



City of Boston  
Board of Appeal

Tuesday, March 26, 2024

BOARD OF APPEAL

City Hall Room 801

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## HEARING MINUTES

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MARCH 26, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS MARCH 26, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE MARCH 26, 2023 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.**

Interested persons can participate in the hearing **REMOTELY** by going to <https://bit.ly/ZBAHearings2024>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 819 2218 4516 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/March26Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

For individuals who need translation assistance, please notify the Board at least **48 HOURS** in advance either by signing up at <https://bit.ly/March26Comment> 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).



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**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. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.**



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**EXTENSIONS: 9:30AM**

**Case: BOA-659702 Address: 86-88 North Washington Ward 3 Applicant: Dennis A. Quilty, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until May 4, 2025.

**Case: BOA- 1101473 Address: 473 Meridian Street Ward 1 Applicant: Richard Lynds, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until April 8, 2025.

**Case: BOA-940697 Address: 1102-1106R Blue Hill Avenue Ward 14 Applicant: Cleon Byron**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until May 7, 2025

**Case: BOA- 1183158 Address: 99 Maverick Street Ward 1 Applicant: Richard Lynds, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until August 25, 2025

**Case: BOA-1038330 Address: 25 New England Avenue Ward 17 Applicant: Codman Square Neighborhood Development Corp**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until June 30, 2025

**Case: BOA-1038331 Address: 151 Spencer Street Ward 17 Applicant: Codman Square Neighborhood Development Corp**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until June 30, 2025

**BOARD FINAL ARBITER: 9:30AM**

**Case: BOA-1455681 Address: 2 Coppersmith Way Ward 1 Applicant: Richard Lynds, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the board final arbiter request.



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## **RECOMMENDATIONS 9:30:**

**Case: BOA-1563183 Address: 49 Jeffries Street Ward: 1 Applicant: Olivia LaBarge**

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

**Purpose :** Enclose rear decks to extend living space and erect new rear deck as per plans.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve.

**Case: BOA-1516277 Address: 30 Moore Street Ward: 1 Applicant: Meghan L. Gradzewicz & Kevin Kirwin**

**Article(s):** Art. 53 Sec. 09 Rear yard insufficient.

**Purpose :** Remove and replace all windows in house. Reconfigure most interior walls for new kitchen and living space on 1st floor and new kitchen on 2nd floor. New decks on 1st and 2nd floor with stairs.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve with BPDA design review

**Case: BOA-1554364 Address: 85 Newbury Street Ward: 5 Applicant: Joseph P. Hanley, Esq. Authorized Agent**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use Art. 08 Sec.07 Use: Conditional -Restaurant use (items #336A and #37) Extension of this use in the proposed outdoor patio.

**Purpose:** Legalize existing Outside seating for 30 people on private property.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with BPDA design review.

**Case: BOA-1559488 Address: 46 Sturges Road Ward: 20 Applicant: Emily Lillie**

**Article(s):** Art. 56 Sec. 40 In sufficient side yard setback

**Purpose:** To build a 10x12 shed ON property line needs variance.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Case: BOA-1554305 Address: 302 Beacon Street Ward: 5 Applicant: 302 Beacon Street. Nominee Trustee**

**Article(s):** Article 32, Section 4.GCOD, Applicability Art. 19 Section 1 Side Yard Insufficient - New hallway with roof walkway.

**Purpose :** Convert existing two unit condo building into single family home. Full interior renovation with changes to exterior. New front stairs to access first floor, new windows, headhouse, hallway connector between house and existing garage. Remove fire escapes. New elevator. All new mechanical equipment. Also see ALT1553888.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.



