



City of Boston
Board of Appeal

Tuesday, May 9, 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 9, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS MAY 9, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MAY 9, 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/May9Comment> 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/May9Comment>, 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



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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. 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

March 16, 2023 & March 28, 2023

Upon a motion and second, the Board voted unanimously to approved the above minutes.

EXTENSIONS: 9:30AM

Case: BOA-1142426 Address: 81 Prince Street Ward 3 Applicant: Nicholas Zozula, Esq.

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until May 14, 2024.

Case: BOA-803394 Address: 246-248 Dorchester Avenue Ward 6 Applicant: Joseph Hanley, Esq., Partner

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until May 11, 2024.

Case: BZC-32903 Address: 188 High Street Ward 3 Applicant: George Morancy, Esq.

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until May 6, 2024.

Case: BOA-1029221 Address: 837 Saratoga Street Ward 1 Applicant: Richard, Lynds, Esq.

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until June 22, 2024.

Case: BOA-1183158 Address: 99 Maverick Street Ward 1 Applicant: Richard, Lynds, Esq.

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until August 25, 2024.

Case: BOA-1110007 Address: 47 Condor Street Ward 1 Applicant: Richard, Lynds, Esq.

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until June 2, 2024.

Case: BOA-903635 Address: 235 Leyden Street Ward 1 Applicant: Lorene Schettino, Esq.

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until June 14 2024.

Case: BOA-903636 Address: 237 Leyden Street Ward 1 Applicant: Lorene Schettino, Esq.

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until June 14, 2024.

Case: BOA-1137713 Address: 375 Cummins Highway Ward 18 Applicant: John Pulgini, Esq.

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until March 24, 2024.

Case: BOA-1027373 Address: 171-179 Bowdoin Street Ward 15 Applicant: Matt Mueller

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until May 15, 2024.

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

Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until May 15, 2024.

Case: BOA-1096128 Address: 10 Rockland Street Ward 12 Applicant: Andrew Litchfield



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Discussion/ Votes: Upon a motion and a second the Board moved to grant an extension until May 21, 2024.

HEARINGS:9:30AM

Case: BOA- 1447927 Address: 23 Bennington Street Ward 1 Applicant: Mauricio Menendez

Article(s): Article 9, Section 2 Change in Non Conforming Use Article 53, Section 11 Use Regulations - 3 unit Row House (First story) Forbidden Art. 53, Section 56 Off Street Parking Insufficient Article 32, Section 4. GCOD, Applicability Article 27T 5 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions

Purpose: Change occupancy from 2 family/commercial to a 3 family. Scope includes complete interior renovation, structural modifications and addition of FP/FA. New low roof rear terrace and replacing exterior materials.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform a complete renovation and to change the legal occupancy from a two family to a 3 family.

Board members asked about the plans, proposal and Groundwater Trust approval.

Documents/Exhibits: Building Plans.

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

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

Case: BOA-1285218 Address: 94 Morris Street Ward 1 Applicant: Rafael Galdamez

Article(s): Art. 32 Sec. 32.4 Groundwater Conservation Overlay District, Applicability Art. 27 GE Boston IPOD Art. 53 Sec. 08 Forbidden -Multifamily use Art. 53 Sec. 56^Off street parking insufficient - Required: 6 spaces. Provided: 0 Article 53, Section 57.2 Conformity Ex Bldg Alignment - modal not provided to verify compliance 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 four (4) unit residential dwelling with roof deck.

Discussion/Votes: At the Applicant's request, the Board voted to defer this case until July 11, 2023.

Case: BOA#1285217 Address: 94 Morris Street Ward 1 Applicant: Rafael Galdamez

Purpose: Erect a four (4) unit residential dwelling with roof deck.

Violation: Violation Description Violation Comments
9th 780 CMR 1011 Stairways 1011.12.2 Roof access through a penthouse.

Discussion/Votes: At the Applicant's request, the Board voted to defer this case until July 11, 2023.



