



City of Boston  
Board of Appeal

**RECEIVED**

By City Clerk at 4:35 pm, Mar 23, 2023

Tuesday, March 28, 2023

BOARD OF APPEAL

City Hall Room 801

## **HEARING AGENDA**

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MARCH 28, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS MARCH 28, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE MARCH 28, 2023 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/ZBA2023Hearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 821 8044 0527 followed by # when prompted.**

**If you wish to offer testimony on an appeal, please click <https://bit.ly/March28Comment> 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/March28Comment>, calling 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).**

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



City of Boston  
Board of Appeal

concerns can also be emailed to the ZBA Ambassador at [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).

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

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

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

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

**MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO [ZBAPublicInput@boston.gov](mailto:ZBAPublicInput@boston.gov) IN LIEU OF OFFERING TESTIMONY ONLINE. 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.**



City of Boston  
Board of Appeal

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

**February 7, 2023**

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

**Case: BOA-BOA818377 Address: 111 Terrace Street Ward 10 Applicant: Michael P Ross, Esq**

**Case: BZC-29846 Address: 1954 Commonwealth Avenue Ward 21 Applicant: Paul Alan Rufo**

**Case: BOA-1067117 Address: 6 Kelley Court Ward 2 Applicant: Patrick Sweeney**

**Case: BOA-892898 Address: 267 Old Colony Avenue Ward 7 Applicant: Michael Froio-Moore**

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

**Case: BOA-937921 Address: 1449-1453 Hyde Park Avenue Ward 18 Applicant: George Morancy, Esq**

**Case: BOA-1161387 Address: 8 Dacy Street Ward 18 Applicant: George Morancy, Esq**

**Case: BOA-1005452 Address: 22 Mount Bowdoin Terrace Ward 14 Applicant: Philip Hresko**

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

**Case: BOA-1296348 Address: 142 Birch Street Ward 20 Applicant: Alexander Gibson Evergreen Property Solution, LLC**

**Article(s):** Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Add'l Lot Area Insufficient 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 Usable Open Space Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient Article 67, Section 32 Off Street Parking - Off street parking is insufficient

**Purpose:** Confirm the occupancy as a one family and change to a two Family, with three parking spaces. Also to renovate the existing structure including a rear and third story addition.

**Case: BOA- 1337949 Address: 120 Birch Street Ward 20 Applicant: Falcucci Properties LLC**

**Article(s):** Art. 67 Sec. 56 Off street parking requirements -Access to parking spaces on 122 Birch St. is provided through 120 Birch St. driveway.

**Purpose:** Filed in conjunction with ERT1405037 122 Birch Street to provide access to parking spaces for proposed single Family.

**Case: BOA-1422402 Address: 122 Birch Street Ward 20 Applicant: Dante Patterson**

**Article(s):** Article 67, Section 9 Lot Width Insufficient Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Side Yard Insufficient

**Purpose:** Erect a new single family house on a vacant lot. See U491308437 for parking access.



City of Boston  
Board of Appeal

**Case: BOA-1405701 Address: 518-520 Park Street Ward 17 Applicant: Huu Le**

**Article(s):** Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Front Yard Insufficient  
Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive  
Article 65, Section 9 Add'l Lot Area Insufficient Art. 65 Sec. 42^Conformity with Existing Building Alignment

**Purpose:** Confirm as a two family and change use to a three family. Proposed new dormers and renovate as per plans.

**Case: BOA-1433530 Address: 7-9 Ferndale Street Ward 17 Applicant: Viola Wallace**

**Article(s):** Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 41 Off Street Parking & Loading  
Req - 65 41 4. Location: Shared driveway, it shall be on the same lot. Art. 65 Sec. 41 Off street parking requirements - 65  
41 5. Design: Insufficient maneuverability areas, since the distance from the parking spaces to the rear part of the  
building is insufficient. Art. 65 Sec. 41 Off street parking requirements - 65 41 5. Design: 50% of the spaces shall be min.  
18'x 7' and 50% of the spaces shall be min. 20'x 8.5' Proposed area all 18'x 9'

**Purpose:** This application will be combined with an application for the neighboring property which is 11 13 Ferndale  
Street. (U491344032). This application is for a shared driveway on both properties that will serve as one parking lot  
with a total of 8 parking spaces (4 on each lot).