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**Case: BOA-1543554 Address: 94 I Street Ward: 6 Applicant: Michael Fraher**

**Article(s):** Art 68 Sec 8 Dim reg app in res sub dist -Excessive f.a.r. 1.5. max

**Purpose :** Dig out cellar as per plans then install a family room, 3/4 bath and mechanical room.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Case: BOA-1540540 Address: 384 K Street Ward: 7 Applicant: John Pulgini, Esq**

**Article(s):** Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Side Yard Insufficient

Article 68, Section 8 Front Yard Insufficient

**Purpose :** Proposal to install two new dormers on the roof, extend living space into basement, remove and replace existing roofing and shingling, rebuild the existing covered porch within its existing footprint, build a new rear entry deck, and repair and maintain other exterior architectural façade elements. Underpinning of foundation also included.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Case: BOA-1519024 Address: 41 Delle Avenue Ward: 10 Applicant: Hector L. Colon**

**Article(s):** Article 59, Section 8 Add'l Lot Area Insufficient Article 59, Section 8 Floor Area Ratio Excessive

Art. 59, Section 37 Off Street Parking Insufficient - Required: 1 more parking space. Existing: 0

**Purpose:** Change of use from 1 family to a 2 family per attached drawings.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve with no building code relief.

**Case: BOA-1550101 Address: 24 Beaumont Street Ward: 16 Applicant: Gregory Dunlop**

**Article(s):** Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose :** Demolish existing garage as per plan. Rebuild new garage on site of existing garage (same footprint/square footage) as per plan. Add hot tub, decking, and hardscape patio with exterior plantings and retaining walls as per proposed plan.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve with BPDA design review.

**Case: BOA- 1546506 Address: 18 Monponset Street Ward: 18 Applicant: Marie M. Paul**

**Article(s):** Art. 10, Sec. 01 Limitation of parking areas - 5' side yard buffer req. Art. 69, Sec. 09 Insufficient usable open space- 3600sf req. Art. 69, Sec. 29.5 Off-St.Prk'g:Design - Design/free maneuvering areas-Tandem proposed Article 69, Section 29 Off-Street Parking & Loading Req - Insufficient parking Article 69, Section 8 Use Regulations in Res District - Use- Forbidden

**Purpose :** Change occupancy from one family to two family add one story addition to rear of dwelling within existing footprint for 2 bedrooms on second floor. 2nd floor will be occupied by new unit.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with no changes to the driveway.



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**Case: BOA-1567168 Address: 410-412 Centre Street Ward: 19 Applicant: Edwin Perez**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions - Request to remove proviso order "to petitioner only"

**Purpose :** I am requesting to "remove the take out proviso" from the Occupancy permit at 416 Centre St Jamaica Plain, MA 02130. The restaurant has a new owner and we need to request an Occupancy Permit. There has been no change in layout or construction. The old restaurant name was El Oriental de Cuba. \*Legal use: Restaurant and Four Apartments #949/1998

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Case: BOA- 1552858 Address: 45 Glenellen Road Ward: 20 Applicant: Stephen Burke**

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

**Purpose :** Remove roof and enclosed rear porch. Construct a second floor addition on existing house per plans. Construct a one story addition on the rear foundation then build a deck on the rear of that. Occupancy is not changing. It is remaining a four bedroom house.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

**Case: BOA-1550759 Address: 40 Tyndale Street Ward: 20 Applicant: Jeffrey Scipione**

**Article(s):** Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Side Yard Insufficient

**Purpose :** Remove existing structure from rear of home. Pour foundation, frame, side & install finishes for bedroom, bath and laundry. Construct deck off rear off new addition.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend to deny without prejudice.

**Case: BOA-1550175 Address: 152 Lasell Street Ward: 20 Applicant: Timothy Yaecker**

**Article(s):** Article 56, Section 8 Floor Area Ratio Excessive

**Purpose :** Interior renovations and a new shed dormer on the second floor that will provide additional living space to accommodate three bedrooms and one bathroom. Rebuild the existing stairs to the second floor. Legalize preexisting work in the basement including existing bathroom.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval,

**Case: BOA-1547600 Address: 31 Peelson Street Ward: 20 Applicant: Brian Willett**

**Article(s):** Article 56, Section 8 Usable Open Space Insufficient Article 56, Section 8 Bldg Height Excessive (Stories) Article 56, Section 8 Floor Area Ratio Excessive Article 56. Section 8 Side Yard Insufficient Article 56, Section 8 Rear Yard Insufficient

**Purpose :** Two story addition at rear of house. Dormer installation at third floor of existing house.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to approve with BPDA design review.



