



City of Boston  
Board of Appeal

Tuesday, January 25, 2022

BOARD OF APPEAL

City Hall Room 801

### Hearing Minutes

Board Chair Araujo 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 JANUARY 25, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

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

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

**THE JANUARY 25, 2022 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.**

Interested persons can participate in the hearing **REMOTELY** by going to <https://bit.ly/January25Hearing> or by calling 1-617-315-0704 and entering access code 2349 831 6937. You do not need a password for this hearing, but if the system asks you for one, please call our main office at 617-635-4775.

If you wish to offer testimony on an appeal, please click <https://bit.ly/January25Comment> 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/January25Comment>, or calling 617-635-5300 or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).



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**The ZBA Ambassador will be available within the WebEx 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 WebEx. Questions and/or 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, if connected by video, or dial \*3, if connected by phone. The requester will be administratively unmuted and asked to state their name, address and comment. Comments will be limited as time requires.**

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

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

**Interested persons who are unable to participate in the hearing remotely may make an appointment to appear in person at City Hall in the BPDA Board Room. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing [isdboardofappeal@boston.gov](mailto:isdboardofappeal@boston.gov) for accommodations to be made. Individuals appearing at City Hall without an appointment will not be permitted to enter.**

**MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO [ZBAPublicInput@boston.gov](mailto:ZBAPublicInput@boston.gov) IN LIEU OF OFFERING TESTIMONY ONLINE OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT AND THE DATE OF THE HEARING.**



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

**JANUARY 11, 2022**

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

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

**Case: BOA-773858 Address: 6 Evelyn Street Ward 4 Applicant: Antwan Webb**

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request a 1 year extension.

**Case: BOA-1008317 Address: 94 Alexander Street Ward 13 Applicant: Adam Jaspon**

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request with a new date of May 8, 2023 subject to all applicable tolling and a 1-year extension.

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

**Case: BOA-1267433 Address: 219-225 Main Street Ward 2 Applicant: Federico Ascoli**

**Article(s):** Article 62, Section 25 Roof Structure Restrictions

**Purpose:** Installation of new roof deck in accordance with structural drawings & plot plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a 683 square foot roof deck that is accessed by spiral stairs.

Board members asked about plans, building age, and roof deck restrictions.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to defer, Barraza seconded, Dong was absent, and the motion carried 6-1. The new hearing date is February 8, 2022 at 12:30.



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**Case: BOA-1268043 Address: 207-211 Congress Street Ward 3 Applicant: James Grimes**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions

**Purpose:** No construction. Need to remove provisos 1 from application 2409.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add takeout for better bagels which a primarily take out establishment.

Board members asked about plans..

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Ruggiero moved to approve with all takeout language and to this applicant only. Erlich seconded and the motion carried unanimously. Dong was absent.

**Case: BOA- 1261420 Address: 210-216 Lincoln Street Ward 3 Applicant: Hongjian Wang**

**Article(s):** Art. 44 Sec. 10 Use: Conditional - Microblading (body art establishment)

**Purpose:** Change occupancy to include microblading. (Body art establishment).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy to include 2 microblading seats.

Board members asked about plans, the existing spa.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Ruggiero moved to approve with the proviso to perform outreach to the community with the new venture details. Erlich seconded, Dong was absent, and the motion carried unanimously.



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**Case: BOA-1278630 Address: 748 East Broadway Ward 6 Applicant: George Morancy**

**Article(s):** Art 68 Sec 8 Insufficient lot size Art 68 Sec 8 Excessive f.a.r. Art 68 Sec 8 Building height excessive  
Art 68 Sec 8 Insufficient usable open space Art 68 Sec 8 Insufficient front yard setback>> Art 68 Sec 8  
Insufficient side yard setback Art 68 Sec 8 Insufficient rear yard setback Art 68 Sec 8 Insufficient additional lot area per  
uni Article 68, Section 33 Off-Street Parking & Loading Req Article 68, Section 34.2 Traffic Visibility Across Corner  
Article 68, Section 8.3 Dim Regs: Location of Main Entrance

**Purpose:** Construct a new 4 story building with 9 residential units and a first floor retail space on combined lots at 748 E  
Broadway (0603511000), 750 E Broadway (0603510000), 65 L Street (0603509000) and L Street (0603508000) and  
demolish all existing buildings. \*All existing structures of lots to be razed on a separately reviewed and issued SF Demo  
Permit.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail  
requesting to build a 9 unit dwelling; this has been before the Board before.

