



City of Boston  
Board of Appeal

Tuesday, September 27, 2022

BOARD OF APPEAL

Room 801

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## Hearing Minutes

Board Chair Araujo called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Chair announced that the hearing was being conducted remotely via an online meeting platform and subject to the below advisory which was part of the publicly posted hearing agenda. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Board Secretary Mark Fortune:

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON SEPTEMBER 27, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS SEPTEMBER 27, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE SEPTEMBER 27, 2022 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.**

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/ZBAhearings>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 996 0844 0932 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/September27Comment> 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/September27Comment>, calling 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>. 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 OR FROM BPDA BOARD ROOM. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48**



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**HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE  
IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE  
PROPOSED PROJECT AND THE DATE OF THE HEARING.**



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### **APPROVAL OF THE HEARING MINUTES: 9:30AM**

**August 9, 2022; August 23, 2022**

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

### **EXTENSIONS: 9:30AM**

**Case: BOA-1005496 Address: 1070-1078 Blue Hill Avenue Ward 14 Applicant: Matthew Eckel, Esq**

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to extend until August 22, 2023.

**Case: BOA- 754388 Address: 63-69 Brimmer Street Ward 5 Applicant: John Pulgini, Esq**

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to recognize the Covid-19 Tolling with a new date of October 11, 2023.

**Case: BOA-754380 Address: 55-57 Brimmer Street Ward 5 Applicant: John Pulgini, Esq**

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to recognize the Covid-19 Tolling with a new date of October 11, 2023.

**Case: BOA- 829747 Address: 198 Hanover Street Ward 3 Applicant: Rebecca Lee, Esq**

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to extend until September 27, 2023.

**Case: BOA- 825727 Address: 1078-1082 Dorchester Avenue Ward 13 Applicant: Vargas DaSilveira**

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to recognize the Covid-19 Tolling with a new date of September 18, 2023.

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

**Case: BOA-1182380 Address: 5 Glenburne Street Ward 12 Applicant: Joseph Feaster, Esq**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail that they were before the Board previously.

Board members asked about project.

**Documents/Exhibits:** Building Plans.

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



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**Case: BOA- 1276325 Address: 47 Chesbrough Road Ward 20 Applicant: Mark McLaughlin**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail that they were before the Board previously.

Board members asked about project.

**Documents/Exhibits:** Building Plans.

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

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

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail that they were before the Board previously.

Board members asked about project.

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1330096 Address: 160 Austin Street Ward 18 Applicant: David & Giselle**

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail that they were before the Board previously.

Board members asked about project.

**Documents/Exhibits:** Building Plans.

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

### **GROUNDWATER CONSERVATION OVERLAY DISTRICT ONLY: 9:30AM**

**Case: BOA-1363912 Address: 705-711 Boylston Street Ward 5 Applicant: 711 Boylston Street Realty, LL**

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

**Purpose:** Submitting load test waiver for the micropiles for structural work. In conjunction with ALT1189219.

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

**Documents/Exhibits:** Building Plans. Boston Groundwater letters.

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



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

**Case: BOA-1339031 Address: 101 Kilmarnock Street Ward 21 Applicant: Stanhope Garage**

**Article(s):** Article 7, Section 4 Other Cond Necc as Protection - Change to a previous decision of the Zoning Board of Appeal proviso

**Purpose:** The Applicant seeks to continue to use the premises as an open air commercial public parking lot for fee, capacity 15 vehicles under Boston Transportation Department License # OPAIR 78679 until December 31, 2025.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to continue to operate an open air commercial parking lot, and make landscaping improvements.

Board members asked about expiration date, provisos, and plans.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Pinado moved to approve for 3 more years. Dong seconded and the motion carried unanimously.

**Case: BOA-1310309 Address: 561-579 Centre Street Ward 19 Applicant: Pondsider Pet Care, LLC**

**Article(s):** Art. 55, Section 8 Use: Forbidden - Animal/canine daycare Art.55 Sec.40 Off St.Parking/Loading Req'mnt - Required: 2 spaces/1,000 sqft gross area. Total building area:1,423 sqft.3 parking spaces provided, not showing on the plot plan but on architectural. Spaces shall show on the plot plan.

**Purpose:** Seeking refusal letter for construction and change of use from gas station to Animal/Canine (Doggy) Day Care.

**Discussion:** The applicant requested to withdraw the application.

**Votes:** Board Member Fortune moved to deny without prejudice. Dong seconded and the motion carried unanimously.

**Case: BOA-1332546 Address: 60 Oakridge Street Ward 17 Applicant: Derick Joyner**

**Article(s):** Art. 65 Sec. 60 8 3 Family Detached Dwelling, Forbidden Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Rear Yard Insufficient

**Purpose:** To erect a three family dwelling with three parking spaces in the rear.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 3 family with 3 off street parking spaces. These will be condo units.

Board members asked about plans, height, basement, rental, access, trees.

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

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

**Votes:** Board Member Robinson moved to approve with BPDA design review, protect any trees that can be saved, and pervious pavers in the rear. Dong seconded, Barraza opposed, and the motion carried 5-1.



