



City of Boston  
Board of Appeal

**Tuesday January 10, 2023**

**BOARD OF APPEAL**

**City Hall, Room 801**

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### **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 Acting Secretary David Aiken:

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON JANUARY 10, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS JANUARY 10, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE JANUARY 10, 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: 996 0844 0932 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/January10Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

For individuals who need translation assistance, please notify the Board at least **48 HOURS** in advance either by signing up at <https://bit.ly/January10Comment>, calling 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).



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**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 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**

**November 15, 2022, November 17, 2022 & December 6, 2022**

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

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

**Case: BOA- 1413023 Address: 41 Lagrange Street Ward 3 Applicant: SFH 48 Boylston LLC**

**Article(s):** Article 32, Section 4.GCOD, Applicability

**Purpose:** New erect a 19 Story apartment building containing 126 units with amenity space.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to build an affordable 19 story dwelling with GCOD letters and litigation which delayed the project.

Board members asked about plans, letters, length.

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

**Documents/Exhibits:** Building Plans.

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

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

**Case: BOA-1393355 Address: 304 Paris Street Ward 1 Applicant: Roman Catholic Archdiocese of Boston**

**Article(s):** Art. 32 Sec. 04 GCOD Applicability Article 27T - 5 East Boston IPOD Applicability Article 53 Section 56 Off-Street Parking & Loading Req - Insufficient parking- 1/unit Article 53 Section 9 Insufficient lot size- 2,000sf req. Article 53 Section 9 Insufficient additional lot area per unit Article 53 Section 9 Excessive f.a.r.-1.0 max. Article 53 Section 9 Maximum# of stories exceeded -3 story max Article 53 Section 9 Insufficient open space per unit- 300sf/unit req. Article 53 Section 9 Insufficient rear yard setback -10' req. Article 53 Section 9 Side yard Article 53 Section 9 Dim Reg Applic in Res Sub Dist - Building height excessive (35' max)

**Purpose:**Raze existing structure and erect a three (3) unit residential dwelling with private roof deck. \*Existing structure to be razed on a separately reviewed and issued demolition sf permit.

**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 a 3 unit with private roof deck.

Board members asked about plans, parking, height.

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

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

**Votes:** Board Member Barraza moved to deny without prejudice due to the height and other factors. Langham seconded, and both Dong and Aiken opposed. The motion carried 5-2.



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**Case: BOA-1385988 Address: 817 East Broadway Ward 6 Applicant: Michael Ahern**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions Art 68 Sec 8Dim reg app in res sub dist - Insufficient side yard setback

**Purpose:** Construct a four story addition to the rear of the property with new rear stairs for egress eliminating the connecting balconies and allowing 817 and 819 to share new stair to grade (existing Base building is being renovated under SF1324468 for other associated work.)

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add an addition in the rear to an existing dwelling with rear decks that include egress.

Board members asked about plans, rear yard, access.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review with attention to the materials and 4<sup>th</sup> story massing. Also, with fire prevention review. Langham seconded and the motion carried unanimously.

**Case: BOA-1365467 Address: 100 Allstate Road Ward 7 Applicant: Boston Land Bank Realty Trust**

**Article(S):** Article 65 Section 15 Use Regulations - Use: Accessory Parking: Conditional Article 65 Section 15 Use Regulations - Use: Multifamily Dwelling: Conditional Article 65 Section 16 Floor Area Ratio Excessive Article 65 Section 16 Building Height Excessive Article 65 Section 16 Rear Yard Insufficient Article 65, Section 41 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 65, Section 41 Off Street Parking & Loading Req - Off Street Loading Insufficient

**Purpose:** Construct a new 5 story, Mixed Use Building. On the Ground Level will be a Ten (10) Vehicle at grade Parking Garage. On the 2nd Floor will be Commercial / Office Use. On Floors 3 thru 5 will be Nine (9) Residential Units.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 5 story mixed use dwelling with at grade parking. The curb cut is existing.

