



City of Boston
Board of Appeal

Tuesday, January 31, 2023

BOARD OF APPEAL

City Hall Room 801

HEARING MINUTES

Acting Board Chair Dong 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 Acting Secretary Katie Whewell

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JANUARY 31, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS JANUARY 31, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE JANUARY 31, 2023 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/ZBA2023Hearings>. 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/January31Comment> 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.



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For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/January31Comment>, 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

December 8, 2022 & December 13, 2022

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

EXTENSIONS: 9:30AM

Case: BOA-881804 Address: 141-151 Condor Street Ward 1 Applicant: Jeffrey Drago, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of January 31, 2024.

Case: BOA-1102209 Address: 99-105 Fairmount Avenue Ward 18 Applicant: John Pulgini, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of January 31, 2024.

Case: BOA-979536 Address: 346-348 West Broadway Ward 6 Applicant: George Morancy, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of February 6, 2024.

Case: BOA-833835 Address: 6 General William H Devine Way Ward 7 Applicant: Patrick Mahoney, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of March 1, 2024.

Case: BOA -450351 Address: 1181-1183 Bennington Street Ward 1 Applicant: Richard Lynds, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of March 25, 2024.

Case: BOA -1050291 Address: 32 Orleans Street Ward 1 Applicant: Richard Lynds, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of March 10, 2024.

Case: BOA-1130385 Address: 33-35 Maverick Square Ward 1 Applicant: Richard Lynds, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of February 26, 2024.

Case: BOA-1085883 Address: 197 Chelsea Street Ward 1 Applicant: Richard Lynds, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of February 26, 2024.



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Case: BOA -967386 Address: 95-101 Queensberry Street Ward 5 Applicant: Jessica Caamano, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of September 12, 2024, 2024.

Case: BOA -1093724 Address: 85 Regent Street Ward 9 Applicant: Thomas P. Miller, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of January 31, 2024.

Case: BOA -941393 Address: 25 Gerrish Street Ward 22 Applicant: Nicholas Zozula, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of October 3, 2023.

Case: BOA -941394 Address: 27 Gerrish Street Ward 22 Applicant: Nicholas Zozula, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with a new date of October 3, 2023.

BOARD FINAL ARBITER: 9:30AM

Case: BOA -1295572 Address: 72 High Street Ward 2 Applicant: Ryan & Tiffany Gavin

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail and explained that this went through the BPDA process for the deck, but that there are no new zoning violations.

Board members asked about plans, changes

Votes: Board Member Barraza moved to approve. Whewell seconded and the motion carried unanimously.

BUILDING CODE ONLY: 9:30AM

Case: BOA#1421197 Address: 204-206 Cambridge Street Ward 3 Applicant: Monaz Shaikh

Purpose: Amending ALT1183883 & A1306119 for inadequate basement ceiling height refused on final inspection by the ward Building Inspector.

Violation: Violation Description: 1208.2 Minimum Ceiling Height Violation Comments:

1208.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet (2134 mm). Prep area in Basement only has a height of 6'-2".

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to the plans need to be improved. It lacks documentation and photographs of the conditions.

Board members asked about plans, egress, fire safety, building code

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 Barraza moved to deny. Whewell seconded and the motion carried unanimously.



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HEARINGS: 9:30AM

Case: BOA-1378873 Address: 24 West Tremlett Street Ward 17 Applicant: Michael Cohen

Article(s): Article 65, Section 9 Floor Area Ratio Excessive Art. 65 Sec. 08Forbidden - Dwelling units in Basement are forbidden Art. 55 Sec. 65 41 Off Street parking insufficient Art. 65 Sec. 08Forbidden - 4 family in a 3F 6000

Purpose: Change occupancy from a 3 to a 4 family dwelling. (New unit in basement).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to legalize the existing basement and use as living.

Board members asked about plans, egress

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 Valencia moved to approve with no building code relief. Stembridge seconded and the motion carried unanimously.

Case: BOA-1369039 Address: 40 Elmont Street Ward 14 Applicant: Eric Zachrison

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

Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet)

Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Bldg Height Excessive (Stories)

Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Area Insufficient

Art. 65 Sec. 41 Off street parking requirements

Purpose: Build new two family building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 2 family on an existing lot. Use is in context.

Board members asked about plans, layout

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 Barraza moved to approve with pervious pavers. Stembridge seconded and the motion carried unanimously.



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Case: BOA-1285663 Address: 84 West Cottage Street Ward 13 Applicant: Paul Yu

Article(s): Article 50 Section 28 Use Regulations - Multi Family Dwelling Use : Forbidden
Article 50, Section 29 Lot Area Insufficient Article 50, Section 29 Add'l Lot Area Insufficient
Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Stories)
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 Side Yard Insufficient Article 50, Section 29 Rear
Yard Insufficient

Purpose : Erect new construction of Multi Family Dwelling (7 residential units) and 7 parking spaces on vacant lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 7 unit development with 7 parking spaces on a vacant lot. 2 affordable units.

