



City of Boston
Board of Appeal

Tuesday, May 23, 2023

BOARD OF APPEAL

Room 801

HEARING MINUTES

Board Chair Dong 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 Norm Stembridge:

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MAY 23, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS MAY 23, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MAY 23, 2023 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/ZBA2023Hearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 821 8044 0527 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/May23Comment> 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/May23Comment>, 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



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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. 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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EXTENSIONS: 9:30AM

Case: BOA-1192263 Address:335 Chelsea Street Ward 1 Applicant: Lorene Schettino, Esq.

Discussion/ Votes: Upon a motion and a second the Board granted an extension until August 20, 2024.

Case: BOA-1159113 Address: 693 Cummins Highway Ward 18 Applicant: Vernon Woodworth

Discussion/ Votes: Upon a motion and a second the Board granted an extension until August 6, 2024.

Case: BOA- 1156565 Address: 79 Corbet Street Ward 17 Applicant: Cesar DaSilva

Discussion/ Votes: Upon a motion and a second the Board granted an extension until June 6, 2023.

Case: BOA-1175767 Address: 16-22 Linden Street Ward 21 Applicant: Johanna Schneider

Discussion/ Votes: Upon a motion and a second the Board granted an extension until August 18, 2024.

Case: BOA-1175793 Address: 6 Pratt Street Ward 21 Applicant: Johanna Schneider

Discussion/ Votes: Upon a motion and a second the Board granted an extension until August 18, 2024

Case: BOA-898191Address: 40 Mt. Hood Road Ward 21 Applicant: Jared Eigerman, Esq.

Discussion/ Votes: Upon a motion and a second the Board granted an extension until June 27, 2024

Case: BOA-773901 Address: 1465 VFW Parkway Ward 20 Applicant: Mark Diarbakerly

Discussion/ Votes: Upon a motion and a second the Board granted an extension until May 27, 2024

Case: BOA-1142166 Address: 15 Leedsville Street Ward 15 Applicant: Nelson Bamford

Discussion/ Votes: Upon a motion and a second the Board granted an extension until August 6, 2024

Case: BOA-1110500 Address: 421-425 Market Street Ward 22 Applicant: Jeffrey Drago, Esq.

Discussion/ Votes: Upon a motion and a second the Board granted an extension until December 23, 2023



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GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1461987 Address: 43 Cooper Street Ward 3 Applicant: Endicott Cooper LLC

Article: Article 32, Section 4. GCOD, Applicability -Groundwater Conservation Overlay District

Purpose: Renovate existing to remain attached 4 unit 4 storey apartment building. Reconfigure the existing dwelling units. Existing headhouse to remain, The building will be sprinklered per NFPA 13R. No expansion of the building envelope and no change to the GFA of living area. No roof deck to be built per letter and revised plans dated January 10, 2023.

Discussion/ Votes: At the request of the applicant, this appeal was withdrawn. Upon a motion and a second the Board moved to grant an extension until August 18, 2024

Case: BOA-1456872 Address: 64 North Margin Street Ward 3 Applicant: 64 North Margin LLC

Article: Art. 32 Sec. 04 GCOD Applicability

Purpose: Fully renovate structure, install fire pipe, sprinkler and fire alarm system, two new private roof decks accessed via existing head house. New kitchens, baths, washer dryers, all new finishes, new windows, renovate stair finishes replace like kind, existing configuration to remain.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform a complete renovation to an existing dwelling.

Board members asked about the plans Ground Water Trust and BWSC Approval

Documents/Exhibits: Building Plans, BWSC and No Harm Letter, .

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Upon a motion and a second, the Board voted unanimously to grant the relief requested.



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HEARINGS:9:30AM

Case: BOA-1446580 Address: 109 Babson Street Ward 18 Applicant: Samuel DePina

Article: Article 60, Section 9 Bldg Height Excessive (Stories)

Purpose: Confirm occupancy as a 2-family dwelling for this is an existing condition for many years. demo existing part of the dormer, reframe and install new roof. Update electrical systems, HVAC and plumbing systems.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to confirm as a 2 family dwelling with gable style roof.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support of the proposal. Councilor Flaherty is in support.

Votes: Board Member Collins moved to approve. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA-1447898 Address: 68H Chickatawbut Street Ward 16 Applicant: Chris Drew

Article(s): Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient

Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Floor Area Ratio Excessive

Purpose: Confirm as one family. To renovate existing single-family dwelling and add new addition. There will be a new wraparound farmer porch as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to construct a rear addition to an existing single family.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker and Councilor Flaherty are in support.

