



City of Boston
Board of Appeal

Tuesday, January 11, 2022

BOARD OF APPEAL

City Hall Room 801

HEARING MINUTES

Board Chair Araujo called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Chair announced that the hearing was being conducted remotely via an online meeting platform and subject to the below advisory which was part of the publicly posted hearing agenda. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JANUARY 11, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JANUARY 11, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JANUARY 11, 2022 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/zbaJanuary11Hearing> or by calling 1-617-315-0704 and entering access code 2344 388 4773. If you wish to offer testimony on an appeal, please click <https://bit.ly/January11Comment> 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/January11Comment>, calling 617-635-5300 or emailing zba.ambassador@boston.gov.



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The ZBA Ambassador will be available within the WebEx 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 WebEx. Questions and/or concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

If you wish to offer comment within the meeting platform, please use the “raise hand” function, if connected by video, or dial *3, if connected by phone. The requester will be administratively unmuted and 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 appear in person at City Hall in the BPDA Board Room. 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. Individuals appearing at City Hall without an appointment will not be permitted to enter.

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 OR FROM BPDA BOARD ROOM. 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 THE HEARING MINUTES: 9:30AM

December 14, 2021

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to approve the hearing minutes.

EXTENSIONS: 9:30AM

Case: BOA-943711 Address: 59 Gove Street Ward 1 Applicant: David Talarico

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of May 8, 2023 subject to all applicable tolling.

Case: BOA-1018347 Address: 36-40 Sprague Street Ward 18 Applicant: John Pulgini

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of April 30, 2023 subject to all applicable tolling.

Case: BOA- 1018350 Address: 38-40 Sprague Street Ward 18 Applicant: John Pulgini

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of April 30, 2023 subject to all applicable tolling.

Case: BOA- 875587 Address: 25 Bentley Street Ward 22 Applicant: Jeffrey Drago, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of May 8, 2023 subject to all applicable tolling.

Case: BOA- 985489 Address: 8 Fifield Street Ward 15 Applicant: Douglas Wohn, AIA

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of May 15, 2023 subject to all applicable tolling.



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

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of February 6, 2023 subject to all applicable tolling.

Case: BOA- 975133 Address: 411 East Third Street Ward 6 Applicant: George Morancy, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of March 22, 2023 subject to all applicable tolling.

Case: BOA- 663710 Address: 43 Lochdale Road Ward 19 Applicant: George Morancy, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of February 27, 2023 subject to all applicable tolling.

HEARINGS: 9:30AM

Case: BOA-1133495 Address: 174 Lexington Street Ward 1 Applicant: Mario Martinez

Articles: Article 53, Section 56 Off Street Parking & Loading Req Article 53, Section 9 Floor Area Ratio Excessive Article 53 Section 8 Use Regulations Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Usable Open Space Insufficient

Purpose: Change occupancy from a 3 family dwelling to a 4 family dwelling as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add living space to the lower level, the ceiling height is existing.

Board members asked about plans, square footage, height, egress, and walk through the violations.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board.

Documents/Exhibits: Building Plans.

Votes: Board Member Ligris moved to deny without prejudice. Erlich seconded and the motion carried unanimously.



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Case: BOA-1133497 Address: 93 Falcon Street Ward 1 Applicant: D. Bui

Article(s): Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations - Three Family Dwelling 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 Article 53, Section 52 Roof Structure Restrictions Article 53 Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Change of occupancy from two family to three family dwelling. Construct new third story addition third dwelling unit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a third floor level addition with a 4 bedroom unit.

Board members asked about plans, egress, roof deck, access, and the bulkhead.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. BPDA recommended approval with a proviso to pay attention to the materials.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review and to remove the bulkhead. Erlich seconded and the motion carried unanimously.

