



City of Boston  
Board of Appeal

Tuesday, December 13, 2022

BOARD OF APPEAL

City Hall, Room 801

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## **HEARING MINUTES**

Board Chair Erlich 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 DECEMBER 13, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS DECEMBER 13, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE DECEMBER 13, 2022 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/ZBAhearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 996 0844 0932 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/December13Comment>, 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



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<https://bit.ly/December13Comment>, calling 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

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 OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48**



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**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**

**November 1, 2022**

**Discussion:** Upon a motion and a second the Board voted unanimously to approve the hearing minutes.

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

**Case: BOA#1407922 Address: 150 West Newton Street Ward 4 Applicant: Sean Kennedy**

**Purpose:** Construct new Roof Deck as per plans. Amendment to ALT1349373

**Violation** Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access.

Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. Exception: In buildings without an occupied roof, access to the roof shall be permitted to be a roof hatch or trap door not less than 16 square feet (1.5 m<sup>2</sup>) in area and having a minimum dimension of 2 feet (610 mm).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add head house access as means of egress on single family.

Board members asked about plans, proposal, occupancy

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with building code relief for the roof hatch.

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

**Case: BOA- 1366887 Address: 21 Ardent Street Ward 20 Applicant: Kim Godsoe**

**Article (s):** Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Bldg Height Excessive (Stories)

Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Side Yard Insufficient

**Purpose:** Change occupancy from a two family to a three family. Remove existing ceiling to accommodate new sprinkler system; remove existing roof to accommodate new addition as show on drawing note where new dormers are going installing new framing new roof new siding new windows new deck new board plaster new electrical new plumbing new bathroom new kitchen

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.



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**Case: BOA- 1382057 Address: 37R West Milton Street Ward 18 Applicant: Jose Alves-Santos**

**Article (s):** Article 69, Section 9 Rear Yard Insufficient

**Purpose:** Combination of Parcel IDs: 1812942000, 1812943000, & 1812944010 to create new 13,806 SF lot and erect a 2 1/2 story addition to existing dwelling. Addition features living space above a ground level garage and "bridge" over driveway for vehicular passage. Scope includes building new foundation for garage and addition, and the "bridge" connects the new second floor (above garage) to the second floor of existing dwelling, per plans. Work within existing dwelling limited to the second floor. Existing garage to be demolished SF1336988. See also ALT1344858.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to combine parcels and add a level above the garage and add a bridge from the second story garage to the second level of the dwelling.

Board members asked about plans, and easement

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review. Fortune seconded and the proposal was denied previously.

**Case: BOA-1406395 Address: 19 Sanford Street Ward 17 Applicant: Cesar DaSilva**

**Article (s):** Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Lot Width Insufficient

Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Side Yard Insufficient Art. 55 Sec. 65 41 Off Street parking insufficient - Proposal to build on the same lot is eliminating the existing garage structure for 2 cars. Article 65, Section 42.13 Two or More Dwellings on Same Lot

**Purpose:** Application filed for ZBA purposes (2 Dwellings on the Same Lot). See ERT1203022 (19A Sanford Street)

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 family in the rear and no off-street parking. No living in the basement and an existing garage.

Board members asked about plans, and basement

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flaherty, an abutter, and the Mattapan Association are in opposition.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to deny. Fortune seconded and the proposal was denied previously.



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**Case: BOA- 1406420 Address: 19A Sanford Street Ward 17 Applicant: Cesar DaSilva**

**Article (s):** Article 65, Section 32 NDOD Review Required Article 65, Section 42.13 Two or More Dwellings on Same Lot Art. 55 Sec. 65 41 Off Street parking insufficient - Parking spaces required for this building: 3 Art. 65 Sec. 60 8 3 Family Detached Dwelling, Forbidden Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Feet) 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 Rear Yard Insufficient  
**Purpose:** Build a new 3 family building on the same lot of 19 Sanford St ( ALT1330418 ).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 family in the rear and no off-street parking. No living in the basement and an existing garage.