Votes: Board Member Collins moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.



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Case: BOA-1461172 Address: 362 East Eighth Street Ward 7 Applicant: Anthony Monahan

Article: Article 68, Section 8 Insufficient side yard setback 3' required

Purpose: Add roof deck to existing single family building, per plans. Roof deck access from inside the home. Roof hatch access.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new roofdeck to a single family home.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support of the proposal. Councilors Flynn and Flaherty are in opposition.

Votes: Board Member Collins moved to approve. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA- 1443623 Address: 605 East Fifth Street Ward 6 Applicant: Elisabeth Wagner

Article: Art 68 Sec 8 Insufficient side yard setback 3' req.

Purpose: Nominal fee requested. 1 story Addition in rear yard

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a 1 story addition in the rear yard and to add a new bedroom for livable space with a new floor level deck.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support of the proposal. Councilors Flynn and Flaherty are in support.

Votes: Board Member Shepard moved to approve. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA- 1264670 Address: 240 Silver Street Ward 6 Applicant: Marco Lei, Trustee of the Lei-Chan Family Irrevocable Trust

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Maximum allowed height on parcel exceeded Art 68 Sec 8 Insufficient lot size Art 68 Sec 8 Insufficient additional lot area Art 68 Sec 8 Excessive F.A.R. Art 68 Sec 8 Max. allowed height has been exceeded Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Insufficient rear yard setback Article 68, Section 33 Off-Street Parking & Loading Req

Purpose: Demolish existing, two story, single family home and erect a four story, two family multi level duplex dwelling with two off street parking spaces per plans. Existing structures takedown is subject to a separately applied for and issuance of an sf demolition permit 2.21.23 Revised plans reviewed on behalf of the BOA (i.e. Removed Roof deck, bulkhead and one unit replaced with two parking spaces (1st level), and the removal of an additional unit on second level resulting in a two-family occupancy)

Discussion/Vote: At the request of the applicant the Board voted to defer the hearing until July 11, 2023.



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**Case: BOA- 1442561 Address: 104 Canal Street Ward 3 Applicant: Somnath Hospitality, LLC-
ARTICLE 80**

Article(s): Art. 46 Sec. 10 Off Street Parking Article 46 Section 6 Max. Building Height / FAR Article 32, Section 4. GCOD, Applicability

Purpose: Erect a 15 story, 98 guest room, Hotel

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 15 story hotel with loading in the rear.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans. Letter in opposition.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support of the proposal. Councilors Flynn, Flaherty, and the Carpenters Union are in support.

Votes: Board Member Aiken moved to approve with BTB review. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA-1329391 Address: 300-399 Faneuil Hall Marketplace Ward 3 Applicant: Douglas Stefanov-CANNABIS

Article(s): Art 45 Sec.14 Use: Conditional -Cannabis Establishment Art. 08 Sec.07 Use: Conditional -Buffer zone. Conditional use provided that the cannabis establishment is not within 2,640 feet from another cannabis establishment.

Purpose: Change of occupancy use from restaurant space into Marijuana Dispensary. Renovate interior to accommodate dispensary as well as retail space, coffee shop and recording studio.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to open a cannabis retail location.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans. Letters of support.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Flynn, community members, and a local business is in support. Tito Jackson is in opposition.

Votes: Board Member Collins moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.



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HEARINGS:11:00AM

Case: BOA-1447970 Address: 104 Walter Street Ward 20 Applicant: Gerald Patton-MOH

Article(s): Art. 67 Sec. 09 Open Space insufficient Article 67, Section 32 Off Street Parking & Loading Req Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 33 Application of Dimensional Req Article 67, Section 9 Bldg Height Excessive (Stories)

Purpose: Gut/Remodel existing single-family home into 2 affordable homeownership condominium units. Including New roofs, siding, windows & doors, interior & exterior trim, insulation, blue board & plaster, heating, plumbing, electrical, kitchens, bathrooms and solar system, installing solar panels.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to remove an existing single family and erect a new structure in the rear changing the occupancy from a 2 family dwelling with 4 off street parking spaces.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Arroyo, Flaherty, Ruthzee, an abutter, and a local neighborhood association are in support.