Board members asked about plans, retail, restaurant change, and previous provisos.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood  
deferred judgement to the Board. Councilor Flynn, abutters, and the Gate of Heaven Association are in support. Multiple  
abutters and the City Point Association are in opposition.

**Documents/Exhibits:** Building Plans.

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

**Case: BOA- 1249462 Address: 324-328 West Broadway Ward 6 Applicant: Timothy Johnson**

**Article(s):** Article 68, Section 29 Roof Structure Restrictions - Roof decks proposed. Article 68, Section 34.1  
Conformity Ex Bldg Alignment - Modal calculation not provided to verify compliance.  
Article 68, Section 33 Off Street Parking & Loading Req - Parking insufficient. Required retail: 4 spaces. Required  
residential: 12 spaces. Provided: 0 Article 68, Section 8 Lot Area Insufficient Article 68, Section 8 Add'l Lot Area  
Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Bldg Height Excessive (Feet)  
Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Rear Yard Insufficient

**Purpose:** On vacant parcel erect new 5 story, mixed used building (2 Commercial units & Residential units) w/front,  
rear, and roof decks and elevator as per plans submitted.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail  
requesting to defer to allow more time to engage with the community.

**Votes:** Board Member Erlich moved to defer, Ruggiero seconded, Dong was absent, and the motion carried  
unanimously. The new hearing date is February 15, 2022 at 12:30.



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

**Article(s):** Article 64, Section 16 Floor Area Ratio Excessive Article 64, Section 16 Building Height Excessive Article 64, Section 16 Rear Yard Insufficient Article 64, Section 36 Off Street Parking & Loading Req - Inappropriate maneuvering area and means of vehicular access to the street Article 64, Section 36 Off Street Parking & Loading Req - Off Street Loading Insufficient Article 32, Section 4. GCOD, Applicability Article 65, Section 15 Use Regulations - Multi Family Dwelling Use: Conditional

**Purpose:** Erect a new 9 Unit Multi Family Dwelling with at grade parking and roof deck. Propose retail on ground floor.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a new 9 unit multifamily dwelling with 10 parking spaces and a roof deck.

Board members asked about plans, rear yard, parking, loading, affordable units, and unit sizes.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. BTG recommended removing 2 spaces and reconfiguring. The Boston Groundwater Trust has all letters on file.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erich moved to defer, Ruggiero seconded, Barraza opposed, and the motion carried 6-1. The new date is March 8, 2022 at 12:30.

**Case: BOA-1262944 Address: 302-316 Bowdoin Street Ward 15 Applicant: Mark Reid**

**Article(s):** Art. 07 Sec. 4 Other Protectional Conditions - Request to remove proviso from previous BOA order of record.

**Purpose:** Remove proviso for takeout, granted to this petitioner owner only.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add takeout use to the hummingbird restaurant.

Board members asked about plans, and previous takeout experience.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Ruggiero moved to defer, Barraza seconded and the motion carried unanimously. The new hearing date is March 8, 2022 at 12:30.



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**Case: BOA- 1277205 Address: 60 Church Street Ward 15 Applicant: Evans Mehchiz**

**Article(s):** Art. 65 Sec. 65 41.5 Parking Size & Maneuverability Article 65, Section 9 Side Yard Insufficient  
Article 65, Section 9 Rear Yard Insufficient

**Purpose:** Legalize existing driveway and a proposed curb cut per the plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to legalize the existing driveway and add a curb cut because there is no parking on that side of the street.

Board members asked about plans, unit count, occupancy, plans and the driveway.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. BTB recommends denial, and Councilor Baker is in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with the proviso that this be reduced to 2 parking spaces. Ruggiero seconded and the motion carried unanimously.

**Case: BOA- 864804 Address: 17 Nay Street Ward 1 Applicant: Shawn Cooney**

**Article(s):** Article 53, Section 22 Use Regulations - Cannabis Establishment is a conditional use.  
Art. 53, Section 23 Rear yard is insufficient Art. 53 Sec. 54 Screening/Buffering

**Purpose:** On rear lot of existing Auto body repair shop, place 4 shipping containers in order to cultivate and grow cannabis and lettuce on the site.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add shipping containers to grow cannabis and lettuce. 3 cannabis and 1 lettuce.

