



City of Boston
Board of Appeal

Tuesday, October 4, 2022

BOARD OF APPEAL

City Hall, Room 801

Hearing Agenda

Board Chair Erlich 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 OCTOBER 4, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS OCTOBER 4, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE OCTOBER 4, 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/Oct4ZBAComment> 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/Oct4ZBAComment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.



City of Boston
Board of Appeal

The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or

concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

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

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

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

Interested persons who are unable to participate in the hearing remotely may make an appointment to offer testimony. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov for accommodations to be made.

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



City of Boston
Board of Appeal

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

VOTE ON NEW CHAIR PERSON: 9:30 AM

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to approve the new Board Chair, Mark Erlich effective immediately.

EXTENSIONS: 9:30AM

Case: BOA-609358, Address: 6-8 Parsons Street Ward 22 Applicant: Marc LaCasse, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend until October 4, 2023.

Case: BOA-609355, Address: 10 Parsons Street Ward 22 Applicant: Marc LaCasse, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend until October 4, 2023.

Case: BZC-30745 Address: 583-583B Ashmont Street , Ward 16 Applicant: Douglas Stefanov

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with Covid19 tolling relief until October 16, 2023.

Case: BZC-30746 Address: 585-585B Ashmont Street , Ward 16 Applicant: Douglas Stefanov

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend with Covid19 tolling relief until October 16, 2023.

Case: BOA-1035621 Address: 3 Robinson Street , Ward 15 Applicant: Joao Gomes

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend until October 9, 2023.

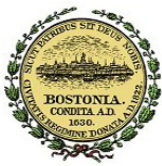
HEARINGS: 9:30AM

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

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

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

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 15, 2022 at 11:30.



City of Boston
Board of Appeal

Case: BOA-1381921 Address: 45 Soley Street Ward 2 Applicant: Alfredo Correia

Article(s): Article 62, Section 25 Roof Structure Restrictions – Access to main roof via spiral stair

Purpose: Amendment to the on going renovation of 45 Soley St. Charlestown, MA, 02129. With permit #ALT1276553. Proposed work is for a roof deck to be built as per plans attached.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 140 square foot roof deck and create a curb cut for 1 parking space. That side of the street does not have any parking.

Board members asked about plans, proposal, roof deck, and parking.

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

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

Votes: Board Member Ruggiero moved to approve with BPDA design review with attention to the roof deck, BTD review, and an internal stair accessed by hatch to the roof deck. Dong seconded and the motion carried unanimously.

Case: BOA- 1381925 Address: 45 Soley Street Ward 2 Applicant: Alfredo Correia

Article(s): Art. 10 Sec. 01 Limitation of Area of Accessory Uses - 5' Side yard buffer Art. 62 Sec. 08 Insufficient usable open space Art. 62 Sec. 29 Off street parking Design/Maneuverability - Utility pole in way of access drive

Purpose: Proposed off street parking for one motor vehicle.*ATTN DPW: Proposed curb cut for residential parking in a residential 1 family home. Curb cut will be on the Monument Court side of the home, for a 1 car parking space, 8.5' x 20'. Will require a light pole relocation as well. See attached certified plot plan for more details.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 140 square foot roof deck and create a curb cut for 1 parking space. That side of the street does not have any parking.

Board members asked about plans, proposal, roof deck, and parking.

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

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

Votes: Board Member Ruggiero moved to approve with BPDA design review with attention to the roof deck, BTD review, and an internal stair accessed by hatch to the roof deck. Dong seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1266818 Address: 12-12A Hudson Street Ward 3 Applicant: Victoria Wong

Article(s): Art. 32 Sec. 32-4 Groundwater Conservation Overlay District, Applicability Art. 43 Sec. 05 Est of Protect. Areas - Excessive f.a.r. Art. 43 Sec. 23 Off-Street Parking No parking proposed

Purpose: Erect a new 6 story building with 2 ONE restaurant shell spaces and 4 residential units. Restaurant space fit outs to be filed under a separate permits. *Scope of work modified with revised plans at BOA 5.12.22

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 5 level restaurant with 4 residential units. The basement is for utilities and storage.

Board members asked about plans, elevator, proposal.

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

Documents/Exhibits: Building Plans. Letters of support.

