



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 SEPTEMBER 13, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS SEPTEMBER 13, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE SEPTEMBER 13, 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/September13Comment> 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



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<https://bit.ly/September13Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or

concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

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

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

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

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

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48



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**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

JULY 26, 2022

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

EXTENSIONS: 9:30AM

Case: BOA- 836636 Address: 603 Dorchester Avenue Ward 7 Applicant: Steven Meyer, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend until August 23, 2022.

Case: BOA-905438 Address: 64 Nelson Street Ward 17 Applicant: Kevin Cloutier

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to recognize the Covid-19 Tolling with a new date of October 11, 2023.

BOARD FINAL ARBITER: 9:30AM

Case: BOA-1260823 Address: 76 Wyman Street Ward 10 Applicant: Sarah Ewing

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail that they were before the Board previously and to remove the BTM proviso and make it a BPDA proviso.

Board members asked about project.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA and no BTM review. Erlich seconded and the motion carried unanimously.

Case: BOA-1266730 Address: 4-18 Cheney Street Ward 12 Applicant: Joseph Lieber

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail that the project was edited from 59-48 units, the sidewalk has been widened, and the driveway is shifted to the side. Violations have been reduced.

Board members asked about project.

Documents/Exhibits: Building Plans.

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



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BUILDING CODE ONLY: 9:30AM

Case: BOA#1364200 Address: 4 Dartmouth Place Ward 4 Applicant: Michelle Hediger

requests: Construction of new roof deck on single family residence.

Violation Violation Description Violation Comments

9th 780 CMR 1011 Stairways 1011.12.2 Roof access through a penthouse

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a roof deck that is not visible from the street.

Board members asked about units, plans, proposal.

Documents/Exhibits: Building Plans.

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

HEARINGS: 9:30AM

Case: BOA-1144072 Address: 273 Maverick Street Ward 1 Applicant: 273 Maverick, LLC

Article(s): Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive

Article 53, Section 9 Usable Open Space Insufficient

Purpose: Give off 3,400 sf of land from existing 8,000 sf parcel (No. 5267) to be combined with 275 279 Maverick Street (Parcel No. 5268) (See ERT1102644). This parcel to now contain 4,600 square feet with pre existing multifamily dwelling.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 25, 2022 at 11:30.

Case: BOA- 1144075 Address: 275-279 Maverick Street Ward 1 Applicant: 279 Maverick, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations -MFR is forbidden in a

3F 2000 Sub district Article 53, Section 56 Off Street Parking & Loading Req 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

Purpose: Proposed construction of 5 story, mixed use structure on 12,400 square feet of land containing 36 residential units, ground level retail and off street parking for 23 vehicles. See ALT1102631 for permit to combine/subdivided lots. Combine existing 9,000 s.f. parcel (5268) with a 3,400 sf portion of adjoining parcel (5267) This lot to now contain 12,400 sf.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 25, 2022 at 11:30.



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Case: BOA- 1289450 Address: 36 Colborne Road Ward 21 Applicant: John Pulgini

Article(s): Art. 51 Sec. 09 Insufficient lot size Art. 51 Sec. 09 Excessive f.a.r. Art. 51 Sec. 09 # of allowed stories has been exceeded -2.5 stories max. Art. 51 Sec. 09 Insufficient side yard setback Art. 51 Sec. 09 Insufficient rear yard setback - 30' req. Art. 51 Sec. 09 Max allowed height exceeded- 35' max Art. 51 Sec. 09 Insufficient front yard setback- MODAL Art.51 Sec.53 Screening&Buffering Req Article 51 Sec. 08 Use Regulations - 11 unit MFR building- Forbidden Article 51, Sec. 56 Off-Street Parking & Loading Req -Insufficient parking

Purpose: Construct new multi family building (11 RESIDENTIAL UNITS with common roof deck and ground level garage parking for 9 cars) .

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to build an 11 unit condo with 9 parking spots and with privacy fencing and an affordable unit.

Board members asked about plans, electricity, roof deck, density, size, and head house.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Breadon, BAIA, the carpenters union, and multiple abutters are in support. An abutter is in opposition.

