



City of Boston
Board of Appeal

Tuesday, December 6, 2022

BOARD OF APPEAL

City Hall, Room 801

HEARING MINUTES

Board Chair Erlich called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Chair announced that the hearing was being conducted remotely via an online meeting platform and subject to the below advisory which was part of the publicly posted hearing agenda. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON DECEMBER 6, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS DECEMBER 6, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE DECEMBER 6, 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/December6Comment> 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/December6Comment>, calling 617-635-4775, or emailing zba.ambassador@boston.gov.



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

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

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

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

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

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

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



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APPROVAL OF THE HEARING MINUTES: 9:30AM

October 13, 2022 & October 25, 2022

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

EXTENSIONS: 9:30AM

Case: BOA- 956971 Address: 118 Harrishof Street Ward 12 Applicant: Erlene Brown

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend to a new date of 12/11/ 2023.

Case: BOA-1023110 Address: 9 Newton Street Ward 22 Applicant: Nicholas Zozula, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend to a new date of 12/23/ 2023.

Case: BOA-1112820 Address: 21 Morse Street Ward 14 Applicant: Eric Zachrison, MBA, AIA

Discussion/Vote: Upon a Motion and second, the Board voted unanimously to extend to a new date of 12/11/ 2023.

HEARINGS: 9:30AM

Case: BOA-1395883 Address: 89 Marion Street Ward 1 Applicant: Eg Equity, LLC

Article(s): Article 9. Section 1 Extension of Nonconforming Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Feet) - Roof deck Article 53, Section 52 Roof Structure Restrictions Article 27T 5 East Boston IPOD Applicability Article 53, Section 9 Side Yard Insufficient

Purpose: Amending ALT809278. Extending living space into the basement for the (2) first floor units. Scope also includes increasing building height, reconfiguration of interior layouts (for all floors), revised roof deck layout & access, new rear balcony and exterior wall openings.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to reconfigure due to structural issues and allow for more livable space. New foundation and no window wells.

Board members asked about plans, configuration, 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.

Votes: Board Member Robinson moved to approve with BPDA design and no building code relief. Pinado seconded and the motion carried unanimously.



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Case: BOA-1371277 Address: 1180 Washington Street Ward 3 Applicant: Jianshu Dong

Article(s): Article 64, Section 19 Building Height Excessive Article 64, Section 34 Roof Structure Restrictions Article 9, Section 1 Extension of Nonconforming Building - The maximum Building Height for this Zoning District is 70'. Elevation Height of Proposed Pergola is 90.09'

Purpose: Seeking to make improvements to the existing roof deck including erecting a pergola and privacy fence. The existing roof deck associated with this application will continue to be for the exclusive use of Unit 500.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to improve existing roof deck and exclusive use for unit 500.

Board members asked about plans, shadow study, proposal.

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

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

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

Case: BOA-1392527 Address: 80 Charles Street Ward 5 Applicant: Julie Nicolazzo

Article(s): Art. 08 Sec. 07 Use: Forbidden - Forbidden: Cat Lounge Art. 08 Sec.07 Use: Conditional - Use item No.36A on premises consumption food drink and take out Art. 08 Sec.07 Use: Conditional - Use Item No. 37 seat in restaurant

Purpose: Converting existing office space into cat lounge, retail (bookstore), café with on premises consumption of food and drink, and accessory take out of food and drink. and " Seat in restaurant".

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to use a previous bank and change it to a cat café with a coffee and tea area.

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

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 Robinson moved to approve with all standard takeout language, this applicant only, and no outside animals permitted. Ruggiero seconded and the motion carried unanimously .



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Case: BOA- 1405257 Address: 472 West Broadway Ward 6 Applicant: George Morancy

Article(s): Art. 68 Sec. 07 Professional office use conditional Art 68 Sec 8 Insufficient additional lot area Art 68 Sec 8 Excessive f.a.r. Article 68, Section 7 Bank Mortgage lender office use Conditional Art. 68 Sec. 33 Off Street parking Req. - Insufficient parking Art 68 Sec 8 Insufficient open space

Purpose: Change legal occupancy from 1 Commercial & 16 Residential Units with 10 Car Garage (COO1367197) to 1 Mortgage Office (1st story), 1 Agency/Professional Office(basement) & 16 Residential Units with 10 Car Garage. Cost of work reflected on ERT1020164. No work to be done under this application (TBD).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to 2 office spaces and 16 residential units with a 10 car garage, and parking underground.

