



City of Boston  
Board of Appeal

**TUESDAY, NOVEMBER 14, 2023**

**BOARD OF APPEAL**

**City Hall 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:

**BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON NOVEMBER 14, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS NOVEMBER 14, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

**PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:**

**THE NOVEMBER 14, 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/November14Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

**For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at**



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<https://bit.ly/November14Comment>, 617-635-4775, or emailing  
[zba.ambassador@boston.gov](mailto: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\*\*](mailto: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\*\*](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\*\*](mailto: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\*\*](mailto: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**



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**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-921523 Address: 353 Baker Street Ward 20 Applicant: O'Brian Stadhard**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until December 5, 2024.

**Case: BOA-527141 Address: 100 Stuart Street Ward 5 Applicant: Christian G. Regnier, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to grant an extension until November 28, 2024.

**BOARD FINAL ARBITERS: 9:30AM**

**Case: BOA- 1514330 Address: 21 Holton Street Ward 22 Applicant: Jeffrey Drago, Esq**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to approve this board final arbiter request.

**Case: BOA-1137713 Address: 375 Cummins Highway Ward 18 Applicant: John Pulgini**

**Discussion/Votes:** Upon a motion and a second, the Board voted unanimously to approve this board final arbiter request.

**RECOMMENDATIONS: 9:30 AM**

*(The Zoning Advisory Subcommittee held hearings for the following cases November 9, 2023. Board Secretary Norm Stenbridge reported the Subcommittee's recommendations from these hearings to the Board.)*

**Case: BOA-1476684 Address: 17 Waldemar Avenue Ward: 1 Applicant: Elkin Villegas G & amp; C LLC**  
**Articles (s):** Article 27T 5 East Boston IPOD Applicability – IPOD Art. 53 Sec. 56^ Off street parking insufficient - Not provided additional parking space for 2nd units Art. 53 Sec. 08 Forbidden - Forbidden Use: Second unit in the basement.

**Purpose :** Change of occupancy from a 1 family to 2 family.

**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 no building code relief.

**Case: BOA-1482058 Address: 6 Essex Street Ward: 2 Applicant: Danielle McCourt**

**Articles (s):** Article 62,Section 8 Rear Yard Insufficient Article 62, Section 25 Roof Structure Restrictions -Roof Structure Restrictions



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**Purpose:** Addition to the existing structure in the rear of the building and a new roof. Increase living area at the 3rd Floor. level. A portion of the 3rd Floor will extend out over the existing 2 story ell. Construct a new Nantucket style dormer at the Front and a new Rear Shed / Gable dormer.

**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-1522979 Address: 115 Salem Street Ward: 3 Applicant: Fatima Ibrahim**

**Articles (s):** Art. 06 Sec. 04 Other Protectional Conditions

**Purpose:** Change of proviso.

**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-1452599 Address: 73-75 Causeway Street Ward: 3 Applicant: Lancaster Parking, LLC**

**Articles (s):** Article 6 Section 4 Other Cond Necc as Protection - Change in previous decision from the ZBA

**Purpose :** The Applicant seeks to continue to use the premises for an open air public parking lot for a fee capacity three (3) parking spaces with two (2) handicap parking spaces and one (1) regular parking space until December 31, 2026, in conjunction with 19 21 Lancaster Street and 31 39 Lancaster Street. The two (2) handicap parking spaces and one (1) regular parking space are part of a fifty (50) space parking lot under Boston Transportation Department OPAIR License #78829 located at 19 21 Lancaster Street, 31 39 Lancaster Street and 73 75 Causeway Street.

**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-1452610 Address: 31-39 Lancaster Street Ward: 3 Applicant: Lancaster Parking, LLC**

**Articles (s):** Article 6 Section 4 Other Cond Necc as Protection - Change in previous decision of the ZBA

**Purpose :** The Applicant seeks to continue to use the premises for an open air public parking lot for a fee capacity thirty (30) regular parking spaces until December 31, 2026, in conjunction with 73 75 Causeway Street and 19 21 Lancaster Street. The thirty (30) regular parking spaces are part of a fifty (50) space parking lot under Boston Transportation Department OPAIR License # 78829 located at 19 21 Lancaster Street, 31 39 Lancaster Street and 73 75 Causeway Street. The fifty (50) space parking lot will provide for two (2) handicap parking spaces located at 73 75 Causeway Street.