Case: BOA-1270451 Address: 46 High Street Ward 2 Applicant: Douglas MacDonald

Articles: Art. 62 Sec. 30.13 2 or more Bldgs on 1 Lot Article 62, Section 8 Rear Yard Insufficient Art. 62 Sec. 19 Neighborhood Design Overlay Districts Art. 62 Sec. 62 30 12 A Dwelling Shall Not Be Built to the Rear of Another Dwelling- The 2 buildings shall be separated twice the side yard requirement (2.5' x 2= 5')

Purpose: Application filed in conjunction with ERT1189752 46R High St (2 buildings on the same lot).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 3 family with 6 parking spaces that are townhouse style.

Board members asked about plans, current occupancy, unit sizes, passageway, and residential status.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. The BPDA recommended denial without prejudice. Councilor Murphy is in support.

Documents/Exhibits: Building Plans, letters of support and letter in opposition.

Votes: Board Member Robinson moved to deny without prejudice. Erlich seconded, Ruggiero opposed and Ligris opposed. The motion carried 5-2.



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Case: BOA-1270456 Address: 46R High Street Ward 2 Applicant: Douglas MacDonald

Articles: Art. 62 Sec. 08 Dimensional Regulations - 62.08.3- Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot line. Art. 62 Sec. 19 Neighborhood Design Overlay Districts Art. 62 Sec. 62-30-12 A Dwelling Shall Not Be Built to - Buildings shall be separated minimum twice the side yard requirement (2.5'x 2 = 5') Art. 62 Sec. 62-8 Rear Yard Insufficient
Purpose: Erect 3 story 3 family dwelling, Type VA over concrete and steel basement level garage structure. It is anticipated zoning relief will be sought at the Zoning Board of Appeals. In conjunction with ALT1229504

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 3 family with 6 parking spaces that are townhouse style.

Board members asked about plans, current occupancy, unit sizes, passageway, and residential status.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. The BPDA recommended denial without prejudice. Councilor Murphy is in support.

Documents/Exhibits: Building Plans, letters of support and letter in opposition.

Votes: Board Member Robinson moved to deny without prejudice. Erlich seconded, Ruggiero opposed and Ligris opposed. The motion carried 5-2.

Case: BOA-1264575 Address: 417-423C West Broadway Ward 6 Applicant: P.I.C. Entertainment LLC

Articles: Art. 68 Sec. 07 Use Regs.- Amusement game simulator for Commercial establishment- Forbidden Art. 68 Sec. 07 Use Regs.- Entertainment and Recreational Use Accessory Bar/Bar- Forbidden Art. 68 Sec. 07 Use Regs.- Basement Accessory Restaurant/Restaurant (footnote 1; ..Common Entrance) -Forbidden Art. 68 Sec. 07 Use Regs.- Production/PODCAST, Studio- Forbidden Art. 68 Sec.08 Excessive f.a.r.
Art. 68, Sec.33 Off-Street Parking & Loading Req - None proposed

Purpose: Change of occupancy of the unoccupied basement area from storage to an indoor golf facility with an accessory bar and restaurant to include "pod cast studio", then perform Tenant fit out per plans. *Work description updated/modified 11/1/21

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a golf and entertainment use in the lower level.

Board members asked about plans, parking, hours of operation, layout, appointments, deliveries, and handicap accessibility.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood and Councilor Flaherty deferred judgement to the Board. A local business owner, Councilor Flynn, and an Abutter are in support.

Documents/Exhibits: Building Plans. Letters of support and a letter in opposition.

Votes: Board Member Erlich moved to approve, Ligris seconded and the motion carried unanimously.



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Case: BOA- 1270821 Address: 123 Fisher Avenue Ward 10 Applicant: J. Andres Bernal

Articles: Article 59, Section 38.12 Two or More Dwelling Same Lot Article 59, Section 8 Front Yard Insufficient

Purpose: 2 Family new construction in a lot with an existing building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a 2 family in front of their existing house so they can move into the new home which will be more accessible. The plot has a very unique topography making one home much higher than the other.

Board members asked about plans, lot size, unit sizes, roof decks, and the grade.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. An abutter is in support of the project.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review, Ligris seconded and the motion carried unanimously.