Board members asked about plans, units, trees, context, 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 Barraza moved to approve with BPDA design review and BTD review. Valencia seconded and the motion carried unanimously.

Case: BOA-1394043 Address: 8 Sawyer Avenue Ward 13 Applicant: James Christopher

Article(s): Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Front Yard Insufficient
Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive
Art.65 Sec. 8 Use: Forbidden - Multifamily use Forbidden Art. 65 Sec. 08 Forbidden - Parking : Accessory use forbidden
for multifamily Use Forbidden Art. 65 Sec. 42^Conformity with Existing Building Alignment
Article 65, Section 32 NDOD Review Required

Purpose: To Construct a new 5 unit three story building with off street parking as per the attached plans.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until 3/14/23 at 11:30am.

Case: BOA1396648 Address: 19 Peverell Street Ward 13 Applicant: Peter Haranas

Article(s): Article 65, Section 9 Bldg Height Excessive (Feet)

Purpose: Built a roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to build a roof deck on an existing dwelling.

Board members asked about plans, deck size, interior access.

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

Documents/Exhibits: Building Plans.

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



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Case: BOA-1409912 Address: 5 Worcester Square Ward 8 Applicant: Joel Rubiera

Article(s): Article 64 Section 9 Floor Area Ratio Excessive (Stairway to Penthouse creates additional Gross Floor Area)
Article 64 Section 9 Town House / Row House Extensions into Rear Yard. Proposed Deck is extending off the 2nd
Floor Article 64, Section 34 Roof Structure Restrictions - Restricted Roof Structure Regulations. Proposed Penthouse
Structure

Purpose : Amend Permit ALT855714. Reconfigure different room sizes from original Plans on different levels.
Construct new exterior Deck off 2nd Floor. Construct new staircase Penthouse and Private Roof Deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to
reconfigure interior and add roof deck and rear deck,

Board members asked about plans, proposal, context

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 Shepard moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA-1351164 Address: 170 Old Colony Avenue Ward 7 Applicant: Timothy Johnson

Article(s): Art. 08 Sec.07 Use: Conditional Art. 14 Sec. 1 Lot Area Insufficient Art. 14 Sec. 14 3Lot Width Insufficient
Art. 14, Section 4 Lot Frontage Insufficient Art. 15 Section 1 Floor Area Ratio Excessive Art. 17 Sec. 01 Usable open
Space Insufficient Art. 18 Sec. 01 Front Yard Insufficient Art. 19 Section 1 Side Yard Insufficient Art. 23 Sec. 01 Off
street parking requirements Art. 13 Sec. 13 1Height excessive. table 13 M 1

Purpose: Demolish existing structure and erect new 4-Story, 4-Unit Building w/garage and front balconies and building
to be sprinklered as per plans submitted.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer
this matter until 3/28/23 at 11:30am.



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Case: BOA -1415266 Address: 230-232 Silver Street Ward 6 Applicant: Mary Cerio

Article(s): Article 68, Section 33 Off-Street Parking & Loading Req - No off street parking is provided

Article 68, Section 8 Usable Open Space Insufficient

Purpose : Change use/Occupancy of the dwelling from 2 residential units and a pet clinic to three residential units. Dwelling renovations to be built in accordance with architectural plans by Choo & Co Inc.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the use to three residential units and stay within existing footprint.

Board members asked about plans, footprint

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 Langham moved to approve. Stembridge seconded and the motion carried unanimously.

Case: BOA-1396904 Address: 204 West Brookline Street Ward 4 Applicant: Meg Vaidya

Article(s): Article 64, Section 9.4 Town House/Row House Extension - Town House / Row House Extensions into Rear Yard

Purpose : Construct a 6' deep bracket supported balcony off the 2nd level. Convert a window into a door for access to balcony.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to bracket structure a roof deck on an existing dwelling.

Board members asked about plans, proposal, parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Shepard moved to approve. Stembridge seconded and the motion carried unanimously.



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Case: BOA-1361465 Address: 272 East Eagle Street Ward 1 Applicant: FL Development LLC

Article(s): Art. 10 Sec. 01 Limitation of parking areas - Parking less than 5ft from side line. Article 27T 5 East Boston IPOD Applicability Art. 53, Section 8 Use: Forbidden – MFR Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 57.2 Conformity Ex Bldg Alignment - 9.5ft provided Art. 53, Section 56 Off Street Parking Insufficient

Purpose: Seeking to erect a new 4-story residential building with 6 units, rear balconies/terraces, and 6 parking spaces. Parking located on ground level within open-air garage and rear of property. Existing dwelling to be demolished under a separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a rear deck and rear ground level space with 6 parking spots

Board members asked about plans, proposal, parking.

