



City of Boston
Board of Appeal

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By City Clerk at 10:14 am, Feb 01, 2022

Tuesday, February 8, 2022

BOARD OF APPEAL

City Hall Room 801

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON FEBRUARY 8, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS FEBRUARY 8, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE FEBRUARY 8, 2022 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/February8Hearing> or by calling 1-617-315-0704 and entering access code 2336 882 7728. You do not need a password for this hearing, but if the system asks you for one, please call our main office at 617-635-4775.

If you wish to offer testimony on an appeal, please click <https://bit.ly/February8Comment> 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/February8Comment>, calling 617-635-4775 or emailing zba.ambassador@boston.gov.

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

If you wish to offer comment within the meeting platform, please use the “raise hand” function, if connected by video, or dial *3, if connected by phone. The



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requester will be administratively unmuted and asked to state their name, address and comment. Comments will be limited as time requires.

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

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

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

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



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APPROVAL OF THE HEARING MINUTES: 9:30AM

JANUARY 18, 2022

EXTENSIONS: 9:30AM

Case: BOA771127- Address: 3 Allen Road Ward 22 Applicant: Kenneth M. Goldstein

Case: BOA-823589 Address: 73 Rutland Street Ward 9 Applicant: Timothy Burke

Case: BOA-874269 Address: 80-88 Welles Avenue Ward 16 Applicant: Joseph Feaster, Esq

Case: BOA-450351 Address: 1181-1183 Bennington Street Ward 1 Applicant: Richard C. Lynds, Esq

Case: BOA-839661 Address: 100-114 Hampden Street Ward 8 Applicant: Richard C. Lynds, Esq

Case: BOA-911272 Address: 9 Chelsea Street Ward 1 Applicant: Richard C. Lynds, Esq

Case: BOA-1015905 Address: 296 Columbus Avenue Ward 4 Applicant: Jeremy Ko

Case: BOA-791775 Address: 1208D VFW Parkway Ward 20 Applicant: Donald Wiest

Case: BOA-791768 Address: 1208C VFW Parkway Ward 20 Applicant: Donald Wiest

HEARINGS: 9:30AM

Case: BOA-1253062 Address: 191 Main Street Ward 2 Applicant: Sing Ming Chan

Article(s): Art. 62 Sec. 62 29 Off street parking requirements -Insufficient parking Art. 62 Sec. 62 27 Screening and Buffering Required Article 62, Section 14 Excessive F.A.R. Article 62, Section 14 Max allowed height exceeded Article 62, Section 14 Insufficient open space per unit Article 62, Section 14 Insufficient rear yard setback Article 62, Section 14 Insufficient Front yard setback (street wall continuity section 62 26.1_ Projections)

Purpose : Erect a new attached 4 story (25'x75') mixed use building with 1 retail space, 6 residential units and rear decks on 2,291sf lot, as per plans. Existing building to be razed under separate permit.

Case: BOA-1280948 Address: 36-46 Main Street Ward 2 Applicant: Chin Realty Trust by Matthew Delisle

Article(s): Article 62, Section 13 Use: Conditional - Liquor store is a conditional use in a NS sub district

Purpose : Change occupancy from Dry cleaner, ice cream parking takeout, 4 APTS & beauty parlor. to 4 APTS, beauty parlor and small retail shop with retail wine license. ABC board has already approved licenses and we have gone through community outreach, alerting abutters, etc for the ABC board.

Case: BOA-1246745 Address: 1170 William T Morrissey Blvd Ward 16 Applicant: Zip Run, Inc.

Article(s) Article 65, Section 15 Use: Conditional - Cannabis establishment

Purpose : A change of use to include a delivery operator cannabis delivery establishment.