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. Councilor Flynn is in support..

Documents/Exhibits: Building Plans.

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

Case: BOA-1404360 Address: 47-49 Rosseter Street Ward 14 Applicant: Charnice Barbour

Article(s): Art. 65 Sec. 65 8 Floor Area Ratio excessive Art. 65 Sec. 65 8 Building Height Excessive Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Dimensional Regulations

Purpose: Change of occupancy from two family dwelling to three family dwelling. Construct rear addition for a wider rear egress stairway and construct new dormer.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to reconfigure an existing 2 family to a 3 family with a minimal dormer.

Board members asked about plans, proposal, square feet.

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 Pinado moved to approve with BPDA design review. Dong seconded and the motion carried unanimously

Case: BOA-1398524 Address: 19-23 Ashland Street Ward 16 Applicant: 19 Ashland LLC, By it's Attorney Marc LaCasse

Article(s): Art. 65 Sec. 41 Off street parking requirements Design/maneuvering areas Art. 65 Sec. 9 Unit 1 front entry facing side yard Art. 65 Sec. 9 Number of allowed stories exceeded Art. 65 Sec. 9 Insufficient front yard setback Art. 65 Sec. 9 Insufficient rear yard setback Art.65 Sec. 8 Use: Forbidden Three family Article 65, Section 39 Screening & Buffering Req Article 65, Section 42.13 Two or More Dwellings on Same Lot

Purpose: Change occupancy from 2F to 3F w/ townhouse design and 4 garage parking spaces and one surface space; renovate portion of existing structure and addition as per plans. This application is filed in conjunction w/ a ERT1299891 on rear of same lot. *(TOTAL of SEVEN UNITS-assigned 5.23.22).

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 7, 2023 at 11:30.



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Case: BOA- 1398527 Address: 25R-31R Ashland Street Ward 16 Applicant: 19 Ashland LLC, By it's Attorney Marc LaCasse

Article(s): Art. 10 Sec. 01 Limitation of parking areas 5'side yard buffer Art. 65 Sec. 08 Forbidden MFR Art. 65 Sec. 9 # of allowed stories has been exceeded Art. 65 Sec. 9 Insufficient rear yard set back Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Excessive f.a.r. Article 65, Section 39 Screening & Buffering Req Article 65, Section 42.13 Two or More Dwellings on Same Lot Article 65, Section 9 Insufficient lot width (Building behind a building)

Purpose: This is one of two main structures on the same lot as 19-23 Ashland to construct a new 3-story, 4 unit residential building [townhouse style] w/ parking for each unit per plans. New building shall be known as 25R-31R Ashland Street. Filed in conjunction with ALT129982. *(Total of SEVEN UNITS on the parcel).

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 7, 2023 at 11:30.

Case: BOA- 1399003 Address: 625-629 Adams Street Ward 16 Applicant: Peter Le

Article(s): Art. 65 Sec. 41 Off street parking requirements - insufficient parking Art. 65 Sec. 9 Insufficient additional lot area Art. 65 Sec. 9 usable open space per unit Art. 65 Sec. 9 Insufficient rear yard setback Art. 65 Sec. 9 Insufficient front yard setback (modal) Article 65, Section 9 Insufficient side yard setback Article 65, Section 9 Insufficient lot size Article 65, Section 9 excessive f.a.r.

Purpose: Proposed second story addition to change use from commercial to commercial space and two dwelling units, as per plans. Construction set to be submitted upon ZBA approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate the first floor and remain as commercial use with residential use above. Existing footprint will be maintained.

Board members asked about plans, configuration, design, parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review with alternate side yard setback, look at outdoor deck space and open space, and reduce the parapet height. Ruggiero seconded and the motion carried unanimously.



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Case: BOA- 1375575 Address: 2 Ayr Road Ward 21 Applicant: Tula Corporation

Article(S): Article 51, Section 56 Off Street Parking Insufficient Article 51, Section 9 Add'l Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Usable Open Space Insufficient

Purpose: Ground floor renovation of the an existing multi family apartment building. Redesign the existing ground floor unit layout and provide 2 new units (to be Group 2A), a common laundry, trash & bike rack areas. The ground floor will be fully sprinklered. Exterior improvements to courtyard. No expansion.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate and reconfigure a multifamily on a corner lot with new units in the ground floor. Improved accessibility and all work within existing building.

