



HEARING MINUTES

Board Chair Dong 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 Norm Stembridge

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

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

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE FEBRUARY 7, 2023 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/ZBA2023Hearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 821 8044 0527 by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/February7Comment> 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.



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For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/February7Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

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

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

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

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

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT



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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 APPROVAL OF



City of Boston
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BOARD OFFICER ELECTION: 9:30AM

Candidates:

Chair – Sherry Dong
Deputy Chair – Katie Whewell
Secretary – Norm Stembridge
Deputy Secretary – David Aiken

Discussion/Vote: Upon a motion and a second, the Board voted to unanimously approve the Board officers.

APPROVAL OF THE HEARING MINUTES: 9:30AM

January 10, 2023

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

EXTENSIONS: 9:30AM

Case: BOA-1070807 Address: 150 River Street Ward 18 Applicant: John Pulgini

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of January 29, 2024.

Case: BOA-1079364 Address: 6 Oakhurst Street Ward 14 Applicant: Cambiz Raufi

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to recognize extend with a new date of February 26, 2024.

Case: BOA-1050294 Address: 382 Sumner Street Ward 1 Applicant: Doreen Amato

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of February 17, 2024.

Case: BOA-1069147 Address: 235-237 Condor Street Ward 1 Applicant: Lorene Schettino, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of December 11, 2024.

Case: BOA-773858 Address: 6 Evelyn Street Ward 14 Applicant: My Lam

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to deny without prejudice as the applicant was a no show.



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BOARD FINAL ARBITER: 9:30AM

Case: BOA-906535 Address: 261 Bolton Street Ward 6 Applicant: Ryan Spitz, Esq

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail that they were before the Board previously.

Board members asked about project.

Documents/Exhibits: Building Plans.

Votes: Upon a motion and a second the Board voted unanimously to approve the project.

HEARINGS: 9:30AM

Case: BOA-1415291 Address: 62 Haynes Street Ward 1 Applicant: Lightning Realty, LLC

Article(s): Art. 32 Section 9 GCOD Enforcement Art. 53 Sec. 08 Forbidden Art. 53 Sec. 09 Insufficient rear yard setback Art. 53 Sec. 09 Insufficient lot area per unit Art. 53 Sec. 09 Insufficient open space per unit Art. 53 Sec. 56 Off-Street Parking - Insufficient off street parking

Purpose: Renovate existing structure and change occupancy from three (3) to four (4) units with roof decks for units 3 and 4.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate a pre-existing non-conforming three family dwelling for condo units.

Board members asked about plans, windows.

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

Documents/Exhibits: Building Plans. BGWT letters on file.

Votes: Board Member Barraza moved to approve with BPDA design review with attention to the front elevation as well as light and air. Stembridge seconded and the motion carried unanimously.



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Case: BOA-1393437 Address: 38B-38 Fleet Street Ward 3 Applicant: MAF Irrevocable Trust, Christopher Flumara Trustee

Article(s): Article 54, Section 9 Use Regulations - Conditional

Purpose: Change occupancy from 5 residential units and 1 detached retail store to 5 residential units and 1 detached take out, small restaurant.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change to 5 residential units and 1 restaurant.

Board members asked about plans,

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 Shepard moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA-1407437 Address: 185 Franklin Street Ward 3 Applicant: Just Salad 185 Franklin LLC

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

Purpose: Tenant fit up for a new restaurant "Just Salad" in former restaurant space "Hale & Hearty" Request for Zoning review.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to allow a new restaurant to use the space as take-out which the space has been used as previously.

Board members asked about plans,

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 Whewell moved to approve. Stembridge seconded and the motion carried unanimously.



