



City of Boston  
Board of Appeal

Tuesday, March 8, 2022

BOARD OF APPEAL

City Hall Room 801

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## Hearing Minutes

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

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MARCH 8, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS MARCH 8, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

**PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:**

**THE MARCH 8, 2022 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.**

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

If you wish to offer testimony on an appeal, please click <https://bit.ly/March8Comment> 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/March8Comment>, calling 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).



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**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](mailto:zba.ambassador@boston.gov).**

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

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

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

**Interested persons who are unable to participate in the hearing remotely may make an appointment to appear in person at City Hall in the BPDA Board Room. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing [isdboardofappeal@boston.gov](mailto: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](mailto: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.**



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## **VOTE ON ADOPTION OF ELECTRONIC SIGNATURE PROVISIONS OF M.G.L. c. 110G**

The Board will vote on whether to adopt the provisions of M.G.L. c. 110G as required by the Land Court to allow those who receive relief from the Board to register the Board's decisions with the Suffolk County Registry of Deeds.

**Discussion/Vote:** Upon a motion and a second the Board voted unanimously to approve the adoption of the electronic signature provisions.

## **APPROVAL OF THE HEARING MINUTES: 9:30AM**

**FEBRUARY 8, 2022 & FEBRUARY 15, 2022**

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

## **EXTENSIONS: 9:30AM**

**Case: BOA-938192 Address: 62-64 Baxter Street Ward 6 Applicant: George Morancy, 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, 2023 subject to all applicable tolling

**Case: BOA-917588 Address: 345-345B Baker Street Ward 20 Applicant: George Morancy, 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 March 15, 2023 subject to all applicable tolling

**Case: BOA-917579 Address: 349-349A Baker Street Ward 20 Applicant: George Morancy, 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 March 15, 2023 subject to all applicable tolling

**Case: BOA-906535 Address: 261 Bolton Street Ward 6 Applicant: Sachin Bahatt**

**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 15, 2023 subject to all applicable tolling

**Case: BOA-1033470 Address: 4 Braintree Street Ward 22 Applicant: Jeffrey Drago, Esq**

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



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

**Case: BOA- 1033475 Address: 334-362 Cambridge Street Ward 21 Applicant: Jeffrey Drago, 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 March 13, 2023.

**Case: BOA- 1033474 Address: 1 Highgate Street Ward 21 Applicant: Jeffrey Drago, 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 March 13, 2023.

**Case: BOA-1033468 Address: 16 Highgate Street Ward 21 Applicant: Jeffrey Drago, 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 March 13, 2023.

**Case: BOA- 1033472 Address: 8-12 Wilton Street Ward 22 Applicant: Jeffrey Drago, 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 March 13, 2023.

**Case: BOA-1033469 Address: 20 Braintree Street Ward 22 Applicant: Jeffrey Drago, 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 March 13, 2023.

**Case: BOA- 826857 Address: 92 Maple Street Ward 12 Applicant: Jeffrey Drago, Esq**

**Discussion:** The application was withdrawn. Upon a motion and a second the case was denied without prejudice.

**Case: BOA-1013467 Address: 255 Maverick Street Ward 1 Applicant: Richard Lynds, Esq**

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



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

**Case: BOA- 1013465 Address: 10 Geneva Street Ward 1 Applicant: Richard Lynds, Esq**

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

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

**Case: BOA- 982435 Address: 198 Woodrow Avenue Ward 14 Applicant: Derric Small, 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 8, 2023 subject to all applicable tolling

**Case: BOA- 1019011 Address: 22-24 Woodbine Street Ward 12 Applicant: Derric Small, 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 8, 2023 subject to all applicable tolling