**Case: BOA-1408738 Address: 11-13 Ferndale Street Ward 17 Applicant: Orlando Gomes**

**Article(s):** Article 65, Section 9 Usable Open Space Insufficient Art. 65 Sec. 41 Off street parking requirements - 65 41  
4. Location: shared driveway, it shall be on the same lot. Art. 65 Sec. 41 Off street parking requirements - 65 41 5.  
Design: insufficient maneuverability areas since the distance from the parking spaces to the rear part of the building is  
insufficient. Art. 65 Sec. 41 Off street parking requirements - 65 41 5 Design: 50% of the spaces shall be min 18'x 7' and  
50% of the spaces shall be min. 20'x 8.5' Proposed are all 18'x 9'

**Purpose:** This application will be combined with an application for the neighboring property, which is 7 9 Ferndale  
Street (U491344024). This application is for a shared driveway on both properties that will serve as one parking lot with  
a total of 8 parking spaces (4 on each lot).

**Case: BOA- 1365541 Address: 132 Devon Street Ward 14 Applicant: JRN Construction Inc,**

**Article(s):** Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient  
Article 50, Section 29 Rear Yard Insufficient

**Purpose:** Erect new three family dwelling per attached documents, we have also uploaded a copy of the existing plot  
plan.

**Case: BOA-1407102 Address: 110 Tudor Street Ward 6 Applicant: Alberto Ho**

**Article(s):** Art 68 Sec. 29 Roof Structure Restrictions - Max. allowed height on parcel exceeded  
Art.68 Sec. 34 Appl. of Dim. Reqs. - Insufficient rear yard setback to shallow lot Art.68 Sec. 33 Off Street Loading Req.  
Insufficient parking Art. 68 Sec. 33 Off Street parking Req. - Maneuvering areas Art. 68 Sec.08 Insufficient lot size  
Art 68 Sec. 08 Insufficient additional lot area per unit Art. 68 Sec.08 Insufficient open space/unit Art 68 Sec. 08  
Excessive f.a.r. Art 68 Sec. 08 Insufficient front yard setback

**Purpose:** Construct a New Type V, four story/40' 2 family with 2 car covered parking at grade, fully sprinkled building.  
\*Existing two story structure to be razed on a separately applied for, reviewed and issued permit

**Case: BOA- 1299109 Address: 252-252A Shawmut Avenue Ward 3 Applicant: Lillian Tam**

**Article(s):** Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Article 64, Section 9 Rear Yard  
Insufficient Article 64, Section 9 Usable Open Space Insufficient Article 64, Section 9 Floor Area Ratio Excessive

**Purpose:** Changing the occupancy from a four family to a three family, also to renovate the structure, including  
extending living space into the basement and adding a rear addition.

**Case: BOA- 1420860 Address: 1154-1160 Washington Street Ward 3 Applicant: Marc LaCasse**

**Article(s):** Art. 64 Sec. 34 Restricted Roof Structur Regs - Access via head house Art. 64 Sec. 34 Restricted Roof  
Structure Regs- Height exceeded- Aggregate of occupied roof is >300sf

**Purpose:** Adding a roof deck. Clarification: Adding a 887sf COMMON roof deck with main access from the existing  
headhouse stair as well as construct a 155sf private roof deck connected via a guarded walk way for existing penthouse  
per plans provided. \* NO AAB access proposed



City of Boston  
Board of Appeal

## **HEARINGS:11:00AM**

**Case: BOA-1330427 Address: 58 Murdock Street Ward 22 Applicant: Odessit Capital, Inc**

**Article(s):** Article 51 Section 8 Use Regulations – Forbidden Art. 51 Sec. 09 Excessive f.a.r. Art. 51 Sec. 09 Max allowed height exceeded Art. 51 Sec. 09 # of allowed stories exceeded Art. 51 Sec. 53 Screening & Buffering Req Article 51, Section 56 Off Street Loading Insufficient Article 51, Section 56 Off Street Parking Insufficient

**Purpose:** Seeking to erect a new residential structure with 13 units and 13 parking spaces. Demo to be completed on separate short form.

