HEARING MINUTES

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON DECEMBER 14, 2021 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS DECEMBER 14, 2021 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE DECEMBER 14, 2021 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE WEBEX EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to https://bit.ly/zbaDecember14 or by calling 1-617-315-0704 and entering access code 2349 225 1568. If you wish to offer testimony on an appeal, please click https://bit.ly/zbaDecember14Comment 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/zbaDecember14Comment, calling 617-635-5300 or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the WebEx 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 WebEx. Questions and/or
concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

If you wish to offer comment within the meeting platform, please use the “raise hand” function, if connected by video, or dial *3, if connected by phone. The requester will be administratively unmuted and 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 appear in person at City Hall in the BPDA Board Room. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov for accommodations to be made. Individuals appearing at City Hall without an appointment will not be permitted to enter.

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE 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.
APPROVAL OF THE HEARING MINUTES: 9:30AM

November 9, 2021 & November 16, 2021

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

EXTENSIONS: 9:30AM

Case: BOA-1016543 Address: 70 Eutaw Street Ward 1 Applicant: Maria Grimaldi

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of May 31, 2023 subject to all applicable tolling.

Case: BOA-890949 Address: 56 Faywood Avenue Ward 1 Applicant: Luciano Robadel

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of July 4, 2022 subject to all applicable tolling.

Case: BOA-1001052 Address: 60-62 Alpine Street Ward 12 Applicant: Norberto Leon, RA

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of December 23, 2022 subject to all applicable tolling.

Case: BOA-818377 Address: 111 Terrace Street Ward 10 Applicant: Michael P Ross, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of April 25, 2023 subject to all applicable tolling.

Case: BOA-985935 Address: 705 VFW Parkway Ward 20 Applicant: Loutfi Nassif

Discussion: The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

Vote: Upon a Motion and second, the Board voted unanimously to approve the request with a new date of March 13, 2023 subject to all applicable tolling.
Case: BOA-1027373 Address: 171-179 Bowdoin Street Ward 15 Applicant: Joseph Feaster, Jr, Esq

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request with a new date of May 15, 2022 subject to all applicable tolling.

Case: BOA-923906 Address: 238 Saratoga Street Ward 1 Applicant: Elia Goren

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request with a new date of December 5, 2022 subject to all applicable tolling.

Case: BOA-952103 Address: 658-660 East Broadway Ward 6 Applicant: John Pulgini

**Discussion:** The applicant requested an extension of zoning relief previously granted by the Board relative to the above application.

**Vote:** Upon a Motion and second, the Board voted unanimously to approve the request with a new date of March 27, 2023 subject to all applicable tolling.

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

Case: BOA-463655 Address: 120 West Fourth Ward 6 Applicant: Marc LaCasse

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to approve this.

Case: BOA-1118842 Address: 28 Hill Top Street Ward 16 Applicant: Deborah Nee

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to approve this.

Case: BOA-1151928 Address: 194-200 Shawmut Avenue Ward Applicant: David A. Gottlieb

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to approve this.

Case: BOA-659702 Address: 86-88 North Washington Street Ward 3 Applicant: Dennis Quilty

**Discussion/Vote:** Upon a Motion and second, the Board voted unanimously to defer this until January 11, 2021 at 9:30am.
BUILDING CODE ONLY: 9:30AM

Case: BOA# 1264412  Address:  14b Geneva Street  Ward 1 Applicant: 14B Geneva St, LLC  
Purpose: New construction of four residential units, 4 stories, with roof deck, four ground level parking spaces. Fully sprinklered building.  
Violation Description Violation Comments 9th 780CMR 1006.3 Egress from stories or occupied roofs The means of egress system serving any story or occupied roof shall be provided with the number of exits or access to exits based on the aggregate occupant load served in accordance with this section. The path of egress travel to an exit shall not pass through more than one adjacent story. 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2.  
Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting add roof decks without a headhouse.  
Board members asked about plans.  
Documents/Exhibits: Building Plans.  
Votes: Board Member Barraza moved to approve the building code relief, Barraza seconded and the motion carried unanimously.

