



City of Boston
Board of Appeal

Tuesday, May 10, 2022

BOARD OF APPEAL

City Hall Room 801

HEARING MINUTES

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

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MAY 10, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS MAY 10, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MAY 10, 2022 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/ZBAhearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 996 0844 0932 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/May10Comment> 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/May10Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.



City of Boston
Board of Appeal

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 appear in person at City Hall in the BPDA Board Room. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov for accommodations to be made.

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.



City of Boston
Board of Appeal

APPROVAL OF THE HEARING MINUTES: 9:30AM

APRIL 5, 2022

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

EXTENSIONS: 9:30AM

Case: BOA- 916151 Address: 14 Snow Street Ward 22 Applicant: Mai Phung

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of April 12, 2023 subject to all applicable tolling

Case: BOA- 919609 Address: 25-37 Frankfort Street Ward 1 Applicant: Matthew Eckel, Esq

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of September 19, 2023 subject to all applicable tolling

Case: BOA- 919610 Address: 120 Gove Street Ward 1 Applicant: Matthew Eckel, Esq

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of September 19, 2023 subject to all applicable tolling

Case: BOA- 486152 Address: 270 Dorchester Avenue Ward 6 Applicant: Marc LaCasse, Esq

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of July 14, 2023 subject to all applicable tolling



City of Boston
Board of Appeal

GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1305679 Address: 1 Otis Place Ward 5 Applicant: One Otis Place LLC

Article(s): Article 32, Section 4.GCOD, Applicability - Groundwater Conservation Overlay District Applicability

Purpose: Complete interior gut, remodel and rebuild including new MEP's ; existing windows to be restored; new elevator; one new window to be installed in an existing bricked over opening.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to redo a seven unit residential dwelling with a garden level unit.

Board members asked about plans.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1307773 Address: 397 Commonwealth Avenue Ward 5 Applicant: 395-399 Commonwealth Avenue, LLC

Article(s): Article 32, Section 4.GCOD, Applicability - Groundwater Conservation Overlay District Applicability

Purpose: Change Occupancy from a Dormitory (Lodging House) to Six (6) Dwelling Units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change from a dorm to six residential units.

Board members asked about plans, and unit sizes.

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

Documents/Exhibits: Building Plans.

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

Case: BOA- 1318116 Address: 146 Commonwealth Avenue Ward 5 Applicant: 146 Commonwealth Avenue Nominee Trust

Article(s): Art. 32 Sec. 5 Specific Requirements - A GCOD conditional use permit will be required because:

1. New structure or extension will occupy more than 50 sf of lot area. 2. The new structure/extension designed or used for human occupancy/access for Mechanical equipment, laundry, storage facilities including garage space involves excavation below grade to a depth equal or below 8 3. Alterations to the structure cost more than 50% of the assessed value within any 12 month period.

Purpose: Complete partial gut renovation to single family townhouse to include new meps and new finishes. Change occupancy from dormitory to single family.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy from a dorm to a one family.

Board members asked about plans.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. The BGWT has required letters on file.



City of Boston
Board of Appeal

Documents/Exhibits: Building Plans.

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

HEARINGS: 9:30AM

Case: BOA- 1283596 Address: 101 Saratoga Street Ward 1 Applicant: Cheffro Family Irrevocable Trust

Article(s): Article 53 Section 8 Use Regulations - Multi Family Dwelling Use:Forbidden Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 57.3 Traffic Visibility Across Corners Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability Article 32, Section 4. GCOD, Applicability

Purpose: Combine two lots (PID: 0106528000 and 00106528001) into a newly created single lot to be 1,992 SF. Change occupancy from a commercial space on grade & 2 units above to 6 residential units with roof decks as per plans. Renovate existing 3 story dwelling & add an addition to the rear. All existing floors to be lowered and reframed with new bays along Saratoga Street & Marion Street.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate to allow for a 3 story 6 unit residential dwelling. It is pre-existing non-conforming.

Board members asked about plans, lots, lot size, unit size, roof deck, open space, and parking.