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

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

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

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

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 15, 2022 at 11:30.

Case: BOA- 1320876 Address: 58 Clifford Street Ward 12 Applicant: PWN Development

Article(s): Article 50 Section 29 Front Yard Insufficient

Purpose: Subdivide existing 7,840 sf Lot. Construct a 3 story, Semi attached Single Family Dwelling on 3,640 sf Lot B. There will be a 5' wide strip of land being conveyed to 56 Clifford Street (Lot C). This will be an affordable Single Family Home in partnership with The City of Boston, DND. See ERT1307069 for 60 Clifford Street.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect two semi attached dwellings on a vacant lot. This is a DND initiative with 80-100% AMI. This will be 3 single family homes.

Board members asked about plans, lot, DND, and units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A spokesperson for Flaherty, Murphy and the Mayors Office of Housing spoke in support.

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA- 1320877 Address: 60 Clifford Street Ward 12 Applicant: PWN Development

Article(s): Article 50 Section 29 Front Yard Insufficient

Purpose: Subdivide existing 7,840 sf Lot. Construct a 3 story, Semi attached Single Family Dwelling on 3,640 sf Lot A. This will be an affordable Single Family Home in partnership with The City of Boston, DND. See ERT1307064 for 58 Clifford Street.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect two semi attached dwellings on a vacant lot. This is a DND initiative with 80-100% AMI. This will be 3 single family homes.

Board members asked about plans, lot, DND, and units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A spokesperson for Flaherty, Murphy and the Mayors Office of Housing spoke in support.

Documents/Exhibits: Building Plans.

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

Case: BOA-1320884 Address: 35 Waverly Street Ward 12 Applicant: PWN Development

Article(s): Article 10, Section 1 Limitation of Area - Limitation of Area of Accessory Uses Article 50 Section 29 Lot Width Insufficient Article 50 Section 29 Lot Frontage Insufficient Article 50 Section 29 Front Yard Insufficient Article 50 Section 29 Side Yard Insufficient

Purpose: Construct a new affordable (based on AMI limits) Single Family Home being constructed on a vacant Lot in partnership with The City of Boston DND.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect two semi attached dwellings on a vacant lot. This is a DND initiative with 80-100% AMI. This will be 3 single family homes.

Board members asked about plans, lot, DND, and units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A spokesperson for Flaherty, Murphy and the Mayors Office of Housing spoke in support.

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA- 1133522 Address: 8 Adrian Street Ward 13 Applicant: Joshua Cohen/Cohen Properties

Article(s): Article 50, Section 29 Lot Area Insufficient - 2169sqft < 4000sqft min. Article 50, Section 29 Floor Area Ratio Excessive - 1.2 > 0.8max Article 50, Section 29 Usable Open Space Insufficient - 1259sqft < 1300sqft min Article 50, Section 29 Front Yard Insufficient - 10.1'avg < 20'min; 5.6' < 15'min (Non parallel) Article 50, Section 29 Rear Yard Insufficient - 4.6' < 10'min (Shallow Lot) Article 50, Section 29 Side Yard Insufficient - 5.1'+5.3' =10.4' aggregate < 15'min Art. 50, Section 43 Off Street Parking Insufficient - 0 < 2 req'd

Purpose: New 2.5 story 2 family dwelling on non conforming lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 2 family home. There is full frontage on Adrian st, and no parking will be provided. A bedroom in the basement below grade.

Board members asked about plans, parking, units, basement, height, and access.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny without prejudice. There was no second. Barraza moved to approve with provisos and the motion did not carry. The project was then denied.

Case: BOA- 1291107 Address: 73-75 Fayston Street Ward 14 Applicant: Gary McCall

Article(s): Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 43 Off Street Parking & Loading Req - Design. Inappropriate vehicle access. (Driveway access shown is 7.7')

Purpose: Change occupancy from a two family dwelling to a three family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change from a two family to a three family. The curb cut is existing and would add parking in the rear. The third floor is existing but being legalized for a new unit. No basement or exterior changes.

Board members asked about plans, proposal, unit sizes, height, basement, and driveway.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A spokesperson for Flaherty, Murphy spoke in support of the project.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with the proviso to reduce parking spaces due to driveway limitations. Robinson seconded and the motion carried unanimously.