Case: BOA-1256895 Address: 13 Alexander Street Ward 13 Applicant: Miguel Monteiro

Articles: Article 10, Section 1 Limitation of Area of Accessory Uses Article 50 Section 29 Lot Area for Additional Dwelling Units Insufficient Article 50 Section 29 Floor Area Ratio Excessive Article 50 Section 29 Usable Open Space Insufficient Article 50 Section 29 Side Yard Insufficient Article 50 Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req - Location of Off Street Parking Article 50, Section 43 Off Street Parking & Loading Req - Off Street Parking Design / Maneuverability

Purpose : Request Occupancy Committee. Change Occupancy to a Three Family Dwelling. Gut / rehab Building. New

Kitchens / new Bathrooms. Install a new Steel Fire Escape. Installation of a new Fire Alarm & Fire Sprinkler system. Occupancy Committee has determined Structure to be an existing Single Family Dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change it from a 1 family to a 3 family with 3 units. Complete renovation and add living space into the basement.

Board members asked about plans, occupancy, size, proposal, square footage, and plans in the basement.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. The Boston Transportation Department said the design cannot accommodate all the spaces the applicant proposes and recommends 3 spaces.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to deny without prejudice. Robinson seconded and the motion carried unanimously.



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Case: BOA- 1259499 Address: 1187-1195 Blue Hill Avenue Ward 14 Applicant: 1187-1195 Blue Hill Ave LLC

Articles: Art. 60 Sec. 08 Use Regs appl in Res Subdistr - Cannabis establishment use: Conditional. Buffer zone conflict. Proposed is within 2,640 feet of another cannabis establishment. Art. 60 Sec. 08 Use Regs appl in Res Subdistr - Ancillary parking use: conditional

Purpose: The existing two story commercial building on site will undergo level three alterations and a change of use. The existing commercial /restaurant use will be converted into Cannabis Retail and manufacturing facility with other commercial retail.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral to confirm the location.

Votes: Board Member Ruggiero moved to defer, Ligris seconded and the motion carried unanimously. The new date is February 15, 2022 at 12:30.

Case: BOA- 1268903 Address: 18-20 Parkman Street Ward 16 Applicant: Mark Little

Articles: Art. 65 Sec. 08 Forbidden - Multi family residential dwelling use is a forbidden use Art. 65 Sec. 9 Floor area ratio is excessive Art. 65 Sec. 9 Height requirement is excessive (stories)

Art. 65, Sec.42.2 Conformity w Ex Bldg Alignment - Conformity with existing front alignment of the block

Purpose: Demo of existing structure. Construction of 9 new residential dwelling units with 17 off street parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral to complete the community process.

Votes: Board Member Erlich moved to defer, Ruggiero seconded and the motion carried unanimously. The new hearing date is March 22, 2022 at 12:30.

Case: BOA- 1271408 Address: 20 Gaylord Street Ward 17 Applicant: Andrew Litchfield

Articles: Art. 65 Sec. 60-8 3 Family Detached Dwelling, Forbidden Art. 65 Sec. 9 Insufficient front yard setback Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 # of allowed stories has been exceeded Art. 65 Sec. 9 Insufficient lot size Art. 65 Sec. 9 Insufficient lot width Art. 65 Sec. 9 Insufficient lot width frontage Art. 65 Sec. 9 Insufficient side yard setback Art.65 Sec. 8 Use: Forbidden - Accessory Use parking to a forbidden main use –Forbidden Art.65 Sec. 39 Screening & Buffering Req

Purpose: Build a new 3 level, 3 family building with sprinklers, no elevator with 10' commonly owned access driveway for the parking of three motor vehicles in the rear (See ERT1212146)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral to update the refusal letter and change the advertisement.

Votes: Board Member Dong moved to defer, Ligris seconded and the motion carried unanimously. The new hearing date is February 15, 2022 at 12:30.