Board members asked about plans, trash, bikes.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flaherty and Baker are in support. Rep Collins and abutters are also in support.

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

**Votes:** Board Member Shepard moved to approve with BPDA design review with attention to bike storage and trash. Aiken seconded, Dong recused, and Barraza opposed. The motion carried 5-2.



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**Case: BOA-1376022 Address: 210 West Springfield Street Ward 9 Applicant: Gregory McCarthy**  
**Article(s):** Art. 32 Sec. 04GCOD Applicability - GCOD: extension of any structure, will occupy more than 50 sq. ft. of lot areas. Art. 64 Sec. 09 Town House/Row House Extensions into Rear Yard Art. 64 Sec. 34 Restricted Roof Structure Regs – In the South End Neighborhood District, no roofed structure designed or used for human occupancy.  
**Purpose:** Addition of Rear Deck on 2nd floor, and addition of roof deck private to the top floor unit with interior access only for unit 2. Amendment to ALT1340313.

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

Board members asked about plans, rear yard, access.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review with attention to the materials and 4<sup>th</sup> story massing. Also, with fire prevention review. Langham seconded and the motion carried unanimously.

**Case: BOA- 1396276 Address: 78 Rutland Street Ward 9 Applicant: Chris Rapczynski**  
**Article(s):** Art 64.9.4 Town/Rowhouse extension into rear  
**Purpose:** SF1277295, SF1277289, SF1277298 Change of Occupancy from 3 family to single family new windows on front of building, new main entry, rear decks, restore bay window, 2 windows on Trustees pocket park Emergency structural work at bow front window on level 3 (SF1277295, SF1277289, SF1277298) s

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

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

**Case: BOA-1361351 Address: 1617 Tremont Street Ward 10 Applicant: Lubavitch of Cambridge, Inc**  
**Article(s):** Article 59, Section 7 Use Regulations -Use: Transitional Housing: Conditional Article 59, Section 8 Floor Area Ratio Excessive Article 59, Section 8 Building Height Excessive Article 59, Section 8 Usable Open Space Insufficient Article 59, Section 8 Front Yard Insufficient Article 59, Section 8 Side Yard Insufficient Article 59, Section 37 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 59, Section 37 Off Street Parking & Loading Req - Off Street Loading Insufficient Article 59, Section 8 Rear Yard Insufficient Article 59, Section 7 Use Regulations - Use : Community Center on 2nd Floor: Forbidden  
**Purpose:** Demolish existing Buildings. Combine ALT 130939 lot 1615 Tremont Street with ALT 1310943 lot 1617 Tremont for addition to 1615 Tremont ALT1310951. Change Occupancy from a Two (2) Family Dwelling and Hall to become a Jewish Community Education Center & Social Work spaces for parsonage & short term Hospitality Suites for Families receiving medical treatment. Construct a 4 story addition attached to existing Building. There will be Classroom spaces located in Basement. On the 2nd Floor will be a Community Center space. On Floors 3 & 4 will be temporary Lodging Rooms (12 Rooms total). Construct a common Roof Deck.

**Discussion/Vote:** The applicant requested a deferral to re-advertise and go through the community process. Upon a motion and a second, the Board voted unanimously to defer this matter until April 11, 2023 at 11:30AM



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**Case: BOA-1344019 Address: 6 Moreland Street Ward 12 Applicant: Patrick Millane**

**Article(s):** Article 50, Section 43 Off Street Parking & Loading Req - Off street parking is insufficient  
Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Floor Area Ratio Excessive  
Article 50, Section 29 Add'l Lot Area Insufficient

**Purpose:** Convert basement currently used as storage to habitable space. Change occupancy from 4 to 5 units.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change from a 4 unit to a 5 unit dwelling and extend the living into the basement.

Board members asked about 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. Letter in opposition.

**Votes:** Board Member Valencia moved to approve with BPDA design review and no building code relief. Shepard seconded, Barraza opposed and the motion carried 6-1.