Case: BOA-1315464 Address: 31 Torrey Street Ward 17 Applicant: Monyette Vickers

Article(s): Art. 65 Sec. 9 Insufficient usable open space per unit 750sf/ unit required free from parking and motor vehicle access and maneuvering areas Art. 10 Sec. 01 Limitation of parking areas 5' side yard buffer requirement

Purpose: Curb cut/driveway for 3 cars.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 6, 2022, 11:30am.



City of Boston
Board of Appeal

Case: BOA- 1336820 Address: 49 Corbet Street Ward 17 Applicant: Shawn Bodden

Article(S): Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Side Yard Insufficient
Article 60, Section 9 Rear Yard Insufficient

Purpose: Confirm occupancy as one family. Build 2.5 story addition at side of house with full basement. Enclose a portion of the front porch. Remove existing roof and replace with new gable roof with 5' higher peak. We anticipate the need for a variance to enclose the porch and build rear deck. Full kitchen remodel.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 6, 2022 at 11:30.

Case: BOA- 1183277 Address: 68 Rowe Street Ward 19 Applicant: Michael McGough

Article(s): Art. 67 Sec. 08 Use Regulations Applicable in Residential Sub Districts - 6 family use forbidden Art. 67 Sec. 09 Open Space insufficient - Required: 6*1,750sqft= 10,500 sqft Provided: +-2,120 sqft Art. 67 Sec. 09 Side Yard Insufficient - Required: 10' Proposed: 5.4 (R) and 5' (L) Art. 67 Sec. 33 App. of Dimensional Req. - Conformity with existing building alignment. Street modal not provided. Art. 67 Sec. 56 Off street parking requirements - spaces are located in the front yard Article 67, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.5 Proposed: 1.27 Article 67, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 2.5 Proposed: 5 Article 67, Section 9 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: >35' Article 67, Section 9 Rear Yard Insufficient Required: 40' Proposed: 39.9'

Purpose: Erect (6) unit building per plans on current vacant lot.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 6, 2022 at 11:30.

Case: BOA-1342865 Address: 684-702 Centre Street Ward 19 Applicant: Eric Lawrence

Article(s): Article 55, Section 16 Use Regulations - Cannabis Establishment is a Conditional use in a NS Sub district. Article 55 Sect 40 Off Street Parking & Loading Req - Proposed off street parking is insufficient. None is provided.

Purpose: Change of occupancy from an existing retail space into Cannabis Dispensary with recreational use.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 6, 2022 at 11:30.

Case: BOA- 1349519 Address: 311-315 Washington Street Ward 22 Applicant: Frazer 311 Holdings Limited Partnership

Article(s): Article 51 Section 16 Use Regulations - MFR is a conditional use in a NS 1 sub district Article 51, Section 17 Open usable space is insufficient Article 51, Section 56 Off Street Parking Insufficient

Purpose: Renovation to the second floor of the existing two story plus basement mixed use building. Project scope includes converting the office spaces on the second floor to four one bedroom units. The building will be fully sprinklered per NFPA 13. First floor tenancy not in scope. No exterior work.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate the second floor to use it as a residential unit.

Board members asked about plans, proposal, and the second level.

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

Documents/Exhibits: Building Plans. Letters in support and opposition.

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



City of Boston
Board of Appeal

HEARINGS:10:30AM

Case: BOA-1380993 Address: 377 Maverick Street Ward 1 Applicant: 377 Maverick, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability Art. 53 Sec. 56^ Off street parking insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Art.53 Sec. 08Use: Forbidden - MFR is Forbidden in a 3F 2000 sub district.

Purpose: Change occupancy to four units, renovate the existing structure, erect a rear addition with rear and roof decks.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate an existing home and include a rear addition to become a 4 family dwelling.

Board members asked about plans, proposal, flood zone, basement, and roof decks.

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

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

Votes: Board Member Barraza moved to approve with BPDA design review with attention to the interior access to the roof deck and context. Ruggiero seconded and the motion carried unanimously.

