



City of Boston
Board of Appeal

Tuesday, October 25, 2022

BOARD OF APPEAL

Room 801

HEARING MINUTES

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 25, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS OCTOBER 25, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE OCTOBER 25, 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/October25Comment> 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/October25Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.



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

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

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 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

SEPTEMBER 13, 2022

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

EXTENSIONS: 9:30AM

Case: BOA-799147 Address: 30 Thorn Street Ward 18 Applicant: Nicholas Zozula, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to recognize the Covid-19 Tolling with a new date of November 6, 2023.

Case: BOA-1035883 Address: 178 Brighton Avenue Ward 21 Applicant: Rebekah Glickman-Simon

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend until October 25, 2023.

Case: BOA-1035609 Address: 820 William T Morrissey Blvd, Ward 16 Applicant: Daniel Manning

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend until October 25, 2023.

Case: BOA-1072124 Address: 295 Kittredge Street Ward 18 Applicant: Tom Timko

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend until October 25, 2023.

Case: BOA-810882 Address: 40 Harding Road Ward 18 Applicant: Alex Burk

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to recognize the Covid-19 Tolling with a new date of November 30, 2023.

Case: BOA-1068564 Address: 28 Monument Street Ward 2 Applicant: Gerald Adler

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend until October 25, 2023.

Case: BOA-658980 Address: 10 McBride Street Ward 19 Applicant: John Moran

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend until November 3, 2023.

Case: BOA-1066449 Address: 6 Glover Court Ward 7 Applicant: George Morancy, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend until August 23, 2023.

BOARD FINAL ARBITER: 9:30AM

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

Discussion/Vote: The applicant did not show to the hearing. Upon a Motion and second, the Board voted unanimously to extend until November 15, 2022.

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

Discussion/Vote: The applicant did not show to the hearing. Upon a Motion and second, the Board voted unanimously to extend until November 15, 2022.



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GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1367326 Address: 32 Fayette Street Ward 5 Applicant: Vicky Zhao

Article(s): Article 32, Section 4.GCOD, Applicability

Purpose: Substantially rehabilitate this single family dwelling, construct an addition in the rear yard and install a groundwater recharge system.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail and stated that they had the Boston Groundwater Trust letters on file.

Documents/Exhibits: Building Plans. BGWT letters on file.

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

Case: BOA-1391361 Address: 12 Marlborough Street Ward 5 Applicant: James Laiosa

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

Purpose: Removing and replacing asphalt parking spaces (to be completely removed). Install new herringbone pattern heated bricks for three (3) new parking space. BBAC Approval # 22.0609BB

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail and stated that they had the Boston Groundwater Trust letters on file.

Documents/Exhibits: Building Plans. BGWT letters on file.

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

HEARINGS: 9:30AM

Case: BOA-1367321 Address: 438 Washington Street Ward 22 Applicant: Maria Vasilakas, DMD

Article(s): Article 51, Section 17 Floor Area Ratio Excessive Article 51 Section 17 Rear Yard Insufficient

Purpose: Build an addition onto existing Dental Office on first floor and relocate wheelchair ramp.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a single story rear addition to an existing dental office for residential use above it.

Board members asked about plans, stories, rear yard, parking.

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

Documents/Exhibits: Building Plans. 2 letters in opposition, 9 letters in support.

Votes: Board Member Robinson moved to approve with BPDA design review with attention to the context. Dong seconded and the motion carried unanimously.



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Case: BOA-1344069 Address: 66 Waverly Street Ward 22 Applicant: Timothy Johnson

Article(s): Article 51 Section 9 Lot Area for Additional Dwelling Units Insufficient Article 51 Section 9 Front Yard Insufficient Article 51, Section 57 Application of Dimensional Req -Two or More Dwellings Located on the Same Lot
Purpose: On Parcel 637 with existing detached 2-Family dwelling, erect a new detached 3-story, 2 Family dwelling with balconies & roof access and on-grade parking as per plans submitted. This will be 1 of 2 dwellings located on the same lot (See ALT1321700).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect another 2 family with parking, balconies, solar panels, that fits within the context.

Board members asked about plans, proposal, layout, rental.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Breadon, the BAIA and ACA are in support. An abutter is in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review with attention to site plan, screening and buffering, landscape plan, and the relationship of the parcel with abutters. Dong seconded and the motion carried unanimously.

Case: BOA-1344067 Address: 62-64 Waverly Street Ward 22 Applicant: Timothy Johnson

Article(s): Article 51, Section 57 Application of Dimensional Req - Two or More Dwellings Located on the Same Lot
Purpose: Existing 2 Family dwelling located at 62-64 Waverly Street. To Share Lot with proposed 2 Family Dwelling located at 66 Waverly Street and 4 Abbey Road. As per plans submitted. See Sister Permit# ERT1307351. This will be 1 of 2 Dwellings located on the same lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect another 2 family with parking, balconies, solar panels, that fits within the context.

Board members asked about plans, proposal, layout, rental.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Breadon, the BAIA and ACA are in support. An abutter is in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review with attention to site plan, screening and buffering, landscape plan, and the relationship of the parcel with abutters. Dong seconded and the motion carried unanimously.