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**Case: BOA-1542162 Address: 32 Worley Street Ward: 20 Applicant: Peggy Edson & Mitch Sikora**

**Article(s):** Art. 56, Sec. 08 Side Yard insufficient

**Purpose:** Remove existing 3 season room at rear of home, and construct a new family room in the same area. Construct a new deck off the back of the new family room.

**Discussion/Vote:** At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

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

**Case: BOA-1562393 Address: 735-745 River Street Ward 18 Applicant: 745 River Street LLC-ARTICLE 80**

**Article(s):** Art. 69 Sec. 8 Forbidden - Clinic use Article 69, Section 9 Add'l Lot Area Insufficient - Min. area required: 100,000 sqft Proposed: 19,093 sqft Article 69, Section 9 Floor Area Ratio Excessive - Max. allowed: 2 Proposed: 2.61 Article 69, Section 9 Bldg Height Excessive (Stories) - Max. allowed:3 Proposed: 5 Article 69, Section 9 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: 56' Article 69, Section 9 Usable Open Space Insufficient - Min. required: 16,000 sqft Proposed: 7,120 sqft Article 69, Section 9 Front Yard Insufficient - Min. required: 20' Proposed: 0' Article 69, Section 9 Side Yard Insufficient - Min. required: 10' Art. 69 Sec. 30.2 Traffic Corner Visibility - Corner: River St. with passageway Article 69 Section 29 Off Street Parking & Loading Req - Parking spaces required for Residential use: 80 Parking spaces required for medical use: 4 Total provided: 26 Art. 69 Sec. 29 Off St.Prk'g/Load'g - Loading spaces required: 2 Proposed: 0

**Purpose:** Erect a mixed use, 5 story, 49,846 gsf building with ground floor medical clinic, 40 apartments on upper floors, 26 at grade garage parking spaces and related improvements in landscaping, pedestrian connectivity and public realm. Lot consolidation under ALT1549677 (735 River St.) and ALT1549678 (745 River St.) 2 existing buildings are being demolished under SF# and SF#.

**Discussion:** At the request of the Board, the applicant presented plans to erect a mixed use 5 story building with 40 apartments and 26 off street parking spaces.

Board members asked about the plans, parking, paving

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Pepen and an abutter are in support.

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

**Case: BOA-1563863 Address: 1702 Hyde Park Avenue Ward 18 Applicant: John Pulgini-ARTICLE 80**

**Article(s):** Art. 69 Sec.14 L I Use Reg.: Forbidden - MFR Forbidden Article 69 Section 15 Floor Area Ratio Excessive Article 69 Section 15 Building Height Excessive Article 69 Section 29 Off Street Parking & Loading Req - Parking Insufficient Art. 69 Sec. 29.5 Off St.Prk'g:Design - 69 25.5.e Loading Maneuvering Art. 69 Sec. 14 L I Use Reg.:Conditional - General Retail Business Conditional

**Purpose:** Combine 1702 Hyde Park Ave (PID 18094530045) with PID1809453003 (vacant lot) for a total of 22030 sf lot. Erect a new 5 story mixed use building with Ground Floor General Retail and Multifamily Residential above (44 Units) with parking below, as per plans. Building features front, rear & side decks/terraces.

**Discussion:** At the request of the Board, the applicant presented plans to erect a 5 story 44 mixed unit dwelling with a 17% affordability and 38 off street garage spaces.



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Board members asked about the plans, AMI

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. The Hyde Park Association approves with provisos.

**Votes:** Board member Collins moved to approve. Stembidge seconded and the motion carried unanimously.

**Case: BOA-1563712 Address: 18 Intervale Street Ward 12 Applicant: Herion Karbunara**

**Article(s):** Article 50 Section 29 Lot Area Insufficient Article 50 Section 29 Lot Width Insufficient Article 50 Section 29 Lot Frontage Insufficient Article 50 Section 29 Floor Area Ratio Excessive 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 Design / Maneuverability (Tandem Parking)

**Purpose:** Construction of a new two-family home. As per plans.

**Discussion:** At the request of the Board, the applicant presented plans to demo a garage and erect a 2 family dwelling with two off street parking spaces and a roof deck.

