



HEARING MINUTES

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MAY 7, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS MAY 7, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MAY 7, 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/May7Comment> 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/May7Comment> 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-1029221 Address: 837 Saratoga Street Ward 1 Applicant: Richard Lynds, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until April June 22, 2025.

Case: BOA-903635 Address: 235 Leyden Street Ward 1 Applicant: Lorene A. Schettino, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until June 14, 2025.

Case: BOA-903636 Address: 237 Leyden Street Ward 1 Applicant: Lorene A. Schettino, ESQ

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to grant an extension until June 14, 2025.

BOARD FINAL ARBITER: 9:30AM

Case: BOA-1433530 Address: 7-9 Ferndale Street Ward 17 Applicant: Viola Wallace

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the BFA request.

Case: BOA-1408738 Address: 11-13 Ferndale Street Ward 17 Applicant: Orlando Gomes

Discussion/Votes: Upon a motion and a second, the Board voted unanimously to approve the BFA request.

BUILDING CODE: 9:30AM

Case: BOA#1577861 Address: 219 Saratoga Street Ward 1 Applicant: Marc LaCasse

Purpose: Construct new 4 dwelling unit building with basement.

Violation 9th 780 CMR 1011 Stairways 1011.12.2 Roof deck access shall be done through a penthouse.

Discussion: At the request of the Board, the applicant presented plans for building code relief to comply with the previous proviso looking for a head house for roof deck access.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgment to the Board.

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



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HEARINGS: 9:30AM

Case: BOA-1479632 Address: 105 Chelsea Street Ward 1 Applicant: James Costello

Article(s): Art. 53 Sec. 11 Forbidden - Liquor store Forbidden Use.

Purpose: Change of occupancy to include liquor store in existing store and minor renovation

Discussion: At the request of the Board, the applicant presented plans to change the occupancy to add a liquor store inside an already existing store use. Currently has beer and wine, but looking to add hard liquor.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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

Case: BOA-1574377 Address: 46 Chestnut Street Ward 5 Applicant: Marc LaCasse

Article(s): Art. 32 Sec. 32 4 Groundwater Conservation - Overlay District, Applicability Substantial renovation >50% of assessed building value

Purpose: Amendment permit under long form ALT1514815 looking to add a new garage door on the rear, rebuild existing rear decks at 3rd and 4th level, add elevator headhouse and access stairs to roof, and add new roof deck on 1st and 4th floor existing roofs.

Discussion: At the request of the Board, the applicant requested GDOC relief due to over 50% of the space being renovated.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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



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Case: BOA-1566439 Address: 761-793 Boylston Street Ward 5 Applicant: Paul McDonald

Article(s): Art. 08 Sec.07 Use: Conditional

Purpose: Change of use from retail to restaurant (floor 1), and recreational/sports venue (floors 2&3)

Discussion: At the request of the Board, the applicant presented plans to add table service for a seated venue until 2 am.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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

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

Article(s): Art. 14 Sec. 14-1 Lot size insufficient Art. 14 Sec. 14-2 Additional Lot Area Required Art. 14 Sec. 14-3 Lot Width Insufficient Art. 21, Section 1 Setback of Parapet Insufficient Art. 23 Section 1 Off-Street Parking (Residential) Insufficient Art. 25 Sec. 5 Flood Hazard Districts Art. 8, Section 7 Use: Conditional - MFR - Conditional Art.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.

Discussion/Votes: Upon a motion and a second the Board moved to defer until June 25th 2024.

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 200 sq ft. 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. the 4 story interior exit stairway shall be separated from the lobby and elevator.]

Discussion/Votes: Upon a motion and a second, the Board moved to deny without prejudice because the applicant requested to withdraw.



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

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 And. 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 pre existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only." 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 with security upgrades.

Discussion/Votes: Upon a motion and a second the Board moved to defer until June 25th 2024.

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

Article(s): Art. 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. Art. 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.

Discussion/Votes: Upon a motion and a second the Board moved to defer until June 25th 2024.

