



City of Boston  
Board of Appeal

**RECEIVED**

*By City Clerk at 1:02 pm, Jul 08, 2024*

Tuesday, July 16, 2024

BOARD OF APPEAL

City Hall Room 801

## HEARING AGENDA

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JULY 16, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS JULY 16, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE JULY 16, 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/July16Comment> 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/July16Comment> 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).**

**The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or**



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concerns can also be emailed to the ZBA Ambassador at [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).

If you wish to offer comment within the meeting platform, please use the “Raise Hand” function that should appear on the bottom of your screen, if connected by computer or device, or dial \*9, if connected by phone. On a computer or device, you will receive a request to unmute yourself from the event host. You must select yes before you can speak. On a phone, you will hear a prompt that the event host is asking you to unmute yourself. You must press \*6 to unmute yourself before you can speak. Commenters will be asked to state their name, address and comment. Comments will be limited as time requires.

**IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 8:30AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.**

The hearing can also be viewed via live-stream on the City’s website at <https://www.boston.gov/departments/broadband-and-cable/watch-boston-city-tv>. Closed captioning is available.

Interested persons who are unable to participate in the hearing remotely may make an appointment to offer testimony. Please notify the Board at least **48 HOURS** in advance either by calling 617-635-4775 or emailing [isdboardofappeal@boston.gov](mailto:isdboardofappeal@boston.gov) for accommodations to be made.

**MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO [ZBAPublicInput@boston.gov](mailto:ZBAPublicInput@boston.gov) IN LIEU OF OFFERING TESTIMONY ONLINE. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT, AND THE DATE OF THE HEARING.**



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### **EXTENSIONS: 9:30AM**

**Case: BOA-1046127 Address: 201-241 Stuart Street Ward 5 Applicant: Michael J. Flannery, Esq**

**Case: BOA-1322402 Address: 817-819 Beacon Street Ward 21 Applicant: David Linhart, Esq**

**Case: BOA-1322403 Address: 819 Beacon Street Ward 21 Applicant: David Linhart, Esq**

**Case: BOA-1143574 Address: 449 Cambridge Street Ward 22 Applicant: Adam Hundley, Esq**

**Case: BOA-1143565 Address: 2 Emery Road Ward 22 Applicant: Adam Hundley, Esq**

### **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**

### **BUILDING CODE: 9:30AM**

**Case: BOA#1602747 Address: 123-125 Broad Street Ward 3 Applicant: 125 Broad Street, LLC**

9th 780 CMR 504 Bldg Height and Number of Stories 504.4 Number of stories. The maximum number of stories of a building shall not exceed the limits specified in Table 504.4. [Existing 7 story, Type III A, building changing its use to a higher hazard category per IEBC Table 1012.5; from B Use to R Use. Exceeding the 5 story limit per Table 504.4] 9th 780CMR 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. [The Work area compliance method and section 1012.4.1 of IEBC requires compliance with Chapter 10 of IBC, when a change of occupancy occurs to a higher hazard category. Therefore, an existing fire escape, accessed through a bedroom window, cannot count towards a required component of egress. The change of occupancy creates a 7 Story, R 2 Use, building with only one means of egress.]

### **GROUNDWATER CONSERVATION OVERLAY DISTRICT AND BUILDING CODE: 9:30AM**

**Case: BOA-1585436 Address: 207 West Newton Street Ward 4 Applicant: Mapesa OG One LLC**

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

**Purpose:** Seeking to rehab and renovate the existing 5 unit structure including the creation of a roof deck for the exclusive use of unit 5; accessed through hatch. Build a new front facing window well for Garden level, install sprinkler & fire alarm systems, and enlarge 2nd floor rear window. Existing fire escape to remain.

**Case: BOA#1585441 Address: 207 West Newton Street Ward 4 Applicant: Mapesa OG One LLC**

**Purpose:** seeking to rehab and renovate the existing 5 unit structure including the creation of a roof deck for the exclusive use of unit 5; accessed through hatch. Build a new front facing window well for Garden level, install sprinkler & fire alarm systems, and enlarge 2nd floor rear window. Existing fire escape to remain.

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. [Per IBC considered to be a 4 story structure, therefore, access to definition of Story Above Grade Plane, this building is an occupied roof shall be provided through a penthouse; hatch is proposed.]



