section 9 Bldg. Height Excessive (Feet); Article 65, Section 9 Bldg. Height Excessive (Stories); Article 65, Section 9 Floor Area Ratio Excessive; Article 65, Section 42.2 Conformity w Ex Bldg. Alignment; Article 65, Sec 65.41 Off Street Loading Req.; Article 65 Sec. 65.41.4 Parking in the Front Yard; Article 65, Section 4 Off Street Parking Regulations; Article 10 Sec. 01 Limitation of off street parking areas - Parking within 5 feet of side lot line.

Purpose: Combine Parcel IDs: 1500796000 & 1500794000, to erect a 3 story Multi-Purpose community center with offices and an accessory outdoor café. Scope also includes a roof deck, roof garden, new landscaping, and ground surface parking. 30 Westville Street is to be developed into a new Center for Healing, Teaching and Learning for the Louis D. Brown Peace Institute. Project is in coordination with the Mayor's Office of Housing. Free standing sign & other -signage to be submitted under separate permit.

Case: BOA-1598054 Address: 1420-1424 Dorchester Avenue Ward 15 Applicant: George Morancy-Article 80

Article(s): Article 65 Sec. 42 Conformity with Existing Building Alignment - Street modal calculation not provided to verify compliance. Article 65 Sec. 42 Appl of Dimensional Reqs. - front wall of building not parallel to front lot line; Article 65 Sec. 42 Appl of Dimensional Reqs - Side walls of building not parallel to side lot lines; Article 55 Sec. 65 41 Off Street parking insufficient - Parking spaces required for residential uses: 46 units x 1.5= 69 Parking spaces required for retail use 4 Total proposed 33; Article 65 Sec.15 Use: Conditional - Residential use on first floor; Article 65 Section 16 Max. FAR allowed: 1 Proposed: 2.5 Article 65 Section 16 Max. building height allowed: 40' Proposed: 58" 4"; Article 65 Section 16 Side yard required for Left side yard: 10' Proposed: 4.8' - Side yard required for Right side yard: 10' Proposed: 3'; Article 65, Sec 65 41 Off Street Loading Req. - Insufficient.

Purpose: Demolition of existing single-story commercial structure and construction of new 5 story building with 46 residential units, ground floor retail space and a subgrade parking garage for 33 spaces.



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Case: BOA-1593050 Address: 88 Geneva Avenue Ward 14 Applicant: EJS Investments, Inc.-Article 80

Article(s) Article 50, Section 28 Use: Forbidden - Multifamily; Article 50, Section 29 Add'l Lot Area Insufficient - Min. lot area required: 72,000 sq. ft. Proposed: 20,245 sq. ft.; Article 50, Section 29 Floor Area Ratio Excessive - Max. allowed: 0.8 Proposed: 2.395; Article 50, Section 29 Bldg. Height Excessive (Stories) - Max. allowed: 3 Proposed: 5; Article 50, Section 29 Bldg. Height Excessive (Feet) - Max. allowed: 35' Proposed: 55'; Article 50, Section 29 Usable Open Space Insufficient - Min. required: 23,400 sq. ft.; Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed 4.5' Wilder St.; Article 50 Sec. 44.2 Existing Bldg. Alignment - Street modal calculations not provided, to verify compliance for Geneva Ave. and Oldfield Rd.; Article 50, Section 44; Application of Dimensional Req - 50 44.4: Front wall of building not parallel to front lot lines; Article 50 Sec. 43: Off street parking insufficient - Min. parking spaces required: 36 Proposed: 24; Article 50, Section 28 Use: Forbidden - coffee shop.

Purpose: Proposal to construct a five (5) story, thirty-six (36) unit multifamily building with twenty-four (24) parking spaces and a retail coffee shop, accessible to the public on the ground level, in accordance with the requirements of Article 80E Small Project Review.

