



Case	BOA1199457
ZBA Hearing Date	2023-10-17
Address	29 Sutherland Rd. Brighton 02135
Parcel ID	2102358000
Zoning District & Subdistrict	Allston/Brighton Neighborhood Three-Family Residential (3F-4000)
Zoning Article	Art. 51 - Sec. 8, Art. 51 - Sec. 9, Art. 51 - Sec. 40-5(a)
Project Description	Construction of a three (3)-unit addition to an existing two-story, multifamily residential dwelling to change occupancy from four (4) residential dwellings to seven (7). Additional construction of accessory parking spaces for seven (7) vehicles.
Relief Type	Conditional Use, Variance
Violations	Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Rear Yard Insufficient Parking design and maneuverability Use Regulations: Forbidden Multifamily Residential Use

Planning Context:

This project proposes the construction of a three (3)-unit addition to an existing two-story, multifamily residential dwelling to change occupancy from four (4) residential dwellings to seven (7). The proponent also proposes additional construction of accessory parking spaces for seven (7) vehicles. The lot is a large corner lot on the corner of Sutherland Road and Englewood Avenue that is more than double the minimum lot size for this subdistrict at 9,327 sqft.

The proposed three unit addition is in the side yard on the south end of the building. The proponent also proposed additions of a front yard porch to the southwest section of the building and a rear yard deck to the south east section of the building, all attached and related to the three-unit addition. This lot is within a subdistrict that is surrounded by MFR-1 and MFR-2 subdistricts. Specifically, this lot immediately abuts an MFR-1 subdistrict to its south and an MFR-2 subdistrict to its west, so the existing and proposed multifamily use is consistent with many existing, adjacent buildings in this context.



The property is also within a 5-10 minute walk of bus stops along Chestnut Hill Avenue and the Green Line at the Cleveland Circle, Chestnut Hill Avenue, Englewood Avenue, Chiswick Road and Reservoir MBTA T stops. As a project proposing an increase in residential units, these additions align with the City's goal to create additional housing units, especially within transit-rich areas (Housing a Changing City: Boston 2030, 2018).

However, the proposal of seven (7) parking spaces as part of these plans does not align with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017). This is exacerbated by the prevalence of transit options available within the surrounding area that aim to limit the reliance on private vehicles. The property has existing off-street parking and a driveway in the eastern and southeastern rear yard of the lot where the proposed parking spaces will be located. The parking design does not offer a viable accessibility and maneuverability plan to improve the existing parking conditions in this part of the lot.

The proposed project's design does not comply with the standards of the Aberdeen Architectural Conservation District. According to the District's "Final Study Report" (2002), alterations or additions to structures within the area must not radically change or obscure the overall character and appearance of a building or its accompanying landscape, especially along a street facing façade. In addition to being located within the Aberdeen Architectural Conservation District, this property is located in a Massachusetts Historic Inventory Area. As such, it should be responsive to the historic character of the existing building and surrounding area in any proposed additions.

Zoning Analysis:

The property is in the Allston-Brighton Neighborhood District (Art. 51) within a Three-Family Residential subdistrict (3F-4000). The lot is a large corner lot that is more than double the minimum lot size for this subdistrict at 9,327 sq. ft. This lot condition factors into some of the existing building and proposed project's dimensional violations. The lot is also located within the Aberdeen Neighborhood Design Overlay District (Art. 51 - Sec. 43).

The violation related to forbidden multifamily residential use (Art. 51 - Sec. 8) is an existing condition of this building and of adjacent buildings, thus making both the existing and proposed multifamily residential use consistent with its immediate surroundings. As noted in the planning context, this is largely due to the lot being within a subdistrict that is immediately abutting an



MFR-1 subdistrict to its south and an MFR-2 subdistrict to its west. The existing Three-Family Residential zoning may not be appropriate for this area, based on the Multifamily Residential zoning permitted in these abutting subdistricts and the existing multifamily residential use of the proponent's building.

