



City of Boston  
Board of Appeal

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Tuesday, September 24, 2024

BOARD OF APPEALS

City Hall Room 801

## HEARING MINUTES

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON SEPTEMBER 24, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS SEPTEMBER 24, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE SEPTEMBER 24, 2024 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.**

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

If you wish to offer testimony on an appeal, please click <https://bit.ly/September24Comment> 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/September24Comment> 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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**APPROVAL OF THE HEARING MINUTES: 9:30AM**

**September 10, 2024**

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

**EXTENSIONS: 9:30AM**

**Case: BOA-1035621 Address: 3 Robinson Street Ward 15 Applicant: Joao Gomes**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until September 26, 2025.

**Case: BOA- 609358 Address: 6-8 Parsons Street Ward 22 Applicant: Marc LaCasse, ESQ**

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

**Case: BOA- 609355 Address: 10 Parsons Street Ward 22 Applicant: Marc LaCasse, ESQ**

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

**Case: BOA- 898191 Address: 40 Mount Hood Road Ward 21 Applicant: Johanna Schneider**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until June 27, 2025.

**Case: BOA- 931560 Address: 149 Salem Street Ward 3 Applicant: Michael Dello Russo**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until October 11, 2025.

**Case: BOA- 948370 Address: 768-772 Tremont Street Ward 9 Applicant: Husam Al-Khateeb**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until September 26, 2025.

**Case: BOA- 948352 Address: 11 Heron Street Ward 20 Applicant: George Morancy, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until June 26, 2026.

**Case: BOA- 948354 Address: 26 Heron Street Ward 20 Applicant: George Morancy, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until June 26, 2026.



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**Case: BOA- 1049883 Address: 850-852 Summer Street Ward 6 Applicant: John Gorman**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until September 24, 2025.

**Case: BOA- 1066449 Address: 6 Glover Court Ward 7 Applicant: Kevin Chiles**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until October 23, 2025.

**Case: BOA-1240760 Address: 46 Everett Street Ward 1 Applicant: Richard Lynds, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until October 22, 2025.

**Case: BOA-1240765 Address: 48 Everett Street Ward 1 Applicant: Richard Lynds, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until October 22, 2025.

**Case: BOA-1240765 Address: 48 Everett Street Ward 1 Applicant: Richard Lynds, Esq Case:**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until October 22, 2025.

**Case: BOA-1240920 Address: 48 Everett Street Ward 1 Applicant: Richard Lynds, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until October 22, 2025.

**Case: BOA- 1289438 Address: 211 West Third St. 8 Applicant: Ryan Spitz, ESQ**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant the extension until September 23, 2025.

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

**Case: BOA- 1287036 Address: 1767 Washington Street Ward 9 Applicant: Marc LaCasse, ESQ**

**Discussion/Votes:** Board Member Barraza recused herself from this vote. Upon a motion and a second, the remaining Board members voted unanimously to grant the board final arbiter request.

### **RECOMMENDATIONS: 9:30 AM**

**Case: BOA- 1629400 Address: 1-3 Center Plaza Ward: 3 Applicant: Meixiang Kass**

**Article(s):** Art 45 Sec.14 Use: Conditional

**Purpose:** Meixiang Kass the owner of Pretty Chic is a tenant (suite 33) located at 3 Center Plaza, Boston, MA 02108 in Sola Salon. Meixiang Kass the owner and tenant (suite 33) is applying for Permit to add Body Art. She is applying to the Board of Health for her permit. Work performed under ALT1497937 issued 8/14/23.



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**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 BPD review

**Case: BOA-1606999 Address: 141 West Canton Street Ward: 4 Applicant: Peter Bemis**

**Article(s):** Art. 64 Sec. 09 Town House/Row House Extensions into Rear Yard - 4.Town House/Row House Extensions into Rear Yard. Notwithstanding any contrary provision of this Article or Code, any Proposed Project that otherwise meets the applicable use and dimensional requirements of this Article shall be conditional if such Proposed Project involves the extension of a Town House or Row House into a rear yard, where such extension: (b) involves the addition of a porch or balcony, other than a roof deck, above the first story.