**Case: BOA-1407350 Address: 1379-1385 Blue Hill Avenue Ward 18 Applicant: Underground Legacy, LLC-CANNABIS**

**Article(s):** Art. 09, Sec. 02 Nonconforming Use Change - Change in a nonconforming use greater than 25% Forbidden Art. 60, Sec. 08 Use Regulations - Cannabis retail Use/2f residential sub-district- Forbidden Art. 60, Sec. 08 Use Regulations - 11. Cannabis Establishment, provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only. (Text Amd. No. 421, § 2, 11-18-16 ; Text Amd. No. 432 , § 3, 4-13-2018)-(Forbidden)

**Purpose:** There will be no changes made to the physical structure at 1379 Blue Hill Avenue. The change being requested is specific to its “use” as the intent of this application is to apply for zoning relief for the purpose of establishing an Adult Use Cannabis Retail business at said location. Signage will be applied for on a separate permit.

**Case: BOA-1404310 Address: 41 Houghton Street Ward 16 Applicant: Bryan Griffin**

**Article(s):** Article 65 Section 41 Off Street Parking and Loading Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose:** To change occupancy from a 2 family to a 3 family. Construct a rear addition with rear decks. Third floor roof will change from a pitched roof to a mansard roof for additional living space on the third floor. The basement in the addition will be finished space for a family room as per plans

**Case: BOA-1364685 Address: 34 Abbot Street Ward 14 Applicant: Venket Holi**

**Article(s):** Art. 60 Sec. 09 Floor Area Ratio excessive Art. 60 Sec. 09 Side yard insufficient Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Rear Yard Insufficient

**Purpose:** Construction of a new 3 Family Triple Decker at vacant Residential land at 34 Abbot St, Boston, MA. First Floor Unit is a 2BR, 1 bath group 1A Adaptable Unit. 2nd and 3rd Floor Units shall be 3br, 2 Bath Units with decks at the Front and Rear. Off Street parking spaces with 1HC Parking at Rear.

**Case: BOA-1343379 Address: 78 Child Street Ward 11 Applicant: Karen Wheeler & Mary Ann Kopydlowski**

**Article(s):** Article 55, Section 9 Floor Area Ratio Excessive Art. 55 Sec. 41 Appl of Dimensional Req.

**Purpose:** Adding sun porch and bathroom addition to property per plans by Thomas Rose architects dated 10/26/2020. Confirming occupancy as a single family.

**Case: BOA- 1414394 Address: 17-19 Farnsworth Street Ward 6 Applicant: MEPT Seaport 17 Farnsworth LLC-ARTICLE 80**

**Article(s):** Article 13, Section 1 Rear Yard Insufficient Article 13, Section 1 Setback of Parapet Insufficient Art. 32 Sec. 04 GCOD Applicability Art. 25 Sec. 5 Flood Hazard Districts - Attn to storage of materials described in Article 25 5.5.

**Purpose:** Erect a new four story plus penthouse, approximately 67 foot high (plus 20 foot penthouse), office/research laboratory (core/shell) building with roof top terrace; approximately 78,252 square feet (“sf”) of gross floor area (“GFA”). Demolish existing, 6 story, 389 vehicle parking garage at the site under separate SF permit. LPR



City of Boston  
Board of Appeal

**Case: BOA-1398482 Address: 191 Commonwealth Avenue Ward 5 Applicant: Vernon Woodworth**

**Article(s):** Art 23 Sec 7A Parking: Pre code Structures - 3 parking spaces required for the proposed 5 units.

Article 13, Section 1 Usable Open Space Insufficient Article 13, Section 1 Floor Area Ratio Excessive - Max. allowed: 3 Proposed is extending living space into the basement for the new 5 units.

**Purpose :** Change legal occupancy from sixteen (16) to twenty one (21) dwelling units. This is a pre existing condition, staff apartments that were overlooked in the establishment of occupancy at the time of conversion to condominiums in 1973. Improvements to the alarm and sprinkler services.