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**Case: BOA-1296092 Address: 23 Kenilworth Street Ward 9 Applicant: Sam Naylor**

**Article(s):** Article 50 Section 28 Use Regulations - Multi Family Dwelling (6 units) Use: Forbidden Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req - Off Street Parking Insufficient

**Purpose:** Combine lots 35 41 Dudley St(0903228000) and 51 Dudley St(0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. Building A: Erect 6 residential units into a newly created lot of 2,549 SF. Combine and subdivide lots to be filed under ALT.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 13, 2022 at 11:30.

**Case: BOA-1296093 Address: 27-29 Kenilworth Street Ward 9 Applicant: Sam Naylor**

**Article(s):** Article 50 Section 28 Use Regulations-Multi Family Dwelling (10 units) Use: Forbidden Article 50 Section 28 Use Regulations Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43 Off Street Parking & Loading Req Off Street Parking Insufficient

**Purpose:** Combine lots 35 41 Dudley St(0903228000) and 51 Dudley St(0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. On 27 Kenilworth St. Building B: Erect 10 residential units and 1 commercial space into a newly created lot of 4,413 SF. Combine and subdivide lots to be filed under ALT.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 13, 2022 at 11:30.

**Case: BOA-1296094 Address: 49 Dudley Street Ward 9 Applicant: Sam Naylor**

**Article(s):**Article 50 Section 28 Use Regulations-Multi Family Dwelling (6 units) Use : Forbidden Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient Article 50, Section 43Off Street Parking & Loading Req Off Street Parking Insufficient

**Purpose:** Combine lots 35 41 Dudley St(0903228000) and 51 Dudley St(0903229000). Subdivide into 3 new parcels 49 Dudley St, 23 Kenilworth St, and 27 Kenilworth St. On 49 Dudley St. Building C: Erect 6 residential units into a newly created lot of 2,269 SF. Combine and subdivide lots to be filed under ALT.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until December 13, 2022 at 11:30.



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**Case: BOA-1340974 Address: 28 Clifton Street Ward 8 Applicant: Vernon Woodworth**

**Article(s):** Art. 50 Sec. 01 Floor Area Ratio excessive Art. 50 Sec. 29 Usable open space insufficient Art. 50 Sec. 29^  
Lot Area Insufficient Article 50, Section 29 Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient  
Article 50, Section 29 Rear Yard Insufficient Art. 50 Sec.44 Dimensional Requirements

**Purpose:** One of two three family building to be constructed adjacent to one another, separated by fire wall as per plans.  
ERT1320001

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to  
demo the existing 1 family and erect 2 side by side with 3 family homes.

Board members asked about plans, utility, meters.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to deny without prejudice. Pinado seconded, Barraza recused and the motion  
carried unanimously.

**Case: BOA-1340980 Address: 30 Clifton Street Ward 8 Applicant: Vernon Woodworth**

**Article(s):** Art. 50 Sec. 44 Dimensional Requirements Article 50, Section 29 Front Yard Insufficient  
Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient  
Art. 50 Sec. 01 Floor Area Ratio excessive

**Purpose:** One of two three family buildings to be constructed adjacent to one another, separated by fire wall as per  
plans. ERT1319999

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to  
demo the existing 1 family and erect 2 side by side with 3 family homes.

Board members asked about plans, utility, meters.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to deny without prejudice. Pinado seconded, Barraza recused and the motion  
carried unanimously.





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**Case: BOA-1346693 Address: 10 Kerwin Street Ward 14 Applicant: Donald Donnalson**

**Article(s):** Article 60, Section 9 Front Yard Insufficient Art. 60 Sec. 09 Side yard insufficient - Left side under 10'  
Art. 60 Sec. 09 Floor Area Ratio excessive

**Purpose:** This is a change order to an existing permit SF1247222. Client wants their existing second floor front porch enclosed to create a three season porch. Valuation is the additional cost.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to enclose a second story porch for year round use. It is in context with the rest of the street.

Board members asked about plans, homeowner occupied.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Pinado moved to approve. Robinson seconded and the motion carried unanimously.

**Case: BOA-1352932 Address: 221 West Springfield Street Ward 4 Applicant: Kenneth Jameson**

**Article(s):** Article 64, Section 34 Roof Structure Restrictions - Roof Deck with hatch

**Purpose:** Roof deck see plans interior floor repair, stair repair add lights in hall.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to build a roof deck with hatch access.

Board members asked about plans, proposal, and hatch.

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

**Documents/Exhibits:** Building Plans. Letters in support.

**Votes:** Board Member Robinson moved to approve. Pinado seconded, Barraza recused and the motion carried unanimously.

**Case: BOA-1351205 Address: 5-9 Hudson Street Ward 3 Applicant: 5-7-9 Hudson Street Limited Partnership**

**Article(s):** Art. 43, Section 19 Use: Conditional - Table E: Take out

**Purpose:** Changing occupancy to include takeout SF1278113

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to allow takeout for Jumbo Oriental LLC.