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Case: BOA-1411597 Address: 125-131 Lincoln Street Ward 3 Applicant: Michael Morrissey [ARTICLE 80]

Article(s): Article 44, Section 5 Maximum Building Height / FAR - Floor Area Ratio Exceeds 8.0 (LPR) Article 44, Section 5 Maximum Building Height / FAR - Building Height Exceeds 100 feet (LPR) Article 44, Section 7 Specific Design Requirements - 44 7.2 Street Wall Height Exceeds 80 feet Article 44, Section 7 Specific Design Requirements - 44 7.3 Display Window Area Regulations Lincoln Street Inefficient Article 44, Section 7 Specific Design Requirements - 44 7.4 Sky Plane Setback Requirements Surface Artery St less than 15 feet Article 44, Section 7 Specific Design Requirements - 44 7.4 Sky Plane Setback Requirements Beach St less than 15 feet Article 44, Section 7 Specific Design Requirements - 44 7.4 Sky Plane Setback Requirements Tufts St less than 15 feet Article 32, Section 4.GCOD, Applicability Section 6 3A Restricted Parking District Article 49A Section 3 GWOD Applicability Article 44, Section 10 Use Regulations - 44 10.1 Inclusion of Day Care Facilities. Not provided Art. 44 Sec. 10 Use: Conditional - Parking Garage

Purpose: New construction of mixed use high rise building, including demo of existing structure on separate permit. Building has 3 below grade garage levels and 12 stories in height. Building footprint is 29,530 sf, and 411,140 aggregate sf total. Height 196' above grade. Mixed use Group B, A 3, M, S 1, S 2. Occupancy to be Core/Shell for Labs and Offices, (1) Ground Floor Retail Space, (1) Ground Floor Banquet Hall, and Parking Garage. LPR

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to demo the existing dwelling and erect a new research, retail, and parking lot building.

Board members asked about plans, parking, and height.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Multiple abutters spoke in opposition. The Mayor's Office of Housing, Councilors Flynn, Flaherty, multiple abutters, the Carpenter's Union, and local community associations are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review with attention to the article 80 memorandum, affordability for 79 essix, contribute to Josiah School, and allow previous commercial tenants to return. Shepard seconded and the motion carried unanimously.

Case: BOA-1395189 Address: 16 Dunmore Street Ward 8 Applicant: Alfonso Sira

Article(s): 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 Rear Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req - Outdoor Uses off street parking Art. 50 Sec. 38 Design Review Art. 50 Sec. 45 Extension of nonconforming use Art. 16, Section 8 Restricted Roof Structure District - More than 10% of the total roof area

Purpose: Confirm as one family and change to a three family building. Add a three story addition in the rear of the existing building add three parking spaces on site as per plan filed herewith. Building to be used as a dwelling for three families after the renovations are completed.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until April 11, 2023.



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Case: BOA-1414968 Address: 16 Nightingale Street Ward 14 Applicant: Alexander Tsepkov

Article(s): Article 60, Section 11 Use: Forbidden Article 60, Section 40 Off-Street Parking & Loading Req Article 60, Section 8 Use: Forbidden Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Bldg Height Excessive (Stories) Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Bldg Height Excessive (Feet) Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient

Purpose: We're rebuilding my home after it was heavily fire damaged. In the process we also want to replace what was previously an unfinished attic with a 4th unit. In doing so, we will also be installing sprinklers and other safety measures to bring the building up to code. Change Occupancy from a 3 to a 4 family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change from a 3 family to a 4 family and reno due to fire damage. 3 parking spots.

Board members asked about plans,

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

Documents/Exhibits: Building Plans.

Votes: Board Member Whewell moved to approve with BPDA design review with attention to the massing and the 4th floor geometry and roof size. Stembbridge seconded and the motion carried unanimously.

Case: BOA-1416006 Address: 66 Stanley Street Ward 15 Applicant: Derric Small

Article(s): Article 65, Section 41 Off-Street Parking & Loading Req - Off street parking is insufficient Article 65, Section 8 Use Regulations - Three Family is a Forbidden use in a 2F-6000 sub-district Article 65, Section 9 Floor Area Ratio Excessive

Purpose: Change the legal occupancy from a two family dwelling to a three family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to a 3 family dwelling with 3 parking spots.