**Case: BOA-1255410 Address: 19 Bennington Street Ward 1 Applicant: La Terraza by Jorge Martinez**

**Article(s):** Art. 53 Sec. 11 Conditional -Restaurant with live entertainment operating after 10:30pm

**Purpose:** Change occupancy from sit down restaurant with entertainment license to add live entertainment.

**Case: BOA-1434513 Address: 20 Waldemar Avenue Ward 1 Applicant: 20 Waldemar, LLC**

**Article(s):** Article 53, Section 52 Roof Structure Restrictions - Changing existing roof profile Art. 53 Sec. 08 Forbidden - Change of Use to 6 units Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 57.2 Conformity Ex Bldg Alignment - Conformity existing bldg Alignment Article 27T 5 East Boston IPOD Applicability - Zoning Overlays: IPOD Art. 53 Sec. 56^Off street parking insufficient - Required 1.5 per unit. Proposed 6 spaces.

**Purpose:** Raze existing dwelling and erect a six (6) unit residential dwelling each two bed two bath with roof decks for units five (5) and six (6) and (6) parking space.

**Case: BOA-1434919 Address: 122 Saratoga Street Ward 1 Applicant: Chiergatti Spoldi**

**Article(s):** Art. 53, Section 8 Use: Forbidden - 3F in 2F Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 52 Roof Structure Restrictions Art. 53, Section 56 Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability

**Purpose:** Confirm occupancy as single family and change occupancy to a three (3) unit residential dwelling. Scope includes erecting an addition at the rear, renovate/reconfigure interior spaces, add a new roof deck and lower roof terraces. Life safety upgrades (FA/FP) included.

## **RECOMMENDATIONS: 11:00 AM**

**Case: BOA-1387141 Address: 436 Western Avenue Ward: 22 Applicant: Navdeep Singh**

**Article (s):** Art. 06 Sec. 04 Other Protectional Conditions - Removal of Proviso

**Purpose:** Proviso (Take out) to be removed and granted to current new ownership.

**Case: BOA- 1359819 Address: 21 Capen Street Ward: 17 Applicant: Rosa Design and Construction LLC**

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

Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Art. 65 Sec. 42 Off Street Parking Insufficient

**Purpose:** Renovation and living space addition to change occupancy from single family to two family dwelling per plans.

**Case: BOA-1382316 Address: 1486-1492 Dorchester Avenue Ward: 16 Applicant: Rosa Design and Construction LLC**

**Article (s):** Art.65 Sec.15 Use: Conditional - Beauty shop on 1st Flr/basement conditional

**Purpose:** 1488 Dorchester Ave. Change of occupancy from beauty salon to nail salon. All work done under SF1285424.



City of Boston  
Board of Appeal

**Case: BOA-1411164 Address: 31 Hallet-Davis Street Ward: 16 Applicant: Joseph & Caitilin Renehan**  
**Article (s):** Art. 65 Sec. 65 8 Floor Area Ratio excessive Article 65, Section 9 Bldg Height Excessive (Stories)  
Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient  
**Purpose:** Take of roof and adding second floor with an attic.

**Case: BOA-1416253 Address: 62 Capen Street Ward: 17 Applicant: Divo Monteiro**  
**Article (s)** Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Rear Yard Insufficient  
Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Usable Open Space Insufficient  
**Purpose :** Legalize occupancy as a single family residence. Along with adding an addition to the rear of the house for extending the kitchen and adding 2 bedrooms and 2 bathroom.

**Case: BOA-1394800 Address: 705 Massachusetts Avenue Ward: 8 Applicant: Russell Chin**  
**Article (s):** Art. 50, Section 19 Use: Forbidden - Refusal to satisfy Proviso BOA decision 4/29/2008  
**Purpose:** No construction to be conducted. The Applicant is buying existing restaurant with Take-Out Proviso. The Applicant needs to remove food take-out restriction Proviso on Premises. See: BZC 29186 Date of Hearing July 1, 2008 PERMIT NO. 08 2933

**Case: BOA-1429388 Address: 152-156 Dudley Street Ward: 8 Applicant: Ethiopian Cafe**  
**Article (s)** Art. 06 Sec. 04 Other Protectional Conditions  
**Purpose:** Remove provisos granted to this petitioner only under BZC32521

**Case: BOA-1424183 Address: 31 Telegraph Street Ward: 7 Applicant: AKG Realty LLC**  
**Article (s)** Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Lot Area Insufficient  
Article 68, Section 8 Add'l Lot Area Insufficient Art. 68 Sec. 33 Off Street parking Req.  
**Purpose :** Confirm occupancy as a one family and change to a two family dwelling, renovate and add new rear stairs.