Board members asked about plans, take out experience, accessible entrance.

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

**Documents/Exhibits:** Building Plans. Letters in support.

**Votes:** Board Member Dong moved to approve with all standard takeout language and this petitioner only. Robinson seconded and the motion carried unanimously.



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**Case: BOA-1290231 Address: 231 Everett Street Ward 1 Applicant: Richard Crespo, Crespo Group**

**Article(s):** Article 27T 5 East Boston IPOD Applicability Article 53 Section 9 Insufficient additional lot area per unit Article 53 Section 9 Excessive f.a.r. Article 53 Section 9 Insufficient side yard setback Article 53 Section 9 Insufficient open space per unit Article 53 Section 9 Insufficient rear yard setback Article 53 Section 56 Off Street Parking & Loading Req-Insufficient parking

**Purpose:** Seeking to erect a new structure with three units and two roof decks on a vacant lot.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 1, 2022 at 11:30.

**Case: BOA-1307730 Address: 306 Sumner Street Ward 1 Applicant: Hammond Pond Realty, LLC**

**Article(s):** Art. 25 Sec. 5 Flood Hazard Districts Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Article 27T 5 East Boston IPOD Applicability Article 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53 Section 8 Use Regulations-MFR is a Forbidden use in a 3F 2000 Sub district Article 53, Section 56 Off Street Parking & Loading Req-Off street parking is insufficient

**Purpose:** Erect addition and change occupancy from a three (3) to a four (4) unit residential dwelling with rear decks.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 1, 2022 at 11:30.



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**Case: BOA-1376649 Address: 313-313A Meridian Street Ward 1 Applicant: Luis Cadavid**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions - Take out proviso granted to a petitioner. Remove it (as per job description)

**Purpose:** Removal of proviso "this petitioner only" Under BZC 33278, Alt289856

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail that the new owners are requesting take-out use.

Board members asked about plans, takeout, experience.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A local neighborhood association is in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with this petitioner only and all standard takeout language. Pinado seconded, Barraza recused and the motion carried unanimously.

**Case: BOA-1376664 Address: 727 Atlantic Avenue Ward 3 Applicant: Stone's Throw Cannabis LLC**

**Article(s):** Art. 44 Sec. 10 Use: Conditional - 1st flr Cannabis retail -Conditional Art. 44 Sec. 10 Use: Conditional - 2nd flr Cannabis retail accessory uses -Conditional Art. 44 Sec. 10 Use: Conditional - (n) Cannabis Establishment. Provided that any cannabis establishment shall be located at least one-half mile/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 otherwise- forbidden

**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 open a cannabis area by the train station.

Board members asked about plans, proposal, storage, cannabis board.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Abutters, Councilor Flynn, Flaherty, and Rep. Michlewitz are in opposition.

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

**Votes:** Board Member Robinson moved to defer to meet with community. The motion failed. Then Member Barraza moved to approve with provisos, but the motion failed. Then Robinson moved to deny without prejudice. Dong seconded and the motion carried 5-1.



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## **HEARINGS: 10:30AM**

**Case: BOA-1353301 Address: 659 South Street Ward 20 Applicant: Ivan Biesty**

**Article(s):** Article 67 Section 32 Off-Street Parking & Loading Req - Insufficient parking Article 67, Section 9 Insufficient lot width Article 67, Section 9 Insufficient lot frontage width

**Purpose:** Combine existing lot that has a 2 car garage (parcel #3051 000) with 4,820SQFT and the abutting existing lot that has a single family dwelling(parcel #3052 000) with 5,580SQFT into 1 lot of (revised 10,380sf)... subdivide into 2 new lots... This new lot (3A) to have (revised 6349SF) and erect new single family dwelling with attached parking; remaining land to be lot (2A) (revised 4031sf) (SEE ALT1288851) \*Existing garage to be razed on a separate permit application. \*FIRE LANE DESIGN note new lot lines\*revised 6.21.22

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 1 family dwelling to the rear with a garage under the home.

Board members asked about plans, violations, units, basement and garage.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1353302 Address: 661 South Street Ward 20 Applicant: Ivan Biesty**

**Article (s):** Article 67, Section 9 Insufficient lot size 5,000sf req.Art. 10 Sec. 01 Limitation of Area of Accessory Uses - 5' side yard buffer req.Article 67, Section 9 Insufficient lot width 50' req.Article 67, Section 9 Insufficient usable open space

**Purpose:** Revised work description 6.21.22: Combine existing lot that has a single family dwelling (parcel #3052 000) with 5,580 SQFT and the abutting existing lot that has a detached 2 car garage (parcel #3051 000) with 4,820 SQFT into 1 lot of (revised to 10,380sf).. subdivide into 2 new lots... This new lot (2A) to have (revised to 4,031sf) (SEE ERT1289104)

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 1 family dwelling to the rear with a garage under the home.

Board members asked about plans, violations, units, basement and garage.