Board members asked about plans, and basement

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred judgement to the Board. Councilor Flaherty, an abutter, and the Mattapan Association are in opposition.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to deny. Fortune seconded and the proposal was denied previously.

**Case: BOA-1405922 Address: 70 Wayland Street Ward 13 Applicant: Mandrell Company, LLC**

**Article (s):** Article 50 Section 28 Use Regulations - Use forbidden Article 50 Section 29 Insufficient additional lot area per unit Article 50 Section 29 Insufficient open space per unit Article 50, Section 43 Off Street Parking & Loading Req - Insufficient parking Art. 09 Sec. 02 Nonconforming Use Change - >25% Forbidden  
**Purpose:** Change occupancy from a church to six residential units and to renovate the structure.

**Discussion:** The applicant requested an administrative deferral.

**Votes:** Upon a motion and a second the board moved unanimously to approve the deferral. The new date is February 28, 2023.

**Case: BOA-1392764 Address: 804-808 Huntington Avenue Ward 10 Applicant: Ahmed Nur**

**Article (s):** Article 59, Section 15 Use Regulations - Use: Research Laboratory: Conditional  
**Purpose :** Erect a 3 story building fronting on Huntington Ave of approximately 58,373 square feet of Office/Laboratory/ Research and Development with approximately 4,746 square feet of Retail space. Parking will be included below grade.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to use as research laboratory use.

Board members asked about plans, lab use

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred judgement to the Board. The Mission Hill Association is in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve. Dong seconded and the motion carried unanimously.



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**Case: BOA- 1407026 Address: 326 K Street Ward 7 Applicant: Michael Ahern**

**Article (s):** Art 68 Sec 29 Roof Structure Restrictions

**Purpose:** Amend application # ALT1353836 to Create two dormers to be located on the third floor at the existing roof of the main house

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to build 2 dormers on the 3<sup>rd</sup> floor.

Board members asked about plans, and proposal

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn and Flaherty are in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review with attention to the design of the dormer to meet neighborhood context.

**Case: BOA-1395837 Address: 224 West Ninth Street Ward 7 Applicant: Andrew Schena**

**Article (s):** Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on lot exceeded Art. 68 Sec.08 Max allowed height in sub district exceeded Art 68 Sec 8 Insufficient additional lot area/unit Art 68 Sec 8 Excessive f.a.r.

Art 68 Sec 8 Insufficient open space/unit Art 68 Sec 8 Insufficient front yard setback Art 68 Sec 8 Insufficient rear yard setback Article 68, Section 33 Off Street Parking & Loading Req - Insufficient parking/unit

**Purpose :** Combine lots parcel# 0700483000 + P#0700482000; 226 W Ninth St. (Lots 10 & 12). Erect a new 4 story, 6 unit multifamily dwelling with front decks and 5 car garage parking. Existing dwelling at 226 W Ninth St. to be demolished under a separate permit. \*Existing structure to be razed on a separately reviewed and issued SF demolition permit application.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to combine lots, raze existing structure, and build a 4 story 6-unit development.

Board members asked about plans, proposal, footprint, parking

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn approves with BPDA review, and multiple abutters are in support. Flaherty deferred to the board.

**Documents/Exhibits:** Building Plans. Letters in support.

**Votes:** Board Member Barraza moved to approve with no dwelling below elevation in basement and applicant comply with coastal flood district. Dong seconded and the motion carried unanimously.

**Case: BOA-1354015 Address: 50 B Street Ward 6 Applicant: Daniel Kahn**

**Article (s):** Art. 18 Sec. 01 Front Yard Insufficient Article 16 Section 1 Building Height Excessive - Building height is excessive in # of feet.