Documents/Exhibits: Building Plans. Letters in support and opposition.

Votes: Board Member Robinson moved to approve with BPDA design review so its contextual, remove the front headhouse, and put IDP unit in COO with ISD. Erlich seconded, Araujo opposed, and the motion carried 5-1.

Case: BOA-1327725 Address: 62 Liverpool Street Ward 1 Applicant: Trichilo Development, LLC

Article(s): Article 53 Section 8 Use Regulations - Multi Family Dwelling 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 - Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability Article 32, Section 4 GCOD, Applicability

Purpose: Change occupancy from three family to six (6) units residential dwelling by erecting an addition with a roof deck and renovating existing building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a roof deck, and convert the existing structure to a 6 family with a vertical addition on a corner lot. It is within context of the surrounding buildings.

Board members asked about plans, unit breakdown, proposal, accessibility, and basement.

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

Documents/Exhibits: Building Plans. Letters in support.

Votes: Board Member Robinson moved to approve the building code relief. Erlich seconded and the motion carried unanimously. Ruggiero then moved to approve with BPDA design review and no building code relief with respect to the building accessibility. Erlich seconded and the motion carried unanimously.



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Case: BOA#1327736 Address: 62 Liverpool Street Ward 1 Applicant: Trichillo Development, LLC

respects: Change occupancy from three family to six (6) units residential dwelling by erecting an addition with a roof deck and renovating existing building.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof shall be provided through a penthouse complying with Section 1510.2.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a roof deck, and convert the existing structure to a 6 family with a vertical addition on a corner lot. It is within context of the surrounding buildings.

Board members asked about plans, unit breakdown, proposal, accessibility, and basement.

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

Documents/Exhibits: Building Plans. Letters in support.

Votes: Board Member Robinson moved to approve the building code relief. Erlich seconded and the motion carried unanimously. Ruggiero then moved to approve with BPDA design review and no building code relief with respect to the building accessibility. Erlich seconded and the motion carried unanimously.

Case: BOA-1331686 Address: 1721 Washington Street Ward 9 Applicant: Meihuei Hu

Article(s): Art. 06 Sec. 04 Other Protectional Conditions - Remove proviso to petitioner only

Purpose: File to remove the proviso "take out use granted to this Petitioner only, Siriluck Plabutong and Somphol Plabutong and their business, Equator, Inc." (BCZ 23987) to the new operator P & Y Ventures, Inc. dba Yunnan Kitchen. No work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to remove the previous proviso granted to allow take out use for this petitioner.

Board members asked about plans, and previous experience.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with this petitioner only and standard takeout provisos.



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Case: BOA- 1332058 Address: 143 East Cottage Street Ward 7 Applicant: Corey Bradley

Article(s): Article 65, Section 9 Floor Area Ratio Excessive Art. 65 Sec. 65 41.5 Parking Size & Maneuverability - 2 tandem spaces. Proposed space is insufficiently separated from the side lot line.

Purpose: Change occupancy from a 2 family to a 3 family. Install central fire alarm and sprinkler system. Add floor area square footage within existing footprint of building. Proposing 1 new parking space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to convert to a three family and add living space within the existing footprint. Parking will be in the existing driveway.

Board members asked about plans, basement, unit breakdown, parking, and context.

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

Documents/Exhibits: Building Plans.

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

Case: BOA- 1334137 Address: 275 Havre Street Ward 1 Applicant: Doris Ditomasso

Article(s): Art. 53 Sec. 09 Side yard insufficient Article 53, Section 57.7 Side Yard of Certain Narrow Lots

Purpose: Application to allow vehicular access to proposed parking at 273 Havre Street over common passageway shared by 273 & 275 Havre Street. Companion applications previously reviewed by Plans Examiner Abel Arguedas under ERT1193012 and ALT1193974.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add 4 units and 2 rear parking spaces.

Board members asked about plans, units, lot, and abutter.

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

Documents/Exhibits: Building Plans. Letters in support and opposition.