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Case: BOA-1381690 Address: 290 Cornell Street Ward 20 Applicant: Emily Kline & Andy Rosen

Article(s): Art. 67 Sec. 09 Side Yard Insufficient - right side less than 10' Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Bldg Height Excessive (Stories)

Purpose: Dormer and gable end added to 3rd floor walkup bedroom. Reconfigure bathroom and closet on 3rd floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to reframe the roof and include dormers.

Board members asked about plans, proposal, height, and owner occupied.

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 Robinson moved to approve. Pinado seconded and the motion carried unanimously.

Case: BOA-1353054 Address: 55 Boylston Street Ward 19 Applicant: Adam Granger and Chade Severin

Article(s): Article 55, Section 9 Rear Yard Insufficient Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Front Yard Insufficient - Front yard insufficient on both Boylston and Dresden S streets

Purpose: Scope includes new second and third floor additions, larger garage with in law suite above and a basement play space below, mudroom connector, first and second floor plan renovations.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new second and third floor to a corner lot. This will still remain a single family home.

Board members asked about plans, addition, site, elevations, mudroom.

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

Documents/Exhibits: Building Plans.

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



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Case: BOA-1344283 Address: 1 Ralzne Road Ward 18 Applicant: Rosa Design and Construction, LLC
Article(s): Art. 69 Sec. 30.1 Bldg.Alignmmt Conformity Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Rear Yard Insufficient Art. 69 Sec. 8 Forbidden - Building a Two family in a 1F 9000 Is forbidden.
Purpose: Addition of living space per plans. Change of occupancy from single family to two family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 1 to a 2-family dwelling. Add livable space.

Board members asked about plans, proposal, side yard, curb cut.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review, parking curb cut, and that the addition and existing home are contextual with entryways. Pinado seconded, Ruggiero opposed and the motion carried 6-1.

Case: BOA-1348905 Address: 120-124 Babson Street Ward 18 Applicant: Sketchone Studios
Article(s): Article 60, Section 8 Use: Forbidden - Elderly Housing Article 60, Section 8 Use: Conditional - Day care center, elderly
Purpose: 18 independent elderly housing plus adult daycare on ground floor.

Discussion/Vote: The applicant requested an administrative deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 10, 2023 at 11:30am.

Case: BOA-1287168 Address: 199 Fuller Street Ward 17 Applicant: John Mitchell
Article(s): Art. 65 Sec. 08 Forbidden -Parking lot
Purpose: Driveway Curb cut for 5 off street parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to include a curb cut and to allow for 5 parking spots. Currently the lot is empty and paved.

Board members asked about plans, proposal, curb cut, width.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review, screening and buffering, and off street parking area. Dong seconded and the motion carried unanimously.



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Case: BOA-1208535 Address: 265-265C Minot Street Ward 16 Applicant: James Christopher

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Art.65 Sec. 8 Use: Forbidden - Townhouse: Forbidden

Purpose: Erect a new four story w/ private roof decks, 5 unit Townhouse residential building with off street parking as per attached plans. Existing structure to be razed SF1208397.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 story residential with 5 units and a shared driveway. The lot is irregular.

Board members asked about plans, proposal, unit breakdown.

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

Documents/Exhibits: Building Plans. Letters in opposition.

Votes: Board Member Pinado moved to approve with BPDA design review. Fortune seconded, Robinson opposed and the motion carried 6-1.

Case: BOA-1260388 Address: 27 Greenwich Street Ward 15 Applicant: Mai Phung

Article(s): Art. 65 Sec. 02 Conformity with Existing Building Alignment - Street- modal calculations not provided to verify compliance Art. 65 Sec. 08 Forbidden - Multifamily use 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 - Min. required: 15' Proposal: 0' Greenwich St. 6.5' Marlyn Way. Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Article 65 Section 42.3 Traffic Visibility Across Corner Art. 55 Sec. 65 41 Off Street parking insufficient - Required: 3 spaces Proposed: 2

Purpose: Proposed to demolish an existing structure and erect a three family with H.C Ramp on first floor and 3 off street parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to demolish an existing building and erect a 3 family dwelling on a corner lot with parking in the rear.

Board members asked about plans, context, height, density.

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

Documents/Exhibits: Building Plans.

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



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Case: BOA-1298301 Address: 17 Warren Place Ward 12 Applicant: Madison 84 Warren, LLC

Article(s): Art. 50, Section 28 Use: Forbidden - MFR in 3F 4000 Art. 50, Section 28 Use: Forbidden - Office in 3F 4000 Art. 50, Section 28 Use: Conditional - Adult education center in 3F 4000 Article 50, Section 29 Rear Yard Insufficient - For 3F 4000 Article 50, Section 29 Side Yard Insufficient - For 3F 4000 Article 50, Section 29 Front Yard Insufficient - For 3F 4000 Article 50, Section 29 Usable Open Space Insufficient - For 3F 4000 Article 50, Section 29 Bldg Height Excessive (Feet) - For 3F 4000 Article 50, Section 29 Bldg Height Excessive (Stories) - For 3F 4000 Article 50, Section 29 Floor Area Ratio Excessive - For 3F 4000 Article 50, Section 29 Add'l Lot Area Insufficient - For 3F 4000 Article 50, Section 29 Rear Yard Insufficient - For MFR/LS Article 50, Section 29 Side Yard Insufficient - For MFR/LS Article 50, Section 29 Front Yard Insufficient - For MFR/LS Article 50, Section 29 Usable Open Space Insufficient - For MFR/LS Article 50, Section 29 Bldg Height Excessive (Feet) - For MFR/LS Article 50, Section 29 Bldg Height Excessive (Stories) - For MFR/LS Article 50, Section 29 Floor Area Ratio Excessive - For MFR/LS Article 50, Section 29 Add'l Lot Area Insufficient - For MFR/LS Article 50, Section 44.3 Traffic Visibility Across Corner Article 10, Section 1 Limitation of Area - Parking within 5ft of side lot line. Art. 50, Section 28 Use: Conditional - Office in MFR/LS

