



City of Boston  
Board of Appeal

Tuesday, August 9, 2022

BOARD OF APPEAL

City Hall Room 801

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## **HEARING AGENDA**

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

**ALL MATTERS LISTED ON THIS AUGUST 9, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE AUGUST 9, 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/August9Comment> 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.



City of Boston  
Board of Appeal

**For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/August9Comment>, 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 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 appear in person at City Hall. 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**



City of Boston  
Board of Appeal

**[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.**



City of Boston  
Board of Appeal

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

**JULY 12, 2022**

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

## **EXTENSION: 9:30AM**

**Case: BOA-773901 Address: 1465 VFW Parkway Ward 20 Applicant: Stephen V Miller, Esq**

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to recognize the Covid-19 Tolling with a new date of May 27, 2023.

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

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

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

**Case: BOA-1260823 Address: 76 Wyman Street Ward 10 Applicant: Sarah Ewing**

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to defer until August 23, 2022.

**Case: BOA-1118842 Address: 28 Hill Top Street Ward 16 Applicant: Deborah Nee**

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to approve with no building code relief granted.

**Case: BOA- 1295945 Address: 14-40 Beach Street Ward 3 Applicant: Kathy Phan**

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

## **GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM**

**Case: BOA-1350481 Address: 220 Huntington Avenue Ward 4 Applicant: Dennis Durand**

**Article(s):** Art. 32 Sec. 32 4 - Groundwater Conservation Overlay District, Applicability

**Purpose:** The project to be constructed is a 10 story, 325 unit multi use residential and retail building with 152 below grade parking spaces. Demolition of existing structure under SF: # Demolition of structure on 1 Cumberland St.: SF#

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

**Documents/Exhibits:** Building Plans. Boston Groundwater Trust letters.

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



City of Boston  
Board of Appeal

**Case: BOA-1349716 Address: 58 Burbank Street Ward 4 Applicant: Charles Haydon**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability

**Purpose:** Construct a new 6 story single family rowhouse and headhouse. Scope includes roof decks, rear decks & exterior stairs, elevator, FA/FP, and one rear accessory parking spot at grade. Separate SF permit req'd for demolition of existing structure.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail with a GCOD only request.

**Documents/Exhibits:** Building Plans. Boston Ground Water Trust letters.

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

**Case: BOA-1351436 Address: 286 Commonwealth Avenue Ward 5 Applicant: Jason Allukian**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability

**Purpose:** Replace rear yard with 1 story addition and roof deck. (Unit #2)

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to replace the rear with an addition and add a roof deck.

**Documents/Exhibits:** Building Plans. Boston Ground Water Trust letters on file.

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

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

**Case: BOA- 1270711 Address: 284 Maverick Street Ward 1 Applicant: Odessit Capital**

**Article(s):** Art. 32 Sec. 32-4 Groundwater Conservation Overlay District, Applicability Art. 53 Sec. 56 Off- Street - Parking Insufficient parking Art.53 Sec. 08 Use: Forbidden Article 53 Section 9 Insufficient lot size Article 53 Section 9 Insufficient additional lot area per unit Article 53 Section 9 Excessive f.a.r. Article 53 Section 9 # of allowed stories exceeded Article 53 Section 9 usable open space per unit Article 53 Section 9 Insufficient side yard setbacks Article 53 Section 9 Insufficient rear yard setback

**Purpose:** Seeking to erect a new four unit residential building.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a four unit dwelling with no parking. This is close to the Maverick T station.

Board members asked about plans, proposal, F.A.R

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

**Documents/Exhibits:** Building Plans.

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



City of Boston  
Board of Appeal

**Case: BOA- 1303397 Address: 124 Leyden Street Ward 1 Applicant: Sandra Bonito**

**Article(s):** Art. 53 Sec. 08 Forbidden Four family dwelling Use-Forbidden Art. 53 Sec. 09 Insufficient lot size Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09 Number of allowed stories has been exceeded Art. 53 Sec. 09 Insufficient rear yard setback Art. 53 Sec. 09 Insufficient front yard setback Art. 53 Sec. 09 Insufficient side yard setback Art. 53 Sec. 56 Off-Street Parking Insufficient parking Article 27T - 5 East Boston IPOD Applicability

**Purpose:** See ALT 1262476 for subdivision permit application. Work proposed to include erection of new four family dwelling at 126 Leyden Street. Clarification; Subdivide 6004sf lot into two lots A (?) and B(?). Lot A 3634sf shall have a new structure to be known as 124 Leyden street and the existing structure known as 126 Leyden street (three family) on created Lot B 2370sf shall remain.

