



City of Boston  
Board of Appeal

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*By City Clerk at 9:35 am, Apr 04, 2022*

Tuesday, April 5, 2022

BOARD OF APPEAL

City of Boston Room 801

## Hearing Agenda

Revised Agenda

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON APRIL 5, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS APRIL 5, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE APRIL 5, 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/April5Comment> 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/April5Comment>, calling 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).

The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or concerns can also be emailed to the ZBA Ambassador at [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).



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

**Case: BOA- 904095 Address: 1423-1425 Tremont Street Ward 9 Applicant: John Pulgini**

**Case: BOA- 892898 Address: 267 Old Colony Avenue Ward 7 Applicant: Douglas Stefanov, AIA**

**Case: BOA-822528 Address: 71 Mozart Street Ward 10 Applicant: Jason Hutchinson**

**Case: BOA- 1015942 Address: 17 Waumbek Street Ward 12 Applicant: Norberto Leon, RA**

**Case: BOA- 463655 Address: 120 West Fourth Street Ward 6 Applicant: Marc LaCasse, Esq**

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

**Case: BOA-927849 Address: 48-62 Brookline Avenue Ward 5 Applicant: Dennis Quilty, Esq**

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

**Case: BOA-1282481 Address: 200 Byron Street Ward 1 Applicant: 200 Byron St., LLC**

**Article(s):** Article 53, Section 52 Roof Structure Restrictions Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 27T 5 East Boston IPOD Applicability

**Purpose:** Confirm Occupancy as a Single Family Dwelling. Change of Occupancy to Two Family Dwelling. Construct third floor vertical addition and rear addition. Extend living space to basement. Full Interior renovations according to plans submitted. Propose (3) off street parking.

**Case: BOA-1299105 Address: 219 Paris Street Ward 1 Applicant: Star Property Holdings. LLC Noel DiCarlo**

**Article(s):** Art. 25 Sec. 5 Flood Hazard Districts Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 12 Rear Yard insufficient Art. 53 Sec. 56^ Off street parking insufficient Art. 53, Section 8 Use: Forbidden Art. 53 Sec. 04 Greenbelt Protection Overlay District Applicability Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient

**Purpose:** Seeking to raze the existing structure and erect a new residential building with 6 units and 5 parking spaces.

**Case: BOA-1299269 Address: 4 Holden Row Ward 2 Applicant: Casey Paton**

**Article(s):** Article 62, Section 8 Floor Area Ratio Excessive

**Purpose:** Renovation of basement for extended living space. All parts of project carried out as specified on the plans provided by the architect/engineer Includes all trades, sub contractors, services to completion of work.

**Case: BOA- 1285145 Address: 745 Atlantic Avenue Ward 3 Applicant: Oxford Properties Group**

**Article(s):** Article 44, Section 7 Specific Design Requirements - Due to Display Window Area Regulations. Article 44, Section 6 Roof Additions in Leather Dist - Due to mechanical equipment and screening Article 32, Section 4.

GCOD, Applicability

**Purpose:** Change occupancy of 155,000 sq ft of existing commercial space to include life science/R&D and office space as per plans.

**Case: BOA-1289823 Address: 358-360 Athens Street Ward 6 Applicant: Michael Tokatlyan**

**Article(s):** Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Bldg Height Excessive (Feet)

**Purpose:** Proposal to add two roof decks to structure. Unit 1 and Unit 2 will each have access to their own individual roof deck. Amendment to proposal filed by prior owner of project.



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**Case: BOA#1289831 Address: 358-360 Athens Street Ward 6 Applicant: Michael Tokatlyan**

**Purpose;** Proposal to add two roof decks to structure. Unit 1 and Unit 2 will each have access to their own individual roof deck. Amendment to proposal filed by prior owner of project

**Violation** Violation Description Violation Comments 9th 780 CMR 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.

**Case: BOA- 1286347 Address: 16 Beaufield Street Ward 16 Applicant: James Christopher**

**Article(s):** Art. 65 Sec. 08Forbidden -Two family in a one family sub district Article 65, Section 9Insufficient rear yard setback Art. 65 Sec. 41Off street parking requirements - (4) Location; Parking located within required front yard not allowed

**Purpose:** To combine lots and then construct a new addition as per the attached plans to change occupancy from one to two residential units.

**Case: BOA- 1141565 Address: 1809-1813B Dorchester Avenue Ward 16 Applicant: James Christopher**

**Article(s):** Article 65, Section 8Use Regulations - General Retail Business use (2): Forbidden Article 65, Section 42.2 Conformity w Ex Bldg Alignment - Modal for Banton St. and Dorchester Ave not provided Article 65, Section 9 Add'l Lot Area 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 Usable Open Space Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65, Section 41 Off Street Parking & Loading Req - Spaces required: 42 Proposed: 0 Article 65, Section 42.3Traffic Visibility Across Corner Article 65 Section 38 Specific Design Requirements

**Purpose:** Combined 2 lots, parcel ID 1601490000 of 7,475sqft and parcel ID1601489020 of 2,046sqft totaling 9,521sqft to erect a new 5 Story 28 unit mixed use building, with two commercial spaces as per attached plans.

**Case: BOA-1282495 Address: 225 Southampton Street Ward 8 Applicant: Green Flash Delivery, LLC**

**Article(s):** Art. 90 Sec. 7 Conditional - Cannabis establishment

**Purpose:** Change the legal occupancy of the building to include wholesale purchasing and retail delivery of cannabis and cannabis products. Addition of a secure loading area.