Board members asked about plans,

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 Valencia moved to approve with BTB review. Barraza seconded and the motion carried unanimously.



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Case: BOA- 1416007 Address: 66R Stanley Street Ward 15 Applicant: Derric Small

Article(s): Article 65, Section 41 Off-Street Parking & Loading Req Off street parking is insufficient
Article 65, Section 9 Floor Area Ratio Excessive

Purpose: Change the legal occupancy from a one family dwelling to a two family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to a 3 family dwelling with 3 parking spots.

Board members asked about plans,

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 Valencia moved to approve with BTD review. Barraza seconded and the motion carried unanimously.

Case: BOA- 1408168 Address: 7 Rosemont Street Ward 16 Applicant: George Morancy

Article(s): Art. 65 Sec. 08 Forbidden Art. 65 Sec. 65 8 Lot Area Insufficient
Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Side Yard Insufficient
Article 65, Section 9 Rear Yard Insufficient Article 65, Section 41 Off Street Parking & Loading Req

Purpose: Erect new 2 1/2 story two family dwelling with two side yard parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 2 ½ story two family dwelling.

Board members asked about plans,

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

Documents/Exhibits: Building Plans.

Votes: Board Member Shepard moved to approve with BPDA design review with attention to increasing open space. Barraza seconded and the motion carried unanimously.

Case: BOA- 1415884 Address: 60-64 Hill Top Street Ward 16 Applicant: George Morancy

Article(s): Article 42A 18 Use Regulations -Adult Day Care is a conditional use in the Harbor park: Dorchester Bay / Neponset River Waterfront District

Purpose: Change Occupancy to Adult Day Care and interior renovation.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the first floor occupancy to a day care for adults.

Board members asked about plans, Neponset river 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 Whewell moved to approve. Valencia seconded and the motion carried unanimously.



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Case: BOA-1404307 Address: 19-21 Standard Street Ward 18 Applicant: Jean Samedi

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. - Three family in a one family subdistrict >25% forbidden Art. 60 Sec. 09 Rear yard insufficient Art. 60 Sec. 09 Side yard insufficient Art. 60 Sec. 09 Floor Area Ratio excessive Article 60 Section 9 Dimensional Regulations - # of allowed habitable stories exceeded

Purpose: Build dormer on left side of existing home as per plans submitted and have licensed company install new sprinklers, new rear porches, Juliet balconies on each side. *10.14.22 Extending three family living space in basement and attic. (Other 200k costs of work shown on issued SF permit).

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until April 25, 2023.

HEARINGS:10:30AM

Case: BOA-1411304 Address: 1209 Bennington Street Ward 1 Applicant: Zuelma Flores

Article(s): Art. 53 Sec. 08 Forbidden - 2F Zone Changing use to five (5) Units (Multi family).

Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 56 Off St. Parking Requirements Article 27T 5 East Boston IPOD Applicability Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Rear Yard Insufficient

Purpose: Raze existing structures and erect a three (3) story, five (5) unit residential dwelling with parking for five (5) vehicles.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to demo the existing dwelling and erect a new three story 5 unit residential dwelling. Rear decks and 5 parking spaces included.

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

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

Documents/Exhibits: Building Plans.

Votes: Board Member Whewell moved to approve with BPDA design review with attention to increasing open space and reducing the paved surfaces. Stembidge seconded and the motion carried unanimously.

Case: BOA-1419403 Address: 5 Nancia Street Ward 1 Applicant: Tien Pham

Article(s): Art. 27G E Boston IPOD Art. 53 Sec. 08 Use: Conditional - Ancillary driveway to access the property.

Article 53, Section 9 Lot Area Insufficient - Min. required: 4,000 sqft Proposed: 3,600 sqft

Article 53, Section 9 Front Yard Insufficient - Min. required: 10' Proposed: 5' Art. 53 Sec. 09 Side yard insufficient -

Min. required: 7' Proposed: 5' (R) Article 53, Section 9 Rear Yard Insufficient - Min. required: 40' Proposed: 36' Article 53, Section 57.2 Conformity Ex Bldg Alignment - Street modal calculation not provided to verify compliance.