Board members asked about plans, breakdown, space, egress, mechanicals.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review, exterior changes, courtyard space, and no building code relief. Pinado seconded and the motion carried unanimously.

Case: BOA- 1382419 Address: 49 Bennett Street Ward 22 Applicant: Congregation Khal Tiferes Yosef

Article(s): Article 51, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.5 Proposed: 1.08 Article 51, Section 9 Front Yard Insufficient - Min. required: 20' Proposed: 14' to entry porch. 18.7' to facade. Article 51, Section 9 Rear Yard Insufficient - Min. required: 40' Proposed: 21.4' Art. 51 Sec. 23^ Off street parking requirement - Min. parking spaces required for community uses: 14 spaces Min. parking spaces required for residential use: 1.75 spaces Proposed total: 5 spaces Art. 51 Sec. 57.2 Exst'g Bldg Algnmnt Conformity - Street modal calculation not provided to verify its compliance.

Purpose: This is a new construction synagogue. The project will include one apartment, a sanctuary, social hall, ritual bath and ancillary spaces. Demolish existing building under SF:#.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to demolish an existing building and erect a synagogue. Abuts a dead end court and there is a non-conforming home in the rear.

Board members asked about plans, scope, retaining wall, proposal.

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

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

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



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HEARINGS:10:30AM

Case: BOA-1332095 Address: 130 Marginal Street Ward 1 Applicant: Star Property Holdings, LLC
Article(s): Art. 53 Sec. 09 Dimensional Regulations Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Side yard insufficient Art. 53 Sec. 12 Height Excessive Art. 53 Sec. 56 Off St.Parking Requirements Art. 53 Sec. 12 Rear Yard insufficient Art. 53 Sec. 12^ Floor area ratio excessive Art. 53 Sec. 57 Dimensional Application
Purpose: Erect a new residential building with four units and four parking spaces.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 7, 2023 at 11:30.

Case: BOA- 1403378 Address: 68 Liverpool Street Ward 1 Applicant: Richard Lynds, Esq
Article(s): Art. 32 Sec. 04 GCOD Applicability Art. 53 Sec. 53-57 Appl. of dimensional Req. - (11) Shallow lot- Insufficient rear yard setback Art. 53 Sec. 54 Screening/Buffering - Section (b) Art. 53 Sec. 56 Off-Street Parking - Insufficient parking Article 27T - 5 East Boston IPOD - Applicability Article 53 Section 15 Use Regulations - 1st flr residential- Conditional Article 53, Section 16 Excessive f.a.r. Article 53, Section 16 (7) Insufficient open space (i.e. section 53-17)
Purpose: Erect a five story six unit residential dwelling with roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new multifamily residential development with 5 units. Roof deck for exclusive use to units 4 &5.

Board members asked about plans, configuration, extension, breakdown and abutter.

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

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

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

Case: BOA-1387449 Address: 210-214 Newbury Street Ward 5 Applicant: Babson United, Inc
Article(s): Article 8 Section 7 Use Regulations - Use: Live Entertainment (Use Item # 38): Conditional
Purpose: This application is to Change the Use to include Live Entertainment (Use Item 38) in the Lululemon Store.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change use and occupancy to include live entertainment. Also includes yoga and café space with a performance space.

Board members asked about plans, use, hours.

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

Documents/Exhibits: Building Plans.

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



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Case: BOA-1311055 Address: 717A-717 East Fifth Street Ward 6 Applicant: Chan Build LLC

Article(s): Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 29 Roof Structure Restrictions - Extension of penthouse Article 68, Section 33 Off Street Parking & Loading Req - Off street parking is insufficient

Purpose: Change Occupancy from one family and store, to two family house. Build new 2 bedroom unit on the first floor, remodel 2nd floor, extend existing head house on the 3rd floor and extend roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy to a 2 family.

Board members asked about plans, utilities.

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.