Purpose: Combine three lots (PID: 1200050000, 1200055000, 1200056000) into a newly created single lot of 20,193 SF. Erect 6 story mixed use building comprised of 65 residential units, adult education center, office, and 24 parking spaces. The proposed project will be constructed of a single level steel podium, over slab on grade, with five levels of residential wood frame noncombustible framing above. The height shall be no less than 70' (not a high rise), the entire building will be sprinklered, and there will be separate entrances.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to build a new headquarters for the urban league on a corner lot with 10 residential dwellings, bike parking, computer rooms, office space, 24 parking spaces and educational programs. All units are affordable.

Board members asked about plans, parking, use, open space, balconies.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flaherty, Councilor Anderson and abutters are in support. An abutter and neighborhood members are in opposition.

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

Votes: Board Member Robinson moved to approve with BPDA design review with exterior open space added. Ruggiero seconded, Pinado recused, and the motion carried unanimously.



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Case: BOA-1350628 Address: 1033 Massachusetts Avenue Ward 8 Applicant: Felipe Duran

Article(s): Article 50, Section 32 Use Regulations in IDA - Use: Restaurant 37 / 36A with Live Entertainment:
Conditional

Purpose: Add Live Entertainment. No work to be done

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add live entertainment to an existing building and restaurant. Outdoor and indoor seating.

Board members asked about plans, proposal, hours, and music.

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 Pinado moved to approve with no music until 1:00am. Robinson seconded, both Erlich and Ruggiero opposed, and the motion carried 5-2.

Case: BOA-1294436 Address: 186 I Street Ward 7 Applicant: Timothy Johnson

Article(s): Article 68, Section 8 Floor Area Ratio Excessive

Purpose: Extend living area of First Floor Unit 1 into Lower Level as per plans submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to extend the living space into the lower level on an existing three family townhouse.

Board members asked about plans, proposal, lower level, height.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with no bedrooms in the lower level. Dong seconded and the motion carried unanimously.

Case: BOA-1336811 Address: 190 West Fifth Street Ward 6 Applicant: Taylor Ferguson

Article(s): Article 68, Section 8 Insufficient rear yard setback

Purpose: Install spiral staircase to existing rear 2nd floor deck for egress.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to install a spiral staircase on the rear existing porch for egress.

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 Flynn is in support. Councilor Flaherty deferred to the Board.

Documents/Exhibits: Building Plans.

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



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Case: BOA-1348765 Address: 155 Portland Street Ward 3 Applicant: Back Street Boston Member, LLC
Article(s): Art. 25 Sec. 5 Flood Hazard Districts - Flood Hazard District Art. 32 Sec. 04 GCOD Applicability - Groundwater Conservation Overlay District Applicability Art. 46 Sec. 6 Floor Area Ratio Excessive Art. 46 Sec. 6 Building Height Excessive Art. 46 Sec. 08 Bul/Tri Dist Des Review - Rooftop Additions within the Bulfinch Triangle District

Purpose: The project consists of nine (9) story hotel addition to the existing Onyx Hotel at 155 Portland Street. The addition will be developed on the 5,478 SF parking lot immediately abutting the hotel. The Project will add approximately 40,725 gross square feet, and 77 hotel rooms.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a 77 room addition to an existing hotel. The addition will be added into the existing parking pot for the hotel with a rooftop terrace, restaurant and bar.

Board members asked about plans, addition, breakdown, context, basement, height.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1344593 Address: 230 Everett Street Ward 1 Applicant: 230 Everett Street, LLC
Article(s): Art. 32 Sec. 04 GCOD Applicability Art. 53 Sec. 08 Forbidden - MFR use- Forbidden Art. 53 Sec. 08 Forbidden - Accessory parking forbidden Art. 53 Sec. 09 Insufficient side yard setback
Art. 53 Sec. 09 Dimensional Regulations - Insufficient front yard setback (per modal of block) Corrected via 5/11/2022 revised submission Art. 53 Sec. 09 Insufficient additional lot area per dwelling unit Art. 53 Sec. 09 # of allowed stories exceeded Art. 53 Sec. 09 Max allowed height in sub-districts dimensional chart exceeded. Art. 53 Sec. 09 Insufficient open space per unit Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 56 Off-Street Parking - Insufficient off street parking Article 27T - 5 East Boston IPOD Applicability Article 53 Section 9 Insufficient rear yard setback- 30' required

Purpose: Raze existing building on a separate permit and erect a five (5) unit residential, four story dwelling and parking for six (6) vehicles on a 4500sf lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to raze a single family and erect a 5-unit development with 1 parking spot for each unit. All the units will have decks.

Board members asked about plans, proposal, density, and parking.

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

Documents/Exhibits: Building Plans. Letters in opposition, a letter in support.

Votes: Board Member Robinson moved to approve with BPDA design review and no sideyard setback relief. Dong seconded, Ruggiero recused and the motion carried unanimously. Fortune then moved to approve the Boston Groundwater Trust relief. Robinson seconded and the motion carried unanimously.