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Case: BOA-1438826 Address: 86 Saint Botolph Street Ward 4 Applicant: Garrett Clinton

Article(s): Article 32, Section 4. Groundwater Conservation Overlay District Applicability Article 41 Section 6 Rooftop Addtns. in Prot. Area - Restricted Roof Structure District Applicability Article 41 Section 17 Use Regulations - Use: Residential Use converted for more Families: Conditional Article 41 Section 19 Off Street Pkg Insufficient - Off Street Parking Insufficient

Purpose: Confirm Occupancy as a Lodging House. Change of Occupancy from Lodging House (18 person) to 13 Residential Units.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to confirm the legal occupancy and then change it from 13 residential units, including two affordable units

Board members asked about the plans, income limits for the proposed affordable units, egress plans and Groundwater Trust approval.

Documents/Exhibits: Building Plans, GCOD No Harm and Compliance letters.

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

Votes: A Board member moved to approve with provisos, it was seconded by Stembridge and the motion carried unanimously.

Case: BOA- 1444961 Address: 354 E Street Ward 6 Applicant: George Morancy-ARTICLE 80

Article(s): Art 68 Sec 8 Dim reg app in res sub dist - Insufficient additional lot area per unit (Not yet presented to the BOA 1.17.23) Art 68 Sec 8 Dim reg app in res sub dist - Insufficient open space per unit (Not yet presented to the BOA -1.17.23)

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

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to confirm the occupancy as a church, renovate the interior and exterior and change the occupancy to 35 dwelling units, including 6 IDP Units and ground floor space for the community.

Board members asked about the plans, and the details of the proposal. Applicant's counsel noted that the Board had previously approved but two additional zoning violations were discovered during plan review by ISD.

Documents/Exhibits: Building Plans.

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

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



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Case: BOA-1210175 Address: 37 Pearl Street Ward 13 Applicant: Renato Valentin

Article(s): Art.65 Sec. 8 Use: Forbidden - Multifamily Art. 65 Sec.42.7 Narrow Side Yard for driveway
Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories)

Purpose : Confirm occupancy as a two family and change to an 8 family (Reduced to a 6 family 04/12/23). Proposed addition with roof decks and renovation to change use from a two family to 6 dwelling units, as per plans with 8 parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the above proposed project in detail including reduction to 6 units from the 8 units originally proposed noting that the proposal is consistent with other approved projects in the area.

Board members asked about the plans and proposal and whether the applicant considered reducing the number of off street parking spaces.

Documents/Exhibits: Building Plans.

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

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

Case: BOA-1448154 Address: 183 Fuller Street Ward 17 Applicant: Andrew Litchfield

Article(s): Art. 65 Sec. 9Residential Dimensional Reg.s -Insufficient lot size 5000sf req. Art. 65 Sec. 9Residential Dimensional Reg.s - Excessive f.a.r. .5 max Art. 65 Sec. 9Residential Dimensional Reg.s - Insufficient side yard setback 10' required Art. 65 Sec. 9Residential Dimensional Reg.s - Insufficient front yard setback 15' req.

Purpose : Raze existing garage(storage shed) and construct a new 2 1/2 story, two family, residential building (type 5), on a 4,250sf lot with two off street parking spaces in rear. (Basement space unfinished)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to raze the garage and construct a 2 ½ story 2 family dwelling.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. An abutter is in support. Councilor Worrell is in opposition.

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



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Case: BOA-1446415 Address: 544 River Street Ward 18 Applicant: Francisco Camilo

Article(s): Article 60, Section 11 Use: Conditional

Purpose: Change occupancy from store to liquors store.

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

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. An abutter is in support.

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

Case: BOA-1436463 Address: 132 Central Avenue Ward 18 Applicant: Derric Small

Article(s): Art. 69 Sec. 09 Dimensional Reg. - Parking space Insufficient Article 69 Section 37 Screening & Buffering Req - Parking space Insufficient Article 69, Section 8 Use: Forbidden - Multifamily- Use Forbidden Article 69, Section 9 Lot Area Insufficient Article 69, Section 9 Lot Width Insufficient Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 9 Front Yard Insufficient Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient

Purpose: Erect a three family dwelling on the vacant parcel.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 family dwelling with 2 tandem parking spaces.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. The Hyde Park Association is in opposition.