**Purpose:** Add two roof decks and head house for private use.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.



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**Case: BOA- 1289900 Address: 211 Endicott Street Ward 3 Applicant: Conia LLC**

**Article (s):** Article 54, Section 10 Rear Yard Insufficient Article 54, Section 10 Floor Area Ratio Excessive  
Art. 54 Section 18 Roof Structure and Building Height Restrictions Article 32, Section 4.GCOD, Applicability  
**Purpose :** Confirm occupancy as a one family. Demo existing building in phases, leave existing foundation in tact and reinforce, rebuild within the existing footprint. Addition of the fourth floor with a head house to access roof deck.  
Reinforce existing foundation, install pin piles.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a roof deck and a privacy fence and a spiral stair to the head house.

Board members asked about plans, proposal, height, rear elevation, head house.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flaherty and abutters are in support. An abutter is in opposition. Councilor Coletta has no stance.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve the proposal and the GCOD with BPDA design review with attention to the headhouse and fits within the context. Dong seconded and moved to approve unanimously.

**Case: BOA- 1384453 Address: 94 Horace Street Ward 1 Applicant: Brook Charter School**

**Article (s):** Art. 27G E Boston IPOD Article 53, Section 56 Off Street Parking & Loading Req  
Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Feet)  
Article 53, Section 9 Rear Yard Insufficient

**Purpose:** Refusal Set for Proposed 4,663 SF, 3 Story infill Addition to the Brooke Charter School in an existing courtyard space.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add to an existing courtyard with no change to the school dormers. This extension will allow for extended classrooms and offices from the 1<sup>st</sup>-3<sup>rd</sup> floors.

Board members asked about plans, elevation.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter and the carpenter's union are in support. Councilor Coletta would like a letter confirming the occupancy.

**Documents/Exhibits:** Building Plans. Letters in support and in opposition.

**Votes:** Board Member Barraza moved to approve with BPDA design review with attention to the exterior and BBTD review with construction management plans submitted. Fortune seconded and the motion carried unanimously.





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**Case: BOA-1406240 Address: 333 Chelsea Street Ward 1 Applicant: Igor Liberman**

**Article (s):** Art. 32 Sec. 04 GCOD Applicability Art. 53 Sec. 08 Forbidden Art. 53 Sec. 09 Insufficient lot size Art. 53 Sec. 09 Insufficient additional lot area/unit Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09 Height exceeded Art. 53 Sec. 09 Max allowed # of stories exceeded Art. 53 Sec. 09 Insufficient open space per unit Art. 53 Sec. 09 Insufficient side yard setback Article 27T - 5 East Boston IPOD Applicability Article 53 Section 56 Off-Street Parking & Loading Req - Insufficient parking Article 53 Section 9 Insufficient rear yard setback

**Purpose:** Raze existing structure and erect a four (4) unit residential dwelling with roof deck exclusive to unit 4.

\*AE Flood Hazard Zone/BOSCONCOM required

**Discussion/Vote:** The applicant requested an administrative deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

### **HEARINGS:10:30AM**

**Case: BOA- 1390505 Address: 25 Oriole Street Ward 20 Applicant: Thomas Geraghty**

**Article (s):** Article 56, Section 8 Side Yard Insufficient Article 56, Section 8 Front Yard Insufficient

**Purpose :** Residential tandem parking driveway approved curb cut from DPW.

**Discussion:** The applicant did not show for the hearing.

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

**Case: BOA-1406293 Address: 532-542 River Street Ward 18 Applicant: Build A Life Legacy, LLC**

**Article (s):** Article 60, Section 16 Use: Conditional - Cannabis establishment is a conditional use in a CC Sub district.

**Purpose:** The existing one story commercial building will undergo level 3 alterations and a change of use. The existing commercial/retail use will be converted into a Cannabis Retail Facility.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to open and operate a cannabis establishment.

Board members asked about plans, security, hours of operation.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Arroyo, Murphy, and Louijeune are in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review on the exterior signage. BTD to reduce spaces, this applicant only, the restrict loading times. Dong seconded and the motion carried unanimously.



