



City of Boston  
Board of Appeal

**REVISED**

3:46 pm, May 04, 2022

Tuesday, May 10, 2022

BOARD OF APPEAL

City Hall Room 801

## HEARING AGENDA

REVISED AGENDA

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MAY 10, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS MAY 10, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE MAY 10, 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/May10Comment> 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/May10Comment>, 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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## **APPROVAL OF THE HEARING MINUTES: 9:30AM**

**APRIL 5, 2022**

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

**Case: BOA- 916151 Address: 14 Snow Street Ward 22 Applicant: Mai Phung**

**Case: BOA- 919609 Address: 25-37 Frankfort Street Ward 1 Applicant: Matthew Eckel, Esq**

**Case: BOA- 919610 Address: 120 Gove Street Ward 1 Applicant: Matthew Eckel, Esq**

**Case: BOA- 486152 Address: 270 Dorchester Avenue Ward 6 Applicant: Marc LaCasse, Esq**

## **GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM**

**Case: BOA-1305679 Address: 1 Otis Place Ward 5 Applicant: One Otis Place LLC**

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

**Purpose:** Complete interior gut, remodel and rebuild including new MEP's ; existing windows to be restored; new elevator; one new window to be installed in an existing bricked over opening.

**Case: BOA-1307773 Address: 397 Commonwealth Avenue Ward 5 Applicant: 395-399 Commonwealth Avenue, LLC**

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

**Purpose:** Change Occupancy from a Dormitory ( Lodging House) to Six ( 6 ) Dwelling Units.

**Case: BOA- 1318116 Address: 146 Commonwealth Avenue Ward 5 Applicant: 146 Commonwealth Avenue Nominee Trust**

**Article(s):** Art. 32 Sec. 5 Specific Requirements - A GCOD conditional use permit will be required because:

1. New structure or extension will occupy more than 50 sf of lot area. 2. The new structure/extension designed or used for human occupancy/access for Mechanical equipment, laundry, storage facilities including garage space involves excavation below grade to a depth equal or below 8 3. Alterations to the structure cost more than 50% of the assessed value within any 12 month period.

**Purpose:** Complete partial gut renovation to single family townhouse to include new meps and new finishes. Change occupancy from dormitory to single family.

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

**Case: BOA- 1283596 Address: 101 Saratoga Street Ward 1 Applicant: Cheffro Family Irrevocable Trust**

**Article(s):** Article 53 Section 8 Use Regulations - Multi Family Dwelling Use:Forbidden 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 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 57.3 Traffic Visibility Across Corners Article 53, Section 52 Roof Structure Restrictions Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability Article 32, Section 4. GCOD, Applicability

**Purpose:** Combine two lots (PID: 0106528000 and 00106528001) into a newly created single lot to be 1,992 SF. Change occupancy from a commercial space on grade & 2 units above to 6 residential units with roof decks as per plans. Renovate existing 3 story dwelling & add an addition to the rear. All existing floors to be lowered and reframed with new bays along Saratoga Street & Marion Street.



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**Case: BOA-1291968 Address: 35 Upton Street Ward 3 Applicant: Matthew Serreze**

**Article(s):** Art. 64 Sec. 09 Town House/Row House Extensions into Rear Yard

**Purpose:** Unit #3. Construct new rear balcony with steel framed and new exterior door.

**Case: BOA- 1177912 Address: 82-84 Boston Street Ward 7 Applicant: Media Partners MRV LLC**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use - Conditional Art. 11 Sec. 06 Signs Subject to Other Reg. - b) no new billboards shall be allowed within six hundred sixty (660) feet of a federally funded highway subject to the Federal Highway Beautification Act unless approved by the Board of Appeal in accordance with Article 6 after receipt by the Board of Appeal of a planning recommendation from the Boston Redevelopment Authority .Art. 65 Sec. 9 Side yard Art. 65, Section 40 Sign Regulations - (3) Free standing signs (USE Forbidden) Art.11, Section 7 Electronic Signs – Conditional Art. 33 Sec. 16 Air Right OS Applicability - Pylon Sign Forbidden

**Purpose:** Construct a single faced digital billboard FREE STANDING PILON SIGN to the rear of 82 Boston street per attached plans.