Board members asked about plans, hours of operation, breakdown, traffic, staff size, processing and staff.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review with attention to screening and security, deliveries must stop at 5pm, and to this petitioner only. Ruggiero seconded and the motion carried unanimously.



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**HEARINGS:10:30AM**

**Case: BOA- 1256929 Address: 222 Princeton Street Ward 1 Applicant: Erik Pali**

**Article(s):** Article 27S 5 IPOD Applicability Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Art. 53 Sec. 08 Forbidden - MFR is a forbidden use in a 3f 2000 sub district. Art. 53 Sec. 56 Off Street Parking - There is no parking proposed for this building

**Purpose:** Erect a 4 unit residential dwelling with roof deck as per plans. Raze existing building on a separate approved and issued Demo Permit.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a roof deck and eliminate the headhouse. To also demolish the existing 2 family dwelling. The roof deck is only for unit 4. This project is walking distance to 2 train stations.

Board members asked about plans, access, curb cuts, parking, the side yard, roof deck access, and occupancy in the basement.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. The BPDA recommended denial. Councilor Edwards and the Eagle Hill Association are in opposition.

**Documents/Exhibits:** Building Plans. Letters of support and opposition.

**Votes:** Board Member Barraza moved to approve building code relief to use a hatch. Erlich seconded and the motion carried unanimously. Ruggiero moved to deny the project, Barraza opposed, and Fortune opposed, and the motion failed. Barraza moved to deny without prejudice, Fortune seconded, and the motion carried unanimously.

**Case: BOA#1279127 Address: 222 Princeton Street Ward 1 Applicant: Erik Pali**

**Purpose:** Erect a 4 unit residential dwelling with roof deck as per plans. Raze existing building on a separate approved and issued Demo Permit.

**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

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a roof deck and eliminate the headhouse. To also demolish the existing 2 family dwelling. The roof deck is only for unit 4. This project is walking distance to 2 train stations.

Board members asked about plans, access, curb cuts, parking, the side yard, roof deck access, and occupancy in the basement.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. The BPDA recommended denial. Councilor Edwards and the Eagle Hill Association are in opposition.

**Documents/Exhibits:** Building Plans. Letters of support and opposition.

**Votes:** Board Member Barraza moved to approve building code relief to use a hatch. Erlich seconded and the motion carried unanimously. Ruggiero moved to deny the project, Barraza opposed, and Fortune opposed, and the motion failed. Barraza moved to deny without prejudice, Fortune seconded, and the motion carried unanimously.





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**Case: BOA- 1264144 Address: 112 Pinckney Street Ward 5 Applicant: Abby & Jason Hafler**

**Article(s):** Article 13, Section 1 Side Yard Insufficient Article 13, Section 1 Bldg Height Excessive (Feet)  
Article 13, Section 1 Front Yard Insufficient

**Purpose:** Install new private roof deck that was approved by BHAC for the top unit at 112 Pinckney St.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to create a new roof deck on an existing roof.

Board members asked about plans, occupancy, proposal, and access.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1153857 Address: 127 Bolton Street Ward 6 Applicant: Neil Gulden**

**Article(s):** Article 68, Section 33 Off-Street Parking & Loading Req Insufficient parking -1.5/unit Article 68, Section 33 Off-Street Parking & Loading Req Access/maneuvering areas Article 68, Section 8 Insufficient lot size -2000sf min. Article 68, Section 8 Insufficient additional lot area/dwelling unit -1000sf/unit Article 68, Section 8 Excessive F.A.R. - 2.0 Article 68, Section 8 Insufficient rear yard setback -20' min Article 68, Section 8 Insufficient usable open space- 200sf /unit Article 68, Section 8 Insufficient side yard setback -3' min

**Purpose:** Combine vacant parcel 060483000 (127 Bolton Street) and vacant parcel 0601508000 (152 West Third Street); subdivide to create new 127 Bolton Street parcel containing 1,110 square feet, then Erect a two family dwelling with two garage parking spaces at the ground level.

**Discussion:** At the request of the Board, the applicant requested a deferral to have a larger community process.

**Votes:** Board Member Ruggiero moved to defer. Erlich seconded and the motion carried unanimously. The new hearing date is March 8, 2022 at 12:30.