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



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Case: BOA- 1359638 Address: 273 Havre Street Ward 1 Applicant: James Caruso

Article(s): Art. 53, Section 8 Use: Forbidden – MFR Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 57.2 Conformity Ex Bldg Alignment - 0ft provided Article 53 Section 56.5.a Parking maneuverability - Design, maneuvering, and access through easement. Art. 53, Section 56 Off Street Parking Insufficient Art. 53, Section 56 Off Street Parking Insufficient - 53 56.5(d) Size Article 27T 5 East Boston IPOD Applicability Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Art. 25 Sec. 5 Flood Hazard Districts

Purpose : Erect a new 4 story multifamily dwelling, containing four units, with two parking spots at the rear of the building accessed through a proposed easement; shared with 275 & 275R Havre St. Seeking to combine Parcel ID 0106473000 and Parcel ID 0106472000 to create one new 2,483 SF lot. Also, existing structure to be razed on separate permit. See also ALT1193974 & U491319430.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add 4 units and 2 rear parking spaces.

Board members asked about plans, units, lot, and abutter.

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

Documents/Exhibits: Building Plans. Letters in support and opposition.

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

Case: BOA-1338215 Address: 67-71 West Cedar Street Ward 5 Applicant: Mainsail Management Inc.

Article(s): Art. 13 Sec. 13 1 Rear yard extension: roof deck on top of existing 2 story structure and new rear balconies on 2nd and 4th floors. Article 13, Section 1 Floor Area Ratio Excessive Article 13, Section 3 Nonconformity to Dimen Req Article 13, Section 1 Side Yard Insufficient

Purpose: Combine occupancy to a MFR (12 units from 3 buildings 67,69 and 71) and then change to a 7 unit structure per plans submitted. Lots combined under 1) ALT1311454, 2) ALT1311465, 3) ALT1311457 Full gut renovation of the building: new kitchens, baths, electrical, plumbing, HVAC, etc

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine lots and a roof deck is proposed, with a bedroom unit in the basement and do a gut rehab.

Board members asked about plans, unit breakdown, rear yard, basement, slope,

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

Documents/Exhibits: Building Plans. Letter in support.

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



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Case: BOA- 1340939 Address: 48 Waterman Road Ward 19 Applicant: Hussen Mohammed

Article(s): Article 55, Section 12 Front Yard Insufficient Article 55, Section 12 Side Yard Insufficient

Article 55, Section 12 Floor Area Ratio Excessive Article 55, Section 40 Off Street Parking & Loading Req

Purpose: Gut Renovation of Existing structure. Scope of work includes converting the current structure from a 1.5 story cape to a 2.5 story colonial style home with new windows and siding, new main foyer, MEP Upgrades, new interior layouts with an additional 2 bedrooms and 2 bathrooms.

Discussion: The applicant did not show to the hearing.

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

Case: BOA-1352127 Address: 57 Nixon Street Ward 17 Applicant: Albert Puma

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

Purpose: Remodel existing third floor of home. Frame new dormer according to plans. Frame interior partitions. Remodel existing bathroom. Create new bathroom on third floor adjacent to existing bathroom.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to remodel the third floor of an existing 2 family and add a new dormer but keep the footprint the same.

Board members asked about plans, layout, bedroom, height, and dormer

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

Documents/Exhibits: Building Plans. St. Marks letter in support.

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



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Case: BOA-1353559 Address: 4166-4168A Washington Street Ward 19 Applicant: V! Healthy Nutrition

Article(s): Article 67, Section 8 Use Regulations -Use "Condition" Take out Restaurant

Purpose: We are seeking a change of occupancy from dry cleaners to smoothie shop. Please see attached documents for additional details and descriptions.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to include a smoothie shop. There will be no changes to the building.

Board members asked about plans, take out, accessibility, and exterior changes.

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

Documents/Exhibits: Building Plans. Letters in support.

Votes: Board Member Robinson moved approve with standard takeout provisos and this petitioner only. Erlich seconded and the motion carried unanimously.

Case: BOA-1359936 Address: 175 Wordsworth Street Ward 1 Applicant: Francisco Fuentes

Article(s): Art. 53 Sec. 09 Dimensional Regulations - Parking in required front yards is not allowed

Article 53 Section 56 Off-Street Parking & Loading Req - Design/maneuvering areas

Purpose: We Currently have parking for the existing three family house it's been like that for years also the curb it's been cut for years I'm looking to get a permit for three parking spots getting it register by the inspectional services under the Massachusetts code.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to legalize the existing parking spot in the rear.