**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-1452616 Address: 19-21 Lancaster Street Ward: 3 Applicant: Lancaster Parking, LLC**

**Articles (s):** Article 6 Section 4 Other Cond Necc as Protection - Change in previous decision from the ZBA

**Purpose :** The Applicant seeks to continue to use the premises for an open air public parking lot for a fee capacity seventeen (17) regular parking spaces until December 31, 2026, in conjunction with 73 75 Causeway Street and 31 39 Lancaster Street. The seventeen (17) regular parking spaces are part of a fifty (50) space parking lot under Boston Transportation Department OPAIR License #78829 located at 19 21 Lancaster Street, 31 39 Lancaster Street and 73 75 Causeway Street. The fifty (50) space parking lot will provide for two (2) handicap parking spaces located at 73 75 Causeway Street.



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**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-1505773 Address: 7 Chestnut Street Ward: 5 Applicant: 7 Chestnut Street, LLC**  
**Articles (s):** Article 20 Section 4 Rear Yards in H Districts - Rear yard set back is insufficient. Must be at least 30 feet.  
**Purpose:** Construct a rear deck on roof of existing lower addition per plans filed herewith. Amendment to ALT1336354.

**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-1526460 Address: 93-95 Wellsmere Road Ward: 18 Applicant: Becky Kung**  
**Articles (s):** Article 67, Section 9 Floor Area Ratio Excessive Article 67, Section 9 Bldg Height Excessive (Stories)  
**Purpose :** Upstairs unit 95 Wellsmere Rd. Remove roof. Build dormer on right side entire length of house. Add 2x8's to existing floor joists. Determine legal height. Rebuild shingle roof. Install 6 windows, insulation, drywall paint, hardwood flooring. Add full bathroom. Install exterior siding. Match paint.

**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-1513671 Address: 1251-1269 River Street Ward: 18 Applicant: Abner Joseph**  
**Articles (s):** Art. 06 Sec. 04 Other Protectional Conditions Art. 06 Sec. 04 Other Protectional Conditions  
**Purpose :** Remove proviso and grant to this petitioner only.

**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-1505081 Address: 31 Pond View Avenue Ward: 19 Applicant: Tarek Alexander Hassan**  
**Articles (s):** Article 55, Section 9 Side Yard Insufficient  
**Purpose :** Build new bathroom and extend existing bedroom to be 248 sqft. above existing 1st floor structure.

**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- 1519194 Address: 22 Sunnybank Road Ward: 20 Applicant: Nick Parker**  
**Articles (s):** Article 56 Section 40 Application of Dimensional Req - 56 40.7 Accessory Building less than 4ft from side/rear lot line Article 56 Section 40 Application of Dimensional Req- 56 40.7 Accessory Building closer than 65 feet from front lot line Art. 10 Sec. 01 Limitation of Area of Accessory Uses - Through Lot. Accessory Building occupying Front yard.  
**Purpose:** Construction of free standing tool storage shed, approx 8' x 12'. No electrical or plumbing required. Less than 15ft in height.

**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.



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Following a brief discussion regarding the violations, the Subcommittee voted to recommend approval subject to BPDA Design Review.

**Case: BOA-1428568 Address:84-100 River Street, Ward: 17 Applicant: Cameron Merrill**

**Article(s):** Art.65 Sec.15 Use: Conditional - per article 6 3 Conditions required for approval

**Purpose:** Changing Occupancy from a Bank to a 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 subject to BPDA Design Review.

### **HEARINGS: 9:30AM**

**Case: BOA- 1518728 Address: 16 Allstate Road Ward 7 Applicant: Respect Auto Boston 1 LLC**

**Article(s):** Article 65, Section 15 Use: Conditional - Indoor sale of motor vehicles Article 65, Section 15 Use: Conditional - Outdoor sale of new and used motor vehicles Article 65, Section 15 Use: Conditional - Indoor sale, with or without installation, of automotive parts, accessories, and supplies Article 65, Section 15 Use: Conditional - Car wash is a conditional use item

**Purpose:** Tenant Buildout for new car dealership w/carwash in subdivided Best buy space. Request for nominal fee for zoning relief. Carwash; Indoor sale, with or without installation, of automotive parts, accessories and supplies; Indoor sale of motor vehicles; and, Outdoor Sale of New and Used Motor Vehicles.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition.

**Votes:** Upon a motion and a second, the Board voted to approve with provisos.

**Case: BOA-1512111 Address: 15H Mount Vernon Street Ward 7 Applicant: Nick Ruggeri**

**Article:** Article 65, Section 9 Floor Area Ratio Excessive - FAR Excessive.

**Purpose:** As the owner of the 3rd floor condo I enjoy exclusive rights to the finished attic space. The work in the attic was done by a previous owner and is not reflected in the assessed unit area. I'm requesting zoning relief for excessive FAR in order to recognize this additional area as part of the unit.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition.