GROUND WATER CONSERVATION OVERALY DISTRICT ONLY: 9:30AM

Case: BOA- 1266935 Address: 144-162 Charles Street Ward 5 Applicant: Ashley Tan  
Article(s): Article 32, Section 4.GCOD, Applicability - Groundwater Conservation Overlay District Applicability
Purpose: Change occupancy. Add office use (and related renovations) on the upper (2,3,4) floors in the place of a portion of existing parking all within the existing building envelope. Add common main roof deck and a roof deck on the third story and create new bicycle storage on ground floor.  
Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting that GCOD relief is needed.  
Board members asked about plans, and the access to the roofdeck.  
Testimony: The Board then requested testimony from neighbors and elected officials. The Boston Groundwater Trust has required letters on file.  
Documents/Exhibits: Building Plans.  
Votes: Board Member Erlich moved to approve, Barraza seconded, and the motion carried unanimously.
Case: BOA-1268004  Address: 77 Chestnut Street  Ward 5  Applicant: Chestnut 77 Realty Trust
Article(s): Article 32, Section 4.GCOD, Applicability - Groundwater Conservation Overlay District Applicability
Purpose: Installation of infiltration system per BWSC requirements.

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

Testimony: The Board then requested testimony from neighbors and elected officials. The Boston Groundwater Trust has required letters on file.

Documents/Exhibits: Building Plans.

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

GREENBELT PROTECTION OVERLAY DISTRICT ONLY: 9:30AM

Case: BOA-1030567  Address: 726 East Eighth Street  Ward 7  Applicant: 726 East Eighth Street, LLC
Article(s): Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability - GPOD APPLICABILITY
Purpose: Erect a new three unit (3 unit) dwelling with 5 off street parking on ground level, as per plans. Existing house to be razed under separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting that GPOD relief is needed.

Board members asked about plans and relief needed.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services and Councilor Flaherty deferred this to the Board.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with the provisos that trees be installed and preserved, and BPDA recommendations as listed. Erlich seconded and the motion carried unanimously.
HEARINGS: 9:30AM

Case: BOA- 1237032 Address:  340 Meridian Street  Ward 1 Applicant: 340 Meridian Street, LLC
Article(s): Article 27  East Boston IPOD Applicability Article 53, Section 8 Use: Forbidden Article 53, Section 9
Add'l Lot Area Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height
Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 52 Roof Structure
Restrictions
Art. 53, Section 56 Off Street Parking Insufficient
Purpose : Change the occupancy from a three family dwelling to a four family dwelling. Scope includes a new
basement unit with interior renovations of existing building and a new roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail
requesting a deferral to advertise the project.

Votes: Board Member Ruggiero moved to defer, Ligris seconded and the motion carried unanimously. The new date
is February 8, 2022 at 12:30.

Case: BOA-1264910 Address:  64 Haynes Street  Ward 1 Applicant: Lightning Realty, LLC
Article(s): Article 27T  East Boston IPOD Applicability Article 53, Section 57.3Traffic Visibility Across Corners
Article 53, Section 9 Lot Area Insufficient Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9
Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Bldg
Height Excessive (Feet) Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Front Yard
Insufficient
Art. 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient
Purpose: Erect a three (3) unit four (4) story residential dwelling with a roof deck and parking for three (3) vehicles.

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8,
2022 at 12:30.