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



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**Case: BOA-1448332 Address: 727 Atlantic Avenue Ward 3 Applicant: Stone's Throw Cannabis, LLC-
CANNABIS**

Article(s): Violation Description Violation Comments Aft.44 Sec.10 Leather District Use: Conditional(n) Cannabis Establishment. Provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only. Aft.44 Sec.10 Leather District Use: Conditional First floor Cannabis establishment is a conditional use in the Leather District. Aft.44 Sec.10 Leather District Use: Conditional Second floor Cannabis establishment is a conditional use in the Leather District.

Purpose : Change occupancy to include cannabis retail, including reinforcing walls with wire mesh or flashing for two vaults (1st and 2nd Floor), adding a dumb waiter, and removing 7 walls on 2nd floor. Building a new wall to expand 2nd floor vault area. Security system install. Building gate on 1st floor entry.

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

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

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

Votes: Board Member Barraza moved to approve with BPDA design review, this applicant only, hours of operation, and visible signage with contact info. It was seconded by Stembridge and the motion carried unanimously.

HEARINGS:11:00AM

Case: BOA-1445185 Address: 68 Tremont Street Ward 2 Applicant: Carey Rogers

Article(s): Art. 62 Sec. 25 Roof Structure Restrictions - Changing existing Roof Profile Article 62, Section 8 Rear Yard Insufficient

Purpose: Project consists of interior/exterior renovations 1 family single home. Scope includes reconfiguration of interior/Exterior spaces, extension of living space 3rd floor attic, New Rear deck, roof Raised up to 3 story height and repair with change to existing profile. Ref. ALT1408985

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to perform interior and exterior renovations to a 1 family and extend living space to the third floor by extending the roof line.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

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

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



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Case: BOA-1407945 Address: 160 West Seventh Street Ward 6 Applicant: Eric Zachrison

Article(s): Art 68 Sec 29 Roof Structure Restrictions Art. 68 Sec.08 Dimensional Req. - Insufficient front yard setback (per Architect letter)

Purpose: Extend size of existing roof deck for unit # two 4 Family #ALT832353

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to extend the existing roof deck for unit 2 on a four unit building.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. Councilors Flynn, Flaherty, are in opposition.

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

Case: BOA-1409915 Address: 32 Fisher Avenue Ward 10 Applicant: Kieran Maher

Article(s): Art. 59 Sec. 7 Use Regulations - Multi Family Dwelling Use Forbidden Article 59, Section 8 Add'l Lot Area Insufficient Article 59, Section 8 Bldg Height Excessive (Stories) Article 59, Section 8 Floor Area Ratio Excessive Article 59, Section 8 Usable Open Space Insufficient Article 59, Section 37 Off Street Parking & Loading Req

Purpose: Change occupancy from three (3) to five (5) family dwelling, renovate basement for new unit, attic existing finished space to be legalized as 5th unit. Add small shed dormer 4.5 feet wide on left side to increase egress stairs headroom to code and small rear deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change a 3 family to a 5 family with renovations to the attic and lower levels.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. Abutters and the Mission Hill Association are in opposition.

Votes: Upon a motion and a second, the proposal was denied without prejudice.

Case: BOA-1309386 Address: 75 Maywood Street Ward 12 Applicant: Fred Manigat

Article(s): Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Art. 50 Sec. 18 Roof Structure and Building Height Restrictions

Purpose: Proposal to erect 6 condo units with 6 parking spaces.

Discussion/Votes: After some discussion regarding the adequacy of the building plans and at the Applicant's request, the Board voted to defer this case until July 11, 2023.



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Case: BOA- 1369555 Address: 2207 Dorchester Avenue Ward 17 Applicant: Shlomo Geva

Article(s): Art.65 Sec. 8 Use: Forbidden - Change of Use from a 3 Family to a 4 Family in the "Garden Level"
Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Side
Yard Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Lot Width Insufficient

Purpose: The scope of the project is to add a new 2 bedroom garden level apartment to an existing 3 unit
building with an existing unfinished garden level. The 3 other units in the building are existing to remain.
(Change of occupancy from three units to four units. Fourth unit in the "Garden Level").