**Case: BOA-1405291 Address: 924 East Fourth Street Ward: 6 Applicant: Michael Gallahue**  
**Article (s):** Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of roof profile Art 68 Sec 29 Roof Structure Restrictions - Max. height allowed on parcel exceeded Art 68 Sec 8 Max allowed height in sub district exceeded  
Art 68 Sec 8 Insufficient side yard setback Art.68 Sec. 34 Insufficient rear yard setback to shallow lot. Art 68 Sec 8 Dim reg app in res sub dist - Extensions into rear yards of existing structures >1,000sf Art. 68 Sec. 33 Off Street parking Req. - Access drive width is less than 10' Art. 68 Sec. 33 Off Street parking Req. – maneuvering areas on own lot (Registered Deed Required granting motorvehicle access to this parcel via passage way)  
**Purpose :** Confirm occupancy as one family. Full gut renovation of an existing single family house. Garage extension and fourth floor sun room addition.

**Case: BOA-1415359 Address: 457-469A West Broadway Ward: 6 Applicant: 463 West Broadway, LLC**  
**Article (s):** Art. 68 Sec. 07 Gym/Fitness center- Forbidden Art. 68 Sec. 07 Bank- Conditional Art. 68 Sec. 07 Bakery-Conditional  
**Purpose:** 11.9.22 Updated scope: Change occupancy from 44 res. units, 48 parking spaces and 3 retail spaces to 44 res. units, 48 parking spaces with ground level GYM/Fitness studio (right side), BANK w/ATM(left side) and retail/Bakery (middle) (CORE SHELL ONLY).

**Case: BOA-1387131 Address: 359-369 Huntington Avenue Ward: 4 Applicant: Millennial Foods Inc, DBA Bgood**  
**Article (s):** Art. 06 Sec. 04 Other Protectional Conditions - Removal of Proviso  
**Purpose:** Looking to remove any provisos Need to change ownership from Bgood LLC to Millennial Foods Inc. dba Bgood.



City of Boston  
Board of Appeal

**Case: BOA-1387128 Address: 84 Summer Street Ward: 3 Applicant: Millennial Foods Inc, DBA Bgood**  
**Article (s):** Art. 06 Sec. 04 Other Protectional Conditions - Removal of Proviso  
**Purpose:** Looking to remove proviso Need to change ownership from Bgood LLC to Millennial Foods Inc. dba Bgood.

**Case: BOA-1414388 Address: 152 Canal Street Ward: 3 Applicant: J & O Parking, Inc**  
**Article (s):** Article 6 Section 4 Other Cond Necc as Protection - Change to a Previous Decision of the Board of Appeal (BOA # 974070 )  
**Purpose:** Application to extend ZBA proviso in case no. BOA 974070 (Permit no. U49971767) from December 2022 to December 2025, or longer; and continue use of premises as a commercial parking lot for 35 motor vehicles.

**Case: BOA-1421227 Address: 331 Hanover Street Ward: 3 Applicant: Kakada Ly**  
**Article (s)** Art. 06 Sec. 04 Other Protectional Conditions  
**Purpose:** Remove proviso from China House and grant to this petitioner only .Sweet Boba.

**Case: BOA-1421272 Address: 23-27 Tyler Street Ward: 3 Applicant: Nancy Lo**  
**Article (s)** Art. 43, Section 19 Use: Conditional - Restaurant will be located in the basement of 25H Tyler Street and have Take Out use only.  
**Purpose:** Change of occupancy from one of the beauty salons to a restaurant with take out to be located at 25H Tyler St

**Case: BOA-1432015 Address: 230-230A Tremont Street Ward: 3 Applicant: Kwong Chan/Vivi Cafe**  
**Article (s)** Art. 38 Section 18 Use: Conditional - Take out is a Conditional Use  
Art. 07 Sec. 4 Other Protectional Conditions - Extension of non conforming use take out in the Occupancy, also an increase of operating hours from 11 AM to 2 AM.  
**Purpose:** Remove proviso from subway to Vivi Cafe and extend business hours to 11am 2am. Build out of space on permits:ALT1279210 & SF1277967.