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**Case: BOA-1407924 Address: 33 Westglow Street Ward 16 Applicant: Bennie Ber**

**Article (s):** Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Front Yard Insufficient  
Article 65, Section 9 Rear Yard Insufficient

**Purpose :** Remove existing detached garage (Demolition SF number: ?); to construct an attached two car garage and a powder room.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to remove existing garage and new curb cut.

Board members asked about plans, proposal

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Baker, Flaherty, and Murphy are in support.

**Documents/Exhibits:** Building Plans. Letters in support.

**Votes:** Board Member Barraza moved to approve. Dong seconded and the motion carried unanimously.

**Case: BOA-1411560 Address: 646 Blue Hill Avenue Ward 14 Applicant: Soranlli Benitez**

**Article(s):** Article 60, Section 11 Use: Conditional

**Purpose:** Change of occupancy from retail store to hair salon.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

**Case: BOA-1406159 Address: 9 Sydney Street Ward 13 Applicant: Cameron Merrill**

**Article (s):** Art. 65 Sec. 08 Forbidden - Use -forbidden Art. 65 Sec. 41 Off street parking requirements - (a) Design of maneuvering areas Art. 65 Sec. 41 Off street parking requirements - Off street parking insufficient Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 Height exceeded Art. 65 Sec. 9 # of occupied stories exceeded Art. 65 Sec. 9 Insufficient front yard setback Art. 65 Sec. 9 Insufficient side yard setback Article 65, Section 9 Insufficient rear yard setback

**Purpose :** To raze existing structure on a separate permit and erect new 4 story dwelling with 6 residential units and 6 parking spaces at grade as per plans. See attached Nominal Fee Letter. DESIGN FIRM SHALL PROVIDE ALL PERMITTING REQUIRED AND CONTRACTOR INFORMATION then Applicant name shall be changed to Contractors name prior to ISD Issuing the Building Permit.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.



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**Case: BOA- 1383316 Address: 12 Marcella Street Ward 11 Applicant: Leah Daniels**

**Article (s):** Article 50 Section 29 Side Yard Insufficient

**Purpose :** Confirm Occupancy as a One Family Dwelling. Change Occupancy to Two ( 2 ) Family Dwelling. Add cabinets and electrical stove and sink Enclose Rear Decks as per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to 2 family.

Board members asked about plans, proposal, square footage.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve. Dong seconded and the motion carried unanimously.

**Case: BOA- 1411622 Address: 2296-2306 Washington Street Ward 9 Applicant: Jazz Urban Café' LLC, by Lesley Delaney Hawkins**

**Article(s):** Article 50, Section 10 Use: Restaurant with Live Entertainment: Conditional Article 50, Section 10 Takeout Article 50, Section 43 Off Street Parking & Loading Req - Off Street Parking Insufficient

**Purpose:** Adding to existing use to allow for restaurant with take out and restaurant with live entertainment before and after 10:30pm.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to have a full service restaurant and performance space.

Board members asked about plans, proposal, occupancy, entrance, and parking.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flaherty, Louijeune, and the carpenter's union are in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve. Dong seconded and the motion carried unanimously.

**Case: BOA-1381733 Address: 54-60 Rogers Street Ward 7 Applicant: Stuart Mullally**

**Article (s):** Art. 13 Sec. 13 1 Insufficient lot size Art. 13 Sec. 04 Dwellings in Nonresidential district - Insufficient additional lot area (h 1) Art. 13 Sec. 13 1 Excessive f.a.r. Art. 13 Sec. 13 1 Excessive height Art. 13 Sec. 13 1 Excessive # of stories Art. 13 Sec. 04 Dwellings in Nonresidential district - Insufficient usable open space per unit Art. 13 Sec. 04 Dwellings in Nonresidential district - Insufficient front yard setback (modal not established on survey) Art. 20 Sec. 20 8 Rear Yard Insufficient - Rear shallow lot of H 1 districts/Insufficient rear yard setback Article 18, Section 3 Traffic Visibility Across Corner

**Purpose:** Erect a three story, 4 unit residential dwelling, townhouse design (multi level) on a 3,146sf, as per plans. Existing structure to be razed under a separate permit. \*Existing structure on lot to be applied for and razed on a separate demolition permit application

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.