The violations related to dimensional violations –lot area for additional units, front yard setback insufficiency, rear yard setback insufficiency, excessive floor area ratio (FAR), and usable open space insufficiency (Art. 51 - Sec. 9) – also align closely with existing conditions in the surrounding context and represent a common set of nonconformities in this subdistrict that require relief. The proposed addition of three residential units does not produce a harmful setback condition to the public realm or adjacent properties.

The violation related to off-street parking design (Art. 51 - Sec. 40-5(a)) highlights an issue with accessibility and maneuverability in the proposed parking design that is also an existing condition for the current driveway and parking used by this property in the eastern rear yard. The proposed parking design is inaccessible for the number of spaces proposed. Clarity in the plans is also needed to understand the extent that the proposed parking impacts adjacent open space and mature trees to the southeast of the lot.

Due to this lot's location within the Aberdeen Neighborhood Design Overlay District and the Aberdeen Architectural Conservation District, additional review is required to ensure better alignment with the historic and design considerations of this area.

Site plans prepared by Marc Besio & Associates on 09/25/2020. Project plans prepared by Eric M. Ramsay of Hendren Associates on 10/30/2020.

Recommendation:

In reference to BOA1199457, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE**. New plans with attention to the number of parking spaces relative to the parking design's accessibility/maneuverability, open space and mature trees, as well as the alignment with the design considerations for the historic district. Rather than pursuing a variance for the use, the proponent should apply for a zoning map amendment to change this lot's subdistrict from Three-Family Residential (3F-4000) to Multifamily Residential (MFR) to better align with the existing and proposed uses and the immediate, abutting subdistricts.



Reviewed,

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Director of Planning, BPDA



Case	BOA1242680
ZBA Hearing Date	2023-10-17
Address	171 Corey Rd. Brighton 02135
Parcel ID	2101633001
Zoning District & Subdistrict	Allston/Brighton Neighborhood Neighborhood Shopping (NS-1)
Zoning Article	Art. 51 - Sec. 16, Art. 51 - Sec. 17, Art. 51 - Sec. 23
Project Description	Demolition of one (1)-story garage and erection of a five (5)-story mixed-use building with nine (9) residential units and two (2) ground-floor commercial spaces for a café and an art gallery. The proposed building will also include a ground-floor covered patio, bike parking, and a rear yard garden.
Relief Type	Conditional Use, Variance
Violations	FAR Excessive Parking or Loading Insufficient Height Excessive Usable Open Space Insufficient Use Regulations: Conditional Multifamily Residential Use

Planning Context:

This proposed new construction project will demolish an existing garage and construct a new, five (5)-story mixed-use building with nine (9) residential dwelling units and two (2) ground-floor commercial spaces for a café and an art gallery. The proposed building will also include a ground-floor covered patio, bike parking, and a rear yard garden to the southeast. The parcel is located at the boundary of the Allston-Brighton Neighborhood District and abuts the border of Brookline, Massachusetts to the southeast. The lot is much smaller (3,659 sq.ft.) than the lots abutting its side yards that hold a large recreational building to the northeast (13, 164 sq.ft.) and a large residential building to the southwest (24,148 sq.ft.).

The proposed project is in the side yard to the southwest by a six (6)-story, 100+ unit ongoing apartment development project that takes up most of the neighborhood block on Corey Road between Westbourne Terrace and Washington Street. The property is in the Neighborhood Shopping (NS-1) subdistrict and is adjacent to a Two-Family and Three-Family Residential subdistrict, so the existing adjacent buildings vary in form and use including but not limited to large apartments and condominium buildings, triple-deckers, and commercial spaces.

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Since the proposed project will provide infill housing next to a larger residential development project, the proposed multifamily residential use aligns well with the surrounding context. The creation of new infill housing aligns with planning goals of increasing housing availability and density, as detailed in *Housing a Changing City, Boston 2030* (September 2018). The proposed project will include two ground-floor commercial spaces in the form of a café and an art gallery which would be in character with this commercial area. The project also does not propose any off-street parking, which is consistent with City goals of reducing dependency on private vehicles, as outlined in *Go Boston 2030* (March 2017).

Zoning Analysis:

The property is in the Allston-Brighton Neighborhood District (Art. 51) within a Neighborhood Shopping subdistrict (NS-1).