**Case: BOA-1406168 Address: 750-754A Adams Street Ward 16 Applicant: Arrowsmith Davis, LLC/David Arrowsmith Manager**

**Article(s):** Art. 55 Sec. 65 41 Off Street parking insufficient - Required .3 per seat proposed 83 seats and proposed 0 parking space Article 65, Section 15 Use Regulations - Large Restaurant over 2500 s.f.: Use Forbidden

**Purpose:** Change of Occupancy from a Cafe with take out to Restaurant with takeout and Live Entertainment.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the restaurant to a take out use and entertainment.

Board members asked about plans,

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Whewell moved to approve to this applicant only, and specific to live entertainment. Barraza seconded and the motion carried unanimously.



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**Case: BOA- 1399265 Address: 60RAlban Street Ward 17 Applicant: Andrea Dietrich**

**Article(s):** Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient  
Article 65, Section 9 Front Yard Insufficient Article 65, Section 42.13 Two or More Dwellings on Same Lot  
Article 65, Section 42 Application of Dimensional Req Article 65, Section 9 Bldg Height Excessive (Feet)

**Purpose:** Tear down an existing two car garage behind our house and replace it with a carriage barn style two car garage/two bedroom apartment for multi generational living space. The new structure would expand the footprint of the existing garage on our 13,500 foot lot in Dorchester.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to rebuild the garage/ carriage house to use as a 2 car 2 bedroom home.

Board members asked about plans,

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

**Documents/Exhibits:** Building Plans.

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

**Case: BOA- 1352046 Address: 48 Industrial Dr Ward 18 Applicant: Jason Parillo**

**Article(s):** Article 69 Section 28 Sign Regulations - 69 28.2(c) Free standing Signs: Forbidden. Bottom of sign lower than 8ft from grade. Area exceeds 15sqft

**Purpose:** Installation of one 8' 0" h x 3' 5 5/8" internally illuminated monument (free standing) sign for "Tesla".

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add a Tesla free standing sign with subtle illumination. Will be off by 9:00pm the latest.

Board members asked about plans, hours of operation, sign.

**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 Aiken moved to approve with BPDA design review and for the illumination to reflect the hours of operation. Shepard seconded, Langham opposed and the motion carried 6-1





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**Case: BOA-1387346 Address: 631-633 Cummins Highway Ward 18 Applicant: Sharon Quiroz**  
**Article(s):** Article 60, Section 9 Rear Yard Insufficient Article 60, Section 9 Side Yard Insufficient  
Article 60, Section 9 Front Yard Insufficient Article 60, Section 9 Floor Area Ratio Excessive Article 60, Section 8 Use:  
Conditional Article 60, Section 37 Off Street Parking Insufficient Ar.60. Sec 38 Parking screening & buffering  
**Purpose:** Addition to existing building and change occupancy to financial literacy educational center.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to renovate a single structure and change the occupancy to financial literacy educational use. T accessible and bike racks provided. Preserving salvageable trees.

Board members asked about plans, setback

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review with the second story has clearance from adjacent property. Shepard seconded and the motion carried unanimously.

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

**Case: BOA- 1418171 Address: 169 Maverick Street Ward 1 Applicant: Trichilo Development, LLC**  
**Article(s):** Art. 53 Sec. 08 Forbidden - Four Residential units  
**Purpose:** Erect addition, renovate, and change occupancy from three (3) to four (4) residential units with rear and roof decks.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to re-affirm the November approval for multifamily use.

Board members asked about plans.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review with the same provisos and the previously granted relief. Shepard seconded and the motion carried unanimously.





