



City of Boston  
Board of Appeal

**RECEIVED**

*By City Clerk at 4:01 pm, Feb 09, 2022*

Tuesday, February 15, 2022

BOARD OF APPEAL

City Hall Room 801

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## **HEARING AGENDA**

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON FEBRUARY 15, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS FEBRUARY 15, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

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

**THE FEBRUARY 15, 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/February15Comment> 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/February15Comment>, 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



City of Boston  
Board of Appeal

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 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](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.**



City of Boston  
Board of Appeal

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

JANUARY 25, 2022

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

Case: BOA-962282 Address: 40 Berkeley Street Ward 5 Applicant: Joseph Hanley, Esq., Partner

Case: BOA-661026 Address: 236-256 Dorchester Street Ward 7 Applicant: George Morancy, Esq

Case: BOA- 833835 Address: 6 General William H Devine Way Ward 7 Applicant: Patrick Mahoney, Esq

Case: BOA- 694026 Address: 77-85 Liverpool Street Ward 1 Applicant: Lorene Schettino, Esq

Case: BOA-889510 Address: 155 Porter Street Ward 1 Applicant: Richard Lynds, Esq

Case: BZC-29846 Address: 1954 Commonwealth Avenue Ward 21 Applicant: Paul Alan Rufo

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

Case: BOA-1159189 Address: 90 Ashley Street Ward 1 Applicant: Derric Small, Esq

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

Case: BOA-1265130 Address: 12-22 Farnsworth Street Ward 6 Applicant: Atlantic P3 Life Sciences Holdings IV, LLC

**Article(s):** Article 32, Section 4 Groundwater Conservation Overlay District Applicability

**Purpose:** Change of Occupancy from Office to Research and Development (LAB), for tenants planned for floors 2-6. Additional mechanical equipment on roof and slight changes to loading dock, utility upgrades, Interior renovations to all floors per plans. First floor restaurant to remain.

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

Case: BOA- 1285332 Address: 229-231 Bunker Hill Ward 2 Applicant: Bunker Hill Restaurant LLC

**Article(s):** Art. 09 Sec. 02 Nonconforming Use Change - <25% volume Conditional Art. 06 Sec. 04 Other Protectional Conditions - Previous BOA proviso (to petitioner only) Art. 06 Sec. 04 Other Protectional Conditions - Remove BOA proviso order Hours of operation 6.am. 6pm. Art. 09 Sec. 01 Extension of Non Conforming Use-Increase # of occupants of Restaurant with takeout use (small) Conditional

**Purpose:** Increase permitted occupancy of existing restaurant to 87 occupants.S

Case: BOA-1285189 Address: 501 Boylston Street Ward 5 Applicant: Nuveen, LLC

**Article(s):** Article 8 Section 7 Restaurant with Outdoor Seating Use: Conditional Article 8 Section 7 Restaurant with Take out #36A Use: Conditional

**Purpose:** Change of occupancy for restaurant with take out, (44) outdoor seating, and accessory retail store. Work to include fit out of space for new tenant Foxtrot.



City of Boston  
Board of Appeal

**Case: BOA- 1285330 Address: 85 Mount Pleasant Avenue Ward 8 Applicant: Tim McGovern**

**Article(s):** Article 50, Section 28 Use regulations - Multi Family Dwelling Use: Forbidden Article 50, Section 29 Side Yard 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 Article 10, Section 1 Off street parking shall not be located less than 5' 0" from the side lot line.

**Purpose:** Confirm occupancy as a one family. Change of Occupancy to Multi Family Dwelling (8 units) and propose (8) off Street parking. Remove rear addition and garage of existing single family. Construct new addition, fully renovate and restore existing facade.

**Case: BOA- 1208867 Address: 841 Columbia Road Ward 13 Applicant: 843 Columbia Road, LLC**

**Article(s):** Article 65, Section 41 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 65, Section 8 Multi Family Dwelling Use: Forbidden 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 Usable Open Space Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose:** Combining two lots (PID: 1303313000 and 1303314000) to create a new single lot to be 7,098 SF. Erect 3 story, Multi Family Dwelling (9 units) with 8 parking spaces.

**Case: BOA-1248961 Address: 45 Cedar Grove Street Ward 16 Applicant: Robert Nichols**

**Articles(s):** Art. 65 Sec. 9 Excessive F.A.R .Art. 65 Sec. 9# of allowed habitable stories has been exceeded 2.5.story max.

