



City of Boston
Board of Appeal

Tuesday, February 15, 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 FEBRUARY 15, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS FEBRUARY 15, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE FEBRUARY 15, 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/February15Comment> 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.



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For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/February15Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

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

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

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

Interested persons who are unable to participate in the hearing remotely may make an appointment to appear in person at City Hall in the BPDA Board Room. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov 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



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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 25, 2022

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

EXTENSIONS: 9:30AM

Case: BOA-962282 Address: 40 Berkeley Street Ward 5 Applicant: Joseph Hanley, Esq., Partner

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 March 13, 2023.

Case: BOA-661026 Address: 236-256 Dorchester Street Ward 7 Applicant: George Morancy, Esq

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 March 2nd, 2023 subject to all applicable tolling.

Case: BOA- 833835 Address: 6 General William H Devine Way Ward 7 Applicant: Patrick Mahoney, Esq

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 March 1, 2023 subject to all applicable tolling.

Case: BOA- 694026 Address: 77-85 Liverpool Street Ward 1 Applicant: Lorene Schettino, Esq

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 March 2nd, 2023 subject to all applicable tolling.

Case: BOA-889510 Address: 155 Porter Street Ward 1 Applicant: Richard Lynds, Esq

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 15, 2023 subject to all applicable tolling.



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

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 March 31, 2023 subject to all applicable tolling.

Case: BOA-918229 Address: 2 Snelling Place Ward 3 Applicant: Matthew Eckel, Esq

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 June 17, 2024 subject to all applicable tolling.

BOARD FINAL ARBITER: 9:30AM

Case: BOA-1159189 Address: 90 Ashley Street Ward 1 Applicant: Derric Small, Esq

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

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

GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1265130 Address: 12-22 Farnsworth Street Ward 6 Applicant: Atlantic P3 Life Sciences Holdings IV, LLC

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

Purpose: Change of Occupancy from Office to Research and Development (LAB), for tenants planned for floors 2-6. Additional mechanical equipment on roof and slight changes to loading dock, utility upgrades, Interior renovations to all floors per plans. First floor restaurant to remain.

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

Board members asked about plans, and letters.

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

Documents/Exhibits: Building Plans, BGWT letters.

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



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HEARINGS: 9:30AM

Case: BOA- 1285332 Address: 229-231 Bunker Hill Ward 2 Applicant: Bunker Hill Restaurant LLC

Article(s): Art. 09 Sec. 02 Nonconforming Use Change - <25% volume Conditional Art. 06 Sec. 04 Other Protectional Conditions - Previous BOA proviso (to petitioner only) Art. 06 Sec. 04 Other Protectional Conditions - Remove BOA proviso order Hours of operation 6.am. 6pm. Art. 09 Sec. 01 Extension of Non Conforming Use-Increase # of occupants of Restaurant with takeout use (small) Conditional

Purpose: Increase permitted occupancy of existing restaurant to 87 occupants.S

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change a restaurant and increase the occupancy. The restaurant is "Bunker Hill Restaurant".

Board members asked about plans, name, and hours of operation.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with the provisos, this applicant only, ISD fire prevention review, all takeout provisos, the occupancy is 79, and they will close Sunday -Thursday at 11:00pm.

Case: BOA-1285189 Address: 501 Boylston Street Ward 5 Applicant: Nuveen, LLC

Article(s): Article 8 Section 7 Restaurant with Outdoor Seating Use: Conditional Article 8 Section 7 Restaurant with Take out #36A Use: Conditional

Purpose: Change of occupancy for restaurant with take out, (44) outdoor seating, and accessory retail store. Work to include fit out of space for new tenant Foxtrot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the use to accessory retail and take out. Fox Trot will have wine, spirits, and retail.

Board members asked about plans, access, occupancy, layout, retail size, and hours of operation.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with the provisos that this is for this applicant only and all standard takeout language. Dong seconded, Barraza recused, and the motion carried unanimously.



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Case: BOA- 1285330 Address: 85 Mount Pleasant Avenue Ward 8 Applicant: Tim McGovern

Article(s): Article 50, Section 28 Use regulations - Multi Family Dwelling Use: Forbidden Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Add'l Lot Area Insufficient Article 10, Section 1 Off street parking shall not be located less than 5' 0" from the side lot line.