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

Case: BOA-1396214 Address: 748-750 East Broadway Ward 6 Applicant: George Morancy

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Maximum allowed height on parcel has been exceeded Art 68 Sec 8 Building height excessive in Sub-district Art 68 Sec 8 Excessive F.A.R. Art 68 Sec 8 Insufficient usable open space per unit Art 68 Sec 8 Insufficient front yard setback (Corner lot) Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Insufficient rear yard setback Art 68 Sec 8 Insufficient minimal lot size Art 68 Sec 8 Dim reg app in res sub dist - insufficient additional lot area per unit Art. 68 Sec. 34 Appl. of Dim. Req. - Traffic visibility across the corner lot obstructed Article 68, Section 33 Off-Street Parking & Loading Req - Insufficient parking

Purpose: Construct new 4 Story Building with (9) residential units and retail (mercantile) space at the first floor 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. *Existing structures are to be applied for and razed on a separately reviewed and issued SF demolition permit Assigned 3.29.22

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 4 story 9 unit dwelling with ground floor retail on a corner lot. Consistent with modal alignments.

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

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn, Flaherty, Murphy, and Rep. Lynch are in support. The City Point Association and an abutter are in opposition.

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

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



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Case: BOA-1403829 Address: 354 E Street Ward 6 Applicant: George Morancy

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of existing roof profile Art 68 Sec 29 Roof Structure Restrictions - Max allowed preexisting height on parcel exceeded Art 68 Sec 8 Extension into rear yard exceeds 1,000sf Art 68 Sec 8 Insufficient rear yard setback Art 68 Sec 29 Roof Structure Restrictions - Proposed roof decks on lower rooves Art 68 Sec 8 Excessive f.a.r. Art. 68 Sec. 33 Off Street parking Req. - Insufficient parking Art. 68 Sec. 33 Off Street parking Req. - Design/Clear free maneuvering areas to spaces Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Art 68 Sec 8 Dim reg app in res sub dist - Max allowed hieght in district exceeded Art.68 Sec. 33 Off Street Loading Req.

Purpose: No record of occupancy. Confirm as church and change to 35 dwelling units. Perform interior and exterior renovations to existing former church building; erect two four story rear additions and one six story rear addition; add interior garage parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to confirm as a church and convert to a 35 dwelling with dormers.

Board members asked about plans, proposal, breakdown.

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

Documents/Exhibits: Building Plans.

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

Case: BOA- 1345665 Address: 6 Pleasant Street Ward 13 Applicant: Pedro Conceicao

Article(s): Art. 65 Sec. 9 Insufficient open space Art. 10 Sec. 01 Limitation of parking areas - Insufficient side yard buffer 5' req Article 65, Section 9 Insufficient rear yard setback of newly proposed stair relocation Art. 65 Sec. 41 Off street parking requirements - Location; One of the spaces is encroaching in the required Front yard

Purpose: Add a curb cut to provide three off street parking spaces. Clarification: Requesting Zoning review approval for three proposed parking spaces per submitted drawing*Application shall be further subject to a DPW curb cut review approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a curb cut to allow for 3 parking spots.

Board members asked about plans, curb cut, front yard 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.

Votes: Board Member Robinson moved to approve with 2 parking spaces. Pinado seconded and the motion carried unanimously.



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Case: BOA-1396814 Address: 118R Homes Avenue Ward 15 Applicant: Anthony Monahan

Article(s): Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Rear Yard Insufficient Art. 65 Sec. 65 41.4 Parking in the Front Yard - Exceeds 10ft max in front/side yard portion. Art. 65 Sec. 65 41.5 Parking Size & Maneuverability - Maneuvering areas Article 65, Section 42.13 Two or More Dwellings on Same Lot - Dwelling behind another dwelling Art. 10 Sec. 01 Limitation of off street parking areas - Parking less than 5ft from side lot line.

Purpose: Erect new 2 1/2 story 2 family residential building with 4 full parking spots.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a driveway to the side of a 2 family with 4 parking spots.

Board members asked about plans, proposal, trees, parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review, 2 cars in the rear, and screening and buffering.

Case: BOA- 1374702 Address: 110R Leighton Road Ward 18 Applicant: Elizabeth Sanchez

Article(s): Article 69, Section 30.7 Accessory Bldg in Side or Rear Yard - rear yard is insufficient. Proposed garage is less than 4 feet from rear lot line .Article 69, Section 30.7 Accessory Bldg in Side or Rear Yard - Front yard insufficient, less than 65 feet. Article 69, Section 30.7 Accessory Bldg in Side or Rear Yard - Building height is in excess of 15 feet in height.

Purpose: Erect Pre Fab Garage.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 7, 2023 at 11:30.