**Case: BOA-1408708 Address: 118 Bartlett Street Ward: 2 Applicant: Joseph Zappulla**  
**Article (s):** Article 62, Section 25 Roof Structure Restrictions Art. 62 Sec. 30.1 Conformity of Bldg. Alignment Art. 62 Sec. 19 Neighborhood Design Overlay Districts  
**Purpose:** The renovation of a third floor. The addition of front and rear shed dormers which will allow for a new master bathroom and master bedroom and closet on the third floor. Minor floor plan changes on the second floor.

**Case: BOA-1412802 Address: 17 Allston Street Ward: 2 Applicant: Eric Zachrison**  
**Article (s):** Article 62, Section 8 Bldg Height Excessive (Stories) Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Rear Yard Insufficient  
**Purpose:** Nominal fee requested, repair, renovations and addition to an existing single family home that was damaged by fire.

**Case: BOA-1434811 Address: 18-20 Meridian Street Ward: 1 Applicant: Antinea Noguera**  
**Article (s)** Art. 53 Sec. 11 Conditional - Large Take Out Restaurant Conditional  
**Purpose:** Remove Proviso and grant to this Petitioner only (Notice of Decision 03-30-2021 BOA 1158518).





City of Boston  
Board of Appeal

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

**Case: BOA -1417892 Address: 31 Wellington Hill Street Ward 14 Applicant: Angela Middleton**

**Article(s):** Art. 60 Sec. 09 Side yard insufficient Art. 60 Sec. 09 Rear yard insufficient Article 60 Section 40 Off Street Parking & Loading Req

**Purpose:** Curb Cut for 3 parking spaces.

**Reason for Prior Deferral:** The applicant requested a deferral to update and reflect the curb-cut dimensions, driveway, width, dimensions of the parking spaces, and surveyor.

**Case: BOA-1351164 Address: 170 Old Colony Avenue Ward 7 Applicant: Timothy Johnson**

**Article(s):** Art. 08 Sec.07 Use: Conditional Art. 14 Sec. 1 Lot Area Insufficient Art. 14 Sec. 14 3Lot Width Insufficient Art. 14, Section 4 Lot Frontage Insufficient Art. 15 Section 1 Floor Area Ratio Excessive Art. 17 Sec. 01 Usable open Space Insufficient Art. 18 Sec. 01 Front Yard Insufficient Art. 19 Section 1 Side Yard Insufficient Art. 23 Sec. 01 Off street parking requirements Art. 13 Sec. 13 1Height excessive. table 13 M 1

**Purpose:** Demolish existing structure and erect new 4-Story, 4-Unit Building w/garage and front balconies and building to be sprinklered as per plans submitted.

**Reason for Prior Deferral:** The applicant deferred to update the design, parking, affordability, and CFROD issues.

## **HEARINGS: 1:00PM**

**Case: BOA-1432486 Address: 46-48 Leo M Birmingham Parkway Ward 22 Applicant: Danny Moll-ARTICLE 80**

**Article(s):** Article 51, Section 8 Use: Conditional 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 56. Off Street Parking & Loading Req

**Purpose:** Demo of existing building. New construction of a residential use building with thirty eight (38) dwelling units and thirteen (13) parking spaces at grade.

**Case: BOA-1415203 Address: 1103-1115 Commonwealth Avenue Ward 21 Applicant: Tosh Enterprises LLC**

**Article(s):** Article 51, Section 19 Use: Conditional - Pawnshop is a conditional use in a CC district.

**Purpose:** Not applicable seeking permit to change occupancy from Retail/Jewelry Store only to add additional use as pawn shop.

**Case: BOA-1420227 Address: 60-62 Wellmere Road Ward 18 Applicant: Richardson Luc**

**Article(s):** Art. 67 Sec. 08 Three family dwelling unit use is a forbidden use. Use Forbidden for 3 family Article 67, Section 33.1 Conformity Ex Bldg Alignment Art. 67 Sec. 56 Off street parking requirements - Parking Use Forbidden (Forbidden use 3 family) Art. 67 Sec. 09 Side Yard Insufficient Article 67, Section 9 Add'l Lot Area Insufficient Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Bldg Height Excessive (Stories) Article 67, Section 9 Front Yard Insufficient

**Purpose:** Remove sheetrock, insulation, Relocate interior walls, Demo entire attic & roof, "Change occupancy from 2 Family to 3 family ". install new frame to convert to 3 family house, Finish entire interior, install new windows, 3 bathrooms, 3 kitchens, electrical, plumbing, HVAC, and sprinkler system. New siding, roof, & 2nd egress (on attached plans).