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

**Documents/Exhibits:** Building Plans.

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



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**Case: BOA-1353570 Address: 47 Melville Avenue Ward 17 Applicant: Philip Lewis**

**Article(s):** Article 65, Section 9 Side Yard Insufficient Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.  
Article 65, Section 9 Rear Yard Insufficient - Stair to second story deck.

**Purpose:** Addition of a new 2 car garage at rear of the building with an exterior deck above, connected to the 2nd floor of the existing building. Scope also includes a new sliding glass door at the 2nd floor and new exterior stair from new deck.

**Discussion:** The applicant did not show to the hearing.

**Votes:** Board Member Fortune moved to deny without prejudice. Robinson seconded and the motion carried unanimously.

**Case: BOA-1344694 Address: 84 Train Street Ward 16 Applicant: Christopher Caira**

**Article(s):** Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient  
Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Area Insufficient

**Purpose:** Enclose existing porch to become sunroom.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to enclose an existing porch.

Board members asked about plans, and proposal.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved approve. Barraza seconded and the motion carried unanimously.



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**Case: BOA-1340714 Address: 31 Hazleton Street Ward 14 Applicant: Marie Stinfil**

**Article(s):** Art. 60 Sec. 09 Side yard insufficient - Min. required: 10' Proposed: 8' (R) roofed basement entry.  
Art. 65 Sec. 60 8 3 Family Detached Dwelling, Forbidden Art. 60 Sec. 09 \*^Usable open space insufficient - Min. required: 800 x3 units = 2,400 sqft Art. 60 Sec. 40 Off street parking insufficient - Required 1 more space

**Purpose:** Convert an existing two family to a three family dwelling.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the occupancy from a 2 family to a 3 family.

Board members asked about plans, utility, meters.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A local neighborhood association is in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve. Pinado seconded, Barraza recused and the motion carried unanimously.

**Case: BOA-1341518 Address: 1105 Harrison Avenue Ward 8 Applicant: Nubian Ascend Partners, LLC**

**Article(s):** Art. 50, Section 11 FAR Art. 50, Section 11 Bldg Height Art. 50, Section 11 Rear yard Article 50, Section 44.3 Traffic Visibility Across Corner

**Purpose:** Construct new detached 3 story Collaborative Art Studio (Art Use) with common roof deck; according to plans. Building 4 of 4 for LPR. Also see ERT1280028, ERT1280030, ERT1322919

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to open lab training and plaza, restaurant, and public market uses. Cultural hall and performance space also involved.

Board members asked about plans, space, artists, parking, access.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Sep Santiago, Councilors Anderson, Flaherty, Mayors office of housing, and Roxbury Main Streets are in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved approve with BPDA design reiew. Barraza seconded and the motion carried unanimously.



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**Case: BOA-1341524 Address: 1121 Harrison Avenue Ward 8 Applicant: Nubian Ascend Partners, LLC**

**Article(s):** Art. 50, Section 10 Use: Conditional - MFR Bsmt & 1<sup>st</sup> Art. 50, Section 10 Use: Conditional - Artist mixed use Bsmt & 1<sup>st</sup> Art. 50, Section 10 Use: Conditional - Artist mixed use 2ns & above Art. 50, Section 11 FAR Art. 50, Section 11 Building Height Art. 50, Section 11 Rear Yard Article 50, Section 44.13 Two or More Dwellings on Same Lot Art. 50, Section 40.1 Street Wall continuity

**Purpose:** Construct new 4 story Artist housing to contain 15 units; according to plans. Proposal combines parcels (ID: 0802472000, 0802475000, 0802479000, 0802462000, 0802461000). Building 3 of 4 for LPR. Also see ERT1280028, ERT1280030, ERT1280031.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to open lab training and plaza, restaurant, and public market uses. Cultural hall and performance space also involved.

Board members asked about plans, space, artists, parking, access.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Sep Santiago, Councilors Anderson, Flaherty, Mayors office of housing, and Roxbury Main Streets are in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved approve with BPDA design reivew. Barraza seconded and the motion carried unanimously.

**Case: BOA-1341528 Address: 2154 Washington Street Ward 8 Applicant: Nubian Ascend Partners, LLC**

**Article(s):** Art. 50, Section 10 Use: Conditional - Concert hall Second story & above Art. 50, Section 10 Use: Conditional - Outdoor place of recreation for profit Art. 50, Section 10 Use: Conditional - Bar Bsmt & first story Art. 50, Section 10 Use: Forbidden - Bar Second story & above Art. 50, Section 11 FAR Art. 50, Section 11 Bldg height Article 50, Section 44.13 Two or More Dwellings on Same Lot - In relation to ERT1280032. Art. 50, Section 40.1 Street Wall continuity

**Purpose:** Construct new 3 story Cultural Hall to include the following uses; Concert Hall, Art Galleries, Outdoor recreation for profit, and Bars on 1st & 2nd levels; according to attached plans. Proposal combines parcels (ID: 0802472000, 0802475000, 0802479000, 0802462000, 0802461000). Building 2 of 4 for LPR. Also see ERT1280028, ERT1280031, ERT1280032

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to open lab training and plaza, restaurant, and public market uses. Cultural hall and performance space also involved.