**Case: BOA-1280084 Address: 41 Dorr Street Ward 11 Applicant: Marc G Abou-Ezzi**

**Article(s):** Article 50, Section 29 Usable Open Space Insufficient

**Purpose:** Proposal to cut curb and add two off street parking spaces.

**Case: BOA- 1308054 Address: 23 Auriga Street Ward 16 Applicant: Kristi & Scott Driscoll**

**Article(s):** Article 65, Section 9 Excessive f.a.r. .5 max.

**Purpose:** Pour new level slab relocate heating systems new bathroom update electrical replace existing windows install new flooring blueboard, trim, paint. CLARIFICATION: EXTENSION OF LIVING SPACE INTO BASEMENT AREA

**Case: BOA- 1299393 Address: 29 Saint John Street Ward 19 Applicant: William G Messenger**

**Article(s):** Article 55, Section 9 Floor Area Ratio Excessive

**Purpose:** Confirm occupancy as one family. Add a two story bump out to existing, conforming single family residence, and remodel some interior spaces. Proposed addition will exceed applicable Floor Area Ratio by 223 square feet, requiring a variance. All other zoning requirements will be met. Request nominal declared valuation at this stage.

**Case: BOA-1156925 Address: 5-7 Hooker Street Ward 22 Applicant: 5-7 Hooker Street, LLC**

**Article(s):** Article 51 Section 8 Use Regulations - 9 Family use: Forbidden Article 51, Section 56 Off Street Parking & Loading Req - Spaces required:  $9 \times 1.75 = 15.75$  Proposed: 9 Article 51, Section 56 Off Street Parking & Loading Req - Dimensional for spaces. (not 50% compact and 50% full) Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 50.2 Conformity Ex Bldg Alignment - For Royal St only (2 buildings min. to calculate modal) Modal is 5' Front façade on Royal shall be at 5' instead of 10.2'

**Purpose:** New construction of nine for sale condominium units with nine off street parking spaces.

**Case: BOA-1173599 Address: 535-537B Washington Street Ward 22 Applicant: Pure Oasis LLC**

**Article(s):** Article 51, Section 16 Use Regulations - Retail Cannabis Establishment Use: Conditional

**Purpose:** Change of Occupancy to Retail Cannabis Establishment.

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

**Case: BOA-1311763 Address: 59 Falcon Street Ward 1 Applicant: 59 Falco Street, LLC**

**Article(s)** Art. 53, Section 56 Off-Street Parking Insufficient - 0 Provided Art. 53, Section 8 Use: Forbidden - MFR in 2F zone Article 27T - 5 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions Article 53, Section 57.2 Conformity Ex Bldg Alignment 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 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

**Purpose:** Erect a 4 unit residential dwelling with roof decks, as per plans.



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**Case: BOA-1272471 Address: 247 Saratoga Street Ward 1 Applicant: Jose Union Contracting and Cleaning Services**

**Article(s):** Art. 53 Sec. 56 Off Street Parking - Off street parking is insufficient. None provided.

**Purpose:** Change occupancy from a single family dwelling to a two family dwelling. Gut and redo the rooms framing, install lvls, install vinyl siding, Bring electrical and plumbing to code, demolish the porch and erect a 2 level porch, Install new heating, install hardwood floors, install cabinets, install drywall, apply plaster and paint. This will be done to 1st 2nd and basement.