**Case: BOA-1418040 Address: 45-55 Sierra Road Ward 18 Applicant: Frank Marino**

**Article(s):** Article 9 Section 1 Extension of Nonconforming Use - Extension of a Nonconforming Use

**Purpose:** Installation of a 20' x 30' Splash Pad.

**Case: BOA-1401305 Address: 27 Dixwell Street Ward 11 Applicant: Marc LaCasse**

**Article(s):** Article 55 Section 8 USE Forbidden Art. 55 Sec. 09 Excessive height Art. 55 Sec. 09 Number of allowed stories exceeded Art. 55 Sec. 09 Excessive f.a.r. Art. 55 Sec. 55 40^ Off-Street parking insufficient Art. 55 Sec. 55 40 Off -Street Loading insufficient

**Purpose:** Erect a new 4 story, 14 unit residential dwelling with 12 parking spaces in the rear and a common roof deck.



City of Boston  
Board of Appeal

**Case: BOA- 1415681 Address: 21 Linden Street Ward 7 Applicant: Tyler Winder**

**Article(s):** Article 68, Section 8 Side Yard Insufficient Art 68 Sec 29 Roof Structure Restrictions - Alteration Roof Profiles Article 68, Section 34.1 Conformity Ex Bldg Alignment - Modal Front Yard Alignment

**Purpose:** Demo all walls to stud and demo roof. Demo flooring & deck. Remove all siding, windows & doors. Remove all elec, plumbing, HVAC & flooring. Frame 2 new shed dormers, int. walls and deck. Install all new elec, plumbing, HVAC, insulation. New int. walls, gypsum, plaster & trim. All per code and plans.

**Case: BOA- 1418800 Address: 121 Warren Avenue Ward 4 Applicant: 121 Warren LLC**

**Article(s):** Article 6, Section 3A Add'l Cond in Restricted Parking District Article 64, Section 9.4 Town House/Row House Extension Article 64, Section 9 Usable Open Space Insufficient Article 32, Section 4. GCOD, Applicability

**Purpose:** Gut Renovation of existing single family. Extend living space by excavating and converting garden level to living space. 6' Rear deck at rear, second level. Install Sprinkler System and fire alarm. Modify rear openings. Modify rear patio & include parking for 1 vehicle. Masonry façade, front entrance, railings and mansard restoration. Construct new roof deck with roof hatch access.

**Case: BOA#1418914 Address: 121 Warren Avenue Ward 4 Applicant: 121 Warren LLC**

**Purpose:** Gut Renovation of existing single family. Extend living space by excavating and converting garden level to living space. 6' Rear deck at rear, second level. Install Sprinkler System and fire alarm. Modify rear openings. Modify rear patio & include parking for 1 vehicle. Masonry façade, front entrance, railings and mansard restoration. Construct new roof deck with roof hatch access.

**Violation:** Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. [4 story building per IBC definitions]

**Case: BOA-1378105 Address: 109 Eutaw Street Ward 1 Applicant: Marc LaCasse**

**Article(s):** Art. 27G E Boston IPOD Art. 53 Sec. 08 Forbidden – Multifamily Art. 53 Sec. 09 Dimensional Regulations Applicable in Residential Sub – Districts (open space insufficient) Required: 300 sqft Art. 53 Sec. 09 Floor Area Ratio Excessive - Max. allowed: 1 Existing: 1.57 (including grandfathered for ADU unit). Proposed: 1.7 Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 52 Roof Structure Restrictions Art. 53 Sec. 56^ Off street parking insufficient –Min. required 1.5 spaces

**Purpose:** Change occupancy from 3 family and ADU in basement to 4 family [MFR]. Addition to 3rd floor to add approximately 330 SF of living area and roof deck accessed from the addition at 3rd floor.



City of Boston  
Board of Appeal

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