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**Case: BOA-1367237 Address: 128-134 North Street Ward 3 Applicant: Lupoli Companies/Salvatore Lupoli**  
**Article (s):** Article 49, Section 9 Use Regulations - One family residential use conditional per Appendix A  
Article 49A-5 Greenway Overlay Use Regulations - Residential uses limited to ground floor lobbies - CONDITIONAL  
**Purpose:** Seeking to change the occupancy to a single family dwelling on newly established 3,102 sf lot with 4280sf access easement area and renovate, to include 4 car elevator lift parking. \*Newly created lot Parcel B is to be 3,102sf and remaining DOT/MHY parcel 26,476 square feet+/- per BSC Survey letter and documents provided by K.T. Senior survey PM

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

**Case: BOA-1391362 Address: 106-120 Cambridge Street Ward 3 Applicant: Niral Patel**  
**Article(s):** Art. 08 Sec. 03 Conditional Uses - Applicant is applying for 36A. The business will be more than 75% Take Out  
**Purpose:** To remove proviso "this petitioner only" Applicant is applying for 36A, business will be more than 75% TAKE OUT

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to remove previous proviso to allow for take-out

Board members asked about plans, takeout, experience.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve. Dongs seconded and the motion carried unanimously.

**Case: BOA-1341065 Address: 280 Chelsea Street Ward 1 Applicant: Eric Zachrison**  
**Article (s):** Art. 53, Section 8 Use: Forbidden - MFR in 3F Art. 53, Section 8 Use: Forbidden - Basement unit  
Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Lot Frontage Insufficient Article 53, Section 9 Add'l Lot Area Insufficient Art. 53 Sec. 56^ Off street parking insufficient  
**Purpose:** Change of occupancy to 4 family dwelling. Scope includes adding a new unit in the basement of an existing 3 family building with FA/FP and structural work to foundation.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.



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**Case: BOA- 1350113 Address: 1145-1147 Saratoga Street Ward 1 Applicant: Dinora Flores**

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

**Purpose:** Build one dormer on each side of the building for one bathroom and one for a wet bar, one dormer for the existing stairway and create one bedroom in the attic.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to build a dormer to allow for additional living space in a 2 family.

Board members asked about plans, dormers

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve. Dong seconded and the motion carried unanimously.

### **RECOMMENDATIONS: 11:00 AM**

**Case: BOA-1310627 Address: 26 Sullivan Street Ward: 2 Applicant: Eric Zachrison**

**Article(s):** Article 62, Section 8 Side Yard Insufficient, Article 62, Section 25, Roof Structure Restrictions

**Purpose:** Replace existing roof deck, new stair to have access hatch.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to replace roof deck with slightly larger one.

Board members asked about plans, access

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve. Fortune seconded and the proposal carried unanimously.

**Case: BOA- 1347692 Address: 435 Bunker Hill Street Ward: 2 Applicant: Joshua Eldridge**

**Article(s):** Article 62, Section 25 Roof Structure Restrictions - Proposing headhouse.

**Purpose:** Amendment to ALT1262598 includes proposal for headhouse as well as 1 change in window location on ground floor.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a headhouse addition and replace the spiral staircase with internal stair.

Board members asked about plans, headhouse.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with BPDA design review. Fortune seconded and the proposal carried unanimously.



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**Case: BOA- 1367350 Address: 78 Washington Street Ward: 2 Applicant: Bria & Charolette Hamill**

**Article(s):** Art. 62 Sec. 62 8 Rear Yard Insufficient - Min. required: 20' Proposed: 0.7' Article 62, Section 8 Side Yard Insufficient - Min. required: 2.5' Proposed: 0.2'

**Purpose:** Demolish, re build and expand the existing attached garage to fit a family sized electric vehicle and add a roof deck on top of the one story garage. Also, add a new wall at rear property line with access gate.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to demo and rebuild a garage to allow for an electric car.