Case: BOA- 1328495 Address: 7-9 Newbury Street Ward 5 Applicant: UMNV 7 Newbury St, LLC

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Art. 15 Sec. 15 1Floor Area Ratio Excessive Article 13, Section 1 Front Yard Insufficient Article 32, Section 4.GCOD, Applicability

Purpose: Remove existing 2 story storefront and replace with a new bumped out 2 story storefront addition. Erect a 2 story exterior Elevator shaft @ the rear Facade to be located on low roof

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 6, 2022 at 11:30.

Case: BOA-1319691 Address: 340 West Second Street Ward 6 Applicant: Gerry DiPierro

Article(s): Article 68, Section 8 Rear Yard Insufficient

Purpose: Repair and replace existing roof top deck on flat rubber roof. Expand existing deck by approx. 600 s/ft. New deck to sit on sleeper studs on flat rubber roof. Decking to be composite material. Existing 5' tall parapet wall encircling entire roof to remain and obstruct view from the street.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to repair and replace the roof deck and the roof. This will expand the roof deck and the head house is existing.

Board members asked about plans, street visibility, decking, and deck access.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny without prejudice. Robinson seconded, Barraza opposed, and the motion carried 5-1.



City of Boston
Board of Appeal

Case: BOA- 1342905 Address: 1160 Blue Hill Avenue Ward 14 Applicant: Citizens Bank

Article(s): Article 60, Section 16 Use: Conditional - Bank Article 60, Section 16 Use: Forbidden - Ancillary parking on neighboring lots.

Purpose: Change in use scope consists of interior fit out to convert existing space into Citizens bank with accessory ATM, accessory drive thru ATM, teller line, offices, restrooms, break room, parking lot and landscape updates. Exterior walls are existing to remain, no alteration to building structure. Separate ALT for Signage to be filed. In conjunction with U491323661 and U491323660

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform extensive interior renovations to a bank use with 11 parking spaces. The lot next door has not been consolidated which is why it is considered ancillary.

Board members asked about plans, hours of operation, security.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A spokesperson for Councilor Flaherty, IBWE, and the Greater Mattapan Association all spoke in support.

Documents/Exhibits: Building Plans, letters in support.

Votes: Board Member Barraza moved to approve with BTB and BPDA design review with special attention to the security, pervious pavers, and screening and buffering. Ruggiero seconded and the motion carried unanimously.

Case: BOA-1342982 Address: 7 Frontenac Street Ward 14 Applicant: Citizens Bank

Article(s): Article 60, Section 16 Use: Conditional - Drive through bank, ATM Article 60, Section 16 Use: Forbidden - Ancillary parking for Bank

Purpose: Scope of work consists of reconfiguring the existing parking lot to create new delineated parking spaces, create an accessory drive thru bank ATM, and landscape updates as shown on the proposed certified plot plan and architectural site drawings. In conjunction with ALT1288051 and U491323661.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform extensive interior renovations to a bank use with 11 parking spaces. The lot next door has not been consolidated which is why it is considered ancillary.

Board members asked about plans, hours of operation, security.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A spokesperson for Councilor Flaherty, IBWE, and the Greater Mattapan Association all spoke in support.

Documents/Exhibits: Building Plans, letters in support.

Votes: Board Member Barraza moved to approve with BTB and BPDA design review with special attention to the security, pervious pavers, and screening and buffering. Ruggiero seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1342993 Address: 11 Frontenac Street Ward 14 Applicant: Citizens Bank

Article(s): Article 60, Section 16 Use: Forbidden - Ancillary parking spaces for bank use Article 60, Section 16 Use: Conditional - Drive through bank, ATM

Purpose: Scope of work consists of reconfiguring the existing parking lot to create new delineated parking spaces and landscape updates as shown on the proposed certified plot plan and architectural site drawings. In conjunction with ALt1288051 and U491323660.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform extensive interior renovations to a bank use with 11 parking spaces. The lot next door has not been consolidated which is why it is considered ancillary.

Board members asked about plans, hours of operation, security.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A spokesperson for Councilor Flaherty, IBWE, and the Greater Mattapan Association all spoke in support.

Documents/Exhibits: Building Plans, letters in support.

Votes: Board Member Barraza moved to approve with BTB and BPDA design review with special attention to the security, pervious pavers, and screening and buffering. Ruggiero seconded and the motion carried unanimously.