Case: BOA-1534017 Address: 27 Hopkins Road Ward 19 Applicant: Mondakini Banerjee Walsh

Article(s): Art. 55 Sec. 09 Lot area insufficient Art. 55 Sec. 09 FAR Insufficient Art. 55 Sec. 09 Side yard insufficient

Purpose: Erect single-family home with attached two car (tandem) garage on vacant parcel 1902441000

Discussion: At the request of the Board, the applicant presented plans to erect a 1 family with a 2 car garage on a vacant lot

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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



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Case: BOA-1563361 Address: 1172 Commonwealth Avenue Ward 21 Applicant: Avonwood Associations Limited Partnership c/o The Herb Chambers Companies

Article(s): Article 29 Section 4 GPOD Applicability - Greenbelt Protection Overlay District Applicability Article 51 Section 16 Use Regulations - Use: Indoor Sale of Motor Vehicles: Conditional Article 51 Section 16 Use Regulations - Use: Accessory Repair Garage: Conditional Article 51 Section 16 Use Regulations - Use: Accessory Storage of Flammable Liquids and Gases: Conditional Article 51 Section 17 Floor Area Ratio Excessive Article 51 Section 17 Side Yard Insufficient

Purpose: Erect a new Automobile Dealership building, including sales and service, as per plans filed. All battery storage and lifts are sited in the Brookline portion of the building. Zoning relief required. Nominal filing fee requested.

Discussion: At the request of the Board, the applicant presented plans to erect a new building for existing automobile use on land with buildings already used for this purpose.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. The ACA is in support.

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

HEARINGS: 11:00AM

Case: BOA-1562179 Address: 75 Fulton Street Ward 3 Applicant: Peter Vanderweil

Article(s): Article 54, Section 18 Roof Structure Restrictions

Purpose: Roof Construct a new common roof deck, per engineered plans submitted. Trex pebble gray with RDI black metal railings.

Discussion/Votes: Upon a motion and a second the Board moved to defer until July 16th 2024.

Case: BOA#1565038 Address: 75 Fulton Street Ward 3 Applicant: Peter Vanderweil

Violation 9th 780 CMR 1006.3 Egress from stories or occupied roofs 1006.3.1 Egress based on occupant load. Each story and occupied roof shall have the minimum number of independent exits, or access to exits, as specified in Table 1006.3.1. A single exit or access to a single exit shall be permitted in accordance with Section 1006.3.2. The required number of exits, or exit access stairways or ramps providing access to exits, from any story or occupied roof shall be maintained until arrival at the exit discharge or a public way. [Occupied roof provided with one means of egress. Connection to existing fire escape does not count as a means of egress.] 9th 780 CMR IEBC 405 Fire Escapes 405.1.3 New fire escapes. New fire escapes for existing buildings shall be permitted only where exterior stairways cannot be utilized due to lot lines limiting stairway size or due to the sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access by windows. [Extension of fire escape to new common roof deck not allowed; fire escape also accessed by windows] 521 CMR 10.00 Public and Common Use Spaces 521 CMR 10.1 GENERAL. The public use and common use spaces of multiple dwellings in existing buildings consisting of 12 or more units in a building, shall be accessible and shall comply with 521 CMR. The public use and common use spaces of multiple dwellings in new construction consisting of three or more units shall comply with 521 CMR. Public and common use spaces are those spaces inside or outside a building that are used by residents and/or visitors. Public use and common use spaces shall include but not be limited to community facilities, meeting rooms, restaurants, recreation spaces, health facilities, pools, public toilet rooms, laundry areas, trash areas, storage areas, mailboxes, walks, sidewalks, parking lots and garages, entrances, elevators, lobbies and foyers, as well as corridors and stairways leading to dwelling units. [Common roof deck of existing 13 unit building, without an accessible path or access.]



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Discussion/Votes: Upon a motion and a second the Board moved to defer until July 16th 2024.

Case: BOA-1565484 Address: 23 Rutland Square Ward 4 Applicant: William (Fred) Bisceglia III

Article(s): Article 64, Section 34 Roof Structure Restrictions Art 64.9.4Town/Row House extension into rear -
Proposing balcony

Art.64 Sec.09Floor Area Ratio is Excessive - Max. allowed: 2 Proposing dormer construction.

Purpose: Revise previously approved kitchen design. Foot print to remain. Frame walls under kitchen extension for mudroom entry. Construct rear dormer and roof deck.

Discussion: At the request of the Board, the applicant presented plans to add a rear dormer and add a roof deck on current footprint.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. The ACA is in support.

Votes: Board member Barraza moved to approve with boston landmarks review and building code review. Stenbridge seconded and the motion carried unanimously.