Case: BOA#1264913 Address:  64 Haynes Street  Ward 1 Applicant: Lightning Realty, LLC
Purpose: Erect a three (3) unit four (4) story residential dwelling with a roof deck and parking for three (3) vehicles.
Violation  Violation Description Violation Comments 9th 780 CMR 1011 Stairways 1011.12.2 Roof access. Where
a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section
1510.2

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8,
2022 at 12:30.
Case: BOA-1256914  Address: 437 Frankfort Street  Ward 1 Applicant: 441 Frankfort Street, LLC  
**Article(s):** Article 27T  5 East Boston IPOD Applicability  
**Purpose:** Erect a three (3) unit residential dwelling with parking for three (3) vehicles as per plans  

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

**Votes:** Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.

Case: BOA-1261554  Address: 125-131 Sumner Street  Ward 1 Applicant: Clippership Apartments, LLP  
**Article(s):** Section 15 Use: Conditional  
**Purpose:** Cost included in SF1227747. Change occupancy to include fitness center/spin studio.

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  
**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 requesting a deferral.  

**Votes:** Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.
Case: BOA-1253478  Address: 322 Bunker Hill Street  Ward 2 Applicant: James Kingston

Article(s): Art. 62 Sec. 08  Usable Open Space insufficient  Article 62 Section 12  Roof Structure Restrictions - Headhouse and roof deck proposed exceeding 330sqft. Proposed: 400 sqft  Article 62, Section 12  Use: Forbidden - Multifamily use forbidden. 5 units in 3 structures  Art. 62 Sec. 19 Neighborhood Design Overlay Districts  Art. 62 Sec. 29 Off street parking insufficient - Min. required: 1.5 x 5 units = 7.5 spaces. Existing: 5 spaces  Proposed: 4 spaces  

Purpose: Change of use to unit 1 which is currently a funeral home to a 3 bedroom residential apartment below 2 existing apartments. New use is a 3 family. Renovate unit 1 apartment. Add head house and roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy from a funeral home to a residential dwelling with a roof deck.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve with BPDA design review, Barraza seconded, Ruggiero recused, seconded and the motion carried 6-1.

Case: BOA-1250624  Address: 345-347 Hanover Street  Ward 3 Applicant: Engle & Volkers Boston, Keith Shirley

Article(s): Art. 54 Section 12  Use: Conditional - Real Estate office on the first floor is a conditional use in a CC sub district.

Purpose: Refiling ALT1066515 by JK. Change/Legalize occupancy of first floor retail space into a real estate office. No work to be done.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy on the lower level to retail and residential.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred this to the Board and a Councilor Edwards spoke in support of the project.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve, Dong seconded and the motion carried unanimously.
Case: BOA-1237014  Address: 157 West Springfield Street  Ward 9  Applicant: Michael DelleFave

Purpose: Renovate and extend existing building; change legal occupancy from Church (Doc #3562/00) to 9 dwelling units.

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.

Case: BOA-1266730  Address: 4-18 Cheney Street  Ward 12  Applicant: Jamaica Plain Neighborhood Development Corp.

Purpose: Erect a 58539 sf, 4 story, 59 residential unit building with a 28 parking space (9 dedicated to 20 28 Cheney Street) garage in basement. Part of a Large Project Review along with 20 28 Cheney Street (ERT1254457) and 3 Schuyler Street (ERT1254454).

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is March 22nd, 2022 at 12:30.

Case: BOA-1266732  Address: 20-28 Cheney Street  Ward 12  Applicant: Jamaica Plain Neighborhood Development Corp.

Purpose: Erect a 10,738 sf, 3 story, 9 residential unit building with 9 parking spaces in the garage on the adjacent 4 18 Cheney Street. Part of a Large Project Review along with 4 18 Cheney Street (ERT1254459) and 3 Schuyler Street (ERT1254454).

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is March 22nd, 2022 at 12:30.
Case: BOA-1266736  Address: 3 Schuyler Street  Ward 12  Applicant: Jamaica Plain Neighborhood Development Corp

Article(s): Art. 50, Section 28 Use: Forbidden - Multifamily use Article 50, Section 44.2 Conformity Ex Bldg Alignment - modal not provided to verify compliance Article 50, Section 29 Add'l Lot Area Insufficient Article 50, Section 29 Floor Area Ratio Excessive 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

Purpose: Combine vacant 4,029 sf parcel #1202441000 with vacant 2,074 sf parcel #1202442000 totaling 6,103 sqft to Erect a 5,656 sf, 3 story, 6 residential unit building with 6 parking spaces on the lot. Part of a Large Project Review along with 4 18 Cheney Street (ERT1254459) and 20 28 Cheney Street (ERT1254457).