**Purpose:** Extension of existing steel and glass deck. Remove existing galvanized steel rails for installation of 4.5 ft. x 13.5 ft. steel and glass deck extension with new rails and balustrade. Provide new footings and sonotube piers for deck support. Repair underground recharge system and reset bluestone pavers as required. Install new 6ft. privacy fence with integrated storage cabinets and relocated grill. Replace in kind existing rotted wood stair and lower storage.

**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- 1616914 Address: 51 Wyman Street Ward: 10 Applicant: Adam Ricci**

**Article(s):** Art. 55 Sec. 09 Maximum Floor Area Ratio exceeded 0.87 proposed; 0.6 max allowed

**Purpose :** New bathroom and partition walls in basement for new home office. Extending living space into the basement.

**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-1603914 Address: 990-996 Dorchester Avenue Ward: 13 Applicant: Kevin Gonzalez**

**Article(s):** Art.06 Sec.04 Conditional

**Purpose:** Remove proviso and grant to this petitioner only under Alt1306115, BOA1314013 (No Work)

**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- 1585024 Address: 14 Hancock Street Ward: 13 Applicant: Ayaz Shah**

**Article(s):**Art. 06 Sec. 04 Other Protectional Conditions - Removal of previous BOA proviso order "to petitioner only" requested

**Purpose:** Remove proviso (No Work)

**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- 1600852 Address: 10 Brewer Street Ward: 19 Applicant: Steven Cohen**

**Article(s):** Article 55, Section 40 Off Street Parking & Loading Req - Proposed parking in required front yard

**Purpose:** Curb cut and one off street accessory residential parking space.

**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



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**Case: BOA- 1614441 Address: 66 Farquhar Street Ward: 20 Applicant: John Pulgini**

**Article(s):** Article 67, Section 9 Floor Area Ratio Excessive - Applicant will need to seek relief for the proposed FAR of .75 Article 67, Section 9 Bldg Height Excessive (Stories) - Applicant will need to seek relief for three stories (existing non conforming). Article 67, Section 9 Front Yard Insufficient - Applicant will need to seek relief for Front yard setback of 17.9' (existing non conforming). Article 67, Section 9 Side Yard Insufficient - Applicant will need to seek relief for the Right side yard setback of 4.23' (Existing non conforming) Article 67, Section 32 Off Street Parking - Applicant will need to seek relief for TWO off street parking spaces.

**Purpose:** Construct a three story rear addition to the existing dwelling on the property, construct third floor dormers and second floor porch, and change occupancy from single family to two family

**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

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

**Case: BOA- 1585854 Address: 80 Spring Park Avenue Ward 19 Applicant: Michael Welsh**

**Article(s):** Article 55, Section 9 Add'l Lot Area Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Bldg Height Excessive (Feet) Article 55, Section 9 Bldg Height Excessive (Stories) Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 9 Usable Open Space Insufficient Article 55 Sect 40 Off Street Parking & Loading Req Off street parking is only provided for unit 3. 2 additional spaces are required.

**Purpose:** New construction of four story three family dwelling on vacant lot. New building to have two garage parking spaces, sprinklers, and an elevator exclusively for the triplex unit on floors two through four.

**Discussion:** At the request of the Board, the applicant presented plans to raze an existing 4 story 4 townhouse style dwellings with off street parking for each.

Board members asked about the plans, proposal.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Barraza moved to approve with three provisos. 521 CMR for accessibility, BPD review, and increase the rear yard setback to a minimum of 5. Stenbridge seconded and the motion was carried unanimously.



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**Case: BOA- 1627266 Address: 103-105 Neponset Avenue Ward 18 Applicant: James McCabe**

**Article(s):** Art. 67 Sec. 09 Side Yard Insufficient

**Purpose:** Erect new two level rear porch to existing house.

**Discussion:** At the request of the Board, the applicant presented plans to add decks to an already built dwelling to allow for outdoor living space.

Board members asked about the plans and the proposal.