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Case: BOA-1271411 Address: 22 Gaylord Street Ward 17 Applicant: Andrew Litchfield

Articles: Art. 65 Sec. 08 Forbidden - Three family Use-Forbidden Art. 65 Sec. 08 Forbidden - Accessory parking-Forbidden Art. 65 Sec. 9 Insufficient lot size Art. 65 Sec. 9 Insufficient lot width Art. 65 Sec. 9 Insufficient lot width frontage Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 # of allowed stories exceeded Art. 65 Sec. 9 Insufficient front yard setback Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Insufficient rear yard setback Art. 65, Sec.39 Screening & Buffering Req

Purpose : Build a new 3 level, 3 family building with sprinklers, no elevator with access via a commonly owned 10' driveway between lots for three proposed parking spaces (see ERT1227291)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral to update the refusal letter and change the advertisement.

Votes: Board Member Dong moved to defer, Ligris seconded and the motion carried unanimously. The new hearing date is February 15, 2022 at 12:30.

Case: BOA- 1273705 Address: 11 Yuill Ci Ward18 Applicant: George Morancy, Esq

Articles: Art. 69 Sec. 09 Insufficient lot size Art. 69 Sec. 09 Insufficient lot width Art. 69 Sec. 09 Insufficient lot width frontage Art. 69 Sec. 09 Excessive f.a.r. Art. 69 Sec. 09 # of allowed stories has been exceeded Art. 69 Sec. 09 Insufficient open space Art. 69 Sec. 09 Insufficient front yard setbacks Art. 69 Sec. 09 Insufficient side yard setback Art. 69 Sec. 09 Insufficient rear yard set back Art. 69 Sec. 29 Off-St.Prk'g/Load'g - Insufficient parking Art. 69 Sec. 8 Forbidden -6 unit dwelling MFR forbidden

Purpose : Combine 2 lots and construct a 6 family as per plans.

*Existing structures on lot to be applied for, reviewed and razed on a separate permit application.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a new 6 level residential development with 6 parking spots. Also making unit 1 part of the lower level.

Board members asked about plans, parking, setbacks, context, and open space.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Arroyo is in support.

Documents/Exhibits: Building Plans. Letters in opposition.

Votes: Board Member Erlich moved to deny without prejudice. Robinson seconded and the motion carried unanimously.

Case: BOA-1269775 Address: 2034-2044 Centre Street Ward Applicant: Joginder Saini

Articles: Art. 06 Sec. 04 Other Protectional Conditions

Purpose: Remove proviso this petitioner only BZC 532837.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the takeout proviso so the current pizza restaurant can offer takeout.

Board members asked about plans, and takeout experience.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Flaherty is in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with provisos 1) for this petitioner only 2) all applicable takeout proviso language. Robinson seconded and the motion carried unanimously.



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HEARINGS:11:00AM

Case: BOA- 1225452 Address: 127 Lexington Street Ward 1 Applicant: DLG Holdings, LLC

Articles:Art. 53 Sec. 56 Off St.Parking Requirements - Insufficient parking Art. 53 Sec. 09 Excessive F.A.R.

Purpose: Seeking to change the occupancy from a one family dwelling to a two family dwelling. Also, to extend living space into the basement and renovate.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to include two duplex condos with living space in the lower level in the basement. The building is fully sprinklered with rear egress.

Board members asked about plans, and the spiral staircase.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board.

Documents/Exhibits: Building Plans. Letters of support and a letter in opposition.

Votes: Board Member Erlich moved to approve, Robinson seconded, and the motion carried unanimously.

Case: BOA-1242046 Address: 362 Sumner Street Ward 1 Applicant: Stan Klebaner Odessit Capital, Inc

Articles: Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 53, Section 52 Roof Structure Restrictions Article 27T 5East Boston IPOD Applicability

Purpose: Confirm occupancy as one family dwelling to a three family dwelling. Also, to extend living space into the basement, erect third story and rear additions, and renovate.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build 4 residential units with living space in the basement.

Board members asked about plans, setbacks, and the shadow study.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board.

Documents/Exhibits: Building Plans. Letters of support.

Votes: Board Member Erlich moved to approve with BPDA design review, Ligris seconded and the motion carried unanimously.