Case: BOA-1276087 Address: 119 Saint Botolph Street Ward 4 Applicant: Joseph Scarfo

Article(s): Article 41 Section 5 Establishment of Prot. Areas - Building Height Excessive in St. Botolph Street Protection Area Article 41 Section 5 Establishment of Prot. Areas - Floor Area Ratio Excessive in St. Botolph Street Protection Area Article 41 Section 6 Rooftop Addtns. in Prot. Area - For proposed roof structure addition Article 41 Section 18.4 (c) Table F, Rear Yd Insufficient

Purpose : Amend ALT1215561. New windows, Restoration of exterior including brick repointing and repair. New roof, addition of decks off the back facing alley way, expansion of head house by roughly 390 Sq ft and a private deck for penthouse unit off of the headhouse.



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Case: BOA-1264048 Address: 92-100 Massachusetts Avenue Ward 5 Applicant: Erica Swartz

Article(s): Art. 08 Sec. 03 Conditional Uses - 24hr operation Conditional

Purpose :Renovation of existing space. Secondary address 361 Newbury (Former Boston Sports Club). Work to include Arch, Struct, MEP, FA, Sprinkler. Fitness Ctr/Health club to operate 24 hr/7days. Filing in anticipation of refusal for 24 hour.

Case: BOA-1260064 Address: 84-84H Berkeley Street Ward 5 Applicant: Matthew Palmer

Article(s): Article 64, Section 34 Roof Structure Restrictions

Purpose :Construct replacement roof deck.

Case: BOA-1243750 Address: 4 Ashmont Park Ward 16 Applicant: Darren Swain

Article(s): Art.65 Sec. 8 Use: Forbidden - MFR in 3F-D Zone Article 65, Sec 65-41 Off-Street Loading Req. - 4 Provided. Attn to safe-accessible path to building. Article 65, Section 42.2 Conformity w Ex Bldg Alignment Article 65, Section 9 Add'l Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Side Yard Insufficient

Purpose : Erect a new 4 story building with 4 units, front & rear decks, and 4 parking spots at rear. Easement proposed for driveway and one additional parking space, also see ERT1248813. Existing dwelling to be demolished under a separate permit.

Case: BOA- 1260586 Address: 6 Ashmont Park Ward 16 Applicant: Darren Swain

Article(s): Art.65 Sec. 8 Use: Forbidden - MFR in 3F Article 65, Section 9 Add'l Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Side Yard Insufficient - 10ft for driveway req'd Article 65, Section 42.2 Conformity w Ex Bldg Alignment 3ft provided Art. 65 Sec. 65 41.5 Parking Size & Maneuverability Attn to safe accessible path to building.

Purpose : Erect new 4 story building with 4 units, front & rear decks, and 5 parking spaces at rear of building. Easement proposed for driveway, also see ERT1207709. Existing dwelling to be demolished under a separate permit.

Case: BOA-1251716 Address: 88 Rockview Street Ward 19 Applicant: Joe Charet and Abbey Wojtowicz

Article(s): Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Bldg Height Excessive (Feet) Article 55, Section 9 Bldg Height Excessive (Stories) Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Side Yard Insufficient

Purpose : Erect a new single family house.

Case: BOA- 1224197 Address: 73 Stanwood Street Ward 14 Applicant: Elizabeth Fernandez

Article(s): Art. 50, Section 28 Use: Conditional - 4F in 3F Zone Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Stories) Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Art. 50, Section 43 Off Street Parking Insufficient

Purpose : Change of occupancy from 2 family with Daycare to 4 family dwelling. Scope to include renovation of existing dwelling, adding a 4th story to the building, added front decks and roof deck with parking in the rear.

Case: BOA- 1211826 Address: 26 Egleston Street Ward 11 Applicant: Shaikh Ahamid

Article(s): Article 55 section 40 Off Street Parking & Loading Req - 1. Driveway less than 10ft wide.2. Maneuvering areas & access drive. Article 55, Section 9 Usable Open Space Insufficient Decrease with addition of driveway & parking. Art. 10 Sec. 01 Limitation of off street parking areas Parking less than 5ft from side lot line.

Purpose :Driveway added to right side of home for two parking spaces at the rear and one space at driveway entrance.