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to combine the vacant lots and erect a new 3 story home with 6 parking spaces.

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

Documents/Exhibits: Building Plans.

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

Case: BOA-1253752 Address: 25 Doris Street  Ward 13 Applicant: George Morancy

Article(s): Art.65 Sec.08 Conditional - Two family detached conditional (variance required)

Purpose: New two family construction. Court Case

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to complete the plans to perfect the record.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve, Dong seconded, and the motion carried unanimously.
Case: BOA-1245715  
Address: 11 McLellan Street  
Ward 14  
Applicant: Shannon Ishmael

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - Proposed parking is within 5 feet to side lot line. Art. 60 Sec. 40 (5) Off street parking design/maneuverability Art. 60 Sec. 09 Rear yard insufficient Art. 60 Sec. 09 Floor Area Ratio excessive Art. 60 Sec. 9 Additional Lot Area Insuff Article 60, Section 9 Lot Area Insufficient Article 60, Section 9 Bldg Height Excessive (Stories) Article 60, Section 9 Bldg Height Excessive (Feet) Article 60, Section 9 Front Yard Insufficient

**Purpose:** New Construction Three Family Triple Decker with four on grade parking spaces.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a 3 family with 4 parking spaces on an empty lot with 3 rear and 3 front decks.

Board members asked about plans, the proposal, zoning, basement space and elevators.

**Testimony:** The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred this to the Board. Councilor Campbell spoke in support of the project.

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve with BTD review, Erlich seconded, and the motion carried unanimously.

Case: BOA-1249024  
Address: 8 Norton Street  
Ward 15  
Applicant: Selwyn Eccles

**Article(s):** Art. 65 Sec. 02 Conformity with Existing Building Alignment - modal not provided to verify compliance. Art. 65 Sec. 41 Off street parking requirements - Design. Art. 10 Sec. 01 Limitation of off street parking areas Article 65, Section 9 Lot Area Insufficient Article 65, Section 9 Lot Frontage Insufficient Article 65, Section 9 Lot Width Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose:** Erect 3 family residential building with 3 tandem parking spaces.

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

**Votes:** Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.

**HEARINGS: 11:00AM**

Case: BOA-1230101  
Address: 35 South Russell Street  
Ward 3  
Applicant: Edward O'Connell

**Article(s):** Article 13, Section 1 Floor Area Ratio Excessive

**Purpose:** Build new extension of living space to basement level.

**Discussion/Votes:** Board Member Fortune moved to deny without prejudice, Ligris seconded, and the motion carried unanimously.
Case: BOA#1235073  Address:  35 South Russell Street  Ward 3 Applicant: Edward O'Connell
Purpose: respects: Build new extension of living space to basement level.
Violation Violation Description Violation Comments 2015 IEBC CH8 (780 CMR 08 Alterations Level 2  801.3 (Compliance)   Minimum finished ceiling height to CHPT34) be 7' 0”.

Discussion/ Votes: Board Member Fortune moved to deny without prejudice, Ligris seconded, and the motion carried unanimously.

Case: BOA-1239322  Address:  109-119 Beach Street  Ward 3  Applicant: Chad Lingle
Article(s): Article 44, Section 6 Roof Additions in Leather Dist Article 44, Section 5 Maximum Building Height / FAR
Purpose : Change occupancy from 43 residential and 2 commercial To 42 residential and 2 commercial. Combine two condominium units (units 5H and 5I) into a single larger living space, according to plans. Construct new penthouse addition and roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change occupancy and combine 2 roofdecks. The building height the and headhouse is preexisting.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred this to the Board. Councilor Flynn is in support and an Abutter is in opposition.