Board members asked about the plans, parking, unit sizes

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Anderson and Project Wright are in opposition.

**Votes:** Board member Pinado moved to deny without prejudice. Stembidge seconded and the motion carried unanimously.

**Case: BOA- 1502445 Address: 51 Saint Margaret Street Ward 7 Applicant: Lester Olpin**

**Article(s):** Art. 65 Sec. 9 Residential Dimensional Reg.s - Lot Size insufficient. Art. 65 Sec. 9 Residential Dimensional Reg.s - Lot Width insufficient. Art. 65 Sec. 9 Residential Dimensional Reg.s - Lot Frontage insufficient. Art. 65 Sec. 9 Residential Dimensional Reg.s - Front yard insufficient. Art. 65 Sec. 9 Residential Dimensional Reg.s - Side yard insufficient. Art. 65 Sec. 9 Residential Dimensional Reg.s - Rear yard Insufficient. Article 65, Section 9 Floor Area Ratio Excessive - FAR Excessive Article 65, Section 9 Bldg Height Excessive (Stories) - Excessive stories Height

**Purpose:** To erect a new 3 story / 2 residential building with parking on grade. This will be a Nominal Fee Filing

**Discussion:** At the request of the Board, the applicant presented plans to erect a 3 story 2 family dwelling.

Board members asked about the plans,

**Documents/Exhibits:** Building Plans

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





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

**Case: BOA-1513515 Address: 313 K Street Ward 7 Applicant: Alicia Powder**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Access to main roof deck via stair Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback Art 68 Sec 8 Dim reg app in res sub dist - Insufficient side yard setback

**Purpose:** Adding a roof deck

**Discussion:** At the request of the Board, the applicant presented plans to add a roof deck to the top floor of a third story condo unit.

Board members asked about the plans, parking, paving

**Documents/Exhibits:** Building Plans, dimensions

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

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

**Case: BOA-1521565 Address: 409-415 West Broadway Ward 6 Applicant: William Halpin Jr**

**Article(s):** Art 68 Sec 8 Dim reg app in res sub dist - Excessive f.a.r. Art 68 Sec 8 Dim reg app in res sub dist - Extension into rear yard > 1,000sf- conditional Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback Art 68 Sec 8 Dim reg app in res sub dist - Insufficient open space Art 68 Sec 8 Dim reg app in res sub dist - Insufficient front yard setback Art. 09 Sec. 01 Extension of Non Conforming Use >25% - Forbidden Art. 68 Sec. 07 Use Regs. - Use forbidden Art.68 Sec. 33 Off Street Loading Req. - Insufficient loading Article 68, Section 33 Off-Street Parking & Loading Req - Insufficient parking

**Purpose:** A rear addition for the Clinic as per plans

**Discussion:** At the request of the Board, the applicant presented plans to add a new rear addition to a south boston community health center.

Board members asked about the plans, parking,

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1554723 Address: 40 Berkeley Street Ward 5 Applicant: MVC40B, LLC**

**Article(s):** Art. 09 Sec. 02 Nonconforming Use Change - Change in a non conforming use restaurant #ALT1384896/2022 <25% Conditional Article 64 Section 8 Use Regulations Restaurant with Live entertainment after 1030pm Conditional

**Purpose:** Change occupancy from "Hostel/Dormitory and Restaurant #37" to "Hostel/Dormitory, Restaurant #37 and restaurant #38 with (Live Entertainment after 10:30pm) on the ground floor only. See attached 2010 Memorandum of Agreement regarding "Uses". Request that we be allowed to pay nominal fee.

**Discussion:** At the request of the Board, the applicant presented plans to erect a mixed use 5 story building with 40 apartments and 26 off street parking spaces.



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Board members asked about the plans, parking, paving

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Pepen and an abutter are in support.