Purpose: Erect a two family dwelling on a vacant lot. Application in conjunction with U491348832 providing ancillary driveway access to the property.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until April 11, 2023.



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Case: BOA- 1419404 Address: 127 Saint Andrew Road Ward 1 Applicant: Tien Pham

Article(s):Art. 53 Sec. 56 Off St.Parking Requirements - Driveway is giving access to neighbor's property. Article 53, Section 9 Usable Open Space Insufficient Art. 27G E Boston IPOD

Purpose: Create off street parking via a shared driveway. Work being done in conjunction with ERT1300659.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until April 11, 2023.

Case: BOA-1407403 Address: 15 Eden Street Ward 2 Applicant: William Mohan

Article(s):Art. 62 Sec. 19 Neighborhood Design Overlay Districts - NDOD district Art. 62 Sec. 25 Roof Structure Restrictions Art. 62 Sec. 29 Off street parking insufficient - Location Art.62 29.4.b Shall be provided on the same lot Article 62, Section 8 Add'l Lot Area Insufficient - Required addition 1000s.f. Proposed 813s.f.

Purpose: Owner will renovate existing 3 story structure Change Occupancy from a 2 family to a 3 family. Owner will add a rooftop deck with a 42" handrails. 1 parking space at 9 Eden St. (Apply Use of premises separate), will be reserved for residents of 15 Eden. Both properties are owned by Ridgeway Properties.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate an existing building and change from a 2 fam to a 3 fam with a private roofdeck.

Board members asked about plans, roof deck.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Whewell moved to approve with BPDA design review with attention to the size and placement of the roof deck. Barraza seconded and the motion carried unanimously.

Case: BOA-1350483 Address: 354-356 Hanover Street Ward 3 Applicant: DR^2LLC

Article(s): Article 54 Section 13 Dimensional Regulations - Open space: 50 sqft required for the new unit. Article 54, Section 21 Off Street Parking & Loading Req - 1 parking space required for the new unit.

Purpose: No work is anticipated. Change occupancy from 2 units & one store to 3 units & one store.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to three units and a store

Board members asked about plans,

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 Shepard moved to approve. Stembridge seconded and the motion carried unanimously.



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Case: BOA-1421831 Address: 619-619A Tremont Street Ward 4 Applicant: Geoff Farrell

Article(s): Article 64, Section 8 Use Regulations - Liquor store is a forbidden use in a MFR/LS Sub district

Purpose: Change of occupancy from local retail business to Wine Shop.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to a wine shop.

Board members asked about plans, square footage

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 Murphy spoke in support. An abutter spoke in opposition.

Documents/Exhibits: Building Plans.

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

Case: BOA-1406089 Address: 125-131 Park Drive Ward 5 Applicant: Cameron Merrill

Article(s): Article 66, Section 9 Dimensional Regulations - Usable Open Space Insufficient

Article 66, Section 42 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Change occupancy @131 Park Drive from 46 residential units & office to 47 residential units. Renovations to be included on this application.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to 47 condo units which is pre-existing non-conforming.

Board members asked about plans,

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 Collins moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA-1340028 Address: 760 East Broadway Ward 6 Applicant: Mark Little

Article(s): Article 68, Section 29 Roof Structure Restrictions

Purpose: Amend ALT1213654. Build a new rear 12'x12' roof deck exclusive to unit #2 as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new rear deck that is exclusive to unit 2.

Board members asked about plans,

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. The City Point Association is in support. An abutter and Councilor Flynn are in opposition.

Documents/Exhibits: Building Plans.

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



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Case: BOA-1391029 Address: 1008-1010 Tremont Street Ward 9 Applicant: Stefanov Architects

Article(s):Article 50 Section 28 Use Regulations Article 50 Section 24 Use: Conditional

Purpose: Interior renovation turn into a pharmacy, build new half bathroom, install new cabinets above sink, build an island entry with countertop, build gondola with hanger rack, painting entire room.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to turn existing space into a pharmacy, the building is mixed-use.