The violation related to an off-street parking insufficiency (Art. 51 - Sec. 23) requires a parking ratio of 1.75 spaces for residential uses of 1-9 units in this subdistrict. This proposed project is noncompliant with this requirement by having no proposed parking. However, the lack of parking aligns with City goals to reduce reliance on private vehicles and leaves space on this small lot to maximize its residential, community, and commercial spaces.

The violation related to the conditional multifamily residential use (Art. 51 - Sec. 16) should be relieved because the proposed multifamily building aligns with the surrounding context and ongoing development in the area.

Although the project does not have sufficient open space as dictated by the Code (Art. 51 - Sec. 17), each unit has a private terrace and is within a 15-minute walk of multiple public parks. Additionally, the project provides a covered patio on the ground-floor and a rear yard garden.

The proposed height of 52 feet and proposed floor area ratio (FAR) of 3.64 are violations of the subdistrict's dimensional regulations which require a maximum height of 35 feet and a maximum FAR of 1.0 (Art. 51- Sec. 17). However, these dimensional violations are necessary to facilitate the scope of the project, most importantly the inclusion of nine (9) units of housing. The proposed height and FAR of the project match the size and density of other similar mixed-use or multi-family projects recently developed along Corey Road and Washington Street.

Site plans prepared by Boston Survey, Inc. on 05/03/2021. Project plans titled "171 Corey Rd" prepared by SLS Architecture on 12/09/2020.



Recommendation:

In reference to BOA1242680, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISIO**: that plans are submitted to the Agency for design review approval.

Reviewed,

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Director of Planning, BPDA



Case	BOA1264670
ZBA Hearing Date	2023-10-17
Address	240 Silver St South Boston 02127
Parcel ID	0601128000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	Article 68
Project Description	Demolish existing, two-story, single-family home and erect a four-story, two-family home. The building would also include a ground floor parking garage for 2 cars.
Relief Type	Variance, Conditional Use
Violations	Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Height Excessive Rear Yard Insufficient Side Yard Insufficient Roof Structure Restrictions Off-Street Parking & Loading Req

Planning Context:

The proposed project is on a residential street characterized by 3-5 story row houses. Most homes on this block have 0-foot side yards and varying rear yards. The proposed project is therefore in keeping with the existing surroundings.

The proposed project, which would demolish a single unit dwelling and erect a two-unit dwelling, would result in the net gain of one new unit, advancing planning goals of increasing housing supply, as detailed in Housing a Changing City, Boston 2030 (September 2018).

The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal state that "New driveways added at residential dwellings need to accommodate a minimum of two (2) vehicular spaces for every one (1) public on-street parking space that will be removed as a result of the new driveway. A new driveway accommodating three (3) vehicular spaces for every one (1) public on-street parking space is the preferred ratio." The new 12-foot curb cut would mean the removal 1 on-street space, which means the project meets the minimum BTM recommendation of 2 off-street spaces but not the preferred ratio of 3 off-street spaces.



The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal also state that the recommended number of parking spaces for every housing unit for residential projects in the South Boston Neighborhood (and far from an MBTA station) is 1.0-1.5. Because this project has 1 parking space for every housing unit, it complies with this recommendation.

The proposed building includes no windows on the sides of the building, and so the rear yard setback should be increased to allow for adequate light and air to the proposed rear bedrooms. There is also limited open space access in this part of South Boston, so the project should include as much on-site open space as possible.

Zoning Analysis:

This project does not comply with the FAR, usable open space, rear yard, and side yard requirements of the Zoning Code. The minimum FAR in this subdistrict is 1.5 and the proposed project's FAR is higher at 2.8. The required usable open space is 200 sf per dwelling unit, which means the total requirement for this project would be 400 sf. The proposed project has only 75 sf of usable open space. The required rear yard is 20 feet, while this project proposes a 4-foot rear yard. This project also proposes 0-foot side yards, which means it does not comply with the required side yard of 3 feet (Article 68 Table D). However, many existing buildings in the surrounding area and on similarly sized lots are also not compliant with these dimensional regulations, which indicates that these provisions of the Code likely need to be updated to better reflect the built environment.

