



City of Boston
Board of Appeal

Tuesday, December 14, 2021

BOARD OF APPEAL

City Hall Room 801

HEARING MINUTES

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON DECEMBER 14, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS DECEMBER 14, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE DECEMBER 14, 2021 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.

Interested persons can participate in the hearing **REMOTELY** by going to <https://bit.ly/zbaDecember14> or by calling 1-617-315-0704 and entering access code 2349 225 1568. If you wish to offer testimony on an appeal, please click <https://bit.ly/zbaDecember14Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

For individuals who need translation assistance, please notify the Board at least **48 HOURS** in advance either by signing up at <https://bit.ly/zbaDecember14Comment>, calling 617-635-5300 or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the WebEx 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 WebEx. Questions and/or



City of Boston
Board of Appeal

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, if connected by video, or dial *3, if connected by phone. The requester will be administratively unmuted and asked to state their name, address and comment. Comments will be limited as time requires.

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

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

Interested persons who are unable to participate in the hearing remotely may make an appointment to appear in person at City Hall in the BPDA Board Room. Please notify the Board at least **48 HOURS** in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov for accommodations to be made. Individuals appearing at City Hall without an appointment will not be permitted to enter.

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



City of Boston
Board of Appeal

APPROVAL OF THE HEARING MINUTES: 9:30AM

November 9, 2021 & November 16, 2021

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

EXTENSIONS: 9:30AM

Case: BOA-1016543 Address: 70 Eutaw Street Ward 1 Applicant: Maria Grimaldi

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of May 31, 2023 subject to all applicable tolling.

Case: BOA-890949 Address: 56 Faywood Avenue Ward 1 Applicant: Luciano Robadel

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of July 4, 2022 subject to all applicable tolling.

Case: BOA-1001052 Address: 60-62 Alpine Street Ward 12 Applicant: Norberto Leon, RA

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of December 23, 2022 subject to all applicable tolling.

Case: BOA-818377 Address: 111 Terrace Street Ward 10 Applicant: Michael P Ross, Esq

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of April 25, 2023 subject to all applicable tolling.

Case: BOA- 985935 Address: 705 VFW Parkway Ward 20 Applicant: Loutfi Nassif

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of March 13, 2023 subject to all applicable tolling.



City of Boston
Board of Appeal

Case: BOA- 1027373 Address: 171-179 Bowdoin Street Ward 15 Applicant: Joseph Feaster, Jr, Esq

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of May 15, 2022 subject to all applicable tolling.

Case: BOA- 923906 Address: 238 Saratoga Street Ward 1 Applicant: Elia Goren

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of December 5, 2022 subject to all applicable tolling.

Case: BOA- 952103 Address: 658-660 East Broadway Ward 6 Applicant: John Pulgini

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

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of March 27, 2023 subject to all applicable tolling.

BOARD FINAL ARBITERS: 9:30AM

Case: BOA-463655 Address: 120 West Fourth Ward 6 Applicant: Marc LaCasse

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

Case: BOA-1118842 Address: 28 Hill Top Street Ward 16 Applicant: Deborah Nee

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

Case: BOA- 1151928 Address: 194-200 Shawmut Avenue Ward Applicant: David A. Gottlieb

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

Case: BOA-659702 Address: 86-88 North Washington Street Ward 3 Applicant: Dennis Quilty

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to defer this until January 11, 2021 at 9:30am.



City of Boston
Board of Appeal

BUILDING CODE ONLY: 9:30AM

Case: BOA# 1264412 Address: 14b Geneva Street Ward 1 Applicant: 14B Geneva St, LLC

Purpose: New construction of four residential units, 4 stories, with roof deck, four ground level parking spaces. Fully sprinklered building.

Violation Violation Description Violation Comments 9th 780CMR 1006.3Egress from stories or occupied roofs The means of egress system serving any story or occupied roof shall be provided with the number of exits or access to exits based on the aggregate occupant load served in accordance with this section. The path of egress travel to an exit shall not pass through more than one adjacent story.9th 780 CMR 1011 Stairways1011.12.2 Roof access. Where a stairway is provided to a roof, access to the 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 requesting add roof decks without a headhouse.

Board members asked about plans.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve the building code relief, Barraza seconded and the motion carried unanimously.