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

**Case: BOA-1554377 Address: 465 Medford Street Ward 2 Applicant: John Moriarty**

**Article(s):** Art. 42B Sec.14 Use regulations applicable in Charlestown Gateway - Subdistrict use proposed is forbidden

**Purpose:** Interior Renovations. Change of occupancy to include medical facility for child and teen ABA therapy, autism testing and diagnosis.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy to include medical facilities and testing centers for ASD. The uses also include interview and unseeing areas

Board members asked about the plans, proposal.

**Documents/Exhibits:** Building Plans

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

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

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

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

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

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

**Votes:** Upon a motion and a second the Board moved to defer until May 7, 2024.

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

**Case: BOA-1550671 Address: 120 Park Street Ward 20 Applicant: Dartry Realty, LLC**

**Article(s):** Art. 56, Section 15 Use: Conditional - MFR (1st story) Conditional Article 56 Section 16 Usable Open Space Art. 10 Sec. 01 Limitation of off street parking areas - Parking less than 5ft from side lot line abutting Residential district Art. 56, Section 39 Off Street Parking Insufficient Art. 56, Section 39 Off Street Parking Insufficient - 56 39.5

Maneuvering areas (tandem parking) Article 56 Section 16 Side Yard 10 feet wide req'd for driveway

**Purpose:** Change occupancy of existing one story commercial structure to 5 unit residential with 4 off street parking spaces. Scope includes reconfiguration of interior spaces, finished basement for storage only, and life safety upgrades FA/FP, per plans. See U491537562 for driveway easement.



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**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy to a 5 unit dwelling with 4 off street parking spaces.

Board members asked about the plans, property, parking, paving

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Pinado moved to approve with BPDA design review. Stenbridge seconded and the motion carried unanimously.

**Case: BOA-1515203 Address: 40-42 Temple Street Ward 17 Applicant: Hau Thi Minh Nguyen**

**Article(s):** Article 65, Section 8 Use Regulations - Use: Multifamily Dwelling: Forbidden Article 65, Section 8 Use Regulations - Use: Townhouse: Forbidden 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 Building Height ( # of Stories ) Excessive Article 65, Section 9 Side Yard Insufficient Article 65, Section 42 Application of Dimensional Req - Conformity with Existing Building Alignment Article 65, Section 41 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 65, Section 8 Use Regulations - Use: Accessory Parking: Forbidden

**Purpose:** Demolish existing Two family building and Single family building on lot (Raze on a separate permit). Construct a 3 story attached Five Unit Townhouse. Building will be fully sprinklered. The lot will have 5 new on grade Parking spaces. This lot to be known as 40 46B Temple Street.

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

**Votes:** Upon a motion and a second the Board moved to defer until June 6, 2024.

**Case: BOA-1525246 Address: 112 Richmond Street Ward 16 Applicant: 686 Architects**

**Article(s):** Article 65, Section 41 Off Street Parking & Loading Req Article 65, Section 32 Neighborhood Design Overlay Districts Article 65, Section 15 Use: Forbidden Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Rear Yard Insufficient

**Purpose:** To construct a rear addition; attaching the existing two unit residential building to the existing rear barn. With a change in occupancy from two to three residential units.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from 2 family to a 3 family.

Board members asked about the plans, parking, paving

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Collins moved to approve with BPDA design review. Stenbridge seconded and the motion carried unanimously.

**Case: BOA-1341131 Address: 61 Linden Street Ward 15 Applicant: Hung Nguyen**

**Article(s):** Art. 65 Sec. 08 Forbidden – 6 unit dwelling forbidden Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient open space Article 65, Section 9 Excessive f.a.r. Article 65, Section 9 Insufficient side yard Article 65,



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Section 9 Insufficient front yard setback Art. 65 Sec. 9 Residential Dimensional Reg.s - # of allowed stories has been exceeded