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

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

Votes: Board Member Ruggiero moved to approve with BPDA design review with attention to context. Fortune seconded, Araujo opposed, and the motion carried 6-1.

Case: BOA-1291968 Address:35 Upton Street Ward 3 Applicant: Matthew Serreze

Article(s):Art. 64 Sec. 09 Town House/Row House Extensions into Rear Yard

Purpose: Unit #3. Construct new rear balcony with steel framed and new exterior door.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to construct a 6x23 rear balcony.

Board members asked about plans, bracket supports, and the dimensions.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA- 1177912 Address: 82-84 Boston Street Ward 7 Applicant: Media Partners MRV LLC

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use - Conditional Art. 11 Sec. 06 Signs Subject to Other Reg. - b) no new billboards shall be allowed within six hundred sixty (660) feet of a federally funded highway subject to the Federal Highway Beautification Act unless approved by the Board of Appeal in accordance with Article 6 after receipt by the Board of Appeal of a planning recommendation from the Boston Redevelopment Authority .Art. 65 Sec. 9 Side yard Art. 65, Section 40 Sign Regulations - (3) Free standing signs (USE Forbidden) Art.11, Section 7 Electronic Signs – Conditional Art. 33 Sec. 16 Air Right OS Applicability - Pylon Sign Forbidden

Purpose: Construct a single faced digital billboard FREE STANDING PILON SIGN to the rear of 82 Boston street per attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a 14x48 illuminated billboard.

Board members asked about plans, proposal, context, visual.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood deferred judgement to the Board. Councilor Flaherty, multiple abutters, and the carpenter’s union is in support.

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

Votes: Board Member Ruggiero moved to approve with BPDA design review and that the permit does not issue until 3 billboards are removed, and Fortune seconded. Araujo, Pinado, and Robinson opposed. The motion failed 4-3 and was denied.

Case: BOA-1280084 Address: 41 Dorr Street Ward 11 Applicant: Marc G Abou-Ezzi

Article(s): Article 50, Section 29 Usable Open Space Insufficient

Purpose: Proposal to cut curb and add two off street parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a curb cut for two parking spots.

Board members asked about plans, rendering, and the property line.

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

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

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

Case: BOA- 1308054 Address: 23 Auriga Street Ward 16 Applicant: Kristi & Scott Driscoll

Article(s): Article 65, Section 9 Excessive f.a.r. .5 max.

Purpose: Pour new level slab relocate heating systems new bathroom update electrical replace existing windows install new flooring blueboard, trim, paint. CLARIFICATION: EXTENSION OF LIVING SPACE INTO BASEMENT AREA

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to finish the basement and add living space ex: family room, office, and bathroom.

Board members asked about plans, occupancy, height, and bathroom.



City of Boston
Board of Appeal

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with no bedrooms in the basement. Robinson seconded and the motion carried unanimously.

Case: BOA- 1299393 Address: 29 Saint John Street Ward 19 Applicant: William G Messenger

Article(s): Article 55, Section 9 Floor Area Ratio Excessive

Purpose: Confirm occupancy as one family. Add a two story bump out to existing, conforming single family residence, and remodel some interior spaces. Proposed addition will exceed applicable Floor Area Ratio by 223 square feet, requiring a variance. All other zoning requirements will be met. Request nominal declared valuation at this stage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a small addition to increase the living space.

Board members asked about plans.

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

Documents/Exhibits: Building Plans, letters in support.

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

Case: BOA-1156925 Address: 5-7 Hooker Street Ward 22 Applicant: 5-7 Hooker Street, LLC

Article(s): Article 51 Section 8 Use Regulations - 9 Family use: Forbidden Article 51, Section 56 Off Street Parking & Loading Req - Spaces required: $9 \times 1.75 = 15.75$ Proposed: 9 Article 51, Section 56 Off Street Parking & Loading Req - Dimensional for spaces. (not 50% compact and 50% full) Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 50.2 Conformity Ex Bldg Alignment - For Royal St only (2 buildings min. to calculate modal) Modal is 5' Front façade on Royal shall be at 5' instead of 10.2'

Purpose: New construction of nine for sale condominium units with nine off street parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect and construct 9 unit condos with a roof terrace. There will be no affordable units.

Board members asked about plans, units, layout, configuration, roof decks, headhouse, and unit count.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Breadon stands with the ACA. Abutters are in opposition.

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

Votes: Board Member Ruggiero moved to deny. Pinado seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1173599 Address: 535-537B Washington Street Ward 22 Applicant: Pure Oasis LLC
Article(s): Article 51, Section 16 Use Regulations - Retail Cannabis Establishment Use:Conditional
Purpose: Change of Occupancy to Retail Cannabis Establishment.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until July 12, 2022 at 11:30pm.

HEARINGS:10:30AM

Case: BOA-1311763 Address: 59 Falcon Street Ward 1 Applicant: 59 Falco Street, LLC
Article(s) Art. 53, Section 56 Off-Street Parking Insufficient - 0 Provided Art. 53, Section 8 Use: Forbidden - MFR in 2F zone Article 27T - 5 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions Article 53, Section 57.2 Conformity Ex Bldg Alignment Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient
Purpose: Erect a 4 unit residential dwelling with roof decks, as per plans.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until August 9, 2022 at 12:30PM.

Case: BOA-1272471 Address: 247 Saratoga Street Ward 1 Applicant: Jose Union Contracting and Cleaning Services
Article(s): Art. 53 Sec. 56 Off Street Parking - Off street parking is insufficient. None provided.
Purpose: Change occupancy from a single family dwelling to a two family dwelling. Gut and redo the rooms framing, install lvls, install vinyl siding, Bring electrical and plumbing to code, demolish the porch and erect a 2 level porch, Install new heating, install hardwood floors, install cabinets, install drywall, apply plaster and paint. This will be done to 1st 2nd and basement.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until July 12, 2022 at 11:30pm.

Case: BOA-1278157 Address: 486-490 Medford Street Ward 2 Applicant: Jesse MacDonald
Article(s): Art. 10 Sec. 01 Limitation of parking areas Art. 62 Sec. 08 Insufficient open space Art. 62 Sec. 29 Off street parking Design/Maneuverability Article 62, Section 7 Use Regulations - Ancillary parking conditional Art. 09 Sec. 02 Nonconforming Use Change - <25% Conditional
Purpose: Construction of ONE (1) ANCILLARY off street PARKING SPACE total on right side of 490 Medford St house for parking of a motor vehicle for 117 BALDWIN ST to be accessed via an easement shown on stamped land survey. Please see ERT794188 & U491120263 (this application is a new version of previous UOP)*U491240904 and U491135648 are the active associated UOP applications

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting 1 off-street open-air parking space.

Board members asked about plans, proposal, occupancy.

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

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

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



City of Boston
Board of Appeal

Case: BOA-1299880 Address: 117 Baldwin Street Ward 2 Applicant: Jesse MacDonald

Article(s): Article 62, Section 7 Use Regulations - Ancillary parking Conditional

Purpose: Creating 1 ANCILLARY off street parking space for 117 Baldwin owner (Gary Kerr) to be located on open space @ 486 490 Medford St. Please reference ERT794188 for plan related to this application. Easement plan uploaded here. *Application filed in conjunction with U491120263 (486 490 Medford Street) and U491124207 (494 500 Medford Street) Abandoned *U491240904 and U491230839 are the active associated UOP applications

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting 1 off-street open-air parking space.

Board members asked about plans, proposal, occupancy.

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

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

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

Case: BOA-1306634 Address: 40 Union Park Ward 3 Applicant: Joseph Holland

Article(s): Art. 64 Sec. 09 Dimensional Regulations Applicable in Residential Sub Districts - Excessive f.a.r. (basement, dormer increase) Art. 64 Sec. 34 Restricted Roof Structur Regs - Reconfiguration of roof profile/setback Art. 32 Sec. 04 GCOD Applicability

Purpose: Full gut demolishing, redoing finishes, plumbing, mechanical & electrical finishes, to include, dormer work, sprinkler, fire alarm, removal of all fire escapes, additional extension of living areas in basement and excavate rear for new patio per drawings submitted. *One Family #ALT35451

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a full gut demo and to extend living into the basement.

Board members asked about plans, proposal and roof deck.

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

Documents/Exhibits: Building Plans, letters in support.

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

Case: BOA-1308841 Address: 1 Beacon Street Ward 3 Applicant: Saloniki Greek, LLC

Article(s): Art. 6, Section 4 Other Conditions Necessary as Protection - To remove proviso "petitioner only for take out use" for new ownership/restaurant.

Purpose: 1st Floor Saloniki Greek. Remove proviso for "this petitioner only" from Board decision (2012/BZC 31914) for take out use (#36A) for new restaurant. Build out new Saloniki Greek restaurant. Restaurant includes new bathroom, new kitchen, new finishes, new HVAC distribution system, relocate existing sprinkler system and new fire alarm system. New finishes and millwork are included. New restaurant to replace old existing restaurant. BZC 31914 finalized on ALT169898

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to allow take out use for a new restaurant.

Board members asked about plans, proposal, and prior take out experience.



City of Boston
Board of Appeal

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with all standard take out language, and to this petitioner only. Erlich seconded and the motion carried unanimously.

Case: BOA- 1255773 Address: 753 East Broadway Ward 6 Applicant: L Street, LLC

Article(s): Art. 68 Sec. 33 Off Street parking Req - Parking spaces required: 3 Provided: 0 Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Add'l Lot Area Insufficient

Purpose: Proposed renovation to change occupancy from Restaurant with take out and office space to Restaurant with take out and 2 dwelling units.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until July 12, 2022 at 11:30pm.

Case: BOA- 1244554 Address: 23 Iffley Road Ward 11 Applicant: Jeffrey Mestre

Article(s): Art. 55, Section 40 Off Street Parking Insufficient Article 55, Section 9 Side Yard Insufficient

Purpose: We are looking to add a driveway adjacent to our home. We have certified plot plans that a licensed surveyor created and need an ISD number before submitting the application to the DPW

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a curb cut to a space used currently as a driveway.

Board members asked about plans, occupancy, proposal, and the front yard.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Flaherty is in support. BTM says the plan doesn't work.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review with no front yard parking, and the minimum curb cut length required. Ruggiero seconded and the motion carried unanimously.

Case: BOA-1243853 Address: 7A-7B Jones Avenue Ward 14 Applicant: Milton Santos

Article(s): Art. 60 Sec. 09 Floor Area Ratio excessive - FAR: Excessive Art. 60 Sec. 09 Usable open space insufficient - Usable Open Space: Insufficient Art. 60 Sec. 60-9 Additional Lot Area Insuff - Lot area requires for the new dwelling unit is insufficient Art. 60 Sec. 08 Use Regs appl in Res Subdistr - Dwelling unit is forbidden in basement Art. 60 Sec. 37 Off-St. Parking Requirements - Off street parking requirements: Insufficient

Purpose: Finish the basement as a new two bedrooms unit as per plan. Change the occupancy from 2 to 3 family dwelling unit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to a 3 family and expand living space into the basement.

Board members asked about plans, height, utilities, plans proposal, and egress.

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

Documents/Exhibits: Building Plans.



City of Boston
Board of Appeal

Votes: Board Member Erlich moved to deny. Pinado seconded and the motion carried unanimously.

Case: BOA- 1310507 Address: 29 Hamilton Street Ward 15 Applicant: 23-33 Hamilton GP LLC

Article(s): Art. 65 Sec. 08 Forbidden - Elderly housing use Art. 65 Sec. 42^Conformity with Existing Building Alignment Modal calculation not provided to verify compliance. 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 Rear Yard Insufficient

Purpose: Four story building designed for seniors aged 62 and older. First floor with community room, lobby, game room, management office and meeting space totaling over 1000 sf. One bicycle space per two units indoors on ground level. One motor vehicle space per three units in garage underneath building. Total (36) 1 bedroom units. In conjunction with ALT1271040 and ALT1271041 (applications to combine 3 lots) SF# for demolition permits at 33 Hamilton St.: (3 structures) 2 elevators proposed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a 36 unit 1 bedroom apartment residential development for folks aged 62 and older. They will be 60% AMI with a parking garage.

Board members asked about plans, proposal, rendering, use, activities, and FAR.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Louijeune, Worrell, the Carpenter's Union, Rep Liz Miranda and the Geneva-Bowdoin Association are in support.

Documents/Exhibits: Building Plans.

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

Case: BOA-1291466 Address: 1644 Dorchester Avenue Ward 16 Applicant: Timothy Johnson

Article(s): Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65 Section 38 Specific Design Requirements - Street Wall Continuity in Certain Subdistricts. This Section 65 38.1 shall apply within the Multifamily Residential/Local Services Subdistricts, Neighborhood Business Subdistricts, and the Local Industrial Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

Purpose: Demolish existing structure and Erect a 3-Story, 8 Unit Residential Building w/garage, and front, side and roof decks as per plans submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a 3 story 8 unit dwelling with 10 parking spots and an elevator.

Board members asked about plans, proposal, context, landscaping and building.

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

Documents/Exhibits: Building Plans, letters in opposition.

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

Case: BOA-1306820 Address: 175 Milton Street Ward 16 Applicant: Jonathan Linehan

Article(s): Article 65 Section 41 Off Street Parking and Loading Article 65, Section 9 Lot Area Insufficient



City of Boston
Board of Appeal

Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient

Purpose: The scope of work includes re framing the roof, interior gut renovation, and addition to the existing single family residence.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting additional living space for a single family home. This will include multiple additions to the sides of the home.

Board members asked about plans, basement, proposal, and addition.

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

Documents/Exhibits: Building Plans, letters in support.

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

Case: BOA- 1309530 Address: 61 Pierce Avenue Ward 16 Applicant: George Morancy

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use Art. 10 Sec. 01 Limitation of parking areas

Art.65 Sec.08 Conditional - Accessory parking to an existing forbidden use

Purpose: Extend existing driveway to rear of property and add six parking spaces at rear of property. Add new retaining wall.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to extend the driveway for 6 spaces using a pre-existing curb cut.

Board members asked about plans, driveway, width, materials and retaining wall.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review, BTB review for permeable pavers. Robinson seconded and the motion carried unanimously.

Case: BOA-1310370 Address: 389 Neponset Avenue Ward 16 Applicant: John Pulgini

Article(s): Article 65 Section 15 Use Regulations - Restaurant w/ Takeout small conditional

Purpose: Change occupancy to include ice cream shop on the first floor with basement storage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to an ice cream place.

Board members asked about plans, and proposal.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Pinado moved to approve with BPDA design review, this applicant only, and all standard takeout language. Erlich seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1269408 Address: 1256-1262 River Street Ward 18 Applicant: Robert Tambi

Article(s): Article 69, Section 8 Use: Conditional

Purpose: Change of occupancy from pharmacy to function hall without alcohol.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to a function hall. Customers will have to obtain a day alcohol license and has previous experience with function halls.

Board members asked about plans, proposal, access, experience, and hours of operation.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review for signage, close at 12am during the week and 1am fri-sun. This applicant only, and to return to the Board one year after COO issues. Ruggiero seconded and the motion carried unanimously.

Case: BOA- 1289077 Address: 4160-4164 Washington Street Ward 19 Applicant: Juan Chavez

Article(s): Article 67, Section 32 Off Street Parking - off street parking is insufficient Article 67,Section 12Building height in feet is excessive Article 67,Section 12Building height in # of stories is excessive Article 67,Section 12 Floor area ratio is excessive Art.67 Sec.33Dimensional Regulations - Art. 67 Sec. 33 (2); 2.Traffic visibility across corner is insufficient. Article 67 Sec. 29Specific Design Review - Street Wall Continuity on Bexley Rd.

Purpose: Erect 9400 sf 4 story & basement building with 6 residential units (on floors 2, 3 & 4), 2 core & shell commercial units (basement & ground floor) with parking for 4 vehicles on the ground level.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 4 story 6 unit dwelling with 2 commercial spaces on the ground.

Board members asked about plans, proposal, context, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Mejia, Arroyo, and Flaherty are in support. Abutters are in opposition.

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

Votes: Board Member Ruggiero moved to approve with BPDA design review. Erlich seconded, Arujo opposed, and the motion carried 6-1.



City of Boston
Board of Appeal

RE-DISCUSSIONS:11:30 AM

Case: BOA-1268636 Address: 167 Maverick Street Ward 1 Applicant: Allegory, LLC

Article(s): Art. 53, Section 8 Use: Forbidden Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 52 Roof Structure Restrictions Article 53 Section 56 Off Street Parking & Loading Req Article 32, Section 4. GCOD, Applicability Article 27T 5 East Boston IPOD Applicability

Purpose : Erect a new residential four story building with eleven units, roof decks, and four rear parking spaces (accessed through Easement bk.63710 pg.307). Existing structure to be razed under separate demo permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to raze an existing commercial building and build an 11-unit 4 story dwelling.

Board members asked about plans, proposal, landscaping, and roof deck.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review with a 2 bed IDP unit. Robinson seconded and the motion carried unanimously.

Case: BOA-1237014 Address: 157 West Springfield Street Ward 9 Applicant: Michael DelleFave

Article(s): Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Art. 64 Sec. 34 Restricted Roof Structur Regs Article 64, Section 9 Floor Area Ratio Excessive Article 64, Section 9 Usable Open Space Insufficient Article 64, Section 9 Rear Yard Insufficient Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.

Purpose :Renovate and extend existing building; change legal occupancy from Church (Doc #3562/00) to 9 dwelling units."

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to a 9-unit dwelling and pull the roof up to the house dormers. An IDP unit is included.

Board members asked about plans, proposal, context, and additions.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Rep Santiago, an abutter, and the Hurley Blocks Neighborhood Association are in support. Abutters are in opposition.

Documents/Exhibits: Building Plans, letters in support.

Votes: Board Member Ruggiero moved to approve with unit 2 being an IDP unit. Erlich seconded, Robinson recused, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1258638 Address: 20 Hinckley Street Ward 13 Applicant: Mike Tokatlyan

Article(s): Art. 65 Sec. 9 Insufficient lot size Art. 65 Sec. 9 Insufficient lot width frontage Art. 65 Sec. 9 Insufficient lot width Art. 65 Sec. 9 Insufficient Front yard setback Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Excessive height Art. 65 Sec. 9 Excessive # of stories Art. 65 Sec. 9 Excessive F.A.R.

Purpose: Seeking to erect a single family home with one parking space on a vacant lot.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until July 12, 2022 at 11:30pm.

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

Article(s): Art. 65 Sec. 08 Forbidden - Dwelling unit located in basement is forbidden Art. 65, Sec.09 Side Yard Insufficient - Floor area ratio requirement is excessive Art. 65 Sec. 08 Forbidden - Four dwelling unit use is a forbidden use in this zoning sub-district

Purpose: This is the renovation of an existing 2 family into a 4 family residence. A 1 car garage along with a loft space above which will be part of the adjacent unit. The existing lower unit 1 duplex will be converted into 2 units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert to a 4 family and garage with loft space. This will also bring livable space to the basement. The curb cut is existing.

Board members asked about plans, zoning district, basement unit and the addition.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
JOSEPH RUGGIERO
MARK ERLICH
SHERRY DONG
ERIC ROBINSON

SUBSTITUTE MEMBERS:

JEANNE PINADO

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 May 10, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.