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add
a 2 bedroom garden level to a 3 unit dwelling.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

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

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

Case: BOA-1423269 Address: 1424 Blue Hill Avenue Ward 18 Applicant: Alfonso Sira

Article(s): Art. 60 Sec. 09 Floor Area Ratio excessive Art. 60 Sec. 09 ^Usable open space insufficient

Art. 60 Sec. 40 Off street parking insufficient Art. 60 Sec. 60 9 Additional Lot Area Insuff

Art. 60 Sec. 08 Use Regs appl in Res Subdistr - Use: Multifamily Dwelling / Basement Apartment: Forbidden

Purpose: Change of Occupancy from a three family dwelling to a four family dwelling. Conversion of basement into a
two bedroom, one bathroom unit and addition of bathrooms and pantry onto the existing rear porch throughout floors
one through three.

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 family dwelling to a 4 family dwelling by converting the basement into a unit.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to
the Board. An abutter is in support.

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



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Case: BOA-1432592 Address: 75 Tremont Street Ward 22 Applicant: Sarace Properties LLC, by: Joseph P. Hanley, Esq-ARTICLE 80

Article(s): Art. 51 Sec. 09 Excessive f.a.r.- .5 max Art. 51 Sec. 09 Number of allowed stories exceeded - 2.5 stories max Art. 51 Sec. 09 Dimensional Regulations - Max allowed height exceeded - 35' max Article 51 Section 8 Use Regulations - 70 Units in a 1 family subdistrict- Forbidden

Purpose : Erecting 70 Residential units with 74 garage and surface parking spaces. *Six stories (69'/74,000gsf)

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to erect 70 residential units with 74 garage spaces.

Board members asked about the plans, and the details of the proposal.

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

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. Councilors Breadon, Flaherty and Murphy are in support. The carpenter's union, abutters, and the BAIA are also in support. Multiple abutters are in opposition.

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

Case: BOA-1421808 Address: 1 Mount Vernon Street Ward 7 Applicant: Jake Federico-CANNABIS

Article(s): Violation Description Violation Comments Article 65, Section 8 Use Regulations Recreational cannabis establishment is a forbidden use in a 3F 5000 Sub district Art. 65 Sec. 08 Forbidden Table A: Fn14. Cannabis Establishment, provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

Purpose: Change occupancy from Food Processing and warehouse for food products to Recreational cannabis establishment. The applicant is not proposing any construction. The applicant intends to utilize the current footprint of the building. The building will be occupied as is, without need of building modifications.

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

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

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

Votes: Upon a motion and a second the Board moved to approve the proposal.



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RE-DISCUSSIONS :11:30 AM

Case: BOA- 1406267 Address: 166 Chelsea Street Ward 1 Applicant: Gabriel Castano

Article(s): Art. 27G E Boston IPOD – Applicability Article 53, Section 9 Add'l Lot Area Insufficient Art. 53 Sec. 09 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 Rear Yard Insufficient Art. 53 Sec. 52^ Roof structure restrictions - Addition of 1 new floor Art. 53 Sec. 56^ Off street parking insufficient - New parking spaces required: 3.25 Proposed: 0 Art. 53 Sec. 01 Extension of nonconforming - Multifamily use is forbidden in a 3 family district. Use is conditional

Purpose: Seeking to change the occupancy from a 6 family dwelling to a 7 family dwelling. Also, to erect a fourth story addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 6 family to a 7 family residential dwelling.

Board members asked about the plans, and number of stories.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. Councilor Coletta is in support.

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

Case: BOA- 1432527 Address: 184 Cowper Street Ward 1 Applicant: 184 Cowper Nominee Trustee

Article(s): Art. 25 Sec. 5 Flood Hazard Districts Art. 53 Sec. 08 Use Forbidden - Multi family dwelling unit use is a forbidden use. Art. 53 Sec. 09.3 Location of Main Entrance - In this zoning sub district, the main entrance of a dwelling shall face the front lot line (entrance walkway to the building is safely required) Art. 53 Sec. 09 Height requirement is excessive (2.5 stories max. allowed) the proposed is 3 stories. Art. 53 Sec. 53 57 Appl. of dimensional Req. - Front modal alignment Article 27T 5 East Boston IPOD Applicability Article 53, Section 9 Rear Yard Insufficient

Purpose: Combine two lots to make a bigger lot and construct a new 8 unit residential building on said lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 2 lots into 1 bigger lot and construct a new 7 unit multifamily dwelling. Demolish the existing structure on the site.