Board members asked about plans, curb cut.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review with attention that the curb cut is centered on the paved area, and screening and buffering. Erlich seconded and the motion carried unanimously.

Case: BOA- 1361985 Address: 108-108E Allston Street Ward 21 Applicant: Pat McKenna

Article(s): Article 51, Section 56 Off-Street Parking Insufficient Article 51, Section 8 Use: Forbidden - MFR is a forbidden use in a 2F-5000 Sub-district Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9.4 Dim Reg: Location of Main Entrance

Purpose: Erect 6 new townhomes.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 1, 2022 at 11:30.



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Case: BOA-1367246 Address: 14 Gardner Street Ward 21 Applicant: Alpha Management

Article(s): Art. 51 Sec. 08 Use Regulations - MFR 38 Units (FORBIDDEN) Art. 51 Sec. 09 Insufficient additional lot area per unit Art. 51 Sec. 09 Excessive f.a.r. Art. 51 Sec. 09 Maximum allowed height exceeded Art. 51 Sec. 09 # of allowed stories exceeded Art. 51 Sec. 09 Insufficient front yard setback Art. 51 Sec. 09 Insufficient rear yard setback Art. 51 Sec. 09 Insufficient usable open space per unit Art. 51 Sec. 40 5(a) Off street parking design - Design/Maneuvering areas (width of two way isle is <24' standard) Article 51,Section53 Screening & Buffering Req Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 56 Off Street Loading Insufficient

Purpose: Seeking to raze existing structures (demolition to occur on separate permit) and erect a new residential building with 38 units and 25 parking spaces.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until October 25, 2022 at 11:30.

HEARINGS: 10:30AM

Case: BOA-1094129 Address: 4011-4019 Washington Street Ward 19 Applicant: Neal Gold

Article(s): Article 67,Section 12 Floor area ratio is excessive Article 67,Section 12 Building height in feet is excessive Article 67,Section 12 Building height in stories is excessive Article 67, Section 32 Off Street Parking - Off street parking is insufficient Article 67, Section 33 Application of Dimensional Req - Traffic visibility across corner is insufficient

Purpose: Construct new mixed use property as per included plans. Property will be 19 residential units, a day care and a retail space. On site parking for 19 vehicles.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 1, 2022 at 11:30.

Case: BOA- 1272494 Address: 254-256 Bennington Street Ward 1 Applicant: CabanaLV, Inc

Article(s): Article 9 Section 1 Extension of Nonconforming Use -Extension of a Nonconforming Use

Purpose: The first floor occupancy will remain at 49 (including 38 seats). Increase Occupant Load on 2nd Floor. The second floor function room will be: option 1: 81 total (34 standing and 47 seats; or option 2: 119 total (114 standing with 5 seats).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to increase the occupancy load of the restaurant for the function room.

Board members asked about plans, configuration, music, occupancy, and elevator.

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 Ruggiero moved to approve with functions ending at 11pm, and to come back to the Board in 2 years for the occupancy. Robinson seconded and the motion carried unanimously.



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Case: BOA-1334387 Address: 25 Athelwold Street Ward 17 Applicant: Kwami Green
Article(s): Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive
Purpose: New build construction of Two Family townhouse dwelling .

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect two townhouses on a corner lot and have parking.

Board members asked about plans, basement, access and curb cuts.

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, reduce to 1 curb cut, no front yard parking, and site plan. Erlich seconded and the motion carried unanimously.

Case: BOA- 1338631 Address: 539-553 East Broadway Ward 6 Applicant: John Tunney
Article(s): Art. 68 Sec. 07 Use Regs. - Take out restaurant: Conditional.
Purpose: Change of Occupancy to include take out restaurant. Phase 1 Fit out for commercial kitchen and ancillary space (vestibule). Approximately 500 SF

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to include take out for Java House.

Board members asked about plans, renovations.

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. Councilor Flynn is in support. Councilor Flaherty deferred to the Board.