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**Case: BOA-1153868 Address: 152 West Third Street Ward 6 Applicant: Neil Gulden**

**Article(s):** Article 68, Section 33 Off-Street Parking & Loading Req - (5.) Access/maneuvering areas Article 68, Section 33 Off-Street Parking & Loading Req - Insufficient parking -1.5 spaces /unit req. Article 68, Section 8 Insufficient side yard setback -3' req. Article 68, Section 8 Insufficient rear yard setbacks -20' min req. Article 68, Section 8 Insufficient lot size -2000sf req Article 68, Section 8 Insufficient additional lot area -1000sf/unit req. Article 68, Section 8 Excessive f.a.r. -2.0 max. Article 68, Section 8 Insufficient usable open space -200 sf.unit req.

**Purpose:** Combine vacant parcel 0601508000 (152 West Third Street) and vacant parcel 060483000 (127 Bolton Street); subdivide to create new 152 West Third Street parcel containing 1,150 square feet. Erect a two family dwelling with two garage parking spaces at the ground level.

**Discussion:** At the request of the Board, the applicant requested a deferral to have a larger community process.

**Votes:** Board Member Ruggiero moved to defer. Erlich seconded and the motion carried unanimously. The new hearing date is March 8, 2022 at 12:30.

**Case: BOA-1279352 Address: 200 L Street Ward 7 Applicant: George Morancy**

**Article(s):** Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 33 Off Street Parking & Loading Req - Off Street Parking Insufficient

**Purpose:** Change of Occupancy from Two Family and Store to Three Family Dwelling. Remodel 1st floor interior as per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy, convert the ground floor to 1600 square feet for a 3 bedroom apartment. The building occupies the entirety of the lot.

Board members asked about plans.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review with special attention to the exterior. Erlich seconded and the motion carried unanimously.



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**Case: BOA-1252941 Address: 1385 River Street Ward 18 Applicant: Frank Ortiz**

**Article(s):** Art. 69 Sec. 8 Forbidden - 3 family use Art. 69 Sec.23 Neighborhood Design O.D. Article 69 Section 29 Off Street Parking & Loading Req - Insufficient. Required: 2 spaces Article 69, Section 9 Lot Area Insufficient - Min. required: 8,000 sqft Proposed: 6,495sqft 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 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient

**Purpose:** Seeking to change the occupancy from a two family home to a three family home. Also, to renovate including dormers.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy, add a sprinkler system, and there will be no reduction in open space. Add dormers to increase the ceiling height and 2 means of egress. It will become a 2 bed 2 bath 1100 square foot unit.

Board members asked about plans, layout, neighborhood, and unit sizes.

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

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

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

**Case: BOA-1160659 Address: 44-54 Hyde Park Avenue Ward 19 Applicant: Apothca, Inc**

**Article(s):** Article 55 Section 16 Use Regulations - Cannabis Establishment (Recreational) Use: Conditional

**Purpose:** Change of Occupancy from Cannabis Establishment (Medical) to Cannabis Establishment (Medical and Recreational).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy to include recreational cannabis. This will not take up any sidewalk space, and there will be parking in the rear for money and security.

Board members asked about plans, Board presence prior, security, hours of operation, deliveries, points of sale, provisos existing, and the petitioner.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with the proviso that this is for this petitioner only. Erlich seconded and the motion carried unanimously.



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**Case: BOA- 1280303 Address: 15-17 Arborough Road Ward 20 Applicant: Dennis Patch**

**Article(s):** Article 67, Section 9 Floor Area Ratio Excessive

**Purpose:** Extension of living space into basement. Finish existing basement by adding to unit #1 to create a two level unit. Configuration includes 2 new bedrooms, 1 new bathroom, study, laundry and family room. See ALT1167284 for scope of work related to exterior egress stair.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert the basement into livable basement space.

Board members asked about plans, floor to ceiling height, utilities, occupancy, egress, and unit layout.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with the proviso that this will not be converted into another dwelling.

**HEARINGS: 11:00AM**

**Case: BOA-1261925 Address: 150 Kneeland Street Ward 3 Applicant: Hudson 150K Real Estate Trust**

**Article(s):** Article 44, Section 5 Floor Area Ratio Excessive Article 44, Section 5 Building Height Excessive Article 44, Section 7 Specific Design Requirements -Sky Plane Setback Regulations Article 44, Section 10 Use Regulations - Takeout Restaurant :Conditional Article 44, Section 11 Off Street Parking Regulations -Off Street Parking Insufficient Article 44, Section 12 Off Street Loading Regulations -Off Street Loading Insufficient Article 32 Section 6 GCOD Conditional Use - Groundwater Conservation Overlay District Applicability

**Purpose:** Erect a 22 story Mixed Use Building. On the Ground Level will be a Building Lobby space and a Retail, Bar / Restaurant space. There will be 115 Dwelling Units on the Upper Floors. There will be Amenity spaces on the 2nd and 3rd Floors, and a Building Amenity Roof Deck. Reference ALTs 885266 and 885264 for lot combination. Property will be known as '150 Kneeland'

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to use this as residential use, though it was previously approved as a hotel.