Board members asked about plans, roof deck, context, improvement.

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

**Documents/Exhibits:** Building Plans. Letters in opposition.

**Votes:** Board Member Robinson moved to approve with BPDA design review. Fortune seconded and the proposal carried unanimously.

**Case: BOA- 1385031 Address: 101-109 State Street Ward: 3 Applicant: Moon Love Café LLC**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions - To remove Proviso #1: "Take out use granted to this petitioner only.."

**Purpose:** Remove proviso from previous owner. I will continue to have take out so I wish to have the proviso granted to the new owner.

**Discussion:** At the request of the Board, the applicant presented plans to use as take-out use.

Board members asked about plans, take out

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with standard takeout language and this applicant only. Fortune seconded and the proposal carried unanimously.

**Case: BOA- 1347341 Address: 23 Chestnut Street Ward: 5 Applicant: Timothy Burke**

**Article(s):** Article 13, Section 1 Floor Area Ratio Excessive

**Purpose:** Construct a dormer on the rear of the house for a new bedroom.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to construct dormers to an existing dwelling to allow for new bedroom.

Board members asked about plans, proposal

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

**Documents/Exhibits:** Building Plans. Letters in support.

**Votes:** Board Member Robinson moved to approve. Fortune seconded and the proposal carried unanimously.



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**Case: BOA- 1323055 Address: 887 Dorchester Avenue Ward: 7 Applicant: Nghiem Hoang**

**Article(s):** Art.65 Sec.08 Conditional Beauty shop: Eyelash/ make up studio

**Purpose:** Replacement of storefront windows and door. change from commercial garage to eyelash make up studio. The front store will be a replacement of the existing car garage at the front. Replacements: Door Entry and 4 Picture Windows. Job Will be completed and cleaned up.

**Discussion:** The applicant did not show to the hearing,

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

**Case: BOA- 1330550 Address: 37 Jenkins Street Ward: 7 Applicant: Fatomeh Carroll**

**Article(s):** Article 13, Section 1 Bldg Height Excessive Art. 13 Sec. 13 1 Floor Area Ratio Excessive  
Article 13, Section 1 Rear Yard Insufficient

**Purpose:** Change use from a single family to a two family. Proposed additions and renovate.

**Discussion/Vote:** The applicant requested a deferral to re advertise. Upon a motion and a second, the Board voted unanimously to defer this matter until January 19, 2023.

**Case: BOA- 1390449 Address: 7 Zamora Court Ward: 10 Applicant: Gerald Autler & Laura Rosenfield**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas Art. 55 Sec. 09 # of allowed habitable stories exceeded Art. 55 Sec. 09 Excessive f.a.r. Art. 55 Sec. 09 Insufficient side yard setback Art. 55 Sec. 65-41 Off-Street parking insufficient - Design/tandem

**Purpose:** Build additional living space in attic to expand existing upper unit. Includes new code compliant staircase, additional bathroom, two bedrooms, and study. Additional dwelling unit to be added in basement/garage on a separate permit application \*Scope of work modified 6.8.22 No change of occupancy (Int/ext work only).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to extend living into the attic- not basement.

Board members asked about plans, context

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Letters in support and opposition.

**Documents/Exhibits:** Building Plans. Letters in support and opposition.

**Votes:** Board Member Robinson moved to approve with BPDA design review. Fortune seconded and the proposal carried unanimously.





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**Case: BOA-1344282 Address: 65 Mount Hope Street Ward: 18 Applicant: Rosa Design and Construction LLC**  
**Article(s):** Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Front Yard Insufficient  
**Purpose:** Extension of living space per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to extend living for existing 1 family.

Board members asked about plans, layout, changes, corner lot.

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

**Documents/Exhibits:** Building Plans. Letters in support.

**Votes:** Board Member Robinson moved to approve with BPDA design review. Fortune seconded and the proposal carried unanimously.