Case: BOA- 1406172 Address: 48 Waterman Road Ward 19 Applicant: Roberson Castor

Article(s): Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Side Yard Insufficient

Purpose: Gut Renovation of Existing structure. Scope of work includes converting the current structure from a 1.5 story cape to a 2 story colonial style home with new windows and siding, new main foyer, MEP Upgrades, new interior layouts with an additional bedrooms and 2 bathrooms.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to convert an existing 1.5 story home to a 2 story home and expand the current building height.

Board members asked about plans, proposal.

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

Documents/Exhibits: Building Plans.

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



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Case: BOA-1398531 Address: 30 Leo M Birmingham Parkway Ward 22 Applicant: MVC 30 Leo LLC

Article(s): Article 51, Section 16 Use Regulations - MFR. Conditional Article 51 Section 17 Exceeds FAR
Article 51 Section 17 Exceeds Building Height Article 51 Section 17 Usable Open Space Article 51 Section 17 Rear
Yard 30ft min per Article 12 3. Art.51 Sec.56Off St Parking Design - 51 56.5(a) Maneuvering areas (stacker parking)
Article 51, Section 57.3 Traffic Visibility Across Corner Art. 29 Sec. 04Greenbelt Protection Overlay District
Applicability Article 51 Section 17 Front Yard 7ft min

Purpose: Construct a new 6 story mixed use building with multi family residential apartments, local retail space
(core/shell) and community center (core/shell). Building contains 117 rental apartment units on upper levels, common
roof decks, and local retail with community center at the ground floor level. Fifty four (54) off street parking spaces will
be provided with some automated parking, as well as 152 bicycle
parking spaces. Existing building to be razed under separate demo permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add
a 6 story mixed use development with 117 rental units and 54 parking spaces and 152 bike spaces. Outdoor space and 20
affordable units.

Board members asked about plans, proposal, breakdown, units, buffer, outdoor space.

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

Documents/Exhibits: Building Plans.

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



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RECOMMENDATIONS: 11:00 AM

Case: BOA-1371369 Address: 14 Cook Street Ward: 2 Applicant: Lily Orlin

Article(s): Article 62, Section Rear Yard Insufficient

Purpose: Confirm occupancy as a single family residence and add a 2 story kitchen/office addition. Renovation to basement and first floor of existing home. Scope includes removing existing back additions and exterior stairs. Includes mechanicals (hvac, plumbing, electrical and fire suppression system).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to replace the existing structure with no legal fire separation. Removing the rear and reconstructing a new addition with a firewall.

Board members asked about plans, proposal.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve with BPDA design review with attention to the scale of the rear yard addition. Fortune seconded and the motion carried unanimously.

Case: BOA- 1307654 Address: 33 Russell Street Ward: 2 Applicant: Mike Clough

Article(s): Article 62, Section 7 Use Regulations - Change of occupancy from a single to a two family. Art. 62 Sec. 08^ Usable Open Space insufficient Art. 62 Sec. 62 8 Rear Yard Insufficient Art. 62 Sec. 62 25 Roof Structures Restricted - Roof Deck and access

Purpose: This is the conversion of a single family into a two family residence. This is an interior renovation which will include a fire sprinkler system. Exterior changes will be limited to an egress stair and roof deck. A existing rear deck will be rebuilt. ZBA approval required we request the nominal fee. (Project consists of Interior renovations w/sprinkler system. Exterior changes include egress stair, roof deck and a deck on the second AND third floor).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to convert a single family into a two family, to include a roof deck and build a rear deck and re-do the egress.

Board members asked about plans, deck, proposal.

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

Documents/Exhibits: Building Plans.

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



City of Boston
Board of Appeal

Case: BOA- 1310472 Address: 702 East Fifth Street Ward: 6 Applicant: Eric Zachrison

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. - Roof Deck Article 68, Section 8 Side Yard for Roof Deck Article 68, Section 8 Rear Yard for Roof Deck

Purpose: Replace existing roof deck with new roof deck

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to update an existing roof deck with new railings and new decking.

Board members asked about plans, deck, proposal.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1335230 Address: 510 East Eighth Street Ward: 7 Applicant: John Drago

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Modifying existing roof and increasing its height.

Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Front Yard Insufficient

Purpose: The project will include a general renovation of the entire historic home including reorganizing spaces and the addition of a third floor master suite. The project will also include design exploration for future roof deck access.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to install a new curb cut for two off street parking spaces. The dimensions are insufficient for parking.