**Documents/Exhibits:** Building Plans

**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- 1530242 Address: 69 Thetford Avenue Ward 17 Applicant: Urban Determination/ Vernon Woodworth**

**Article(s):** Article 65, Section 8 Use Regulations Three Family is forbidden in a 2F 5000 Sub district Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Side Yard Insufficient Article 65 Section 41 Off Street Parking and Loading Off street parking is insufficient

**Purpose:** Change occupancy from 2 family to 3 family. Convert third floor into a dwelling unit. Install NFPA 13D sprinkler system third floor only. Rebuild existing front stair to second floor and extend to third for second means of egress.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a two family to a three family dwelling.

Board members asked about the plans, proposal, and side yard.

**Documents/Exhibits:** Building Plans

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

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



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**Case: BOA- 1636369 Address: 608 Gallivan Boulevard Ward 16 Applicant: James Christopher**

**Article(s):** Art. 65 Sec. 08 Forbidden Multifamily use Article 65, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Proposed: 0.69 Article 65, Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5 Proposed: 3 Article 65, Section 9 Side Yard Insufficient Min. required: 10' Proposed: 8.2' Art. 65 Sec. 02 Conformity with Existing Building Alignment Street modal calculation not provided to verify its compliance. Article 65, Section 42 Application of Dimensional Req 65.42.6 Left Side wall of building not parallel to side lot line.

**Purpose:** The owner seeks to raze the existing 2 family structure, and erect a new 3 story, 12 unit residential building with 20 below grade parking spaces on the existing 20,000 SF lot as per the attached plans.

**Discussion:** At the request of the Board, the applicant presented plans to raze an existing two family and erect a 12 family with 20 off street parking spaces.

Board members asked about the plans, proposal, and side yard.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Murphy and Fitzgerald are in support.

**Votes:** Board member Barraza moved to approve with two provisos: A MOH agreement and BPD review. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1452431 Address: 12 Trull Street Ward 15 Applicant: Cesar DaSilva**

**Article(s):** Art.65 Sec. 8 Use: Forbidden MFR in 3F Article 65, Section 8.2 Use Regulations: Basement Units Basement unit – Forbidden Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9.2 Dim Regs: Location of Main Entrance Basement unit

**Purpose:** Change of occupancy from 2 family to 4 family dwelling. Scope include new side exterior egress stair, new fire alarm/sprinkler system, unit separation, and relocation of the utility meters.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a 2 family to a 4 family.

Board members asked about the plans, proposal, and side yard.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Pinado moved to approve with no building code relief and the main entrance facing the front lot line. Stembridge seconded and the motion carried unanimously.





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**Case: BOA- 1556446 Address: 2080 Washington Street Ward 8 Applicant: Jonathan Smalls**

**Article(s):** Art. 50, Section 24 Use: Conditional Proposed project will use building for Cultural Use more specifically for Dance Studios, which is a Conditional. Art. 50 Sec. 37 Boulevard Planning District The proposed project is subject to Boulevard Planning District Review. (Design Review) Art. 50, Section 25 Dimensional Regulations The proposed project will exceed the 20' a rear yard setback.

**Purpose:** Change occupancy to Cultural use as dance studio, renovate existing building, add 2 floors (was formally 2 story) on top of existing foundation. Building to be used as a dance studio.

**Discussion:** At the request of the Board, the applicant presented plans to include dance studios.

Board members asked about the plans, proposal, and side yard.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board Member Stembridge recused himself from this vote. Board member Barraza moved to approve with BLC review and Parks and Rec review. Collins seconded and carried unanimously.

**Case: BOA- 1615346 Address: 374 East Eighth Street Ward 7 Applicant: Braden Abrams Reid**

**Article(s):** Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Floor Area Ratio Excessive You need relief from the BOA for the said violations

**Purpose:** Amendment to ALT1555165. Build garage attached to back of existing house and additional story on existing house per architectural plans

**Discussion:Votes:** Upon a motion and a second, the Board moved to defer until October 29, 2024.

**Case: BOA- 1628161 Address: 850-852 Summer Street Ward 6 Applicant: Krysta-Lyn Martinelli**

**Article(s):** Art. 09 Sec. 02 Nonconforming Use Change <25% -Conditional Art. 68 Sec. 07 Use Regs. -  
Use Conditional

**Purpose:** Previous scope: lease 850 Summer Street, unit #202 on the second floor for a wellness studio space.  
Clarification of scope of work: Change occupancy of what is known to be suite #206 (aka#5) from office use to a professional office (Yoga fitness studio) No work to be performed beyond level 1 cosmetic work

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from an office to a wellness studio space.