Case: BOA-1562484 Address: 326 Blue Hill Avenue Ward 14 Applicant: Eileen Brito-Rosa

Article(s): Article 50 Sec. 29 Lot Area Insufficient - Min. required: 20' Proposed: 3'; Article 50 Sec. 37 Boulevard Planning District ; Article 50, Section 28 Use: Conditional - Commercial space; Article 50, Section 43 Off-Street Parking Insufficient - Min. required for commercial use: 2 spaces. Min. required for residential use: 2 spaces. Total: 4 spaces. Proposed: 0; Article 50, Section 29 Lot Area Insufficient - Lot area required: 4,000 sq. ft. Proposed: 1,526 sq. ft.; Article 50, Section 29: Lot Width Insufficient - Min. required: 40' Proposed: 24.05'; Article 50, Section 29 Lot Frontage Insufficient - Min. required: 40' Proposed: 24.05'; Article 50, Section 29 Floor Area Ratio Excessive - Max. allowed: 1 Proposed: 2; Article 50, Section 29 Usable Open Space Insufficient - Min. required: 400 sq. ft. Proposed: 0 Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 0; Article 50, Section 29 Side Yard Insufficient - Min. required: 10' Proposed: 0.5' (R) and 2' (L)

Purpose: 2 Units and commercial space.

Case: BOA- 1544149 Address: 39-41 Woodcliff Street Ward 13 Applicant: NS Contracting Co, Inc.

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: Floor Area Ratio Excessive; Article 50, Section 29 Lot Frontage Insufficient; Article 50, Section 29 Lot Area Insufficient; Article 50, Section 43 Off Street Parking Insufficient.

Purpose: Build 3 family house.

RE-DISCUSSIONS: 11:30 AM

Case: BOA-1521952 Address: 259R-259RF Market Street Ward 22 Applicant: Penny Investments, LLC

Article(s): Article 51 Section 9.4: Dim Reg: Location of Main Entrance; Article 51, Section 57.13 Two or More Dwellings on Same Lot - Dwelling at rear of another Dwelling; Article 51, Section 8 Use: Forbidden - MFR in 1F – Forbidden; Article 51, Section 8 Use: Forbidden - Townhouses; Article 51, Section 9 Lot Frontage Insufficient; Article 51, Section 9 Floor Area Ratio Excessive; Article 51, Section 9 Bldg. Height Excessive (Stories); Article 51, Section 9 Front Yard Insufficient **Purpose:** Erect (4) new 3 story townhomes in a newly created rear lot (Lot B, 10,845 sq. ft.) behind the existing two-family dwelling, which will remain on the street facing lot. Each townhome features garaged parking for two cars and top story decks. See ALT1484754 & ALT1515523 for subdivision applications.

Case: BOA-1521950 Address: 257 Market Street Ward 22 Applicant: Penny Investments, LLC

Article(s): Article 51, Section 9 Rear Yard Insufficient; Article 51, Section 56: Off Street Parking Insufficient; Article 9, Section 2; Change in Non-Conforming Use - Decrease in lot size to existing Non-conforming use.

Purpose: Filed with ERT1480650, the intent is to subdivide the lot, retain the existing two family on the lot designated as 257 Market St, and build a new multifamily building on the new rear lot. Subdivision of Parcel 2202571000 to create two new parcels; Lot A = 5,857sqft & Lot B 10,845sqft.



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Case: BOA-1597342 Address: 21 Holton Street Ward: 22 Applicant: Peninsula Capital Group

Article(s): Art. 51 Sec. 08 Use Regulations - MFR use forbidden in a three-family subdistrict Art. 51 Sec. 09 Insufficient additional lot area per unit Art. 51 Sec. 23 Off street parking requirement - Insufficient parking

Purpose: Change of occupancy from 3 to 5 units. Renovate the existing dwelling and erect two three story additions for a total of five units and 5 parking spaces.

Case: BOA-1539699 Address: 27 Colonial Avenue Ward 17 Applicant: Ian Wade

Article(s): Article 65 Sec. 41 Off street parking requirements - The proposed project requires at least 5 parking spaces; Article 65, Section 9 Floor Area Ratio Excessive - The proposed project will exceed the required FAR of 0.4; Article 65 Sec. 08 Forbidden - Project proposes to add a fourth unit which would be located in the basement. The applicant originally applied for the ADU program but realized that the property has to be homeowner occupied.