Votes: Board Member Pinado moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA-1448134 Address: 104R-106R Walter Street Ward 20 Applicant: Gerald Patton-MOH

Article(s): Art. 67 Sec. 09 Open Space insufficient Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient Article 67, Section 32 Off Street Parking Article 67, Section 33 Application of Dimensional Req

Purpose: Erect new construction residential building containing 2 affordable home ownership condominium units, one of which will be ADA compliant. (fully sprinkled), Installing Solar Panels.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to remove an existing single family and erect a new structure in the rear changing the occupancy from a 2 family dwelling with 4 off street parking spaces.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Arroyo, Flaherty, Ruthzee, an abutter, and a local neighborhood association are in support.

Votes: Board Member Pinado moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.



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Case: BOA-1433904 Address: 30 Arlington Street Ward 18 Applicant: Lewis Crespo

Article(s): Article 69, Section 8 Use: Forbidden Article 69, Section 9 Lot Frontage Insufficient Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Front Yard Insufficient Art. 09 Sec. 02 Nonconforming Use Change

Purpose: Change occupancy from 3 Family to 4 Family (basement).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 3 to a 4 family by extending into the basement.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board Member Collins moved to approve with BPDA design review and BTD review. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA-1428848 Address: 432 Gallivan Boulevard Ward 16 Applicant: Boston Realty Development LLC

Article(s): Art. 65 Sec. 65 8 Floor Area Ratio excessive Article 65, Section 9 Side Yard Insufficient

Purpose: The homeowner would like to legalize an existing finished basement with kitchen into an "in Law Unit".

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to legalize an existing family room in the basement.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support of the proposal.

Votes: Board Member Shepard moved to approve with no building code relief. It was seconded by Stembridge and the motion carried unanimously.



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Case: BOA-1420381 Address: 250 Minot Street Ward 16 Applicant: Liam Hughes

Article: Article 65, Section 9 Side Yard Insufficient

Purpose: Modest 2.5 story addition to existing 2.5 story 1 family, replace existing 1st floor full bath, expand existing kitchen, new bedroom at 2nd floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add an addition to an existing single family to expand the living space.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support of the proposal.

Votes: Board Member Pinado moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA-1449128 Address: 33-39 Savin Hill Avenue Ward 15 Applicant: 33-39 Savin Hill Avenue LLC

Article(s): Article 9 Section 1 Extension of Nonconforming Use Article 65 Section 41 Off Street Parking Insufficient

Purpose: For an existing Restaurant, increase seating count to 43 persons and increase occupant load to 49 persons. No construction and no expansion of building envelope are proposed.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to increase the seating from 43 to 49 patrons. No construction needed.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board Member Collins moved to approve. It was seconded by Stembridge and the motion carried unanimously.



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Case: BOA-1460817 Address: 425 Quincy Street Ward 15 Applicant: Marcos LLC

Article(s) Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side yard Insufficient Article 65, Section 9 Floor Area Ratio Excessive Art. 65 Sec. 42 Off Street Parking Insufficient Article 65, Section 9.2 Dim Regs: Location of Main Entrance - Main Entrance shall face the Front Lot Line

Purpose: Change Occupancy 1 family to 3 families of 425 Quincy street and subdivide the existing lot at 425 Quincy Street (Parcel ID: 1501869000) into 2 lots. Lot A to contain 5,371 sf and continued to be known as 425 Quincy Street. Lot B to contain 14,629 sf and be known as 427 Quincy Street.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 1-3 family dwelling. Erect a 14 residential unit on a new lot with a driveway in the rear.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support of the proposal.

Votes: Board Member Collins moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA-1460820 Address: 427 Quincy Street Ward 15 Applicant: Marcos LLC

Article(s): Art. 55 Sec. 65 41 Required 1.5/unit. 21 spaces. Proposed 11 spaces Art.65 Sec. 8 MFR Forbidden: 14 Unit residentials Article 65, Section 9 Allowed 2.5 stories Height. Proposed 4 stories Article 65, Section 9 Allowed 35 ft. Proposed 56' 4" Article 65, Section 9 FAR .5 Proposed 1.15 FAR Article 65, Section 9 Rear Yard Insufficient

Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Art. 65 Sec. 42 Conformity with Existing Building – Alignment Conformity with Existing building Alignment Article 65 Section 42.3 Traffic Visibility Across Corner - Corner lot (Quincy St. and Barry St.)