The project also does not comply with the lot area requirement. The lot area minimum in this sub district is 5,000 sf, plus 1,000 sf for each additional unit. Therefore, the minimum lot area for a 2-unit dwelling in this subdistrict is 6,000 sf. The lot at 240 Silver St is only 1,200 sf. Therefore, a variance will be required to have any 1 or 2 unit dwelling on this lot (Article 68 Table D). However, the lot has an existing non-conforming building as it currently contains a 1 unit dwelling. In addition, there are other, similarly sized lots in the immediate vicinity (such as 238 Silver St and 259 Silver St) which also contain 1-3 unit buildings. This therefore indicates that an update to the Code may be needed to better align with the reality of the neighborhood.

This project also does not comply with off-street parking requirements. The off-street parking requirement is 1.5 spaces per unit (Article 68 Table G). This means 3 spaces are required, while



only 2 are provided. However, the ratio of 1 parking space for every 1 housing unit is in line with the Boston Transportation Department's parking guidelines.

This project also requires a conditional use permit because of the inclusion of a roofed structure designed for human occupancy which alters the profile of the roof. In deciding whether to grant a conditional use, the Board should consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity. (Article 68 Section 29). Because this block already has a taller, 5 story building at 250 Silver st, the proposed roof hatch would not damage the uniformity of height of the immediate vicinity.

Recommendation:

In reference to BOA1264670, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE.** Applicant should revise plans to increase rear yard setback and open space.

Reviewed,

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Director of Planning, BPDA



Case	BOA1386283
ZBA Hearing Date	2023-10-17
Address	24 Geneva St East Boston 02128
Parcel ID	0104085000
Zoning District & Subdistrict	East Boston Neighborhood MFR
Zoning Article	Article 27T, Article 32, Article 53
Project Description	New construction 5-story, 6-unit residential building with 4 parking spaces.
Relief Type	IPOD Permit, Variance, Conditional Use
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient GCOD Applicability Lot Width Insufficient IPOD Applicability

Planning Context:

The East Boston Interim Planning Overlay District in which this site is located declares a need for interim zoning in this area and that interim zoning focuses on promoting residential development that is sensitive in scale, form, and density to the neighborhood character. The creation of more housing units on this currently vacant parcel within the Jeffries Point and Gove Street neighborhood residential area is consistent with the ongoing PLAN: East Boston.

The zoning recommendations of PLAN: East Boston (2023) detail dimensional standards setting caps on new development in the neighborhood's residential fabric. These standards include a maximum building footprint (60%), minimum permeable area of lot (30%), minimum rear yard setbacks (1/3 lot depth), maximum building height (4 stories), and a minimum front yard setback (2.5 ft).

Zoning Analysis:



This project proposes 4 parking spaces (required 1.5 per unit, 9 spaces), additional lot area per unit of 592 sf (required 1,000 sf per unit over 2 units, 4,000 sf total), lot frontage of 32.40' (required minimum 40'), FAR of 2.67 (required maximum 1.0), height of 50' (required maximum 35') and 5 stories (required maximum 3 stories), usable open space of 628 sf (required 1,800 sf), rear yard of 14' (required minimum 30'), side yard of 1.0' (required minimum 5'), front yard of 2' (required minimum 5'), and lot width of 32.4' (required minimum 40').

The proposed project exceeds each of the recommendations from PLAN: East Boston for this residential sub-district: proposed building footprint is over 65%, open space is 24%, rear yard setback is 17.5% of the lot, building height is 5 stories, and the front yard setback is 2 feet.

A recommendation of Denial without Prejudice is consistent with the BPDA recommendation for 14B Geneva Street dated September 13th, 2021. The 14B Geneva Street project had similar violations of East Boston IPOD Applicability, Add'l Lot Area Insufficient, Lot Width and Frontage Insufficient, FAR Excessive, Bldg Height Excessive (Feet and Stories), Usable Open Space Insufficient, and Rear and Side Yard Insufficient.

Plans reviewed are titled "24 Geneva Street East Boston, MA 02128", prepared by 686 Architects, and dated April 7th, 2022.