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## **HEARINGS: 9:30AM**

**Case: BOA-1579638 Address: 172 Leyden Street Ward 1 Applicant: Sara & Christopher Grant**

**Article(s):** Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient

**Purpose:** First floor renovation due to rotted walls/floors. Install windows. Create new window opening. Demolish existing second floor bathroom and deck for a new bathroom. Demolish 150 sq. ft. section of roof/install 150 sq. ft. of roof framing and plywood sheathing. Install 380 sq. ft. of siding.

**Case: BOA-1587722 Address: 40 Auburn Street Ward 2 Applicant: Adam Finkel**

**Article(s):** Article 62, Section 8 Rear Yard Insufficient Article 62, Section 8 Side Yard Insufficient  
Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 25 Roof Structure Restrictions

**Purpose:** The enlargement of an existing storage shed into an entry mudroom and slight enlargement of a second-floor deck.

**Case: BOA-1575519 Address: 3 North Square Ward 3 Applicant: Buccellati LLC d/b/a Mamma Mari**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use <25% conditional Art.54 Sec.09Use Regs Appl in Res Subdis Restaurant use above the second story Forbidden

**Purpose:** Change occupancy by extending this first & second floors existing restaurant into the third floor. We request that we be allowed to pay the nominal fee as ZBA relief and AAB relief is required.

**Case: BOA-1565102 Address: 8 Greenville Street Ward 8 Applicant: Ahmed Nur**

**Article(s):** Art. 50 Sec. 43 Off street parking requirements Insufficient clear access and maneuvering areas for 8R Greenville proposed parking access Article 50 Section 26 Establish of Res. Subdistricts Insufficient open space per unit

**Purpose:** Provide an extended driveway access easement through present driveway of our 8 Greenville street for vehicular, pedestrian, and utility access for the newly proposed 3 unit dwelling to be constructed on the rear lot to be known as 8R Greenville St. This application has been applied for in conjunction with #ERT1544277

**Case: BOA-1565094 Address: 8R Greenville Street Ward 8 Applicant: Ahmed Nur**

**Article(s):** Art. 50 Sec. 44.2 Existing Bldg Alignment Conformity with streets Existing Building line alignment for Front yard. Article 50 Section 26 Establish of Res. Subdistricts Insufficient lot size-4,000sf required Article 50 Section 26 Establish of Res. Subdistricts Insufficient lot width frontage along the public street

-40' required Article 50 Section 26 Establish of Res. Subdistricts Excessive f.a.r. -1.0 max Article 50 Section 26 Establish of Res. Subdistricts Insufficient open space per unit - 200sf/unit required Article 50 Section 26 Establish of Res. Subdistricts Insufficient side yard setback -10' required Article 50 Section 26 Establish of Res. Subdistricts Insufficient rear yard setback -20' required

**Purpose:** Erect a four story, three family dwelling (townhouse unit design) with private roof decks and ground story parking with easement access drive from 8 Greenville per plans submitted. (See ALT1544281)

**Case: BOA-1561098 Address: 23 Gay Head Street Ward 10 Applicant: Tobias Johnson**

**Article(s):** Article 55, Section 8 Use Regulations - The applicant wishes to change the home from a single family to a two family. Article 55, Section 9 Rear Yard Insufficient

**Purpose:** Complete renovation with addition. Confirm occupancy as single family and convert to two family with 2 parking spaces in the rear of home.

**Case: BOA-1585783 Address: 21 Beethoven Street Ward 11 Applicant: Galen Nelson (by Rick Ames)**

**Article(s):** Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Side Yard Insufficient

**Purpose:** Remove existing 2 Front porches and rebuild to code in entirety, including footings. This work will alter the existing conditions and trigger a Front Yard Setback violation \*two family doc#4911/2003

**Case: BOA-1585769 Address: 538 Blue Hill Avenue Ward 14 Applicant: Willie Mendez (by La Real Hamburguesa LLC)**

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

**Purpose:** Park food truck



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**Case: BOA- 1602440 Address: 9 Fuller Street Ward 17 Applicant: Antony Monahan**

**Article(s):** Art. 65 Sec. 08 Forbidden - MFR use Forbidden Art. 65 Sec. 41 Off street parking requirements - Insufficient parking

Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient side yard setback Article 65, Section 9 Insufficient rear yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s -Max allowed height exceeded Art. 65 Sec. 9 Residential Dimensional Reg.s -Max allowed number of stories exceeded Article 65, Section 9 Excessive f.a.r.