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

Case: BOA-1344459 Address: 12 Basto Terrace Ward 20 Applicant: Popularis Construction Inc
Article(s): Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Bldg Height Excessive (Stories)
Purpose: Demo roof on rear elevation, front elevation roof will remain, no foundation work required. Frame full length dormer off rear elevation. Renovation of existing bathroom and bedroom in attic.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add dormers to an existing home to add more livable space.

Board members asked about plans, occupancy, basement.

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

Documents/Exhibits: Building Plans.

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



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Case: BOA-1352495 Address: 420-438 Rutherford Avenue Ward 2 Applicant: Brian Radomski

Article(s): Article 62, Section 17 Use Regulations - Research laboratory - Conditional Article 62, Section 17 Use Regulations - Product development/prototype development - Conditional Article 62, Section 17 Use Regulations - Accessory storage or transfer of toxic waste – Forbidden Article 62, Section 18 Dimensional Regulations -Building Height

Purpose: New construction of a 3 Story + Mechanical PH steel structure with common roof deck. Building includes 99,500sf of Office, Research and Development use with accessory small storage of flammable liquids/gases and accessory storage/transfer of toxic waste; core/shell, see plans. Also see U491335920.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the self-storage to research and development use.

Board members asked about plans, lot, emissions, chemicals.

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

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

Votes: Board Member Erlich move to approve but to deny article 62-17 which is for toxic use. Robinson seconded and the motion carried unanimously.

Case: BOA-1352508 Address: 440-458 Rutherford Avenue Ward 2 Applicant: Brian Radomski

Article(s): Article 62, Section 17 Use Regulations - Parking Lot: Conditional Article 62, Section 17 Use Regulations- Ancillary parking: Conditional

Purpose: Parcel 0202162075. Add ancillary parking for 420 Rutherford Avenue, as per ERT1295054.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the self-storage to research and development use.

Board members asked about plans, lot, emissions, chemicals.

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

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

Votes: Board Member Erlich move to approve but to deny article 62-17 which is for toxic use. Robinson seconded and the motion carried unanimously.



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Case: BOA- 1358847 Address: 2 Waumbeck Street Ward 12 Applicant: Hezekiah Pratt

Article(s): Article 50 Section 28 Use Regulations - 6 family use: Forbidden Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient. Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req -Insufficient. Required: 7 Provided: 6 Article 50, Section 43 Off Street Parking & Loading Req - Location. 1 space located in front yard of Waumbeck St Art. 09 Sec. 01 Extension of Non Conforming Use - Office use is non conforming. Building is reconstructing/extending.

Purpose: Change occupancy from office and four units to office and six units. Build new addition. Renovate existing building with new finishes, walls, new baths and kitchens, new structural framing, new HVAC system, new electrical system, new fire alarm system, new sprinkler system, new roof. Work as per plans

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change occupancy from a 4 family and an office to a 6 family and office.

Board members asked about plans, unit breakdown, proposal, 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.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review and to keep the exterior as much as possible. Erlich seconded Robinson opposed. The motion carried 5-1.

Case: BOA-1365760 Address: 183 Fuller Street Ward 17 Applicant: Andrew Litchfield

Article(s): Article 65, Section 8 Use Regulations - Use : Three Family Dwelling: Forbidden Article 65, Section 8 Use Regulations - Use : Accessory Parking: Forbidden Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Building Height (# of Stories) Excessive Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Construct a new Three (3) Family Dwelling. The building will have an Automatic Sprinkler system.

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

Board members asked about plans, proposal, lot size, and 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. Councilor Worrell is in opposition.

Documents/Exhibits: Building Plans. Letters in support.

Votes: Board Member Robinson moved to approve with BPDA design review. Araujo and Ruggiero opposed. The motion failed 2-4 and the project was denied without prejudice.



City of Boston
Board of Appeal

RE-DISCUSSIONS:11:30 AM

Case: BOA- 1215328 Address: 5 Breed Street Ward 1 Applicant: Melissa Novaco

Articles: Article 27T – 5 East Boston IPOD Applicability Art. 53, Section 56 Off Street Parking Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories)

Purpose: Seeking to erect a new Multi Family Dwelling (four units).