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**Case: BOA-1412172 Address: 2 Coppersmith Way Ward 1 Applicant: Trichilo Development LLC (by Richard C. Lynds, Esq**

Article(s): Article 27T - 5 East Boston IPOD Applicability - East Boston IPOD Applicability Article 32, Section 4. GCOD, Applicability - Groundwater Conservation Overlay District Applicability Article 53 Section 56 Off-Street Parking & Loading Req - Off-Street Parking Insufficient Article 53 Section 9 Lot Area Insufficient Article 53 Section 9 Floor Area Ratio Excessive Article 53 Section 9 Building Height Excessive Article 53 Section 9 Building Height (# of Stories) Excessive Article 53 Section 9 Usable Open Space Insufficient Article 53 Section 9 Side Yard Insufficient Article 53 Section 9 Rear Yard Insufficient

Purpose: Erect a 4 story Three (3) Family Dwelling with Roof Deck exclusive to Unit #3.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a 4 story 3 family with an exclusive roofdeck.

Board members asked about plans, setback.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Valencia moved to approve with provisos. The motion failed 4-3. Barraza then moved to deny without prejudice. Shepard seconded, Whewell opposed, and the motion carried 6-1.

**Case: BOA-1306816 Address: 335 K Street Ward 7 Applicant: Ryan Spitz**

Article(s): Article 68, Section 8.4 Dim Regs: Extension in Rear Yard Article 68, Section 8.3 Dim Regs: Location of Main Entrance Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Bldg Height Excessive (Feet) Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 7.2 Basement Units Forbidden Article 68, Section 29 Roof Structure Restrictions Article 68, Section 8 Front Yard Insufficient - Along 7th St. Article 68, Section 33 Off Street Parking & Loading Req - Off street parking is insufficient

**Purpose:** Change from 1 family/lodging house to three family, will be renovated and an additional floor added which will increase height of building. A two-car garage will be added to the rear of the building.

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

**Votes:** Board Member Aiken moved to withdraw. Whewell seconded and the motion carried unanimously.



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**Case: BOA-1397661 Address: 790 Columbia Road Ward 7 Applicant: Michael Higgins**

**Article(s):** Art.65 Sec. 8 Use: Forbidden - Day Care Use Forbidden

**Purpose:** Add child care 15 months to 2.9 to existing school Saint John Paul, existing occupancy load of 39 to remain the same Music room number 116 to be changed to Daycare, Ground level show on plans submitted no work to be done, existing CI number 72217.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to add child care for 39 kids and occupancy to remain the same.

Board members asked about plans.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services deferred judgement to the Board. Councilors Flaherty, Baker, Murphy, and the Mayors office of Early Childhood are in support.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Whewell moved to approve. Shepard seconded and the motion carried unanimously.

**Case: BOA- 1408351 Address: 570R Warren Street Ward 12 Applicant: Derric Small**

**Article(s):** Article 50 Section 28 Use Regulations Article 50, Section 29 Floor Area Ratio Excessive

Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29 Side Yard Insufficient

Article 50, Section 29 Rear Yard Insufficient Article 50, Section 44.13 Two or More Dwellings on Same Lot

**Purpose:** Change occupancy from a two family to a lodging house for 10 lodgers.

**Discussion/Vote:** Upon a motion and a second, the Board voted unanimously to defer this matter to allow them to go through the community process until February 28, 2023 at 11:30AM

**Case: BOA- 1408344 Address: 570 Warren Street Ward 12 Applicant: Derric Small**

**Article(s):** Art. 07 Sec. 03 Conditions for Variance - PROVISIO: To petitioner only

**Purpose:** 17 Lodgers and 1 owner occupied ALT971844; Remove provision to this petitioner only, re: BOA1013092.

**Discussion/Vote:** Upon a motion and a second, the Board voted unanimously to defer this matter to go through another round of the community process until February 28, 2023 at 11:30AM



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**Case: BOA- 1381349 Address: 398 Neponset Avenue Ward 16 Applicant: Matthew Kinlin**

**Article(s):** Article 9 Section 1 Extension of Nonconforming Use - Extension of a Nonconforming Use (Health Care Use is Forbidden in this Zoning District) Article 29 Section 4 GPOD Applicability - Greenbelt Protection Overlay District Applicability

**Purpose:** Extension of existing parking lot to add 21 parking spaces for patients at Daniel Driscoll Neponset Health Center. Work includes about 7000 SF of pavement area with segmental retaining wall sections and associated subsurface infiltration and drainage system that overflows to City drainage system.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to extend the parking for Driscoll Neponset Center. Adds 21 spots and will add trees and screening.