Article 65 Section 41 Off Street Parking and Loading - No loading bay proposed

**Purpose:** Renovate existing single family building, add 13 additional units per plans. Total of 14 residential units with parking under building

**Case: BOA-1598326 Address: 1256-1262 River Street Ward 18 Applicant: Voltage Park, LLC**

**Article(s):** Art. 09 Sec. 02 Nonconforming Use Change - Change of the previously approved and expired nonconforming use Art. 69 Sec. 11 Conditional - Function hall/Dance Hall w/live entertainment operating after 1030pm Conditional Art. 06 Sec. 04 Other Protectional Conditions - Proviso order of record granting Function HALL USE expired.

**Purpose:** Change the BOA expired legal occupancy from a function hall with no Alcohol to a function hall with live entertainment. We are just adding the live entertainment use to existing function hall.

**Case: BOA-1588958 Address: 1 Organ Park Street Ward 19 Applicant: Alex Medrano**

**Article(s):** Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Side Yard Insufficient

**Purpose:** Second floor addition and remodel to existing home.

**Case: BOA- 1598999 Address: 34 Elgin Street Ward 20 Applicant: Kevin M Kelleher**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use Extension of a nonconforming two family in a 1f-subdistrict <25% Conditional Article 56, Section 8 Dimensional Regulations Insufficient lot width Article 56, Section 8 Dimensional Regulations Excessive f.a.r. Article 56, Section 8 Dimensional Regulations Number of allowed stories has been exceeded Article 56, Section 8 Dimensional Regulations Insufficient side yard setback on right side Article 56, Section 8 Dimensional Regulations Insufficient rear yard setback (third story deck)

**Purpose:** Convert existing half story into a full third story by constructing new full shed dormers per plans submitted for extension of living space for unit number two. Subject to ZBA approval a completed set of stamped construction documents shall be provided for required building and fire code review approval. Original scope: I would like to add a third floor living space for the 2nd unit which I plan to reside now and may have to move out after construction is started. I have estimates ranging from \$250 to \$350K and will not be final until the permitting process is through the variance process is complete. I have initial architectural drawings and a certified plot survey. The plot and architectural drawings submitted will require a variance process. I anticipate the architectural drawing will be revised through the variance process.

**Case: BOA-1547592 Address: 900 Beacon Street Ward 21 Applicant: KiSeok Kim**

**Article(s):** Art. 61, Section 10 Use: Forbidden-Restaurant use. Art. 09 Sec. 01 Extension of Non Conforming Use

**Purpose:** Change of occupancy to include 2nd restaurant into the building. Restaurant already built, permit ALT1322633 was issued by error not citing the Forbidden use. In conjunction with U491523953 for the outdoor patio seating.

**Case: BOA-1547593 Address: 900 Beacon Street Ward 21 Applicant: KiSeeok Kim**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use

**Purpose:** Purpose: Outdoor dining seats for Restaurant's patio, 16 seats total. Extending the restaurant use in the building. Application ALT1322633 (that added a second restaurant into the building's occupancy) was issued by error, it should have been refused. In conjunction with ALT1547590 to update the occupancy.



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

**Case: BOA- 1577641 Address: 141 Harold Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**  
**Article(s):** Art. 50 Sec. 44.2 Existing Bldg Alignment - Street modal not provided to verify compliance for Hollander and Harold Streets. Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed on Hollander St.: 12' Proposed on Harold St.: 6.4' Art. 10 Sec. 01 Limitation of parking areas Proposed is located on the front yard of Hollander St.

**Purpose:** MOH Erect new one family semi attached three story residential dwelling with basement and porch, wood frame pitched roof building with driveway consisting of three bedrooms, half bath, two full bathrooms, laundry.

**Case: BOA-1577646 Address: 143 Harold Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**  
**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - Driveway and parking space shall be located 5' from side lot line. Proposed: 0' Art. 50 Sec. 44.2 Existing Bldg Alignment - Street modal calculation not provided to verify compliance. Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 7.6'

**Purpose:** MOH Erect single semi attached family three stories residential dwelling wood frame, pitched roof building covered porch with basement, consisting of three bedrooms, kitchen, half bath, two full bathrooms, laundry, and driveway.