Case: BOA-1345821 Address: 54 Semont Road Ward 16 Applicant: Jose Garcia

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

Purpose: Rebuild existing porches on rear of building and enclose First Floor porch for additional living area for Unit #1.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to rebuild porches on an existing lot. The footprint is not expanding. The porches will remain the same size. The plot plan is unique and there are existing non-conformities.

Board members asked about plans, proposal.

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

Documents/Exhibits: Building Plans, letters in support.

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



City of Boston
Board of Appeal

Case: BOA- 1361336 Address: 4 Ashmont Park Ward 16 Applicant: Darren Swain

Article(s): Article 65, Section 9 Side Yard Insufficient - 10ft driveway req'd Article 65, Section 9 Usable Open Space Insufficient

Purpose: Erect a new 3 story dwelling with 3 units, front & rear decks, and 3 parking spots at rear. Easement proposed for driveway access to rear parking, also see 6 Ashmont Park (ERT1337326). Existing dwelling to be demolished under a separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 story 3 unit dwelling close to the MBTA.

Board members asked about plans, proposal and trash.

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

Documents/Exhibits: Building Plans. Letters in support and opposition.

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

Case: BOA-1361343 Address: 6 Ashmont Park Ward 16 Applicant: Darren Swain

Article(s): Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Side Yard Insufficient - 10ft driveway req'd

Purpose: Erect a new 3 story dwelling with 3 units, front & rear decks, and 3 parking spots at rear. Easement proposed for driveway access to rear parking, also see 4 Ashmont Park (ERT1337330). Existing dwelling to be demolished under a separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 story 3 unit dwelling close to the MBTA.

Board members asked about plans, proposal and trash.

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

Documents/Exhibits: Building Plans. Letters in support and opposition.

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



City of Boston
Board of Appeal

Case: BOA- 1345584 Address: 22 Wilmore Street Ward 18 Applicant: Alfonso Sira

Article(s): Ar.60. Sec 38 Parking screening & buffering Art. 60 Sec. 09 Floor Area Ratio excessive Art. 60 Sec. 09 Rear yard insufficient Art. 60 Sec. 09 Side yard insufficient Art. 60 Sec. 09 *^Usable open space insufficient Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Front Yard Insufficient Article 60, Section 37 Off Street Parking Insufficient

Purpose: New three family residential building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a three family home on a vacant lot. The first unit is accessible and within the character of the neighborhood. They are rentals that are contextual.

Board members asked about plans, proposal.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A spokesperson for Councilor Murphy spoke in opposition and the Greater Mattapan Association spoke in opposition.

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

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

Case: BOA-1374777 Address: 7 Dana Avenue Ward 18 Applicant: John Pulgini

Article(s): Art. 69 Sec. 29 Off-St.Prk'g/Load'g - Exterior loading bay design, maneuvering areas per Hudson maneuverability letter 3.21.22 and per stamped Architectural plans provided 3.28.22 Art. 69 Sec. 29.5 Off-St.Prk'g:Design - Access/maneuvering to required parking spaces >1 via one access bay per Patel/McKinnon opinion/design letter dated 3.8.22 and stamped architectural plans identifying proposed "two story " parking (1st flr/Basement) 3.28.22

Purpose: Erect new 27unit multi family building w/elevator access over below grade parking garage. (Enclosed parking garage with 2 two story 13 car Parking elevator conveyor system, plus two ADA spaces) Zoning w/Art 80SPR applicability

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 27 unit multifamily with a lobby and bike room. 20-70% affordable AMI.

Board members asked about plans, loading, proposal.

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

Documents/Exhibits: Building Plans. Letters in support and opposition.

Votes: Board Member Ruggiero moved to approve with BPDA design review. Robinson seconded, Barraza opposed, and the motion carried 5-1.



City of Boston
Board of Appeal

Case: BOA-1224052 Address: 517-519 Metropolitan Avenue Ward 18 Applicant: 3-11 LLC, Walter Hilliard, Manager

Article(s): Art. 69 Sec. 8 Forbidden - Multifamily use Art. 69 Sec. 30.1Bldg.Alignmnt Conformity - Modal not provided to verify compliance Art. 69 Sec. 29.5Off St.Prk'g:Design - Parking spaces are tandem. Total spaces required: 18 Article 69, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.5 Proposed: 1.1 Article 69, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 2.5 Proposed: 3 Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Side Yard Insufficient - Min. required: 10' Proposed: 5'(L) and 7.2'(R) Article 69, Section 9 Rear Yard Insufficient - Min. required: 40' Proposed: 23.3' Art. 69 Sec.23Neighborhood Design O.D.