Board members asked about plans, space, lease, greenspace, pavers.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BPDA design review with attention to the parking layout and pervious pavers. Langham seconded and the motion carried unanimously.

**Case: BOA-1364628 Address: 615 River Street Ward 18 Applicant: Rodney Romulus**

**Article(s):** Article 60, Section 8 Use: Forbidden - 3 Family Article 60, Section 9 Side Yard Insufficient Article 60, Section 9 Usable Open Space Insufficient Article 60, Section 9 Bldg Height Excessive (Stories) Article 60, Section 9 Floor Area Ratio Excessive Art. 60 Sec. 40 Off street parking insufficient

**Purpose:** Change of occupancy from 2 family to 3 family. Scope includes the addition of a 3rd story to existing dwelling. Renovation and remodeling according to plans, 3 bed 2 bath unit at newly added top level.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to change the dwelling from a two to a three family to renovate and make accessible for handicap use. The existing footprint will remain.

Board members asked about plans, layout, roof

**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 with BPDA design review with attention to the exterior and the topology. Shepard seconded and the motion carried unanimously.



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**Case: BOA-1411320 Address: 15 Raymond Street Ward 22 Applicant: John Colarussoi**

**Article(s):** Article 51, Section 9 Front Yard Insufficient - Required 20ft. Article 51, Section 8 Use: Forbidden - Proposed 6 Families = Multifamily Use Forbidden Article 51, Section 50.2 Conformity Ex Bldg Alignment Art. 51 Sec. 56^ Off street parking requirements - Parking required Forbidden

**Purpose:** Raze the existing building and construct 6 units building Revised plan (10/12/22). Change of Occupancy to 6 family building.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to raze the current building and erect a 6 unit dwelling with 12 parking spots included.

Board members asked about plans, open space, parking.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Aiken moved to approve with BPDA design review with attention to site planning, screening and buffering along adjacent property. Shepard seconded and the motion carried unanimously.

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

**Case: BOA-1267825 Address: 295 Webster Street Ward 1 Applicant: Aaron Daigneault**

**Article(s):** Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient

**Purpose:** Change of occupancy from single family to three family dwelling. Extend living space to basement for additional unit. Renovate and upgrade M.E.P.

**Discussion/Vote:** The applicant requested a deferral to update the plans. Upon a motion and a second, the Board voted unanimously to defer this matter until April 11, 2023 at 11:30AM



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

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

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

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a six unit dwelling with six parking spots at grade. Two roof decks and no headhouses.

Board members asked about plans, parking, property, setback, greenspace.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Valencia moved to approve with BPDA design review to increase the side yard setback. Whewell seconded, and both Barraza and Aiken opposed. The motion carried 5-2.

**Case: BOA- 1303397 Address: 124 Leyden Street Ward 1 Applicant: Sandra Bonito**

**Article(s):** Art. 53 Sec. 08 Forbidden Four family dwelling Use-Forbidden Art. 53 Sec. 09 Insufficient lot size Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09 Number of allowed stories has been exceeded Art. 53 Sec. 09 Insufficient rear yard setback Art. 53 Sec. 09 Insufficient front yard setback Art. 53 Sec. 09 Insufficient side yard setback Art. 53 Sec. 56 Off-Street Parking Insufficient parking Article 27T - 5 East Boston IPOD Applicability

**Purpose:** See ALT 1262476 for subdivision permit application. Work proposed to include erection of new four family dwelling at 126 Leyden Street. Clarification; Subdivide 6004sf lot into two lots A (?) and B(?). Lot A 3634sf shall have a new structure to be known as 124 Leyden street and the existing structure known as 126 Leyden street (three family) on created Lot B 2370sf shall remain.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 4-unit residential dwelling with 4 parking spots in the lower level. The height is in context with the neighborhood.