**Case: BOA-1577633 Address: 145 Harold Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**  
**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - Driveway and parking space shall be located 5' from side lot line. Proposed at 4.6' Article 50, Section 44.2 Conformity Ex Bldg Alignment - Street modal calculation not provided to verify its compliance. Article 50, Section 29 Lot Area Insufficient - Min. lot area required: 4,000 sqft Proposed: 3,898 sqft (Exception 55.44.1 Not applicable because you have a front yard violation) Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 6.3'

**Purpose:** MOH Erect new single family two stories residential dwelling wood frame, pitched roof building covered porch with basement, attic, consisting of three bedrooms, kitchen, half bath, bathroom, laundry and driveway.

**Case: BOA-1577638 Address: 147 Harold Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**  
**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - Driveway and parking space shall be located 5' from side lot line. Proposed: 3.6' Art. 50 Sec. 44.2 Existing Bldg Alignment - Street modal calculation not provided to verify compliance. Art. 50 Sec. 29 Lot Area Insufficient - Min. lot area required: 4,000 sqft Proposed: 3,167 sqft (Exception 55.44.1 Not applicable since you have a front yard violation) Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 6.3'

**Purpose:** MOH Erect new single family two stories residential dwelling wood frame, pitched roof building covered porch with basement, attic, consisting of three bedrooms, kitchen, half bath, bathroom, laundry and driveway.

**Case: BOA-1577654 Address: 149 Harold Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**  
**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - Driveway and parking space shall be located 5' from side lot line. Art. 50 Sec. 44.2 Existing Bldg Alignment - The street modal calculation shall be calculated by a land surveyor. Provided is not well established. Article 50, Section 29 Front Yard Insufficient Min. required: 20' Proposed for Hollander St.: 8.1' and for Harold St. 6.6'

**Purpose:** MOH Erect new single family two stories residential dwelling wood frame, pitched roof building covered porch with basement, consisting of three bedrooms, kitchen, half bath, bathroom, laundry and driveway.

**Case: BOA-1575239 Address: 29 Hollander Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**  
**Article(s):** Article 50, Section 44.2 Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient

**Purpose:** MOH 29 Hollander ST Erect new one family semi attached residential duplex dwelling with basement and porch, wood frame flat roof building with driveway consisting of a four bedrooms, half bath, 2 full bathrooms and laundry.



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**Case: BOA-1575278 Address: 31 Hollander Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2 Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 9.8'

**Purpose:** MOH Erect single family semi attached three stories residential duplex dwelling with basement and porch, wood frame flat roof building with driveway consisting of a four bedroom, half bath, two full bathrooms and laundry.

**Case: BOA-1575261 Address: 41-41A Hollander Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2 Conformity Ex Bldg Alignment Art. 50 Sec. 29 Usable open space insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient

**Purpose:** MOH 41 41A Hollander, Erect new two family three stories stacked residential dwelling with basement and porch, wood frame flat roof building with driveway consisting of a two bedroom first floor flat with kitchen, full bathroom and 2 bedrooms, and a 3 bedroom with kitchen and 2 full bathroom.

**Case: BOA-1575293 Address: 45 Hollander Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Art. 10 Sec. 01 Limitation of off street parking areas - Driveway and parking space shall be located 5' from side lot line. Article 50, Section 44.2 Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 7.6'

**Purpose:** MOH 45 Hollander St. Erect single family, three stories residential dwelling wood frame, pitched roof, covered porch with basement, consisting of three bedrooms, kitchen, half bath, bathroom, laundry and driveway.

**Case: BOA-1575298 Address: 47 Hollander Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2 Conformity Ex Bldg Alignment - for Hollander St.

Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed for Hollander St.: 9.6' Proposed for Harold St.: 8.3' Art. 10 Sec. 01 Limitation of off street parking areas - Parking space located in the front yard (Harold Street)

**Purpose:** MOH Erect semi attached one family three stories residential dwelling wood frame, pitched roof building covered porch with basement, consisting of three bedrooms, kitchen, half bath, two full bathrooms, laundry, and driveway.

**Case: BOA-1575887 Address: 57 Hollander Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2 Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 9.6'

**Purpose:** MOH 57 Hollander St. Erect new one family semi attached three story residential dwelling with basement and porch, wood frame pitched roof building with driveway consisting of three bedrooms, half bath, two full bathrooms, with laundry.