Case: BOA#1565482 Address: 23 Rutland Square Ward 4 Applicant: William (Fred) Bisceglia III

Purpose: Revise previously approved kitchen design. Foot print to remain. Frame walls under kitchen extension for mudroom entry. Construct rear dormer and roof deck.

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

Proposed is through a hatch.

Discussion: At the request of the Board, the applicant presented plans to add a rear dormer and add a roof deck on current footprint.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. The ACA is in support.

Votes: Board member Barraza moved to approve with boston landmarks review and building code review. Stenbridge seconded and the motion carried unanimously.



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Case: BOA-1574023 Address: 658 East Broadway Ward 6 Applicant: Keegan Hayes

Article(s): Art. 68 Sec. 07 Use Regs. - Beauty Salon Forbidden Art. 68 Sec. 07 Use Regs. - Professional offices (acupuncture/ therapeutic spa) Forbidden Art. 68 Sec. 07 Use Regs. - Office Forbidden

Purpose: Under ALT927145 project consists of 1 restaurant w/takeout, offices and 8 units. The occupancy for the restaurant w/takeout and 8 units remain. The request for occupancy changes on the 2nd floor is from offices to: 1 beauty salon, 1 therapeutic spa, 1 acupuncture space and 5 offices.

Discussion: At the request of the Board, the applicant presented plans to change the occupancy- an article 80 project already with BPDA review.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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

Case: BOA-1561572 Address: 71-75 Broadway Ward 6 Applicant: Sean X George

Article(s): Art. 68 Sec. 07 Use Regs. - Small rest w/take out Conditional

Purpose: Convert existing general commercial space to café restaurant (55 patrons) with takeout. Modify partition walls, modify electrical and lighting, new HVAC, new bathroom and BOH facilities tied into existing rough, minor FP and FA modifications as needed, new finishes. No structural work.

Discussion: At the request of the Board, the applicant presented plans to convert the commercial space to a small restaurant with take-out.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn was in support and an abutter spoke with concerns.

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



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Case: BOA-1547104 Address: 315 Norfolk Avenue Ward 7 Applicant: Jennifer Vinh

Article(s): Article 65, Section 21 Use Regulations - Three Family Detached Forbidden

Purpose: Combine Parcels 0703616000 & 07003617000 to erect a 3 story dwelling, 3 units, with basement living space. Includes rear parking, FA & FP. Existing one family dwelling to be demolished under separate permit.

Discussion: At the request of the Board, the applicant presented plans to remove an existing 1 family and erect a 3-family triple decker single style dwelling.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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

Case: BOA-1510209 Address: 15 West Tremlett Street Ward 17 Applicant: Eric Zachrison

Article(s): Art. 55 Sec. 65 41 Off Street parking insufficient - Min. parking required: 5 Proposed: 4 Art. 65 Sec. 42 Conformity with Existing Building Alignment - Street modal not provided to verify its compliance. Art. 65 Sec. 08 Forbidden - Multifamily use Art. 10 Sec. 01 Limitation of parking areas - Parking shall be separated 5' from the side lot line. Article 65, Section 9 Lot Area Insufficient - Min. lot area required: 6,000 sqft Proposed: 5,012 sqft Article 65, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.4 Proposed: 0.94 Article 65, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 2.5 Proposed: Article 65, Section 9 Front Yard Insufficient - Min. required: 15' Proposed: 3.2'

Purpose: Construct new 4 family residential building, fully protected with automatic sprinkler system. No elevator. Proposing 4 parking spaces.

Discussion/Votes: Upon a motion and a second the Board moved to defer until July 16th 2024.

Case: BOA- 1577058 Address: 2-10 Hichborn Street Ward 22 Applicant: John Pulgini

Article(s): Article 51, Section 19 Use: Forbidden - MFR Forbidden Article 51, Section 20 Floor Area Ratio Excessive Article 51, Section 20 Building Height Excessive Article 51, Section 20 Usable Open Space Insufficient Article 51, Section 20 Rear Yard Insufficient

Purpose: Erect a new (6) story mixed use structure with 76 residential units, 2870 sqft of ground floor local retail space (core & shell), and 45 garage parking spots. Building features tenant amenities, decks and below grade parking. Existing building to be demolished under separate permit.

Discussion: At the request of the Board, the applicant presented plans to add a 6 story mixed use dwelling with 76 units that is MBTA accessible with below grade parking. The Board appreciates the affordability component.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. The BAIA, Carpenters Union and Councilor Breadon are in support.

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



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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

Reason for Prior Deferral: Requested a full Board

Discussion/Votes: Upon a motion and a second the Board moved to defer until July 16th 2024.

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

Reason for Prior Deferral: Requested a full Board

Discussion/Votes: Upon a motion and a second the Board moved to defer until July 16th 2024.

Case: BOA- 1527595 Address: 135 Havre Street Ward 1 Applicant: Jodi & Kurt Chisholm

Article(s): Art. 32 Sec. 04 GCOD Applicability - Rear yard stairway Art. 27G E Boston IPOD Article 53, Section 52 Roof Structure Restrictions - Proposing non conforming roof deck Art. 53 Sec. 56 Off street parking insufficient - One new unit without parking Art. 53 Sec. 08 Forbidden - Multifamily Article 53, Section 9 Add'l Lot Area Insufficient - Total lot area required: 4,000 sqft Art. 53 Sec. 09 Floor Area Ratio Excessive - Max. allowed: 1 Existing: 1.84 Proposed: 2.48 Article 53, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 3 Proposed: 4 Article 53, Section 9 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: 43' 6" Article 53, Section 9 Usable Open Space Insufficient - Min. required: 1,200 sq ft Article 53, Section 9 Front Yard Insufficient - Extending non conformity. Article 53, Section 9 Side Yard Insufficient - Extending non conformity. Article 53, Section 9 Rear Yard Insufficient - Min. required: 10' Proposed: 4' 6"

Purpose: Change the occupancy from a 3 family to 4 family (by way of additional story) & a roof deck.

Discussion/Votes: Upon a motion and a second the Board moved to defer until July 16th 2024.



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Case: BOA- 1556234 Address: 99 Elm Street Ward 2 Applicant: Kevin Joyce

Article(s): Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Rear Yard Insufficient

Purpose: Erect a second story bedroom addition on existing one story ell as per plans filed herewith. Building to continue be used as a one family building after the addition is completed. No change in occupancy.

Discussion: At the request of the Board, the applicant presented plans to add a 2nd story addition to an existing 1 story 1 family dwelling to the rear. The occupancy will remain the same.

Board members asked about the plans, proposal

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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

Case: BOA-1445554 Address: 16 High Street Ward 15 Applicant: Hong An, Inc.

Article(s): Art. 65 Sec. 41 Off street parking requirements Art. 65 Sec. 41 Off-St. Loading Req'mnts Art.65 Sec. 8 Use: Forbidden - MFR – Forbidden Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Change of occupancy to 9 residential units. Scope includes partially demolishing existing 3 family dwelling and constructing a 3 story addition to the rear of the existing building for the conversion to a 9 unit building. Also includes new life safety (FA/FP), a new elevator, below grade garaged parking, balconies, and roof decks.

Discussion: At the request of the Board, the applicant presented plans to demo a 3 family and erect a 9 residential unit dwelling.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Fitzgerald and Murphy are in support. Councilor Worrell, an abutter, and meeting house hill are in opposition.

Votes: Board member Whewell moved to approve with BPDA design review and an MOH agreement for AMI. Barraza seconded and the motion carried unanimously.



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HEARINGS: 1:00PM

Case: BOA-1582874 Address: 682 Saratoga Street Ward 1 Applicant: Joseph Mario

Article(s): Art. 53, Section 56 Off-Street Parking Insufficient Art.53 Sec. 08 Use: Forbidden Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose: Raze existing building on a separate building permit and erect a new five (5) unit residential dwelling with rear decks and with five (5) parking spaces.

Discussion: At the request of the Board, the applicant presented plans to raze the existing and erect a 5 unit dwelling with 5 off street parking spaces with garage access through the rear with recreational uses. Also MBTA accessible.

Board members asked about the plans, proposal, parking, and open space.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board member Valencia moved to approve with a proviso but the motion was not seconded and failed. Board member Whewell made a motion to deny without prejudice. Langham seconded and the motion carried unanimously.

Case: BOA-1543573 Address: 61 Marion Street Ward 1 Applicant: Isam Hijazi

Article(s): Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Art. 27G E Boston IPOD

Purpose: Renovation of interior and exterior, addition to the back, and top floor. With decks, staircase and roof deck.