Board members asked about the plans,

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. The local city councilor is in

Votes: Board Member Stembridge moved to approve with BPDA design review. The motion was seconded and carried.



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Case: BOA-1406531 Address: 185 E Street Ward 7 Applicant: Garrison Equity LLC

Segio Vlad seeking with reference to the premises at: 185 E Street, Ward 07

Article(s): Art 68 Sec 29 Roof Structure Restrictions - Max allowed established height of 26.46' for the parcel has been exceeded Art 68 Sec 8 Insufficient additional lot area per unit Art 68 Sec 8 Insufficient rear yard setback Art 68 Sec 8 Dim reg app in res sub dist - Insufficient front yard setback (via revised plans show revised window designs projecting into a required front yard at the second and third stories 3.9.23, 3.27.23)

Art. 68 Sec. 33 Off Street parking Req. - Design (space sizes)

Purpose: Combine parcels 0700523000, 0700526000 & 070052700, demolish existing structure on a separate permit and erect a new 3 story, 4 units unit residential building w/below grade garage and rear balconies as per plans submitted. *BOA plan submission and scope reduced 3.9.23

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 3 parcels and erect a new 3 story 4 unit dwelling with a below grade garage and rear balconies.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. Councilor Flynn and abutters are in opposition of the proposal.

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

Case: BOA-1423032 Address: 48 Ellery Street Ward 7 Applicant: George Morancy

Article(s): Art. 23 Sec. 01 Off street parking requirements - Min. parking spaces required: 14x0.9 = 12.6 Proposed: 7

Article 13, Section 1 Add'l Lot Area Insufficient - Min. lot required: 15,000 sqft Proposed: 5,249 sqft

Article 13, Section 1 Floor Area Ratio Excessive - Max. allowed: 1 Proposed: 3.5 Article 13, Section 1 Bldg Height

Excessive (Feet) - Max. allowed: 40' Proposed: 60' Article 13, Section 1 Bldg Height Excessive (Stories) - Max.

allowed: 3 Proposed: 6 Article 13, Section 1 Usable Open Space Insufficient - Min. required: 2,800 sqft Proposed: 1,044

sqft Article 13, Section 1 Side Yard Insufficient - Min. required: 3' Proposed: 8" Article 13, Section 1 Rear Yard

Insufficient - Min. required: 20' Proposed: 10' 4" Article 13, Section 1 Front Yard Insufficient - Street modal calculation

not provided to verify compliance with conformity with existing building alignment.

Purpose: Combine two lots into one. Parcel ID 0703407000 (with 2,625 sqft) and parcel ID0703406000 (with 2,624 sqft) the resulting lot will be 5,249 sqft for erection of a new 14 unit, 6 story multifamily building with residential lobby, 7 parking spaces, utilities at ground level, with the residential units on the floors above. Demolishing existing structure under SF:# and garage structure under SF:#.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to combine 2 lots and erect a new 14 unit 6 story multifamily with 3 IDP units.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. Councilors Flynn, Flaherty, and the Andrew Square Civic Association are in support.

Votes: Board Member Barraza 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-1405701 Address: 518-520 Park Street Ward 17 Applicant: Huu Le

Article(s): Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Front Yard Insufficient
Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive
Article 65, Section 9 Add'l Lot Area Insufficient Art. 65 Sec. 42^ Conformity with Existing Building Alignment

Purpose: Confirm as a two family and change use to a three family. Proposed new dormers and renovate as per plans.

Discussion/Votes: At the Applicant's request, the Board voted to defer this case until July 11, 2023.

Case: BOA- 1445525 Address: 522 Park Street Ward 17 Applicant: Huu Le

Article(s): Art. 65 Sec. 65 41.4 Parking Location - Using Spaces for 518 Park st.