**Case: BOA-1575863 Address: 59 Hollander Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2 Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 9.6'

**Purpose:** MOH Erect single semi attached family three stories residential dwelling wood frame, pitched roof building covered porch with basement, consisting of three bedrooms, kitchen, half bath, two full bathrooms, laundry, and driveway.

**Case: BOA-1575254 Address: 66-66A Holworthy Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2 Conformity Ex Bldg Alignment - for Holworthy Street Article 50, Section 29 Lot Width Insufficient - Required: 45' Proposed: 41.66' Article 50, Section 29 Lot Frontage Insufficient - Required: 45' Proposed: 41.66' Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient - for both streets

**Purpose:** MOH 66 Holworthy St. Erect new two family three stories stacked residential dwelling with basement and porch, wood frame flat roof building with driveway consisting of a 2 bedroom 1st floor flat with kitchen, full bathroom and a 3 bedroom with kitchen and 2 full bath w/laundry.



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**Case: BOA-1575824 Address: 70 Holworthy Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 15.7'

**Purpose:** MOH Erect new one family duplex residential dwelling with basement, porch, wood frame pitched roof, two bedrooms, half bath, one full bathrooms, laundry and driveway.

**Case: BOA-1575282 Address: 71 Holworthy Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Art. 50 Sec. 44.2 Existing Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient

**Purpose:** MOH 71 Holworthy St. Erect new one family semi attached residential dwelling with basement and porch, wood frame flat roof building with driveway consisting of a four bedrooms, kitchen, half bath, two full bathrooms and laundry.

**Case: BOA-1575847 Address: 72 Holworthy Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 15.7'

**Purpose:** MOH Erect single family semi attached two and half stories residential dwelling wood frame, pitched roof building covered porch with basement, consisting of two bedrooms, kitchen, half bath, bathroom, laundry and driveway.

**Case: BOA- 1575284 Address: 73 Holworthy Street Ward 12 Applicant: Garrison Trotter 40-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 12.4'

**Purpose:** MOH Erect single family semi attached three stories residential duplex dwelling with basement and porch, wood frame flat roof building with driveway consisting of a four bedroom, half bath, two full bathrooms and laundry.

**Case: BOA-1575838 Address: 74 Holworthy Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 15.7'

**Purpose:** MOH 74 Holworthy Street Erect one family semi attached residential dwelling with basement, attic and covered porch, wood frame pitched roof building with driveway, consisting of two bedrooms, kitchen, half bath, full bathroom and laundry.

**Case: BOA-1575869 Address: 76 Holworthy Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 15.7'

**Purpose:** MOH Erect single family semi attached two and half stories residential dwelling wood frame, pitched roof building covered porch with basement, consisting of two bedrooms, kitchen, half bath, bathroom, laundry and driveway.

**Case: BOA-1575287 Address: 78 Holworthy Street Ward 12 Applicant: Garrison Trotter 4 -MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 14.2' Art. 10 Sec. 01 Limitation of off street parking areas -Driveway and parking shall be located 5' from side lot line when located on the side yard.

**Purpose:** MOH Erect one family semi attached residential duplex dwelling with basement and porch, wood frame flat roof building with driveway consisting of a four bedrooms, half bath, 2 full bathrooms and laundry.

**Case: BOA-1575290 Address: 80 Holworthy Street Ward 12 Applicant: Garrison Trotter 4-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 44.2Conformity Ex Bldg Alignment Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 14.2'

**Purpose:** MOH Erect single family semi attached three stories residential duplex dwelling with basement and porch, wood frame flat roof building with driveway consisting of a four bedroom, half bath, two full bathrooms and laundry.





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**Case: BOA-1584537 Address: 50 Sutherland Road Ward 21 Applicant: Benchmark Senior Living**

**Article(s):** Art. 51 Sec. 09 Dimensional Regulations Insufficient additional lot area for new units  
Art. 51 Sec. 56 Off street parking requirements Insufficient parking

**Purpose:** Clarification: Change legal use and occupancy from a 90 unit/room assisted living complex and Preschool to a 100 room/unit assisted living complex w/incidental office, common Kitchen and other common amenity areas per plans submitted. ORIGINAL SCOPE: Adding 10, First Floor Units and 6, Ground Floor units. Renovations also include common areas and dining as well as an added deck for Memory Care residents and updated landscaping. Submission intent is to receive refusal letter triggering ZBA process. Small Projects Application submitted 1/12/24.

