



City of Boston
Board of Appeal

Tuesday, November 15, 2022

BOARD OF APPEAL

City Hall, Room 801

HEARING AGENDA

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 NOVEMBER 15, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

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

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE NOVEMBER 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/November15Comment> 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



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<https://bit.ly/November15Comment>, 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 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



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**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 4, 2022

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

EXTENSIONS: 9:30AM

Case: BOA-1018347 Address: 36-40 Sprague Street Ward 18 Applicant: John Pulgini, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously a new date of 4/30/24.

Case: BOA-1018350 Address: 38-40 Sprague Street Ward 18 Applicant: John Pulgini, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously a new date of 4/30/24

Case: BOA-819243 Address: 806 Saratoga Street Ward 1 Applicant: Richard Lynds, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously a new date of 11/6/23

Case: BOA-819227 Address: 96 Wordsworth Street Ward 1 Applicant: Richard Lynds, Esq

Discussion/Vote: Upon a Motion and second, the Board voted unanimously a new date of 11/6/23

BOARD FINAL ARBITER: 9:30AM

Case: BZC-30745 Address: 583 Ashmont Street Ward 16 Applicant: Douglas Stefanov

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

Case: BZC-30746 Address: 585 Ashmont Street Ward 16 Applicant: Douglas Stefanov

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

Case: BOA-1207621 Address: 265 Amory Street Ward 11 Applicant: Lee Goodman

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

Case: BOA-1208609 Address: 267 Amory Street Ward 11 Applicant: Lee Goodman

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



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GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1394221 Address: 40 Channel Center Street Ward 6 Applicant: Max Hilchuk

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

Purpose: Civil utility work to be added to ALT1227541. Drainage, Transformer, and Grading per plans.

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

Documents/Exhibits: Building Plans. GCOD letters on file.

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

Case: BOA-1397670 Address: 246 Newbury Street Ward 5 Applicant: Marc LaCasse

Article(s): Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability - Alterations or repairs cost more than fifty percent (50%) of the physical value of the structure or structures

Purpose: Gut renovation. New floor systems, MEP's, Groundwater, Utilities, windows, finishes. 3 residential condos over retail.

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

Documents/Exhibits: Building Plans. GCOD letters on file.

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

BUILDING CODE ONLY: 9:30AM

Case: BOA-#1398381 Address: 7 Louisburg Square Ward 5 Applicant: Doug Anderson

Purpose: Amendment Scope to ALT1290637 to include roof work, stairs, and skylight. Roof accessed through hatch.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. [Hatch provided]

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to continue to use as a single family and include a hatch to access the roof.

Board members asked about plans,

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 building code relief for a roof hatch. Dong seconded and the motion carried unanimously.



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HEARINGS: 9:30AM

Case: BOA-1396226 Address: 15 Yuill Ci Ward 18 Applicant: George Morancy, Esq

Article(s): Article 69 Section 8 Use Regulations in Res District - Use: Multifamily Dwelling: Forbidden

Article 69 Section 9 Lot Area Insufficient Article 69 Section 9 Floor Area Ratio Excessive Article 69 Section 9 Building Height (# of Stories) Excessive Article 69 Section 9 Usable Open Space Insufficient Article 69 Section 9 Front Yard Insufficient Article 69 Section 29 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 69 Section 8 Use Regulations in Res District - Use: Accessory Parking : Forbidden

Purpose: Combine two existing Lots and erect a Four (4) Family Dwelling as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new 2 story 4 unit dwelling with 4 parking spots.

Board members asked about plans, proposal, rentals, context

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Arroyo and an abutter is in support. 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. Logue seconded and the motion carried unanimously.

Case: BOA- 1248885 Address: 2-4 Colchester Street Ward 18 Applicant: EBCPAC Development, LLC, Eoin Barry

Article(s): Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability Art 68 Sec 8 Dim reg app in res sub dist - Two family dwelling Forbidden Art. 69 Sec. 8 Forbidden - Accessory parking to a forbidden use Art. 69 Sec. 30.12 2/More Dwellings on Same Lot - Four two family dwellings proposed Art. 69 Sec. 09 # of allowed stories exceeded Art. 69 Sec. 09 Excessive F.A.R. Art. 69 Sec. 09 Insufficient open space Art. 69 Sec. 09 Insufficient rear yard setback Article 69 Section 30 Application of Dimensional Req - Conformity with the existing front yard setback requirement 25'/modal Art. 69 Sec. 09 Insufficient lot size 6,000sf req

Purpose: Erect a new two family house, as per plans. 1 of 4 two family houses to be erected on one lot. See ALT1224252 & ALT1224261 to combine lots, as well as, ERT1224270, ERT1224272 & ERT1224275.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 4 lots to make up 4, 2 unit townhouse style units for condos. 1 garage per unit.