Purpose: To subdivide the existing lot into 2 lots and erect a new residential building with 14 units and 11 parking spaces at the lot to be known as 427 Quincy Street. See companion case for subdivision application filed under 425 Quincy Street.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 1-3 family dwelling. Erect a 14 residential unit on a new lot with a driveway in the rear.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support of the proposal.

Votes: Board Member Collins moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.



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Case: BOA-1450446 Address: 30 Concord Square Ward 4 Applicant: Mainsail Management Inc

Article: Article 64, Section 9.4 Town House/Row House Extension

Purpose: Requesting an amendment to add a roof deck and two 6' 0' rear decks to the building. Plans attached. In conjunction with ALT1409776

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a roof deck and two rear decks to allow for more outdoor livable space.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor TFA is in support.

Votes: Board Member Pinado moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA-1340197 Address: 357-361 Hanover Street Ward 3 Applicant: Warren Mustacchio

Article: Art. 09 Sec. 01 Extension of Non-Conforming Use Increase in nonconforming use is < 25% volume Conditional use/ Art 54 12

Purpose: Change seating capacity from 49 to 60 patrons, add 11 seats, no work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the seating occupancy from 49 to 60 seating capacity. No construction to be done.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.

Votes: Board Member Pinado moved to approve. It was seconded by Stembridge and the motion carried unanimously.



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RECOMMENDATIONS: 11:00 AM

(The Zoning Advisory Subcommittee held hearings for the following cases May 18, 2023. Board Secretary Norm Stenbridge reported the Subcommittee's recommendations from these hearings to the Board.)

Case: BOA-1451404 Address: 46 Crosstown Avenue Ward: 20 Applicant: Nicole & John Rinn

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

Purpose: Remove existing roof and build second floor addition per submitted plans. Keeping as a 1 family occupancy.

Changing from a 2 bedroom to 4 bedroom.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to BPDA Design Review.

Case: BOA-1350407 Address: 44R Worley Street Ward: 20 Applicant: Richard McDermott

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

Purpose: Open existing garage add 10x15 onto garage, cinder block foundation, use 5/8 zip system and asphalt shingle roof, to be used for storage. This is a stand-alone garage on the rear of the property set back over 30' from other properties.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Case: BOA-881068 Address: 676-680 Truman Parkway Ward: 18 Applicant: Donald Ormond

Article(s): Article 69 Section 11 Use Regulations - Take out is a conditional use.

Purpose: Remove proviso for take-out ice cream from previous owner and grant to new owner. Also, paint interior.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval and to remove the provisos on previous relief granted.

Case: BOA-1432868 Address: 242 Fairmount Avenue Ward: 18 Applicant: Hanna Pham

Article(s): Article 69, Section 8 Use: Forbidden - 2F in 1F Article 69, Section 9 Lot Area Insufficient

Article 69 Section 29.4 Off Street Parking Location - Article 69 29.4a Parking in front yard.

Purpose: Change of occupancy to a two family. No construction is proposed for dwelling's interiors.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval with provisos.



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Case: BOA-1436317 Address: 38 Taunton Avenue Ward: 18 Applicant: Gloria Weekes

Article(s): Article 69, Section 9 Rear Yard Insufficient

Purpose: New Deck on the back.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Case: BOA-1449055 Address: 34 Halsey Road Ward: 18 Applicant: Lester Robinson

Article(s): Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient

Article 69, Section 9 Floor Area Ratio Excessive

Purpose: 2 floor addition to rear New kitchen New roof.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Case: BOA-1451005 Address: 109 Bateman Street Ward: 18 Applicant: Stephon Gillings

Article(s): Article 69, Section 9 Side Yard Insufficient - Min. required: 10' Proposed: 6.4' (L) Article 69, Section 9 Front Yard Insufficient - Min. required: 25' Extension of non conformity.

Purpose: Pouring new concrete, building addition on all floors. Extending basement living space area.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to BPDA Design Review and no building code relief granted.

Case: BOA-1442463 Address: 10 Manor Street Ward: 16 Applicant: Jeffrey G. Kidman, Trustee

Article(s): Article 65, Section 9 Side Yard Insufficient - Left side side yard set back. required 10 feet. Proposed 7' 1".

Purpose: Install new deck per contract.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Case: BOA-1434443 Address: 26 Speedwell Street Ward: 15 Applicant: Erica Davis

Article(s): Article 67, Section 9 Floor Area Ratio Excessive

Purpose: Legalize living space in basement as part of 1st floor unit as per plans submitted all work is being done on SF1382355 already issued. City of Boston Board of Appeal

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.