Purpose: Change occupancy from a Three Family to a Four Family. Additional unit in the basement to be renovated per plans. Fire alarm & sprinklers to be installed.

Case: BOA-1584507 Address: 2136-2140 Washington Street Ward 8 Applicant: Kaidi Grant

Article(s): Article 50, Section 10 Use Regulations in Roxbury EDA Private/Social club serving alcohol w/limited live entertainment – Conditional; Article 50, Section 43 Off-Street Parking & Loading Req -Insufficient parking

Purpose: 3.13.24 Revised scope of work: Proposed Change of use and occupancy from office and retail use to office (2nd flr) and social club w/limited live entertainment to include, flex retail boutique use (1stflr) w/storage in basement" per plans provided. Subject to ZBA approval, a completed set of stamped construction documents shall then be provided. There is no proposed construction for this project. They are seeking to change the occupancy from retail to social club. This project is not increasing the foot print.

Case: BOA-1535953 Address: 42 Newmarket Square Ward 8 Applicant: Jean-Luc De Barros-CANNABIS

Article(s): Article 90 Section 7 Use Regulations - Cannabis establishment Conditional; Article 90 Section 7 Use Regulations; Article 90 7 Table A Cannabis establishment (Text Amd. No. 432 , § 3, 4 13 2018) Footnotes: "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 preexisting 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. Otherwise forbidden Article 90 Section 13 Off Street Parking & Loading Req - Insufficient parking- No parking proposed.

Purpose: Change occupancy to include cannabis storage and wholesale delivery. Security Upgrades

Case: BOA-1576978 Address: 164 Old Colony Avenue Ward 7 Applicant: Timothy Johnson

Article(s): Article 14 Sec. 14-1 Lot size insufficient; Article 14 Sec. 14-2 Additional Lot Area Required; Article 14 Sec. 14-3 Lot Width Insufficient; Article 21, Section 1 Setback of Parapet Insufficient; Article 23 Section: 1 Off-Street Parking (Residential) Insufficient; Article 25 Sec. 5 Flood Hazard Districts; Article 8, Section 7 Use: Conditional - MFR – Conditional; Article 19 Sec.6(b) Side Yard Corner Lot: Special Provisions Article 14, Section 4 Lot Frontage; Article 15 Section 1 Floor Area Ratio Excessive; Article 16 Section 1 Building Height Excessive; Article 16, Section 1 Building Height Excessive (Stories); Article 17 Section 1 Usable Open Space Insufficient; Article 18, Section 1 Front Yard Requirements; Article 18, Section 3 Traffic Visibility Across Corner; Article 20 Section 4 Rear Yards in H Districts.

Purpose: Erect new 4 story, 4-unit residential building with balconies and elevator included. Demolish existing structure on separate permit.



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Board of Appeal

Case: BOA# 1576980 Address: 164 Old Colony Avenue Ward 7 Applicant: Timothy Johnson

Violation 9th 780 CMR 1030 Emergency Escape and Rescue 1030.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in Group R 2 occupancies in accordance with Tables 1006.3.2(1) and 1006.3.2(2) and Group R 3 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way. [An exterior door/window shall be provided at basement level when floor area exceeds 200sqft. The vertical egress portion of emergency escape shall be provided at the exterior of the building]; 9th 780 CMR 1023 Interior Exit Stairways and Ramps; 1023.4 Openings. Interior exit stairway and ramp opening protectives shall be in accordance with the requirements of Section 716. Openings in interior exit stairways and ramps other than unprotected exterior openings shall be limited to those necessary for exit access to the enclosure from normally occupied spaces and for egress from the enclosure. Elevators shall not open into interior exit stairways and ramps. [No separation provided between interior exit stairway and elevator at lobby. 4 story interior exit stairway shall be separated from lobby and elevator.]