**Case: BOA-1383742 Address: 28 Taunton Avenue Ward: 18 Applicant: Wlahimir WS Builders Corp**  
**Article(s):** Article 69, Section 9 Rear Yard Insufficient Article 69, Section 9 Side Yard Insufficient - Side yard set back on Left side of the building Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Lot Area Insufficient - 1F 6000: Existing lot has 3600SF  
**Purpose:** Extend the house in the back, siding.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to extend the house in the rear and demolish the deck and replace with a secondary deck.

Board members asked about plans, elevated deck.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with BPDA design review. Fortune seconded and the proposal carried unanimously.

**Case: BOA- 1394506 Address: 20 Hazelmere Road Ward: 20 Applicant: Heriberto Torres**  
**Article(s):** Art. 67 Sec. 09 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient  
**Purpose:** To do an addition to make way for a new kitchen, bathroom, a bedroom and a sun room. Attached plans by Polly Waldorf, for permit on 8/24/2021.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new addition to allow for more livable space in existing dwelling.

Board members asked about plans, layout

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve. Fortune seconded and the proposal carried unanimously.





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**Case: BOA- 1265152 Address: 10 Carson Street Ward: 13 Applicant: Ka Hei Eammi Lam**

**Article(s):** Article 65, Section 41 Off-Street Parking & Loading Req Article 65, Section 9 Front Yard Insufficient  
Article 65, Section 9 Side Yard Insufficient

**Purpose:** paver stone driveway, which can park 2 cars. The paved driveway in front of the house can let the outside car move easier if the inside car needs to come out. This paved driveway is Not for parking purposes.

**Discussion/Vote:** **Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

### **RE-DISCUSSIONS:11:30 AM**

**Case: BOA-1258611 Address: 89-91 Union Street Ward 22 Applicant: Mohammad Osmani**

**Article(s):** Art. 51 Sec. 23^ Off street parking requirement - No off-street parking is shown on new subdivision plans.  
Article 51, Section 9 Lot Area Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Floor Area Ratio Excessive

**Purpose:** Seeking to combine lots (parcel ID 2205415001 & 2205415000) to form 1 new lot containing 9600 sf. Then to subdivide into 3 lots, lot 1 containing 2348 sf to be known as 93 Union St, lot 2 containing 2238 sf to be known as 89 91 Union St, lot 3 containing 5014 sf to be known as 45 Shepard St.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

**Case: BOA-1258613 Address: 93 Union Street Ward 22 Applicant: Mohammad Osmani**

**Article(s):** Article 51, Section 9 Lot Area Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Art. 51 Sec. 23^ Off street parking requirement - No parking provided after sub division.

**Purpose:** Seeking to combine lots (parcel ID 2205415001 & 2205415000) to form 1 new lot containing 9600 sf. Then to subdivide into 3 lots, lot 1 containing 2348 sf to be known as 93 Union St, lot 2 containing 2238 sf to be known as 89 91 Union St, lot 3 containing 5014 sf to be know as 45 Shepard St.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

**Case: BOA-1258616 Address: 45 Shepard Street Ward 22 Applicant: Mohammad Osmani**

**Article(s):** Art. 51 Sec. 23^ Off street parking requirement - Proposed parking is insufficient Art. 51 Sec. 08 Use Regulations - MFR is a Forbidden use in a 2F 5000 Sub district Article 51, Section 9 Add'l Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient

**Purpose:** COMBINE LOTS (PARCEL ID 2205415001 & 2205415000) TO FORM 1 LOT CONTAINING 9600 SF. THEN TO SUBDIVIDE INTO 3 LOTS, 93 union (2348sf), 89 91 union (2238sf), and the new lot at 45 Shepard St (5014 sf). Also to erect a 6 unit building with 9 parking spaces. See ALT1208426 & ALT1208420.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.