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Case: BOA-1349736 Address: 906 Dorchester Avenue Ward: 13 Applicant: Chris Drew
Article(s): Art.65 Sec.15 **Use:** Conditional - Table A Barber or beauty shop. Residential/local service (MFR/LS)
Purpose: Renovate existing retail space in to a nail Bar (Nail Salon)

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.

Case: BOA-1443133 Address: 34 McBride Street Ward: 11 Applicant: John Pulgini
Article(s): Article 55, Section 9 Side Yard Insufficient- Min. required: 7' to lot line, 10' from existing structures and 17' of aggregate. Proposed at 5.9' to lot line. To existing structures and aggregate distance: not enough information provided to make this determination.
Purpose: The proposed project is to erect a second story addition onto the existing single family dwelling. The addition will include a new primary bedroom, full bath, and expand an existing bedroom. The proposed addition will total 409 SF, bringing the home to a total of 1,937 SF.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to BPDA Design Review.

Case: BOA-1431939 Address: 64 Harvest Street Ward: 7 Applicant: Dyane Bailey
Article(s): Article 65, Section 9 Side Yard Insufficient - Right and Left side in violation.
Purpose: Build a roof deck and install a spiral staircase to access roof deck. Cost reflected on ALT1324717.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to a proviso for an interior stairwell.

Case: BOA-1452730 Address: 509 East First Street Ward: 6 Applicant: Rena Elias Gyftopoulos
Article(s): Article 68, Sec.13 Use Regulations - Beauty Salon: Forbidden
Purpose: There will be NO construction. Only mobile furniture like shelving units and chair will be moved in. Change occupancy to include beauty salon.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval.



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Case: BOA-1442810 Address: 551 East Fifth Street Ward:6 Applicant: Rory Clune

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Proposed roof reconfiguration Art 68 Sec 29

Roof Structure Restrictions - Maximum allowed height on parcel has been exceeded Art 68 Sec 8
Dim reg app in res sub dist - Insufficient side yard setback Art. 68 Sec. 33 Off Street parking Req. -
Insufficient off street parking/ tandem

Purpose: Additions to existing single family residence: Two story vertical addition to the east, rear second floor addition above existing first floor, new dormers at third floor.

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to BPDA Design Review.

Case: BOA-1428631 Address: 23 Hudson Street Ward: 3 Applicant: Ying Huang

Article(s): Art. 43, Section 19 Use: Conditional - Applicant is requesting for Take out use for Bakery located the in basement of 23 Hudson ST

Purpose: Take Out for this petitioner only. (Bakery) Associated with ALT1311696 for 23 Hudson Street, unit B1 (basement).

Discussion/Vote: At the request of the Subcommittee, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project. Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to a proviso for accessibility review and no building code relief.

Case: BOA-1340198 Address: 109-109A Salem Street Ward: 3 Applicant: Warren Mustacchio

Article(s); Art. 09 Sec. 01 Extension of Non-Conforming Use - Increase in volume >25% Conditional Art 54 12

Purpose: Change seating capacity from 36 to 49 patrons, no work to be done.

Discussion/Vote: At the request of the applicant the Subcommittee voted to defer the hearing until June 15 2023.

Case: BOA-1340204 Address: 111-111A Salem Street Ward: 3 Applicant: Warren Mustacchio

Article(s): Art. 09 Sec. 01 Extension of Non Conforming Use - Increase in nonconforming use volume is >25% Forbidden Art54 12 Art. 54 Section 13 Dimensional Regulations - Excessive f.a.r. (Change occupancy use of lower accessory kitchen and storage areas to accessory kitchen and sit down for 20 persons)

Purpose: Change seating capacity from 40 to 60 patrons, no work to be done.

Discussion/Vote: At the request of the applicant the Subcommittee voted to defer the hearing until June 15 2023.



City of Boston
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Case: BOA-1405291 Address: 924 East Fourth Street Ward: 6 Applicant: Michael Gallahue

Article (s): Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of roof profile Art 68 Sec 29 Roof Structure Restrictions - Max. height allowed on parcel exceeded Art 68 Sec 8 Max allowed height in sub district exceeded

Art 68 Sec 8 Insufficient side yard setback Art.68 Sec. 34 Insufficient rear yard setback to shallow lot. Art 68 Sec 8 Dim reg app in res sub dist - Extensions into rear yards of existing structures >1,000sf Art. 68 Sec. 33 Off Street parking Req. - Access drive width is less than 10' Art. 68 Sec. 33 Off Street parking Req. – maneuvering areas on own lot (Registered Deed Required granting motorvehicle access to this parcel via passage way)

Purpose : Confirm occupancy as one family. Full gut renovation of an existing single family house. Garage extension and fourth floor sun room addition.