**Purpose:** Add partition wall and two storage closets in basement.

**Case: BOA- 1285857 Address: 362 Weld Street Ward 20 Applicant: Kathryn Oates-Dacey**

**Articles(s):** Article 56. Section 8 Side Yard Insufficient

**Purpose:** Rear 2 story add. w/2 full baths 1 half, expand 2nd floor BR & kitchen, update dwelling by converting to gas heat, add central air, alarm system, etc. finishing basement to family room & laundry, expand closets, update all mechanical systems & fully insulate; add solar

**Case: BOA-1260270 Address: 349 Market Street Ward 22 Applicant: Kin Lui Chan**

**Articles(s):** Article 51, Section 56 Off Street Parking & Loading Req - 51 56 4 b) Location: facilities for parking shall be provided on the same lot (driveway is shared with neighbor)

**Purpose:** Paving grass area for parking, Two spaces.

**HEARINGS:10:30AM**

**Case: BOA-1254445 Address: 56 Byron Street Ward 1 Applicant: Steven & Lisa O'Brien, and Steven Winegar**

**Article(s):** Article 53 Section 56.5(a) Parking maneuverability Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

**Purpose:** To create 3 parking spaces in the rear of the home, using easement from 58 Byron Street. V454030 ON FILE

**Case: BOA-1286504 Address: 24 Parker Street Ward 2 Applicant: James Endicott**

**Article(s):** Art. 62 Sec. 29 Off street parking Design/Maneuverability - Driveway to access is <10' width. Extension of non conformity.

**Purpose:** Owner wishes to construct a 2 story, 1 family addition in the rear of the current 1 family structure and change the occupancy to a 2 family structure. He will also put a deck on the top of the new addition. He will demolish the existing garage at the rear of the property under a separate Short Form (permit Number) to make way for off street parking.



City of Boston  
Board of Appeal

**Case: BOA-1268284 Address: 81-81A Prince Street Ward 3 Applicant: George Sennott**

**Article(s):** Art. 54 Section 18 Roof Structure and Building Height Restrictions Roof deck access shall be by roof hatch / bulkhead. Provided is through an existing penthouse. total roof structures (penthouse + proposed roof deck) exceeds 330 sqft > building height Article 54, Section 10 Bldg Height Excessive (Feet) - Max. allowed: 55' Penthouse: 62'

**Purpose:** Erect engineered deck assembly over existing roof.

**Case: BOA-1263563 Address: 44 Ellery Street Ward 7 Applicant: Timothy Johnson**

**Article(s):** Art. 13 Sec. 13-1 Insufficient additional lot area per unit Art. 13 Sec. 13-1 Excessive f.a.r.  
Art. 13 Sec. 13-1 Insufficient open space per unit Art. 13 Sec. 13-1 Insufficient front yard setback Art. 13 Sec. 13-1 Insufficient side yard setback Art. 13 Sec. 13-1 Insufficient rear yard setback Art. 13 Sec. 13-1 Max. allowed height exceeded (B-1) Art. 13 Sec. 13-1 Max # of stories exceeded (B-1) Art. 23 Sec. 01 Insufficient parking Art. 24 Sec. 24-1 Off-Street Loading Bays - None proposed/Insufficient space

**Purpose:** Erect new 6-story, 18 unit building w/garage and side, rear and roof decks and elevators as per plans submitted. Demolition to be Filed under separate permit.

**Case: BOA- 1277458 Address: 1544 Dorchester Avenue Ward 16 Applicant: Mai Phung**

**Article(s):** Art.65 Sec.08 Conditional - Restaurant use with take out is a conditional use in this zoning sub district  
**Purpose:** Proposed to change the occupancy from the professional office and two family to a restaurant with take out (36 & 36A) and two family (as per plans).

