



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 JUNE 7, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JUNE 7, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JUNE 7, 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/June7Comment> 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/June7Comment>, 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

MAY 10, 2022

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

EXTENSION: 9:30AM

Case: BOA-896779 Address: 779-779A Dorchester Avenue Ward 7 Applicant: George Morancy, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to recognize the Covid-19 Tolling with a new date of February 6, 2023.

Case: BOA-898191 Address: 40 Mt Hood Road Ward 21 Applicant: Jared Eigerman

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 June 27, 2023 subject to all applicable tolling and a 1 year extension.

Case: BOA- 903635 Address: 235 Leyden Street Ward 1 Applicant: Lorene Schettino, 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 June 14, 2023 subject to all applicable tolling and a 1 year extension.

Case: BOA-903636 Address: 237 Leyden Street Ward 1 Applicant: Lorene Schettino, 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 June 14, 2023 subject to all applicable tolling and a 1 year extension.

Case: BOA-687533 Address: 51 Breed Street Ward 1 Applicant: Richard Lynds, 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 June 30, 2023 subject to all applicable tolling and a 1 year extension.

BOARD FINAL ARBITERS: 9:30AM

Case: BOA- 1055809 Address: 167 Lexington Street Ward 1 Applicant: Jeffrey Drago, Esq

Discussion/Vote: Upon a motion and a second the Board moved to unanimously approve.



City of Boston
Board of Appeal

Case: BOA- 1143458 Address: 3371-3375 Washington Street Ward 11 Applicant: Anderson Kreiger

Discussion/Vote: Upon a motion and a second the Board moved to unanimously approve with BPDA design review.

Case: BOA- 937921 Address: 1449-1453 Hyde Park Ward 18 Applicant: George Morancy, Esq

Discussion/Vote: Upon a motion and a second the Board moved to unanimously approve.

GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1316265 Address: 137 West Newton Street Ward 4 Applicant: Joseph Holland

Article(s): Art. 32 Sec. 04 GCOD Applicability

Purpose: Interior renovation, new fire protection system, new ground water system.

Discussion: At the request of the Board, the applicant presented letters from the Boston Ground Water Trust.

Board members asked about letters.

Documents/Exhibits: Building Plans.

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

HEARINGS: 9:30AM

Case: BOA- 1272681 Address: 3514 Washington Street Ward 11 Applicant: Timothy Burke

Article(s): Article 55 Section 20 Dimensional Regulations in LI-Floor Area Ratio Excessive Article 55 Section 19 Use Regs in Local Industrial-Two Dwelling Units: Forbidden Use Article 55, Section 40 Off Street Parking & Loading Req- Off Street Parking Insufficient

Purpose: Change of Occupancy from Daycare center to Retail and Two Dwelling Units. Construct a two story addition with roof deck for two dwelling units above an existing building as shown on the drawings. Propose (2) off street parking with easement access

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting permission to add two stories above an existing structure for two 2bed, 2bath apartments with 2 roof decks. There are other similar units nearby. The plans also include adding 2 spaces for parking.

Board members asked about plans, proposal, context, the zoning district and parking

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

Documents/Exhibits: Building Plans, letters of support.

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



City of Boston
Board of Appeal

Case: BOA- 1321921 Address: 720 William T Morrissey Boulevard Ward 16 Applicant: Paul Losordo
Article(s): Article 65, Section 15 Use Regulations-Automobile dealership with accessory repair garage, indoor/outdoor vehicle storage and office is conditional in a CC Sub district Article 65, Section 16 Insufficient rear yard Article 65, Section 16 Excessive building height in feet
Purpose: Erect new 65' high (4 story) building with 112,600 SF of GFA. Building to be used for automobile dealership to include showroom, service bays, indoor parking for 222 cars, offices, storage. Exterior parking for 171 cars. Utilizing phased construction as per plans filed herewith.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating they were enhancing the landscaping and erecting a new building to be used as a showroom. The plans are for a full service car dealership with indoor parking for 222 cars and exterior parking for 171 cars with 40-50 staff.

Board members asked about plans, parking, materials, car repair, staff, hiring locally and signage

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A representative from Councilor Baker's office spoke in support. The Carpenter's Union was in support.

Documents/Exhibits: Building Plans, letters of support.

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

Case: BOA-1320693 Address: 386 Ashmont Street Ward 16 Applicant: David Blandino
Article(s) Article 65, Section 9 Side Yard Insufficient Article 65, Section 8 Use Regulations Applicant proposes to change the use from a TWO family to a Three family.
Purpose: Change Occupancy from two units into three units by subdividing unit B from one unit into two units and adding a rear deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating they planned a change of occupancy from 2-family to a 3-family with the new units having 1300 square ft. each. They were planning to add a rear porch. The side yard violation is existing.