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**Votes:** Upon a motion and a second, the Board voted to approve.

**Case: BOA-1475111 Address: 619 Massachusetts Avenue Ward 9 Applicant: Will Krause**

**Article(s):** Art. 50 Sec. 29 Lot Area Insufficient Article 50, Section 29 Rear Yard Insufficient

**Purpose:** Addition of 1 car driveway with deck overhead. Replacing the existing wood fence with a South End Landmarks approved brick masonry wall with an overhead garage door.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition.

**Votes:** Upon a motion and a second, the Board voted to approve.

**Case: BOA-1522212 Address: 15 Parkman Street Ward 16 Applicant: Kristine Lee**

**Article(s):** Article 65, Section 32 Neighborhood Design Overlay Districts Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 15 Use: Forbidden

**Purpose:** Erect 4 units building

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition.

**Votes:** Upon a motion and a second, the Board voted to deny without prejudice. 6-1.

**Case: BOA-1506791 Address: 324 Summit Avenue Ward 21 Applicant: 324 Summit Avenue LLC**

**Article(s):** Art. 51 Sec. 09 Open Space insufficient Article 51, Section 9 Add'l Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 56 Off Street Parking Insufficient - Required: extra 1.75 spaces Article 51 Section 9.4 Dim Reg: Location of Main Entrance - Entrance to new unit shall face the front lot line.

**Purpose:** Change occupancy from 3 residential units to 4 units. Renovate the existing unfinished basement to create a new studio apartment in the existing 3 story/3-unit residential building Create new window well for egress windows. Install new fire sprinkler system in entire building.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.



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Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition.

**Votes:** Upon a motion and a second, the Board voted to approve with no Building Code relief.

**Case: BOA-1510476 Address: 85-93 Glenville Avenue Ward 21 Applicant: Glenville, LLC**

**Article:** Article 51, Section 8 Use: Forbidden - Restaurant with live entertainment

**Purpose:** Change occupancy from restaurant to restaurant with live entertainment.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition. An abutter is in opposition.

**Votes:** Upon a motion and a second, the Board voted to approve with no building code relief.

### **HEARINGS: 11:00AM**

**Case: BOA-1510490 Address: 88 Chestnut Street Ward 5 Applicant: Joseph Holland**

**Article:** Art. 15 Sec. 01 Floor Area Ratio excessive - Existing FAR already exceeds allowed ratio. Adding new living space to the basement will further exceed the allowed 2.0 ratio.

**Purpose:** Full gut remodel, replacing roof deck in kind with existing.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until January 9, 2024.

**Case: BOA-1530332 Address: 289-289A D Street Ward 6 Applicant: Keith Harrington**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Maximum allowed height on parcel exceeded

Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of existing roof profile Art 68 Sec 8 Insufficient side yard setback Art 68 Sec 8 Insufficient usable open space/unit Art 68 Sec 8 Excessive far Art 68 Sec. 33 Off Street parking Req. - Insufficient parking Art 68 Sec. 34 Appl of Dim. Req - insufficient rear yard setback – 15' rear yard min setback allowed

**Purpose:** To change occupancy from a two family to a three family, and to erect a rear addition, vertical addition, and a roof deck.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans



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

**Votes:** Upon a motion and a second, the Board voted to approve with BPDA design review.

**Case: BOA- 1505462 Address: 368 Dorchester Street Ward 7 Applicant: Alicia Rubio-Spring**

**Article(s):** Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Building Height Excessive

Article 68, Section 8 Side Yard Insufficient Article 68, Section 29 Roof Structure Restrictions

**Purpose:** Clarification: Construct small addition with roof deck on main roof of building Replace boards on roof deck. When the process started, we saw the roof deck is not on ISD plans. We bought in 2020 and the old owners did not mention it was not on the plans. We believe the deck is original from 2006. First, we attach as built plans for approval. Repair permit to follow if approved.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Upon a motion and a second, the Board voted to approve.

**Case: BOA-1530302 Address: 4459 Washington Street Ward 20 Applicant: Jon Wardwell**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - 5' side yard buffer/required front yard of a corner lot.

Art. 67 Sec. 09 Open Space insufficient Art. 67 Sec. 09 Side Yard Insufficient

Article 2, Section 2-1 Definitions - Existing Floor area gross redistribution and conversion to habitable space/mechanical areas throughout other parts of the structure- Conditional Article 67, Section 32 Off-Street Parking & Loading Req Insufficient parking Article 67, Section 32 Off-Street Parking & Loading Req Size of space design Article 67, Section 8 Use Regulations - MFR use -Forbidden in a two-family sub-district Article 67, Section 9 Insufficient rear yard setback- 40' req. Article 67, Section 9 max allowed number of stories exceeded- 2.5 story max. Article 67, Section 9 Excessive f.a.r.- .5 max

**Purpose:** Change of occupancy form a 3 family to a MFR dwelling consisting of 8 units with seven parking spaces per plan submitted

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until December 5, 2023.