**Case: BOA- 1279801 Address: 120 Braintree Street Ward 22 Applicant: Derric Small**

**Article(s):** Article 51, Section 8 Use Regulations - Multi Family Dwelling Use : Forbidden Article 51, Section 8 Use Regulations - Retail Use : Forbidden Article 51, Section 9 Add'l Lot Area Insufficient Article 51, Section 9 Floor Area Ratio Excessive Article 51, Section 9 Bldg Height Excessive (Stories) Article 51, Section 9 Bldg Height Excessive (Feet) Article 51, Section 9 Usable Open Space Insufficient Article 51, Section 9 Front Yard Insufficient Article 51, Section 9 Side Yard Insufficient Article 51, Section 9 Rear Yard Insufficient Article 51, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 51, Section 56 Off Street Parking & Loading Req - Off Street Loading Insufficient Article 51, Section 56 Off Street Parking & Loading Req - Design. Inappropriate means of maneuvering area.

**Purpose:** Erect 5 story structure containing 32 dwelling units, 1 retail space, 31 parking spaces (lift system), 32 bikes, roof deck, attendant site development Project being reviewed under Article 80 Small Project Review process

**RECOMMENDATIONS: 11:30 AM**

**Case: BOA-1283501 Address: 43 Grampian Way Ward:13 Applicant: James Christopher**

**Article(s):** Article 65, Section 32 NDOD Review Required Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient

**Purpose :** To construct a new rear and addition to the existing two family home as per attached plans with no change to occupancy.

**Case: BOA-1285082 Address: 333 Neponset Avenue Ward: 16 Applicant: James Christopher**

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

**Purpose :** Confirm occupancy as a one family. To construct a rear attached garage as per the attached plans.



City of Boston  
Board of Appeal

**Case: BOA-1281677 Address: 18 Prescott Street Ward: 18 Applicant: Fitzroy Brown**

**Article(s):** Article 69, Section 9 Floor Area Ratio Excessive Article 69, Section 9 Bldg Height Excessive (Stories) Article 69, Section 9 Usable Open Space Insufficient Article 69, Section 8 Two Family Dwelling Use : Forbidden Article 69 Section 29 Off Street Parking & Loading Req - Off Street Parking Insufficient

**Purpose :**Change occupancy from a single to a two family dwelling. Legalize two family dwelling and extension of living space to attic. Remedy 780 CMR Chapter 105.1 violation done by previous owner Third Floor attic space was/currently is being used as bedroom with walk in closet. Correct violation # V508957 and work associated with SF1157238.

**Case: BOA-1272895 Address: 20 Alameda Road Ward: 20 Applicant: Deborah and Regis Dufour**

**Article(s):** Article 56, Section 8 Insufficient side yard setback Article 56, Section 8 Insufficient rear yard setback Art. 56 Sec. 37 Screening & Buffering - 6' fence with gate screening required (Gate to have safety latch)

**Purpose :** Construct 3ft x 12ft deck attached to his existing deck. Legalize existing above swimming pool.

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

**Article(s):** Article 56. Section 8 Side Yard Insufficient Article 56, Section 8 Front Yard Insufficient

**Purpose :** Take roof off an add second floor to existing structure.

**Case: BOA-1268899 Address: 1741 Commonwealth Avenue Ward: 21 Applicant: Nathaniel Roach**

**Article(s):** Article 51, Section 9 Floor Area Ratio Excessive

**Purpose :** Convert existing Dental office back to residential use. The building will have 2 unit dwelling. This permit is for work in unit 1, extending living space into the basement (creating 3 bedrooms) Upgrade plumbing , electrical and HVAC.

**Case: BOA-1226144 Address: 98 Bigelow Street Ward: 22 Applicant: Michael Bozza**

**Article(s):** Article 51, Section 9 Rear Yard Insufficient

**Purpose :** Rear house addition with master suite and kitchen remodel and new rear deck with stairs.

**Case: BOA-1277249 Address: 3 Adamson Street Ward: 22 Applicant: Jean Powers**

**Article(s):** Article 51 Section 9 Floor Area Ratio Excessive

**Purpose :** Constructing a second floor addition which will include a full bathroom and a small bedroom. Demolishing existing structure according to plans, framing a new dormer according to plans.

**RE-DISCUSSIONS :12:30PM**

**Case: BOA- 1249462 Address: 324-328 West Broadway Ward 6 Applicant: Timothy Johnson**

**Article(s):** Article 68, Section 29 Roof Structure Restrictions - Roof decks proposed. Article 68, Section 34.1 Conformity Ex Bldg Alignment - Modal calculation not provided to verify compliance. Article 68, Section 33 Off Street Parking & Loading Req - Parking insufficient. Required retail: 4 spaces. Required residential: 12 spaces. Provided: 0 Article 68, Section 8 Lot Area Insufficient Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 8 Bldg Height Excessive (Feet) Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Rear Yard Insufficient

**Purpose:** On vacant parcel erect new 5 story, mixed used building (2 Commercial units & Residential units) w/front, rear, and roof decks and elevator as per plans submitted.