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HEARINGS: 10:30AM

Case: BOA-1354097 Address: 139 Parsons Street Ward 22 Applicant: Joshua LaPan

Article(s): Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient

Purpose: Reduce first floor deck size and add second floor deck to back of house with spiral stair case and Minor interior modifications to accommodate new deck entry

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a second level deck and include a spiral staircase.

Board members asked about plans, layout and size.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Breadon and the Brighton Allston Improvement Association are in support.

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

Votes: Board Member Robinson moved to approve with no signage until new plans go out to the Board for approval and to adjust the stair. Fortune seconded and the motion carried unanimously.

Case: BOA-1258611 Address: 89-91 Union Street Ward 22 Applicant: Mohammad Osmani

Article(s): Art. 51 Sec. 23^ Off street parking requirement - No off street parking is shown on new subdivision plans.

Article 51, Section 9 Lot Area Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Floor Area Ratio Excessive

Purpose: Seeking to combine lots (parcel ID 2205415001 & 2205415000) to form 1 new lot containing 9600 sf. Then to subdivide into 3 lots, lot 1 containing 2348 sf to be known as 93 Union St, lot 2 containing 2238 sf to be known as 89 91 Union St, lot 3 containing 5014 sf to be know as 45 Shepard St.

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

Case: BOA-1258613 Address: 93 Union Street Ward 22 Applicant: Mohammad Osmani

Article(s): Article 51, Section 9 Lot Area Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Art. 51 Sec. 23^ Off street parking requirement - No parking provided after sub division.

Purpose: Seeking to combine lots (parcel ID 2205415001 & 2205415000) to form 1 new lot containing 9600 sf. Then to subdivide into 3 lots, lot 1 containing 2348 sf to be known as 93 Union St, lot 2 containing 2238 sf to be known as 89 91 Union St, lot 3 containing 5014 sf to be know as 45 Shepard St.

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



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Case: BOA-1258616 Address: 45 Shepard Street Ward 22 Applicant: Mohammad Osmani

Article(s): Art. 51 Sec. 23^ Off street parking requirement - Proposed parking is insufficient Art. 51 Sec. 08 Use Regulations - MFR is a Forbidden use in a 2F 5000 Sub district Article 51, Section 9 Add'l Lot Area Insufficient 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 Usable Open Space Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient
Purpose: COMBINE LOTS (PARCEL ID 2205415001 & 2205415000) TO FORM 1 LOT CONTAINING 9600 SF. THEN TO SUBDIVIDE INTO 3 LOTS, 93 union (2348sf), 89 91 union (2238sf), and the new lot at 45 Shepard St (5014 sf). Also to erect a 6 unit building with 9 parking spaces. See ALT1208426 & ALT1208420.

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

Case: BOA-1341344 Address: 635 Hyde Park Avenue Ward 18 Applicant: Antonio Ferrara

Article(s): Article 67, Section 8 Use: Forbidden - MFR and Retail are Forbidden in a 2F 5000 Sub district Article 67 Section 11 Use Regulations - MFR is Forbidden in a NS Sub district Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Bldg Height Excessive (Stories) Article 67, Section 9 Bldg Height Excessive (Feet) Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Front Yard Insufficient - Front yard on Canterbury St and Hyde Park Ave are both insufficient. Article 67, Section 32 Off Street Parking - Proposed off street parking is insufficient. Article 67, Section 33 Application of Dimensional Req - Traffic visibility across corner: Column on corner is within the traffic visibility area.

Purpose: Tear down existing structure at 635 641 Hyde Park Ave and tear down existing house at 1002 Canterbury which are in common ownership, combine both lots to create new 11,920 sq ft lot and then erect new mixed use building containing 27 units and 1 commercial storefront. In conjunction with ALT1322219.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to tear down an existing new building with a 27 mixed use development with a roof deck, retail, wider sidewalks, 19% affordable units and elevator.

Board members asked about plans, density, units, parking.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1295799 Address: 63 Waldeck Street Ward 17 Applicant: Jenny Ton

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Floor Area Ratio Excessive

Purpose: Proposed 15 rear addition per plan attached.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a 15 foot addition to allow for accessible use for handicap residents. The addition will go from the 1st to the 3rd floors.

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.

Documents/Exhibits: Building Plans.

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

Case: BOA-1263740 Address: 64 Clarkwood Street Ward 14 Applicant: Stuart Schrier

Article(s): Article 60, Section 9 Lot Area Insufficient

Purpose: Erect a 3 family dwelling as per plans.

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

Case: BOA-1360285 Address: 301 Mount Vernon Street Ward 13 Applicant: Boys & Girls Club of Dorchester, Inc./ Martin Richard Foundation

Article(s): Article 65 Section 15 Use Regulations - Use: Community Center: Conditional Article 65 Section 15 Use Regulations -Use: Auditorium: Conditional Article 65 Section 15 Use Regulations – Use: Accessory Cafeteria / Take out Restaurant : Conditional Article 65 Section 15 Use Regulations - Use : Outdoor Place of Recreation for Profit: Conditional Article 65 Section 15 Use Regulations - Use: Private Grounds for Sports (above Ground Floor) : Conditional Article 65 Section 16 Building Height Excessive Article 6, Section 3 Conditions Req'd for Approval - Off Street Parking Facility located in a Restricted Parking Overlay District (not Accessory to Use items # 1 thru 15) Article 6, Section 3A Add'l Cond in Restricted Parking District - Off Street Parking Facility located in a Restricted Parking Overlay District Article 65 Section 15 Use Regulations - Use : Ancillary Parking : Conditional

Purpose: Construct a new approximately 75,000 sq. ft. Field house / Athletic Complex with an indoor field, tennis courts, indoor walking track, fitness/training rooms, classrooms, event space, teaching kitchen, offices and programmable spaces. Also, a cafe with outdoor seating and 45 surface parking spaces. (see ALT1329681)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new field house for the Martin Richard Foundation. This will include fields, classes, sports centers, event space, and accessible multi use space.