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Case: BOA-1214940 Address: 1441 Tremont Street Ward 9 Applicant: Vrinda Jody Medoza Pekala

Article(s): Art. 59, Section 15 Use: Forbidden Cannabis Establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Note that this proposed cannabis establishment is not in conformity with this regulation, therefore, Forbidden. Art. 59, Section 15 Use: Conditional - Marijuana dispensary is a conditional use in this zoning sub district

Purpose : I would like to apply for a conditional use permit for a recreational marijuana dispensary so that I can obtain a refusal.

HEARINGS: 10:30AM

Case: BOA- 1280543 Address: 190-192 Dudley Street Ward 8 Applicant: Jeremy Sears

Article(s): Article 50, Section 11 Excessive f.a.r. Article 50 , Section 43 Off Street Parking & Loading Req - Insufficient parking Article 50, Section 11 Insufficient rear yard setback Article 50 , Section 43 Off Street Parking & Loading Req - Insufficient loading

Purpose : Demolish existing 1 story retail building on separate short form , combine two lots and erect a new 5 story residential building with 24 apartments on floors 2 through 5 and build new retail store on the 1st floor with Bike Room for 34 bikes..

Case: BOA-1285392 Address: 98 Cresthill Road Ward 22 Applicant: Dina Browne

Article(s): Article 51, Section 9 Lot Width Insufficient Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Lot Area Insufficient

Purpose : Construct New Single Family Home On Vacant Lot at 98 Cresthill Rd. Requires Zoning Relief.

Case: BOA-1283800 Address: 128 Webster Street Ward 1 Applicant: Frank Cinque

Article(s): Article 27T East Boston IPOD Article 53, Section 52 Roof Structure Restrictions Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose : Adding interior Stair Hatch and roof deck.

RE-DISCUSSIONS: 12:30PM

Case: BOA-1237032 Address: 340 Meridian Street Ward 1 Applicant: 340 Meridian Street, LLC

Article(s): Art. 53 Sec. 56 Off Street Parking Art. 53 Sec. 52 Roof Structure Restrictions Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Rear Yard Insufficient

Purpose: Change the occupancy from a three family dwelling to a four family dwelling. Scope includes a new basement unit with interior renovations of existing building and a new roof deck.

Case: BOA-1264910 Address: 64 Haynes Street Ward 1 Applicant: Lightning Realty, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability Article 53, Section 57.3 Traffic Visibility Across Corners Article 53, Section 9 Lot Area Insufficient 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 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose: Erect a three (3) unit four (4) story residential dwelling with a roof deck and parking for three (3) vehicles.

Case: BOA#1264913 Address: 64 Haynes Street Ward 1 Applicant: Lightning Realty, LLC

Purpose: Erect a three (3) unit four (4) story residential dwelling with a roof deck and parking for three (3) vehicles.

Violation Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2



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Case: BOA-1256914 Address: 437 Frankfort Street Ward 1 Applicant: 441 Frankfort Street, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability

Purpose : Erect a three (3) unit residential dwelling with parking for three (3) vehicles as per plans.

Case: BOA-1256992 Address: 221 East Eagle Street Ward 1 Applicant: Jose Carlos Medeiros

Article(s): Art. 53 Sec. 08 Forbidden - Multi family dwelling (6) units use is a forbidden use Art. 53 Sec. 09 Lot area for the add'l dwelling units is insufficient Art. 53 Sec. 09 Floor Area Ratio Excessive Art. 53 Sec. 09 Usable open space requirements is insufficient Art. 53 Sec. 09 Height requirements is excessive (3stories max. allowed) Art. 53 Sec. 09 Front yard setback requirements is insufficient Art. 53 Sec. 09 Side yard setback requirements is insufficient Art. 53 Sec. 09 Rear yard setback requirements is insufficient Art. 53 Sec. 09 Dimensional Regulations Art. 53 Sec. 09 Height requirements is excessive (35 ft high max. allowed) Article 27T 5 East Boston IPOD Applicability - E BOSTON IPOD APPLICABILITY Art. 53 Sec. 56 Off Street Parking - Off street parking requirements is insufficient

Purpose : Erect a multi family dwelling of six units with six parking spaces.