GROUND WATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA- 1266935 Address: 144-162 Charles Street Ward 5 Applicant: Ashley Tan

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

Purpose : Change occupancy. Add office use (and related renovations) on the upper (2,3,4) floors in the place of a portion of existing parking all within the existing building envelope. Add common main roof deck and a roof deck on the third story and create new bicycle storage on ground floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting that GCOD relief is needed.

Board members asked about plans, and the access to the roofdeck.

Testimony: The Board then requested testimony from neighbors and elected officials. The Boston Groundwater Trust has required letters on file.

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1268004 Address: 77 Chestnut Street Ward 5 Applicant: Chestnut 77 Realty Trust
Article(s): Article 32, Section 4.GCOD, Applicability - Groundwater Conservation Overlay District Applicability
Purpose: Installation of infiltration system per BWSC requirements.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting GCOD relief .

Testimony: The Board then requested testimony from neighbors and elected officials. The Boston Groundwater Trust has required letters on file.

Documents/Exhibits: Building Plans.

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

GREENBELT PROTECTION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1030567 Address: 726 Eaast Eighth Street Ward 7 Applicant: 726 East Eighth Street, LLC
Article(s): Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability - GPOD APPLICABILITY
Purpose : Erect a new three unit (3 unit) dwelling with 5 off street parking on ground level, as per plans. Existing house to be razed under separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting that GPOD relief is needed.

Board members asked about plans and relief needed.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with the provisos that trees be installed and preserved, and BPDA recommendations as listed. Erlich seconded and the motion carried unanimously.



City of Boston
Board of Appeal

HEARINGS: 9:30AM

Case: BOA- 1237032 Address: 340 Meridian Street Ward 1 Applicant: 340 Meridian Street, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability Art. 53, Section 8 Use: Forbidden Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 52 Roof Structure Restrictions

Art. 53, Section 56 Off Street Parking Insufficient

Purpose : Change the occupancy from a three family dwelling to a four family dwelling. Scope includes a new basement unit with interior renovations of existing building and a new roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral to advertise the project.

Board members asked about plans, and basement space.

Votes: Board Member Ruggiero moved to defer, Ligris seconded and the motion carried unanimously. The new date is February 8, 2022 at 12:30.

Case: BOA-1264910 Address: 64 Haynes Street Ward 1 Applicant: Lightning Realty, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability Article 53, Section 57.3 Traffic Visibility Across Corners Article 53, Section 9 Lot Area Insufficient 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 Front Yard Insufficient

Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose: Erect a three (3) unit four (4) story residential dwelling with a roof deck and parking for three (3) vehicles.

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.

Case: BOA#1264913 Address: 64 Haynes Street Ward 1 Applicant: Lightning Realty, LLC

Purpose: Erect a three (3) unit four (4) story residential dwelling with a roof deck and parking for three (3) vehicles.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the 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 requesting a deferral.

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.



City of Boston
Board of Appeal

Case: BOA-1256914 Address: 437 Frankfort Street Ward 1 Applicant: 441 Frankfort Street, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability

Purpose : Erect a three (3) unit residential dwelling with parking for three (3) vehicles as per plans

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.

Case: BOA-1261554 Address: 125-131 Sumner Street Ward 1 Applicant: Clippership Apartments, LLP

Article(s): Art. 53, Section 15 Use: Conditional

Purpose : Cost included in SF1227747. Change occupancy to include fitness center/spin studio.

Case: BOA-1256992 Address: 221 East Eagle Street Ward 1 Applicant: Jose Carlos Medeiros

Article(s): Art. 53 Sec. 08 Forbidden - Multi family dwelling (6) units use is a forbidden use Art. 53 Sec. 09 Lot area for the add'l dwelling units is insufficient Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Usable open space requirements is insufficient Art. 53 Sec. 09 Height requirements is excessive (3stories max. allowed) Art. 53 Sec. 09 Front yard setback requirements is insufficient Art. 53 Sec. 09 Side yard setback requirements is insufficient Art. 53 Sec. 09 Rear yard setback requirements is insufficient Art. 53 Sec. 09 Dimensional Regulations Art. 53 Sec. 09 Height requirements is excessive (35 ft high max. allowed) Article 27T 5 East Boston IPOD Applicability - E BOSTON IPOD APPLICABILITY Art. 53 Sec. 56 Off Street Parking - Off street parking requirements is insufficient

Purpose : Erect a multi family dwelling of six units with six parking spaces.