Board members asked about plans, proposal, open space, parking, trees, condos.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review and to ensure any trees taken down are replaced. Pinado seconded, Barraza opposed, and the motion carried 6-1.



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Case: BOA-1248881 Address: 1-3 Forestvale Road Ward 18 Applicant: EBCPAC Development, LLC, Eoin Barry

Article(s): Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability Article 69 Section 8 Use Regulations in Res District - Two family Forbidden Article 69, Section 8 Use: Forbidden - Accessory parking to main forbidden use Article 69, Section 30.1 Conformity Ex Bldg Alignment - Front yard setback 25'/Modal front minimum Article 69, Section 30.12 Two or More Dwellings on Same Lot - Four two family dwellings proposed Art. 69 Sec. 09 # of allowed stories exceeded 2.5 story max. Art. 69 Sec. 09 Excessive f.a.r. .5 Art. 69 Sec. 09 Insufficient open space 1800sf/unit req. Art. 69 Sec. 09 Insufficient rear yard setback 40 feet req./15' min. Art. 69 Sec. 09 Insufficient lot size 6,000sf req. Purpose: Erect a new two family house, as per plans. 1 of 4 two family houses to be erected on one lot. See ALT1224252 & ALT1224261 to combine lots, as well as, ERT1224270, ERT1224272 & ERT1224276.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 4 lots to make up 4, 2 unit townhouse style units for condos. 1 garage per unit.

Board members asked about plans, proposal, open space, parking, trees, condos.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review and to ensure any trees taken down are replaced. Pinado seconded, Barraza opposed, and the motion carried 6-1.

Case: BOA-1248878 Address: 245-247 Neponset Valley Parkway Ward 18 Applicant: EBCPAC Development, LLC, Eoin Barry

Article(s): Article 29 Section 4 GPOD Applicability Article 69 Section 30 Application of Dimensional Req - Two or more dwellings on a lot Proposed four Article 69 Section 8 Use Regulations in Res District - Two family Forbidden Art. 69 Sec. 30.1 Bldg.Alignmmt Conformity - Modal not shown 25' setback req. Art. 69 Sec. 09 # of allowed stories exceeded 2.5 stories max. Art. 69 Sec. 09 Lot width insufficient 60' req. Art. 69 Sec. 09 Lot width frontage is insufficient 60' req. Art. 69 Sec. 09 Excessive f.a.r. .5 max Art. 69 Sec. 09 Insufficient open space 1800sf/unit req. Art. 69 Sec. 09 Insufficient side yard setback 10' min/20' req. Art. 69 Sec. 30.4 Corner Lot Provision - Special provisions for corner lots; Side yard set backs on street side of lot to comply with front yard setback requirements 25' req.

Purpose: Erect a new two family house, as per plans. 1 of 4 two family houses to be erected on one lot. See ALT1224252 & ALT1224261 to combine lots, as well as, ERT1224270, ERT1224275 & ERT1224276.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 4 lots to make up 4, 2 unit townhouse style units for condos. 1 garage per unit.

Board members asked about plans, proposal, open space, parking, trees, condos.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review and to ensure any trees taken down are replaced. Pinado seconded, Barraza opposed, and the motion carried 6-1.



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Case: BOA- 1248876 Address: 241-243 Neponset Valley Parkway Ward 18 Applicant: EBCPAC Development, LLC, Eoin Barry

Article(s): Article 29 Section 4 GPOD Applicability Art. 69 Sec. 30.12 2/More Dwellings on Same Lot Art. 69 Sec. 27 Screening/Buffering Article 69 Section 8 Use Regulations in Res District - Use Forbidden Article 69 Section 9 Lot width insufficient 60'req. Article 69 Section 9 Insufficient lot width frontage 60' req. Article 69 Section 9 Excessive f.a.r. .5 max Article 69 Section 9 Insufficient open space 1800sf/unit req. Art. 69 Sec. 30.1 Bldg.Alignmnt Conformity - MODAL not shown 25' setback req. Article 69 Section 8 Use Regulations in Res District - Accessory parking Forbidden Art. 69 Sec. 09 # of allowed stories exceeded 2.5 stories max. Art. 69 Sec. 30.4 Corner Lot Provision - Side yard set back on street side; corner lot provision 25' req. Art. 69 Sec. 09 Insufficient side yard setback 10'/20' from neighboring building proposed

Purpose: Erect a new two family house, as per plans. 1 of 4 two family houses to be erected on one lot. See ALT1224252 & ALT1224261 to combine lots, as well as, ERT1224272, ERT1224275 & ERT1224276.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 4 lots to make up 4, 2 unit townhouse style units for condos. 1 garage per unit.