Board members asked about plans, space, artists, parking, access.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Sep Santiago, Councilors Anderson, Flaherty, Mayors office of housing, and Roxbury Main Streets are in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved approve with BPDA design reivew. Barraza seconded and the motion carried unanimously.



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**Case: BOA-1341538 Address: 2196 Washington Street Ward 8 Applicant: Nubian Ascend Partners, LLC**

**Article(s):** Art. 50, Section 10 Use: Conditional - Level 1 Large restaurant w/ take out (Culinary Market) Art. 50, Section 10 Use: Conditional - Level 1 Bar Art. 50, Section 10 Use: Conditional - Outdoor place of recreation for profit Art. 50, Section 10 Use: Conditional - Level 2 Large restaurant w/ take out Art. 50, Section 10 Use: Conditional - Level 2 Restaurant with entertainment Art. 50, Section 10 Use: Conditional - Levels 2 7 Research & Development Art. 50, Section 10 Use: Conditional - Levels 2 7 Accessory scientific laboratory Art. 50, Section 10 Use: Forbidden - Levels 2 7 Light manufacturing Art. 50, Section 10 Use: Conditional - Parking Garage Basement/1st Level Art. 50, Section 10 Use: Conditional - Parking Garage Second story & above Art. 50, Section 10 Use: Conditional - Ancillary parking. In relation to ERT1280031 Art. 50, Section 11 FAR Art. 50, Section 11 Building Height Art. 50, Section 11 Rear Yard Article 50, Section 44.13 Two or More Dwellings on Same Lot - In relation to ERT1280032 Art. 50, Section 40.1 Street Wall continuity

**Purpose:** Construct new 7 story Mixed Use building (core/shell) to include the following uses: Level 1=Culinary Market (Food court w/ take out), Bar, Demonstration Kitchen (Community center), Outdoor Recreation; Level 2=Restaurant with take out and entertainment; Levels 2 7=Office, Research & Development, Scientific Lab, Light Manufacturing; and Parking Garage. Garage is an attached 5 story above grade, 1 story below grade, structure. Loading dock is an attached 1 story structure. Refer to submitted plans. Proposal combines parcels (ID: 0802472000, 0802475000, 0802479000, 0802462000, 0802461000). Building 1 of 4 for LPR. See also ERT1280030, ERT1280031, ERT1280032

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to open lab training and plaza, restaurant, and public market uses. Cultural hall and performance space also involved.

Board members asked about plans, space, artists, parking, access.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Sep Santiago, Councilors Anderson, Flaherty, Mayors office of housing, and Roxbury Main Streets are in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved approve with BPDA design reievw. Barraza seconded and the motion carried unanimously.





City of Boston  
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**Case: BOA-1359889 Address: 400 Melnea Cass Blvd Ward 8 Applicant: Urbanica Inc**

**Article(s):** Art. 25 Sec. 5 Flood Hazard Districts Art. 50, Section 40.1 Street Wall continuity - Street walls shall be continuous across a lot. Article 50, Section 44.3 Traffic Visibility Across Corner Article 50, Section 44.13 Two or More Dwellings on Same Lot Art. 50, Section 25 FAR: Max. allowed: 2 Proposed has been calculated with a bigger lot area. Art. 50, Section 25 Building height: Max. allowed: 45' Proposed: 69' Art. 50, Section 24 Use: Forbidden - 4 live work units on first floor. Article 50 Section 24 Use: Conditional - Gallery

**Purpose:** Erect new 6 story multifamily structure with 60 dwelling units, 4 live work units and 3 commercial/art stores. In conjunction with ERT1252887 (2 buildings on the same lot).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add 2 buildings with 60 dwelling units, some rental, some condo. Mixed use development, and a 8000sq ft public park.

Board members asked about plans, artist space, public, context, curb cut.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with BPDA design review. Pinado seconded, Barraza recused and the motion carried unanimously.

**Case: BOA-1359896 Address: 402 Melnea Cass Blvd Ward 8 Applicant: Urbanica Inc**

**Article(s):** Art. 25 Sec. 5 Flood Hazard Districts Art. 50, Section 24 Use: Forbidden - 1 live work unit on first floor Art. 50, Section 24 Use: Conditional - Gallery Art. 50, Section 24 Use: Forbidden - Retail Art. 50, Section 40.1 Street Wall continuity - Street walls shall be continuous across a lot. Article 50, Section 44.13 Two or More Dwellings on Same Lot Art. 50, Section 25 FAR: Max. allowed: 2 Proposed: >2 since it has been calculated with an incorrect lot area. Art. 50, Section 25 Building height: Max. allowed: 45' Proposed: 69'

**Purpose:** Erect new 6 story multifamily structure with 44 dwelling units, 3 gallery /retail space and 1 live work unit. In conjunction with ERT1252882 (2 buildings on the same lot).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add 2 buildings with 60 dwelling units, some rental, some condo. Mixed use development, and a 8000sq ft public park.

Board members asked about plans, artist space, public, context, curb cut.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with BPDA design review. Pinado seconded, Barraza recused and the motion carried unanimously.