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.



City of Boston
Board of Appeal

Case: BOA- 1253478 Address: 322 Bunker Hill Street Ward 2 Applicant: James Kingston

Article(s): Art. 62 Sec. 08^ Usable Open Space insufficient Article 62 Section 12 Roof Structure Restrictions - Headhouse and roof deck proposed exceeding 330sqft. Proposed: 400 sqft Article 62, Section 7 Use: Forbidden - Multifamily use forbidden. 5 units in 3 structures Art. 62 Sec. 19 Neighborhood Design Overlay Districts Art. 62 Sec. 29 Off street parking insufficient -Min. required: 1.5 x 5 units = 7.5 spaces. Existing: 5 spaces. Proposed: 4 spaces

Article 62, Section 8 Side Yard Insufficient

Purpose : Change of use to unit 1 which is currently a funeral home to a 3 bedroom residential apartment below 2 existing apartments. New use is a 3 family. Renovate unit 1 apartment. Add head house and roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy from a funeral home to a residential dwelling with a roof deck.

Board members asked about plans, layout, use and square footage.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1250624 Address: 345-347 Hanover Street Ward 3 Applicant: Engle & Volkers Boston, Keith Shirley

Article(s): Art. 54 Section 12 Use: Conditional - Real Estate office on the first floor is a conditional use in a CC sub district.

Purpose : Refiling ALT1066515 by JK. Change/Legalize occupancy of first floor retail space into a real estate office. No work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy on the lower level to retail and residential.

Board members asked about plans, and the conditional use.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred this to the Board and a Councilor Edwards spoke in support of the project.

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1237014 Address: 157 West Springfield Street Ward 9 Applicant: Michael DelleFave
Article(s): Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Art. 64 Sec. 34 Restricted Roof Structur Regs Article 64, Section 9 Floor Area Ratio Excessive Article 64, Section 9 Usable Open Space Insufficient
Article 64, Section 9 Rear Yard Insufficient Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.
Purpose :Renovate and extend existing building; change legal occupancy from Church (Doc #3562/00) to 9 dwelling units.”

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.

Case: BOA-1266730 Address: 4-18 Cheney Street Ward 12 Applicant: Jamaica Plain Neighborhood Development Corp.

Article(s): Art. 50, Section 20 Maximum floor area ratio: 1 Proposed: 1.63 Art. 50, Section 19 Use: Conditional - 9 Ancillary parking spaces for 20 28 Cheney St Art. 50, Section 20 Maximum building height: 45' Proposed: 55' Art. 50, Section 40.1 Street Wall continuity Art. 50, Section 43 Off Street Parking Insufficient - Parking spaces required: 59 Proposed: 28 9 ancillary = 19 spaces

Purpose : Erect a 58539 sf, 4 story, 59 residential unit building with a 28 parking space (9 dedicated to 20 28 Cheney Street) garage in basement. Part of a Large Project Review along with 20 28 Cheney Street (ERT1254457) and 3 Schuyler Street (ERT1254454).

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is March 22nd, 2022 at 12:30.

Case: BOA-1266732 Address: 20-28 Cheney Street Ward 12 Applicant: Jamaica Plain Neighborhood Development Corp

Article(s): Art. 50, Section 28 Use: Conditional - 9 Ancillary parking spaces Art. 50, Section 28 Use: Forbidden - Multifamily Art. 50 Sec. 44.2 Existing Bldg Alignment - modal calculation not provided to verify compliance Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient - Min. required: 20' Proposed: 12.8' at Cheney St and 7.5' at Harwell St. Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient

Purpose : Erect a 10,738 sf, 3 story, 9 residential unit building with 9 parking spaces in the garage on the adjacent 4 18 Cheney Street . Part of a Large Project Review along with 4 18 Cheney Street (ERT1254459) and 3 Schuyler Street (ERT1254454).

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is March 22nd, 2022 at 12:30.



City of Boston
Board of Appeal

Case: BOA-1266736 Address: 3 Schuyler Street Ward 12 Applicant: Jamaica Plain Neighborhood Development Corp

Article(s): Art. 50, Section 28 Use: Forbidden - Multifamily use Article 50, Section 44.2 Conformity Ex Bldg Alignment - modal not provided to verify compliance Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio 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

Purpose : Combine vacant 4,029 sf parcel #1202441000 with vacant 2,074 sf parcel #1202442000 totaling 6,103sqft to Erect a 5656 sf, 3 story, 6 residential unit building with 6 parking spaces on the lot. Part of a Large Project Review along with 4 18 Cheney Street (ERT1254459) and 20 28 Cheney Street (ERT1254457).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to combine the vacant lots and erect a new 3 story home with 6 parking spaces.

Board members asked about plans, configuration, layout, lots, parking.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1253752 Address: 25 Doris Street Ward 13 Applicant: George Morancy

Article(s): Art.65 Sec.08 Conditional - Two family detached conditional (variance required)

Purpose : New two family construction . Court Case

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to complete the plans to perfect the record.

Board members asked about the previous proposal.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA- 1245715 Address: 11 Mclellan Street Ward 14 Applicant: Shannon Ishmael

Article(s): Art. 10 Sec. 01 Limitation of parking areas - Proposed parking is within 5 feet to side lot line. Art. 60 Sec. 40 (5) Off street parking design/maneuverability Art. 60 Sec. 09 Rear yard insufficient Art. 60 Sec. 09 Floor Area Ratio excessive Art. 60 Sec. 9 Additional Lot Area Insuff Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Bldg Height Excessive (Stories) Article 60, Section 9 Bldg Height Excessive (Feet) Article 60, Section 9 Front Yard Insufficient

Purpose :New Construction Three Family Triple Decker with four on grade parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a 3 family with 4 parking spaces on an empty lot with 3 rear and 3 front decks.

Board members asked about plans, the proposal, zoning, basement space and elevators.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BTM review, Erlich seconded, and the motion carried unanimously.

Case: BOA-1249024 Address: 8 Norton Street Ward 15 Applicant: Selwyn Eccles

Article(s): Art. 65 Sec. 02 Conformity with Existing Building Alignment - modal not provided to verify compliance. Art. 65 Sec. 41 Off street parking requirements - Design. Art. 10 Sec. 01 Limitation of off street parking areas Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose :Erect 3 family residential building with 3 tandem parking spaces.

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.

HEARINGS:11:00AM

Case: BOA-1230101 Address: 35 South Russell Street Ward 3 Applicant: Edward O'Connell

Article(s): Article 13, Section 1 Floor Area Ratio Excessive

Purpose: Build new extension of living space to basement level.

Discussion/ Votes: Board Member Fortune moved to deny without prejudice, Ligris seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA#1235073 Address: 35 South Russell Street Ward 3 Applicant: Edward O'Connell

Purpose: respects: Build new extension of living space to basement level.

Violation Violation Description Violation Comments 2015 IEBC CH8 (780 CMR 08 Alterations Level 2 801.3 (Compliance) Minimum finished ceiling height to CHPT34) be 7' 0".

Discussion/ Votes: Board Member Fortune moved to deny without prejudice, Ligris seconded, and the motion carried unanimously.

Case: BOA-1239322 Address: 109-119 Beach Street Ward 3 Applicant: Chad Lingle

Article(s):Article 44, Section 6 Roof Additions in Leather Dist Article 44, Section 5 Maximum Building Height / FAR

Purpose : Change occupancy from 43 residential and 2 commercial To 42 residential and 2 commercial. Combine two condominium units (units 5H and 5I) into a single larger living space, according to plans. Construct new penthouse addition and roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy and combine 2 roofdecks. The building height the and headhouse is preexisting.

Board members asked about plans, roof decks, headhouses, height, penthouse, and elevator. .

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

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

Votes: Board Member Barraza moved to approve with provisos to reduce the height and BPDA design review for the penthouse and deck. Erlich, Araujo, and Dong opposed. The motion failed 4-3 and was denied.

Case: BOA-1251648 Address: 250 Hanover Street Ward 3 Applicant: 250 Hanover Street, LLC

Article(s): Article 54, Section 10 Floor Area Ratio Excessive Article 54, Section 10 Rear Yard Insufficient Article 54, Section 18 Roof Structure Restrictions Art. 54 Section 21 Off Street Parking Insufficient Art. 54 Section 21 Off Street Loading Insufficient

Purpose : These plans are for zoning refusal only. Addition

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add 3 stories for residential units and roof decks with no hatch..

Board members asked about plans, elevator, layout, and access to the roof deck.

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

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

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



City of Boston
Board of Appeal

Case: BOA- 1258540 Address: 498-528 Commonwealth Avenue Ward 5 Applicant: UMNVAG Kenmore, LLC (by Elsiana Zhaka)

Article(s): Art. 23 Section 2 Off Street Parking (Public Assembly) Insufficient 2 add'l req'd Art. 32 Sec. 04 GCOD Applicability

Purpose : 830 SF of proposed new solarium added to ground floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to enclose the porches to make the space useable year-round.

Board members asked about plans.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1227118 Address: 47 Sumner Street Ward 7 Applicant: Swank Properties

Article(s): Article 65, Section 9 Side 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

Purpose : Change of occupancy from a two family to a three family dwelling. Legalize third floor unit. Extend living space to basement, construct roof deck on existing front porch, and renovate as per plans. Proposed (1) off street parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to legalize the existing 3rd floor unit and add parking.

Board members asked about plans, unit, configuration, parking, and how it has been taxed.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve, Barraza seconded Ruggiero abstained and the motion carried 6-1.

Case: BOA-1249710 Address: 240 Blue Hill Avenue Ward 13 Applicant: Ariel Arias

Article(s): Art. 50, Section 28 Use: Forbidden - Body art establishment (Tattoo)

Purpose: Two Family dwelling & unisex salon converting into a Two family dwelling & Tattoo and barbershop.

Discussion/ Votes: Board Member Fortune moved to deny without prejudice, Ligris seconded, and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1258629 Address: 39 Hancock Street Ward 15 Applicant: Mandrell Company, LLC, Willie Mandrell

Article(s): Art. 65 Sec. 08 Forbidden - Multifamily use Art. 65 Sec. 42^ Conformity with Existing Building Alignment Street modal calculation not provided to verify compliance Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient

Purpose : Combine lot ID1502668000 (2,881 sqft) and lot ID1502666000 (2,304sqft) to create one new lot totaling 5,185 sqft to be known as 39 Hancock Street and erect a new 4 family residential structure with 8 off street parking spaces.

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.

Case: BOA- 124628 Address: 87-89 Minot Street Ward 16 Applicant: Cahill Karen Mary

Article(s): Article 65, Section 42 Two or More Dwellings on the Same Lot

Purpose : This will be 1 of 2 buildings on one Lot In conjunction Alt1134951.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting that this is as-is and there is no work to be done.

Board members asked about plans, occupancy and parking.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1234634 Address: 87R Minot Street Ward 16 Applicant: Cahill Karen Mary

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 42 Conformity with Existing Building Alignment Article 65, Section 42 Two or More Dwellings on the Same Lot

Purpose : Convert the Accessory Garage into a Single Family Dwelling. This will be 1 of 2 Dwelling Units on one Lot Paper Drawings submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting that this is as-is and there is no work to be done.

Board members asked about plans, occupancy and parking.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1260253 Address: 5 Rice Street Ward 16 Applicant: Dave France

Article(s): Art. 10 Sec. 01 Limitation of off street parking areas - Parking within 5ft of side lot line.
Article 65, Section 9.2 Dim Regs: Location of Main Entrance - Unit 2 entrance not facing front lot line. Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Side Yard Insufficient
Article 65, Section 9 Rear Yard Insufficient Art.65 Sec. 8 Use: Forbidden - 4F in 2F zone Art. 25 Sec. 5 Flood Hazard Districts - Addition & Foundation work (underpinning)

Purpose : Proposed addition and renovation to change use from a single family to four family, as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to preserve the existing structure, raise 4 feet, complete renovation, and make a 4 family

Board members asked about plans, configuration, parking, and the raise.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred this to the Board. BTDA is concerned about the front yard parking. Councilor Baker, and Flaherty are in support.

Documents/Exhibits: Building Plans, letters of support.

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



City of Boston
Board of Appeal

Case: BOA-1267438 Address: 60 Blake Street Ward 18 Applicant: J. Charles Lauture
Article(s): Art. 69 Sec. 30.10 Rear Yard of Shallow Lot
Purpose: Build handicap ramp, expand width of sunroom per attached plans, renovate kitchen.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert the home to make it handicap accessible.

Board members asked about plans, size and layout.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1255995 Address: 43 Como Road Ward 18 Applicant: Joe Consalvo

Article(s): Art. 69 Sec.23 Neighborhood Design O.D. Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient

Purpose : Change occupancy from 1 to 2 family dwelling per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy and add 400 feet of livable space on the 2nd level.

Board members asked about plans, unit sizes, attic space, basement, and access.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

RECOMMENDATIONS: 11:30 AM

Case: BOA-1253228 Address: 55 Delle Avenue Ward: 10 Applicant: Anthony Macchi

Article(s): Article 59, Section 8 Front Yard Insufficient Article 59, Section 8 Bldg Height Excessive (Feet)
Article 59, Section 8 Bldg Height Excessive (Stories) Article 59, Section 8 Floor Area Ratio Excessive Article 59,
Section 37 Off Street Parking & Loading Req-Off Street Parking Insufficient

Purpose: Change of Occupancy from Single Family to Two Family Dwelling. Complete renovation of whole building. Install sprinkler whole building. Construct sunroom/headhouse and roof deck at existing roof level and rear addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to split single families to two units each and build a head house with office space.

Board members asked about roof decks, the proposal, plans, and the headhouse dimensions.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review to remove with front bedroom in the garden level with no building code relief. Fortune seconded and the motion carried unanimously.

Case: BOA-1253232 Address: 57 Delle Avenue Ward: 10 Applicant: Anthony Macchi

Article(s): Article 59, Section 8 Bldg Height Excessive (Stories) Article 59, Section 8 Bldg Height Excessive (Feet)
Article 59, Section 8 Floor Area Ratio Excessive Article 59, Section 8 Front Yard Insufficient Article 59, Section
37 Off Street Parking & Loading Req-Off Street Parking Insufficient

Purpose: Confirm Occupancy as Single Family Dwelling. Change Occupancy to Two Family Dwelling. Construct new sunroom/headhouse at existing roof level and rear addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to split single families to two units each and build a head house with office space.

Board members asked about roof decks, the proposal, plans, and the headhouse dimensions.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review to remove with front bedroom in the garden level with no building code relief. Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1239375 Address: 10 Nottingham Street Ward: 14 Applicant: Winston Malcolm
Article(s): Article 65, Section 9 Insufficient open space Art. 10 Sec. 01 Limitation of Area of Accessory Uses-5'
Side yard buffer req.
Purpose: Curb cut for driveway for 4 cars

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a curb cut for 2 cars.

Board members asked about occupancy, plans, and dimensions.

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

Documents/Exhibits: Building Plans. Letters in support.

Votes: Board Member Robinson moved to approve for 2 cars and no front yard parking, Fortune seconded and the motion carried unanimously.

Case: BOA-1251800 Address: 191 Milton Street Ward: 16 Applicant: Gerald Powers
Article(s): Article 65, Section 9 Side Yard Insufficient
Purpose: Install 10' x 10 Pergola. Four 8" x 8" posts on 12" x 48" footings. Pergola materials Radiata Pine.

Discussion: The applicant did not show up to the Hearing.

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

Case: BOA-1203714 Address: 241 Chestnut Avenue Ward: 19 Applicant: Timothy Burke
Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Art. 55 Sec. 09 Insufficient rear yard setback
Purpose: Install new decking and railings on existing deck framing to remain and extend deck as shown. Install new hot tub and associated mechanical and electrical services.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to install decking on an existing non-conforming deck with 2 units.

Board members asked about plans, deck dimensions, occupancy and unit count

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

Documents/Exhibits: Building Plans. Letters in support.

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



City of Boston
Board of Appeal

Case: BOA-1254317 Address: 293 Stratford Street Ward: 20 Applicant: Paula Callaghan & Krista Fulton
Article(s): Art. 56 Sec. 08 FAR Excessive- Max. allowed: 0.4 Proposed: 0.43 Art. 56, Section 8 Bldg Height Excessive (Stories)

Purpose: The proposed addition consists of a front dormer 11' 9" wide by 4' 4" deep and rear shed dormer 28' wide by 10' 9" deep, new third level includes a master suite with bedroom, bathroom, and closet space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail saying the height will not change. This will be a 1 family with a dormer and in the rear and a dormer in the front.

Board members asked about plans, and occupancy.

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

Documents/Exhibits: Building Plans, 15 letters in support.

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

Case: BOA-1256458 Address: 176 Faneuil Street Ward: 22 Applicant: Theresa Gallagher
Article(s): Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient

Purpose: Converting the second floor attic space into living space with a shed dormer one side and a small dormer the other side. The living area will consist of two bedrooms, a bathroom and a hallway/office area. All work will be done to the architectural and structural plans provided.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add 2 bedrooms, 1 bathroom and create a 3 bedroom.

Board members asked about plans and occupancy.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1194620 Address: 33 Bartlett Street Ward: 2 Applicant: Timothy Sheehan
Articles: Art. 62 Sec. 25 Roof Structure Restrictions Article 62, Section 8 Side Yard Insufficient

Purpose : This is the renovation of an existing third floor attic. The renovated space will consist of a master bedroom along with bath and guest bedroom. The existing gable roof will be enlarged with the addition of shed and gable dormers.

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is March 17, 2022 at 12:30.



City of Boston
Board of Appeal

Case: BOA- 1235458 Address: 11 Atlantic Street Ward: 7 Applicant: Jeremy Sears

Article(s): Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Front Yard Insufficient Article 68, Section 29 Roof Structure Restrictions

Purpose : Confirm occupancy as a one family and change to two family. Complete interior renovation, basement and roof structural work, and install new roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change an existing one family to a two family and add a garage in the rear.

Board members asked about plans, and parking in the rear.

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

Documents/Exhibits: Building Plans. Letters in support.

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

Case: BOA-1244821 Address: 16 Courtney Road Ward: 20 Applicant: Mai Phung

Article(s) Article 56, Section 8 Floor Area Ratio Excessive Article 56, Section 8 Side Yard Insufficient

Purpose: Proposed to construct a two and half story addition of 20'x26.5' at the rear of an existing structure with full basement, kitchen and family room on first floor and master bathroom and full bath on second floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a one two and a half story addition (20x26) that aligns with the exiting footprint.

Board members asked about plans, scope in the basement and side yard.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred to the Board. Abutters are in support, and abutters and a rep for abutters is in opposition.

Documents/Exhibits: Building Plans. Letters in support.

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



City of Boston
Board of Appeal

RE-DISCUSSIONS:12:30PM

Case: BOA- 1125330 Address: 42 Shirley Street Ward 8 Applicant: Jack Zaylor

Articles: Article 50 Section 28 Use Regulations 14 family use: Forbidden Article 50, Section 29 Add'l Lot Area Insufficient total lot area required: 22,000 sqft Proposed: 8,995 sqft Article 50, Section 29 Floor Area Ratio Excessive Max. allowed: 0.8 Proposed: 2.0 Article 50, Section 29 Bldg Height Excessive (Feet) Max. allowed: 35' Proposed: 42' 7 3/4" Article 50, Section 29 Bldg Height Excessive (Stories) Max. allowed: 3 Proposed: 4 Article 50, Section 29 Usable Open Space Insufficient Required: 650sqft x 14 = 9,100 sqft Article 50, Section 29 Front Yard Insufficient Required: 20' Proposed: 12.4' Article 50, Section 29 Side Yard Insufficient Required: 10' Proposed: 4.5' Article 50, Section 29 Rear Yard Insufficient Required: 30' Proposed: 5.1' Article 50, Section 43 Off Street Parking & Loading Req 50.43.6.d) Insufficient parking space required dimensions Article 50, Section 44.2 Conformity Ex Bldg Alignment Modal not provided to verify conformity with existing building alignment

Purpose: New 14 Unit Multi family building to be on one lot resulting of combining two lots on application ALT1053976. Eplan > BOA

Discussion/Votes: The applicant did not show up to the hearing. Board Member Ruggiero moved to deny without prejudice. Fortune seconded, and the motion carried unanimously.

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

BOARD MEMBERS:

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

SUBSTITUTE MEMBERS:

HANSY BETTER BARRAZA

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 December 14, 2021 Board of Appeal Hearing please go to:

https://cityofboston.gov/cable/video_library.asp