Board members asked about plans, proposal, scope, lot coverage

**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 with BPDA design review. Whewell seconded and the motion carried unanimously.



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**Case: BOA-1303651 Address: 126 Leyden Street Ward 1 Applicant: Sandra Bonito**

**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.-reduction of lot size via subdivision of a nonconforming USE >25% Forbidden Art. 53 Sec. 56 Off Street Parking - Insufficient parking Existing removed Art. 53 Sec. 09 Insufficient lot size Art. 53 Sec. 09 Applicable in Residential Sub Districts (open space insufficient; Insufficient lot width Art. 53 Sec. 09 Insufficient lot width frontage Art. 53 Sec. 09 Excessive f.a.r. Art. 53 Sec. 09 Insufficient side yard

**Purpose:** Proposed to subdivide 126 Leyden Street existing lot into Lots A and B as shown on attached subdivision plan. (Companion application to the ERT filed for 124 Leyden street) \*Structure to remain on lot =3 Family doc#446/1892

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to erect a new 4-unit residential dwelling with 4 parking spots in the lower level. The height is in context with the neighborhood.

Board members asked about plans, proposal, scope, lot coverage

**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 with BPDA design review. Whewell seconded and the motion carried unanimously.

**Case: BOA -1214604 Address: 423 William F McClellan Highway Ward 1 Applicant: Sons Divine Providence Inc.**

**Article(s):** Art.11 Sec.06 Billboard Signs Article 11, Section 7 Electronic Signs - electronic/digital Art. 53, Section 28 Use: Forbidden - Use not identified in table "D" Art. 53, Section 55 Sign Regulations - Insufficient front yard setback Art. 53, Section 55 Sign Regulations - Max allowed height exceeded

**Purpose:** Erect an outdoor advertising device (digital billboard) consisting of a single monopole with back to back digital faces with dimensions of 14 ' by 48 ' (60' Height) facing William F. McClellan Highway, East Boston.

**Discussion/Vote:** The applicant requested a deferral to update the refusal letter and go through the community process. Upon a motion and a second, the Board voted unanimously to defer this matter until April 11, 2023 at 11:30AM

**Case: BOA-1280423 Address: 5 Magnolia Place Ward 13 Applicant: Akash Lalla**

**Article(s):** Article 50, Section 29 Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive Art. 50 Sec. 29 Usable open space insufficient Article 50, Section 29 Side Yard Insufficient Art. 50 Sec. 43 Off street parking requirement - Design: Tandem space. Maneuverability. Art. 10 Sec. 01 Limitation of off street parking areas - Parking spaces on the side yard shall be separated 5 feet from the side lot line, and shall not be located in the front yard area. Article 50, Section 29 Front Yard Insufficient Art. 50 Sec. 29^ Lot Area Insufficient

**Purpose:** Convert single family dwelling to 3 Story 2 family dwelling. Expand house footprint as shown on proposed plot plan. Proposing 1 tandem space (2 parking spaces).

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail to convert a single family into a two-family home with two parking spaces.

Board members asked about plans, violations, setback, and parking.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Shepard moved to approve with BPDA design review as well as BTB review. Barraza seconded and the motion carried unanimously.