**Case: BOA-1278157 Address: 486-490 Medford Street Ward 2 Applicant: Jesse MacDonald**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas Art. 62 Sec. 08 Insufficient open space Art. 62 Sec. 29 Off street parking Design/Maneuverability Article 62, Section 7 Use Regulations - Ancillary parking conditional Art. 09 Sec. 02 Nonconforming Use Change - <25% Conditional

**Purpose:** Construction of ONE (1) ANCILLARY off street PARKING SPACE total on right side of 490 Medford St house for parking of a motor vehicle for 117 BALDWIN ST to be accessed via an easement shown on stamped land survey. Please see ERT794188 & U491120263 (this application is a new version of previous UOP)\*U491240904 and U491135648 are the active associated UOP applications

**Case: BOA-1299880 Address: 117 Baldwin Street Ward 2 Applicant: Jesse MacDonald**

**Article(s):** Article 62, Section 7 Use Regulations - Ancillary parking Conditional

**Purpose:** Creating 1 ANCILLARY off street parking space for 117 Baldwin owner (Gary Kerr) to be located on open space @ 486 490 Medford St. Please reference ERT794188 for plan related to this application. Easement plan uploaded here. \*Application filed in conjunction with U491120263 (486 490 Medford Street) and U491124207 (494 500 Medford Street) Abandoned \*U491240904 and U491230839 are the active associated UOP applications

**Case: BOA-1306634 Address: 40 Union Park Ward 3 Applicant: Joseph Holland**

**Article(s):** Art. 64 Sec. 09 Dimensional Regulations Applicable in Residential Sub Districts - Excessive f.a.r. (basement, dormer increase) Art. 64 Sec. 34 Restricted Roof Structur Regs - Reconfiguration of roof profile/setback Art. 32 Sec. 04 GCOD Applicability

**Purpose:** Full gut demolishing, redoing finishes, plumbing, mechanical & electrical finishes, to include, dormer work, sprinkler, fire alarm, removal of all fire escapes, additional extension of living areas in basement and excavate rear for new patio per drawings submitted. \*One Family #ALT35451

**Case: BOA-1308841 Address: 1 Beacon Street Ward 3 Applicant: Saloniki Greek, LLC**

**Article(s):** Art. 6, Section 4 Other Conditions Necessary as Protection - To remove proviso "petitioner only for take out use" for new ownership/restaurant.

**Purpose:** 1st Floor Saloniki Greek. Remove proviso for "this petitioner only" from Board decision (2012/BZC 31914) for take out use (#36A) for new restaurant. Build out new Saloniki Greek restaurant. Restaurant includes new bathroom, new kitchen, new finishes, new HVAC distribution system, relocate existing sprinkler system and new fire alarm system. New finishes and millwork are included. New restaurant to replace old existing restaurant. BZC 31914 finalized on ALT169898

**Case: BOA- 1255773 Address: 753 East Broadway Ward 6 Applicant: L Street, LLC**

**Article(s):** Art. 68 Sec. 33 Off Street parking Req - Parking spaces required: 3 Provided: 0 Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Add'l Lot Area Insufficient

**Purpose:** Proposed renovation to change occupancy from Restaurant with take out and office space to Restaurant with take out and 2 dwelling units.

**Case: BOA- 1244554 Address: 23 Iffley Road Ward 11 Applicant: Jeffrey Mestre**

**Article(s):** Art. 55, Section 40 Off Street Parking Insufficient Article 55, Section 9 Side Yard Insufficient

**Purpose:** We are looking to add a driveway adjacent to our home. We have certified plot plans that a licensed surveyor created and need an ISD number before submitting the application to the DPW





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**Case: BOA-1243853 Address: 7A-7B Jones Avenue Ward 14 Applicant: Milton Santos**

**Article(s):** Art. 60 Sec. 09 Floor Area Ratio excessive - FAR: Excessive Art. 60 Sec. 09 Usable open space insufficient - Usable Open Space: Insufficient Art. 60 Sec. 60-9 Additional Lot Area Insuff - Lot area requires for the new dwelling unit is insufficient Art. 60 Sec. 08 Use Regs appl in Res Subdistr - Dwelling unit is forbidden in basement Art. 60 Sec. 37 Off-St. Parking Requirements - Off street parking requirements: Insufficient

**Purpose:** Finish the basement as a new two bedrooms unit as per plan. Change the occupancy from 2 to 3 family dwelling unit.