Board members asked about plans, access, programming.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA-1345741 Address: 7 Chestnut Street Ward 5 Applicant: 7 Chestnut Street, LLC

Article(s): Art. 15 Sec. 15 1 Floor Area Ratio Excessive

Purpose: Total building renovation including sprinkler system, expand living space into basement and fifth floor, all as shown on plans filed herewith.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform a complete renovation and extend the living space into the basement. This is a single family home and the basement will be for a gym and utilities.

Board members asked about plans, proposal, height and bedrooms.

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 Robinson moved to approve. Ruggiero seconded and the motion carried unanimously.

Case: BOA-1346466 Address: 73 Green Street Ward 2 Applicant: Oliver Childs

Article(s): Article 62, Section 8 Rear Yard Insufficient Art. 62 Sec. 19 Neighborhood Design Overlay Districts - Changing the height and profile of the roof Article 62, Section 25 Roof Structure Restrictions - Changing the profile of the roof. Also, adding a roof deck not on the main roof.

Purpose: Gut renovation interior/exterior down to frame and foundation, floor plan change. 300 sq ft addition, pour footings, re frame joists, all new service, 200 amp, HVAC, new plumbing, closed cell insulation, rubber roof, cement board siding pvc trim, new hybrid windows.(Roof Deck on separate permit).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to gut renovate and update and improve an existing two family home.

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 Robinson moved to approve with BPDA design review. Ruggiero seconded and the motion carried unanimously. Board member Robinson then moved to deny the building code relief. Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA#1346607 Address: 73 Green Street Ward 2 Applicant: Oliver Childs

Purpose: Gut renovation interior/exterior down to frame and foundation, floor plan change. 300 sq ft addition, pour footings, re frame joists, all new service, 200 amp, HVAC, new plumbing, closed cell insulation, rubber roof, cement board siding pvc trim, new hybrid windows.(Roof Deck on separate permit).

Violation Violation Description Violation Comments 9th 780 CMR R311 Means of Egress 780CMR R311.1; Unit 2 only has one means of egress.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to gut renovate and update and improve an existing two family home.

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 Robinson moved to approve with BPDA design review. Ruggiero seconded and the motion carried unanimously. Board member Robinson then moved to deny the building code relief. Fortune seconded and the motion carried unanimously.

Case: BOA-1390679 Address: 112 White Street Ward 1 Applicant: 112 White Street, LLC

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

Purpose: Erect addition and change occupancy to a six (6) unit residential dwelling with a roof deck and six (6) parking spaces as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate and restore a 3 unit dwelling and include a new addition to make it a 6 family.

Board members asked about plans, addition, proposal, breakdown.

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 of support.

Votes: Board Member Robinson moved to approve with BPDA design review, screening and buffering, and make sure the parking in the rear is consistent with the design. Pinado seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1387348 Address: 55 Meridian Street Ward 1 Applicant: F10 Development, LLC

Article(s): Art. 25 Sec. 5 Flood Hazard Districts - For Parcel 0105736000 Art. 25 Sec. 5 Flood Hazard Districts - For Parcel 0105734000 Art. 32 Sec. 04 GCOD Applicability - For Parcel 0105736000 Art. 32 Sec. 04 GCOD Applicability - For Parcel 0105734000 Art. 53 Sec. 12 Height Excessive - For Parcel 0105736000 Art. 53 Sec. 12 Height Excessive - For Parcel 0105734000 Art. 53 Sec. 12 Rear Yard insufficient - For Parcel 0105734000 Art. 53 Sec. 12^ Floor area ratio excessive - For Parcel 0105734000 Art. 53 Sec. 12^ Floor area ratio excessive - For Parcel 0105736000 Art. 53, Section 12 Dimensional Regulations - Usable open space. For Parcel 0105736000 Art. 53, Section 12 Dimensional Regulations - Usable open space. For Parcel 0105734000 Article 27T - 5 East Boston IPOD Applicability - For Parcel 0105736000 Article 27T - 5 East Boston IPOD Applicability - For Parcel 0105734000 Article 53 Section 56 Off-Street Parking & Loading Req- For Parcel 0105736000 Article 53 Section 56 Off-Street Parking & Loading Req- For Parcel 0105734000 Article 53, Section 57.2 Conformity Ex Bldg Alignment - Through Lot. Street wall continuity required. For Parcel 0105736000

Purpose: Erect a new five story mixed use building for 3 local retail (core/shell) units at ground level and 14 residential units above. Utilizing parcels 0105736000, 0105734000, and part of existing passageway for erection of building. Two residential units shall be subject to the City of Boston's Inclusionary Development Policy. Raze existing structures on separate demolition permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 5 unit mixed use dwelling that is transit oriented with no below grade units.