Board members asked about plans, front yard.

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 opposition.

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

Case: BOA- 1343962 Address: 690 East Eighth Street Ward: 7 Applicant: Mary Walsh

Article(s): Art. 68 Sec.31 Screening and Buffering - Dimensional Requirements insufficient Art. 10 Sec. 01 Limitation of off street parking areas

Purpose: Install a new curb cut to allow for two car off street parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to install a new curb cut for two new off street parking spots. The dimensions are insufficient for parking.

Board members asked about plans, front yard.

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 opposition.

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



City of Boston
Board of Appeal

Case: BOA- 1338514 Address: 6 Thwing Street Ward: 11 Applicant: Rufus Faulk

Article(s): Article 10, Sec.1 Limitation of Area - Limitation of Area o4 Accessory Uses Article 50, Sec. 43 Off Street Parking & Loading Req –Location of Off Street Parking. Off Street Parking is not permitted in Front Yard Article 50, Se. 43 Off Street Parking & Loading Req - Off Street Parking Design / Maneuverability

Purpose: Proposed Driveway Curb Cut and Off Street Parking for 2 cars.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 19, 2023 at 5:00PM.

Case: BOA-1368532 Address: 60 Chesterfield Street Ward: 18 Applicant: Tania Polanco

Article(s): Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Side Yard Insufficient
Article 69, Section 9 Rear Yard Insufficient

Purpose: Renovation and addition.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 19, 2023 at 5:00PM.

RE-DISCUSSIONS:11:30 AM

Case: BOA-1359438 Address: 22 Hanover Avenue Ward: 3 Applicant: Stephen & Jenny Baldolato

Article(s): Article 54, Section 18 Roof Structure Restrictions Article 54, Section 10 Rear Yard Insufficient

Purpose: Renovation of a single family townhouse. Occupancy to remain single family. Existing building footprint to remain, with new stair and headhouse and an additional two floors over the lower portion of the existing building. The design features a new interior configuration and M.E.P. systems, as well as new envelope penetrations and finishes.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate an existing single family with a roof deck.

Board members asked about plans, proposal, violations.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred judgement to the Board. A Representative for abutters and an abutter are in opposition.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review, remove the headhouse, and remove the 6ft screen to the rear of the deck. Fortune seconded, Dong opposed, and the motion carried 6-1.

Case: BOA-1383661 Address: 329-329A Columbus Avenue Ward 4 Applicant: Herbal Power, LLC

Article(s): Article 64, Section 12 Use: Conditional - Cannabis establishment

Purpose: Tenant fit out and change in occupancy from restaurant lounge to a cannabis establishment specifically a retail recreational cannabis dispensary, with no change to building footprint.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 7, 2023 at 11:30.



City of Boston
Board of Appeal

Case: BOA-1339798 Address: 67 Appleton Street Ward 5 Applicant: HRE 2, LLC

Article(s): Article 64, Section 9 Floor Area Ratio Excessive Article 64, Section 36 Off Street Parking Insufficient
Article 64 Section 9 Insufficient open space per unit

Purpose: Change occupancy from a store and 2 residential units to 3 residential units as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change from retail and residential to a 3 residential unit with 2 means of egress.

Board members asked about plans, layout, light, floor to grade.

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.

Votes: Board Member Robinson moved to approve with no building code relief. Pinado seconded, Erlich opposed, and the motion carried 6-1

Case: BOA- 1368923 Address: 37 Blakeville Street Ward: 15 Applicant: Mary Lycurgus

Article(s): Article 65, Section 9 Floor Area Ratio Excessive - Existing: 0.41 Proposed: 0.61 (3,087.51 sqft /5,000 sqft)

Purpose: Application of extension of second floor unit to add attic as one unit. Correcting violation: V594523

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to extend the second floor living space into the attic to make 1 unit in a 2 family home.

Board members asked about plans, proposal, height in attic.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with no building code relief. Dong seconded and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA- 1328495 Address: 7-9 Newbury Street Ward 5 Applicant: UMNV 7 Newbury St, LLC

Article(s): Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. Art. 15 Sec. 15 1Floor Area Ratio Excessive Article 13, Section 1 Front Yard Insufficient Article 32, Section 4.GCOD, Applicability

Purpose: Remove existing 2 story storefront and replace with a new bumped out 2 story storefront addition. Erect a 2 story exterior Elevator shaft @ the rear Facade to be located on low roof

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a two family with an elevator shaft.