**Case: BOA-1351772 Address: 42-44 Dorset Street Ward 7 Applicant: Gerard Molloy**

**Article(s):** Article 68, Section 8 # of allowed occupied stories exceeded 2.5 stories max Art 68 Sec 8 Insufficient side yard setback dormer Art 68 Sec 8 Excessive f.a.r. .5 max.

**Purpose:** Gut rehab with installation of bathrooms, kitchens, rear decks; update electrical and plumbing\*to include, dormer work on left and right sides, as well as, extension of living space into basement area (2 Family #702/2006)

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 1, 2022 at 11:30.



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**Case: BOA-1361240 Address: 555-567 East Broadway Ward 6 Applicant: Joey Arcari**

**Article(s):** Article 68, Section 34.2 Traffic Visibility Across Corner Article 68, Section 34.1 Conformity Ex Bldg Alignment - Modal calculation for E Broadway St.: 0' Proposal: 3' Modal calculation for H St.: not provided. Proposed: 0' Article 68, Section 8 Add'l Lot Area Insufficient - Min. required: 10,000 sqft Proposed: 6,050 sqft Article 68, Section 8 Floor Area Ratio Excessive - Max. allowed: 1.5 Proposed: 2.79 Article 68, Section 8 Bldg Height Excessive (Feet) - Max. allowed: as existing building height (1 story), according to sect.68 29 Proposed: 39' 6" Article 68, Section 8 Side Yard Insufficient - Min. required: 3' Proposed: 0' (R) Article 68, Section 8 Rear Yard Insufficient - Min. required: 20' Proposed: 0' Article 68, Section 8 Front Yard Insufficient - Min. required: 5' Proposed: 3' (East Broadway) and 0' (H Street)

**Purpose:** Raze existing single story commercial structure (Demolition short form: SF#). Erect new 4 story residential building containing (6) townhouse dwelling units.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to raze the existing structure and erect 6 townhouse dwelling units and reduce the existing curb cut.

Board members asked about plans, proposal, setback, parking.

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA-1238402 Address: 4 Neptune Road Ward 1 Applicant: Cannabis Healing LLC**

**Article(s):** Art. 53 Sec. 11^Use: Conditional - Cannabis establishment

**Purpose:** Occupancy will be changing from Beauty Salon to Adult Recreational Retail Cannabis Dispensary. Application is proposing a pick up window for pre orders.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change occupancy to cannabis use and for 8 parking spaces. The proposed take out window was removed.

Board members asked about plans, proposal, buffer, rear parking.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Pinado moved to approve with BPDA design review, BTD review, and to this applicant only. Robinson seconded and the motion carried unanimously.



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## **RECOMMENDATIONS: 11:00 AM**

**Case: BOA- 1300890 Address: 6 Ruthven Street Ward: 12 Applicant: Elicaro Vasquez**

**Article(s):** Art. 50 Sec. 29 Usable open space insufficient Article 50, Section 29 Side Yard Insufficient  
Article 50, Section 29 Rear Yard Insufficient

**Purpose:** Rear porch expansion. To include new footings, new column support of 4x6 (PT) all structure, new 5/4 decking, new hand rails.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a rear porch.

Board members asked about plans, decks, and occupancy,

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to approve. Fortune seconded and the motion carried unanimously.

**Case: BOA- 1341439 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:** Build a 2 floor additional to rear of house New kitchen.

**Discussion:** The applicant did not show to the hearing.

**Votes:** Board Member Fortune moved to deny without prejudice. Erlich seconded and the motion carried unanimously.

**Case: BOA-1344514 Address: 24 Fairview Street Ward: 20 Applicant: Tristan Rushton**

**Article(s):**Article 10, Section 1Limitation of Area any residential district shall any accessory use occupy any part of the front or side yards required by this code, except that such a side yard may be used for off street parking located more than five feet from the side lot line; and in no other district shall any accessory use other than off street parking occupy any part of the front or side yards required by this code.

**Purpose:** Curb cut to access existing (prior to our ownership) paved "driveway".

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a curb cut to an existing driveway.

Board members asked about plans, proposal, driveway.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to approve. Fortune seconded and the motion carried unanimously.



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**Case: BOA- 1344569 Address: 145 Eustis Street Ward: 8 Applicant: Lou Munoz**

**Article** 50, Section 29 Side Yard Insufficient

**Purpose:** Confirm Occupancy as single family dwelling and Construct a new deck 18 x 19 in rear over 1st floor kitchen. Built according to plans. Partial cost reflected on SF1236065.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a single family owner occupied with deck.

Board members asked about plans, proposal, parking

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to approve. Fortune seconded and the motion carried unanimously.

**Case: BOA- 1345274 Address: 11 Tappan Street Ward: 20 Applicant: Chelsey & Joe Wold**

**Article** 67, Section 33 Application of Dimensional Req 67.33.13

**Purpose:** Partial change of use to create flexible family space in existing garage/barn by removing 2 of 3 parking spaces. 1 Parking space to remain.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to extend water and heat into an existing barn for extending living space.