**Case: BOA-1166627 Address: 60 Stanley Street Ward 15 Applicant: John Pulgini**

**Articles:** Art. 65 Sec. 08 Forbidden - 13 family use Article 65, Section 9 Front Yard: Min. 15' Proposed: 1' and 3' Article 65, Section 9 FAR Max. allowed: 0.4 Proposed: 1.72 Article 65, Section 42.3 Traffic Visibility Across Corner Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Sec 65 41 Off Street Loading Req.-spaces required: 1.5\*13 units= 19.5. Proposed: 13 Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

**Purpose :** To construct a new three story residential building with 13 residential units (UPDATED TO 8 RESIDENTIAL UNITS 03/03/21), with off street parking as per attached plans. To combine the 2 existing parcels; 1501963000 consisting of 3,995 SF and Parcel 1501692000 4,099 SF to create a new lot consisting 8,095 sqf





City of Boston  
Board of Appeal

**Case: BOA- 1259499 Address: 1187-1195 Blue Hill Avenue Ward 14 Applicant: 1187-1195 Blue Hill Ave LLC**  
**Articles:** Art. 60 Sec. 08 Use Regs appl in Res Subdistr - Cannabis establishment use: Conditional.Buffer zone conflict.  
Proposed is within 2,640 feet of another cannabis establishment. Art. 60 Sec. 08 Use Regs appl in Res Subdistr -  
Ancillary parking use: conditional

**Purpose:** The existing two story commercial building on site will undergo level three alterations and a change of use. The existing commercial /restaurant use will be converted into Cannabis Retail and manufacturing facility with other commercial retail.

**Case: BOA- 1271408 Address: 20 Gaylord Street Ward 17 Applicant: Andrew Litchfield**

**Articles:** Art. 65 Sec. 60-8 3 Family Detached Dwelling, Forbidden Art. 65 Sec. 9 Insufficient front yard setback  
Art. 65 Sec. 9 Excessive f.a.r. Art. 65 Sec. 9 # of allowed stories has been exceeded Art. 65 Sec. 9 Insufficient lot size  
Art. 65 Sec. 9 Insufficient lot width Art. 65 Sec. 9 Insufficient lot width frontage Art. 65 Sec. 9 Insufficient side yard  
setback Art.65 Sec. 8 Use: Forbidden - Accessory Use parking to a forbidden main use –Forbidden  
Art.65 Sec. 39 Screening & Buffering Req

**Purpose:** Build a new 3 level, 3 family building with sprinklers, no elevator with 10' commonly owned access driveway for the parking of three motor vehicles in the rear (See ERT1212146). Revised legal work description while at the BOA 1.5.2022: Build a new 3 level, 3 family building with sprinklers, no elevator with 10' commonly owned access driveway for the parking of Four motor vehicles in the rear (See ERT1212146)

**Case: BOA-1271411 Address: 22 Gaylord Street Ward 17 Applicant: Andrew Litchfield**

**Articles:** Art. 65 Sec. 9 Insufficient open space Art 65 Sec 39 Screening & Buffering Req, Art 65 Sec 9 Insufficient lot size, Art 65 Sec 9 Insufficient lot width, Art 65 Sec 9 Insufficient lot width frontage, Art 65 Sec 9 Excessive F.A.R, Art 65 Sec 9 Insufficient front yard setback, Art 65 Sec 9 Insufficient rear yard set back, Art 65 Sec 9 Insufficient side yard setback

**Purpose :** Build a new 3 level, 3 family building with sprinklers, no elevator with access via a commonly owned 10' driveway between lots for three proposed parking spaces (see ERT1227291) \*Updated due to an additional sway out of drawings at the Zoning Board of Appeal prior to hearing-Build a new 3 level, TWO family building with access via commonly owned 10' driveway between lots for FOUR proposed parking spaces (see ERT1227291).

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

**BOARD MEMBERS:**

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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](https://www.municode.com/library/ma/boston/codes/redevelopment_authority)**