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Case: BOA- 1242057 Address: 421 Saratoga Street Ward 1 Applicant: Matthew Moore, Kinvarra Capital, LLC
Articles: Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 53 Section 8 Use Regulations - Multi Family Dwelling use : Forbidden Article 27T 5 East Boston IPOD Applicability
Purpose: Erect a new 8 unit residential building with roof deck and 8 parking spaces. Raze existing structure under SF.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to withdraw the project.

Votes: Board Member Fortune moved to deny without prejudice, Robinson seconded and the motion carried unanimously.

Case: BOA-1246098 Address: 114 Prince Street Ward 3 Applicant: Joseph Scarfo
Articles: Art. 54 Section 18 Roof Structure and Building Height Restrictions - Penthouse Article 54, Section 10 Floor Area Ratio Excessive Article 54, Section 10 Rear Yard Insufficient
Purpose: Filed in Conjunction with ALT1210814. Proposed amendment is to turn the currently finished basement space into legal living space for unit 1. And roughly 500 Sq ft 4th floor addition with deck accessed from 4th floor living space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add 3 residential units with a 4th floor addition.

Board members asked about plans, and unit sizes.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board.

Documents/Exhibits: Building Plans. Letters of support.

Votes: Board Member Robinson moved to approve with BPDA design review and to remove to bedroom in the lower level. Erlich seconded and the motion carried unanimously.

Case: BOA-1245349 Address: 468 Commonwealth Avenue Ward 5 Applicant: Ahmed Mahmood
Articles: Art. 6, Section 4 Other Conditions Necessary as Protection - To remove Proviso #3: "Granted to this petitioner only for this use only"
Purpose: Remove proviso granted to previous petitioner/owner and change to new owner. Reference BZC 21931/2001 & BZC 20143/1999.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the proviso to allow them to preform takeout in their establishment.

Board members asked about their previous takeout experience.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Flaherty spoke in support.

Votes: Board Member Erlich moved to approve with the provisos 1) this application only 2) all standard takeout proviso language. Ligris seconded and the motion carried unanimously.



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Case: BOA- 1247867 Address: 6-8 Nazing Street Ward 12 Applicant: Carpio L. Fermin
Articles: Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Side Yard Insufficient
Purpose: Add exterior dormers to third floor unit to expand living space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating the building is already preexisting nonconforming.

Board members asked about plans, and the building code violations.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve the building code relief. Robinson seconded and it carried unanimously. Board Member Robinson moved to approve the proposal, Erlich seconded and the motion carried unanimously.

Case: BOA#1247872 Address: 6-8 Nazing Street Ward 12 Applicant: Carpio L. Fermin

Purpose: Add exterior dormers to third floor unit to expand living space.

Violation Violation Description Violation Comments 9th 780 CMR 705 Exterior Walls 705.8 (Openings in exterior walls) [Table 705.8 new opening less than 5ft from lot line in a non sprinklered bldg]

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating the building is already preexisting nonconforming.

Board members asked about plans, and the building code violations.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve the building code relief. Robinson seconded and it carried unanimously. Board Member Robinson moved to approve the proposal, Erlich seconded and the motion carried unanimously.

Case: BOA-1272069 Address: 26 Tilesboro Street Ward 16 Applicant: Marc Savatsky

Articles: Article 65, Section 15 Use: Forbidden Article 65, Section 9 Floor Area Ratio Excessive
Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient
Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Lot Area Insufficient Article 65, Section 41 Off Street Parking & Loading Req

Purpose: Demolish existing structure & erect unit a 4 unit dwelling "townhouse design" with roof decks on each townhouse and parking for eight vehicles at rear of building. This application shall supersede ERT1216048 and ERT1216053.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral to make changes to the parking arrangement.

Votes: Board Member Ligris moved to defer. Robinson and the motion carried unanimously. The new hearing date is March 8, 2022.



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Case: BOA-1270390 Address: 19 Harrison Street Ward 19 Applicant: George Boggs

Articles: Article 67, Section 9 Usable Open Space Insufficient Article 67, Section Use Regulations - Three Family Dwelling Use : Forbidden Article 67, Section 32 Off Street Parking & Loading Req - Off Street Parking Insufficient
Purpose: Change of Occupancy type from two family to three family. Dormers are already built. A third floor kitchen has been added.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating that they inherited the project as-is. They hope to change the occupancy from a 2 to a 3 family.