Recommendation:

In reference to BOA1386283, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE.**

Reviewed,

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Director of Planning, BPDA



Case	BOA1406273
ZBA Hearing Date	2023-10-17
Address	6 Brooks St. East Boston 02128
Parcel ID	0106343000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 53, Article 27T, Article 32, Article 9
Project Description	Renovate existing structure and construct additions. Change occupancy from 3 dwelling units and a retail space to 6 units and a retail space.
Relief Type	Variance, IPOD Permit, Conditional use
Violations	FAR Excessive Height Excessive Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient Parking or Loading Insufficient GCOD Applicability IPOD Applicability Extension of Nonconforming Building; Forbidden Use (MFR)

Planning Context:

The property is located in a 3F-2000 residential subdistrict adjacent to East Boston's Airport MBTA station. It is also a part of the East Boston Interim Planning Overlay District, implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and zoning protections were in place to guide and regulate new construction in the area.

The PLAN: East Boston draft (September 2023) recommends adjustments to the 3F-2000 subdistrict that would remove property along Brooks Street and Bremen Street from the 3F-2000 area and include it in a new "Squares and Streets" subdistrict. The plan recommends development in this area be mixed-use with heights up to 4 stories and multifamily residential dwellings allowed.



The project's scope, which increases residential occupancy from 3 to 6 units, is in keeping with City planning goals of increasing housing availability, as detailed in *Housing a Changing City, Boston 2030* (September 2018).

Zoning Analysis:

The proposed project was flagged for insufficient usable open space, off-street parking, and front, side, and rear yard setbacks. These violations are all existing conditions for the site and are not proposed to be exacerbated through the project. The project's building alignment matches that of the block. Its off-street parking condition, or lack thereof, is also shared with each of the site's abutting structures.

While the proposed 4 story height exceeds current zoning (existing 3 story maximum), it is both contextual to the site and aligned with PLAN: East Boston's recommended zoning for the area. Its proposed upper story setback also helps minimize the visual impacts of the additional height from street level. Several similarly scaled structures already exist in proximity to the project with another, larger 5 story MFR project (282-308 Bremen Street) currently under construction across the street. The project's proposed FAR is also in keeping with those of the surrounding properties.

A proviso for GCOD Review have been added to this recommendation due to the project's flagged GCOD Applicability.

Recommendation:

In reference to BOA1406273, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISOS**: that plans be submitted to the Agency for design review approval, and that plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD).

Reviewed,

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Director of Planning, BPDA



Case	BOA1438279
ZBA Hearing Date	2023-10-17
Address	421 E Sixth St South Boston 02127
Parcel ID	0701690000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	Article 68
Project Description	Construct new multifamily dwelling with 4 units and 8 garage spaces. Building to include sprinklers.
Relief Type	Conditional use
Violations	Roof Structure Restrictions

Planning Context:

The proposed project is a refiled ZBA project from 2022. It was never heard by the Board of Appeal.

The project is sited within an established multifamily residential area in South Boston. Its scope, which would replace an existing two-family dwelling and two existing garages with a new four unit residential structure, is contextual to the surrounding area.

The project also proposes 8 off-street parking spaces and a substantial 14' curb cut for the site. This condition exceeds the required zoning for the site (6 spaces required) as well as BTDA's recommended parking maximums (4 spaces) and maximum curb cut dimensions (12') for residential uses in South Boston. The proposed parking will make the lot only the third on the block (of approx. 45 parcels) with off-street spaces for cars; the others have 4 or fewer available spaces for similar MFR uses. The project's parking is enabled by the site's large lot.

The structure's proposed footprint almost doubles any other existing structure on the block and will result in the removal of several mature trees on the site. The BPDA's Urban Design team has flagged the project as needing review in regard to the project's building design and site plan.



The project's net addition of two dwelling units advances the City's planning goal of increasing housing supply, as detailed in *Housing a Changing City, Boston 2030* (September 2018). Its proposed parking hinders the City's desire to reduce emissions and dependency on private vehicles, as detailed in *Go Boston 2030* (March 2017).