Board members asked about the plans and proposal.

**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 Barraza moved to approve. Stembridge seconded and the motion carried unanimously.



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**Case: BOA- 1613836 Address: 1 Laurel Street Ward 2 Applicant: Margaret Tannoury**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use Article 62, Section 8 Floor Area Ratio Excessive

**Purpose:** Excavate and lower slab height of existing finished basement to increase ceiling height. Change ½ bath in the basement to full bath. Replace existing bulkhead walls and steel door with new concrete bulkhead walls and glass door.

\*Single Family #ALT633782/2016

**Discussion:** At the request of the Board, the applicant presented plans to expand the livable space in the basement for an existing family.

Board members asked about the plans and 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- 1565654 Address: 156-164 Bunker Hill Street Ward 2 Applicant: John Carey, ESQ**

**Article(s):** Article 62, Section 8 Rear Yard Insufficient Article 62, Section 8 Floor Area Ratio Excessive

Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 8 Usable Open Space Insufficient

Article 62, Section 29 Off Street Parking Insufficient

**Purpose:** Erect new three story addition containing four dwelling units above existing one story building containing a restaurant and convenience store.

**Discussion:** At the request of the Board, the applicant presented plans to erect a 3 story addition for 4 units with a restaurant.

Board members asked about the plans and proposal.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Collins moved to approve with BPD review but the motion failed. Board member Aiken moved to deny without prejudice and the motion carried unanimously.



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**Case: BOA- 1633229 Address: 609-611 Bennington Street Ward 1 Applicant: Brooke Charter School**

**Article(s):** ARTICLE 53; SECTION 53 5Dimensional Regulations (Table F)EBR 4 Insufficient rear yard setback  
Art. 53 Sec. 56 Off Street Parking Insufficient parking

**Purpose:** Change occupancy from a two (2) family dwelling (See 336/1915) to Educational Use. Interior renovations only. Clarification: Change occupancy from a two family to an Educational USE detached dwelling as an extension of the (Brooke Charter School) and renovate structures 1st floor for classroom use (28 students) and second floor for school administrative office use and incidental kitchen. Renovations shall include a newly proposed handicap ramp in rear to create a clear pathway to the existing school located on the 96 Horace street lot

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy to an educational use with no exterior changes.

Board members asked about the plans and proposal.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Barraza moved to approve. Stenbridge seconded and the motion carried unanimously.

**Case: BOA- 1575584 Address: 81 Lexington Street Ward 1 Applicant: James Christopher**

**Article(s):** Art.53 Sec. 08 Use: ForbiddenMFR Forbidden Art.53 Sec. 08 Use: ForbiddenBasement units Forbidden  
Art.53 Sec. 08 Use: Forbidden Local Retail Forbidden 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 9Bldg Height Excessive  
(Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 57.2Conformity Ex Bldg Alignment  
Art. 53, Section 56 Off Street Parking Insufficient

**Purpose:** Erect a 3 story mixed used building on newly created lot; 3,706sqft. Building consisting of 1 Local Retail space at grade and 8 residential units. Scope includes basement units, balconies, and common roof deck. See ALT1553019 for subdivision. Demolition of existing building on separate permit

**Discussion:Votes:** Upon a motion and a second the Board moved to defer until October 29, 2024.



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**Case: BOA- 1637997 Address: 55 Chelsea Street Ward 1 Applicant: Paola Alzate**

**Article(s):** Art. 53, Section 8 Use: Forbidden General Retail Forbidden Art. 53, Section 8 Use: Forbidden Multi Family Dwelling Forbidden Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Lot Area Insufficient Art. 53 Sec. 09.3 Location of Main Entrance Article 53, Section 52 Roof Structure Restrictions Art. 53, Section 56 Off Street Parking Insufficient Art. 25 Sec. 5 Flood Hazard Districts

**Purpose:** Change of occupancy to Two General Retail (core/shell) and Five Residential units. Scope of work to include additions on levels 2 and 3 with complete rehab/reconfiguration of existing building including upgrades to life safety (FA/FP).