Board members asked about plans, decks, roof decks, unit breakdown, affordable units, open space, and compact living.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. The Boston Groundwater Trust has all required letters on file. Abutters and Councilor Flynn are in support. Multiple abutters are in opposition.

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

**Votes:** Board Member Erlich moved to approve with BPDA design review and that they have to use the back for any take-out use. Fortune seconded and the motion carried unanimously.



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**Case: BOA-1053181 Address: 661-661A Tremont Street Ward 4 Applicant: James Christopher**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use - Extension of office use <25%-Conditional Art. 32 Sec. 04 GCOD Applicability Article 64 Section 9 Insufficient usable open space Article 64 Section 9 Insufficient side yard setback Article 64, Section 34 Roof Structure Restrictions - Proposed penthouse with wet bar and roof deck Article 64, Section 9 Floor Area Ratio Excessive Article 64, Section 9 Building Height Excessive Article 64, Section 9 Rear Yard Insufficient Article 64, Section 9.4 Town House/Row House Extension

**Purpose:** To construct a rear addition, and head house as per the attached plans. No change to occupancy.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to construct 1 story with a basement addition with rear egress. The roof deck is existing and there is no change in the occupancy.

Board members asked about plans, occupancy in the basement, the roof deck, and the headhouse dimensions.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Flynn, Flaherty, multiple abutters, and the local neighborhood association are in opposition. The owner is in support. The Boston Ground Water Trust has the required letters on file.

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

**Votes:** Board Member Erlich moved to deny, Robinson seconded and the motion carried unanimously.

**Case: BOA-1203463 Address: 16 Taber Street Ward 8 Applicant: Jeremy Sears**

**Article(s):** Art. 50, Section 11 FAR – Exceeding 2.0max Art. 50, Section 11 Building Height Greater than 55' max Article 50, Section 43 Off Street Parking & Loading Req 1. 5 < 34 req'd parking 2. 0 < 1 req'd loading bay

**Purpose:** Replace existing 1 story Laundromat with new 6 story mixed use building with 30 apartments on floors 2 through 6 and 2 retail and parking on the first floor.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a 6 story building, a multifamily, with affordable units, no 3 bed units, and 5 parking spaces. There will be 2 retail spaces, 42 bike spaces, and a gym and shower space for bikers.

Board members asked about plans, unit breakdown, square footage, parking, and microunits.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor TFA was in person to speak in support. A neighbor is also in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review with special attention to the exterior and contextual design, and attention to the mechanical room for screening. Dong seconded and the motion carried unanimously.



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## **RECOMMENDATIONS: 11:30 AM**

**Case: BOA-1235571 Address: 7 Cordis Street Ward: 2 Applicant: Timothy Sheehan**

**Article(s):** Art. 62 Sec. 30.10 Rear Yard of Shallow Lot- 1. Addition less than 15ft 2. Deck less than 10ft Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 8 Floor Area Ratio Excessive Article 62, Section 8 Side Yard Insufficient Article 62, Section 25 Roof Structure Restrictions

**Purpose:** Confirm occupancy as existing single family. Gut renovation. A habitable area will be added to the basement level. An addition will be added at the rear. A new roof deck will be constructed accessed by a stair and a hatch. A Sprinkler system will be included.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a two story addition to the rear with fire sprinklers.

Board members asked about plans, the layout, square footage, access, basement space, and the lot line.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1243292 Address: 4 Mount Vernon Street Ward: 2 Applicant: Timothy Sheehan**

**Article(s):** Art. 62 Sec. 19 Neighborhood Design Overlay Districts Art. 62 Sec. 25 Roof Structure Restrictions Article 62, Section 8 Floor Area Ratio Excessive Article 62, Section 8 Rear Yard Insufficient

**Purpose:** This is the addition of a 168 square foot third floor addition over an existing two story rear ell / projection. The existing third story will be extended to add another bedroom to the house.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a third story addition, and remove the roof deck.