Zoning Analysis:

The project's only zoning violation related to its proposed height and rooftop decks. The height, which exceeds the maximum allowed figure by 1', is contextual to the area. According to BPDA Urban Design staff, the project's roof decks will not substantially restrict light or airflow to adjacent structures, or views from their roofs, windows, doors, or balconies - items flagged in the project's refusal.

A proviso for BPDA design review has been added to this recommendation to address issues related to the project's site plan and building design. This review should also address interior layouts to reconfigure and setback roof access from Unit 1 - for safety and zoning compliance, and to minimize the deck's visual impacts from street level.

Recommendation:

In reference to BOA1438279, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISO**: that plans shall be submitted to the Agency for design review with extensive review of site plan, massing, and façade articulation.

Reviewed,

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Director of Planning, BPDA



Case	BOA1444113
ZBA Hearing Date	2023-10-17
Address	8 Adrian St. Roxbury 02125
Parcel ID	1300421000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 50
Project Description	Erect new 2F dwelling on vacant lot
Relief Type	Variance
Violations	Lot Area Insufficient Side Yard Insufficient Rear Yard Insufficient Parking or Loading Insufficient Front Yard Insufficient FAR Excessive

Planning Context:

Infill development on vacant parcels is consistent with planning goals of increasing housing stock, as detailed in Housing a Changing City (September 2018). The proposal is comparable in size and density with surrounding existing structures in the 3F-4000 sub-districts. The project is consistent with the City's goal of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).

Zoning Analysis:

The allowed lot area is 4,000 SF, whereas the proposed lot area is significantly smaller at 2,169 SF. Consequently, while the project is consistent in scale and density with surrounding structures, the proposed FAR is 1.16, marginally greater than the allowed FAR of 0.80.

The allowed side yard is 5' and the proposed side yard is 4.6'. The project should achieve the required side yard setback.

The required rear yard setback is 30' and the proposed rear yard setback is 5.2'. Given the existing length of the lot is 62.94' and 53.92' on each respective side, achieving the required minimum rear yard setback would make the lot unbuildable. The required front yard setback is 20' and the required front yard setback is slightly greater than 5.3'. While the proposed project is



located on a shallow lot and is consistent with the neighboring building's setback, the proposed project should increase its setbacks, particularly given that it is a new construction.

Recommendation:

In reference to BOA1444113, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISIO**: that plans shall be submitted to the Agency for design review with attention to increasing rear yard setback and side yard setback.

Reviewed,

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Director of Planning, BPDA



Case	BOA1450560
ZBA Hearing Date	2023-10-17
Address	81 to 81A Wrentham St. Dorchester 02124
Parcel ID	1603163001
Zoning District & Subdistrict	Dorchester Neighborhood 1F-5000
Zoning Article	Article 65
Project Description	Raze existing structure and erect a new 3-story two family dwelling with garage parking at grade and rear decks and stairs. Easement proposed for fire truck access, shared with 77-79 Wrentham St.
Relief Type	Variance
Violations	Existing Building Alignment Lot Frontage Insufficient Height Excessive (stories) Rear Yard Insufficient Forbidden use (2F in 1F); Two or more dwellings on same lot

Planning Context:

The proposed 3-story project is located on a newly created lot (formerly part of 1 lot, now subdivided into 2), placing the proposed project behind an existing building. Consequently, the placement of the building does not conform with the existing building alignment as it does not front the street edge nor does it achieve the lot frontage minimum given its location in relation to the street.

While the proposed 2-family use is forbidden within the 1F-5000 subdistrict, the proposed increase in density from one to two family dwelling units aligns with the City's goals of increasing residential density and housing stock as detailed in Housing a Changing City, Boston 2030 (September 2018).

The proposed curb cut to access the driveway is 25'. The proposed design disrupts the continuous pedestrian zone which does not support Boston Transportation Department's (BTD) Complete Streets Guidelines (May 2013) nor does it comply with their recommended minimum residential driveway width of 10' and maximum residential driveway width of 12'.

Zoning Analysis:



The violation for two or more dwellings on same lot is addressed through the division of the lot. However, the proposed division of the lot creates 3 additional nonconformities (Existing Building Alignment; Lot Frontage Insufficient; Rear Yard Insufficient).