RE-DISCUSSIONS :11:30 AM

Case: BOA-1419182 Address: 543 East Seventh Street Ward 7 Applicant: Joseph Holland

Article(s): Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Usable Open Space Insufficient

Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68. Section 8.4Dim Regs: Extension in Rear Yard Article 68, Section 29 Roof Structure Restrictions

Purpose: Full Gut remodel of existing 3 family including, plumbing, HVAC, electrical, and new rear 3 story addition.

Reason for Prior Deferral: The applicant requested a deferral to work on the plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform a full gut renovation with a rear addition to an existing 3 family dwelling.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flynn and Flaherty are in support. An abutter is in opposition.

Votes: Board Member Collins moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA-1407102 Address: 110 Tudor Street Ward 6 Applicant: Alberto Ho

Article(s): Art 68 Sec. 29Roof Structure Restrictions - Max. allowed height on parcel exceeded Art.68 Sec. 34 Appl. of Dim. Reqs. - Insufficient rear yard setback to shallow lot Art.68 Sec. 33Off Street Loading Req. Insufficient parking Art. 68 Sec. 33Off Street parking Req. - Maneuvering areas Art. 68 Sec.08Insufficient lot size

Art 68 Sec. 08 Insufficient additional lot area per unit Art. 68 Sec.08 Insufficient open space/unit Art 68 Sec. 08 Excessive f.a.r. Art 68 Sec. 08 Insufficient front yard setback

Purpose: Construct a New Type V, four story/40' 2 family with 2 car covered parking at grade, fully sprinkled building. *Existing two story structure to be razed on a separately applied for, reviewed and issued permit

Reason for Prior Deferral: The applicant requested a deferral to complete the community process.

Discussion/Vote: At the request of the applicant the Board voted to defer the hearing until July 11, 2023.



City of Boston
Board of Appeal

Case: BOA 1309297 Address: 1 Everett Street Ward 1 Applicant: Everett Development Partners LLC

Article(s): Article 53 Section 8 Use Regulations - Use: Multi family Dwelling: Forbidden Article 53 Section 8 Use Regulations - Use: Accessory Parking: Forbidden Article 53 Section 8 Use Regulations - Use: Fitness Center: Forbidden Article 53 Section 8 Use Regulations - Use: Offices: Forbidden Article 53 Section 9 Lot Area for Additional Dwelling Units Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53 Section 9 Rear Yard Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Loading Insufficient

Article 27T 5 East Boston IPOD Applicability - East Boston Interim Planning Overlay District Applicability Article 32, Section 4. GCOD, Applicability - Groundwater Conservation Overlay District Applicability

Purpose : Demolish existing building. Erect a new 3 story Mixed Use Building. On the Ground Floor will be 3 Commercial spaces (a Fitness Center and Office Uses). On Floors 2 & 3, will be all Residential Use consisting of 14 Dwelling Units. There will be private Roof Decks added as shown on plans. There will be 7 Off Street Parking spaces. Construction to be Steel/Concrete/Wood structure with EPDM flat roof. Building will be fully Sprinklered .

Reason for Prior Deferral: This is their second request for an extension to revise the plans and complete the community process.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to raze the existing and erect a 26 residential unit dwelling with 7 off street parking spaces and 3 commercial spaces.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans. Letters of support.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board.. The Carpenters Union also spoke in support of the proposal.

Votes: Board Member Pinado moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-950222 Address: 1 Carmen Street Ward 14 Applicant: James Christopher

Article(s): 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 Allowed .5 FAR. Proposed 1.83 FAR Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient Art. 55 Sec. 65 41 Off Street parking insufficient - Parking Insufficient Article 65, Section 9 Bldg Height Excessive (Stories) -Allowed 2 1/2 stories. Proposed 3 stories Height

Article 65, Section 42.2 Conformity w Ex Bldg Alignment - Conformity with Existing BLDG Alignment Article 65 Section 42.3 Traffic Visibility Across Corner - Corner Lot (Carmen Street./Vassar Street)

Purpose: To Construct a new three story three-unit residential building in association with lot subdivision ALT931392.