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 Barraza moved to approve with BPDA design review and BTM review and to remove 2 cars in the rear. Stembidge seconded and the motion carried unanimously.

Case: BOA 1309297 Address: 1 Everett Street Ward 1 Applicant: Everett Development Partners LLC

Article(s): Article 53 Section 8 Use Regulations - Use: Multi family Dwelling: Forbidden Article 53 Section 8 Use Regulations - Use: Accessory Parking: Forbidden Article 53 Section 8 Use Regulations - Use: Fitness Center: Forbidden Article 53 Section 8 Use Regulations - Use: Offices: Forbidden Article 53 Section 9 Lot Area for Additional Dwelling Units Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53 Section 9 Rear Yard Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Loading Insufficient Article 27T 5 East Boston IPOD Applicability - East Boston Interim Planning Overlay District Applicability Article 32, Section 4.G COD, Applicability - Groundwater Conservation Overlay District Applicability

Purpose : Demolish existing building. Erect a new 3 story Mixed Use Building. On the Ground Floor will be 3 Commercial spaces (a Fitness Center and Office Uses). On Floors 2 & 3, will be all Residential Use consisting of 14 Dwelling Units. There will be private Roof Decks added as shown on plans. There will be 7 Off Street Parking spaces. Construction to be Steel/Concrete/Wood structure with EPDM flat roof. Building will be fully Sprinklered .

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to defer to finalize the discussions with the local neighborhood associations.

Votes: Board Member Barraza moved to defer until 3/14/23. The motion was seconded and carried unanimously.



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Case: BOA -1411319 Address: 148 Falcon Street Ward 1 Applicant: 148 Falcon Street Realty Trust

Article(s): Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations - MFR is a forbidden use in a 2F 2000 Sub district Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 52 Roof Structure Restrictions - Proposed roof deck exceeds allowed building height. Article 53, Section 56 Off Street Parking & Loading Req - Proposed off street parking in insufficient (None provided)

Purpose : Confirm occupancy as a two (2) family and change to a four (4) unit residential dwelling by adding a rear addition, renovating, extending living space into basement and adding rear and roof decks.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 2 family to a 4 family with a rear addition.

Board members asked about plans, proposal, 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.

Votes: Board Member Whewell moved to approve with BPDA design review and no building code violation. Barraza seconded and the motion carried unanimously.

HEARINGS:10:30AM

Case: BOA-1405027 Address: 29 Orange Street Ward 20 Applicant: Ivan Hernandez

Article(s): Art. 67 Sec. 09 Side Yard Insufficient Article 67, Section 9 Floor Area Ratio Excessive

Purpose: Construct new two family townhouse per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to construct two new townhouses with a dormer.

Board members asked about plans, setback

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 Shepard moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.



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Case: BOA -1417892 Address: 31 Wellington Hill Street Ward 14 Applicant: Angela Middleton

Article(s): Art. 60 Sec. 09 Side yard insufficient Art. 60 Sec. 09 Rear yard insufficient Article 60 Section 40 Off Street Parking & Loading Req

Purpose: Curb Cut for 3 parking spaces.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until 3/28/23 at 11:30am.

Case: BOA-1345655 Address: 11 Spring Garden Street Ward 13 Applicant: Chau Nguyen

Article(s): Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Add'l Lot Area Insufficient

Purpose : Demolish existing, single family home and erect a four story, two family home per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to demolish an existing dwelling and erect a 4 story 2 family dwelling and 2 off st parking spots.

Board members asked about plans, easement

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 Valencia moved to approve with BPDA design review and BTD review. Stembridge seconded and the motion carried unanimously.

Case: BOA-1386782 Address: 3381 Washington Street Ward 11 Applicant: We Serve Safely Inc.

Article(s): Art. 09 Sec. 02 Nonconforming Use Change -Art. 55 Table C Residential uses Article 55, Section 9 Rear Yard Insufficient -Art. 2A within eight (8) feet of an accessory building Art. 55, Section 40 Off Street Parking Insufficient - Remove Parking spaces

Purpose: Installation of a walk in refrigerator 10' W x 10' L x 8' H. Installing a metal storage container next to the walk in refrigerator to use as a dry storage. Both of these will be installed in the rear of the building in 1 of the 3 parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new walk-in cooler with rear storage and 4 parking spaces

Board members asked about plans,

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 Barraza moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.



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Case: BOA -1146747 Address: 9 Oswald Street Ward 10 Applicant: 9 Oswald LLC

Article(s): Article 59, Section 7 Use Regulations - MFR is a forbidden use in a 3f 2000 Sub district Article 59, Section 8 Add'l Lot Area Insufficient Article 59, Section 8 Floor Area Ratio Excessive Article 59, Section 37 Off Street Parking & Loading Req - Off street parking is insufficient

Purpose: Change use from a 3 family to a 4 family, utilizing existing living space in basement. New kitchen, some interior work. Upgrade sprinkler.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until 3/14/24 at 11:30am.

Case: BOA-1409543 Address: 110 Buttonwood Street Ward 7 Applicant: Chayla White

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - >25%-Forbidden Art. 65 Sec. 41 Off street parking requirements - Design-Space sizes/clear maneuvering areas Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 Insufficient front yard setback Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 # of allowed stories has been exceeded- 2.5 max Art. 65 Sec. 9 Max allowed height exceeded -35' max Art. 65 Sec. 08 Forbidden - Non conforming forbidden USE ancillary parking and easement access proposed for two motor vehicles at the rear of the adjacent neighboring lot -Forbidden. Art. 65 Sec. 08 Forbidden – MFR (8 unit dwelling in a two family sub-district) - Forbidden

Purpose: Combine 110 & 114 Buttonwood into a newly created, 7,600 SF single lot to be known as 110 Buttonwood. Change occupancy from Three Family Dwelling to Multi family (8units). Construct new 4 story addition to existing structure. Propose 8 Off street parking & 2 ancillary parking spaces from 118 Buttonwood/u491357387 (SEE ALT1357386 for subdivision with easement and right of way access) *Note: #110, #114 and #118 lots are all owned in common.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine lots together and erect an 8 unit dwelling

Board members asked about plans, proposal, parking.

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

Documents/Exhibits: Building Plans.

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



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Case: BOA -1411401 Address: 118 Buttonwood Street Ward 7 Applicant: Chayla White

Article(s): Art. 65 Sec. 08 Forbidden - Ancillary parking of a forbidden use

Purpose: Provide and grant access and easement for 2 ADDITIONAL ANCILLARY PARKING SPACES FROM 118 BUTTONWOOD in conjunction with 8 off street parking spaces behind 110 114 Buttonwood which is owned in common (SEE CORRESPONDING ALT to COMBINE 110 & 114 BUTTONWOOD INTO A NEWLY CREATED, 7,600 SF SINGLE LOT TO BE KNOWN AS 110 BUTTONWOOD and to CHANGE the OCCUPANCY FROM two detached dwelling with four units on the lot to one 8 unit multi family building by constructing a new addition per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine lots together and erect an 8 unit dwelling

Board members asked about plans, proposal, parking.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1333102 Address: 4-6 Woodville Park Ward 8 Applicant: Derrick Hobson

Article(s): Article 50 Section 28 Use Regulations - Use : Multi family Dwelling : Forbidden Article 50 Section 29 Lot Area for Additional Dwelling Units Insufficient Article 50 Section 29 Floor Area Ratio Excessive Article 50 Section 29 Usable Open Space Insufficient Article 50 Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Additional Dwelling Unit conversion from 2 Dwelling Units to 4 Dwelling Units in an existing 2 Family Duplex. Basements will be reconstructed into 2 bedroom Apartments. Egress doors and windows will be cut into the foundation. Mechanical, electrical, plumbing and interior upgrades will be made, construct new rear deck and dormer. Extension of living space into the Attic for Units 1 & 2 (Dormers)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add 2 tandem cars and change occupancy for 4 people.

Board members asked about plans, proposal, 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.

Votes: Board Member Whewell moved to approve with BPDA design review with attention to egress, entry, site parking, and rear dormer. Stembridge seconded and the motion carried unanimously.



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Case: BOA-1272203 Address: 5 Parker Street Ward 2 Applicant: Yong Pei Xie

Article(s): Art. 62 Sec. 25 Roof Structure Restrictions - Roof structures restricted district (Proposed addition is changing the profile of the existing roof line) **Purpose:** Proposed a 3 story addition to the left of an existing building and convert an existing one family into a three family.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a 3 story addition to an existing dwelling and add parking in the lower level.

Board members asked about plans, parking, layout

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 Barraza moved to approve with BPDA design review and BTB review. Stembridge seconded and the motion carried unanimously.

Case: BOA-1369296 Address: 131 Princeton Street Ward 1 Applicant: Abelar Coelho

Article(s): Art. 27G E Boston IPOD Art. 53 Sec. 08 Forbidden -3 family use Art. 53 Sec. 09 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Art. 53 Sec. 09 Side yard insufficient Article 53, Section 9 Rear Yard Insufficient Art. 53 Sec. 52 Roof Structure Restrictions Art. 53 Sec. 56^ Off street parking insufficient

Purpose: Seeking to change the occupancy from a two family dwelling to a three family dwelling. Also to renovate including a rear addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change a 2 family to a 3 family residential dwelling and include a rear addition.

Board members asked about plans, basement, height, configuration, outdoor space.

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 Langham moved to approve with BPDA design review. Barraza seconded and the motion carried unanimously.

RECOMMENDATIONS: 11:00 AM

Case: BOA-1363941 Address: 104-106 Trenton Steet Ward: 1 Applicant: Trenton Brooks Corner Realty Trust

Article(s): Art. 09 Sec. 02 Nonconforming Use Change Art. 53, Section 8 Use: Forbidden - Local Retail (Convenience store)

Purpose: Change use from a dry cleaners to a convenient store, 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 February 16 at 5:00pm.



City of Boston
Board of Appeal

Case: BOA-1391407 Address: 7 Armory Street Ward: 2 Applicant: Kevin Joyce

Article(s): Article 62, Section 8 Floor Area Ratio Excessive Art. 62 Sec. 19 Neighborhood Design Overlay Districts
Art. 62 Sec. 25 Roof Structure Restrictions Art. 62 Sec. 24 Design Review - Art.80 2.1 NDOP review requirement

Purpose: Confirm occupancy as a one family row house, extend living space into basement, increase width of existing dormer beyond 8 ft. and complete interior renovation.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to rehab two one family side by side dwellings. Footprint and occupancy not changing.

Board members asked about plans, occupancy

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. Letter in support

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

Case: BOA- 1408249 Address: 8 Armory Street Ward: 2 Applicant: Kevin Joyce

Article(s): Article 62, Section 8 Rear Yard Insufficient Article 62, Section 8 Floor Area Ratio Excessive
Article 62, Section 8 Lot Area Insufficient - RH 1500 required 1500s.f. for up 2 units. 3F 2000 required 2000s.f per 1 or 2 units Article 62, Section 25 Roof Structure Restrictions Art. 62 Sec. 19 Neighborhood Design Overlay Districts -
NDOD design review Art. 62 Sec. 30.1 Conformity of Bldg. Alignment

Purpose: Confirm occupancy as one family row house dwelling, then renovate entire building as per plans filed herewith. Extend living space into basement, new front dormers, new rear egress stair. Building to be used as one family after renovations are completed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to rehab two one family side by side dwellings. Footprint and occupancy not changing.

Board members asked about plans, occupancy

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. Letter in support

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



City of Boston
Board of Appeal

Case: BOA-1417588 Address: 101 Baldwin Street Ward: 2 Applicant: Sean Treacy

Article(s): Article 62, Section 25 Roof Structure Restrictions

Purpose: AMEND PERMIT ALT1359815. PHASE 2: Newly proposed roof per plans submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a rear and front dormer and add new livable space for growing family. .

Board members asked about plans, occupancy

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 in support, letter in opposition.

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

Case: BOA-1396700 Address: 140 Tremont Street Ward: 3 Applicant: 10 Temple Place, LP

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

Purpose: Removing proviso granted to that petitioner only. Acquiring existing fast food restaurant. Use/layout will stay the same, as a fast food burger restaurant. All we will be doing and branding the previous owners application.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to allow the new tenant to use as take out use. No change.

Board members asked about plans,

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 in support.

Votes: Board Member Barraza moved to approve. Aiken seconded and the motion carried unanimously.

Case: BOA-1405814 Address: 647 Boylston Street Ward: 5 Applicant: Anders Cairns

Article(s): Art. 08 Sec. 03 Conditional Uses - Applicant is applying for 36A for a Coffee Shop, which is a conditional use.

Purpose: Interior renovation of an existing Commercial Business tenant space. Scope of work includes minor interior demolition, new walls, new doors, new millwork, new interior lighting, and new plumbing fixtures for Coffee shop use. No food to be prepared on site.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to use as a take out café.

Board members asked about plans,

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 Barraza moved to approve. Aiken seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1349367 Address: 6 Park Lane Ward: 11 Applicant: Nathaniel Hafer & Taril Fultz

Article(s): Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Rear Yard Insufficient
Article 55, Section 9 Bldg Height Excessive (Stories) Article 55, Section 9 Floor Area Ratio Excessive

Purpose: Build out of existing third floor space to include a new dormer and exterior deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate while maintaining existing footprint.

Board members asked about plans, accessibility.

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 Barraza moved to approve with BPDA design review. Aiken seconded and the motion carried unanimously.

Case: BOA-1344299 Address: 349 Savin Hill Avenue Ward: 13 Applicant: Chelsea Blanchar

Article(s): Art. 65 Sec. 65 8 Floor Area Ratio excessive Article 65, Section 9 Side Yard Insufficient

Purpose : Unit 2 Remodel with dormer addition on 3rd floor

Discussion: At the request of the Board, the applicant presented and requested to withdraw the proposal.

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



City of Boston
Board of Appeal

Case: BOA-1359736 Address: 1236-1238 Dorchester Avenue Ward: 15 Applicant: Mitch Hayes

Article(s): Article 65, Section 41 Off Street Parking & Loading Req - 521 CMR 17.00: Restaurants
521 CMR 17.2: At least 5% but not less than one, of the tables shall be accessible, be on an accessible route, and in compliance with the following.

Purpose: Approved by the Licensing Board and extended our patio into the private parking lot, with approval from our landlord, in June 2020. Looking to get permanent approval and increase our capacity from 40 people, to 70 people.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to open up the patio and increase the outdoor seating.

Board members asked about plans, layout, parking, screening.

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 Barraza moved to approve. Aiken seconded and the motion carried unanimously.

Case: BOA- 1396190 Address: 302-316 Bowdoin Street Ward: 15 Applicant: Wayne Atkinson

Article(s): Art. 07 Sec. 03 Conditions for Variance - Remove proviso request "to petitioner only"

Purpose: Remove Proviso and grant to this Petitioner Only.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to remove the previous proviso so the new tenant can use the space. Only cosmetic changes.

Board members asked about plans,

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 Barraza moved to approve. Aiken seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1363414 Address: 132-138 Park Street Ward: 16 Applicant: Nadege Marcelin

Article(s): Art.65 Sec.08 Conditional - Beauty Salon use

Purpose: Add a beauty salon in an existing beauty supply at 1530 Dorchester Avenue .

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to a salon with retail.

Board members asked about plans, accessibility.

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 Barraza moved to approve. Aiken seconded and the motion carried unanimously.

Case: BOA-1381353 Address: 301 Adams Street Ward: 16 Applicant: Manuel Da Rosa

Article(s): Art. 06 Sec. 04 Other Protectional Conditions - Granted to this Petitioner only (Murat Han) for Art.8(8 7 36A) Condition Uses. #2920/2006

Purpose: Remove proviso and grant this to petitioner only.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add takeout for the new petitioner

Board members asked about plans,

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 Barraza moved to approve. Aiken seconded and the motion carried unanimously.

Case: BOA- 1393784 Address: 45 Cedar Grove Street Ward: 16 Applicant: Robert Nicholas

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

Purpose: Create bedroom by Installing window well and window as per plan in lower level which is at grade.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to include a bedroom in the basement.

Board members asked about plans,

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 Barraza moved to approve. Aiken seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1411481 Address: 1724-1740 Dorchester Avenue Ward: 16 Applicant: Stefano Quaresima

Article(s): Art. 06 Sec. 04 Other Protectional Conditions

Purpose: Removing previous proviso for 1739 Dorchester Avenue

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to remove the previous proviso and to allow a new restaurant to come in and use the basement as a prep area.

Board members asked about plans, basement height, basement use.

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 support.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review with no building code violation in the basement. Aiken seconded and the motion carried unanimously.

Case: BOA-1395268 Address: 1017 River Street Ward: 18 Applicant: Mother's for Justice and Equality

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

Purpose: Seeking to change the occupancy to offices for Mother's for Justice and Equality. No work to be done, existing conditions to remain.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to include an office space.

Board members asked about plans, context

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. Letter in support

Votes: Board Member Barraza moved to approve. Aiken seconded and the motion carried unanimously.

Case: BOA-1370974 Address: 378-380 Centre Street Ward: 19 Applicant: Douglas Salazar

Article(s): Art. 08 Sec. 03 Conditional Uses

Purpose: Remove proviso and grant to this petitioner only.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to remove the previous proviso so the new petitioner can use it as a restaurant take out space.

Board members asked about plans, hours of operation.

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 Barraza moved to approve. Aiken seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1384419 Address: 22 Myrtle Street Ward: 19 Applicant: Michael Judge

Article(s): Article 55, Section 9 Bldg Height Excessive (Stories)

Purpose: Construct larger dormer (third floor), renovate bathrooms, upgrade central AC kitchen and other general carpentry. Includes plumbing and electrical.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new proposed dormer on the third level of an existing single family with a new landing to the third floor to make it safer.

Board members asked about plans,

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. Letter in support.

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

Case: BOA- 1386357 Address: 56 Boylston Street Ward: 19 Applicant: Jennifer & John Cavanaugh

Article(s): Article 55, Section 9 Side Yard Insufficient

Purpose: Construction of a new rear deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to construct a new deck in the rear.

Board members asked about plans,

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 Barraza moved to approve. Aiken seconded and the motion carried unanimously.

Case: BOA-1335230 Address: 510 East Eighth Street Ward: 7 Applicant: John Drago

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Modifying existing roof and increasing its height.

Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Front Yard Insufficient

Purpose: The project will include a general renovation of the entire historic home including reorganizing spaces and the addition of a third floor master suite. The project will also include design exploration for future roof deck access.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a rear addition and dormers. The footprint will remain.

Board members asked about plans,

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

Documents/Exhibits: Building Plans. Letters in support

Votes: Board Member Barraza moved to approve with BPDA design review and no roof deck. Aiken seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1368532 Address: 60 Chesterfield Street Ward: 18 Applicant: Tania Polanco

Article(s): Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg Height Excessive (Stories)
Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear
Yard Insufficient

Purpose: Renovation and addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to extend the living of a single family by adding a new addition in the rear of the home from the basement to the second floor. Add new dormers to extend living.

Board members asked about plans, occupancy, rear setback.

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 Barraza moved to approve with BPDA design review. Aiken seconded and the motion carried unanimously.

RE-DISCUSSIONS: 11:30 AM

Case: BOA 1094129 Address: 4011-4019 Washington Street Ward 19 Applicant: Neal Gold [ARTICLE 80]

Article(s): 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 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

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 17 vehicles.

Reason for Prior Deferral: The applicant requested a deferral to allow the team time to update their plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect 19 residential units with daycare space and 17 parking spaces for condo units.

Board members asked about plans, daycare, open space, commercial space, parking.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1386397 Address: 8 Rowena Street Ward 16 Applicant: Erik Krasowski

Article(s): Article 65, Section 9 Floor Area Ratio Excessive Art. 65 Sec. 60 8 3 Family Detached Dwelling, Forbidden Art. 65 Sec. 60 37 Off Street parking insufficient

Purpose: Change occupancy from two family to three family. Convert basement into third unit.

Reason for Prior Deferral: This case was deferred by the Board in hopes that elevations and plans are provided by the next hearings. More specifically the entrance, access, egress, and grade.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change from a 2 to a 3 unit dwelling and convert the basement into a third unit.

Board members asked about plans, 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 Barraza moved to approve with BPDA design review. Stembridge seconded and the motion carried unanimously.

Case: BOA- 1338514 Address: 6 Thwing Street Ward: 11 Applicant: Rufus Faulk

Article(s): Article 10, Sec.1 Limitation of Area - Limitation of Area of Accessory Uses Article 50, Sec. 43 Off Street Parking & Loading Req –Location of Off Street Parking. Off Street Parking is not permitted in Front Yard Article 50, Se. 43 Off Street Parking & Loading Req - Off Street Parking Design / Maneuverability

Purpose: Proposed Driveway Curb Cut and Off Street Parking for 2 cars.

Reason for Prior Deferral: The first motion failed. Board member Aiken moved to defer this to the full board.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to provide a curb cut for 2 off street tandem parking spaces.

Board members asked about plans, proposal, access

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 Barraza moved to approve with a 10ft clearance behind the building. Stembridge seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA -1369883 Address: 8-10 Mercer Street Ward 7 Applicant: Mark Little

Articles Art. 68 Sec.08 Insufficient additional lot area per unit. Art 68 Sec 8 Excessive f.a.r. Art 68 Sec 8 Excessive building height in sub district Art 68 Sec 8 Insufficient open space Art 68 Sec 29 Roof Structure Restrictions - Parcel max allowed building height has been exceeded

Purpose: Erect new four story building with five dwelling units, two fourth story decks, rear balconies at second and third stories, and 10 accessory off street parking spaces. (5 Stackers1/1) Parking access to be provided by driveway shared with 12 Mercer Street. 8 Mercer Street lot and 10 Mercer Street lot are being combined under ALT1056673. The purpose of this application is to convert the issued permit numbered ALT1056666(REVOKED) to an ERT permit, as the previously existing structure was damaged during reconstruction and was razed. All zoning relief was granted under ALT1056666 and BOA1066911 and is active and valid. (REVOKED) Zoning relief for 12 Mercer Street, for shared driveway, was granted under U491056686 and BOA1066917 and is active and valid. (Not yet issued)

Reason for Prior Deferral: The applicant requested a deferral to allow time to make design changes and to meet with the community.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until 3/14/24 at 11:30am.

Case: BOA-1330550 Address: 37 Jenkins Street Ward: 7 Applicant: Fatomech Carroll

Article(s): Article 13, Section 1 Bldg Height Excessive Art. 13 Sec. 13 1 Floor Area Ratio Excessive
Article 13, Section 1 Rear Yard Insufficient Article 13, Section 1 Usable Open Space Insufficient

Purpose: Change use from a single family to a two family. Proposed additions and renovate, as per plans.

Reason for Prior Deferral: Board member Barraza moved to defer this to the full board due to extensive changes. The Board would like BTM to comment on the proposal by the next hearing date.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change occ from 1 fam to 2 fam and allow for green space.