Purpose: Erect new 9 units apartment building per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 story 3 unit dwelling close to the MBTA.

Board members asked about plans, proposal and trash.

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

Documents/Exhibits: Building Plans. Letters in support.

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

Case: BOA-1352750 Address: 62 North Beacon Street Ward 21 Applicant: Amenyonah Bossman

Article(s):Article 51, Section 56.Off Street Parking & Loading Req Article 51, Section 8 Use: Forbidden
Article 51, Section 9 Floor Area Ratio Excessive

Purpose: Convert a single family to a 3 family dwelling with an ADU (basement).

Discussion/Vote: Upon a motion and a second, the Board voted unanimously to defer this matter until December 13, 2022 at 11:30.

Case: BOA-1383661 Address: 329-329A Columbus Avenue Ward 4 Applicant: Herbal Power, LLC

Article(s): Article 64, Section 12 Use: Conditional - Cannabis establishment

Purpose: Tenant fit out and change in occupancy from restaurant lounge to a cannabis establishment specifically a retail recreational cannabis dispensary, with no change to building footprint.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 6, 2022 at 11:30.



City of Boston
Board of Appeal

RE-DISCUSSIONS: 11:30 AM

Case: BOA- 1336832 Address: 291 Beacon Street Ward 5 Applicant: SEE REAL ESTATE, LLC

Articles: Art. 08 Sec.07 Use: Conditional Art. 09 Sec. 01 Extension of Non Conforming Use- > 25%volume

Purpose :Existing Lodging House Change of Occupancy to Increase number of Occupants from 11 to (CHANGED TO 31 persons). No construction planned. *NOTE; 4th story (two means of unimpeded egress must be maintained).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy of a lodging house from 11-22 people with a 2 night minimum.

Board members asked about plans, proposal, bedrooms.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Bok, the Back Bay Association, and multiple abutters are in opposition.

Documents/Exhibits: Building Plans. Letters in opposition.

Votes: Board Member Ruggiero moved to deny. It was seconded and the motion carried unanimously.

Case: BOA-1339798 Address: 67 Appleton Street Ward 5 Applicant: HRE 2, LLC

Article(s): Article 64, Section 9 Floor Area Ratio Excessive Article 64, Section 36 Off Street Parking Insufficient Article 64 Section 9 Insufficient open space per unit

Purpose: Change occupancy from a store and 2 residential units to 3 residential units as per plans.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 6, 2022 at 11:30.

Case: BOA-565482 Address: 26 Union Avenue Ward: 11 Applicant: Fredrick Vetterlein

Article(s): Art. 10 Sec. 01 Limitation of Area of Accessory Uses Article 55, Section 40 Off-Street Parking & Loading Req - Off-Street Parking Design / Maneuverability Article 55, Section 9 Usable Open Space Insufficient

Purpose: Install curb cut and driveway for 2 parking spaces.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 13, 2022 at 11:30.

Case: BOA- 1268903 Address: 18-20 Parkman Street Ward 16 Applicant: Mark Little

Articles: Art. 65 Sec. 08 Forbidden - Multi family residential dwelling use is a forbidden use Art. 65 Sec. 9 Floor area ratio is excessive Art. 65 Sec. 9 Height requirement is excessive (stories) Art. 65, Sec.42.2 Conformity w Ex Bldg Alignment - Conformity with existing front alignment of the block

Purpose: Demo of existing structure. Construction of 9 new residential dwelling units with 17 off street parking spaces.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 13, 2022 at 11:30.



