



City of Boston
Board of Appeal

Tuesday, February 8, 2022

BOARD OF APPEAL

City Hall Room 801

HEARING MINUTES

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

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON FEBRUARY 8, 2022 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS FEBRUARY 8, 2022 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE FEBRUARY 8, 2022 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/February8Hearing> or by calling 1-617-315-0704 and entering access code 2336 882 7728. You do not need a password for this hearing, but if the system asks you for one, please call our main office at 617-635-4775.

If you wish to offer testimony on an appeal, please click <https://bit.ly/February8Comment> 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/February8Comment>, calling 617-635-4775 or emailing zba.ambassador@boston.gov.



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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.



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APPROVAL OF THE HEARING MINUTES: 9:30AM

JANUARY 18, 2022

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

EXTENSIONS: 9:30AM

Case: BOA771127- Address: 3 Allen Road Ward 22 Applicant: Kenneth M. Goldstein

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 February 16, 2023 subject to all applicable tolling.

Case: BOA-823589 Address: 73 Rutland Street Ward 9 Applicant: Timothy Burke

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 one year extension.

Case: BOA-874269 Address: 80-88 Welles Avenue Ward 16 Applicant: Joseph Feaster, 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 March 1, 2023 subject to all applicable tolling.

Case: BOA-450351 Address: 1181-1183 Bennington Street Ward 1 Applicant: Richard C. Lynds, 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 March 25, 2023 subject to all applicable tolling.

Case: BOA-839661 Address: 100-114 Hampden Street Ward 8 Applicant: Richard C. Lynds, 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 March 1 2023 subject to all applicable tolling.



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Case: BOA-911272 Address: 9 Chelsea Street Ward 1 Applicant: Richard C. Lynds, 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 March 29, 2023 subject to all applicable tolling.

Case: BOA-1015905 Address: 296 Columbus Avenue Ward 4 Applicant: Jeremy Ko

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, 2023 subject to all applicable tolling.

Case: BOA-791775 Address: 1208D VFW Parkway Ward 20 Applicant: Donald Wiest

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 30, 2023 subject to all applicable tolling.

Case: BOA-791768 Address: 1208C VFW Parkway Ward 20 Applicant: Donald Wiest

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 30, 2023 subject to all applicable tolling.



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HEARINGS: 9:30AM

Case: BOA-1253062 Address: 191 Main Street Ward 2 Applicant: Sing Ming Chan

Article(s): Art. 62 Sec. 62 29 Off street parking requirements -Insufficient parking Art. 62 Sec. 62 27 Screening and Buffering Required Article 62, Section 14 Excessive F.A.R. Article 62, Section 14 Max allowed height exceeded Article 62, Section 14 Insufficient open space per unit Article 62, Section 14 Insufficient rear yard setback Article 62, Section 14 Insufficient Front yard setback (street wall continuity section 62 26.1_ Projections)

Purpose : Erect a new attached 4 story (25'x75') mixed use building with 1 retail space, 6 residential units and rear decks on 2,291sf lot, as per plans. Existing building 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 a new 4 story with 6 residential units and 1 common space. The mail will be in the rear. The only intrusion is the front overhang. There will be no roof decks.

Board members asked about plans, access, context with the neighborhood and the floor plan.

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

Documents/Exhibits: Building Plans, letters in opposition.

Votes: Board Member Robinson moved to approve with BPDA design review with no building code relief. Ruggiero seconded and the motion carried unanimously.

Case: BOA-1280948 Address: 36-46 Main Street Ward 2 Applicant: Chin Realty Trust by Matthew Delisle

Article(s):Article 62, Section 13Use: Conditional - Liquor store is a conditional use in a NS sub district

Purpose : Change occupancy from Dry cleaner, ice cream parking takeout, 4 APTS & beauty parlor. to 4 APTS, beauty parlor and small retail shop with retail wine license. ABC board has already approved licenses and we have gone through community outreach, alerting abutters, etc for the ABC board.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to defer until March 8, 9:30am.

Votes: Board Member Fortune moved to defer, Ruggiero seconded and the motion carried unanimously. The new hearing date is March 8th at 9:30.



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Case: BOA-1246745 Address: 1170 William T Morrissey Blvd Ward 16 Applicant: Zip Run, Inc.

Article(s) Article 65, Section 15 Use: Conditional - Cannabis establishment

Purpose : A change of use to include a delivery operator cannabis delivery establishment.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to open and operate a new cannabis delivery service. They will only deliver to municipalities who allow cannabis. There will be no signage on the vehicles. The vehicles will have trackers and ID scanning to only deliver to the licensed individual who placed the order. The curb cuts are existing and this was approved by the Cannabis Board. This will be fully monitored, and they will not have orders on the location site. No walks ins will be allowed.

Board members asked about plans, zoning district, yard setback, height, bedroom breakdown, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Baker sent a letter in support.

Documents/Exhibits: Building Plans, letters in opposition.

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

Case: BOA-1276087 Address: 119 Saint Botolph Street Ward 4 Applicant: Joseph Scarfo

Article(s): Article 41 Section 5 Establishment of Prot. Areas - Building Height Excessive in St. Botolph Street Protection Area Article 41 Section 5 Establishment of Prot. Areas - Floor Area Ratio Excessive in St. Botolph Street Protection Area Article 41 Section 6 Rooftop Addtns. in Prot. Area - For proposed roof structure addition Article 41 Section 18.4 (c) Table F, Rear Yd Insufficient

Purpose : Amend ALT1215561. New windows, Restoration of exterior including brick repointing and repair. New roof, addition of decks off the back facing alley way, expansion of head house by roughly 390 Sq ft and a private deck for penthouse unit off of the headhouse.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to repair a 4 unit building with rear decks and expand the headhouse for the penthouse unit. There will be exterior alterations and the roof deck will not be accessible from the street.

Board members asked about plans, headhouse, layout, context, addition, and abutting properties.

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

Documents/Exhibits: Building Plans.

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



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Case: BOA-1264048 Address: 92-100 Massachusetts Avenue Ward 5 Applicant: Erica Swartz

Article(s): Art. 08 Sec. 03 Conditional Uses - 24hr operation Conditional

Purpose :Renovation of existing space. Secondary address 361 Newbury (Former Boston Sports Club). Work to include Arch, Struct, MEP, FA, Sprinkler. Fitness Ctr/Health club to operate 24 hr/7days. Filing in anticipation of refusal for 24 hour.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to open a 24 hour planet fitness with full camera systems. They manage and operate 4 other 24 hour locations.

Board members asked about plans,24 hour operation, capacity, other locations, entrance, and context.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to approve with the provisos that this is for this applicant only and to come back to the Board in 1 year. Robinson seconded and the motion carried unanimously.

Case: BOA-1260064 Address: 84-84H Berkeley Street Ward 5 Applicant: Matthew Palmer

Article(s): Article 64, Section 34 Roof Structure Restrictions

Purpose :Construct replacement roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to rebuild a roof deck and to keep the existing headhouse.

Board members asked about plans, proposal, roof deck permitting, dimensions and context.

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

Documents/Exhibits: Building Plans, letter in opposition.

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



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Case: BOA-1243750 Address: 4 Ashmont Park Ward 16 Applicant: Darren Swain

Article(s): Art.65 Sec. 8 Use: Forbidden - MFR in 3F-D Zone Article 65, Sec 65-41 Off-Street Loading Req. - 4 Provided. Attn to safe-accessible path to building. Article 65, Section 42.2 Conformity w Ex Bldg Alignment Article 65, Section 9 Add'l Lot Area Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Usable Open Space Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Side Yard Insufficient

Purpose : Erect a new 4 story building with 4 units, front & rear decks, and 4 parking spots at rear. Easement proposed for driveway and one additional parking space, also see ERT1248813. Existing dwelling to be demolished under a separate permit.

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

Board members asked about plans, BPDA recommendations, density, and open space.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to defer. Ligris seconded and the motion carried unanimously. The new hearing date is March 22nd at 11:30am.

Case: BOA- 1260586 Address: 6 Ashmont Park Ward 16 Applicant: Darren Swain

Article(s): Art.65 Sec. 8 Use: Forbidden - MFR in 3F Article 65, Section 9 Add'l Lot Area 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 Usable Open Space Insufficient Article 65, Section 9 Side Yard Insufficient - 10ft for driveway req'd Article 65, Section 42.2 Conformity w Ex Bldg Alignment 3ft provided Art. 65 Sec. 65 41.5 Parking Size & Maneuverability Attn to safe accessible path to building.

Purpose : Erect new 4 story building with 4 units, front & rear decks, and 5 parking spaces at rear of building. Easement proposed for driveway, also see ERT1207709. Existing dwelling to be demolished under a separate permit.

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

Board members asked about plans, BPDA recommendations, density, and open space.

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to defer. Ligris seconded and the motion carried unanimously. The new hearing date is March 22nd at 11:30am.



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Case: BOA-1251716 Address: 88 Rockview Street Ward 19 Applicant: Joe Charet and Abbey Wojtowicz
Article(s): Article 55, Section 9 Floor Area Ratio Excessive Article 55, Section 9 Bldg Height Excessive (Feet)
Article 55, Section 9 Bldg Height Excessive (Stories) Article 55, Section 9 Front Yard Insufficient Article 55, Section 9
Side Yard Insufficient
Purpose : Erect a new single family house.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a single-family home and to renovate the existing single family to add more livable space in the attic. There is a steep slope in the rear making the homes far apart.

Board members asked about plans, proposal, height, FAR, zoning, and the environment.

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

Documents/Exhibits: Building Plans, letters in support.

Votes: Board Member Ruggiero moved to approve with BPDA design review and to confirm the occupancy as a 1 family with no kitchen in-law suite.

Case: BOA- 1224197 Address: 73 Stanwood Street Ward 14 Applicant: Elizabeth Fernandez
Article(s): Art. 50, Section 28 Use: Conditional - 4F in 3F Zone Article 50, Section 29 Add'l Lot Area Insufficient
Article 50, Section 29 Floor Area Ratio Excessive Article 50, Section 29 Bldg Height Excessive (Stories) Article 50,
Section 29 Bldg Height Excessive (Feet) Article 50, Section 29 Usable Open Space Insufficient Article 50, Section 29
Front Yard Insufficient Article 50, Section 29 Side Yard Insufficient Art. 50, Section 43 Off Street Parking Insufficient
Purpose : Change of occupancy from 2 family with Daycare to 4 family dwelling. Scope to include renovation of
existing dwelling, adding a 4th story to the building, added front decks and roof deck with parking in the
rear.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to add a 4th addition for the triple decker and legalize an at grade level and add a roof deck. The height is consistent with the neighborhood and the bedrooms at the front have on-grade access.

Board members asked about plans, proposal, parking spaces, width of the bump out.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. BTDA recommended reducing the spaces to 3. Project Right and Councilor Worrell recommended deferral.

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to defer. Robinson seconded and the motion carried unanimously. The Board is concerned with the roof deck and with parking. The new hearing date is March 22nd at 11:30.



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Case: BOA- 1211826 Address: 26 Egleston Street Ward 11 Applicant: Shaikh Ahamid

Article(s): Article 55 section 40 Off Street Parking & Loading Req - 1. Driveway less than 10ft wide.2. Maneuvering areas & access drive. Article 55, Section 9 Usable Open Space Insufficient Decrease with addition of driveway & parking. Art. 10 Sec. 01 Limitation of off street parking areas Parking less than 5ft from side lot line.

Purpose :Driveway added to right side of home for two parking spaces at the rear and one space at driveway entrance.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting reconfigure the parking and the driveway for an existing 3 family.

Board members asked about plans, proposal, parking spaces, width of the bump out.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Ruggiero moved to deny. Ligris seconded, Robinson opposed, and the motion carried 6-1.

Case: BOA-1214940 Address: 1441 Tremont Street Ward 9 Applicant: Vrinda Jody Medoza Pekala

Article(s):Art. 59, Section 15 Use: Forbidden Cannabis Establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Note that this proposed cannabis establishment is not in conformity with this regulation, therefore, Forbidden. Art. 59, Section 15 Use: Conditional - Marijuana dispensary is a conditional use in this zoning sub district

Purpose : I would like to apply for a conditional use permit for a recreational marijuana dispensary so that I can obtain a refusal.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a new 7 day a week cannabis establishment. This is across the street from an MBTA station and not within close proximity to a grade school. This is within a ½ mile of another location and within 50 ft of the Tobin Community Center.

Board members asked about plans, access, security, proximity from another location, the buffer zone, location and hours of operation.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. The president of the Mission Hill Community Lines, an abutter, and abutters and neighbors represented by an abutter are in support. Councilor Mejia offered comments, and the Mission Hill Council are in opposition.

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

Votes: Board Member Robinson moved to deny the project. Erlich seconded and Ligris recused. The motion carried unanimously.



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HEARINGS: 10:30AM

Case: BOA- 1280543 Address: 190-192 Dudley Street Ward 8 Applicant: Jeremy Sears

Article(s): Article 50, Section 11 Excessive f.a.r. Article 50 , Section 43 Off Street Parking & Loading Req - Insufficient parking Article 50, Section 11 Insufficient rear yard setback Article 50 , Section 43 Off Street Parking & Loading Req - Insufficient loading

Purpose : Demolish existing 1 story retail building on separate short form , combine two lots and erect a new 5 story residential building with 24 apartments on floors 2 through 5 and build new retail store on the 1st floor with Bike Room for 34 bikes..

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to build a 24 unit building that has gone through the article 80 process with affordable units, and a story of retail.

Board members asked about plans, rear side, dimensions, roof deck, retail and parking.

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

Documents/Exhibits: Building Plans.

Votes: Board Member Robinson moved to approve with BPDA design review. Ligris seconded, Ruggiero recused, and Araujo is in opposition. The motion carried 5-1.

Case: BOA-1285392 Address: 98 Cresthill Road Ward 22 Applicant: Dina Browne

Article(s): Article 51, Section 9 Lot Width Insufficient Article 51, Section 9 Bldg Height Excessive (Stories)
Article 51, Section 9 Lot Area Insufficient

Purpose : Construct New Single Family Home On Vacant Lot at 98 Cresthill Rd. Requires Zoning Relief.

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

Votes: Board Member Fortune moved to defer, Robinson seconded, Ligris recused, and the motion carried unanimously. The new hearing date is March 22nd at 11:30.



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Case: BOA-1283800 Address: 128 Webster Street Ward 1 Applicant: Frank Cinque

Article(s): Article 27T East Boston IPOD Article 53, Section 52 Roof Structure Restrictions Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient Article 53, Section 9 Rear Yard Insufficient

Purpose : Adding interior Stair Hatch and roof deck.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect an internal staircase with a hatch. The occupancy is not changing and this will be with roof hatch access.

Board members asked about plans, unit count.

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

Documents/Exhibits: Building Plans.

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

RE-DISCUSSIONS: 12:30PM

Case: BOA-1237032 Address: 340 Meridian Street Ward 1 Applicant: 340 Meridian Street, LLC

Article(s): Art. 53 Sec. 56 Off Street Parking Art. 53 Sec. 52 Roof Structure Restrictions 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 Rear Yard 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 to change the occupancy from a 3 to a 4 family with a complete renovation and a roof deck. The roof deck is exclusive to unit 4. The contours of the building will remain the same and will keep it's historic features. There will be decks and a greenspace patio in the rear.

Board members asked about plans, lower unit and the subbasement.

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

Documents/Exhibits: Building Plans. Letter in opposition.

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



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Case: BOA-1264910 Address: 64 Haynes Street Ward 1 Applicant: Lightning Realty, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability Article 53, Section 57.3 Traffic 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 Article 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 roof deck by hatch with access through a stairway. The curb cut is existing and the owner will live in the upper unit. This building fits in with the context of the neighborhood. This will also include 3 parking spaces.

Board members asked about plans, parking proposal, bedroom count, roof deck, access.

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

Documents/Exhibits: Building Plans. Letters of support and opposition.

Votes: Board Member Robinson moved to approve with BPDA design review to pay attention to the roof deck setbacks as required. Dong seconded and the motion carried unanimously.

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 roof deck by hatch with access through a stairway. The curb cut is existing and the owner will live in the upper unit. This building fits in with the context of the neighborhood. This will also include 3 parking spaces.

Board members asked about plans, parking proposal, bedroom count, roof deck, access.

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

Documents/Exhibits: Building Plans. Letters of support and opposition.

Votes: Board Member Robinson moved to approve with BPDA design review to pay attention to the roof deck setbacks as required. Ligris seconded and the motion carried unanimously.



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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 to erect a 3 unit building with 3 parking spots and a roofdeck.

Board members asked about plans, unit sizes, roof deck access, layout, and biking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Edwards, Louijeune, multiple abutters, and the local community group are in opposition.

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

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

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/Votes: Board Robinson moved to defer, Dong seconded and the motion carried unanimously. The new hearing date is March 22nd at 11:30.

Case: BOA-1065886 Address: 57 Webster Street Ward 1 Applicant: Katherine Glaropoulos

Article(s): Article 53 Section 8 Use:Multifamily Dwelling:Forbidden 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 Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 27T Section 9 East Boston IPOD Applicability Article 53, Section 52 Roof Structure Restrictions - Roof Structure Restrictions Article 25 Section 5Flood Plain Regulations

Purpose: Change Occupancy from a Two Family Dwelling to a Four Family Dwelling. Construct a new 4 story Rear Yard addition with exterior Decks. Also, construct a 5th Floor penthouse with Roof Deck. Remodel entire Building. Installation of a new Sprinkler system.

Discussion/Votes: Board Fortune moved to defer, Dong seconded and the motion carried unanimously. The new hearing date is March 22nd at 11:30.



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Case: BOA-1222307 Address: 70 Shawsheen Road Ward 1 Applicant: Trichilo Development, LLC

Article(s): Article 27T 5 East Boston IPOD Applicability Article 53 Section 8 Use Regulations - Multi Family Dwelling Use : Forbidden Article 53, Section 56 Off Street Parking & Loading Req - Off Street Parking Insufficient Article 53, Section 9 Lot Width Insufficient Article 53, Section 9 Lot Frontage Insufficient Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Front Yard Insufficient Article 53, Section 9 Side Yard Insufficient

Purpose: Erect a 5 unit dwelling and 6 parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting a 4 story 6 unit building. This has been through BPDA article 80 review.

Board members asked about plans, area, height, parking, roof decks, and the floor plan.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. BTM said approval will have to be given by a neighbor to use their private way. Abutters are in support. An abutter and abutters represented by an attorney are in opposition.

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

Votes: Board Member Ruggiero moved to approve with BPDA design review with screening and buffering in the rear and street landscaping. Ligris seconded and the motion carried unanimously.

Case: BOA-1267433 Address: 219-225 Main Street Ward 2 Applicant: Federico Ascoli

Article(s): Article 62, Section 25 Roof Structure Restrictions

Purpose: Installation of new roof deck in accordance with structural drawings & plot plans.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to install a new roof deck on a 3 commercial 4 residential unit building.

Board members asked about plans, access to the roof deck.

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

Documents/Exhibits: Building Plans, letters in support.

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

Case: BOA-1237014 Address: 157 West Springfield Street Ward 9 Applicant: Michael DelleFave

Article(s): Art. 32 Sec. 32 4 Groundwater Conservation Overlay District, Applicability Art. 64 Sec. 34 Restricted Roof Structur Regs Article 64, Section 9 Floor Area Ratio Excessive Article 64, Section 9 Usable Open Space Insufficient Article 64, Section 9 Rear Yard Insufficient Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.

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 to meet with the community.

Votes: Board Member Erlich moved to defer and Dong seconded. Robinson recused and the motion carried unanimously. The new hearing date is April 5th at 11:30am



City of Boston
Board of Appeal

Case: BOA-1189307 Address: 3 Half Moon Street Ward 13 Applicant: Francois Toka

Article(s) Art. 50, Section 28 Use: Conditional - 4 units in 3F zone Art. 50, Section 43 Off-Street Parking Insufficient - 1 add'l spot required 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

Purpose: Convert an existing basement into a 4th unit on an existing 3-family structure. A new NFPA-13R fire sprinkler system will be Installed as part of the work.

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

Votes: Board Member Fortune moved to defer. Ligris seconded and the motion carried unanimously. The new hearing date is March 8, 2022 at 11:30.

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 to have ISD review the plans.

Votes: Board Member Fortune moved to defer. Erlich seconded and the motion carried unanimously. The new hearing date is April 5, at 11:30am.

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 sqft 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 to defer to make changes to the plans.

Votes: Board Member Robinson moved defer. Ligris seconded and the motion carried unanimously. The new hearing date is March 22nd at 9:30.



City of Boston
Board of Appeal

Case: BOA-1252950 Address: 22 High Street Ward 15 Applicant: Volnay Capital, LLC

Article(s): Art. 65 Sec. 02 Conformity with Existing Building Alignment-Street modal calculation not provided to verify compliance Art. 65 Sec. 08 Forbidden-Multifamily use Art. 55 Sec. 65 41 Off Street parking insufficient-Min. required: 15x1.5=22.5 spaces. Proposed: 15 Article 65, Section 9 Side Yard 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)

Purpose: Seeking to raze the existing structure and erect a new residential building with 15 units and 15 parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail requesting to erect a new 15 residential unit condo with 15 parking spots. The parking is underground and there will be a common space roof deck. It will include affordable units. There will be 1 common roof deck and 2 exclusive roof decks.

Board members asked about plans, zoning district, yard setback, height, bedroom breakdown, and parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood deferred judgement to the Board. Councilor Baker sent a letter in support.

Documents/Exhibits: Building Plans, letters in opposition.

Votes: Board Member Erlich moved to approve with BPDA design review. Robinson seconded, Ligris recused and Ruggiero recused. 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
ERIC ROBINSON
KOSTA LIGRIS

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 February 8, 2022 Board of Appeal Hearing please go to: https://cityofboston.gov/cable/video_library.asp.