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

**Case: BOA-1303651 Address: 126 Leyden Street Ward 1 Applicant: Sandra Bonito**

**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.-reduction of lot size via subdivision of a nonconforming USE >25% Forbidden Art. 53 Sec. 56 Off Street Parking - Insufficient parking Existing removed Art. 53 Sec. 09 Insufficient lot size Art. 53 Sec. 09 Applicable in Residential Sub Districts (open space insufficient; Insufficient lot width Art. 53 Sec. 09 Insufficient lot width frontage Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09 Insufficient side yard

**Purpose:** Proposed to subdivide 126 Leyden Street existing lot into Lots A and B as shown on attached subdivision plan. (Companion application to the ERT filed for 124 Leyden street) \*Structure to remain on lot =3 Family doc#446/1892

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

**Case: BOA- 1327753 Address: 82 Webster Street Ward 1 Applicant: 82 Webster Street Condominium Trust**

**Article(s):** Article 27T – 5 East Boston IPOD Applicability - East Boston Interim Planning Overlay District Applicability Article 53 Section 9 Side Yard Insufficient Article 53, Section 52 Roof Structure Restrictions

**Purpose:** Erect a Roof Deck exclusive to Unit 3.

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

**Case: BOA-1295426 Address: 270 West Second Street Ward 6 Applicant: 270 West Second Street LLC**

**Article(s):** Art 68 Sec 8 Insufficient lot area/unit Art 68 Sec 8 Excessive f.a.r. Art 68 Sec 8 Max allowed height exceeded within the district Art 68 Sec 8 Insufficient usable open space per unit Art 68 Sec 8 Insufficient side yard setback Article 68, Section 29 Exceeded height limitations allowed on the lot

**Purpose:** Erect a 5 story 58 in height), 84,000gsf building with 81 residential units with elevator access and 60 at grade garage parking spaces on 27664sf lot. \* Existing structure to be razed on a separately reviewed and issued demolition permit \*\*Reduced scope; ART80LPR FD7.7.2022

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to open and operate a chase bank and change the occupancy to include this use.

Board members asked about plans, signage, landscaping.

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

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

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



City of Boston  
Board of Appeal

**Case: BOA- 1334613 Address: 1744-1750 Centre Street Ward 20 Applicant: Ian Heanue**

**Article(s):** Article 56 section 15 Use Regulations - Use: Drive in Bank: Conditional

**Purpose:** Change of Occupancy to include a Drive up ATM onsite at the JPMorgan Chase Bank.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a bedroom and living space into the attic.

Board members asked about plans, overview, proposal.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1337306 Address: 360 Corey Street Ward 20 Applicant: Jason Cunningham**

**Article(s):** Article 56, Section 8 FAR Excessive

**Purpose:** Interior work only. Changing part of attic space from mechanical/storage to a bathroom and bedroom space.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a bedroom and living space into the attic.

Board members asked about plans, overview, proposal.

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

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

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

**Case: BOA-1307565 Address: 839-843 Beacon Street Ward 21 Applicant: Miner Realty, Inc., by John Gorman**

**Article(s):** Article 61 Section 10 Use Regulations - Animal hospital/clinic is a forbidden use.

**Purpose:** Change occupancy from 45 Residential Units, Commercial / Retail Spaces, Parking Garage to 45 Residential Units, Commercial / Retail Spaces, Parking Garage and General Practice Veterinary Clinic" on the ground floor.

Construct 2400 sf tenant fit out consisting of 4 exam rooms, an X ray suite, a surgery suite and treatment area per plans.

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

Board members asked about plans, proposal.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Ruggiero moved to approve to this applicant only, stick to hours specified, no overnight patients, and all deliveries to the rear. Erlich seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

**Case: BOA- 1350004 Address: 430-454 Blue Hill Avenue Ward 14 Applicant: Pure Oasis LLC**

**Article(s):** Art. 09 Sec. 02 Nonconforming Use Change - Change in nonconforming Article 50 Section 19 Uses Regulations - Cannabis accessory warehousing use Conditional Article 50 Section 19 Uses Regulations - Delivery Forbidden Article 50 Section 19 Uses Regulations - 15.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.