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a 5F to a retail space.

Board members asked about the plans and 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 with BPD review. Stembridge seconded and the motion carried unanimously.

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

**Case: BOA-1600988 Address: 2193-2201 Commonwealth Avenue Ward 22 Applicant: Mr. G's Corner, LLC**

**Article(s):** Aft. 51 Sec. 16 Forbidden Use

**Purpose:** Change of use and occupancy to add a new proposed local liquor store with retail market use at the Premises in place of existing commercial use.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy to add a liquor store with retail and mixed use in a strip for craft beer and wine.

Board members asked about the plans.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters, the BAIA, and Rep Moran are in support. Secretary Galvin, Boston College, an abutter, and the Boston Patrol Association are in opposition.

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



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**Case: BOA- 1521952 Address: 259R-259RF Market Street Ward 22 Applicant: Penny Investments, LLC**  
**Article(s):** Article 51 Section 9.4 Dim Reg: Location of Main Entrance Article 51, Section 57.13 Two or More Dwellings on Same Lot Dwelling at rear of another Dwelling Article 51, Section 8 Use: Forbidden Three family - Forbidden Article 51, Section 8 Use: Forbidden Townhouses – Forbidden Article 51, Section 9 Lot Frontage Insufficient Article 51, Section 9 Bldg Height Excessive (Stories)  
**Purpose:** Erect (3) new 3 story townhomes in a newly created rear lot (Lot B, 10,845 sq. ft.) behind the existing two family dwelling, which will remain on the street facing lot. Each townhome features garaged parking for two cars and top story decks. See ALT1484754 & ALT1515523 for subdivision applications.

**Discussion:** At the request of the Board, the applicant presented plans to erect 3 townhouse homes behind an existing 2 family.

Board members asked about the plans, proposal, and side yard.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor’s Office of Neighborhood Services deferred judgement to the Board. The BAIA abstained and an abutter is in opposition.

**Votes:** Board member Barraza moved to approve with BPD review. Stembidge seconded and the motion carried unanimously.

**Case: BOA-1521950 Address: 257 Market Street Ward 22 Applicant: Penny Investments, LLC**  
**Article(s):** Article 51, Section 9 Rear Yard Insufficient Article 51, Section 56 Off Street Parking Insufficient Article 9, Section 2 Change in Non Conforming Use Decrease in lot size to existing Non conforming use.  
**Purpose:** Filed with ERT1480650, the intent is to subdivide the lot, retain the existing two family on the lot designated as 257 Market St, and build a new multifamily building on the new rear lot. Subdivision of Parcel 2202571000 to create two new parcels; Lot A 5,857sqft & Lot B 10,845sqft.

**Discussion:** At the request of the Board, the applicant presented plans to erect 3 townhouse homes behind an existing 2 family.

Board members asked about the plans, proposal, and side yard.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor’s Office of Neighborhood Services deferred judgement to the Board. The BAIA abstained and an abutter is in opposition.

**Votes:** Board member Barraza moved to approve with BPD review. Stembidge seconded and the motion carried unanimously.



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**Case:BOA-1353108 Address: 6 Dana Avenue Ward 18 Applicant: Luis Matute**

**Article(s):** Article 69, Section 8 Use: Forbidden - Basement units Art. 69 Sec. 29.5 Off St.Prk'g:Design - Parking space dimensions. Article 69 Section 29 Off Street Parking & Loading Req - Proposing to legalize 8 existing parking spaces. Required for "new" basement unit: 2 more spaces. Article 69 Section 12 Exceeding allowed FAR extending living space for the "new" unit into the basement. Art. 10 Sec. 01 Limitation of parking areas - Parking spaces (P1, P6, P7 and P8) are located on the front yard (Pingree Street)

**Purpose:** Applying for change of use and occupancy, existing unit No. 07/no work. Unit 7 was never finished legally on paper construction was completed, previous owner passed away during the process. Confirmed occupancy as a 6 residential units and commercial office space (commercial unit is one at issue) change to 7 residential units according to drawings and specifications. Legalize 8 existing parking spaces.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from a 6 unit and an office to a 7 unit dwelling.