Purpose: Confirm occupancy as a one family. Change of Occupancy to Multi Family Dwelling (8 units) and propose (8) off Street parking. Remove rear addition and garage of existing single family. Construct new addition, fully renovate and restore existing facade.

Discussion: At the request of the Board, the applicant presented and requested to defer the project.

Votes: Board Member Ligris moved to defer, Dong seconded and the motion carried unanimously. The new hearing date is April 5, 2022 at 11:30.

Case: BOA- 1208867 Address: 841 Columbia Road Ward 13 Applicant: 843 Columbia Road, LLC

Article(s): Article 65, Section 41 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 65, Section 8 Multi Family Dwelling Use: Forbidden 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 Front Yard Insufficient Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Combining two lots (PID: 1303313000 and 1303314000) to create a new single lot to be 7,098 SF. Erect 3 story, Multi Family Dwelling (9 units) with 8 parking spaces.

Discussion: At the request of the Board, the applicant presented their request to withdraw this appeal.

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

Case: BOA-1248961 Address: 45 Cedar Grove Street Ward 16 Applicant: Robert Nichols

Articles(s): Art. 65 Sec. 9 Excessive F.A.R. Art. 65 Sec. 9# of allowed habitable stories has been exceeded 2.5.story max.

Purpose: Add partition wall and two storage closets in basement.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate the basement in a single-family homeowner occupied home.

Board members asked about plans, unit count, and the basement.

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 the storage in the basement cannot be used as a habitable bedroom. Ligris seconded and the motion carried unanimously.



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Case: BOA- 1285857 Address: 362 Weld Street Ward 20 Applicant: Kathryn Oates-Dacey

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

Purpose: Rear 2 story add. w/2 full baths 1 half, expand 2nd floor BR & kitchen, update dwelling by converting to gas heat, add central air, alarm system, etc. finishing basement to family room & laundry, expand closets, update all mechanical systems & fully insulate; add solar

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a closet to a half bath and expand the master bedroom and do a total gut rehab of a single family. To convert from oil to gas.

Board members asked about plans, addition, rear yard setback, and side yard setback.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1260270 Address: 349 Market Street Ward 22 Applicant: Kin Lui Chan

Articles(s): Article 51, Section 56 Off Street Parking & Loading Req - 51 56 4 b) Location: facilities for parking shall be provided on the same lot (driveway is shared with neighbor)

Purpose: Paving grass area for parking, Two spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to legalize a driveway, install greenage and buffer. For 2 parking spaces.

Board members asked about plans, easement and occupancy.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. An abutter is in support, and the Brighton Allston Improvement Association is in opposition. BTD commented that there is not enough maneuverability.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review to add permeable pavers and to screen and buffer. To also record the easement for ISD. Ligris seconded, Barraza opposed, and the motion carried 6-1.



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HEARINGS:10:30AM

Case: BOA-1254445 Address: 56 Byron Street Ward 1 Applicant: Steven & Lisa O'Brien, and Steven Winegar

Article(s): Article 53 Section 56.5(a) Parking maneuverability Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose: To create 3 parking spaces in the rear of the home, using easement from 58 Byron Street. V454030 ON FILE

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to access the driveway through a neighbor's property. The curb cut is existing. There are 2 parking spots and the driveway is 9.9 ft.

Board members asked about plans, occupancy, width, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Edwards is in support. BPDA suggested dwop due to maneuverability. BTM is concerned about the maneuverability and the easement.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero recommended deferral and there was no second. Ligris moved to deny without prejudice, Erlich seconded and the motion carried 6-1. Barraza opposed.

Case: BOA-1286504 Address: 24 Parker Street Ward 2 Applicant: James Endicott

Article(s): Art. 62 Sec. 29 Off street parking Design/Maneuverability - Driveway to access is <10' width. Extension of non conformity.

Purpose: Owner wishes to construct a 2 story, 1 family addition in the rear of the current 1 family structure and change the occupancy to a 2 family structure. He will also put a deck on the top of the new addition. He will demolish the existing garage at the rear of the property under a separate Short Form (permit Number) to make way for off street parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to construct a 2 story 1 family addition with a roof deck. It will also include 2 parking spaces.

Board members asked about plans, layout, basement, second unit, garage, and maneuverability.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. BTM commented on the maneuverability. BPDA recommended moving the parking to the side yard.

Documents/Exhibits: Building Plans, letters in opposition.

Votes: Board Member Barraza moved to approve with BPDA design review and that there will be only 2 tandem spots on the side yard to allow for more greenspace. Erlich seconded and the motion carried unanimously.