**Purpose:** Add warehousing and delivery to existing cannabis establishment.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to include delivery to existing cannabis establishments from 8am-9pm. No more than 1 ounce can be delivered to someone at a time.

Board members asked about plans, delivery, loading, drivers, online business.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Liz Miranda is in support; Project R.I.G.H.T is in opposition.

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

**Votes:** Board Member Ruggiero moved to approve with provisos, this petitioner only, hours as discussed, 2 delivery vehicles, and all loading is off of the public way. Erlich seconded and the motion carried unanimously.

### **HEARINGS:10:30AM**

**Case: BOA-1215328 Address: 5 Breed Street Ward 1 Applicant: Melissa Novaco**

**Article(s):** Article 27T - 5 East Boston IPOD Applicability Article 69 Section 15 Building Height Excessive Article 69 Section 15 Floor Area Ratio Excessive Article 69 Section 29 Off-Street Parking & Loading Req Off-Street Parking Insufficient

**Purpose:** Seeking to erect a new Mult-Family Dwelling (four units).

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





City of Boston  
Board of Appeal

**Case: BOA-1272787 Address: 331-335 Border Street Ward 1 Applicant: Beth McDougal**

**Article(s):** Article 27T 5 East Boston IPOD Applicability Article 53, Section 9 Front Yard Insufficient  
Article 53, Section 9 Rear Yard Insufficient

**Purpose:** For the property located at 331 to 335 Border ST, East Boston MA 02128: Construct a permanent roof structure to cover the proposed outdoor seating for three seasons. The space will not be used during the cold winter months. It will not be insulated and/or conditioned space.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to construct a roof structure and outdoor seating.

Board members asked about plans, elevations, noise.

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

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

**Votes:** Board Member Ruggiero moved to approve with BPDA design review with attention to the public sidewalk. A 9pm patio closing and no music on the patio. Barraza seconded and the motion carried unanimously.

**Case: BOA-1343369 Address: 159-165 Everett Street Ward 1 Applicant: 165 Everett, LLC**

**Article(s):** Art. 53 Sec. 56 Off Street Parking - Reduction in insufficient parking from 8 spaces to 7 spaces Conditional

**Purpose:** Amend ERT1065174 to change the foundation plan to include a frost wall and remove parking to have a total of 7 parking spaces as per plans and memo from engineer. \*ERT erect a 7 unit residential dwelling with roof decks and parking for 8 vehicles.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to modify the foundation, reduce parking to 7 spots.

Board members asked about plans, proposal, parking.

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

**Documents/Exhibits:** Building Plans. Letter in opposition.

**Votes:** Board Member Barraza moved to approve with BPDA design review with an alarm for the driveway and all provisos from previous decision remain. Erlich seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

**Case: BOA- 1315710 Address: 55-63 Summer Street Ward 3 Applicant: 55 Summer Street LLC**

**Article(s):** Article 7, Section 4 Other Cond Necc as Protection - Change in a Previous Decision of the Zoning Board of Appeal (BZC 3177)

**Purpose:** Update surface parking at 55 Summer Street to appropriate correct current conditions; use request update to include up to 4 parking spaces and 1 handicap parking spot, per plan.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add four handicap spots with a handi cap spot.

Board members asked about plans, parking, curb.

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

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

**Votes:** Board Member Barraza moved to approve with 4 parking spaces, BTD and BPDA review. Erlich seconded and the motion carried unanimously.

**Case: BOA-1271979 Address: 95 Baxter Street Ward 6 Applicant: Mark Porter**

**Article(s):** Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68. Section 8.4 Dim Regs: Extension in Rear Yard Article 68, Section 29 Roof Structure Restrictions

**Purpose:** Full renovation to existing three family dwelling. Construct 16' addition on rear of building to accommodate two bedrooms on each floor. Extend living space to the basement.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to fully renovate a 3 family and extend living in the basement.

Board members asked about plans, proposal, layout, rear yard, open space, roof, basement and height.

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

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

**Votes:** Board Member Barraza moved to approve with no bedrooms in the basement and BPDA design review. Erlich seconded, Araujo opposed and the motion carried 5-1.