Board members asked about plans, and the roof deck.

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

**Documents/Exhibits:** Building Plans.

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



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**Case: BOA-1264728 Address: 86 Washington Street Ward: 2 Applicant: Coliseum Development Advisors, Inc**

**Article(s):** Article 62, Section 25 Roof Structure Restrictions Article 62, Section 8 Bldg Height Excessive (Stories)  
Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 8 Front Yard Insufficient

**Purpose :**Change of Occupancy from single family to two family dwelling. Construct rear dormer. Interior partition wall framing, roof repair, brick repair (non structural), exterior brick rear window area, window replacement, MEP installing, FP/FA, and select demo & shoring as needed.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change to a 2 family, add a headhouse and dormers and sprinkler the building.

Board members asked about plans, the dormer, dimensions, the basement, and height.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with no building code relief, BPDA design review with attention to the layout and configuration, and attention to the egress windows and walkout. Fortune seconded and the motion carried unanimously.

**Case: BOA- 1263114 Address: 34 Sullivan Street Ward: 2 Applicant: George Georges**

**Article(s):** Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 25 Roof Structure Restrictions

**Purpose:** Amend ALT1172114. Modify plans to include a roof deck as per plans filed herewith.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy from a three family to a one family with a roof deck. The roof deck will not be seen from the public way.

Board members asked about plans, hatch access, and direct access.

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

**Documents/Exhibits:** Building Plans, letters of opposition.

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



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**Case: BOA-1240742 Address: 60 Temple Street Ward: 3 Applicant: David Govonlu**

**Article(s):** Art. 18 Sec. 01 Front Yard Insufficient Art. 19 Sec. 01 Side yard insufficient Art. 20 Sec. 01 Rear Yard Insufficient

**Purpose:** Add roof deck.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a roof deck using an existing headhouse on a single family.

Board members asked about plans, and the occupancy.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1259849 Address: 61-63 Berkeley Street Ward: 5 Applicant: Samantha Kane**

**Article(s):** Article 64 Section 8 Use Regulations - Body art establishment (microblading) is forbidden

**Purpose:** Change of occupancy to include Microblading (body art establishment) as a service to my hair salon. I need to build a room with hand wash sink to get my permit to offer this service.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy to include microblading.

Board members asked about plans, ground level, and accessibility.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA- 1244237 Address: 56 Linwood Street Ward: 11 Applicant: Mai Phung**

**Article(s):** Art. 50 Sec. 29 Usable open space insufficient Art. 50 Sec. 43 Off street parking requirements - Location: on the front yard.

**Purpose:** Proposed curb cut for one vehicle off street parking (as per plan).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add one off street parking spot for a single family.

Board members asked about plans, parking, and the street layout.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. BTDA recommended that the front yard has a sharp turn making this not feasible.

**Documents/Exhibits:** Building Plans.

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





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**Case: BOA- 1259685 Address: 12 Waumbeck Street Ward: 12 Applicant: Vernon Woodworth**

**Article(s):** Art. 50 Sec. 29 Excessive f.a.r. Art. 50 Sec. 29 Insufficient rear yard setback Art. 50 Sec. 29# of allowed habitable stories exceeded Art. 50 Sec. 29 Insufficient side yard setback

**Purpose:** Confirm Occupancy as a One Family and Extend living space to basement and reconfigure roofline to add living space on third floor for large blended family. Interior renovations and rebuild rear deck.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to confirm occupancy as a 1 family and extend it into the basement, and to excavate into the basement to create an egress.

Board members asked about plans, the basement, dwelling, bedrooms, and the living space.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with BDPDA design review no building code relief, attention to the dormer, that the basement windows are as large as possible. Fortune seconded and the motion carried unanimously.

**Case: BOA-1268316 Address: 21 Sagamore Street Ward: 13 Applicant: Tomas Subatis**

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

**Purpose:** A tandem style driveway installed on the side of the house, located at 21 23 Sagamore St. This driveway is on 23 Sagamore St. The house takes up most of the space on 21. I have completed the application process with the PIC and this was given full approval. (Fencing, posts, caps, and gate) see contract.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a tandem style driveway.

Board members asked about plans, address before Board, trees, and permeable pavers.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. BTD said the parking cannot accommodate 2 spots due to front yard parking.