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**Case: BOA- 1228560 Address: 40 Lake Street Ward 22 Applicant: The Common Room, Inc**

**Article(s):** Article 51 Section 8 Use Regulations - Community Center – Conditional Article 51 Section 8 Use Regulations Accessory Personal Quarters – Forbidden Article 51, Section 56 Off-Street Parking & Loading Req-

**Location:** Proposed parking in front yard

**Purpose:** The applicant intends to convert use of the property from a residential use to a community center for young adults with high cognitive Autism Spectrum Disorder, to include, Accessory Personnel Quarters. The applicant requests a rejection letter to proceed to the Board of Appeal for a conditional use permit.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

**Case: BOA-1352750 Address: 62 North Beacon Street Ward 21 Applicant: Amenyonah Bossman**

**Article(s):** Article 51, Section 56. Off Street Parking & Loading Req Article 51, Section 8 Use: Forbidden Article 51, Section 9 Floor Area Ratio Excessive

**Purpose:** Convert a single family to a 3 family dwelling with an ADU (basement).

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

**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/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

**Case: BOA-1263740 Address: 64 Clarkwood Street Ward 14 Applicant: Stuart Schrier**

**Article(s):** Article 60, Section 9 Lot Area Insufficient

**Purpose:** Erect a 3-family dwelling as per plans.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

**Case: BOA-565482 Address: 26 Union Avenue Ward: 11 Applicant: Fredrick Vetterlein**

**Article(s):** Art. 10 Sec. 01 Limitation of Area of Accessory Uses Article 55, Section 40 Off-Street Parking & Loading Req - Off-Street Parking Design / Maneuverability Article 55, Section 9 Usable Open Space Insufficient

**Purpose:** Install curb cut and driveway for 2 parking spaces.

**Discussion:** The applicant requested a withdrawal.

**Votes:** Upon a motion and a second the board moved unanimously to deny without prejudice.



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**Case: BOA-1296092 Address: 23 Kenilworth Street Ward 9 Applicant: Sam Naylor**

**Article(s):** Article 50 Section 28 Use Regulations - Multi Family Dwelling (6 units) Use: Forbidden Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req - Off Street Parking Insufficient

**Purpose:** Combine lots 35 41 Dudley St (0903228000) and 51 Dudley St (0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. Building A: Erect 6 residential units into a newly created lot of 2,549 SF. Combine and subdivide lots to be filed under ALT.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

**Case: BOA-1296093 Address: 27-29 Kenilworth Street Ward 9 Applicant: Sam Naylor**

**Article(s):** Article 50 Section 28 Use Regulations-Multi Family Dwelling (10 units) Use: Forbidden Article 50 Section 28 Use Regulations Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Off Street Parking Insufficient

**Purpose:** Combine lots 35 41 Dudley St (0903228000) and 51 Dudley St (0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. On 27 Kenilworth St. Building B: Erect 10 residential units and 1 commercial space into a newly created lot of 4,413 SF. Combine and subdivide lots to be filed under ALT.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.

**Case: BOA-1296094 Address: 49 Dudley Street Ward 9 Applicant: Sam Naylor**

**Article(s):** Article 50 Section 28 Use Regulations-Multi Family Dwelling (6 units) Use : Forbidden Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Off Street Parking Insufficient

**Purpose:** Combine lots 35 41 Dudley St (0903228000) and 51 Dudley St (0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. On 49 Dudley St. Building C: Erect 6 residential units into a newly created lot of 2,269 SF. Combine and subdivide lots to be filed under ALT.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 9:30.



City of Boston  
Board of Appeal

**STEPHANIE HAYNES  
BOARD OF APPEAL  
617-635-4775**

**BOARD MEMBERS:**

MARK ERLICH- CHAIR  
MARK FORTUNE-SECRETARY  
SHERRY DONG

**SUBSTITUTE MEMBERS:**

HANSY BETTER BARRAZA  
KERRY LOGUE

**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)**

**For a video recording of the December 13, 2022 Board of Appeal Hearing please go to: [https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).**