Board members asked about plans,

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 Whewell moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA-1419480 Address: 18 Fabyan Street Ward 14 Applicant: Brodrick Egodogbare

Article(s):Article 60, Section 9 Add'l Lot Area Insufficient

Purpose: Construction of new three family as of right.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 family on a vacant lot.

Board members asked about plans,

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

Documents/Exhibits: Building Plans.

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



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Case: BOA- 1393487 Address: 174 Norfolk Street Ward 17 Applicant: Gerald Patton

Article(s): Art.65 Sec. 8 Use: Forbidden – MFR Art.65 Sec. 8 Use: Forbidden - Townhouse

Article 65, Section 9.2 Dim Regs: Location of Main Entrance Article 65, Section 9 Front Yard Insufficient - Multiple window bays Article 65, Section 9 Floor Area Ratio Excessive

Art. 65 Sec. 41 Off street parking requirements

Purpose: Combination of Parcel IDs: 1701969000, 1701970000, & 1701971000 to erect a new 2 1/2 story building containing (7) townhouse units with (7) parking spots in the rear of the property. Scope includes new construction of wood frame residential condominiums for affordable Home Ownership.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add 7 units for condo ownership with 7 parking spaces. 60-80% AMI affordability.

Board members asked about plans, AMI, unit breakdown

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

Documents/Exhibits: Building Plans.

Votes: Board Member Valencia moved to approve with BPDA design review ensuring the affordable units are identified. Barraza recused. Shepard seconded and the motion carried unanimously.

Case: BOA-1418931 Address: 60 Fuller Street Ward 17 Applicant: Sean George

Article(s): Art. 10 Sec. 01 Limitation of off street parking areas - Proposed parking is within 5 feet of the side lot line

Article 65, Section 8 Use Regulations - MFR is a forbidden use in a 1F 7000 sub district

Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories)

Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9

Rear Yard Insufficient Article 65, Section 9.2Dim Regs: Location of Main Entrance

Purpose: Demolish existing structure. Erect new 6 unit residential building with 12 on site off street motor vehicle parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to demo the existing dwelling and erect a new 6 unit residential dwelling with 12 off street parking spaces. The curb cut is existing. No roof decks.

Board members asked about plans, open space, parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with eliminating 6 parking spaces to allow for open space and to remove the penthouse and make it a hatch. Whewell seconded and the motion carried unanimously.



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Case: BOA-1409762 Address: 1587 Blue Hill Avenue Ward 18 Applicant: Walid Zahran
Article(s): Art. 60 Sec. 37 Off St. Parking Requirements - Required .5 per parking space. Proposed 0
Article 60, Section 16 Use: Conditional - Small Take out restaurant. Use Conditional
Purpose: Change of occupancy to include smoothie shop (take out) to the convenience store.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to include a smoothie shop

Board members asked about plans,

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 Whewell moved to approve. Barraza seconded and the motion carried unanimously.

RE-DISCUSSIONS :11:30 AM

Case: BOA-1332095 Address: 130 Marginal Street Ward 1 Applicant: Star Property Holdings, LLC
Article(s): Art. 53 Sec. 09 Dimensional Regulations Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 12 Height Excessive Art. 53 Sec. 56 Off St. Parking Requirements Art. 53 Sec. 12 Rear Yard insufficient Art. 53 Sec. 12^ Floor area ratio excessive Art. 53 Sec. 57 Dimensional Application
Purpose: Erect a new residential building with four units and four parking spaces.
Reason for Prior Deferral: The applicant requested an administrative deferral.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until April 25, 2023.