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 1, 2022 at 11:30.

Case: BOA-1263429 Address: 329 Gallivan BLVD Ward 16 Applicant: Francis X. Clegg

Article(s): Art. 65 Sec. 02 Conformity with Existing Building Street modal not provided to verify compliance. Alignment Art.65 Sec. 8 Use: Forbidden Multifamily use Article 65, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Proposed: 1.54 Article 65, Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5 Proposed: 3 Article 65, Section 9 Front Yard Insufficient Min. required: 15' Proposed: 4.8' Hutchinson St. Article 65, Section 9 Rear Yard Insufficient Min. required: 30' Proposed: 5.1'

Purpose: To raze the existing 6 unit structure (Demo Short Form #:) and construct a new (9 unit--> reduced to 8 units 06/29/22) residential building with (9 off-street parking spaces --> increased to 11 spaces 06/29/22).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to raze a 6 family and erect an 8-unit dwelling. This will include 11 below grade parking spots. The curb cut is existing and this is walkable to Ashmont station.

Board members asked about plans, proposal, bedrooms, balconies, curb cut.

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

Documents/Exhibits: Building Plans. Letters in support and opposition.

Votes: Board Member Robinson moved to approve with BPDA design review with relief to the abutter on the side, and a landscape plan. Ruggiero seconded and the motion carried unanimously.

Case: BOA-1279637 Address: 185 London Street Ward 1 Applicant: Coliseum Development Advisors, Inc

Articles: Article 53 Section 56 Off Street Parking & Loading Req Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet)

Purpose : Interior framing and MEP work in order to separate the 3rd and 4th floor to create an owner occupant ADU on the 4th level.

Discussion: The applicant requested to withdraw the request.

Votes: Board Member Fortune moved to deny without prejudice and withdraw the request. Erlich seconded and the motion carried unanimously.

Case: BOA-1280392 Address: 333 Freeport Street Ward 16 Applicant: Duc Nguyen

Article(s): Article 65, Section 15 Use: Forbidden

Purpose: The owner seeks to change occupancy to have this two family converted to mix use with first floor a commercial space for body piercing, jewelry and art gallery for local artists. The second floor will be for residential use

Discussion: The applicant did not show to the hearing.

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



City of Boston
Board of Appeal

Case: BOA-1298409 Address: 21 Jones Avenue Ward 14 Applicant: Joseph Feaster

Articles: Art. 60 Sec. 9 Additional Lot Area Insuff - Total lot area required: 7,500 sqft Proposed: 5,324 sqft

Article 60, Section 41.1 Conformity Ex Bldg Alignment - Modal not provided to verify compliance.

Purpose: To erect a new 3 story / 3 family dwelling on vacant lot parcel ID #1403713000 as per plans. Please note Permit to be put in Builder or Developers name prior to any permit being issued.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 family dwelling on a vacant lot, the first floor will be accessible, and include 3 parking spots in the rear.

Board members asked about plans, proposal, and curb cut.

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

Documents/Exhibits: Building Plans. Letters in support.

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

Case: BOA- 1303397 Address: 124 Leyden Street Ward 1 Applicant: Sandra Bonito

Article(s): Art. 53 Sec. 08 Forbidden Four family dwelling Use-Forbidden Art. 53 Sec. 09 Insufficient lot size Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09 Number of allowed stories has been exceeded Art. 53 Sec. 09 Insufficient rear yard setback Art. 53 Sec. 09 Insufficient front yard setback Art. 53 Sec. 09 Insufficient side yard setback Art. 53 Sec. 56 Off-Street Parking Insufficient parking Article 27T - 5 East Boston IPOD Applicability

Purpose: See ALT 1262476 for subdivision permit application. Work proposed to include erection of new four family dwelling at 126 Leyden Street. Clarification; Subdivide 6004sf lot into two lots A (?) and B(?). Lot A 3634sf shall have a new structure to be known as 124 Leyden street and the existing structure known as 126 Leyden street (three family) on created Lot B 2370sf shall remain.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 1, 2022 at 11:30.