Board members asked about plans, proposal, parking,

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to approve. Fortune seconded and the motion carried unanimously.

**Case: BOA- 1349903 Address: 144 Elmer Road Ward: 16 Applicant: Tommy Tran**

**Article(s):** Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Side Yard Insufficient

**Purpose:** Closing porch on the back of house install new footing install new stairs install 8 windows install new siding install new sheetrock.

**Discussion:** The applicant did not show to the hearing.

**Votes:** Board Member Erlich moved to deny without prejudice. Fortune seconded and the motion carried unanimously.



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**Case: BOA- 1350180 Address: 108 Laurie Avenue Ward: 20 Applicant: John-Patrick McManus**

**Article(s):** Article 10, Section 1 Limitation of Area of Accessory Uses

**Purpose:** Adding a driveway in front of my house for 2 parking spots. I don't have any off street parking.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add two parking spots. This is consistent with the neighborhood and is considered side yard parking.

Board members asked about plans, proposal, parking, rear yard.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A representative for abutters is in opposition.

**Documents/Exhibits:** Building Plans. Letters in opposition.

**Votes:** Board Member Erlich moved to approve. Fortune seconded and the motion carried unanimously.

**Case: BOA-1352719 Address: 168 Sycamore Street Ward: 19 Applicant: Andrzej Juzyca**

**Article(s):** Article 67, Section 9 Bldg Height Excessive (Stories)

**Purpose:** Installing a shed dormer to create more living space on the third floor, removing a load bearing wall to open up the first floor, framing new walls.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add add a dormer to create more living space for their growing family.

Board members asked about plans, proposal, and height.

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

**Documents/Exhibits:** Building Plans. Letters in support.

**Votes:** Board Member Erlich moved to approve with BPDA design review on the exterior. Fortune seconded and the motion carried unanimously.

**Case: BOA- 1353576 Address: 33 Augustus Avenue Ward: 18 Applicant: Miguel Williams**

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

**Purpose:** Legalize existing living space in basement. Install bathroom and flooring. City of Boston Board of Appeal

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add living space in the basement.

Board members asked about plans, proposal, parking, dwelling.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to approve. Fortune seconded and the motion carried unanimously.



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**Case: BOA-1360701 Address: 53 Cedar Grove Street Ward: 16 Applicant: Lighthouse Architecture/John Roche AIA**

**Article(s):** Art. 65 Sec.9 Insufficient side yard setback right side Art. 65 Sec.9 Insufficient usable open space Art. 65 Sec.9 Insufficient rear yard setback (proposed projection of the addition is within 8' of a nearby accessory structure)

**Purpose:** Demo an existing deck and add a new addition to an existing single family home, relocate existing bulkhead.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add an extension on their single family home for their growing family.

Board members asked about plans, proposal, size

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

**Documents/Exhibits:** Building Plans. Letters in opposition.

**Votes:** Board Member Erlich moved to approve with BPDA design review. Fortune seconded and the motion carried unanimously.

**Case: BOA- 1361076 Address: 81 Tyndale Street Ward: 20 Applicant: Ivan Hernandez**

**Article(s):** Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Bldg Height Excessive (Feet)

Article 67, Section 9 Side Yard Insufficient

**Purpose:** Construct new shed dormers on both sides of existing gable roof per plans. Finish attic space and create two new bedrooms and bathroom. Project requires BOA relief.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a shed dormer to a single family home to add more bedrooms. Height will remain.

Board members asked about plans, proposal, and occupancy.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. A representative for abutters is in opposition.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to approve with BPDA design review. Fortune seconded and the motion carried unanimously.



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**Case: BOA- 1364671 Address: 7-9 Brooksdale Road Ward: 22 Applicant: Cummins Construction Inc.**

**Article(s):** Article 51, Section 9 Rear Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Floor Area Ratio Excessive

**Purpose :** Add two shed dormers on the third floor for occupants dwelling.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add two dormers to a 2 family owner occupied home.

Board members asked about plans, proposal.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to approve with BPDA design review. Fortune seconded and the motion carried unanimously.

**Case: BOA-1265152 Address: 10 Carson Street Ward: 13 Applicant: Ka Hei Eammi Lam**

**Article(s):** Article 65, Section 9 Side Yard Insufficient Article 65, Section 41 Off Street Parking & Loading Req

**Purpose:** Asphalt paving driveway, which can park 3 cars. The paved driveway in front of the house can let the outside car move easier if the inside car needs to come out. This paved driveway is Not for parking purposes.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to pave a driveway for an existing single-family home.

Board members asked about plans, proposal.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Erlich moved to Defer. Fortune seconded and the motion carried unanimously. The new date is October 13, 2022.