The allowed stories are 2 1/2, whereas the proposed stories is marginally higher (1/2 story higher) at 3 stories.

The required minimum rear yard setback is 40 feet. The proposed project could not achieve the required rear yard setback given its location at the rear of the lot (behind existing building) as created by the division of the lot.

Recommendation:

In reference to BOA1450560, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE:** with attention to removing the lot division, reducing the curb cut from 25' to 10', increasing the permeable surface area, and increasing the rear yard setback.

Reviewed,

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Director of Planning, BPDA



Case	BOA1456727
ZBA Hearing Date	2023-10-17
Address	270 Sumner St. East Boston 02128
Parcel ID	0104924000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Art. 27T, Art. 32 - Sec. 9, Art. 53 - Sec. 9, Art. 53 - Sec. 52
Project Description	Renovation of an existing three-story residential dwelling with four units (one studio and three one-bedroom units). Renovation includes a rear addition to the three residential floors and to the basement, rear deck additions to the residential floors, a roof deck addition with a glass railing, and conversion of units on each floor into three-bedroom units to expand livable space.
Relief Type	IPOD Permit, Conditional use, Variance
Violations	IPOD Applicability GCOD Applicability Roof Structure Restrictions FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient

Planning Context:

This project proposes the renovation of an existing three (3)-story residential dwelling with four (4) residential units by adding a rear addition to the entire building. This property is on a long, thin parcel with about a 21 ft width and 100 ft depth that impacts its existing and proposed building footprint. Specifically, the existing building’s south-facing front section fully extends to the lot’s side yard boundaries to its southeast and northwest, thus creating 0’ side yard setbacks in this front section and making the rear inaccessible from Sumner Street in the front. The north-facing rear section of the existing building does have side yard setbacks. In this rear section, there is a 3.2’ side yard setback facing the southeast and 1.8’ side yard setback facing the northwest. The building’s front yard setback, side yard setbacks, and height in stories will not be altered with this renovation. The rear yard line of the parcel immediately abuts the end of a dead-end street (Emmet Place) to the north and there is a gate allowing entrance onto Emmet Place from the rear.

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The proposed renovation will include a rear addition to each residential floor that will increase the livable space per unit. Specifically, the first floor's studio unit and one-bedroom unit will be converted to a single three-bedroom unit with expanded space from the additions. The second and third floor two-bedroom units will similarly be converted to three-bedroom units. The resulting renovated property will shift from four (4) residential units (a studio, a one-bedroom, and two two-bedrooms) to three (3) residential units (all three-bedrooms). The property is also within a 5-minute walk of the Maverick MBTA T stop. This expansion of livable area and increase in bedrooms aligns with the planning goals of increasing residential density for growing living arrangements, especially within proximity to transit nodes, as detailed in *Housing a Changing City, Boston 2030* (September 2018).

The second and third floor units have existing rear decks that are about 368 sq.ft. and 63 sq.ft., respectively. As part of the additions, a rear deck will be added to the first floor and the rear decks on the second and third floor will be updated so that all three rear decks are the same size at about 91 sq. ft. There are existing, adjacent buildings with similar rear deck configurations for each of the residential floors, so this renovation would align with that design condition of adjacent buildings.

The proposed renovation will include a rear addition to the basement to expand storage space and add workout and office space. Due to this parcel being within an area subject to the impacts of present-day and future coastal flooding, additions to the basement that increase resident activity conflict with City goals to reduce risk of life in basement areas susceptible to flooding.