Reason for Prior Deferral: The applicant requested a deferral to meet with the community.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a 5 car bay garage with an existing curb cut. New 3 story 3 unit dwelling with rear balconies and accessible access.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell also deferred judgement to the Board.

Votes: Board Member Collins moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA-950227 Address: 1A Carmen Street Ward 14 Applicant: James Christopher

Article(s): Article 65, Section 9 Side yard requirement is insufficient Article 65, Section 9 Floor Area Ratio Excessive

Article 65, Section 41 Off Street Parking & Loading Req- Off street parking requirement is insufficient Article 65, Section 9 Minimum lot size required for the existing three family after subdivision is insufficient

Purpose: Subdivision of the existing lot at 1 Carmen St. To create two lots 1 Carmen St. Parcel No. 1440571000 to be 3,458.2 square Feet. New parcel will be 2539.4 square feet.

Reason for Prior Deferral: The applicant requested a deferral to meet with the community

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a 5 car bay garage with an existing curb cut. New 3 story 3 unit dwelling with rear balconies and accessible access.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell also deferred judgement to the Board.

Votes: Board Member Collins moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1404304 Address: 599-601 East Fifth Street Ward 6 Applicant: Andrew Ulrich, Manager
Article(s): Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 33 Off Street Parking & Loading Req - Off Street Parking Design / Maneuverability (Tandem Parking not allowed) Article 68, Section 34 Application of Dimensional Req - Access to Parking Area is not a 10' wide dedicated driveway
Purpose: Proposed installation of a new drainage system and repave to allow 6 Parking Spaces as per plans.
Reason for Prior Deferral: The applicant requested a deferral to continue to community process.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to allow for three off street parking spaces in the rear of the building.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Worrell also deferred judgement to the Board. Abutters and Councilor Flaherty are in support, and Councilor Flynn is in opposition.

Votes: Board Member Collins moved to approve with BPDA design review and screening and buffering. It was seconded by Stembridge and the motion carried unanimously.

HEARINGS: 1:00PM

Case: BOA-1446970 Address: 207-209 E Street Ward 6 Applicant: Paraclete, Inc-ARTICLE 80
Article(s): Article 68, Section 33 Off Street Parking & Loading Req Article 68, Section 8 Bldg Height Excessive (Feet) Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Lot Area Insufficient
Purpose: Change of occupancy Affordable Housing: This project involves the renovation of the existing convent building and a rear addition to create 35 units of affordable senior housing and one resident manager unit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to redevelop as affordable housing for senior living for 35 units.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans. Letter in opposition.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support of the proposal. Councilors Flynn, Flaherty, and the carpenters union are in support. An abutter is in opposition.

Votes: Board Member Valencia moved to approve. It was seconded by Stembridge and the motion carried unanimously.



City of Boston
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Case: BOA-1297624 Address: 11 Ludlow Street Ward 2 Applicant: Hadi K Shavarini

Article(s): Article 62, Section 25 Roof Structure Restrictions Article 62, Section 8 Floor Area Ratio Excessive

Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Rear Yard Insufficient

Purpose: Adding third floor with walk in shower and a roof deck and replacing the existing deck by adding enclosed decks for all three floors in the back of the house. We will also update the kitchen, and renovate the existing bathroom in the second floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add a new 3rd story onto an existing dwelling and enclose the existing deck for more use. The occupancy will remain a 1 family.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker is in support of the proposal. Councilor Coletta and abutters are in opposition.

Votes: Board Member Pinado moved to deny without prejudice. It was seconded by Stembridge and the motion carried unanimously.

Case: BOA-1452465 Address: 125 Addison Street Ward 1 Applicant: 125 Addison Street LLC

Article(s): Art. 53, Section 25 MRF USE FORBIDDEN Article 27T – 5 East Boston IPOD Applicability

Purpose: Erect a 9 unit residential dwelling, two of which will be voluntarily restricted under the Inclusionary Development Policy, with parking for 7 vehicles.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 9 unit condo dwelling with ground level parking.

Board members asked about plans, proposal

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services deferred judgement to the Board. The Carpenters and multiple abutters are in support. Councilor Coletta and an abutter are in opposition.

Votes: Board Member Collins moved to approve with BPDA design review. It was seconded by Stembridge and the motion carried unanimously.



City of Boston
Board of Appeal

STEPHANIE HAYNES
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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