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

**Case: BOA-1268636 Address: 167 Maverick Street Ward 1 Applicant: Allegory, LLC**

**Article(s):** 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 (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 52 Roof Structure Restrictions Article 53 Section 56 Off Street Parking & Loading Req Article 32, Section 4. GCOD, Applicability Article 27T 5 East Boston IPOD Applicability

**Purpose :** Erect a new residential four story building with eleven units, roof decks, and four rear parking spaces (accessed through Easement bk.63710 pg.307). Existing structure to be razed under separate demo permit.

**Case: BOA-1283228 Address: 227-237 Hanover Street Ward 3 Applicant: Hamel Properties, LLC**

**Article(s):** Art. 07 Sec. 4 Other Protectional Conditions- Removal of Proviso

**Purpose:** No work required. Remove proviso 'granted to this petitioner only'.



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**Case: BOA-1300477 Address: 142 Saint Botolph Street Ward 4 Applicant: Abhayjit Bedi**

**Article(s):** Article 41 Section 5 Establishment of Prot. Areas - 41 5 (2) Floor area ratio is excessive  
Article 41 Section 6 Rooftop Addtns. in Prot. Area Art. 41, Sec. 18.5 Small Project Review

**Purpose :** Add partial 4th story addition to create approximately 650 square feet of additional living area for Unit 3; walk out terrace from 4th floor addition onto roof of existing building.

**Case: BOA- 1258638 Address: 20 Hinckley Street Ward 13 Applicant: Mike Tokatlyan**

**Article(s):** Art. 65 Sec. 9 Insufficient lot size Art. 65 Sec. 9 Insufficient lot width frontage Art. 65 Sec. 9 Insufficient lot width Art. 65 Sec. 9 Insufficient Front yard setback Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Excessive height Art. 65 Sec. 9 Excessive # of stories Art. 65 Sec. 9 Excessive F.A.R.

**Purpose:** Seeking to erect a single family home with one parking space on a vacant lot.

**Case: BOA- 1269870 Address: 75R-75BR West Milton Street Ward 18 Applicant: Bernard & Joann Coleman**

**Article(s):** Article 69, Section 9 Lot Area Insufficient Article 69, Section 9 Usable Open Space Insufficient  
Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient

**Purpose :** Demolition of an existing single family dwelling/accessory building in the 1F 6000 Sub-district | Hyde Park Neighborhood Zone. The lot abuts the 2F 5000 Sub-district and an existing 3 family dwelling. Proposed construction consists of a 3 family townhouse structure.

**Case: BOA- 1300152 Address: 43 Rosewood Street Ward 18 Applicant: Wilding Marinez**

**Article(s):** Art. 60 Sec. 09 Floor Area Ratio excessive Art. 60 Sec. 09 Rear yard insufficient Art. 60 Sec. 09 ^ Usable open space insufficient Article 60, Section 8 Use: Forbidden - Three Family is a Forbidden use in a 2F 4000 Sub-district

**Purpose :** Change occupancy from 2 family to 3 family as per plans. Remove Partial Sheetrock, Flooring, Plumbing, Electrical, Chimney, Remove Non Weight Bearing Wall for open concept, Replace sheetrock, Flooring, Plumbing, Electrical, Insulation, Painting as needed, New HVCA System, Doors, Window, Sprinkle System, Make the basement a living space.

**Case: BOA-1298815 Address: 4014 Washington Street Ward 19 Applicant: Felipe Duran**

**Article(s):** Art.67 Sec.33 Insufficient Front yard set back Art. 67 Sec. 11 Use Regulations - Take Out Conditional

**Purpose:** Renovation restaurant as per plans. Addition on the front of the restaurant for take out use.

**Case: BOA-1224194 Address: 200 High Street Ward 3 Applicant: Rebecca Rutenberg**

**Article(s):** Art 45 Sec.14 Use:Conditional - Cannabis Establishment use. 45 14.4 (q) Proposed is not located at least 2,640 feet from another existing cannabis establishment Article 45 Section 14 Use Regulations - Location Forbidden. Buffer zone conflict. Proposed within 2,640 feet of another cannabis establishment.

**Purpose :** Change of occupancy to Cannabis Establishment.

## **RE-DISCUSSIONS: 11:30 AM**

**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.





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

**Article(s):** Article 32, Section 4. GCOD, Applicability 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 65, Section 15 Use Regulations - Multi-Family Dwelling Use:Conditional

**Purpose:** Erect a new 6 story, Mixed-Use building. There will be a Retail Use and at-grade Parking on the Ground Level. On Floors 2 thru 6 will be a 10 Unit Residential Use with Roof Decks. Building will be fully sprinklered.

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

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

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

**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."

**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.

**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

**Case: BOA-1166627 Address: 60 Stanley Street Ward 15 Applicant: John Pulgini**

**Articles:** Art. 65 Sec. 08 Forbidden - 13 family use Article 65, Section 9 Front Yard: Min. 15' Proposed: 1' and 3' Article 65, Section 9 FAR Max. allowed: 0.4 Proposed: 1.72 Article 65, Section 42.3 Traffic Visibility Across Corner Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Sec 65 41 Off Street Loading Req.-spaces required: 1.5\*13 units= 19.5. Proposed: 13 Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose :** To construct a new three story residential building with 13 residential units (UPDATED TO 8 RESIDENTIAL UNITS 03/03/21), with off street parking as per attached plans. To combine the 2 existing parcels; 1501963000 consisting of 3,995 SF and Parcel 1501692000 4,099 SF to create a new lot consisting 8,095 sqf



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

BOARD MEMBERS:

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**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)**