Case: BOA-1303651 Address: 126 Leyden Street Ward 1 Applicant: Sandra Bonito

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.-reduction of lot size via subdivision of a nonconforming USE >25% Forbidden Art. 53 Sec. 56 Off Street Parking - Insufficient parking Existing removed Art. 53 Sec. 09 Insufficient lot size Art. 53 Sec. 09 Applicable in Residential Sub Districts (open space insufficient; Insufficient lot width Art. 53 Sec. 09 Insufficient lot width frontage Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09 Insufficient side yard

Purpose: Proposed to subdivide 126 Leyden Street existing lot into Lots A and B as shown on attached subdivision plan. (Companion application to the ERT filed for 124 Leyden street) *Structure to remain on lot =3 Family doc#446/1892

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 1, 2022 at 11:30.

Case: BOA- 1327753 Address: 82 Webster Street Ward 1 Applicant: 82 Webster Street Condominium Trust

Article(s): Article 27T – 5 East Boston IPOD Applicability - East Boston Interim Planning Overlay District Applicability Article 53 Section 9 Side Yard Insufficient Article 53, Section 52 Roof Structure Restrictions

Purpose: Erect a Roof Deck exclusive to Unit 3.

Discussion: The applicant requested to withdraw the proposal.

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



City of Boston
Board of Appeal

Case: BOA-1330429 Address: 10 Woodford Street Ward 13 Applicant: Volnay Capital, LLC

Article(s): Article 50 Section 28 Use Regulations - Use: Multi family Dwelling: Forbidden Article 50 Section 29 Lot Area Insufficient Article 50 Section 29 Lot Width Insufficient Article 50 Section 29 Lot Frontage Insufficient Article 50 Section 29 Floor Area Ratio Excessive Article 50 Section 29 Building Height Excessive Article 50 Section 29 Building Height (# of Stories) Excessive Article 50 Section 29 Usable Open Space Insufficient Article 50 Section 29 Front Yard Insufficient Article 50 Section 29 Side Yard Insufficient Article 50 Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Erect a new 4 story Residential building with 4 Dwelling Units and Roof Deck on existing vacant lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 4 family dwelling on a vacant lot. 4 units on each parcel.

Board members asked about plans, proposal, zoning district, parking and roof decks.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1330431 Address: 34 Woodford Street Ward 13 Applicant: Volnay Capital, LLC

Article(s): Article 50 Section 28 Use Regulations – Use: Multi family Dwelling: Forbidden Article 50 Section 29 Lot Area Insufficient Article 50 Section 29 Lot Frontage Insufficient Article 50 Section 29 Lot Width Insufficient Article 50 Section 29 Floor Area Ratio Excessive Article 50 Section 29 Building Height Excessive Article 50 Section 29 Building Height (# of Stories) Excessive Article 50 Section 29 Usable Open Space Insufficient Article 50 Section 29 Front Yard Insufficient Article 50 Section 29 Side Yard Insufficient Article 50 Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Erect a new 4 story Residential building with 4 Dwelling Units and Roof Deck on existing vacant lot

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 4 family dwelling on a vacant lot. 4 units on each parcel.

Board members asked about plans, proposal, zoning district, parking and roof decks.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

RECONSIDERATIONS 12:00PM

Case: BOA- 1173599 Address: 535-537B Washington Street Ward 22 Applicant: Pure Oasis LLC
For reconsideration of the Board's decision to deny the conditional use permit to operate a cannabis establishment at 535-537B Washington Street in Brighton. The applicant has requested that the Board reconsider its decision in light of relevant case law from the Massachusetts courts that was not available at the time of the Board's decision.
Article(s): Article 51, Section 16 Use Regulations - Retail Cannabis Establishment Use: Conditional
Purpose: Change of Occupancy to Retail Cannabis Establishment.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to come back to the Board with an updated parking study.

Board members asked about plans, reconsideration, parking, size, context.

Documents/Exhibits: Building Plans, Request for Reconsideration Letter, Parking/Traffic Study

Votes: Board Member Ruggiero moved to reconsider the case. Robinson 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
ERIC ROBINSON
KOSTA LIGRIS

SUBSTITUTE MEMBERS:

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 September 13, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.