Documents/Exhibits: Building Plans, letters in support and opposition.

Votes: Board Member Barraza moved to approve with provisos to reduce the height and BPDA design review for the penthouse and deck. Erlich, Araujo, and Dong opposed. The motion failed 4-3 and was denied.

Case: BOA-1251648 Address:  250 Hanover Street   Ward 3 Applicant: 250 Hanover Street, LLC
Article(s): Article 54, Section 10  Floor Area Ratio Excessive Article 54, Section 10 Rear Yard Insufficient Article 54, Section 18 Roof Structure Restrictions Art. 54 Section 21  Off Street Parking Insufficient Art. 54 Section 21  Off Street Loading Insufficient
Purpose : These plans are for zoning refusal only. Addition

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add 3 stories for residential units and roof decks with no hatch..

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred this to the Board. Councilor Edwards is in support.

Documents/Exhibits: Building Plans, letters of support and opposition.

Votes: Board Member Barraza moved to approve with BPDA design review, Dong seconded, and the motion carried unanimously.
City of Boston
Board of Appeal

Case: BOA- 1258540  Address:  498-528 Commonwealth Avenue  Ward 5  Applicant: UMNVAG Kenmore, LLC (by Elsiana Zhaka)

Article(s): Art. 23 Section 2 Off Street Parking (Public Assembly) Insufficient
Art. 32 Sec. 04 GCOD Applicability

Purpose: 830 SF of proposed new solarium added to ground floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to enclose the porches to make the space useable year-round.

Board members asked about plans.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred this to the Board. The Boston Groundwater Trust has required letters on file.

Documents/Exhibits: Building Plans.

Votes: Board Member Barraza moved to approve, Ligris seconded, and the motion carried unanimously.

Case: BOA-1227118  Address:  47 Sumner Street  Ward 7  Applicant: Swank Properties

Article(s): Article 65, Section 9 Side Yard Insufficient
Article 65, Section 9 Front Yard Insufficient
Article 65, Section 9 Bldg Height Excessive (Stories)
Article 65, Section 9 Floor Area Ratio Excessive

Purpose: Change of occupancy from a two family to a three family dwelling. Legalize third floor unit. Extend living space to basement, construct roof deck on existing front porch, and renovate as per plans. Proposed (1) off street parking.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to legalize the existing 3rd floor unit and add parking.

Board members asked about plans, unit, configuration, parking, and how it has been taxed.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to approve, Barraza seconded Ruggiero abstained and the motion carried 6-1.

Case: BOA-1249710  Address:  240 Blue Hill Avenue  Ward 13  Applicant: Ariel Arias

Article(s): Art. 50, Section 28 Use: Forbidden - Body art establishment (Tattoo)

Purpose: Two Family dwelling & unisex salon converting into a Two family dwelling & Tattoo and barbershop.

Discussion/Votes: Board Member Fortune moved to deny without prejudice, Ligris seconded, and the motion carried unanimously.
Case: BOA-1258629 Address: 39 Hancock Street  Ward 15  Applicant: Mandrell Company, LLC, Willie Mandrell

Article(s): Art. 65 Sec. 08 Forbidden - Multifamily use Art. 65 Sec. 42 Conformity with Existing Building Alignment Street modal calculation not provided to verify compliance 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 Bldg Height Excessive (Feet) Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient

Purpose: Combine lot ID1502668000 (2,881 sqft) and lot ID1502666000 (2,304sqft) to create one new lot totaling 5,185 sqf to be known as 39 Hancock Street and erect a new 4 family residential structure with 8 off street parking spaces.

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is February 8, 2022 at 12:30.

Case: BOA-124628 Address: 87-89 Minot Street  Ward 16  Applicant: Cahill Karen Mary

Article(s): Article 65, Section 42 Two or More Dwellings on the Same Lot

Purpose: This will be 1 of 2 buildings on one Lot In conjunction Alt1134951.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting that this is as-is and there is no work to be done.