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

**Case: BOA- 1236084 Address: 45 Milton Avenue Ward 17 Applicant: Michael Castillo, as Principal, ONYX Management & Development**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas Parking less than 5ft from side lot line. Art. 65 Sec. 8 Use: Forbidden MFR Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 42.2 Conformity w Ex Bldg Alignment 10ft provided

**Purpose:** Erect a 10,827 12,850 square foot (Gross), three story residential building with eleven nine units and parking for fourteen nine vehicles spread through rear & side yards and garage. This combined parcel has 10,800 square feet, see ALT1202780, ALT1202781, ALT1202782. Existing dwelling and two sheds to be razed on a separate permit. 07/08/22 Scope updated.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 15, 2022 at 11:30.



City of Boston  
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**Case: BOA-1258783 Address: 99 Erie Street Ward 14 Applicant: Michael DelloRusso**

**Article(S):** Article 60, Section 9 Bldg Height Excessive (feet) Article 60, Section 40 Parking maneuverability Art. 10 Sec. 01 Limitation of parking areas

**Purpose:** Combining parcels 1402477001 & 1402451000 to erect a new 6-unit apartment building. New construction, with roof decks and new rear driveway.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail because they were previously before the board but there is a notice issue. No change this is just to confirm the relief.

Board members asked about plans, provisos.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Robinson moved to approve with BPDA design review, preserve the trees, and no driveway. Barraza seconded and the motion carried unanimously.

**Case: BOA- 1258638 Address: 20 Hinckley Street Ward 13 Applicant: Mike Tokatlyan**

**Articles:** Art. 55 Sec. 65-41 Off-Street parking insufficient - Newly created variance via updated BOA plans Reviewed 5.6.22 Art. 65 Sec. 9 Insufficient rear yard setback-via updated BOA plans Reviewed 5.6.22 Art. 65 Sec. 9 Insufficient lot size Art. 65 Sec. 9 Insufficient lot width frontage Art. 65 Sec. 9 Insufficient lot width Art. 65 Sec. 9 Insufficient Front yard setback Art. 65 Sec. 9 Insufficient side yard setback Art. 65 Sec. 9 Excessive F.A.R

**Purpose:** Seeking to erect a single family home on a vacant lot. \*4.4.22 BOA revised plans; Proposed parking removed from scope

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 1 family dwelling on a vacant city lot. Roof deck will be accessed by a hatch.

Board members asked about plans, proposal, roof deck, context.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilor Baker, Flaherty, and abutters are in opposition.

**Documents/Exhibits:** Building Plans. Letters in opposition.

**Votes:** Board Member Robinson moved to deny without prejudice. Fortune seconded and the motion carried unanimously.

**Case: BOA-1289454 Address: 4 Cherokee Street Ward 10 Applicant: John Pulgini**

**Article(s):** Art. 59, Section 37 Off-Street Parking Insufficient – Off street parking requirement is insufficient Art. 59, Section 8 Floor area ratio is excessive Art. 59, Section 8 Side yard setback is insufficient Article 59, Section 8 Usable Open Space Insufficient – Open space required: 400sqft x 2 units = 800 sqft. Proposed 567 sqft.

**Purpose:** Proposed renovation and dormer addition to change the use from a single family house to a two family.

**Discussion:** The applicant requested to withdraw the project.

**Votes:** Board Member Fortune moved to withdraw. Dong seconded and the motion carried unanimously.





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

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

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

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 15, 2022 at 11:30.

**Case: BOA-1298133 Address: 1395-1405 Washington Street Ward 3 Applicant: The Walsh EI, LLC**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability Article 64, Section 18 Use: Conditional - Restaurant #1 Article 64, Section 18 Use: Conditional - Restaurant #2 Article 64, Section 18 Use: Conditional - Restaurant #3 Article 64, Section 19 Bldg. Height exceeding 70 ft. Article 64, Section 19 FAR exceeding 3.0 max. Article 64, Section 19 Dimensional Regulations - 64 19.2 Usable open space per 64 9 Article 64, Section 19 Dimensional Regulations - 64 19.2 Rear yard per 64 9 Article 64, Section 34 Roof Structure Restrictions Article 64, Section 36 Off Street Parking & Loading Req

**Purpose:** Construction a new seven story, 35 multi family residential building, with core/shell ground floor local retail (1) and restaurants (3), per plans. Combine parcels 0306975000, 0306976000, 0306977000; see ALT1227446, ALT1222965, and ALT1222967. Demo existing one story building on a separate demo permit.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 15, 2022 at 11:30.

**Case: BOA-1311763 Address: 59 Falcon Street Ward 1 Applicant: 59 Falco Street, LLC**

**Article(s)** Art. 53, Section 56 Off-Street Parking Insufficient - 0 Provided Art. 53, Section 8 Use: Forbidden - MFR in 2F zone Article 27T - 5 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions Article 53, Section 57.2 Conformity Ex Bldg Alignment Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg Height Excessive (Feet) Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

**Purpose:** Erect a 4 unit residential dwelling with roof decks, as per plans.

**Discussion/Vote:** The applicant requested a deferral. Upon a motion and a second, the Board voted unanimously to defer this matter until November 15, 2022 at 11:30.



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Board of Appeal

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

BOARD MEMBERS:

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JEANNE PINADO

**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 September 27, 2022 Board of Appeal Hearing please go to: [https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).**