City of Boston
Board of Appeal

Case: BOA- 1349025 Address: 1153-1155 Washington Street Ward 17 Applicant: George Morancy

Article(s): Article 65 Section 16 Excessive f.a.r. Article 65 Section 16 Insufficient rear yard set back Article 65 Section 16 Excessive building height Article 65 Section 16 Insufficient off street parking Article 65, Section 41 Off Street Parking & Loading Req - Maneuvering and loading area requirements

Purpose: Erect a new 5 story mixed use building with 24 residential units over 18 parking spaces w/ accessory amenities space and roof Deck (Elevator access) and a small retail space (shell only).* Existing structure to be razed on a separate permit application

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to build a 4 story mixed use development with 24 residential units and 18 parking spaces. This is an article 80 project and was deferred previously due to incorrect citations.

Board members asked about plans, proposal, units, and sustainability.

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

Documents/Exhibits: Building Plans, letter in opposition.

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

Case: BOA- 1336189 Address: 2005 Dorchester Avenue Ward: 17 Applicant: Francine Tymes

Article(s): Art. 65 Sec. 9 Residential Dimensional Reg.s -Insufficient usable open space identified Art. 65 Sec. 41 Off street parking requirements - Location; parking in a required front yard is not allowed (i.e. corner lot rule, two front yards exist)

Purpose: Extend the driveway to park vehicles on side of house.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to pave for parking.

Board members asked about plans, proposal and the driveway.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA- 1309465 Address: 3964 Washington Street Ward 19 Applicant: Cesar DaSilva

Article(s) Art. 67 Sec. 08 Use Regulations Applicable in Residential Sub Districts - Multifamily use is forbidden
Article 67, Section 8.2 Use Regs: Basement Units Art. 67 Sec. 9.4 Location of Main Entrance - Shall face the front lot
line Art. 67 Sec. 56 Off street parking requirements - Insufficient. Parking spaces required for the new unit: 2 Article 67,
Section 9 Lot Width Insufficient Article 67, Section 9 Lot Frontage Insufficient Article 67, Section 9 Floor Area Ratio
Excessive Article 67, Section 9 Lot Area Insufficient

Purpose: Convert existing basement into a new unit, change occupancy from 3 units to a four units building as per
plans.

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

Case: BOA-1351215 Address: 32-32C Hobart Street Ward 22 Applicant: Joseph Cicconi

Article(s): Article 51, Section 8 Use Regulations - Townhouse (3 unit) Use: Forbidden Article 51, Section 9 Floor Area
Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Front Yard Insufficient
Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9.4 Dim
Reg: Location of Main Entrance - Within the Residential Subdistricts, the main entrance of a Dwelling shall face the
Front Lot Line. Article 51, Section 9 Lot Frontage Insufficient Article 51, Section 9 Bldg Height Excessive (Feet) Art.
51 Sec. 57.2 Exst'g Bldg Algnmnt Conformity - Modal calculation not provided to verify compliance with the existing
building alignment.

Purpose: Erect a 3-unit Townhouse Dwelling with 6 parking spaces. Raze existing building under SF: # [ePlan BOA]
Reviewed 06/23/22 to reduce the number of units from 4 to 3 and the parking spaces from 8 to 6

Discussion: The applicant requested to withdraw the application.

Votes: Upon a motion and a second the Board voted unanimously to withdraw the application.



City of Boston
Board of Appeal

COURT REMAND: 12:00 PM

Case: BOA-1110391 Address: 239-243 Hanover Street Ward 3 Applicant: Bricco Realty, LLC

“For a Remand Hearing the Suffolk County Superior Court has ordered that Zoning Board hold a remand hearing on the above listed appeal, pursuant to its August 19, 2022 order in Dkt. No. 21-0128-D. The Board will determine whether it can place any reasonable conditions upon the operation of the Executive Suites at the above listed address that would satisfy the requirements needed for the Board to issue a conditional use permit under Article 6, Section 6-3 of the Zoning Code”

Article(s): Article 54 Section 12 Use Regulations - Executive suite is a conditional use in the Hanover CC Sub district.

Purpose: Change occupancy from restaurant and 7 apartments to restaurant and 7 executive suites, existing conditions, no work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to state that executive suite use was allowed when the project started but was not when the project ended. This is not used as an Airbnb and has been operating for 8 years.