Board members asked about plans, occupancy and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to deny, Barraza seconded, and the motion carried unanimously.
City of Boston
Board of Appeal

Case: BOA-1234634  Address: 87R Minot Street  Ward 16 Applicant: Cahill Karen Mary
Article(s):Article 65, Section 9 Side Yard Insufficient Article 65, Section 42 Conformity with Existing Building Alignment Article 65, Section 42 Two or More Dwellings on the Same Lot
Purpose : Convert the Accessory Garage into a Single Family Dwelling. This will be 1 of 2 Dwelling Units on one Lot  Paper Drawings submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting that this is as-is and there is no work to be done.

Board members asked about plans, occupancy and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Erlich moved to deny, Barraza seconded, and the motion carried unanimously.

Case: BOA-1260253 Address: 5 Rice Street Ward 16 Applicant: Dave France
Article(s): Art. 10 Sec. 01 Limitation of off street parking areas - Parking within 5ft of side lot line. Article 65, Section 9.2 Dim Regs: Location of Main Entrance - Unit 2 entrance not facing front lot line. Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 8 Use: Forbidden - 4F in 2F zone Art. 25 Sec. 5 Flood Hazard Districts - Addition & Foundation work (underpinning)
Purpose : Proposed addition and renovation to change use from a single family to four family, as per plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to preserve the existing structure, rise 4 feet, complete renovation, and make a 4 family

Board members asked about plans, configuration, parking, and the raise.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred this to the Board. BTD is concerned about the front yard parking. Councilor Baker, and Flaherty are in support.

Documents/Exhibits: Building Plans, letters of support.

Votes: Board Member Ruggiero moved to approve with BPDA design review, Barraza seconded, and the motion carried unanimously.
Case: BOA-1267438 Address: 60 Blake Street  Ward 18  Applicant: J. Charles Lauture  
**Article(s):** Art. 69 Sec. 30.10 Rear Yard of Shallow Lot  
**Purpose:** Build handicap ramp, expand width of sunroom per attached plans, renovate kitchen.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to convert the home to make it handicap accessible.

Board members asked about plans, size and layout.

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

**Documents/Exhibits:** Building Plans.

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

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Case: BOA-1255995 Address: 43 Como Road  Ward 18  Applicant: Joe Consalvo

**Article(s):** Art. 69 Sec.23 Neighborhood Design O.D. Article 69, Section 9 Side Yard Insufficient Article 69, Section 9 Rear Yard Insufficient  
**Purpose:** Change occupancy from 1 to 2 family dwelling per plans.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change the occupancy and add 400 feet of livable space on the 2nd level.

Board members asked about plans, unit sizes, attic space, basement, and access.

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

**Documents/Exhibits:** Building Plans.

**Votes:** Board Member Barraza moved to approve, Ligris seconded, and the motion carried unanimously.
RECOMMENDATIONS: 11:30 AM

Case: BOA-1253228 Address: 55 Delle Avenue Ward: 10 Applicant: Anthony Macchi
Article(s): Article 59, Section 8 Front Yard Insufficient Article 59, Section 8 Bldg Height Excessive (Feet)
Article 59, Section 8 Bldg Height Excessive (Stories) Article 59, Section 8 Floor Area Ratio Excessive Article 59,
Section 37 Off Street Parking & Loading Req-Off Street Parking Insufficient
Purpose: Change of Occupancy from Single Family to Two Family Dwelling. Complete renovation of whole
building. Install sprinkler whole building. Construct sunroom/headhouse and roof deck at existing roof level and rear
addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail
requesting to split single families to two units each and build a head house with office space.

Board members asked about roof decks, the proposal, plans, and the headhouse dimensions.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review to remove with front bedroom in the
garden level with no building code relief. Fortune seconded and the motion carried unanimously.