Purpose: Filed in conjunction with ALT1382678. Parking @ 522 Park Street for 518 520 Park Street (3 spaces).

Discussion/Votes: At the Applicant's request, the Board voted to defer this case until July 11, 2022

HEARINGS: 1:00PM

Case: BOA-1452582 Address: 197 Lexington Street Ward 1 Applicant: Roderick Sembrano

Article(s): Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Rear Yard Insufficient
Article 53, Section 9 Side Yard Insufficient

Purpose: Remove rear decks and rebuild to plans. We anticipate being refused due to Zoning and Building Code issues highlighted on building plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to remove the decks and change them to allow for better outdoor livable space.

Board members asked about the plans,

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. Councilor Coletta is in opposition.

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

Case: BOA-1440851 Address: 37 Merrimac Street Ward 3 Applicant: David Sokol

Article(s): Art. 06 Sec. 04 Other Protectional Conditions - Seeking relief from sunset proviso for off street parking lot.

Purpose: Remove proviso of 2 year sunset. No work to be done. Applying for conditional use for open air parking lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to remove the existing proviso to allow for an open air parking garage to continue to operate.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

Testimony: The Mayor's Office of Neighborhood Services described the community process and deferred judgement to the Board. Councilors Flynn, Flaherty are in support.

Votes: Board Member Barraza moved to approve with a 2 year extension. It was seconded by Stembridge and the motion carried unanimously.



City of Boston
Board of Appeal

Case: BOA-1441137 Address: 205 Newbury Street Ward 5 Applicant: CenPer Holdings, LLC, by: John Moriarty

Article(s): Article 6 Section 4 Other Cond Necc as Protection - Change to a Previous Decision of the Zoning Board of Appeal (BZC 30940) Takeout Restaurant Use Granted to this Petitioner Only

Purpose: Existing restaurant space, no addition alterations or construction required. New operator CenPer Holdings, LLC requires relief from Boston Zoning Board Article 36A "Restaurant with Takeout". Prior operator was granted same.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to remove takeout provisos and no other change requested. No alterations.

Board members asked about the plans,

Documents/Exhibits: Building Plans.

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

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

Case: BOA- 1427944 Address: 294 South Street Ward 19 Applicant: Derek Thomas

Article(s): Article 55, Section 9 Add'l Lot Area Insufficient Article 55, Section 9 Floor Area Ratio Excessive
Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Usable Open Space Insufficient
Art. 55, Section 40 Off Street Parking Insufficient - Garage parking removed. Article 55, Section 41.12 Two or More Dwellings on Same Lot

Purpose: Application for existing dwelling at 294 South Street in connection to ALT 1318693. This is one of two dwellings on the same lot.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add another dwelling unit and change the occupancy from a garage to a single family.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

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

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



City of Boston
Board of Appeal

Case: BOA-1427946 Address: 294R South Street Ward 19 Applicant: Derek Thomas

Article(s): Article 55, Section 9 Lot Area Insufficient Article 55, Section 9 Lot Width Insufficient Article 55, Section 9 Lot Frontage Insufficient Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Front Yard Insufficient Article 55, Section 9 Side Yard Insufficient Article 55, Section 9 Rear Yard Insufficient Article 55, Section 9 Usable Open Space Insufficient Art. 55, Section 40 Off Street Parking Insufficient Article 55, Section 41.12 Two or More Dwellings on Same Lot

Purpose: Confirm occupancy as garage. Change of occupancy from garage to single family. Homeowner seeks to convert an existing 400 square foot accessory car garage into a livable accessory dwelling unit. Owner is participating in the City of Boston's, and specifically Department of Neighborhood Development led, ADU (Additional Dwelling Unit) 2.0 pilot program. Easement proposed at 290 South St for fire truck access to new dwelling. See Also ALT1394066.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail to add another dwelling unit and change the occupancy from a garage to a single family.

Board members asked about the plans, and the details of the proposal.

Documents/Exhibits: Building Plans.

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

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



City of Boston
Board of Appeal

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

BOARD MEMBERS:

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ALAN LANGHAM

SUBSTITUTE MEMBERS:

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 May 9, 2023 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.