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Case: BOA-1268284 Address: 81-81A Prince Street Ward 3 Applicant: George Sennott

Article(s): Art. 54 Section 18 Roof Structure and Building Height Restrictions Roof deck access shall be by roof hatch / bulkhead. Provided is through an existing penthouse. total roof structures (penthouse + proposed roof deck) exceeds 330 sqft > building height Article 54, Section 10 Bldg Height Excessive (Feet) - Max. allowed: 55' Penthouse: 62'

Purpose: Erect engineered deck assembly over existing roof.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting roof decks accessed by an existing headhouse and to add 3 roof decks.

Board members asked about plans, headhouse, access, headhouse, open space, unit count.

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

Documents/Exhibits: Building Plans, letters in support.

Votes: Board Member Barraza moved to approve with BPDA design review with attention to screening and buffering, and the provisos ISD review so the egress is compliant with the building code. Erlich seconded and the motion carried unanimously.

Case: BOA-1263563 Address: 44 Ellery Street Ward 7 Applicant: Timothy Johnson

Article(s): Art. 13 Sec. 13-1 Insufficient additional lot area per unit Art. 13 Sec. 13-1 Excessive f.a.r.
Art. 13 Sec. 13-1 Insufficient open space per unit Art. 13 Sec. 13-1 Insufficient front yard setback Art. 13 Sec. 13-1 Insufficient side yard setback Art. 13 Sec. 13-1 Insufficient rear yard setback Art. 13 Sec. 13-1 Max. allowed height exceeded (B-1) Art. 13 Sec. 13-1 Max # of stories exceeded (B-1) Art. 23 Sec. 01 Insufficient parking Art. 24 Sec. 24-1 Off-Street Loading Bays - None proposed/Insufficient space
Purpose: Erect new 6-story, 18 unit building w/garage and side, rear and roof decks and elevators as per plans submitted. Demolition to be Filed under separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting an 18 residential condo with 6 parking spots that is T accessible. This will include roof decks and 3 affordable units.

Board members asked about plans, district, layout, roof decks, parking, and the garage.

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

Documents/Exhibits: Building Plans,

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



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Case: BOA- 1277458 Address: 1544 Dorchester Avenue Ward 16 Applicant: Mai Phung

Article(s): Art.65 Sec.08 Conditional - Restaurant use with take out is a conditional use in this zoning sub district
Purpose: Proposed to change the occupancy from the professional office and two family to a restaurant with take out (36 & 36A) and two family (as per plans).

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 takeout and a new restaurant. The petitioner has previous experience in this field.

Board members asked about plans, the restaurant, and previous experience.

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 in support.

Votes: Board Member Barraza moved to approve with all standard takeout provisos and that this is for this petitioner only. Erlich seconded and the motion carried unanimously.

Case: BOA- 1279801 Address: 120 Braintree Street Ward 22 Applicant: Derric Small

Article(s): Article 51, Section 8 Use Regulations - Multi Family Dwelling Use : Forbidden Article 51, Section 8 Use Regulations - Retail Use : Forbidden 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 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 51, Section 56 Off Street Parking & Loading Req - Off Street Loading Insufficient Article 51, Section 56 Off Street Parking & Loading Req - Design. Inappropriate means of maneuvering area.

Purpose: Erect 5 story structure containing 32 dwelling units, 1 retail space, 31 parking spaces (lift system), 32 bikes, roof deck, attendant site development Project being reviewed under Article 80 Small Project Review process

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a 5 story with 3 parking spots. This will include 5 IDP units. The retail space is 400ft, both 3 bedrooms are affordable. There will be a roof deck for communal use.

Board members asked about plans, unit sizes, IDP, roof decks, neighbors' privacy, and retail space.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BTDA review and BPDA review with special attention to the ground floor and the materials on the exterior. Ruggiero seconded, Ligris recused, and the motion carried unanimously.



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RECOMMENDATIONS: 11:30 AM

Case: BOA-1283501 Address: 43 Grampian Way Ward:13 Applicant: James Christopher

Article(s): Article 65, Section 32 NDOD Review Required Article 65, Section 9 Floor Area Ratio Excessive
Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient

Purpose : To construct a new rear and addition to the existing two family home as per attached plans with no change to occupancy.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to renovate a mudroom for primary access and to add stairs to the second level.