### **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).

**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.

**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 sqft 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.

**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 grey with RDI black metal railings.



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

**Violation** 9th 780CMR 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 780CMR 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.]

**Case: BOA-1576209 Address: 4-6 East Springfield Street Ward 8 Applicant: Gregory McCarthy**

**Article(s):** Article 64, Section 19 FAR exceeded. Max. allowed: 3 Article 64, Section 19 Min. rear yard required: 20' Proposed: 0.7' Art. 64 Sec. 34 Restricted Roof Structure Regs Art. 64 Sec. 36 Off St. Parking Requirements - 1.4 parking spaces required (0.7 spaces/unit)

**Purpose:** Change of occupancy from 4 to 6 residential units. removal of interior finishes, addition of another story on top of structure with roof deck, insulate, new mep's, and finishes throughout.

**Case: BOA-1596026 Address: 104 Norwell Street Ward 14 Applicant: Dorchester Design Collaborative-MOH**

**Article(s):** Art. 10 Sec. 01 Limitation of off street parking areas Parking less than 5ft from side lot line (including between dwellings) Art. 65 Sec. 08 Forbidden MFR-Forbidden Art. 65 Sec. 42 Application of Dimensional Req Two or more dwelling on the same lot -Three proposed/Non-compliant Article 65, Section 41 Off-Street Parking & Loading Req Insufficient parking Article 65, Section 9 Residential Dimensional Reg.s Insufficient lot size -5000sf req./building Article 65, Section 9 Residential Dimensional Reg.s Excessive f.a.r- .5 max Article 65, Section 9 Residential Dimensional Reg.s Max allowed height has been exceeded -35'max Article 65, Section 9 Residential Dimensional Reg.s Insufficient front yard setback -15' min req. Article 65, Section 9 Residential Dimensional Reg.s Insufficient side yard setback -10'L/s and 20' R/s required Article 65, Section 9 Dimensional Regulations Insufficient rear yard Article 65, Section 9 Dimensional Regulations Max allowed stories has been exceeded - 2 1/2 Stories max.

**Purpose:** This submission is part of the Welcome Home Boston RFP. We have combined lots 104, 106, and 108 Norwell St. Please reference ALT1567565 for the lot consolidation application. On the combined lots we will build three separate buildings that each have 4 residential units.



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**Case: BOA-1596032 Address: 106 Norwell Street Ward 14 Applicant: Dorchester Design Collaborative-MOH**  
**Article(s):** Art. 10 Sec. 01 Limitation of off street parking areas Less than 5 feet from side lot line (including between dwellings) Art. 65 Sec. 08 Forbidden MFR-Forbidden Art. 65 Sec. 41 Off street parking requirements Insufficient parking Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient lot size Art. 65 Sec. 9 Residential Dimensional Reg.s Excessive f.a.r. Art. 65 Sec. 9 Residential Dimensional Reg.s Max height exceeded Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient front yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient side yard setback Article 65, Section 42 Application of Dimensional Req Two or more dwellings on one lot Article 65, Section 9 Dimensional Regulations Insufficient rear yard Article 65, Section 9 Dimensional Regulations Max stories exceeded

**Purpose:** This application is part of Welcome Home Boston's affordable housing program. We are building (3) 4-unit buildings on (3) adjacent lots. This application is filed in conjunction with ERT1567569 and ALT1567565. Please use documents uploaded with ERT1567569.

**Case: BOA-1596034 Address: 108 Norwell Street Ward 14 Applicant: Dorchester Design Collaborative-MOH**  
**Article(s):** Art. 10 Sec. 01 Limitation of off street parking areas Less than 5 feet from side lot line (including between dwellings) Art. 65 Sec. 08 Forbidden MFR forbidden Art. 65 Sec. 41 Off street parking requirements Insufficient parking Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient front yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient side yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s Insufficient lot size Art. 65 Sec. 9 Residential Dimensional Reg.s Excessive f.a.r. Article 65, Section 42 Dimensional Regulations Two or more dwellings on one lot Article 65, Section 9 Residential Dimensional Reg.s Max height exceeded Article 65, Section 9. Residential Dimensional Reg.s. Max stories exceeded

**Purpose:** This application is part of Welcome Home Boston's Affordable housing development. We are building (3) 4 unit buildings on (3) adjacent lots. Please file this ERT in conjunction with ERT1567569, ERT1595579, and ALT1567565. Please use documents filed with ERT1567569 as part of this application.