City of Boston  
Board of Appeal

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

**Article(s):** Article 65, Sec 65-41 Off-Street Loading Req. 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 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

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

**Discussion/Vote:** The applicant requested a deferral to go through the community process. Upon a motion and a second, the Board voted unanimously to defer this matter until March 14, 2023 at 11:30AM

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

**Article(S):** Art. 65 Sec. 41 Off street parking requirements - Off street parking requirement is insufficient  
Art. 65 Sec. 9 Minimum lot width requirement is insufficient Art. 65 Sec. 9 Minimum lot frontage requirement is insufficient  
Art. 65 Sec. 9 Minimum lot size required for the existing three family after subdivision is insufficient  
Art. 65 Sec. 9 Floor area ratio is excessive Art. 65 Sec. 9 Usable open space is insufficient  
Art. 65 Sec. 9 Side yard requirement is insufficient

**Purpose:** Subdivision of the existing lot at 1 Carmen St. To create two lots 1 Carmen St. Parcel No. 1440571000 to be 3,256 square Feet. New parcel will be 2720 square feet.

**Discussion/Vote:** The applicant requested a deferral to go through the community process. Upon a motion and a second, the Board voted unanimously to defer this matter until March 14, 2023 at 11:30AM

**Case: BOA 1346254 Address: 10 Woodhaven Street Ward 18 Applicant: Derick Joyner**

**Article(s):** Article 60, Section 11 Use: Forbidden Article 60, Section 9 Lot Width Insufficient

**Purpose:** To erect a two family dwelling with 4 off street parking space in the rear.

**Discussion/Vote:** The applicant requested a deferral to go through the community process. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 11:30AM

**Case: BOA-1348905 Address: 120-124 Babson Street Ward 18 Applicant: Sketchone Studios**

**Article(s):** Article 60, Section 8 Use: Forbidden - Elderly Housing Article 60, Section 8 Use: Conditional - Day care center, elderly

**Purpose:** 18 independent elderly housing plus adult daycare on ground floor.

**Discussion/Vote:** The applicant requested a deferral to go through the community process. Upon a motion and a second, the Board voted unanimously to defer this matter until February 28, 2023 at 11:30AM





City of Boston  
Board of Appeal

**RECONSIDERATION: 12:00PM**

**Case: BOA-1177912 Address: 82-84 Boston Street Ward 7 Applicant: Media Partners MRV LLC**

For a rehearing on the applicant's appeal to erect a billboard at 82-84 Boston Street.

On October 25, 2022, the Board granted the applicant's request for Reconsideration and instructed the applicant to have all elevations and renderings completed, evaluated by ISD for zoning compliance, and submitted to the Board by the next hearing date. The Board also requested that the applicant specifically identify the billboards that they intend to remove as part of their proposal at the next hearing.

**Article(s):** Art. 09 Sec. 01 Extension of Non Conforming Use -Conditional

Art. 11 Sec. 06 Signs Subject to Other Reg.b) no new billboards shall be allowed within six hundred sixty (660) feet of a federally funded highway subject to the Federal Highway Beautification Act unless approved by the Board of Appeal in accordance with Article 6 after receipt by the Board of Appeal of a planning recommendation from the Boston Redevelopment Authority. Art. 65 Sec. 9 Residential Dimensional Reg.s -side yard Article 65, Section 40 Sign Regulations - (3) Free standing signs (USE Forbidden) Article 11, Section 7 Electronic Signs – Conditional Art. 33 Sec. 16 Air Right OS Applicability - Pylon Sign Forbidden

**Purpose:** Construct a single faced digital billboard FREE STANDING PILON SIGN to the rear of 82 Boston street per attached plans

**Discussion/Vote:** The applicant requested a deferral to identify the third billboard. Upon a motion and a second, the Board voted unanimously to defer this matter until April 11, 2023 at 11:30AM



City of Boston  
Board of Appeal

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

BOARD MEMBERS:  
SHERRY DONG – ACTING CHAIR  
HANSY BETTER BARRAZA  
RAHEEM SHEPARD  
GIOVANNY VALENCIA  
KATIE WHEWELL  
ALAN LANGHAM

SUBSTITUTE MEMBERS:  
DAVID AIKEN

**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 January 10, 2023 Board of Appeal Hearing please go to: [https://cityofboston.gov/cable/video\\_library.asp](https://cityofboston.gov/cable/video_library.asp).**