Board members asked about plans, proposal, unit size, layout and height.

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

Documents/Exhibits: Building Plans.

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

Case: BOA- 1283834 Address: 92 Theodore Parker Road Ward 20 Applicant: Antonio Ferrara
Article(s): Article 56, Section 8 Insufficient lot width Article 56, Section 8 Insufficient lot width frontage Article 56, Section 8 Excessive f.a.r. Article 56, Section 8 Insufficient Lot size
Purpose: Erect new single family with a one car garage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating the basement will remain unfinished and they will erect a single family with a 1 car garage.

Board members asked about plans, proposal, and height restriction.



City of Boston
Board of Appeal

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

Documents/Exhibits: Building Plans.

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

Case: BOA- 1295685 Address: 1999 Centre Street Ward 20 Applicant: Centre Street Holdings LLC

Article(s): Art. 56, Section 15 Use: Conditional

Purpose: The demolition of portions of the existing ceiling and the redemising of the existing Walgreens space for a tenant improvement for an outpatient medical clinic and the addition of a shared vestibule for both tenants and the rearranging of the remaining Walgreens space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating a full service clinic will be staffed full-time by medical doctor with an exam room will provide full service primary care.

Board members asked about plans, proposal, hours of operations, use, insurance, layout, site plan, screening and buffering.

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

Documents/Exhibits: Building Plans.

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

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

Article(s): Article 51 Section 8 Use Regulations - Community Center – Conditional Article 51 Section 8 Use Regulations Accessory Personal Quarters – Forbidden Article 51, Section 56 Off-Street Parking & Loading Req-
Location: Proposed parking in front yard

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

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating the project is to create a home like environment for young adults on the autism spectrum with games, activities, and community building. Several activities would take place on the premises. 2-3 staff during the day for 6-10 members. The property would have handicap accessible parking with an existing curb cut.

Board members asked about plans, proposal, layout, configuration, parking, accessibility and the front yard.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters and a representative of WGBH spoke in support. Abutters including Secretary of State Galvin, and the Alston Brighton Improvement Association voiced opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Dong moved to defer. Robinson seconded, and the motion carried unanimously. The appeal was deferred to August 23, 2022 at 11:30AM.



City of Boston
Board of Appeal

Case: BOA- 1322527 Address: 645 Washington Street Ward 22 Applicant: George Morancy

Article(s): Art 51 Sec. 08 Use Regulations-Forbidden Art 51 Sec. 09 Dimensional Regulations-4 Location of main entrance to new unit

Purpose: Change occupancy from a two family to a three family dwelling. Replace Unit 3 entry doors with new fire rated doors.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating they, as owner occupants, plan to change 2-family to a 3-family dwelling by adding 2 fire rated doors with no other changes.

Board members asked about plans, and occupancy.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A representative from Counselor Breadon's office and the Allston Brighton Improvement Association were in support.

Documents/Exhibits: Building Plans.

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

HEARINGS:10:30AM

Case: BOA- 1294842 Address: 43 Monmouth Street Ward 1 Applicant: Cullen Winkler

Article(s): Art. 53, Section 8 Use: Forbidden - 3 dwellings Forbidden Article 53 Section 56 Off Street Parking & Loading Req - 1 add'l req'd

Purpose: Amending ALT694404. Change of occupancy to 3-family. Scope involves conversation of third floor to a new unit. Fire protection and fire alarm included. 01/21/2022 ALT694404 still open involving exterior alterations not allowed under ADU program. Description updated.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating they previously applied for a roof deck and are changing the occupancy to a 3-family.

Board members asked about plans, unit-sizes, proposal, basement and roof deck.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1288536 Address: 486-490 Bennington Street Ward 1 Applicant: Sandra Bonito

Article(s) Art 53 Sec 54. Screening/Buffering Art 53 Sec. 56 Off-Street Parking-Insufficient Parking Article 2T-5 East Boston IPOD Applicability Article 53 Section 12 Excessive f.a.r. (1.0 max.) Article 53 Section 12 Max allowed height exceeded (35' max.)

Purpose: New Construction of a 4 story (7 UNIT) building where the ground floor contains a studio style dwelling unit and 6 additional residential units reside on the upper 3 floors. 5 indoor parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating their intent to erect a 7 unit building with 4 floors and 5 indoor parking spaces. A studio unit is included, and the top floor is set back.