City of Boston  
Board of Appeal

**Case: BOA-1298001 Address: 3 Oswald Street Ward 10 Applicant: Janice Ye**

**Article(s):** Article 59, Section 8 Side Yard Insufficient Article 59, Section 8 Bldg Height Excessive (Stories) Article 59, Section 8 Floor Area Ratio Excessive Art. 10 Sec. 01 Limitation of parking areas - Proposed parking is within 5 feet of the side yard. Also tandem parking will cause a maneuverability violation.

**Purpose:** The project is an existing 3 family dwelling. We will add three bathrooms and additional attic living space (including small dormer) as well as a new layout of rooms to improve overall quality of the unit.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to finish the attic space and add living space to the third floor top unit for a 4 bed 4 bath.

Board members asked about plans, proposal, units, bathrooms.

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

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

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

**Case: BOA-1311085 Address: 19 Spalding Street Ward 11 Applicant: Sarah DeSimas & Hudson Klebs**

**Article(s):** Art. 55 Sec. 09 Exceeding FAR Art. 55 Sec. 09 Exceeding building height Art. 55 Sec. 09 Exceeding Rear Yard minimum depth Art. 55 Sec 9 Side yard minimum not met

**Purpose:** Gut/Remodel of existing kitchen, bedroom and dining on 3rd floor of house. Convert existing unconditioned attic space into conditioned living space with 1 bedroom and 1 bathroom. Extension of living space of unit #3 into the attic and the basement to be used as storage for the three units and as existing mechanical space.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a bed and bathroom to an unfinished attic space.

Board members asked about plans, height, and proposal.

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

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

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



City of Boston  
Board of Appeal

**Case: BOA-1322125 Address: 36 Gaston Street Ward 12 Applicant: Foley Hoag, LLP**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions - Remove provisos: 1 Relief to expire in 1 year. 2 Relief to this petitioner only.

**Purpose:** BOA removal of BOA provisos "relief to expire in one year" and "to this petitioner only." for conditional transitional housing use in a 3F 4000. No work to be done.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to remove the previous proviso and confirm for 7 staff members.

Board members asked about plans, neighborhood impact, plans and proposal.

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

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

**Votes:** Board Member Barraza moved to approve with BPDA design review with attention to the height of the roof ridge and dormer. Ruggiero seconded and the motion carried unanimously.

**Case: BOA-1263429 Address: 329 Gallivan BLVD Ward 16 Applicant: Francis X. Clegg**

**Article(s):** Art. 65 Sec. 02 Conformity with Existing Building Street modal not provided to verify compliance.

Alignment Art.65 Sec. 8 Use: Forbidden Multifamily use Article 65, Section 9 Floor Area Ratio Excessive

Max. allowed: 0.5 Proposed: 1.54 Article 65, Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5

Proposed: 3 Article 65, Section 9 Front Yard Insufficient Min. required: 15' Proposed: 4.8' Hutchinson St.

Article 65, Section 9 Rear Yard Insufficient Min. required: 30' Proposed: 5.1'

**Purpose:** To raze the existing 6 unit structure (Demo Short Form #: ) and construct a new (9 unit--> reduced to 8 units 06/29/22) residential building with (9 off-street parking spaces --> increased to 11 spaces 06/29/22).

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

**Case: BOA-1280392 Address: 333 Freeport Street Ward 16 Applicant: Duc Nguyen**

**Article(s):** Article 65, Section 15 Use: Forbidden

**Purpose:** The owner seeks to change occupancy to have this two family converted to mix use with first floor a commercial space for body piercing, jewelry and art gallery for local artists. The second floor will be for residential use.

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



City of Boston  
Board of Appeal

**Case: BOA- 1321243 Address: 18 Malcolm Road Ward 19 Applicant: Timothy & Simona Leveroni**

**Article(s):** Article 55, Section 12 Floor Area Ratio Excessive Article 55, Section 12 Side Yard Insufficient

**Purpose:** Renovation and addition to an existing single family detached dwelling. Scope includes finishing part of basement to have a full bath, rec room and man cave. A second floor master bathroom addition is proposed above the existing rear sunroom. No change to building footprint.

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

Board members asked about plans, lot size, side yard, and height.