Case: BOA- 1283294 Address: 47-48 Snow Hill Street Ward: 3 Applicant: Ryan Medows
Article(s): Article 54, Section 10 Rear Yard Insufficient Article 54, Section 10 Floor Area Ratio Excessive
Article 54, Section 18 Roof Structure Restrictions
Purpose: Construct new 1 story vertical addition and roof deck on existing three story building. Upper unit 2 to be renovated
Reason for Prior Deferral: The applicant requested an administrative deferral.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a one story vertical addition and a roof deck on an existing residential dwelling.

Board members asked about plans, height.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Multiple abutters spoke in support. Councilors Coletta, Murphy, and Flaherty are in opposition. Rep Aaron Michlewitz is in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review with attention to the massing and the deck. Shepard seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1383661 Address: 329-329A Columbus Avenue Ward 4 Applicant: Herbal Power, LLC

Article(s): Article 64, Section 12 Use: Conditional - Cannabis establishment

Purpose: Tenant fit out and change in occupancy from restaurant lounge to a cannabis establishment specifically a retail recreational cannabis dispensary, with no change to building footprint.

Reason for Prior Deferral: The applicant requested a deferral to meet with the community.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to a cannabis establishment with no exterior changes. The footprint will remain.

Board members asked about plans, hours, security.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters spoke in opposition. Aaron Michelwitz spoke in opposition, and a Rep for abutters spoke in opposition. Multiple abutters are in support. Both Councilors Murphy and Flynn are in non-opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Whewell moved to approve with provisos for this applicant only and the hours of operation be Monday-Saturday 10am-9pm and Sunday 12pm-6pm. Barraza seconded and the motion carried unanimously.

Case: BOA-1146747 Address: 9 Oswald Street Ward 10 Applicant: 9 Oswald LLC

Article(s): Article 59, Section 7 Use Regulations - MFR is a forbidden use in a 3f 2000 Sub district

Article 59, Section 8 Add'l Lot Area Insufficient Article 59, Section 8 Floor Area Ratio Excessive

Article 59, Section 37 Off Street Parking & Loading Req - Off street parking is insufficient Article 59, Section 8 Usable Open Space Insufficient Article 59, Section 8.3 Dim Regs: Location of Main Entrance - Main entrance on basement unit faces the side yard.

Purpose: Change use from a 3 family to a 4 family, utilizing existing living space in basement. New kitchen, some interior work. Upgrade sprinkler.

Reason for Prior Deferral: This proposal had to be deferred to allow time to re-advertise.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change from a three family to a four family by utilizing space in the basement.

Board members asked about plans,

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

Documents/Exhibits: Building Plans.

Votes: Board Member Whewell moved to approve with BPDA design review with attention to exterior changes. Valencia seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1371101 Address: 2 Carlisle Street Ward: 12 Applicant: Stephen Stewart

Article(s): Article 10, Section 1 Limitation of Area - Limitation of Area of Accessory Uses Article 50, Section 43 Off Street Parking & Loading Req - Location of Off Street Parking not allowed in Front Yard

Purpose: Creating a curb cut and constructing a new driveway for Two Vehicles.

Reason for Prior Deferral: The Board moved to defer this until updated plans were provided.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to create a curb cut and a new driveway for 2 parking spots.

Board members asked about plans,

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 Valencia moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA-1398524 Address: 19-23 Ashland Street Ward 16 Applicant: 19 Ashland LLC, By it's Attorney Marc LaCasse

Article(s): Art. 65 Sec. 41 Off street parking requirements Design/maneuvering areas Art. 65 Sec. 9 Unit 1 front entry facing side yard Art. 65 Sec. 9 Number of allowed stories exceeded Art. 65 Sec. 9 Insufficient front yard setback Art. 65 Sec. 9 Insufficient rear yard setback Art.65 Sec. 8 Use: Forbidden Three family Article 65, Section 39 Screening & Buffering Req Article 65, Section 42.13 Two or More Dwellings on Same Lot

Purpose: Change occupancy from 2F to 3F w/ townhouse design and 4 garage parking spaces and one surface space; renovate portion of existing structure and addition as per plans. This application is filed in conjunction w/ a ERT1299891 on rear of same lot. *(TOTAL of SEVEN UNITS-assigned 5.23.22).