Board members asked about plans, proposal.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred judgement to the Board. Councilor Coletta suggested a deferral. A spokesperson for councilor Flaherty and Rep. Michlewitz spoke in support of the project.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with this applicant only, no more than 2 adults per bedroom, a 4 day minimum, on site staff at all times, clearly mark management, and get an occupancy report 1 year from permit issuance. Erlich seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1110403 Address: 1-4 Mechanic CT Ward 3 Applicant: FDJGA, LLC

“For a Remand Hearing the Suffolk County Superior Court has ordered that Zoning Board hold a remand hearing on the above listed appeal, pursuant to its August 19, 2022 order in Dkt. No. 21-0128-D. The Board will determine whether it can place any reasonable conditions upon the operation of the Executive Suites at the above listed address that would satisfy the requirements needed for the Board to issue a conditional use permit under Article 6, Section 6-3 of the Zoning Code”

Article(s): Article 54 Section 12 Use Regulations - Use: Executive Suites: Conditional

Purpose: Change Occupancy from 6 Apartments, Restaurant in sprinklered building to 6 Executive Suites, Restaurant existing condition no work to be done per plans shown for upper level units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to state that executive suite use was allowed when the project started but was not when the project ended. This is not used as an Airbnb and has been operating for 8 years.

Board members asked about plans, proposal.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred judgement to the Board. Councilor Coletta suggested a deferral. A spokesperson for councilor Flaherty and Rep. Michlewitz spoke in support of the project.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with this applicant only, no more than 2 adults per bedroom, a 4 day minimum, on site staff at all times, clearly mark management, and get an occupancy report 1 year from permit issuance. Erlich seconded and the motion carried unanimously.

Case: BOA- 1110414 Address: 11 Board ALY Ward 3 Applicant: FDJGA, LLC

“For a Remand Hearing the Suffolk County Superior Court has ordered that Zoning Board hold a remand hearing on the above listed appeal, pursuant to its August 19, 2022 order in Dkt. No. 21-0128-D. The Board will determine whether it can place any reasonable conditions upon the operation of the Executive Suites at the above listed address that would satisfy the requirements needed for the Board to issue a conditional use permit under Article 6, Section 6-3 of the Zoning Code”

Article(s): Article 54, Section 12, Use Regulations Use: Executive Suites : Conditional

Purpose: Change Occupancy from 3 Apartments, 1 Retail Store to 3 Executive Suites, 1 Retail Store no work to be done existing Condition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to state that executive suite use was allowed when the project started but was not when the project ended. This is not used as an Airbnb and has been operating for 8 years.

Board members asked about plans, proposal.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred judgement to the Board. Councilor Coletta suggested a deferral. A spokesperson for councilor Flaherty and Rep. Michlewitz spoke in support of the project.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with this applicant only, no more than 2 adults per bedroom, a 4 day minimum, on site staff at all times, clearly mark management, and get an occupancy report 1 year from permit issuance. Erlich seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1110423 Address: 2 Board ALY Ward 3 Applicant: Bricco Realty, LLC

“For a Remand Hearing the Suffolk County Superior Court has ordered that Zoning Board hold a remand hearing on the above listed appeal, pursuant to its August 19, 2022 order in Dkt. No. 21-0128-D. The Board will determine whether it can place any reasonable conditions upon the operation of the Executive Suites at the above listed address that would satisfy the requirements needed for the Board to issue a conditional use permit under Article 6, Section 6-3 of the Zoning Code”

Article(s): Article 54, Section 12 Use Regulations - Use: Executive Suites: Conditional

Purpose: Change Occupancy from existing condition 8 Apartments and Commercial space in Basement (Bakery) to 8 Executive Suites and Bakery no work to be done

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to state that executive suite use was allowed when the project started but was not when the project ended. This is not used as an Airbnb and has been operating for 8 years.

Board members asked about plans, proposal.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred judgement to the Board. Councilor Coletta suggested a deferral. A spokesperson for councilor Flaherty and Rep. Michlewitz spoke in support of the project.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with this applicant only, no more than 2 adults per bedroom, a 4 day minimum, on site staff at all times, clearly mark management, and get an occupancy report 1 year from permit issuance. Erlich seconded and the motion carried unanimously.

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

BOARD MEMBERS:

MARK ERLICH-ACTING CHAIR
MARK FORTUNE-SECRETARY
JOSEPH RUGGIERO
SHERRY DONG
ERIC ROBINSON

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 October 4, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.