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

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

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

**Case: BOA- 1352125 Address: 1852-1858 Centre Street Ward 20 Applicant: Lucio Trabucco**

**Article(s):** Article 56 Section 16 Rear yard 39.4min.

**Purpose:** 1858 Centre St The Learning Tree. Erect a rear wood framed deck connected to existing daycare.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail for a rear deck to allow for outdoor space for the childcare center.

Board members asked about plans, deck, parking, and deliveries.

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

**Documents/Exhibits:** Building Plans.

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



City of Boston  
Board of Appeal

**Case: BOA-1289500 Address: 40 Soldiers Field Place Ward 22 Applicant: 40 Soldiers LLC**

**Article(s):** Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability MFR is a conditional use in a CC 1 Sub district Article 51, Section 16 Use Regulations - MFR is a conditional use in a CC 1 Sub district Article 51, Section 17 Floor area ratio is excessive Article 51 Section 17 2 Front yard setbacks are insufficient (note through lot, so no rear yard) Article 51, Section 17 Building height in feet is excessive

**Purpose:** Erect 95440 sf, 6 story, 61 residential unit building with common roof deck, 2 Vespa spaces & 61 bike spaces on ground floor & 49 parking spaces on the ground floor and in the basement. Existing building to be razed under separate permit.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 6 story 61 unit dwelling.

Board members asked about plans, amenities, parking, breakdown.

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

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

**Votes:** Board Member Ruggiero moved to approve with BPDA design review and 25% of the parking has to be electrical vehicle charging.

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

**Case: BOA-1311763 Address: 59 Falcon Street Ward 1 Applicant: 59 Falco Street, LLC**

**Article(s)** Art. 53, Section 56 Off-Street Parking Insufficient - 0 Provided Art. 53, Section 8 Use: Forbidden - MFR in 2F zone Article 27T - 5 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions Article 53, Section 57.2 Conformity Ex Bldg Alignment Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

**Purpose:** Erect a 4 unit residential dwelling with roof decks, as per plans.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until September 27, 2022 at 11:30PM.



City of Boston  
Board of Appeal

**Case: BOA-1320322 Address: 362 Meridian Street Ward 1 Applicant: Amoropus Construction, LLC**

**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - <25%- Conditional Art. 53 Sec. 08 Use: Conditional-T hree family to a four family-Conditional Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09 Dimensional Regulations - Number of allowed habitable stories exceeded Art. 53 Sec. 09 Insufficient side yard setback Art. 53 Sec. 09 Insufficient rear yard set back Art. 53 Sec. 52 Roof Structure Restrictions - Access Art. 53 Sec. 56 Off-Street Parking - Insufficient parking Art.53 Sec. 08 Use: Forbidden - Footnote #7 Basement units are forbidden Article 27T – 5 East Boston IPOD Applicability

**Purpose:** Change occupancy from a three family to a 4-unit residential dwelling and erect a roof deck and new rear stairs as per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add to change from a 3 to a 4 family with a roof deck that is exclusive to the upper level.

Board members asked about plans, roof deck, and basement.

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

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

**Votes:** Board Member Barraza moved to approve with BPDA design review with access to the roof deck and an internal stair. Ruggiero seconded and the motion carried unanimously.

**Case: BOA-1279027 Address: 194-198 Bunker Hill Street Ward 2 Applicant: VLCO Townies, LLC**

**Article(s):** Art. 62 Sec. 14 Usable open space insufficient Art. 62 Sec. 29 Off street parking insufficient Article 62, Section 14 Floor area ratio is excessive.

**Purpose:** Change occupancy to a 3 dwelling units and interior renovations for new 3 dwelling unit: Two bedrooms, bathroom, kitchen and dining room.

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

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

**Case: BOA-1279022 Address: 198 Bunker Hill Street Ward 2 Applicant: VLCO Townies, LLC**

**Article(s):** Article 62, Section 8 Lot Area Insufficient Article 62, Section 8 Add'l Lot Area Insufficient Article 62, Section 8 Floor Area Ratio Excessive Article 62, Section 8 Bldg Height Excessive (Stories) Article 62, Section 8 Bldg Height Excessive (Feet) Article 62, Section 8 Usable Open Space Insufficient Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Rear Yard Insufficient Article 62. Section 29 Off Street Parking & Loading Req

**Purpose:** Demolition of existing commercial building for new 4 dwelling unit residential building.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail 4 units.