Reason for Prior Deferral: The applicant requested to defer this proposal.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 3 family to a 4 family. They are renovating a portion of the existing structure. There are significant grade changes.

Board members asked about plans, site, open space

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters spoke in opposition. Councilors Baker, Flaherty, an abutter, and the Boston Preservation Alliance are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with provisos making sure the setback is 5 feet, site plan sent to BPDA for design review, and attention to the ground surface materials. Shepard seconded and the motion carried unanimously.



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Case: BOA- 1398527 Address: 25R-31R Ashland Street Ward 16 Applicant: 19 Ashland LLC, By it's Attorney Marc LaCasse

Article(s): Art. 10 Sec. 01 Limitation of parking areas 5'side yard buffer Art. 65 Sec. 08 Forbidden MFR Art. 65 Sec. 9 # of allowed stories has been exceeded Art. 65 Sec. 9 Insufficient rear yard set back Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Excessive f.a.r. Article 65, Section 39 Screening & Buffering Req Article 65, Section 42.13 Two or More Dwellings on Same Lot Article 65, Section 9 Insufficient lot width (Building behind a building)

Purpose: This is one of two main structures on the same lot as 19-23 Ashland to construct a new 3-story, 4 unit residential building [townhouse style] w/ parking for each unit per plans. New building shall be known as 25R-31R Ashland Street. Filed in conjunction with ALT129982. *(Total of SEVEN UNITS on the parcel).

Reason for Prior Deferral: The applicant requested to defer this proposal.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 3 family to a 4 family. They are renovating a portion of the existing structure. There are significant grade changes.

Board members asked about plans, site, open space

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters spoke in opposition. Councilors Baker, Flaherty, an abutter, and the Boston Preservation Alliance are in support.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with provisos making sure the setback is 5 feet, site plan sent to BPDA for design review, and attention to the ground surface materials. Shepard seconded and the motion carried unanimously.

Case: BOA- 1236084 Address: 45 Milton Avenue Ward 17 Applicant: Michael Castillo, as Principal, ONYX Management & Development

Article(s): Art. 10 Sec. 01 Limitation of parking areas Parking less than 5ft from side lot line. Art. 65 Sec. 8 Use: Forbidden MFR Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 42.2 Conformity w Ex Bldg Alignment 10ft provided

Purpose: Erect a 10,827 square foot (Gross), three story residential building with eleven units and parking for fourteen vehicles spread through rear & side yards and garage. This combined parcel has 10,800 square feet, see ALT1202780, ALT1202781, ALT1202782. Existing dwelling and two sheds to be razed on a separate permit. 07/08/22 Scope updated.

Reason for Prior Deferral: The applicant requested an administrative deferral.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 3 parcels and erect a 3 story with 11 units and 11 parking spaces with mixed bedroom counts. 2 affordable units included.

Board members asked about plans, unit count, parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with provisos making sure the setback is 5 feet, site plan sent to BPDA for design review, and attention to the ground surface materials. Shepard seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1374702 Address: 110R Leighton Road Ward 18 Applicant: Elizabeth Sanchez

Article(s): Article 69, Section 30.7 Accessory Bldg in Side or Rear Yard - rear yard is insufficient. Proposed garage is less than 4 feet from rear lot line .Article 69, Section 30.7 Accessory Bldg in Side or Rear Yard - Front yard insufficient, less than 65 feet. Article 69, Section 30.7 Accessory Bldg in Side or Rear Yard - Building height is in excess of 15 feet in height.

Purpose: Erect Pre Fab Garage

Reason for Prior Deferral: The Board moved to defer this until a proper site plan and more information could be provided.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a pre-fab garage.

Board members asked about plans,

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 Shepard moved to approve. Stembridge seconded and the motion carried unanimously.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

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DAVID COLLINS

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 February 7, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.