**Purpose:** Proposed 6 dwelling unit per plan submitted

**Discussion:** The applicant wanted to erect a 6 unit dwelling. The Board noted that they needed updated plans.

**Votes:** Board member Whewell moved to deny without prejudice. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1542657 Address: 548 East Third Street Ward 6 Applicant: Michael Ross**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions -Max allowed height on parcel exceeded Art 68 Sec 8 Dim reg app in res sub dist - Insufficient lot size Art 68 Sec 8 Dim reg app in res sub dist - Excessive f.a.r. Art 68 Sec 8 Dim reg app in res sub dist - Insufficient open space per unit Art 68 Sec 8 Dim reg app in res sub dist - Insufficient front yard setback Art 68 Sec 8 Dim reg app in res sub dist - Insufficient side yard setback Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback Article 68, Section 33 Off Street Parking & Loading Req - Insufficient parking Art. 68 Sec. 33 Off Street parking Req. - Design and clear maneuvering areas Art 68 Sec 8 Dim reg app in res sub dist - Insufficient additional lot area per unit required

**Purpose:** Demolish existing structure pursuant to Article 85 and erect a three family building with parking.

**Discussion:** The Board found that there were maneuverability and open space issues.

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

**Case: BOA- 1524057 Address: 363 E Street Ward 6 Applicant: David Winick**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel has been exceeded

**Purpose:** Demolish existing structure (under separate SF) and erect new 4 unit residential building as per plans.

**Discussion:** At the request of the Board, the applicant presented plans to demo the existing and erect a new 4 unit residential dwelling.

Board members asked about the plans, parking, paving

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1563602 Address: 1188-1194 Bennington Street Ward 1 Applicant: Wattendorf Limited Partnership-ARTICLE 80**

**Article(s):** Art. 53, Section 25 Use: Forbidden - 22 Units Multi Families. Art. 53 Sec. 09 Floor Area Ratio Excessive. Article 53, Section 9 Building Height Excessive Stories Article 53, Section 9 Building Height Excessive Feet. Art. 53 Sec. 09 Rear Yard Insufficient. Article 53 Section 56 Off Street Parking & Loading Req - Parking/Loading Insufficient Art. 53 Sec. 57 Dimensional Application - Two or more building in One Lot.

**Purpose:** Raze structures on existing ( on separate permit) 22,233 s.f. site (Parcel No. 010567000). Construct a Twenty two (22) unit mixed use residential building with 1 Retail space at lower level. with 8 parking spaces. In conjunction with ERT1462978.



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**Discussion:** At the request of the Board, the applicant presented plans to demo the current and erect a new 22 unit mixed use residential dwelling with ground floor retail and 8 off street parking spaces.

Board members asked about the plans, parking, paving

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1563606 Address: 1200-1208 Bennington Street Ward 1 Applicant: Wattendorf Limited Partnership-ARTICLE 80**

Article(s): Art. 53 Sec. 09 Floor Area Ratio Excessive. Art. 53 Sec. 09 Rear Yard Insufficient.

Art. 53, Section 25 Use: Forbidden - 18 Units Multi Families. Article 53 Section 56 Off Street Parking & Loading Req - Parking/Loading Insufficient. Article 53, Section 9 Bldg Height Excessive (Stories) - Building height excessive stories Article 53, Section 9 Bldg Height Excessive (Feet) - Bldg Height Excessive Feet Article 53 Section 57 Application of Dimensional Req - Two or more Building in One lot.

Purpose: Raze structures on existing ( on separate permit) 22,233 s.f. site (Parcel No. 010567000) . Construct a eighteen (18) unit mixed use residential building with 1 Retail space at lower level. with 10 parking spaces. In conjunction with ERT1462975.

**Discussion:** At the request of the Board, the applicant presented plans to demo the current and erect a new 22 unit mixed use residential dwelling with ground floor retail and 8 off street parking spaces.

Board members asked about the plans, parking, paving

**Documents/Exhibits:** Building Plans

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

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

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

**Case: BOA-1552790 Address: 226-228 Washington Street Ward 22 Applicant: George Morancy**

**Article(s):** Article 51, Section 8 Use: Forbidden Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Rear Yard Insufficient Article 51, Section 56. Off Street Parking & Loading Req Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Lot Area Insufficient

**Purpose:** Construct new 6 unit multifamily residential dwelling. Raze existing building on separate SF permit.

**Reason for Prior Deferral:**

**Discussion:** At the request of the Board, the applicant presented plans to erect a new 6-unit residential dwelling with 5 off street parking spaces.