Board members asked about plans, GCOD, dimensions.

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

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

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

Case: BOA-1371101 Address: 2 Carlisle Street Ward: 12 Applicant: Stephen Stewart

Article(s): Article 10, Section 1Limitation of Area - Limitation of Area of Accessory Uses Article 50, Section 43 Off Street Parking & Loading Req - Location of Off Street Parking not allowed in Front Yard

Purpose: Creating a curb cut and constructing a new driveway for Two Vehicles.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 7, 2023 at 11:30.

Case: BOA- 1368923 Address: 37 Blakeville Street Ward: 15 Applicant: Mary Lycurgus

Article(s): Article 65, Section 9 Floor Area Ratio Excessive - Existing: 0.41 Proposed: 0.61 (3,087.51 sqft /5,000 sqft)

Purpose: Application of extension of second floor unit to add attic as one unit. Correcting violation: V594523

Discussion: The applicant did not show up to the hearing.

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



City of Boston
Board of Appeal

Case: BOA- 1315464 Address: 31 Torrey Street Ward 17 Applicant: Monyette Vickers

Article(s): Article 10, Section 1 Limitation of parking areas 5' side yard buffer requirement, Article 65, Section 9 Residential dimensional Reg.s Insufficient usable open space per unit-750sf/unit required free from parking and motor-vehicle access and maneuvering areas, Article 65, Section 41 Off-street parking requirements Insufficient continuous access drive width-10' reg

Purpose: Curb cut/driveway for 3 cars.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to include a curb cut to allow for a 3 car driveway.

Board members asked about plans, proposal, and bump out.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with no front yard parking. Dong seconded and the motion carried unanimously.

Case: BOA- 1336820 Address: 49 Corbet Street Ward 17 Applicant: Shawn Bodden

Article(S): Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Rear Yard Insufficient

Purpose: Confirm occupancy as one family. Build 2.5 story addition at side of house with full basement. Enclose a portion of the front porch. Remove existing roof and replace with new gable roof with 5' higher peak. We anticipate the need for a variance to enclose the porch and build rear deck. Full kitchen remodel.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to confirm as a 1 family and build a new 2 and a half story addition.

Board members asked about plans, proposal.

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

Documents/Exhibits: Building Plans.

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

Case: BOA- 1183277 Address: 68 Rowe Street Ward 19 Applicant: Michael McGough

Article(s): Art. 67 Sec. 08 Use Regulations Applicable in Residential Sub Districts - 4 family use forbidden
Art. 67 Sec. 09 Open Space insufficient - Required: 4*1,750sqft= 7,000 sqft Provided: +-4,348 sqft
Art. 67 Sec. 09 Side Yard Insufficient - Required: 10' Proposed: 5.4 (R) and 5' (L)
Art. 67 Sec. 33 App. of Dimensional Req. - Conformity with existing building alignment. Street modal not provided.
Art. 67 Sec. 56 Off street parking requirements - spaces are located in the front yard
Article 67, Section 9 Floor Area Ratio Excessive Max. allowed: 0.5 Proposed: 0.92
Article 67, Section 9 Bldg Height Excessive (Stories) Max. allowed: 2.5 Proposed: 3
Article 67, Section 9 Rear Yard Insufficient Required: 40' Proposed rear patio at 35' but building at 51'

Purpose: Erect (4) unit building per plans on current vacant lot.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 11:30.



City of Boston
Board of Appeal

Case: BOA-1342865 Address: 684-702 Centre Street Ward 19 Applicant: Eric Lawrence

Article(s): Article 55, Section 16 Use Regulations - Cannabis Establishment is a Conditional use in a NS Sub district.

Article 55 Sect 40 Off Street Parking & Loading Req - Proposed off street parking is insufficient. None is provided.

Purpose: Change of occupancy from an existing retail space into Cannabis Dispensary with recreational use

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change occupancy to a cannabis dispensary 9am-9pm Mon-Sun.

Board members asked about plans, site, proposal, hours of operation, security.

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. Letters in support and in opposition.

Votes: Board Member Robinson moved to approve with BPDA design review to ensure the storefront is open and inviting, and to this applicant only. Pinado seconded and the motion carried unanimously.



City of Boston
Board of Appeal

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

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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

For a video recording of the December 6, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.