Board members asked about plans, unit sizes, history of the building, layout and plans.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with no building code relief. Ruggiero seconded and the motion carried unanimously.

RE-DISCUSSIONS: 12:30PM

Case: BOA-1211702 Address: 95-97 Broadway Street Ward 5 Applicant: Peng Meichi

Article(s): Article 32, Section 4. GCOD, Applicability Article 63, Section 20 Roof Structure Restrictions Article 63, Section 8 Floor Area Ratio Excessive Article 63, Section 8 Rear Yard Insufficient
Purpose: Change of Occupancy from Office to Office and Two Residential Units. Construct new partial second floor and third floor addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to keep the existing office use and add 2 residential units by adding another 48000 square feet.

Board members asked about plans, square footage, unit sizes, and how the roof deck will be accessed.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilors Flynn, Flaherty, and an abutter is in support. The Boston Groundwater Trust has necessary letters on file.

Documents/Exhibits: Building Plans. BGWT letters.

Votes: Board Member Erlich moved to approve, Robinson seconded, and the motion carried unanimously.

Case: BOA-1175371 Address: 20 Centre Street Ward 9 Applicant: Michael Chavez

Article(s): Article 50, Section 29 Lot Frontage Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Art. 50, Section 28 Use: Forbidden Art. 50 Sec. 38 Design Review
Purpose : The property is actually located at 20 Centre St, NOT 22 Centre St. Please update database! Proposed building to be trades training center for Youth Build Boston. Main use to be wood shop with accessory educational space. Slab on grade, 2 stories, wood frame or light metal construction.

Discussion: The applicant did not show up to the hearing.

Votes: Board Member Fortune moved to defer, Robinson seconded and the motion carried unanimously. The new hearing date is March 8, 2022 at 12:30.



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Board of Appeal

Case: BOA-116627 Address: 60 Stanley Street Ward 15 Applicant: John Pulgini

Articles: Art. 65 Sec. 08 Forbidden - 13 family use Article 65, Section 9 Front Yard: Min. 15' Proposed: 1' and 3' Article 65, Section 9 FAR Max. allowed: 0.4 Proposed: 1.72 Article 65, Section 42.3 Traffic Visibility Across Corner Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Sec 65 41 Off Street Loading Req.-spaces required: 1.5*13 units= 19.5. Proposed: 13 Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient
Purpose : To construct a new three story residential building with 13 residential units (UPDATED TO 8 RESIDENTIAL UNITS 03/03/21), with off street parking as per attached plans. To combine the 2 existing parcels; 1501963000 consisting of 3,995 SF and Parcel 1501692000 4,099 SF to create a new lot consisting 8,095 sqf

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral to allow ISD to issue a new refusal letter.

Votes: Board Member Robinson moved to defer, Ligris seconded and the motion carried unanimously. The new hearing date is February 15, 2022 at 12:30.

Case: BOA-1202529 Address: 55 Bowdoin Avenue Ward 14 Applicant: Kathalene MacPherson

Articles: Art. 65 Sec. 08 Three family dwelling is a forbidden use in this zoning sub district Art. 65 Sec. 08 Dwelling unit located in basement is forbidden Article 65, Section 9 Side Yard Insufficient
Purpose : This is the renovation of an existing 2 family into a 3 family residence. A 1 car garage along with a loft space above which will be part of the adjacent unit. The existing lower unit 1 duplex will be converted into 2 units

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral to rework the plans and have them reviewed.

Votes: Board Member Erlich moved to defer, Ruggiero seconded and the motion carried unanimously. The new hearing date is March 8, 2022 at 12:30.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
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BOARD MEMBERS:

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MARK FORTUNE-SECRETARY
MARK ERLICH
SHERRY DONG
JOSEPH RUGGIERO
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SUBSTITUTE MEMBERS:

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

For a video recording of the January 11, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.