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

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas Parking shall be separated 5' from the side lot line. Art. 65 Sec. 41 Off street parking requirements Insufficient parking spaces dimensions. Art. 65 Sec. 42 Conformity with Existing Building Alignment Street modal not provide to verify its compliance. 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: 3 Article 65, Section 9 Front Yard Insufficient Min. required: 15' Proposed: 3.2' Article 65, Section 9 Side Yard Insufficient Min. required: 10' Proposed: 5.3'

**Purpose:** Construct new 3 family residential building, fully protected with automatic sprinkler system. no elevator. Proposing 6 parking spaces, one of them is a tandem space.

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

**Case: BOA-1588133 Address: 190R Paris Street Ward 1 Applicant: Ardit Kraja**

**Article(s):** Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Usable Open Space Insufficient

**Purpose:** Confirm occupancy as one family. Seeking to renovate the existing single family structure known as 190R Paris Street including erecting a side addition and dormers. Nominal Fee.



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**Case: BOA-1486245 Address:1260 Boylston Street Ward 5 Applicant: Immersive Gamebox Fenway**

**Article(s):** Article 66, Section 14 Use Regulations in NB - Article 66 section 14/ Table B; Entertainment and Recreational Uses: Amusement game commercial establishment; NS district=Conditional-Updated Design submissions at BOA review/ Variance Article cited corrected-3.5.24

**Purpose:** Interior finish out of a 1st gen building. Interior walls, 2 single restrooms, back of house area, and associated MEP's. Immersive Gamebox is closest to an "amusement game machine in a commercial space". It is a "dry" social entertainment concept where customers play in interactive smart rooms. \*APPLICATION IMMERSIVE GAME BOX at ZBA REASSIGNED TO FD 3.1.24

**Case: BOA- 1613298 Address: 2 H Street Ward 6 Applicant: H Street Associates, LLC-ARTICLE 80**

**Article(s):** Article 68, Section 8 Add'l Lot Area Insufficient - Min. lot area required: 129,000 sqft Proposed: 66,619 sqft Article 68, Section 8 Bldg Height Excessive (Feet) - Max. allowed: 40' Article 68, Section 34.2 Traffic Visibility Across Corner Art. 68 Sec. 07 Use Regs. - Local retail use: Forbidden

**Purpose:** Construct (1) four story, 127-unit apartment building (16 income restricted units), podium construction. Basement level consists of 152 parking spaces and 2,914 sqft of retail space (type 1b). 1st,2nd and third floors are all residential units (type 5b) gross lot size is 66,619 sqft Parcel ID0603107000.

**Case: BOA-1604995 Address: 376-384A Blue Hill Avenue Ward 14 Applicant: MTK Development-MOH-ARTICLE 80**

**Article(s):** Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 44.2 Conformity Ex Bldg Alignment Art. 50, Section 43 Off Street Parking Insufficient Art. 50, Section 43 Off Street Loading Insufficient

**Purpose:** Combine Parcels: 1400504000, 1400504000, 1400505000, 1400506000, & 1400507000 to erect a 4 story mixed use building with two retail & one community center on ground floor (core/shell) and (18) residential units at upper levels. Proposing 18 family style units of affordable homeownership condominium units; (3) 1 bedrooms, (9) 2 bedrooms and (6) 3 bedrooms, approx. 2,000 SF of ground floor commercial retail, and approx. 1,300 SF of community event space. Building also features a common roof deck with rear parking accessed through existing easement.

**Case: BOA-1542650 Address: 226 Magnolia Street Ward 14 Applicant: Shanti Acquisition, LLC**

**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 Bldg Height Excessive (Stories). Article 50, Section 29 Floor Area Ratio Excessive Art. 50, Section 32 Use: Forbidden Article 50, Section 29 Add'l Lot Area Insufficient

**Purpose:** Proposing a new 4 story multifamily building with garage; consisting of 6 new residential units with 6 parking spaces in basement. Demolition of existing building located on site to be filed under a separate short form permit.



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**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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**