Board members asked about the plans, proposal, driveway



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**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in opposition and the BAIA is in support.

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

**Case: BOA-1539233 Address: 81 Furbush Road Ward 20 Applicant: Gilmar Costa**

**Article:** Article 56, Section 8 - Rear Yard Insufficient

**Purpose:** Demolition existing deck and build new sunroom deck (same size, same place).

**Reason for Prior Deferral:**

**Discussion:** At the request of the Board, the applicant presented plans to build a new 40x12 sunroom one story up to match the existing egress.

Board members asked about the plans, proposal.

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1498625 Address: 4-6 Milton Avenue Ward: 17 Applicant: Simon Suazo**

**Article(s):** Article 60, Section 8 Use Regulations - Use Conditional

**Purpose:** Adding used car sales for 6 cars, access is through the garage.

**Reason for Prior Deferral: Board deferred from Subcommittee Hearing**

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

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

**Case: BOA-1479078 Address: 841 Columbia Road Ward 13 Applicant: 843 Columbia Road, LLC**

**Article(s):** Article 65, Section 9 Front yard insufficient Article 65, Section 9 Side yard insufficient Article 65, Section 9 Floor Area Ratio Excessive - FAR Excessive. Article 65, Section 9 Bldg Height Excessive (Stories) - Stories height excessive. Art.65 Sec. 8 Use: Forbidden - Multiple Family Forbidden Use. Article 65, Section 9 Lot Frontage Insufficient - Lot Frontage insufficient. Art. 65 Sec. 41 Off street parking requirements - Off street parking insufficient.

**Purpose:** "Seeking to combine parcel 1303314000 and parcel 1303313000 to create a 7,098 square foot lot to be known as 841 Columbia Road. Also, to erect a new building with 6 residential units and 6 parking spaces. Project will include one unit as affordable." (Need apply Alteration permit to combine lot separately).

**Reason for Prior Deferral: The applicant requested a deferral and one was granted**

**Discussion:** At the request of the Board, the applicant presented plans to erect a new residential unit with 5 off street parking spaces to allow for green space. MBTA accessible with 1 voluntary affordable unit.

Board members asked about the plans, parking, paving

**Documents/Exhibits:** Building Plans



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**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in opposition.

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

**Case: BOA-1304433 Address: 10 Thompson Square Ward 2 Applicant: Sing Ming Chan**

**Article(s):** Art. 62 Sec. 14 Usable open space insufficient Article 62, Section 14 Excessive f.a.r.

Article 62, Section 14 Excessive height Article 62, Section 14 Insufficient rear yard setback Article 62, Section 29 Off-Street Loading Insufficient - None proposed Art. 62 Sec. 62-29 Off street parking requirements - None proposed

**Purpose:** Erect a new mixed use building with commercial space (RETAIL) on first floor and 12 dwelling units above. Existing building to be razed under separate permit. \*4.10.23: Reduced project scope at ZBA to 12 units and 4 stories

**Reason for Prior Deferral: To continue community process**

**Discussion:** The applicant requested a deferral to review the BPDA memo and revise the project.

**Votes:** Upon a motion and second the Board moved to defer until June 4, 2024.

**Case: BOA-1550055 Address: 89 Condor Street Ward 1 Applicant: 89 Condor Street, LLC**

**Article(s):** Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 57.2 Conformity Ex Bldg Alignment - Front yard Art. 53 Sec. 08 Forbidden - Multiple Families 4 Units Use Forbidden. Art. 53 Sec. 56 Off street parking insufficient - Req. 1.5/unit. Proposed 2 spaces. Article 27T - 5 East Boston IPOD Applicability - IPOD overlays

**Purpose:** Erect a new four (4) story four (4) unit residential dwelling.

**Reason for Prior Deferral:**

**Discussion:** At the request of the Board, the applicant presented plans to erect a 4 story 4 unit dwelling

Board members asked about the plans, proposal, rear setback

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition.