Board members asked about plans, proposal, open space, parking, trees, condos.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with BPDA design review and to ensure any trees taken down are replaced. Pinado seconded, Barraza opposed, and the motion carried 6-1.

Case: BOA-1359834 Address: 18A Euclid Street Ward 17 Applicant: Michael Talbert

Article(s): Art. 10 Sec. 01 Limitation of parking areas - Proposing 3 off street parking spaces on the front yards. Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Art. 65 Sec. 02 Conformity with Existing Building Alignment -Modal calculations for both streets not provided to verify compliance. Art. 65 Sec. 65 14.3 Traffic Visibility Across Corner - Compliance not shown on drawings. Art. 65 Sec.42.7 Narrow Side Yard for driveway - Min. required: 10' Proposed: 9'

Purpose: Erect a new three family dwelling with 3 off street parking spaces. Application in conjunction with ALT1297136 for lot subdivision.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to subdivide a lot and add a single family on one and a 3 family on another. The curb cut is existing.

Board members asked about plans, rentals, dimensions, front yard, parking, 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, no front yard parking, and BTM review. Dong seconded and the motion carried unanimously.



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Case: BOA- 1395868 Address: 18 Euclid Street Ward 17 Applicant: Michael Talbert

Article(s): Art. 10 Sec. 01 Limitation of parking areas - Proposed space is on front yard. – Proposed curb cut widths are inconsistent (arch. drawings vs. plot plan) Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Side Yard Insufficient

Purpose: Confirm Occupancy as a One Family Dwelling and subdivide this lot ID 1701320000 (5,160.97 sqft) into 2 lots. Lot 1 to be known as 18 Euclid St.(2,468.77 sqft) and lot 2 to be known as 18A Euclid St.(2,692.2 sqft) This application is in conjunction with ERT1242728 Proposing 1 off street parking space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to subdivide a lot and add a single family on one and a 3 family on another. The curb cut is existing.

Board members asked about plans, rentals, dimensions, front yard, parking, 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, no front yard parking, and BTD review. Dong seconded and the motion carried unanimously.

Case: BOA- 1327786 Address: 107 Marion Street Ward 1 Applicant: Dario Carvajal

Article(s): Violation Comments Art. 09 Sec. 01 Extension of Non Conforming Use Art. 09 Sec. 02 Nonconforming Use Change Art. 53, Section 8 Use: Forbidden – MFR Art. 53, Section 8 Use: Forbidden - Basement unit Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 52 Roof Structure Restrictions Art. 53, Section 56 Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability

Purpose: Change the occupancy from a 3 family to a 4 family; new basement unit. Scope includes renovating the existing building, erecting new 3 story rear deck, and upgrades to life safety (FA/FP).

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this until January 31, 2023 at 11:30.



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Case: BOA-1396102 Address: 169 Maverick Street Ward 1 Applicant: Trichilo Development, LLC

Article(s): Art. 32 Sec. 04 GCOD Applicability Article 27D 5 IPOD Applicability Art. 53 Sec. 52 Roof Structure Restrictions Regard Building code violation 1011.12.2 Art. 53 Sec. 56^ Off street parking insufficient Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 57.2 Conformity Ex Bldg Alignment

Purpose: Erect addition, renovate, and change occupancy from three (3) to four (4) residential units with rear and roof decks.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform a full gut rehab of an existing 2 family dwelling with rear decks included. No bedrooms in the basement.

Board members asked about plans, flood zone.

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

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

Votes: Board Member Barraza moved to approve with BPDA design review with attention to the 4th floor material selection. This is also including the GCOD relief. Dong seconded and the motion carried unanimously.

HEARINGS: 10:30AM

Case: BOA-1385144 Address: 1213-1223 Commonwealth Avenue Ward 21 Applicant: Contal Realty Trust

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use - Bar with live entertainment and smoking bar uses are forbidden uses.