Case: BOA-1253232 Address: 57 Delle Avenue Ward: 10 Applicant: Anthony Macchi
Article(s): Article 59, Section 8 Bldg Height Excessive (Stories) Article 59, Section 8 Bldg Height Excessive (Feet)
Article 59, Section 8 Floor Area Ratio Excessive Article 59, Section 8 Front Yard Insufficient Article 59, Section
37 Off Street Parking & Loading Req-Off Street Parking Insufficient
Purpose: Confirm Occupancy as Single Family Dwelling. Change Occupancy to Two Family Dwelling. Construct
new sunroom/headhouse at existing roof level and rear addition.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail
requesting to split single families to two units each and build a head house with office space.

Board members asked about roof decks, the proposal, plans, and the headhouse dimensions.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review to remove with front bedroom in the
garden level with no building code relief. Fortune seconded and the motion carried unanimously.
Case: BOA-1239375 Address: 10 Nottingham Street  Ward: 14  Applicant: Winston Malcolm
**Article(s):** Article 65, Section 9 Insufficient open space  Art. 10 Sec. 01 Limitation of Area of Accessory Uses-5'  
**Purpose:** Curb cut for driveway for 4 cars

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a curb cut for 2 cars.

Board members asked about occupancy, plans, and dimensions.

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

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

**Votes:** Board Member Robinson moved to approve for 2 cars and no front yard parking, Fortune seconded and the motion carried unanimously.

Case: BOA-1251800 Address: 191 Milton Street  Ward: 16  Applicant: Gerald Powers
**Article(s):** Article 65, Section 9 Side Yard Insufficient  
**Purpose:** Install 10’ x 10 Pergola. Four 8” x 8” posts on 12” x 48” footings. Pergola materials Radiata Pine.

**Discussion:** The applicant did not show up to the Hearing.

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

Case: BOA-1203714 Address: 241 Chestnut Avenue  Ward: 19  Applicant: Timothy Burke
**Article(s):** Art. 09 Sec. 01 Reconstruction/Extenion of Nonconforming Bldg. Art. 55 Sec. 09 Insufficient rear yard setback  
**Purpose:** Install new decking and railings on existing deck framing to remain and extend deck as shown. Install new hot tub and associated mechanical and electrical services.

**Discussion:** At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to install decking on an existing non-conforming deck with 2 units.

Board members asked about plans, deck dimensions, occupancy and unit count

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

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

**Votes:** Board Member Robinson moved to approve, Fortune seconded and the motion carried unanimously.
Case: BOA-1254317 Address: 293 Stratford Street Ward: 20 Applicant: Paula Callaghan & Krista Fulton
Article(s): Art. 56 Sec. 08 FAR Excessive- Max. allowed: 0.4 Proposed: 0.43 Art. 56, Section 8 Bldg Height Excessive (Stories)
Purpose: The proposed addition consists of a front dormer 11’ 9” wide by 4’ 4” deep and rear shed dormer 28’ wide by 10’ 9” deep, new third level includes a master suite with bedroom, bathroom, and closet space.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail saying the height will not change. This will be a 1 family with a dormer and in the rear and a dormer in the front.

Board members asked about plans, and occupancy.

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

Documents/Exhibits: Building Plans, 15 letters in support.

Votes: Board Member Robinson moved to approve, Fortune seconded and the motion carried unanimously.

Case: BOA-1256458 Address: 176 Faneuil Street Ward: 22 Applicant: Theresa Gallagher
Article(s): Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient
Purpose: Converting the second floor attic space into living space with a shed dormer one side and a small dormer the other side. The living area will consist of two bedrooms, a bathroom and a hallway/office area. All work will be done to the architectural and structural plans provided.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add 2 bedrooms, 1 bathroom and create a 3 bedroom.

Board members asked about plans and occupancy.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve, Fortune seconded, and the motion carried unanimously.