**Case: BOA- 1409103 Address: 9 Keswick Street Ward 21 Applicant: John Walsh**

**Article(s):** Article 61, Section 7.2 Basement Units, Forbidden Article 61, Section 8 Additional Lot Area

Article 61, Section 8 FAR Article 61, Section 8 Building Height Stories Article 61, Section 8 Usable Open Space

Article 61, Section 8 Rear Yard Article 61, Section 8 61 8.5 Town House/Row House Extensions into Rear Yard.

Article 61, Section 20 Roof Structure Restrictions Article 61, Section 24 Off Street Parking & Loading Req Article 32, Section 4. GCOD, Applicability

**Purpose:** Change occupancy from one family residential to (4) four residential units, includes a new basement unit, per plans. Scope includes complete renovation of existing building, new front stair down to new unit, rear addition, addition of 4th story with new roof terrace at level 4, new 3 story rear deck & stair and life safety (FA/FP) upgrades.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.



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Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. An abutter is in opposition and another abutter deferred to the Board.

**Votes:** Upon a motion and a second, the Board voted to approve with BPDA design review.

**Case:** BOA-1515265 **Address:** 207-209 Market Street **Ward 22 Applicant:** Silvano Malafaia

**Article:** Article 51 Section 16 Use Regulations - First story Use Conditional

**Purpose:** Include Liquor Store as an occupancy.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Upon a motion and a second, the Board voted to approve.

**RE-DISCUSSIONS: 11:30 AM**

**Case:** BOA-1448246 **Address:** 24 Common Street **Ward: 2 Applicant:** Kimmerly Perry

**Articles (s):** Article 62, Section 8 Front Yard Insufficient Art. 62 Sec. 19 Neighborhood Design Overlay Districts

**Purpose:** Parking spot for residential owner use.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until February 6, 2024.

**Case:** BOA-1438279 **Address:** 421 East Sixth Street **Ward 7 Applicant:** Michael Welsh

**Article(s):** Article 68, Section 29 - Roof Structure Restrictions - The height of any building existing on (the existing date of this amendment [October 15, 2019]), shall determine that allowed building height on that lot subsequent to total or partial demolition of such building. Any proposed construction on the lot that would exceed the prior height shall require Board of Appeal approval, and shall be subject to the roof structure and building height restrictions of this Section 68 29 and the height limits applicable to the Subdistrict in which the lot is located. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in Article 2A respecting the definition of the term "grade," if a building abuts more than one street, "grade" is the average elevation of the street with the lowest elevation.

**Purpose:** Construction of new multifamily dwelling with four units and eight garage spaces. Building to include sprinklers. Full set of construction plans by architect and engineers to be submitted after zoning review determination. Demolition to be included in separate permit application.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until January 9, 2024

**Case:** BOA-1514976 **Address:** 26 Montrose Street **Ward 12 Applicant:** Begekadu Defar



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**Articles (s):** Article 50, Section 29 Side Yard Insufficient - Right side Required 10 ft. Proposed 5 ft. Article 50, Section 29 Floor Area Ratio Excessive - Allowed .8 FAR. Proposed 2.0 ( Showed Zoning Analysis) Art. 50 Sec. 43 Off street parking insufficient - Required 1.0 Per/Unit. Proposed none

**Purpose:** Change occupancy from 2 family to 3 family. Demo existing third floor and add new roof gable/dormers to create three bedrooms, kitchen, bathroom, and living room for Unit # 3.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until December 12, 2023.

**Case: BOA-1484717 Address: 229-233 Bowdoin Street Ward 15 Applicant: Derric Small**

**Article(s):** Article 65, Section 41 Off Street Parking & Loading Req Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Feet) Art.65 Sec.08 Conditional - Dwelling units are a conditional use in a LC zone

**Purpose:** Proposed three story addition to change use from stores, laundromat and dry cleaners to store, laundromat and six dwelling units, as per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Upon a motion and a second, the Board voted to approve with BPDA design review.