Board members asked about plans, use, building, IDP, buffering, accessibility.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review with attention to screening and buffering and confirm the IDP units to ISD. Ruggiero seconded and the motion carried unanimously. Ruggiero then moved to approve the Boston Groundwater Trust relief Robinson seconded and the motion carried unanimously.

RECOMMENDATIONS: 11:00 AM

Case: BOA- 1358896 Address: 16 Cook Street Ward: 2 Applicant: Mike True Vision Property Dev. LLC

Article(s): Art. 62 Sec. 25 Roof Structure Restrictions

Purpose: Confirm occupancy as a 2 family dwelling. Complete demo and rehab to two residential units occupying 3 stories of the existing residential structure. New windows and refinish exterior of existing structure with proper egress. There will be two residential units when completed.

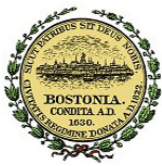
Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate an existing two-family dwelling in a townhouse style and increase the living space to include a rear dormer. It is in context with other homes.

Board members asked about plans, occupancy, dormer, abutters, shutters.

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 with BPDA design review, attention to the top dormer and that the exterior elevation is consistent with the fabric. Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1349606 Address: 417-423C West Broadway Ward: 6 Applicant: Douglas Stefanov
Article(s): Article 68, Section 7 Use Regulations - Professional Office above ground floor. Forbidden
Purpose: Suite 406. Change Office to Professional Office. Add partitions, doors, sinks and cabinets.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to a professional office and renovate. The previous history had office use a while back.

Board members asked about plans, use, renovation, space.

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 Barraza moved to approve with the proviso that it is for this petitioner only. Fortune seconded and the motion carried unanimously.

Case: BOA- 1268377 Address: 594 East Seventh Street Ward: 7 Applicant: John Barry
Article(s): Article 68. Section 8.4 Dim Regs: Extension in Rear Yard - Any proposed project shall be conditional if such proposed project involves the extension of a Residential Use into a rear yard, where such extension increase gross floor area of such Residential Use by one thousand (1,000) or more square feet. Article 68, Section 33 Off Street Parking & Loading Req - Off Street Parking Insufficient
Purpose: Change of Occupancy from single family to two family dwelling. The proposed job includes full renovation, rear addition, and finishing of the basement.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to create a rear addition and renovate in the basement. This would change the occupancy to a two family with no parking.

Board members asked about plans, proposal, parking, basement, height, windows

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

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

Votes: Board Member Barraza moved to approve with BPDA design review but the motion failed. Barraza made another motion to approve with BPDA design review and to remove the bedrooms in the basement. Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1337665 Address: 596 East Seventh Street Ward: 7 Applicant: Nicholas Landry

Article(s): Article 68, Section 8 Add'l Lot Area Insufficient Article 68. Section 8.4 Dim Regs: Extension in Rear Yard - Proposed Project involves the extension of a Residential Use into a rear yard, which such extension increase gross floor area by one thousand (1,000) or more square feet, shall be conditional. Article 68, Section 33 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Confirm occupancy as single family dwelling. Change of occupancy from single family to two family dwelling. Work to include construct rear addition, extend living space to basement, renovation to building.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to create a rear addition and renovate in the basement. This would change the occupancy to a two family with no parking.

Board members asked about plans, proposal, parking, basement, height, windows

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

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

Votes: Board Member Barraza moved to approve with BPDA design review but the motion failed. Barraza made another motion to approve with BPDA design review and to remove the bedrooms in the basement. Fortune seconded and the motion carried unanimously.

Case: BOA- 1370220 Address: 25 Brook Avenue Ward: 8 Applicant: Antonio Lopes

Article(s): Article 50, Section 29 Usable Open Space Insufficient -Usable open space requirement is insufficient

Purpose: Curb cut for 1 off street parking space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a curb cut and to allow for a parking spot in the backyard. The neighbors have driveways and there is no on street parking on that side of the street.

Board members asked about plans, distance, and stairs in the rear.

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 Barraza moved to approve with a 10 foot curb cut. Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1349675 Address: 4 Dever Street Ward: 15 Applicant: Kenneth Allen

Article(s): Article 65, Section 9 Floor Area Ratio Excessive

Purpose: Demolition of existing porch in rear. Construction of new porch on the same footprint. Extension of habitable space on 2nd floor level.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to demo the existing porch and add one that is consistent with the footprint to allow for more livable space.

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.

Documents/Exhibits: Building Plans.

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

Case: BOA-1350338 Address: 7 Larchmont Street Ward: 17 Applicant: Carol Fries

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Small addition in back of house with elevator, bathroom downstairs and closet upstairs.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a small addition in the rear to extend the living space. The side yard is existing.

Board members asked about plans, proposal, side yard.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1153626 Address: 276 Fairmount Avenue Ward: 18 Applicant: Ana Chavez

Article(s): Art. 69 Sec. 09 Floor area ratio is excessive

Purpose: Renovation / Extension of living space at rear of the house per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add an extension of the living space with a deck in the rear.

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.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review and no zoning violations for the proposed pool. Fortune seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1334004 Address: 13 Austin Street Ward: 18 Applicant: James Shea

Article(s): Article 69, Section 9 Side Yard Insufficient

Purpose: Add under an existing roof line of the front farmers porch an entry walk in closet.No record of occupancy, confirm occupancy as a 1 family dwelling for this is an existing condition for many years.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to confirm as a 1 family dwelling and add onto an existing porch.