Board members asked about plans, and 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.

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

Case: BOA-1285082 Address: 333 Neponset Avenue Ward: 16 Applicant: James Christopher

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

Purpose : Confirm occupancy as a one family. To construct a rear attached garage as per the attached plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to confirm the occupancy as a 1 family and construct a rear attached garage, extend living space, and reorganize the configuration.

Board members asked about plans, layout, access, proposal, garage and width of driveway.

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 to ensure a 5ft rear yard setback minimum and attention to the driveway and the softscape. Fortune seconded and the motion carried unanimously.



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Case: BOA-1281677 Address: 18 Prescott Street Ward: 18 Applicant: Fitzroy Brown

Article(s): 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 8 Two Family Dwelling Use : Forbidden
Article 69 Section 29 Off Street Parking & Loading Req - Off Street Parking Insufficient

Purpose : Change occupancy from a single to a two family dwelling. Legalize two family dwelling and extension of living space to attic. Remedy 780 CMR Chapter 105.1 violation done by previous owner Third Floor attic space was/currently is being used as bedroom with walk in closet. Correct violation # V508957 and work associated with SF1157238.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to legalize from a 1 family to a 2 family and extend the living space into the attic.

Board members asked about plans, layout, occupancy, and parking.

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-1272895 Address: 20 Alameda Road Ward: 20 Applicant: Deborah and Regis Dufour

Article(s): Article 56, Section 8 Insufficient side yard setback Article 56, Section 8 Insufficient t rear yard setback
Art. 56 Sec. 37 Screening & Buffering - 6' fence with gate screening required (Gate to have safety latch)

Purpose : Construct 3ft x 12ft deck attached to his existing deck. Legalize existing above swimming pool.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to construct an extension off of the rear deck off of an existing deck. Also, to legalize the swimming pool.

Board members asked about plans, occupancy, pool, and the 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. Letters of support.

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

Case: BOA-1276325 Address: 47 Chesbrough Road Ward: 20 Applicant: Mark McLaughlin

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

Purpose : Take roof off an add second floor to existing structure.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a second floor to the existing structure.

Board members asked about plans, layout and setbacks.

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-1268899 Address: 1741 Commonwealth Avenue Ward: 21 Applicant: Nathaniel Roach

Article(s): Article 51, Section 9 Floor Area Ratio Excessive

Purpose : Convert existing Dental office back to residential use. The building will have 2 unit dwelling. This permit is for work in unit 1, extending living space into the basement (creating 3 bedrooms) Upgrade plumbing , electrical and HVAC.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert a dental office to residential uses.

Board members asked about plans, rental.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to defer until February 15th at 12:30. Fortune seconded and the motion carried unanimously.

Case: BOA-1226144 Address: 98 Bigelow Street Ward: 22 Applicant: Michael Bozza

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

Purpose : Rear house addition with master suite and kitchen remodel and new rear deck with stairs.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a rear addition with a deck. There will be no occupancy in the basement.

Board members asked about plans, size of the deck, violations

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-1277249 Address: 3 Adamson Street Ward: 22 Applicant: Jean Powers

Article(s): Article 51 Section 9 Floor Area Ratio Excessive

Purpose : Constructing a second floor addition which will include a full bathroom and a small bedroom. Demoing existing structure according to plans, framing a new dormer according to plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a dormer on the back and add more livable space. The bump out will not change the layout.

Board members asked about plans, and occupancy,

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

Documents/Exhibits: Building Plans. Letters in support.

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



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RE-DISCUSSIONS :12:30PM

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 erect a 5 story mixed use development with 10 units. This is in context with the neighborhood and there will be 2 retail units.

Board members asked about plans, height, abutters, and neighboring restaurant.

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

Case: BOA-1166627 Address: 60 Stanley Street Ward 15 Applicant: John Pulgini

Articles: Art. 65 Sec. 08 Forbidden - 13 family use Article 65, Section 9 Front Yard: Min. 15' Proposed: 1' and 3' Article 65, Section 9 FAR Max. allowed: 0.4 Proposed: 1.72 Article 65, Section 42.3 Traffic Visibility Across Corner Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Sec 65 41 Off Street Loading Req.-spaces required: 1.5*13 units= 19.5. Proposed: 13 Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose : To construct a new three story residential building with 13 residential units (UPDATED TO 8 RESIDENTIAL UNITS 03/03/21), with off street parking as per attached plans. To combine the 2 existing parcels; 1501963000 consisting of 3,995 SF and Parcel 1501692000 4,099 SF to create a new lot consisting 8,095 sqf

Discussion: At the request of the Board, the applicant presented and requested to defer the project to allow more time to revise projects with ISD.