**Votes:** Board member Whewell moved to deny without prejudice. Stembridge seconded and the motion carried unanimously.

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

**Case: BOA-1533784 Address: 152 Washington Street Ward 21 Applicant: Tinh Le**

**Article(s):** Aft. 51 Sec. 16 Forbidden Use Article 51, Section 9 Lot Frontage Insufficient Article 51, Section 8 Use: Forbidden Article 51, Section 56 Off Street Parking Insufficient

**Purpose:** Change Occupancy from a 2 family to a 3 family, add 2 bathrooms per unite as per plan. upgrade electrical as per plan, upgrade plumbing as per plan, add all new sprinkler per plan. re do all kitchens as per plan. and finish basement as per plan.

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

**Votes:** Upon a motion and a second the Board moved to defer until April 30th, 2024.



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**Case: BOA-1565767 Address: 5 Bradford Circle Ward 20 Applicant: Lawrence Bastianelli**

**Article(s):** Article 67, Section 9 Lot Area Insufficient Article 67, Section 32 Off Street Parking  
Article 67 Section 33 Application of Dimensional Req 67 33.12 Two or More Dwellings on Same Lot.

**Purpose:** Related to ALT1494344 and filed for Zoning; Two Dwellings on the same lot. No work proposed on existing home.

**Discussion:** At the request of the Board, the applicant presented plans to add a new home on the existing lot next to a current dwelling.

Board members asked about the plans, parking,

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1542562 Address: 5R Bradford Circle Ward 20 Applicant: Lawrence Bastianelli**

**Article(s):** Article 67, Section 32 Off-Street Parking Article 67, Section 33 Application of Dimensional Req Two or More Dwellings on Same Lot. Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Lot Width Insufficient Article 67, Section 9 Usable Open Space Insufficient Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Lot Frontage Insufficient Article 67, Section 9.3 Location of Main Entrance

**Purpose:** Confirm occupancy as Garage and change to new single family. Scope includes a new addition to the existing structure to accommodate new dwelling & garaged parking. Also see ALT1538295.

**Discussion:** At the request of the Board, the applicant presented plans to add a new home on the existing lot next to a current dwelling.

Board members asked about the plans, parking,

**Documents/Exhibits:** Building Plans

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

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

**Case: BOA-1556702 Address: 29 Stanton Street Ward 17 Applicant: Wesley Child Care Center**

**Article(s):** Art.65 Sec. 8 Use: Forbidden - Accessory Retail (Food Pantry)

**Purpose:** Change occupancy to include Accessory food pantry storage in the basement of the existing child care center (run by Rich Green). Removal of partition wall within storage space.

**Discussion:** At the request of the Board, the applicant presented plans to confirm the occupancy as a garage and change it to a 1 family dwelling with new addition accommodations.

Board members asked about the plans, parking,

**Documents/Exhibits:** Building Plans





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

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

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

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

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

**Discussion:** The applicant requested a deferral to meet with a nearby civic group.

**Votes:** Upon a motion and a second the Board moved to defer this until May 7, 2024.

**Case: BOA-1514573 Address: 31 Marine Road Ward 7 Applicant: Sing Ming Chan**

**Article(s):** Art. 29, Section 4 Greenbelt Protection Overlay District Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel exceeded Art. 68 Sec. 33 Off Street parking Req. - Design and Maneuvering areas

**Purpose :** Proposed new 3 family residence, as per plans. demolish existing 2 family and garage on separate short form.

**Discussion:** At the request of the Board, the applicant presented plans to demo the existing, erect a new 3 family dwelling and add 6 off street tandem parking spaces.

Board members asked about the plans, proposal.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn and Rep. Collins are in opposition.

**Votes:** Board member Pinado moved to approve. Stembridge seconded and the motion carried 5-1.



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**STEPHANIE HAYNES**  
**BOARD OF APPEAL**  
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**For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to**  
[https://www.municode.com/library/ma/boston/codes/redevelopment\\_authority](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)