City of Boston
Board of Appeal

Board members asked about plans, existing violations and unit sizes.

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

Documents/Exhibits: Building Plans.

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

Case: BOA- 1255931 Address: 40-62 Franklin Street Ward 3 Applicant: Jinteng Lin

Article(s): Art. 06 Sec. 04 Other Protectional Conditions - this is to remove proviso from BOA 545857 takeout this petitioner only.

Purpose: Permit being requested to remove the proviso granted to this petitioner only at 58 Franklin Street. No Work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating their desire for permission for take-out use. The petitioner has over a decade of restaurant experience in multiple locations including at the sushi restaurant that is the subject of this appeal.

Board members asked about plans and take-out experience.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1328550 Address: 80 H Street Ward 6 Applicant: Bartley Loftus

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

Purpose: New roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating proposal for a roof deck towards the rear.

Board members asked about plans, proposal and if it was an owner-occupied property.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Representatives from Counselor Flynn and Flaherty's offices voiced opposition. An abutter voiced opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to deny. Dong seconded, and the motion carried with Pinado and Robinson voting in opposition.

Case: BOA- 1131575 Address: 804 East Seventh Street Ward 6 Applicant: RISE Construction

Article(s): Art. 68 Sec. 33 Off Street parking Req. Off street parking requirement is insufficient Art. 68 Sec.08 Dimensional Req. Lot area for the add'l dwelling units is insufficient Art. 68 Sec.08 Dimensional Req. Usable open space is insufficient Article 68, Section 33 Off-Street Parking & Loading Req Off street loading requirement is insufficient



City of Boston
Board of Appeal

Purpose: Convert existing retirement home to 21 Residential Units. Exterior re-skin. Create parking garage entirely within existing building. Create handicap lift. Create new curb cut for garage entry. Work occurs primarily within existing envelope.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating proposal to convert a retirement home to 21 residential units with 21 parking spaces and 21 bike parking spaces. The plans include 9 1-bedrooms, 10 2-bedrooms, 2 3-bedrooms and no roof-decks only existing balconies.

Board members asked about plans, units, proposal, elevator and experience.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A representative from Counselor Flynn's office voiced support. An abutter and the South Boston Neighborhood Association voiced opposition.

Documents/Exhibits: Building Plans.

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

Case: BOA- 1310423 Address: 202 West First Street Ward 6 Applicant: 202-204 West First, LLC

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel has been exceed 35' max (revised drawings 3.17.22) Art 68 Sec. 33 Off Street parking Req. - Free maneuvering areas for required parking – (r.d. 3.17.22) Art 68 Sec. 34 Appl. Of Dim Req. - Traffic visibility across a corner lot Art 68 Sec. 14 Excessive f.a.r. Art 68 Sec. 14 Excessive height Art 68 Sec.14 Front Yard setback Art 68 Sec.31 Screening and Buffering Art 68 Sec.34 Appl. Of Dim Reqs - Special provisions for corner lots – Two front lots Article 68, Section 33 Off-Street Parking & Loading Req - Insufficient parking

Purpose: Construction of a new five (modified to four story/3.16.22) office and research building with parking. Note: This application has been filed in conjunction with ALT1254788 (combining of four lots to =14,152sf). Demolition of all existing buildings on their respective sites are further subject to the approval/issuance of independent SF Demolition permits for each structure.

Discussion: At the request of the Board, the presentation was deferred.

Votes: Secretary Fortune moved to defer until July 26, 2022 at 11:30am. Pindado seconded, and the motion carried unanimously. Ligris and Robinson recused themselves.

Case: BOA-1295158 Address: 220-230 Columbia Road Ward 14 Applicant: Jose F. Rojas Jr

Article(s): Art. 07 Sec. 4 Other Protectional Conditions - Applicant wishes to remove proviso from BZC 30179 (take out this petitioner only)

Purpose: Remove proviso from previous owner's name (Permit #09 3106, BZC 30179). Change occupancy from pizza shop to restaurant with take out.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a change of occupancy to allow for take-out an existing restaurant.

Board members asked about plans, and previous take out experience.

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

Documents/Exhibits: Building Plans.



City of Boston
Board of Appeal

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

Case: BOA-1327633 Address: 51-53 Walk Hill Street Ward 19 Applicant: Blerina Idrizi

Article(s): Art. 55, Section 8 Use: Forbidden - proposed 3 family Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Bldg Height Excessive (Stories) Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Side Yard Insufficient Art. 55 Sec. 55 40^ Off street parking insufficient - New parking spaces required: 2

Purpose: Change from 1 Family and Admin office to 3 Family.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a change of occupancy from a 1-family with offices to a 3 family, with the addition of a dormer to create a top floor unit. The dormer will not extend beyond the edge of the roof, and the proposal is consistent with the character of the neighborhood. There is a driveway easement and 3 parking spaces.