Board members asked about plans, occupancy.

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. Fortune seconded and the motion carried unanimously.

Case: BOA- 1353585 Address: 41 Nikisch Avenue Ward: 20 Applicant: Adrien Finzi

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

Article 67, Section 9 Bldg Height Excessive (Stories)

Purpose: Construction of a new master bedroom and bathroom in attic space along with a small seating area in the front of the home.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a shed dormer addition to the attic that is consistent with the footprint and does not extend the height.

Board members asked about plans, proposal, space.

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

Documents/Exhibits: Building Plans. Letters in support.

Votes: Board Member Barraza moved to approve with BPDA design review and attention to the proposed dormer. Fortune seconded and the motion carried unanimously.

Case: BOA- 1361549 Address: 35 Worley Street Ward: 20 Applicant: Jason Ng

Article(s):Article 56, Section 8 Bldg Height Excessive (Stories) - Art.2A Story, half: provided that such dormer is not wider than eight (8) feet

Purpose: Installing an addition located at the rear of the existing house. Addition consists of expanding the kitchen, adding a second floor balcony.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add an addition to the rear and include a bedroom to extend the living space.

Board members asked about plans and the proposal.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA- 1385565 Address: 10-12 Ridgemont Street Ward: 21 Applicant: Erin Reilly

Article(s): Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Floor Area Ratio Excessive - Living area plus the new square footage divided by the lot size is over the Floor to Area Ratio allowed.

Purpose: Accessibility Project Add a 1 story 144SF 1st floor bedroom for the disabled adult son of the owners. Wood frame on concrete piers. The addition will be in the location of part of the existing deck, in the side yard setback.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add an addition to allow for handicap resident to have a bedroom and an accessible accommodating space.

Board members asked about plans, proposal, side yard.

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

Documents/Exhibits: Building Plans. Letters in support.

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

Case: BOA-1265152 Address: 10 Carson Street Ward: 13 Applicant: Ka Hei Eammi Lam

Article(s): Article 65, Section 9 Side Yard Insufficient Article 65, Section 41 Off Street Parking & Loading Req

Purpose: Asphalt paving driveway, which can park 3 cars. The paved driveway in front of the house can let the outside car move easier if the inside car needs to come out. This paved driveway is Not for parking purposes.

Discussion: The applicant appeared before the Board and requested a deferral.

Votes: Board Member Fortune moved to defer. Barraza seconded, and the proposal was moved to December 8, 2022.

RE-DISCUSSIONS: 11:30 AM

Case: BOA-1367246 Address: 14 Gardner Street Ward 21 Applicant: Alpha Management

Article(s): Art. 51 Sec. 08 Use Regulations - MFR 38 Units (FORBIDDEN) Art. 51 Sec. 09 Insufficient additional lot area per unit Art. 51 Sec. 09 Excessive f.a.r. Art. 51 Sec. 09 Maximum allowed height exceeded Art. 51 Sec. 09 # of allowed stories exceeded Art. 51 Sec. 09 Insufficient front yard setback Art. 51 Sec. 09 Insufficient rear yard setback Art. 51 Sec. 09 Insufficient usable open space per unit Art. 51 Sec. 40 5(a) Off street parking design -

Design/Maneuvering areas (width of two way isle is <24' standard) Article 51, Section 53 Screening & Buffering Req Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 56 Off Street Loading Insufficient

Purpose: Seeking to raze existing structures (demolition to occur on separate permit) and erect a new residential building with 38 units and 25 parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to raze an existing structure and erect a 38 residential development on a pork chop lot with 25 parking spaces.

Board members asked about plans, affordability.

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

Documents/Exhibits: Building Plans. Letters in support.

Votes: Board Member Robinson moved to approve with BPDA design review and to make it a condo unit building. Pinado seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1296380 Address: 49R Imrie Road Ward 21 Applicant: Theresa Conti & Tom Lawless

Article(s): Art. 51 Sec. 57.2 Exst'g Bldg Algnmnt Conformity Article 51, Section 57.13 Two or More Dwellings on Same Lot Article 51, Section 57 Application of Dimensional Req - 1 building behind another building Article 51, Section 9 Lot Frontage Insufficient Article 51, Section 9 Lot Width Insufficient Art. 51 Sec. 09 Open Space insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Front Yard Insufficient

Purpose: Confirm existing structure as a barn and convert to a single family house, new dormer and renovate, as per plans. Two dwelling structures on one lot. See alt1269324 for 49 Imrie Rd, existing 2 family, no work to be done. This is one of two buildings on the same lot.

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

Case: BOA-1296381 Address: 49 Imrie Road Ward 21 Applicant: Theresa Conti & Tom Lawless

Article(s): Article 51, Section 57.13 Two or More Dwellings on Same Lot Article 51, Section 9 Lot Frontage Insufficient Article 51, Section 9 Lot Width Insufficient Art. 51 Sec. 09 Open Space insufficient

Purpose: NO WORK TO BE DONE. Filed in conjunction with ALT1269313 49R Imrie Rd, convert barn to a single family. 2 dwelling structures on one lot. This is to be two buildings on one lot.