**Documents/Exhibits:** Building Plans, letters of support, letter in opposition.

**Votes:** Board Member Robinson moved to approve with BPDA design review, extend the driveway deeper, and add permeable pavers. Fortune seconded and the motion carried unanimously.



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**Case: BOA-1224556 Address: 219-221 Fairmount Avenue Ward: 18 Applicant: Carlos Arias**

**Article(s):** Article 69, Section 9 Rear Yard Insufficient

**Purpose:** Replace rotten fence with new wood fence, replace rear decking and railing on 1st floor, and replace stairs decking and railings going to 2nd floor. Replace gutters as needed. All work being done by owner of 2 family property.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to replace the rotten wood on the deck and redo and build in the rear.

Board members asked about plans, and dimensions.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA- 1240503 Address: 47 Faunce Road Ward: 18 Applicant: Ransford Bawa**

**Article(s):** Article 60, Section 41 Application of Dimensional Req – 10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall Rear Yard of any such Lot be less than fifteen (15) feet deep.

**Purpose :** Adding dormers to an existing second floor and add a full bathroom. Renovate the first floor bathroom and kitchen.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add dormers and renovate.

Board members asked about plans, occupancy, and dimensions.

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

**Documents/Exhibits:** Building Plans.

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



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**Case: BOA-1258189 Address: 30 Prescott Street Ward:18 Applicant: John Avila**

**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension - Two family Additional F.A.R. in a 1family sub districts of Non conforming Bldg <25% Conditional Art. 69 Sec. 09 Insufficient rear yard setback

**Purpose:** Interior renovations, new doors windows, new deck per attached drawings.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate the third floor to accommodate an expanding family and add a new deck.

Board members asked about plans, and the rear yard.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1238391 Address: 83 Chittick Road Ward: 18 Applicant: Vladimir Baez**

**Article(s):** Article 9. Section 1 Extension of Nonconforming

**Purpose:** Construct 13' x 16' ground level deck at rear of existing two family dwelling.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to construct a ground level deck.

Board members asked about plans, and the configuration.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1264972 Address: 88 Leland Road Ward: 20 Applicant: James Ryan ETAL**

**Article(s):** Article 56. Section 8 Side Yard Insufficient

**Purpose :** Install an accessible vertical lift w/ roof 6' X 6' attached to side of the house.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to install a lift for accessibility.

Board members asked about plans, door and egress.

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

**Documents/Exhibits:** Building Plans.

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



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**Case: BOA-1224806 Address: 73 Newburg Street Ward: 20 Applicant: Paul Wikes**

**Article(s):** Article 67, Section 9 Rear Yard Insufficient

**Purpose:** Construct single story addition and renovate interior per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to construct a single-story addition.

Board members asked about plans, and renovations.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1253082 Address: 21 Walworth Street Ward: 20 Applicant: Rosa Design and Construction LLC**

**Article(s):** Art. 67 Sec. 28 Design Review Required Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Usable Open Space Insufficient Article 67, Section 9 Front Yard Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient

**Purpose:** Extension of living space at rear of single family dwelling and front porch per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to extend living space and add an addition and dormers to make the roof even.

Board members asked about plans, occupancy, previous Board experience, and the layout.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with BPDA design review for the size and scale of the dormer, and to create more relief to the rear. Fortune seconded and the motion carried unanimously.

**Case: BOA-1264311 Address: 6-6A Mendum Street Ward: 20 Applicant: John Freeman, David & Kathryn Dangler**

**Article(s):** Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Bldg Height Excessive (Stories) Article 67, Section 9 Side Yard Insufficient

**Purpose:** Construct third floor vertical addition to existing two family dwelling.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a third floor, and lift the roof. The party wall will remain and the side yard violation is existing.

Board members asked about plans, and the proposal.

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

**Documents/Exhibits:** Building Plans.

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



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**Case: BOA- 1264421 Address: 6 Bellaire Road Ward: 20 Applicant: George Karalis**

**Article(s):** Art. 56, Section 8 Excessive f.a.r.

**Purpose:** Finishing of the attic to include a bedroom, full bathroom, family room and three storage closets.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a play area and additional living space.

Board members asked about plans, floor to ceiling height, and layout. .

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

**Documents/Exhibits:** Building Plans.

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

**STEPHANIE HAYNES  
BOARD OF APPEAL  
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**BOARD MEMBERS:**

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

**For a video recording of the January 25, 2022 Board of Appeal Hearing please go to: [https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).**