Board members asked about plans, and proposal.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1327640 Address: 132 Chestnut Hill Avenue Ward 21 Applicant: Lucas Luiz

Article(s): Article 51, Section 16 Use: Forbidden

Purpose: Change occupancy to include restaurant and inspect a new Hood as per plan. Cost and work reflected on SF 1097041.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a change of occupancy to allow for a coffee shop on the ground level. No take-out was requested, and the petitioner owns other locations.

Board members asked about plans, proposal, use and restaurant experience.

Testimony: The Board then requested testimony from neighbors and elected officials.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with proviso for this applicant only. Robinson seconded, and the motion carried unanimously.

Case: BOA-1281800 Address: 140-144 Harvard Avenue Ward 21 Applicant: OPCO Allston, LLC

Article(s): Article 51 Section 16 Use Regulations – Use: Cannabis Retail Store: Conditional

Article 51 Section 16 Use Regulations - Cannabis Establishment Location shall be sited at least one half mile or 2,640 feet from another existing Cannabis Establishment

Purpose: Change of Occupancy to a Cannabis Establishment

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating their plans for a cannabis establishment with 9 employee parking spaces. There will be space for deliveries and bicycles. The abutting cannabis dispensary is medical only, and that there would be 2 local cannabis establishments in their buffer zone.



City of Boston
Board of Appeal

Board members asked about plans, proposal, local establishments, hours of operation, security and if they would remain medical only.

Testimony: The Board then requested testimony from neighbors and elected officials. Representatives from the offices of Counselor Flaherty, Rep. Mike Moran and Rep. Kevin Honan spoke in support. Local Union 445 and abutters also spoke in support. The Mayor's Office of Neighborhood Services deferred judgement to the Board. The Allston Civic Association voiced non-opposition. An abutter voiced opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with proviso for this applicant only. Robinson seconded, and the motion carried. Ligris voted in opposition.

Case: BOA-1318050 Address: 90 Braintree Street Ward 22 Applicant: 90 Braintree Owner LLC

Article(s): Article 51, Section 9 Add'l Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Front Yard Insufficient Art. 51 Sec. 57.2 Exst'g Bldg Algnmnt Conformity - Modal for Penniman St. not provided Article 51, Section 8 Use: Forbidden - Multifamily Article 51, Section 9 Rear Yard Insufficient Art. 51 Sec. 09 Open Space insufficient Article 51, Section 57.3 Traffic Visibility Across Corner

Purpose: Construct new multi family residential building with parking garage, per plans, to include 111 residential units and 58 parking spaces. Demo of existing building on separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating their plans to construct a multifamily residential dwelling with 111 units and 58 parking spaces. There will be 22 IDP units, 5% artist units. There are proposed roof decks some of which would be common, some are only open to a single unit. No shadows would impact the park.

Board members asked about plans, proposal, units, layout, garage, loading, roof decks and the shadow study.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services deferred judgement to the Board. A representative from Counselor Brearden's office voiced support. The carpenter's union and the Allston Brighton Community Development Corporation voiced support. The Brighton Allston Improvement Association, and AIG were in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review. Pinado seconded, and the motion carried. Robinson recused himself and Araujo opposed.

RE-DISCUSSIONS :11:30 AM

Case: BOA-1160061 Address: 69 Saratoga Street Ward 1 Applicant: Maria Carolina Toaborda

Article(s): Article 53 Section 8 Use Forbidden – 3-family dwelling Article 53, Section 56 Off-Street Parking Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 32, Section 4 GCOD, Applicability

Purpose: Change of occupancy from Single-Family to Three-Family Dwelling. Legalize extension of living space to basement and two additional units. Build new emergency escape. Construct new exterior stairway. Take kitchen out from basement.

Discussion: 2nd deferral



City of Boston
Board of Appeal

Votes: Secretary Fortune moved to defer. Erlich seconded, and the motion carried unanimously. The petition is deferred to August 23, 2022 at 11:30am.

Case: BOA-1279390 Address: 566 East Third Street Ward 6 Applicant: Josh Crowe

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - Existing lot is undersized. Extension of non conforming building. Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 33 Off-Street Parking & Loading Reg – Off street parking is insufficient

Purpose: Extend building foundation 24 feet to the rear. Increase space of each unit in line with modern living standards. Add living room, dining room and kitchen space to lowest level. Add walk-out sunken patio to Unit 1 and rear decks to units 2 and 3. Add 2.5 bathrooms total.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating their plans are for change of occupancy from a 2-unit to a 3-unit. There would be a rear addition with no roof decks. There would be a rear walk out and a 10 ft. side yard.

Board members asked about plans, real, zoning district, extension, alignment and the rear yard

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services deferred judgement to the Board. Representative from Counselor Flaherty and Flynn's offices voiced opposition. An abutter was in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Dong moved to deny. Robinson moved to approve with BPDA design review. Ligris seconded, and the motion carried. Araujo was opposed.

Case: BOA- 1261647 Address: 15 Meehan Street Ward: 11 Applicant: 15 Meehan Street LLC

Article(s): Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 41.1 Conformity Ex Bldg Alignment-Modal calculation not provided to verify compliance

Purpose: Increase living space and add extension for egress/porches at rear.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating an addition would be added to the rear to allow for more livable space. There would be a roof-deck exclusive to unit 2. The plans fit with the context of the street.

Board members asked about plans, previous deferral, unit sizes and the basement.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services deferred judgement to the Board. A Representative from Counselor Flaherty's office voiced support. An abutter was in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to defer. Robinson seconded, and the motion carried unanimously. The petition was deferred to July 26, 2022 at 11:30am.



City of Boston
Board of Appeal

Case: BOA- 1285330 Address: 85 Mount Pleasant Avenue Ward 8 Applicant: Tim McGovern

Article(s): Article 50, Section 28 Use regulations - Multi Family Dwelling Use: Forbidden Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient Article 10, Section 1 Off street parking shall not be located less than 5' 0" from the side lot line.

Purpose: Confirm occupancy as a one family. Change of Occupancy to Multi Family Dwelling (8 units) and propose (8) off Street parking. Remove rear addition and garage of existing single family. Construct new addition, fully renovate and restore existing facade.

Discussion: The petitioner withdrew their proposal.

Votes: Secretary moved to deny without prejudice. Erlich seconded, and the motion carried unanimously.

Case: BOA- 1273426 Address: 1472 Centre Street Ward 20 Applicant: Jay Hajj

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use Article 67, Section 8.2 Use Regs: Basement Units-Forbidden Article 67, Section 8 Use: Forbidden-4F in 2F Zone Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Usable Open Space Insufficient Article 67, Section 32 Off Street Parking-2 add'l req'd with design size & maneuvering areas.

Purpose: Proposed new dwelling unit in Basement. Change use from a three family to a four family and partial renovations, as per plans.

Discussion: The applicant sought a deferral

Votes: Board Member Erlich moved to defer. Ligris seconded, and the motion carried unanimously. The petition was deferred to July 26, 2022 at 11:30am.

Case: BOA-1289454 Address: 4 Cherokee Street Ward: 10 Applicant: John Pulgini

Article(s): Art. 59, Section 37 Off-Street Parking Insufficient - Off street parking requirement is insufficient Art. 59, Section 8 Floor area ratio is excessive Art. 59, Section 8 Height is excessive Art. 59, Section 8 Front yard setback is insufficient Art. 59, Section 8 Side yard setback is insufficient Art. 59, Section 8 Rear yard setback is insufficient

Purpose : Proposed renovation and dormer addition to change the use from a single family house to a two family, as per plans

Discussion: The applicant deferred in order to receive an updated refusal letter.

Votes: Secretary Fortune moved to defer. Erlich seconded, and the motion carried unanimously. Ligris recused himself. The petition was deferred to July 26, 2022 at 11:30am.

Case: BOA- 1152039 Address: 70 Von Hillern Street Ward 7 Applicant: Dennis Kulesza

Article(s): Article 65 Section 21 Use Regulations - Cannabis Establishment Use: Conditional

Purpose: Change of Occupancy to Cannabis Establishment (Recreational Marijuana).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail stating a cannabis establishment would be open 9:00am to 9:00pm seven days a week. On and off street parking is available and it is not near any other locations.

Board members asked about plans, proposal, hours of operation, security, layout, configuration and buffer zone.

Testimony: The Board then requested testimony from neighbors and elected officials. The Mayor's Office of Neighborhood Services deferred judgement to the Board. A Representative from Counselor Baker's office voiced support.

Documents/Exhibits: Building Plans.



City of Boston
Board of Appeal

Votes: Board Member Erlich moved to approve with BPDA design review and a proviso for this petitioner only. Ligris seconded, and the motion carried unanimously.

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

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
JOSEPH RUGGIERO
MARK ERLICH
SHERRY DONG
KOSTA LIGRIS

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