Board members asked about plans,

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1298133 Address: 1395-1405 Washington Street Ward 3 Applicant: The Walsh EI, LLC [ARTICLE 80]

Article(s): Art. 32 Sec. 04 GCOD Applicability Article 64, Section 18 Use: Conditional - Restaurant #1 Article 64, Section 18 Use: Conditional - Restaurant #2 Article 64, Section 18 Use: Conditional - Restaurant #3 Article 64, Section 19 Bldg. Height exceeding 70 ft. Article 64, Section 19 FAR exceeding 3.0 max. Article 64, Section 19 Dimensional Regulations - 64 19.2 Usable open space per 64 9 Article 64, Section 19 Dimensional Regulations - 64 19.2 Rear yard per 64 9 Article 64, Section 34 Roof Structure Restrictions Article 64, Section 36 Off Street Parking & Loading Req

Purpose: Construction a new seven story, 35 multi family residential building, with core/shell ground floor local retail (1) and restaurants (3), per plans. Combine parcels 0306975000, 0306976000, 0306977000; see ALT1227446, ALT1222965, and ALT1222967. Demo existing one story building on a separate demo permit.

Reason for Prior Deferral: The applicant requested a deferral to allow time to work out issues with abutters.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 6 story with 33 residential units.

Board members asked about plans, parking, proposal, configuration, unit breakdown

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

Documents/Exhibits: Building Plans.

Votes: Board Member Whewell moved to approve with BPDA design review with attn to location and placement or open space and no building code relief. Stembridge seconded and the motion carried unanimously.

Case: BOA- 1339787 Address: 17 Sheafe Street Ward 3 Applicant: HRE 3, LLC

Article(s): Art. 54 Sec. 10 Excessive f.a.r. Art. 54 Sec. 10 Insufficient open space per unit Art. 54 Section 21 Off Street Parking Insufficient

Purpose: Change Occupancy from a six (6) unit residential dwelling to a seven (7) unit residential dwelling and renovate as per plans.

Reason for Prior Deferral: The applicant requested a deferral and it was granted.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter.



City of Boston
Board of Appeal

Case: BOA- 1376537 Address: 229 Maverick Street Ward 1 Applicant: 231 Maverick Street LLC

Article(s): Art. 53 Sec. 52 Roof Structure Restrictions - Access to the roof deck shall be through a hatch, not through a penthouse. Art. 27G E Boston IPOD - Proposing an exterior alteration changing the cornice line and building height of an existing building.

Purpose: Construct 14' x 14' roof deck and install spiral staircase for access. Install LVLs and other supports per the recommendations of the attached engineer affidavit. Maintain current building enclosure instead of adding 3rd floor balcony as originally proposed. Amendment to permit # ALT1076414.

Reason for Prior Deferral: The applicant requested a deferral and it was granted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to construct a roof deck with an internal spiral staircase. Headhouse is existing.

Board members asked about plans,

Documents/Exhibits: Building Plans.

Votes: Board Member Langham moved to approve. Barraza seconded and the motion carried unanimously.

Case: BOA- 1327786 Address: 107 Marion Street Ward 1 Applicant: Dario Carvajal

Article(s): Violation Comments Art. 09 Sec. 01 Extension of Non Conforming Use Art. 09 Sec. 02 Nonconforming Use Change Art. 53, Section 8 Use: Forbidden – MFR Art. 53, Section 8 Use: Forbidden - Basement unit 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 52 Roof Structure Restrictions Art. 53, Section 56 Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability

Purpose: Change the occupancy from a 3 family to a 4 family; new basement unit. Scope includes renovating the existing building, erecting new 3 story rear deck, and upgrades to life safety (FA/FP).

Reason for Prior Deferral: The applicant requested a deferral to modify the plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new deck.

Board members asked about plans, roof structure restrictions

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 Whewell moved to approve with BPDA design review with attn to the rear. Stembridge seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1392663 Address: 437 Chelsea Street Ward 1 Applicant: Rkia Azraibi

Article(s): Art. 53 Sec. 12 Rear Yard insufficient Art. 53 Sec. 12^ Floor area ratio excessive Art. 53 Sec. 12 Height Excessive Art. 53, Section 56 Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability

Purpose: Raze the existing structure and erect a 4 unit residential dwelling with roof deck.

Reason for Prior Deferral: The applicant requested a deferral to re-notice the proposal.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to raze existing structure and erect a new 4-unit residential dwelling with a roof deck.

Board members asked about plans, context, penthouse, 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 Valencia moved to approve with BPDA design review. Whewell seconded and the motion carried unanimously.



City of Boston
Board of Appeal

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

BOARD MEMBERS:

**SHERRY DONG-ACTING CHAIR
HANSY BETTER BARRAZA
RAHEEM SHEPARD
GIOVANNY VALENCIA
KATIE WHEWELL-ACTING SECRETARY
ALAN LANGHAM
NORM STEMBRIDGE**

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 January 31, 2023 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.