Board members asked about plans, violations, rear yard, height, and abutter.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred judgement to the Board. Councilor Coletta and abutters are in opposition. An abutter is in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review, no B.C violation to the windows in property lines. Ruggiero seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

**Case: BOA-1298133 Address: 1395-1405 Washington Street Ward 3 Applicant: The Walsh EI, LLC**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability Article 64, Section 18 Use: Conditional - Restaurant #1 Article 64, Section 18 Use: Conditional - Restaurant #2 Article 64, Section 18 Use: Conditional - Restaurant #3 Article 64, Section 19 Bldg. Height exceeding 70 ft. Article 64, Section 19 FAR exceeding 3.0 max. Article 64, Section 19 Dimensional Regulations - 64 19.2 Usable open space per 64 9 Article 64, Section 19 Dimensional Regulations - 64 19.2 Rear yard per 64 9 Article 64, Section 34 Roof Structure Restrictions Article 64, Section 36 Off Street Parking & Loading Req  
**Purpose:** Construction a new seven story, 35 multi family residential building, with core/shell ground floor local retail (1) and restaurants (3), per plans. Combine parcels 0306975000, 0306976000, 0306977000; see ALT1227446, ALT1222965, and ALT1222967. Demo existing one story building on a separate demo permit.

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

**Case: BOA- 1258638 Address: 20 Hinckley Street Ward 13 Applicant: Mike Tokatlyan**

**Articles:** Art. 55 Sec. 65-41 Off-Street parking insufficient - Newly created variance via updated BOA plans Reviewed 5.6.22 Art. 65 Sec. 9 Insufficient rear yard setback-via updated BOA plans Reviewed 5.6.22 Art. 65 Sec. 9 Insufficient lot size Art. 65 Sec. 9 Insufficient lot width frontage Art. 65 Sec. 9 Insufficient lot width Art. 65 Sec. 9 Insufficient Front yard setback Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Excessive F.A.R  
**Purpose:** Seeking to erect a single family home on a vacant lot. \*4.4.22 BOA revised plans; Proposed parking removed from scope.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until September 27, 2022 at 11:30PM.

**Case: BOA-1258783 Address: 99 Erie Street Ward 14 Applicant: Michael Dello Russo**

**Article(s):**Article 60, Section 41.1 Conformity Ex Bldg Alignment - (Non parallel) 7.8'avg & 6.1' closest point provided Article 60, Section 40 Off Street Parking & Loading Req - 1. 0 < 7 req'd 2. Rear driveway less than 10ft wide.Article 60, Section 8 Use: Forbidden - MFR in 3F zone Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Add'l Lot Area Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient  
**Purpose:** Combining parcels 1402477001 & 1402451000 to erect a new 7 unit apartment building. New construction, with roof decks and new rear driveway

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to combine parcels and create a 7 unit dwelling. The roof deck will be accessed by head house.

Board members asked about plans, unit count, parking, hatch, roof deck, head house.

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

**Documents/Exhibits:** Building Plans. Letter in support.

**Votes:** Board Member Barraza moved to approve with BPDA design review on materials, massing, context, and the extend and scale of the roof deck. No driveway for landscaping at the rear, and tree preservation. Erlich seconded and the motion carried unanimously.





City of Boston  
Board of Appeal

**Case: BOA- 1236084 Address: 45 Milton Avenue Ward 17 Applicant: Michael Castillo, as Principal, ONYX Management & Development**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas Parking less than 5ft from side lot line. Art. 65 Sec. 8 Use: Forbidden MFR Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 42.2 Conformity w Ex Bldg Alignment 10ft provided

**Purpose:** Erect a 10,827 12,850 square foot (Gross), three story residential building with eleven nine units and parking for fourteen nine vehicles spread through rear & side yards and garage. This combined parcel has 10,800 square feet, see ALT1202780, ALT1202781, ALT1202782. Existing dwelling and two sheds to be razed on a separate permit. 07/08/22 Scope updated.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until September 27, 2022 at 11:30PM.

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

**BOARD MEMBERS:**

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

**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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**

**For a video recording of the August 9, 2022 Board of Appeal Hearing please go to: [https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).**