Board members asked about the plans and proposal.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Barraza moved to approve with no building code relief. Stembridge seconded and the motion carried unanimously.

**Case: BOA-1587883 Address: 40 Elmont Street Ward 14 Applicant: Carlos Ferreira**

**Article(s):** Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive

**Purpose:** Plans amends ERT1353260, changing empty spaces in basement into a bedroom bath and closet. Exterior will be changed from wood to light gauge cold form

**Discussion:** The applicant did not appear.

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



City of Boston  
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**Case: BOA-1625940 Address: 400-408 West Broadway Ward 6 Applicant: George Morancy, ESQ-ARTICLE 80**

**Article(s):** Art. 68 Sec. 07 Use Regs. Sit down Restaurant USE -Conditional  
Article 68, Section 33 Off-Street Parking & Loading Req Insufficient parking

**Purpose:** Change of Occupancy from 36 Residential units, 36 parking spaces, and 1 retail store see ERT884395 to 36 Residential Units, 36 Parking spaces, and RESTAURANT which is a conditional use.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from 36 units and 36 parking to 36 units, 36 parking and a restaurant.

Board members asked about the plans and 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- 1615937 Address: 297 Newbury Street Ward 5 Applicant: Ember Gardens Boston LLC/ Shane Hyde-CANNABIS**

**Article(s):** Art. 08 Sec. 07 Use: Forbidden \*Cannabis Establishment-provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school.

Use approval shall be applicable to the applicant only Art. 08 Sec.07 Use: Conditional

**Purpose:** Change Occupancy from Retail to cannabis dispensary. Renovation of interior space to fit out as retail space (cannabis dispensary). Some interior non bearing walls will be removed and new walls constructed.

**Discussion:** At the request of the Board, the applicant presented plans to change the occupancy from retail to a cannabis establishment with no third party delivery.

Board members asked about the plans and proposal.

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Some abutters are in support. Councilor Durkan, abutters, a rep for abutters, Rep Livingstone, and a local business is in opposition.

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

**Case: BOA-1607841 Address: 200 State Street Ward 3 Applicant: Commodore Builders**

**Article(s):** Art. 45, Section 1 Use: Forbidden Museum use (not in ground level)

**Purpose:** Change of Occupancy to include museum use. The scope of work for this project includes an interior fit out for the Museum of Illusion. The scope of work for this project includes new walls, bathroom, flooring, architectural finishes and MEP work to accommodate the space.

**Discussion:** The applicant requested to withdraw prior to the hearing.



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**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

**Discussion:** At the request of the Board, the applicant presented plans to erect a new mixed use commercial space with a 3 story proposal.

Board members asked about the plans and proposal.

**Documents/Exhibits:** Building Plans

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

**Votes:** Board member Barraza moved to approve with BPD review. Stenbridge seconded and the motion carried unanimously.

### **INTERPRETATION: 1:00PM**

**Case: BOA-1602742 Address: 123-125 Broad Street Ward 3 Applicant: 125 Broad Street LLC**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability - Commissioner's Bulletin 2015 02 Substantial Rehabilitate **Purpose:**

The petitioner seeks a determination that the Inspectional Services Department erred in issuing a refusal letter citing Art 32 Sec 04 GCOD Applicability.

**Discussion:** The Applicant requested a deferral in order to work more with ISD regarding the violation.

**Votes:** Upon a motion and a second, the Board moved to defer until October 29, 2024.





City of Boston  
Board of Appeal

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

**BOARD MEMBERS:**

SHERRY DONG-CHAIR  
NORMAN STEMBRIDGE-SECRETARY  
GIOVANNY VALENCIA  
HANSY BETTER BARRAZA

**SUBSTITUTE MEMBERS:**

DAVID COLLINS  
JEANNE PINADO  
DAVID AIKEN

**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)