**Case: BOA- 853785 Address: 68 Forest Street Ward 8 Applicant: Eunice Williams**

**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 1, 2023 subject to all applicable tolling

### **BOARD FINAL ARBITER: 9:30AM**

**Case: BOA-11602977 Address: 73-75 Causeway Street Ward 3 Applicant: Lancaster Parking, LLC**

**Article(s):** Art. 06 Sec. 03A Restricted Parking District - Relief is required from the BOA for extension use

**Purpose:** The Applicant seeks to continue to use the premises for an open-air public parking lot for a fee capacity two (2) handicap parking spaces and one (1) regular parking space until December 31, 2023, in conjunction with 19-21 Lancaster Street and 31-39 Lancaster Street. The two (2) handicap parking spaces and one (1) regular parking space are part of fifty (50) space parking lot under Boston Transportation Department OPAIR License# 78829 located at 19-21 Lancaster Street, 31-39 Lancaster Street and 73-75 Causeway Street.

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

**Votes:** Upon a motion and a second the Board moved unanimously to approve the project.



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## **RE-DISCUSSION: 9:30AM**

**Case: BOA-1280948 Address: 36-46 Main Street Ward 2 Applicant: Chin Realty Trust by Matthew Delisle**

**Article(s):** Article 62, Section 13 Use: Conditional - Liquor store is a conditional use in a NS sub district

**Purpose:** Change occupancy from Dry cleaner, ice cream parking takeout, 4 APTS & beauty parlor. to 4 APTS, beauty parlor and small retail shop with retail wine license. ABC board has already approved licenses and we have gone through community outreach, alerting abutters, etc for the ABC board.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a new small retail pasta shop with a liquor license for wine and beer. This is accessory to the pasta store.

Board members asked about plans, liquor selection.

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

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

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

## **HEARINGS: 9:30AM**

**Case: BOA-1286573 Address: 73 Webster Street Ward 1 Applicant: Jessica Roberts & Erka Barin**

**Article(s):** Art. 27G E Boston IPOD Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 52 Roof Structure Restrictions 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 Rear Yard Insufficient Purpose: Seeking to erect a one story addition and rear deck. Also, to renovate. Structure will remain a three-

family dwelling and there will be no change of occupancy.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate to allow for more livable space. Unit 3 is existing and the rear deck is for open living space. The side yard is the same and the building footprint remains. The occupancy will not change.

Board members asked about plans, occupancy in the basement.

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

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

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

**Case: BOA-1227953 Address: 83-89 Devonshire Street Ward 3 Applicant: Pure Oasis LLC**

**Article(s):** Art. 08 Sec.07 Use: Conditional -Conditional use provided that cannabis establishment is not within 2,640, feet from another existing cannabis establishment or 500 feet from a school. Art 8 section 5 Use Subject to Other Regulations - Location Forbidden; Establishment is within 2,640, feet from another existing cannabis establishment. (Use 39B footnotes)

**Purpose:** Change usage to Retail Cannabis.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a new 700sq ft cannabis establishment operating from 10am-8pm 7 days a week. The Pure Oasis owners will have online ordering available. The main entry is through Devonshire st.



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Board members asked about plans, access, security, hours of operation, layout, windows, location, loading.

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

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

**Votes:** Board Member Ligris moved to deny and the motion failed. Ruggiero moved to approve with BPDA design review, this applicant only, and to focus on the windows insuring they are not blacked out. Robinson seconded, Ligris and Erlich opposed and the motion carried 5-2.

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

**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension of - Existing lot is undersized Nonconforming Bldg Extension of non-conforming building Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Floor Area Ratio Excessive

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

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a deferral to have time to resubmit plans to ISD.

**Votes:** Upon a motion and a second the Board moved to unanimously approve the deferral. The new hearing date is April 5, 2022 at 11:30.

**Case: BOA- 1280780 Address: 132 West Ninth Street Ward 7 Applicant: Wave Capital Mgt., Ryan MaGuire, Principal**

**Article(s):** Art. 25 Sec. 5 Flood Hazard Districts Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Bldg Height Excessive (Feet) Article 68, Section 8 Front Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 33 Off Street Parking & Loading Req

**Purpose:** Erect new 4 story, 3 family with 2 parking spaces as per plans submitted.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a new 4 story 3 unit dwelling with 2 parking spots that's 44ft high. This is in context with the neighborhood and does not have any roof decks. The lower level is parking parking with mechanicals.