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

Case: BOA- 1349982 Address: 1318-1320 River Street Ward 18 Applicant: John Pulgini

Article(s): Article 69, Section 8 Use: Forbidden - MFR in 3F Article 69, Section 8 Use: Forbidden - Small take out restaurant Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Bldg Height Excessive (Feet) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Rear Yard Insufficient Article 69, Section 9 Side Yard Insufficient Article 69, Section 30.1 Conformity Ex Bldg Alignment Art. 69 Sec. 30.2 Traffic Corner Visibility Art. 69 Sec. 29.5 Off St.Prk'g:Design - Stacker parking Article 69 Section 29 Off Street Parking & Loading Req - Parking Article 69 Section 29 Off Street Parking & Loading Req - Loading

Purpose: Erect 4 story mixed use structure to consist of 30 residential units (levels 2 4) and ground floor coffee shop (small take out restaurant; core/shell). Enclosed ground floor parking for 30 cars; stacker parking utilized. [ePlan] In conjunction with ALT1316466

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 30 residential units with first floor commercial space and ground floor parking. A public park with green space included.

Board members asked about plans, proposal, train station, stackers.

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

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

Votes: Board Member Robinson moved to approve with BPDA design review with attention to the river side relief and elevation. Ruggiero seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1280423 Address: 5 Magnolia Place Ward 13 Applicant: Akash Lalla

Article(s): Article 50, Section 29 Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Art. 50 Sec. 29 Usable open space insufficient Article 50, Section 29 Side Yard Insufficient Art. 50 Sec. 29^ Lot Area Insufficient Art. 50 Sec. 43 Off street parking requirements - Design: Tandem space. Maneuverability. Art. 10 Sec. 01 Limitation of off street parking areas - Parking spaces on the side yard shall be separated 5 feet from the side lot line.

Purpose: Convert single family dwelling to 3 Story 2 family dwelling. Replace existing foundation. Expand house footprint as shown on proposed plot plan.

Discussion/Vote: The applicant requested an administrative deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 10, 2023 at 11:30am.

Case: BOA-1267825 Address: 295 Webster Street Ward 1 Applicant: Aaron Daigneault

Article(s): Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose: Change of occupancy from single family to three family dwelling. Extend living space to basement for additional unit. Renovate and upgrade M.E.P.

Discussion/Vote: The applicant requested an administrative deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 10, 2023 at 11:30am.

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

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

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

Discussion/Vote: The applicant requested an administrative deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 10, 2023 at 11:30am.

Case: BOA-1144072 Address: 273 Maverick Street Ward 1 Applicant: 273 Maverick, LLC

Article(s): Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Usable Open Space Insufficient

Purpose: Give off 3,400 sf of land from existing 8,000 sf parcel (No. 5267) to be combined with 275 279 Maverick Street (Parcel No. 5268) (See ERT1102644). This parcel to now contain 4,600 square feet with pre existing multifamily dwelling.

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



City of Boston
Board of Appeal

Case: BOA-1144075 Address: 275-279 Maverick Street Ward 1 Applicant: 275-279 Maverick, LLC

Article(s): Article 53 Section 56.5.a Parking Maneuverability - Stackers are shown as part of the required parking
Art. 53 Sec.08 Forbidden - MFR is forbidden in a 3F 2000 Sub district Article 27T 5 East Boston IPOD Applicability
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 56 Off Street Parking & Loading Req - Off street parking and loading is insufficient

Purpose: Proposed construction of 5 story, mixed use structure on 12,400 square feet of land containing 36 residential units, ground level retail and off street parking for 23 vehicles. See ALT1102631 for permit to combine/subdivided lots. Combine existing 9,000 s.f. parcel (5268) with a 3,400 sf portion of adjoining parcel (5267) This lot to now contain 12,400 sf.

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

RE-HEARING: 12:00PM

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

For a new hearing on the appeal of Pure Oasis to open a recreational cannabis establishment at the above referenced location. The Board previously denied this appeal, but it voted to grant reconsideration of this matter on September 13, 2022 after a hearing on the applicant's request. From the terms of the Boston Zoning Code (see Acts of 1956, c.665) in the following respects- Variance, Conditional Use Permit, and/or other relief as appropriate

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

Purpose: Change of Occupancy to Retail Cannabis Establishment.

Discussion/Vote: Upon a motion and a second, the Board voted unanimously to defer this matter until November 15, 2022 at 12:00pm.



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RECONSIDERATION: 12:00PM

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

For a vote on whether to reconsider the Board's decision, on May 10, 2022, to deny the relief because the vote to approve the relief failed to reach a quorum. Per Article 5, Section 5-3 of the Zoning Code, the applicant has requested to reopen the record to introduce renderings and other design information concerning the proposed billboard.

Article(s): Article 65, Section 40 Sign Regulations (3) Free standing signs - (USE Forbidden) 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. 33 Sec. 16 Air-Right OS Applicability - Pylon Sign Forbidden Art. 65 Sec. 9 Residential Dimensional Reg.s - side yard Article 11, Section 7 Electronic Signs - Conditional

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

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to construct a free standing billboard for the Polish American Club.

Votes: Board Member Ruggiero moved to reconsider with renderings and explanations/ identification of the billboards. Robinson seconded and the motion carried unanimously.



City of Boston
Board of Appeal

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

BOARD MEMBERS:

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SHERRY DONG
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SUBSTITUTE MEMBERS:

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KERRY LOGUE WALSH

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 25, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.