Purpose: Seeking to expand restaurant/ smoking bar with live entertainment at 1217A, into adjacent spaces. Occupancy to remain as Assembly A 2. Will need board of appeal for use not in the code, Sprinkler expansion plans will be presented after board approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to expand an existing smoking bar with no alcohol and live music

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 Breadon and the ACA is in support.

Documents/Exhibits: Building Plans.

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



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Case: BOA-1391804 Address: 400-412 Neponset Avenue Ward 16 Applicant: Loc Nguyen

Article(s): Article 6 Section 4 Other Cond Necc as Protection - To remove proviso from BZC 28291 Take out Restaurant Use granted to this petitioner only

Purpose: To remove Proviso from previous owner (signage).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the sign to the new owners name the function will not change. Only the owners are changing.

Board members asked about plans, proposal, open space, parking, trees, condos.

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.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with this applicant only and with all standard take out language. Dong seconded and the motion carried unanimously.

Case: BOA-1395861 Address: 110R Lonsdale Street Ward 16 Applicant: Michelle Flowers

Article(s): Article 65, Section 8 Use Regulations - Home Occupation Use: Allowed Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 39 Screening & Buffering Req

Purpose: Change of occupancy of garage to be used for a Home Occupation at 110 Lonsdale ST and proposed screening/buffering.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change from a garage to home office use which is a pre-existing condition.

Board members asked about plans, use, office, venting, screening.

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.

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

Votes: Board Member Barraza moved to approve with this applicant only, can only be used as an office, and no bedroom space. Dong seconded and the motion carried unanimously.

Case: BOA-1386397 Address: 8 Rowena Street Ward 16 Applicant: Erik Krasowski

Article(s): Article 65, Section 9 Floor Area Ratio Excessive Art. 65 Sec. 60 8 3 Family Detached Dwelling, Forbidden Art. 65 Sec. 60 37 Off Street parking insufficient

Purpose: Change occupancy from two family to three family. Convert basement into third unit.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 31, 2023 at 11:30.



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Case: BOA-1390195 Address: 363 E Street Ward 6 Applicant: George Morancy, Esq

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Max allowed height on parcel exceeded 30' max
Art 68 Sec 8 Max allowed height in the sub district exceeded 40' max. Art 68 Sec 8 Insufficient open space 200sf/unit req. Art 68 Sec 8 Insufficient rear yard setback 20' req. Art 68 Sec 8 Dim reg app in res sub dist - Insufficient lot size for additional dwelling units 1000sf/unit req. Art. 68 Sec. 33 Off Street parking Req. - Insufficient parking Art.68 Sec. 33 Off Street Loading Req. - None proposed Art. 68 Sec. 33 Off Street parking Req.- Design, Space size, access and clear maneuvering areas for each space Conditional Art. 68 Sec.31 Screening and Buffering Article 68, Section 34.2 Traffic Visibility Across Corner Art. 68 Sec.08 Excessive f.a.r. 2.0 max. Art. 68 Sec. 07 Use Regs. - Basement units Forbidden

Purpose: Erect a new four story building to contain 24 dwelling units with accessory garage parking for 24 vehicles (2 accessible, 5 standard and a multi car conveyor/stacker elevator system). Six parcels of land to be combined into new 9,411 square foot lot under ALT1348494. ALL Existing structures to be razed on separate demo permit. Added 9.6.2022 (ALT1379756, AND ALT1379757)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 6 parcels, and erect a 24 unit residential dwelling with 4 IDP units. A 24 car garage will be included.

Board members asked about plans, proposal, access, stackers, basement, windows, internal stair.

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. A rep for abutters and another rep for more abutters spoke in opposition.

Documents/Exhibits: Building Plans. Letters in opposition.

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

Case: BOA- 1065436 Address: 8 Peters Street Ward 6 Applicant: Robert Quitadamo

Article(s): Art 68 Sec 29 Roof Structure Restrictions

Purpose: Proposed existing roof deck expansion, as per plans. Permit set to be submitted upon zoning approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to replace an existing deck with a larger deck and re-roof the building.

Board members asked about plans, deck, access.

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 are in opposition.