Board members asked about plans, roof deck, lower level, rear yard.

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

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

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



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**Case: BOA-1279045 Address: 181 E Street Ward 7 Applicant: Beth McDougal**

**Article(s):** Art 68 Sec 8 Insufficient lot size Art 68 Sec 8 Insufficient lot width Art 68 Sec 8 Insufficient lot width frontage Art 68 Sec 8 Excessive f.a.r. Art 68 Sec 8 Insufficient open space Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Insufficient rear yard setback

**Purpose:** Construct a new 3 story single unit residential structure with a 1st level garage foot print of 510sqft.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a new 3 story single family home. The owner lives next door and owns the lot. They share easement with a neighbor and has 3ft of passageway.

Board members asked about plans, layout, lot, curb cut, and easement.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to deny without prejudice. Robinson seconded, Ligris opposed, and the motion carried unanimously.

**Case: BOA- 1210235 Address: 1111-1113 Washington Street Ward 17 Applicant: MTB Washington LLC**

**Article(s):** Article 65 Section 41 Off Street Parking and Loading -Off Street Parking Insufficient Article 9 Section 1 Extension of Nonconforming Use

**Purpose:** Change Occupancy from Two Family and 16 Lodgers to Two Family Dwelling and 18 Lodgers.Minor interior renovations; install sprinkler system.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy from a 2 family to a 16 unit to a 2 family and 18 lodging rooms, hoping to legalize the use.

Board members asked about plans, basement level, room count and height.

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

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

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

**Case: BOA-1268328 Address: 9 Farquhar Street Ward 20 Applicant: David Hester**

**Article(s):** Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient

**Purpose:** Demolition of existing Deck and stairs in Rear Yard. Construct a new 3 level Deck and stairs.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to construct new 3 level decks for a 2 family. This is 28 ft from the nearest property line.

Board members asked about plans, occupancy, deck dimensions.

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

**Documents/Exhibits:** Building Plans. Letters in support.





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

**Case: BOA- 1183174 Address: 103-105 Hooker Street Ward 22 Applicant: John Pulgini**

**Article(s):** Article 51, Section 8 Use: Forbidden -3F in 2F zone Article 51, Section 9 Bldg Height Excessive (Stories)  
Article 51, Section 57.2 Conformity Exist Bldg Alignment Article 51, Section 56 Off Street Parking Insufficient  
Article 51, Section 9 Floor Area Ratio Excessive

**Purpose:** Erect a new three family house with rear decks, as per plans. Existing house to be razed under a separate permit.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate and replace a 3-family home destroyed by a fire. This will be raised because the original layout had a unit in the basement, the footprint is different.

Board members asked about plans, new footprint, context with neighborhood.

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

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

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

## **HEARINGS: 10:30AM**

**Case: BOA-1282574 Address: 14 Holyoke Street Ward 4 Applicant: Sam Hassan**

**Article(s):** Article 64, Section 36 Off Street Parking & Loading Req - Design. Inappropriate maneuvering area.  
Article 64, Section 9.4 Town House/Row House Extension - Proposed project involves the addition of a balcony above the first story shall be conditional.

**Purpose:** Amendment to ALT1222338. Add 2 tandem parking spaces, add deck/ balcony at rear on 3rd floor, add roof deck and related access hatch.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to access the roof deck through a hatch. Replacing 2 tandem spots, and parking with greenspace. Add balconies and decks. Only 2 parking spots will remain.

Board members asked about plans, layout, violations, roof deck.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve the building code relief. Erlich seconded and the motion carried unanimously. Robinson moved to approve with only 2 tandem spots for greenspace. Erlich seconded and the motion carried unanimously.

**Case: BOA#1282563 Address: 14 Holyoke Street Ward 4 Applicant: Sam Hassan**

**Purpose:** Amendment to ALT1222338. Add 2 tandem parking spaces, add deck/ balcony at rear on 3rd floor, add roof deck and related access hatch.

**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.



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**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to access the roof deck through a hatch. Replacing 2 tandem spots, and parking with greenspace. Add balconies and decks. Only 2 parking spots will remain.

Board members asked about plans, layout, violations, roof deck.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve the building code relief. Erlich seconded and the motion carried unanimously. Robinson moved to approve with only 2 tandem spots for greenspace. Erlich seconded and the motion carried unanimously.

**Case: BOA- 1290222 Address: 7 City Point Court Ward 6 Applicant: Peter Lydon**

**Article(s):** Art. 68 Sec. 33 Off Street parking Req - Min. spaces required: 1.5 x 4 units = 6 Proposed: 0 Article 68, Section 34.1 Conformity Ex Bldg Alignment - Modal not provided to verify compliance Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient

**Purpose:** Erect a new attached four stories, four unit residential building on re subdivided lot, as per plans. See ALT1277722 7 City Point Ct and ALT1277725 9 City Point Ct.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting colonial style units with no roof decks. To erect a 4 unit 4 story dwelling, keeping the 4 unit building and demolishing the existing 2 story for another 4 story 4 unit dwelling.

Board members asked about plans, layout, occupancy, configuration, and unit count.

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

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

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

**Case: BOA-1290228 Address: 9 City Point Court Ward 6 Applicant: Peter Lydon**

**Article(s):** Art. 68 Sec. 35 Nonconformity as to Dim Reqs. Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Lot Area Insufficient Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Side Yard Insufficient

**Purpose:** Combine 9 City Point Ct with 7 City Point Ct and Re Subdivide. Proposed 9 City Point Ct. lot ID0603731040 to contain 1,181.5sf and 7 City Point Ct. lot ID 0603731030 to contain 2,382.5sf. Change use from a three to a two family. Minor alterations. See ERT1277728 for 7 City Point Ct and ALT1277722 for 7 City Point Ct.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting colonial style units with no roof decks. To erect a 4 unit 4 story dwelling, keeping the 4 unit building and demolishing the existing 2 story for another 4 story 4 unit dwelling.

Board members asked about plans, layout, occupancy, configuration, and unit count.



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

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

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

**Case: BOA-1262851 Address: 68 Day Street Ward 10 Applicant: Abigail Properties, LLC**

**Article(s):** Article 55, Section 9 Add'l Lot Area Insufficient Article 55, Section 9 Usable Open Space Insufficient Article 55, Section 40 Off Street Parking & Loading Req

**Purpose:** Change occupancy from a Two Family and Church (#1846/2001) to a 3 family and renovate first floor unit. No work to be done to upper two units, exterior of building, or site.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to a 3 family with no work on the exterior. No parking; there was none previously.

Board members asked about plans, access, and configuration.

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

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

**Votes:** Board Member Erlich moved to approve, Ruggiero seconded, and Ligris recused. The motion carried unanimously.

**Case: BOA- 1215510 Address: 510 Canterbury Street Ward 14 Applicant: St. Michael Cemetery Crop**

**Article(s):** Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability Article 60, Section 40 Off Street Parking & Loading Req

**Purpose:** New 1 story 7,600 SF addition to existing building. New parking area with drainage. New electrical service. New fire alarm system. New sprinkler system in both existing building and addition. 3 new bathrooms. Interior finishes.

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

**Votes:** Upon a motion and a second this was unanimously deferred until 4/5/22 at 11:30am.

**Case: BOA-1203270 Address: 11 Althea Street Ward 6 Applicant: Sarah Linszner**

**Article(s):** Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose :** Construct rooftop deck and create stair access from the rear porch.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a new roof deck with a pergola and pressure treated frame around it. The pergola is 8'8"

Board members asked about plans, top unit, accessibility.

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

**Documents/Exhibits:** Building Plans, letters in opposition.



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**Votes:** Board Member Robinson moved to approve with BPDA design review with attention to the roof structure and walls. Ruggiero seconded, Erlich opposed and the motion carried 6-1.

**Case: BOA-1267998 Address: 4021-4025 Washington Street Ward 19 Applicant: Ward Jaros**

**Article(s):** Article 67, Section 12 Floor Area Ratio Excessive Article 67, Section 12 Building Height Excessive Article 67, Section 12 Front Yard Setback Insufficient Article 67, Section 12 Side Yard Setback Insufficient Article 67, Section 12 Rear Yard Setback Insufficient Article 67, Section 32 Off Street Parking & Loading Req - Off Street Parking Insufficient

**Purpose:** Combine two lots (PID: 1902947000 & 1902946001) into a newly created single lot to be 4,185 SF. Change of occupant from barbershop, nail salon and restaurant with take out to 2 beauty salons, 1 office, 1 restaurant with take out and 14 residential units. The existing building will remain with three tenant spaces. Propose to construct a new 3 story vertical addition on top of existing building and 4 story addition alongside the existing building.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to combine 2 lots and erect a residential development with 14 units above an existing retail space. The commercial space will include 2 beauty salon, and office, and a restaurant. 20% of the units are affordable.

Board members asked about plans, proposal, existing restaurant, retail space, roof decks, parking, and exterior.

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

**Documents/Exhibits:** Building Plans, letters in opposition.

**Votes:** Board Member Erlich moved to deny without prejudice. Robinson seconded. Ligris and Ruggiero opposed. The motion carried 5-2.

**Case: BOA-1288289 Address: 230 Washington Street Ward 22 Applicant: John Pulgini**

**Article(s):** Art. 51 Sec. 08^Use Regulations - Multifamily use forbidden Article 51, Section 9 Add'l Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Art. 51 Sec. 23^ Off street parking requirement Art. 51 Sec. 40 5(a) Off street parking design - Parking spaces dimensions Art. 51 Sec. 57.2 Exst'g Bldg Algnmnt Conformity - Street modal calculation not provided to verify compliance.

**Purpose :** Construct 3 story, 11 dwelling unit structure with 15 parking spots (3 spots plus 12 stacker). Existing structure demolished under application SF: ?

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a new 11 unit residential dwelling with an affordable 3 bedroom unit. There is a ramp sloping under the building for parking.

Board members asked about plans, affordability, and parking requirement.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Breadon, and Allston Brighton Improvement Association, and an abutter are in support. BTB said the parking should be changed to 14 spots.

**Documents/Exhibits:** Building Plans.

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



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**Case: BOA-911768 Address: 1524 VFW Parkway Ward 20 Applicant: Edward Lennon**

**Article(s):** Article 56 section 15 Use Regulations - Cannabis establishment (conditional)

**Purpose:** Existing yoga studio space to be converted to retail marijuana dispensary establishment. Work includes all new interior fit up and exterior modifications to storefront.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to a cannabis establishment to include adult use. There are no other changes to the plans.

Board members asked about plans, layout, configuration, deliveries and landscaping.

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

**Documents/Exhibits:** Building Plans.

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

### **RE-DISCUSSIONS :12:30PM**

**Case: BOA-1153857 Address: 127 Bolton Street Ward 6 Applicant: Neil Gulden**

**Article(s):** Article 68, Section 33 Off-Street Parking & Loading Req Insufficient parking -1.5/unit Article 68, Section 33 Off-Street Parking & Loading Req Access/maneuvering areas Article 68, Section 8 Insufficient lot size -2000sf min.

Article 68, Section 8 Insufficient additional lot area/dwelling unit -1000sf/unit Article 68, Section 8 Excessive F.A.R. - 2.0 Article 68, Section 8 Insufficient rear yard setback -20' min Article 68, Section 8 Insufficient usable open space- 200sf /unit Article 68, Section 8 Insufficient side yard setback -3' min

**Purpose:** Combine vacant parcel 060483000 (127 Bolton Street) and vacant parcel 0601508000 (152 West Third Street); subdivide to create new 127 Bolton Street parcel containing 1,110 square feet, then Erect a two family dwelling with two garage parking spaces at the ground level.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until 4/26/22 at 11:30am.

**Case: BOA-1153868 Address: 152 West Third Street Ward 6 Applicant: Neil Gulden**

**Article(s):** Article 68, Section 33 Off-Street Parking & Loading Req - (5.) Access/maneuvering areas Article 68, Section 33 Off-Street Parking & Loading Req - Insufficient parking -1.5 spaces /unit req. Article 68, Section 8 Insufficient side yard setback -3' req. Article 68, Section 8 Insufficient rear yard setbacks -20' min req. Article 68, Section 8

Insufficient lot size -2000sf req Article 68, Section 8 Insufficient additional lot area -1000sf/unit req. Article 68, Section 8 Excessive f.a.r. -2.0 max. Article 68, Section 8 Insufficient usable open space -200 sf.unit req.

**Purpose:** Combine vacant parcel 0601508000 (152 West Third Street) and vacant parcel 060483000 (127 Bolton Street); subdivide to create new 152 West Third Street parcel containing 1,150 square feet. Erect a two family dwelling with two garage parking spaces at the ground level.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until 4/26/22 at 11:30am.



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**Case: BOA-1246711 Address: 593-595 Albany Street Ward 8 Applicant: Andrew Brassard**

**Article(s):** Article 64, Section 16 Floor Area Ratio Excessive Article 64, Section 16 Building Height Excessive Article 64, Section 16 Rear Yard Insufficient Article 64, Section 36 Off Street Parking & Loading Req - Inappropriate maneuvering area and means of vehicular access to the street Article 64, Section 36 Off Street Parking & Loading Req - Off Street Loading Insufficient Article 32, Section 4. GCOD, Applicability Article 65, Section 15 Use Regulations - Multi Family Dwelling Use: Conditional

**Purpose:** Erect a new 9 Unit Multi Family Dwelling with at grade parking and roof deck. Propose retail on ground floor.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until 4/5/22 at 11:30am.

**Case: BOA-1175371 Address: 20 Centre Street Ward 9 Applicant: Michael Chavez**

**Article(s)** Article 50 Section 28 Use Regulations - Use: Trade School : Forbidden Article 50 Section 29 Lot Frontage Insufficient Article 50 Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req -Off Street Parking Insufficient

**Purpose :** Construct a 1 story Building Trades Training Center for YouthBuild Boston. Main Use to be a Wood Shop with Accessory Educational spaces. Slab on grade, wood frame or light metal construction. Building will be fully sprinklered.

**Discussion/Vote:** The applicant did not show to the hearing. Upon a motion and a second, the Board voted unanimously to defer this matter.

**Case: BOA-1189307 Address: 3 Half Moon Street Ward 13 Applicant: Francois Toka**

**Article(s)** Art. 50, Section 28 Use: Conditional - 4 units in 3F zone Art. 50, Section 43 Off-Street Parking Insufficient - 1 add'l spot required 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

**Purpose:** Convert an existing basement into a 4th unit on an existing 3-family structure. A new NFPA-13R fire sprinkler system will be Installed as part of the work.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert a basement into a legal 4<sup>th</sup> unit on an existing 3 family. The parking is 2 existing tandem spots.

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

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

**Documents/Exhibits:** Building Plans.

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

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

**Articles:** Art. 65 Sec. 08 Three family dwelling is a forbidden use in this zoning sub district Art. 65 Sec. 08 Dwelling unit located in basement is forbidden Article 65, Section 9 Side Yard Insufficient

**Purpose :** This is the renovation of an existing 2 family into a 3 family residence. A 1 car garage along with a loft space above which will be part of the adjacent unit. The existing lower unit 1 duplex will be converted into 2 units

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until 5/10/22 at 11:30am.



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**Case: BOA-1262944 Address: 302-316 Bowdoin Street Ward 15 Applicant: Mark Reid**

**Article(s):** Art. 07 Sec. 4 Other Protectional Conditions - Request to remove proviso from previous BOA order of record.

**Purpose:** Remove proviso for takeout, granted to this petitioner owner only.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting the Hummingbird restaurant to have current provisos for them.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to approve with BPDA design review, this petitioner only, and all applicable takeout language. Robinson seconded and the motion carried unanimously.

**Case: BOA-1272069 Address: 26 Tilesboro Street Ward 16 Applicant: Marc Savatsky**

**Articles:** Article 65, Section 15 Use: Forbidden Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Lot Area Insufficient. Article 65, Section 41 Off-street parking & loading req

**Purpose:** Demolish existing structure & erect unit a 4 unit dwelling "townhouse design" with roof decks on each townhouse and parking for eight vehicles at rear of building. This application shall supersede ERT1216048 and ERT1216053.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting erect a 4 unit dwelling "townhouse style" with 4 parking spaces in the rear yard by utilizing the existing curb cut.

Board members asked about plans, parking and roof decks.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1271408 Address: 20 Gaylord Street Ward 17 Applicant: Andrew Litchfield**

**Article(s):** Art. 65 Sec. 60-8 3 Family Detached Dwelling, Forbidden Art. 65 Sec. 9 Insufficient front yard setback Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 # of allowed stories has been exceeded Art. 65 Sec. 9 Insufficient lot size Art. 65 Sec. 9 Insufficient lot width Art. 65 Sec. 9 Insufficient lot width frontage Art. 65 Sec. 9 Insufficient side yard setback Art.65 Sec. 8 Use: Forbidden -Accessory Use parking to a forbidden main use Forbidden Art.65, Sec. 39 Screening & Buffering Req

**Purpose :** Build a new 3 level, 3 family building with sprinklers, no elevator with 10' commonly owned access driveway for the parking of three motor vehicles in the rear (See ERT1212146). Revised legal work description while at the BOA 1.5.2022: Build a new 3 level, 3 family building with sprinklers, no elevator with 10' commonly owned access driveway for the parking of FOUR motor vehicles in the rear (See ERT1212146)

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 3 family with 4 parking spots with a roof deck for the top unit only.



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Board members asked about plans, layout, roof decks, access and elevations.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Worrell is in support. BTB needs clear plans.

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1271411 Address: 22 Gaylord Street Ward 17 Applicant: Andrew Litchfield**

**Article(s):** Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient open space Article 65, Section 39 Screening & Buffering Req Article 65, Section 9 Insufficient lot size Article 65, Section 9 Insufficient lot width Article 65, Section 9 Insufficient lot width frontage Article 65, Section 9 Excessive f.a.r. Article 65, Section 9 Insufficient front yard setback Article 65, Section 9 Insufficient rear yard setback Article 65, Section 9 Insufficient side yard setback

**Purpose :** Build a new 3 level, 3 family building with sprinklers, no elevator with access via a commonly owned 10' driveway between lots for three proposed parking spaces (see ERT1227291) \* Updated due to an additional swap out of drawings at the Zoning Board of Appeal prior to hearing Build a new 3 level, TWO family building with access via a commonly owned 10' driveway between lots for FOUR proposed parking spaces (see ERT1227291).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 2 family with 4 parking spots.

Board members asked about plans, layout, roof decks, access and elevations.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Worrell is in support. BTB needs clear plans.

**Documents/Exhibits:** Building Plans.

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





City of Boston  
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**STEPHANIE HAYNES**  
**BOARD OF APPEAL**  
**617-635-4775**

**BOARD MEMBERS:**

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

**SUBSTITUTE MEMBERS:**

**For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to [https://www.municode.com/library/ma/boston/codes/redevelopment\\_authority](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**

**For a video recording of the March 8, 2022 Board of Appeal Hearing please go to: [https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).**