**Case: BOA- 1443137 Address: 43-45 Stanton Street Ward 17 Applicant: Marc LaCasse, Esq**

**Article(s):** Art. 55 Sec. 65 41 Off Street parking insufficient - Parking spaces required: 21 Proposed: 191 accessible parking required, see building code refusal letter. Art. 65 Sec. 08 Forbidden - Multifamily use Art. 65 Sec. 41 Off St. Loading Req'mnts - 1 loading bay required Article 65, Section 9 Floor Area Ratio Excessive - Max. allowed: 0.4 Proposed: 1.2 Article 65, Section 9 Bldg Height Excessive (Stories) - Max. allowed: 2.5 Proposed: 4 Article 65, Section 9 Bldg Height Excessive (Feet) - Max. allowed: 35' Proposed: 45' 2" Article 65, Section 9 Rear Yard Insufficient - Min. required: 30' Proposed: 13.1'

**Purpose:** Change of occupancy from convent to multifamily with 14 dwelling units with 19 parking spaces; renovate existing structure and add new 4 story addition at rear of existing building; demolish one story garage at rear of property (Short Form #); new systems and add sprinkler system.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until January 24, 2023.

**Case: BOA-1463517 Address: 32-34 Larch Street Ward 22 Applicant: Edward Tirone**

**Articles (s):** Art. 09 Sec. 01 Extension of Non Conforming Use Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Floor Area Ratio Excessive

**Purpose:** Renovation of second floor kitchen and 2 bathrooms, 1 bathroom on second floor and 1 bathroom in third floor finished room to install 12 foot dormer for bathroom.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until January 9, 2023.

**Case: BOA- 1496081 Address: 1295-1297 River Street Ward 18 Applicant: Geneise Israel-CANNABIS**



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**Article(s):** Art. 69 Sec. 11 Conditional -Cannabis: Conditional Use. Also Text Amendment No.432 at lease 500ft. from Pre Existing High school. Proposed within 500ft. Article 69 Section 11 Use Regulations - Forbidden: buffer zone conflict with another cannabis establishment.

**Purpose:** Change of Occupancy to Cannabis Business.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition. Councilor Arroyo and abutters are in support.

**Votes:** Upon a motion and a second, the Board voted to approve with BPDA design review and ensure the site plan is on file.

### **HEARINGS: 1:00PM**

**Case: BOA-1523229 Address: 44-46 Winter Street Ward 3 Applicant: Nilkant 44 Inc**

**Article:** Art. 38 Section 18 Use: Forbidden

**Purpose:** No construction change of use from a retail computer game shop to a liquor store. Painting of interior and change of display cases only.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition.

**Votes:** Upon a motion and a second, the Board voted to approve the proposal.

**Case: BOA-1525202 Address: 517 Columbus Avenue Ward 4 Applicant: Colette Bakery**

**Article:** Art. 06 Sec. 04 Other Protectional Conditions

**Purpose:** Remove proviso (BZC 33310)

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition.



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**Votes:** Upon a motion and a second, the Board voted to approve.

**Case: BOA-1494509 Address: 12 Cawfield Street Ward 7 Applicant: Jotham Stephenson**

**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg. - Extension of Nonconforming building Article 65, Section 9 Side yard insufficient. Article 65, Section 9 Rear yard insufficient. Article 65, Section 9 Floor Area Ratio Excessive

**Purpose:** Rear deck addition at 2nd,3rd and roof levels and includes living room extension to include rear access stairs. Additionally, removing of siding and fastening Ledger to house, replacement of two windows. Also installation of Tyvek, flashing, weather guard around windows and doors and rubber roof.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

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

**Votes:** Upon a motion and a second, the Board voted to deny without prejudice.

**Case: BOA-1451588 Address: 33 Pearl Street Ward 13 Applicant: Patrick Mulligan**

**Article(s):** Article 65, Section 15 Use: Forbidden -MFR IN 2F 5000 Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 32 Neighborhood Design Overlay Districts

**Purpose:** Seeking to raze the existing structure (demo to occur on separate permit) and erect a new residential building with 8 units and 10 parking spaces.

**Discussion/Vote:** At the request of the applicant the Board voted to defer the hearing until December 5, 2023.

**Case: BOA-1528246 Address: 43-45 Wood Avenue Ward 18 Applicant: Lawrence Celester**

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use Art. 69 Sec. 09 Insufficient open space

**Purpose:** Proposed additional driveway with 2 additional parking spots; along with curb cut.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail.

Board members asked about the plans

**Documents/Exhibits:** Building Plans

**Testimony:** The Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters are in opposition. An abutter is in opposition.

**Votes:** Upon a motion and a second, the Board voted to deny this appeal finding the proposal excessive.



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

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

**For a video recording of the November 14, 2023 Board of Appeal Hearing please go to: [https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).**