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

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

Case: BOA-1392663 Address: 437 Chelsea Street Ward 1 Applicant: 441 Frankfort Street, LLC

Article(s): Art. 53 Sec. 12 Rear Yard insufficient Art. 53 Sec. 12^ Floor area ratio excessive Art. 53 Sec. 12 Height Excessive Art. 53, Section 56 Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability

Purpose: Raze the existing structure and erect a 4 unit residential dwelling with roof deck.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 31, 2023 at 11:30.



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Case: BOA-1391418 Address: 439 Chelsea Street Ward 1 Applicant: 439 Chelsea Street, LLC

Article(s): Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09 Building height excessive/Sub-district Art. 53 Sec. 09 Insufficient rear yard setback Art. 53 Sec. 09 Insufficient open space per unit Art. 53 Sec. 56 Off-Street Parking - Insufficient parking Article 27T - 5 East Boston IPOD Applicability

Purpose: Raze the existing structure and erect a four story 4 unit residential dwelling with rear deck and a roof deck exclusive to Unit 4. *Existing structures are to be reviewed and razed on a separately applied for and issued demolition permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to demo a 1 family and erect a 4 unit residential dwelling.

Board members asked about plans, proposal, decks, height, landscaping.

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, and roof deck access through an internal stair. Dong seconded and the motion carried unanimously.

RE-DISCUSSIONS: 11:30 AM

Case: BOA-1296381 Address: 49 Imrie Road Ward 21 Applicant: Theresa Conti & Tom Lawless

Article(s): Article 51, Section 57.13 Two or More Dwellings on Same Lot Article 51, Section 9 Lot Frontage Insufficient Article 51, Section 9 Lot Width Insufficient Art. 51 Sec. 09 Open Space insufficient

Purpose: NO WORK TO BE DONE. Filed in conjunction with ALT1269313 49R Imrie Rd, convert barn to a single family. 2 dwelling structures on one lot. This is to be two buildings on one lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to convert an existing barn to a single family with an interior gut renovation with 2 dwellings on the same lot located on a dead end street.

Board members asked about plans, access, distance, driveway, dwelling.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. The ACA, Abutters, and Councilors Breadon and Flaherty are in support. The BAIA 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 walkway path, and no additional parking, proposing greenspace. Dong seconded and the motion carried unanimously.



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Board of Appeal

Case: BOA-1296380 Address: 49R Imrie Road Ward 21 Applicant: Theresa Conti & Tom Lawless

Article(s): Art. 51 Sec. 57.2 Exst'g Bldg Algnmnt Conformity Article 51, Section 57.13 Two or More Dwellings on Same Lot Article 51, Section 57 Application of Dimensional Req - 1 building behind another building Article 51, Section 9 Lot Frontage Insufficient Article 51, Section 9 Lot Width Insufficient Art. 51 Sec. 09 Open Space insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Front Yard Insufficient

Purpose: Confirm existing structure as a barn and convert to a single family house, new dormer and renovate, as per plans. Two dwelling structures on one lot. See alt1269324 for 49 Imrie Rd, existing 2 family, no work to be done. This is one of two buildings on the same lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to convert an existing barn to a single family with an interior gut renovation with 2 dwellings on the same lot located on a dead end street.

Board members asked about plans, access, distance, driveway, dwelling.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. The ACA, Abutters, and Councilors Breadon and Flaherty are in support. The BAlA 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 walkway path, and no additional parking, proposing greenspace. Dong seconded and the motion carried unanimously.

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 square foot (Gross), three story residential building with eleven units and parking for fourteen 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 February 7, 2023 at 11:30.

Case: BOA- 1339787 Address: 17 Sheafe Street Ward 3 Applicant: HRE 3, LLC

Article(s): Art. 54 Sec. 10 Excessive f.a.r. Art. 54 Sec. 10 Insufficient open space per unit Art. 54 Section 21 Off Street Parking Insufficient

Purpose: Change Occupancy from a six (6) unit residential dwelling to a seven (7) unit residential dwelling and renovate 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 January 31, 2023 at 11:30.



City of Boston
Board of Appeal

Case: BOA- 1283294 Address: 47-48 Snow Hill Street Ward: 3 Applicant: Ryan Medows

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

Purpose: Construct new 1 story vertical addition and roof deck on existing three story building. Upper unit 2 to be renovated

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-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 January 31, 2023 at 11:30.

Case: BOA-1144072 Address: 273 Maverick Street Ward 1 Applicant: 273 Maverick, LLC

Article(s): Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive
Article 53, Section 9 Usable Open Space Insufficient

Purpose: Give off 3,400 sf of land from existing 8,000 sf parcel (No. 5267) to be combined with 275 279 Maverick Street (Parcel No. 5268) (See ERT1102644). This parcel to now contain 4,600 square feet with pre existing multifamily dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to redevelop an existing parking lot to a new 32 unit residential with ground level retail. 18 parking spots with 4 side parking spots are included. It is in context with the neighborhood and replaces a nearby development.

Board members asked about plans, proposal, access, decks, parking, and breakdown.

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

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

Votes: Board Member Barraza moved to approve with BPDA design review and no bedrooms in the basement. Dong seconded, Ruggiero recused and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1144075 Address: 275-279 Maverick Street Ward 1 Applicant: 275-279 Maverick, LLC

Article(s): Article 53 Section 56.5.a Parking Maneuverability - Stackers are shown as part of the required parking
Art. 53 Sec.08 Forbidden - MFR is forbidden in a 3F 2000 Sub district Article 27T 5 East Boston IPOD Applicability
Article 53, Section 9 Add'l Lot Area Insufficient 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 Usable Open
Space Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient
Article 53, Section 56 Off Street Parking & Loading Req - Off street parking and loading is insufficient

Purpose: Proposed construction of 5 story, mixed use structure on 12,400 square feet of land containing 36 residential
units, ground level retail and off street parking for 23 vehicles. See ALT1102631 for permit to combine/subdivided lots.
Combine existing 9,000 s.f. parcel (5268) with a 3,400 sf portion of adjoining parcel (5267) This lot to now contain
12,400 sf.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to
redevelop an existing parking lot to a new 32 unit residential with ground level retail. 18 parking spots with 4 side
parking spots are included. It is in context with the neighborhood and replaces a nearby development.

Board members asked about plans, proposal, access, decks, parking, and breakdown.

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

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

Votes: Board Member Barraza moved to approve with BPDA design review and no bedrooms in the basement. Dong
seconded, Ruggiero recused and the motion carried unanimously.

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: At the request of the Board, the applicant presented plans and described the proposed project in detail to
erect a 4 unit dwelling with condos that is in context with the neighborhood.

Board members asked about plans, configuration, abutters,

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.

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

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



City of Boston
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Case: BOA- 1376537 Address: 229 Maverick Street Ward 1 Applicant: 231 Maverick Street LLC

Article(s): Art. 53 Sec. 52 Roof Structure Restrictions - Access to the roof deck shall be through a hatch, not through a penthouse. Art. 27G E Boston IPOD - Proposing an exterior alteration changing the cornice line and building height of an existing building.

Purpose: Construct 14' x 14' roof deck and install spiral staircase for access. Install LVLs and other supports per the recommendations of the attached engineer affidavit. Maintain current building enclosure instead of adding 3rd floor balcony as originally proposed. Amendment to permit # ALT1076414.

Discussion/Vote: The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until January 31, 2023 at 11:30.

RE-HEARING: 12:00PM

Case: BOA-1173599 Address: 535-537B Washington Street Ward 22 Applicant: Pure Oasis LLC

For a new hearing on the appeal of Pure Oasis to open a recreational cannabis establishment at the above referenced location. The Board previously denied this appeal, but it voted to grant reconsideration of this matter on September 13, 2022 after a hearing on the applicant's request. From the terms of the Boston Zoning Code (see Acts of 1956, c.665) in the following respects- Variance, Conditional Use Permit, and/or other relief as appropriate

Article (s): Article 51, Section 16 Use Regulations - Retail Cannabis Establishment Use : Conditional

Purpose: Change of Occupancy to Retail Cannabis Establishment.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to open a retail cannabis establishment with 4 parking spots for employees.

Board members asked about plans, loading, access, parking, traffic, security,

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services spoke in opposition. The BAIA, multiple abutters, and Rep. Moran also spoke in opposition.

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

Votes: Board Member Ruggiero moved to approve with BPDA design review and the motion failed. Barraza moved to approve with BTDA review with access and egress, 1 yr sunset proviso, this applicant only, traffic report, 10am-8pm Monday-Saturday. 10am-6pm Sunday. And a memo posted on the property with who to call with problems. Ruggiero seconded, Dong opposed, and the motion carried 6-1.



City of Boston
Board of Appeal

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

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

SUBSTITUTE MEMBERS:

HANSY BETTER BARRAZA
JEANNE PINADO
KERRY LOGUE

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 November 15, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.