HEARINGS: 1:00PM

Case: BOA-1588456 Address: 77-79 Harvard Street Ward 14 Applicant: Welcome Home Harvard Street LLC-MOH

Article(s): Article 65 Sec. 8 Use: Forbidden - Multifamily Dwelling Forbidden; Article 65, Section 9 Rear Yard Insufficient; Article 65, Section 9 Side Yard Insufficient; Article 65, Section 9 Bldg. Height Excessive (Feet); Article 65, Section 9 Bldg. Height Excessive (Stories); Article 65, Section 9 Floor Area Ratio Excessive; Article 65 Sec. 41 Off street parking requirements; Article 65, Section 42.2 Conformity w Ex Bldg. Alignment; Article 65, Sec 65 41 Off Street Loading Req.

Purpose: Combine Parcel IDs: 1402450000 & 1402449000 to erect a 4 story multifamily with 13 units, sustainable and resilient building with an elevator located at 77 Harvard Street in Dorchester. Property to have balconies and rear parking. This will be a new ground up construction proposed by Boston Communities.

Case: BOA-1601598 Address: 142 Erie Street Ward 14 Applicant: Matt Henzy, MOH

Article(s): Article 60 Sec. 09 Floor Area Ratio excessive - The proposed project will have a F.A.R. of 1.2 not the required F.A.R of .8; Article 60 Sec. 09 Rear yard insufficient - The proposed project will have a rear yard setback of 16'-5" (sixteen feet and five inches) not 30' (thirty feet) as required.; Article 60 Sec. 09 Side yard insufficient - The proposed project will have a side yard of 5'-4" (five feet & four inches) not 10' as required; Article 60 Sec. 9 Additional Lot Area Insuff - The proposed project will have NO additional square footage per unit. Zoning requires at least 2,500 Square Feet. Article 60, Section 41.1 Conformity Ex Bldg. Alignment - The proposed project will only have 5'-9" (five feet and 9 inches) in the front yard not 10' (ten feet) as required. Alignment with the existing buildings will be required; Article 60, Section 9 Lot Width Insufficient - The proposed lot width minimum of 23'-11" (Twenty-three feet eleven inches) not the required 25'

Purpose: New construction of 3 family.

Case: BOA-1601654 Address: 56-58 Glenway Street Ward 14 Applicant: Matt Henzy -MOH

Article(s): Article 60 Sec. 40 Off street parking insufficient -The proposed project will need to seek relief for Off Street Parking; Article 60, Section 41 Application of Dimensional Req - The proposed project will need to seek relief for Two or More Dwellings on the Same Lot; Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Lot Area Minimum for Dwelling Units(s) Specified; Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Additional Lot Area for each additional dwelling Unit (Sq. Ft.); Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Floor Area Ratio Maximum; Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Usable Open Space Minimum Sq. Ft. per dwelling unit; Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Front Yard Minimum Depth (feet); Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Side Yard Minimum Width (feet).

Purpose: New construction of a 3 Family Home. Mayor's Office of Affordable Housing,



City of Boston
Board of Appeal

Case: BOA- 1601605 Address: 52-54 Glenway Street Ward 14 Applicant: Matt Henzy-MOH

Article(s): Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Lot Area Minimum for Dwelling Unit(s) Specified. Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Additional Lot Area for each Additional Dwelling Unit (Sq. Ft.); Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Floor Area Ratio Maximum; Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Usable Open Space Minimum Sq. Ft. per dwelling unit; Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Front Yard Minimum Depth \ (feet); Article 60, Section 60 4-Dimensional Regulations Table D - The proposed project will need to seek relief for Side Yard Minimum Width (feet); Article 60, Section 40 Off Street Parking & Loading Req - The proposed project will need to seek relief for Off Street Parking; Article 60, Section 41 Application of Dimensional Req- The proposed project will need to seek relief for Two or More Dwellings on the Same Lot.

Purpose: New construction of a 3 Family Home. Mayor's Office of Affordable Housing.
Affordable Housing.

**DISCUSSION OF OPEN MEETING LAW COMPLAINT APRIL 30, 2024 HEARING ON
100 SAINT ALPHONSUS BOA1570022/ERT1559532 APPEAL**

**STEPHANIE HAYNES
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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