Discussion: At the request of the Board, the applicant presented plans to add a new addition to the back and top of an existing dwelling with a roof deck.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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



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Case: BOA-1518102 Address: 101-103 Rutherford Avenue Ward 2 Applicant: Fabio Silva

Article(s): Art. 62 Sec. 25 Roof Structure Restrictions - Change Alters the existing roof profile.

Purpose: Build a new deck on the roof of the building. Build a new pressure treated deck on the roof of the building.

Discussion: At the request of the Board, the applicant presented plans to remove the existing roof deck, reconstruct, and rebuild as is.

Board members asked about the plans.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

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

Case: BOA- 1576379 Address: 241 Geneva Avenue Ward 14 Applicant: Norfolk Design & Construction

Article(s): Art.65 Sec. 8 Use: Forbidden - MFR Forbidden 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 9 Lot Width Insufficient Article 65, Section 9 Lot Area Insufficient Art. 10 Sec. 01 Limitation of off street parking areas - Parking less than 5ft from side lot line. Article 65, Section 42.2 Conformity w Ex Bldg Alignment

Purpose: Erect a new 3 story residential building with six affordable units and four rear parking spaces. Part of Mayor's Office of Housing Welcome Home, Boston.

Discussion: At the request of the Board, the applicant presented plans to add 4 residential buildings along 4 sites. 26 units total and 13 of them are at 70% AMI and 13 are at 100% AMI. Homeownership opportunities and a transit-oriented development.

Board members asked about the plans and bedroom counts.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell and MOH are in support.

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



City of Boston
Board of Appeal

Case: BOA- 1576378 Address: 22 Eunice Street Ward 15 Applicant: Norfolk Design & Construction

Article(s): Art.65 Sec. 8 Use: Forbidden - MFR Forbidden 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 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Frontage Insufficient Art. 10 Sec. 01 Limitation of off street parking areas - Parking less than 5ft from side lot line. Article 65, Section 41 Off Street Parking Regulations

Purpose: Erect a new 3 story residential building with six affordable units and three parking spaces on MacNeil Way portion of the lot. Part of Mayor's Office of Housing Welcome Home, Boston.

Discussion: At the request of the Board, the applicant presented plans to add 4 residential buildings along 4 sites. 26 units total and 13 of them are at 70% AMI and 13 are at 100% AMI. Homeownership opportunities and a transit-oriented development.

Board members asked about the plans and bedroom counts.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell and MOH are in support.

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

Case: BOA-1576380 Address: 268 Geneva Avenue Ward 15 Applicant: Norfolk Design & Construction

Article(s): Art.65 Sec. 8 Use: Forbidden - MFR 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, Section 9 Lot Frontage Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Area Insufficient Article 65, Section 42.2 Conformity w Ex Bldg Alignment Article 65, Section 41 Off Street Parking Regulations

Purpose: Erect a new 4 story residential building with seven affordable units. Scope also includes new retaining walls to accommodate the new building with the existing site topography. Application is part of the Mayor's Office of Housing Welcome Home, Boston.

Discussion: At the request of the Board, the applicant presented plans to add 4 residential buildings along 4 sites. 26 units total and 13 of them are at 70% AMI and 13 are at 100% AMI. Homeownership opportunities and a transit-oriented development.

Board members asked about the plans and bedroom counts.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell and MOH are in support.

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



City of Boston
Board of Appeal

Case: BOA-1576381 Address: 276 Geneva Avenue Ward 15 Applicant: Norfolk Design & Construction

Article(s): Art.65 Sec. 8 Use: Forbidden - MFR 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, Section 9 Lot Frontage Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Area Insufficient Article 65, Section 42.2Conformity w Ex Bldg Alignment Art. 65 Sec. 41 Off street parking requirements

Purpose: Erect a new 4 story residential building with seven affordable units. Scope also includes new retaining walls to accommodate the new building with the existing site topography. Application is part of the Mayor's Office of Housing Welcome Home, Boston.

Discussion: At the request of the Board, the applicant presented plans to add 4 residential buildings along 4 sites. 26 units total and 13 of them are at 70% AMI and 13 are at 100% AMI. Homeownership opportunities and a transit-oriented development.

Board members asked about the plans and bedroom counts.

Documents/Exhibits: Building Plans

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell and MOH are in support.

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



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

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For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to
https://www.municode.com/library/ma/boston/codes/redevelopment_authority