Votes: Board Member Dong moved to defer, Ruggiero seconded and the motion carried unanimously. The new hearing date is April 5, 2022 at 11:30.

Case: BOA- 1259499 Address: 1187-1195 Blue Hill Avenue Ward 14 Applicant: 1187-1195 Blue Hill Ave LLC

Articles: Art. 60 Sec. 08 Use Regs appl in Res Subdistr - Cannabis establishment use: Conditional. Buffer zone conflict. Proposed is within 2,640 feet of another cannabis establishment. Art. 60 Sec. 08 Use Regs appl in Res Subdistr - Ancillary parking use: conditional

Purpose: The existing two story commercial building on site will undergo level three alterations and a change of use. The existing commercial /restaurant use will be converted into Cannabis Retail and manufacturing facility with other commercial retail.

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

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



City of Boston
Board of Appeal

Case: BOA- 1271408 Address: 20 Gaylord Street Ward 17 Applicant: Andrew Litchfield

Articles: Art. 65 Sec. 60-8 3 Family Detached Dwelling, Forbidden Art. 65 Sec. 9 Insufficient front yard setback
Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 # of allowed stories has been exceeded Art. 65 Sec. 9 Insufficient lot size
Art. 65 Sec. 9 Insufficient lot width Art. 65 Sec. 9 Insufficient lot width frontage Art. 65 Sec. 9 Insufficient side yard
setback Art.65 Sec. 8 Use: Forbidden - Accessory Use parking to a forbidden main use –Forbidden
Art.65 Sec. 39 Screening & Buffering Req

Purpose: Build a new 3 level, 3 family building with sprinklers, no elevator with 10' commonly owned access driveway
for the parking of three motor vehicles in the rear (See ERT1212146). Revised legal work description while at the BOA
1.5.2022: Build a new 3 level, 3 family building with sprinklers, no elevator with 10' commonly owned access driveway
for the parking of Four motor vehicles in the rear (See ERT1212146)

Discussion: At the request of the Board, the applicant presented and requested to defer the project.

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

Case: BOA-1271411 Address: 22 Gaylord Street Ward 17 Applicant: Andrew Litchfield

Articles: Art. 65 Sec. 9 Insufficient open space Art 65 Sec 39 Screening & Buffering Req, Art 65 Sec 9 Insufficient
lot size, Art 65 Sec 9 Insufficient lot width, Art 65 Sec 9 Insufficient lot width frontage, Art 65 Sec 9 Excessive F.A.R.,
Art 65 Sec 9 Insufficient front yard setback, Art 65 Sec 9 Insufficient rear yard set back, Art 65 Sec 9 Insufficient side
yard setback

Purpose : Build a new 3 level, 3 family building with sprinklers, no elevator with access via a commonly owned 10'
driveway between lots for three proposed parking spaces (see ERT1227291) *Updated due to an additional sway out of
drawings at the Zoning Board of Appeal prior to hearing-Build a new 3 level, TWO family building with access via
commonly owned 10' driveway between lots for FOUR proposed parking spaces (see ERT1227291).

Discussion: At the request of the Board, the applicant presented and requested to defer the project.

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



City of Boston
Board of Appeal

Case: BOA-1268899 Address: 1741 Commonwealth Avenue Ward: 21 Applicant: Nathaniel Roach

Article(s): Article 51, Section 9 Floor Area Ratio Excessive

Purpose : Convert existing Dental office back to residential use. The building will have 2 unit dwelling. This permit is for work in unit 1, extending living space into the basement (creating 3 bedrooms) Upgrade plumbing , electrical and HVAC.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert the existing use to residential. The living room will be in the basement and the bedrooms will be on the first floor.

Board members asked about plans, size of the basement, layout, bedrooms, and ceiling height.

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

Documents/Exhibits: Building Plans.

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

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

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
SHERRY DONG
JOSEPH RUGGIERO
KOSTA LIGRIS

SUBSTITUTE MEMBERS:

HANSY BETTER BARRAZA

For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to https://www.municode.com/library/ma/boston/codes/redevelopment_authority

For a video recording of the February 15, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.