Case: BOA-1065886 Address: 57 Webster Street Ward 1 Applicant: Katherine Glaropoulos

Article(s): Article 53 Section 8 Use:Multifamily Dwelling:Forbidden Article 53 Section 9 Lot Area Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Building Height (# of Stories) Excessive 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 Insufficient Article 27T Section 9 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions - Roof Structure Restrictions Article 25 Section 5Flood Plain Regulations

Purpose: Change Occupancy from a Two Family Dwelling to a Four Family Dwelling. Construct a new 4 story Rear Yard addition with exterior Decks. Also, construct a 5th Floor penthouse with Roof Deck. Remodel entire Building. Installation of a new Sprinkler system.

Case: BOA-1222307 Address: 70 Shawsheen Road Ward 1 Applicant: Trichilo Development, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations - Multi Family Dwelling Use : Forbidden Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 53, Section 9 Lot Width Insufficient Article 53, Section 9 Lot Frontage Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient

Purpose: Erect a 5 unit dwelling and 6 parking spaces.

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

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

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

Case: BOA-1237014 Address: 157 West Springfield Street Ward 9 Applicant: Michael DelleFave

Article(s): Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Art. 64 Sec. 34 Restricted Roof Structur Regs Article 64, Section 9 Floor Area Ratio Excessive Article 64, Section 9 Usable Open Space Insufficient Article 64, Section 9 Rear Yard Insufficient Art. 09 Sec. 01Reconstruction/Extention of Nonconforming Bldg.

Purpose :Renovate and extend existing building; change legal occupancy from Church (Doc #3562/00) to 9 dwelling units.”

Case: BOA-1189307 Address: 3 Half Moon Street Ward 13 Applicant: Francois Toka

Article(s) Art. 50, Section 28 Use: Conditional - 4 units in 3F zone Art. 50, Section 43 Off-Street Parking Insufficient - 1 add'l spot required Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Usable Open Space Insufficient

Purpose: Convert an existing basement into a 4th unit on an existing 3-family structure. A new NFPA-13R fire sprinkler system will be Installed as part of the work.



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Case: BOA-1249024 Address: 8 Norton Street Ward 15 Applicant: Selwyn Eccles

Article(s): Art. 65 Sec. 02 Conformity with Existing Building Alignment - modal not provided to verify compliance.
Art. 65 Sec. 41 Off street parking requirements - Design. Art. 10 Sec. 01 Limitation of off street parking areas Article 65,
Section 9 Lot Area Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Lot Width
Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories)
Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose :Erect 3 family residential building with 3 tandem parking spaces.

Case: BOA-1258629 Address: 39 Hancock Street Ward 15 Applicant: Mandrell Company, LLC, Willie Mandrell

Article(s):Art. 65 Sec. 08 Forbidden - Multifamily use Art. 65 Sec. 42^ Conformity with Existing Building Alignment
Street modal calculation not provided to verify compliance 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 Bldg Height Excessive (Feet) Article 65, Section 9 Front Yard Insufficient
Article 65, Section 9 Side Yard Insufficient

Purpose :Combine lot ID1502668000 (2,881 sqft) and lot ID1502666000 (2,304sqft) to create one new lot totaling 5,185
sqft to be known as 39 Hancock Street and erect a new 4 family residential structure with 8 off street parking spaces.

Case: BOA-1252950 Address: 22 High Street Ward 15 Applicant: Volnay Capital, LLC

Article(s): Art. 65 Sec. 02 Conformity with Existing Building Alignment-Street modal calculation not provided to verify
compliance Art. 65 Sec. 08 Forbidden-Multifamily use Art. 55 Sec. 65 41 Off Street parking insufficient-Min. required:
15x1.5=22.5 spaces. Proposed: 15 Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Floor Area Ratio
Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Bldg Height Excessive (Feet)

Purpose: Seeking to raze the existing structure and erect a new residential building with 15 units and 15 parking spaces.

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

BOARD MEMBERS:

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