Case: BOA-1194620 Address: 33 Bartlett Street Ward: 2 Applicant: Timothy Sheehan
Articles: Art. 62 Sec. 25 Roof Structure Restrictions Article 62, Section 8 Side Yard Insufficient
Purpose: This is the renovation of an existing third floor attic. The renovated space will consist of a master bedroom along with bath and guest bedroom. The existing gable roof will be enlarged with the addition of shed and gable dormers.

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

Votes: Upon a motion and a second the Board moved to defer the project to a later date. The new date is March 17, 2022 at 12:30.
Case: BOA- 1235458 Address: 11 Atlantic Street Ward: 7 Applicant: Jeremy Sears
Article(s): Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Front Yard Insufficient Article 68, Section 29 Roof Structure Restrictions
Purpose: Confirm occupancy as a one family and change to two family. Complete interior renovation, basement and roof structural work, and install new roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to change an existing one family to a two family and add a garage in the rear.

Board members asked about plans, and parking in the rear.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred to the Board. Councilor Flynn is in support of the project.

Documents/Exhibits: Building Plans. Letters in support.

Votes: Board Member Robinson moved to approve with no bedrooms in the basement and no roofdeck, Fortune seconded and the motion carried unanimously.

Case: BOA-1244821 Address: 16 Courtney Road  Ward: 20 Applicant: Mai Phung
Article(s) Article 56, Section 8 Floor Area Ratio Excessive Article 56, Section 8 Side Yard Insufficient
Purpose: Proposed to construct a two and half story addition of 20’x26.5’ at the rear of an existing structure with full basement, kitchen and family room on first floor and master bathroom and full bath on second floor.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a one two and a half story addition (20x26) that aligns with the exiting footprint.

Board members asked about plans, scope in the basement and side yard.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor’s Office of Neighborhood Services deferred to the Board. Abutters are in support, and abutters and a rep for abutters is in opposition.

Documents/Exhibits: Building Plans. Letters in support.

Votes: Board Member Robinson moved to approve with BPDA design review, Fortune seconded and the motion carried unanimously.
RE-DISCUSSIONS: 12:30PM

Case: BOA-1125330 Address: 42 Shirley Street Ward 8 Applicant: Jack Zaylor

Articles:
- Article 50 Section 28 Use Regulations 14 family use: Forbidden
- Article 50 Section 29 Add'l Lot Area Insufficient total lot area required: 22,000 sqft Proposed: 8,995 sqft
- Article 50, Section 29 Floor Area Ratio Excessive Max. allowed: 0.8 Proposed: 2.0
- Article 50, Section 29 Bldg Height Excessive (Feet) Max. allowed: 35' Proposed: 42' 7 3/4"
- Article 50, Section 29 Usable Open Space Insufficient Required: 9,100 sqft Proposed: 650 sqft
- Article 50, Section 29 Front Yard Insufficient Required: 20' Proposed: 12.4'
- Article 50, Section 29 Side Yard Insufficient Required: 10' Proposed: 4.5'
- Article 50, Section 29 Rear Yard Insufficient Required: 30' Proposed: 5.1'
- Article 50, Section 43 Off Street Parking & Loading Req 50.43.6.d Insufficient parking space required dimensions

Purpose:
New 14 Unit Multi family building to be on one lot resulting of combining two lots on application ALT1053976. Eplan > BOA

Discussion/Votes: The applicant did not show up to the hearing. Board Member Ruggiero moved to deny without prejudice. Fortune seconded, and the motion carried unanimously.

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

CHRISTINE ARAUJO- CHAIR
MARK FORTUNE-SECRETARY
MARK ERLICH
SHERRY DONG
JOSEPH RUGGIERO
KOSTA LIGRIS

SUBSTITUTE MEMBERS:
HANSY BETTER BARRAZA

For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to
https://www.municode.com/library/ma/boston/codes/redevelopment_authority

For a video recording of the December 14, 2021 Board of Appeal Hearing please go to: