

11.22.11 Notes/Comments

Black – AG or Public

Red – BRA response

-Residential dimensional requirements, question regarding side yard setbacks

Can a house be conforming + non-conforming? How does this relate to p. 25, Sections 6 and 10 of the new zoning article concerning narrow lot regulations.

A project cannot be conforming and non-conforming. It is one or the other, and what defines a project as conforming to the zoning code is that it meets all requirements of the zoning code article for the particular neighborhood in which it is located. In this context “all requirements” includes all provisions of the code, including dimensional tables, other relevant exceptions in the code such as the narrow lot regulations just mentioned, and any other relevant dimensional regulations in the code.

-p 13, additional design review for additions, expansions > 750 sf

-14 day comment period. Is that it if permitting is cleared?

-timeline to trigger the 14 days? Limit for BRA to initiate 14-day period?

-recommendation that a reasonable timeline for BRA be included

-public agency accountability (eg., 2 week period to initiate comment period)

This refers to the as-of-right design review provision discussed in the neighborhood master plan and at earlier public meetings. If no variance is required, but a project is greater than 750 square feet it will have to through a design review process. This has implemented and well received in Roxbury and Roslindale and is something that AG and community members asked for here. The BRA has a policy of making all efforts to complete the design review process in a month or less, including the time needed for the comment period.

-if a variance is needed for an addition, does that go through BRA?

The BRA makes recommendations to the Zoning Board of Appeals, which makes the final decision of on granting variances. Often the Zoning Board of Appeals will also require a project have design review with BRA architects as a condition of the approval of the variance.

-places of worship: how is this managed to be workable (parking ratio increase)?

-prompted by issue on River St – safety problem (fire truck/ambulance passage)

only applies to new churches

-does zoning address construction of multiple houses on a single lot, or the subdivision of one into two lots (creating a porkchop lot) to fit a second house in?

There are three provisions in the zoning code that specifically prohibit this: first, the zoning code specifically prohibits having one house behind another on a single lot; second, a home that is located behind another home would not meet the requirements for street frontage if it is blocked by another building; third, a porkchop lot would have to meet the code's dimensional requirements, meaning that its frontage on the street would need to be as wide as the frontage required for all lots by the zoning code, rather than just the width of a driveway.

-RPOD: states protection for new non-residential buildings – what about residential bldgs?

Anything can be built within the buffer as long as it conforms to the underlying zoning, but businesses get a design review

Boston Conservation Commission involved for anything within 100' of waterway

Is it the case that there is no mechanism to prevent McMansion/apt bldg construction along the river? Should we get rid of 'non-residential' specification, make it all new buildings

The mechanism in place to prevent that is the underlying zoning code, which still applies to everything in the Hyde Park neighborhood district, including the areas in the RPOD. The dimensional and use requirements still apply to all proposed residential projects, and in addition, as discussed earlier, as-of-right design review applies to all projects in the neighborhood greater than 750 square feet. Anything greater than 750 square feet, would have to go through design review anyway, even if it is an as-of-right project. 750 square feet is quite small – the size of one room – which means that it is very unlikely that any new building would be so small as to not need this review.

-distinction between single-family homes and multi-unit residential bldgs. p66, definition of 'dwelling unit' (4-br, 2-ba) two units? →not if single-family home

-p63, restaurant parking requirement (4 spaces/1000 sf)

-will this impact development of small scale restaurants in the squares?

-should restaurant parking requirement be lowered in NS2?

→specific question about location across from police station

-no real parking problem in Hyde Park, we need to support good retail

This sounds somewhat inconsistent with what was expressed at earlier public meetings, but it could be accomplished with a footnote (retail, restaurant, office, etc.). Presently it is one blanket requirement for all HP restaurants (4.0/1000 sf).

-opportunity for a parking lot

-what's the point of a municipal parking lot – shouldn't be for commuting

-this ratio discourages businesses from locating in Hyde Park

-never heard concern about restaurants during planning process (only churches, residential)

-day vs. night uses

-is this what variance is for? Not sure about blanket footnote if the business is too far from municipal lot

A footnote could be written so that the exception of lower required off-street parking ratios is only for restaurants. Or it could be written so that it only applies to very specific areas, for example, near municipal parking lots.

-40 ft, 3 vs. 4 floors

-concern expressed with 4 floors → 40'/3 floor request

-limit density, maintain suburban character by limiting # of floors

-shouldn't the maximum height be regulated by having a maximum number of floors listed and not just a maximum number of feet

The recommendation in the plan is not solely the idea of the city or of the AG. It is the result of a compromise from the two years of public meetings. Initial discussions included much greater heights for buildings around the train stations in Logan and Cleary Square. The purpose of the zoning phase which we're in now is to take what came out of the two year planning process and discussions and compromises and translate it into zoning that the lawyers can use.

-accounting for visual continuity (if grading issues present).

Article 2 in the zoning code defines height. The 40 foot height limit accommodates three-story buildings with higher ceilings frequently desired for commercial uses. A building of more than three stories could only be allowed if the change in grade on a particular parcel is such that a 3 ½ or four story building is only 40 feet above the sidewalk grade.