**Case: BOA- 1310507 Address: 29 Hamilton Street Ward 15 Applicant: 23-33 Hamilton GP LLC**

**Article(s):** Art. 65 Sec. 08 Forbidden - Elderly housing use Art. 65 Sec. 42^Conformity with Existing Building Alignment Modal calculation not provided to verify compliance. 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 Rear Yard Insufficient

**Purpose:** Four story building designed for seniors aged 62 and older. First floor with community room, lobby, game room, management office and meeting space totaling over 1000 sf. One bicycle space per two units indoors on ground level. One motor vehicle space per three units in garage underneath building. Total (36) 1 bedroom units. In conjunction with ALT1271040 and ALT1271041 (applications to combine 3 lots) SF# for demolition permits at 33 Hamilton St.: (3 structures) 2 elevators proposed.

**Case: BOA-1291466 Address: 1644 Dorchester Avenue Ward 16 Applicant: Timothy Johnson**

**Article(s):** Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65 Section 38 Specific Design Requirements - Street Wall Continuity in Certain Subdistricts. This Section 65 38.1 shall apply within the Multifamily Residential/Local Services Subdistricts, Neighborhood Business Subdistricts, and the Local Industrial Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

**Purpose:** Demolish existing structure and Erect a 3-Story, 8 Unit Residential Building w/garage, and front, side and roof decks as per plans submitted.

**Case: BOA-1306820 Address: 175 Milton Street Ward 16 Applicant: Jonathan Linehan**

**Article(s):** Article 65 Section 41 Off Street Parking and Loading Article 65, Section 9 Lot Area Insufficient 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

**Purpose:** The scope of work includes re framing the roof, interior gut renovation, and addition to the existing single family residence.

**Case: BOA- 1309530 Address: 61 Pierce Avenue Ward 16 Applicant: George Morancy**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use Art. 10 Sec. 01 Limitation of parking areas Art.65 Sec.08 Conditional - Accessory parking to an existing forbidden use

**Purpose:** Extend existing driveway to rear of property and add six parking spaces at rear of property. Add new retaining wall.

**Case: BOA-1310370 Address: 389 Neponset Avenue Ward 16 Applicant: John Pulgini**

**Article(s):** Article 65 Section 15 Use Regulations - Restaurant w/ Takeout small conditional

**Purpose:** Change occupancy to include ice cream shop on the first floor with basement storage.

**Case: BOA- 1269408 Address: 1256-1262 River Street Ward 18 Applicant: Robert Tambi**

**Article(s):** Article 69, Section 8 Use: Conditional

**Purpose:** Change of occupancy from pharmacy to function hall without alcohol.



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**Case: BOA- 1289077 Address: 4160-4164 Washington Street Ward 19 Applicant: Juan Chavez**

**Article(s):** Article 67, Section 32 Off Street Parking - off street parking is insufficient Article 67,Section 12Building height in feet is excessive Article 67,Section 12Building height in # of stories is excessive Article 67,Section 12 Floor area ratio is excessive Art.67 Sec.33Dimensional Regulations - Art. 67 Sec. 33 (2); 2.Traffic visibility across corner is insufficient. Article 67 Sec. 29Specific Design Review - Street Wall Continuity on Bexley Rd.

**Purpose:** Erect 9400 sf 4 story & basement building with 6 residential units (on floors 2, 3 & 4), 2 core & shell commercial units (basement & ground floor) with parking for 4 vehicles on the ground level.

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

**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-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. 01Reconstruction/Extention of Nonconforming Bldg.

**Purpose :**Renovate and extend existing building; change legal occupancy from Church (Doc #3562/00) to 9 dwelling units.”

**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. 9Insufficient 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- 1202529 Address: 55 Bowdoin Avenue Ward 14 Applicant: Kathalene MacPherson**

**Article(s):** Art. 65 Sec. 08 Forbidden - Dwelling unit located in basement is forbidden Art. 65, Sec.09 Side Yard Insufficient - Floor area ratio requirement is excessive Art. 65 Sec. 08 Forbidden - Four dwelling unit use is a forbidden use in this zoning sub-district

**Purpose:** This is the renovation of an existing 2 family into a 4 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.



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

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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)**