The property is within the East Boston Interim Planning Overlay District (IPOD) which states a need for interim zoning in this area. As outlined in *PLAN: East Boston (2023)*, that interim zoning focuses on promoting residential development that is sensitive in scale, form, and density to the neighborhood character. Within the *PLAN: East Boston* zoning recommendations, this proposed residential development is within the EBR-2 residential subdistrict which requires: a maximum of three (3) residential dwelling units for parcels with a lot width of less than fifty (50) feet, a maximum height of three (3) stories, a maximum building footprint of 60%, a maximum building width of 50 feet, a maximum building depth of 70 feet, a maximum building floor plate of 3,000 sq.ft., a 30% minimum permeable area of lot, a front yard setback between 2.5 and 5 feet, a minimum side yard setback of 2.5 feet, and a minimum rear yard setback of one-third ($\frac{1}{3}$) of the lot depth. The proposed renovated property aligns with many of these zoning recommendations: the renovated property will have a conversion to three (3) residential dwelling



units, retain its three (3) stories of height, retains a building width of 20.83 feet, have a building depth of about 69 feet, and retain a building floorplate below 3,000 sq.ft, and a southeastern-facing side yard setback of 3.2 feet.

However, the existing property will be more than and does not align with several other dimensional regulations set forth in the zoning recommendations. The renovated property will have a building footprint of about 65%, about a 24% permeable area of lot, a 0' front yard setback, a northwestern-facing side yard setback of 1.8 feet, and a rear yard setback of about 31%. The building footprint, permeable area of lot, and rear yard setback violations relative to the interim zoning are a result of the proposed rear addition. These conditions do not advance the standards set by the East Boston IPOD or the planning goal as outlined in PLAN: East Boston (2023) to preserve "low-scale development in neighborhood residential areas" such as this area. The south-facing front yard setback of zero (0') feet and the northwestern-facing side yard setback of 3.2 feet are the only existing nonconformities and these conditions will not be altered or worsened through this proposed addition.

The proposed renovation will include the construction of a roof deck with a glass railing. This roof condition is not common amongst existing, adjacent buildings and would be visible from the public realm. This roof deck addition produces a roof condition that expands the building height in feet above those found in its context.

The proposed renovation will also include the addition of a single rear compact parking space with access from Emmet Place to the north of the parcel. This proposed parking space is lower than the permitted parking ratio per unit and aligns with the City's goal to reduce dependence on private vehicles, as detailed in Go Boston 2030 (March 2017). However, the proposal of any parking does not align with the East Boston parking freeze zone restrictions that cap the number of off-street parking spaces as mandated by the City's Environment Department. As mentioned, the property is also within proximity of several bus stops along Sumner and Maverick Streets and the Maverick MBTA T stop. The proposal of parking spaces and reliance on private vehicles within a transit-rich area like this does not align with the BPDA's transit-oriented development goals.

Zoning Analysis:

The property is in the East Boston Neighborhood District (Art. 53) within a Three-Family Residential subdistrict (3F-2000). This project is within the East Boston Interim Planning Overlay



District (IPOD) (Art. 27T) which states a need for interim zoning in this area. Zoning recommendations from PLAN: East Boston (2023) for this neighborhood residential area are detailed in the planning context.

This parcel is subject to the impacts of present-day and future coastal flooding as it is located within the City of Boston's Coastal Flood Resilience Overlay District (CFROD). The proponent should be mindful of the Coastal Flood Resilience Design Guidelines (Article 25A) in its construction of these additions. The proponent also plans for the extension of a structure that occupies more than fifty (50) square feet of the lot area within a Groundwater Conservation Overlay District (GCOD; Art. 32 - Sec. 9), so the parcel is subject to GCOD review from the Boston Water and Sewer Commission. Particular attention should be given to the rear parking space and basement additions of storage space as it relates to GCOD and CFROD. BWSC has stated that this project meets the requirements of the GCOD in a letter dated August 25, 2023.

The violation related to roof structure restrictions (Art. 53 - Sec. 52) requires a conditional use permit for the construction of roofed structures if they alter the profile and/or configuration of the roof. Since the proposed roof deck and glass railing will be visible from front of the building on Sumner Street and add a roof condition above an existing three-story building, the roof deck "has the potential of damaging the uniformity of height or architectural character of the immediate vicinity" (Art. 53 - Sec. 52).

The violations related to dimensional regulations, such as excessive floor area ratio, rear yard insufficiency, and usable open space insufficiency (Art. 53 - Sec. 9) are conditions that are worsened by the proposed renovation due to the depth of the rear addition and the proposal of a rear parking space that removes permeable area of lot. While the rear addition expands livable space and increases housing availability, it exceeds the zoning recommendations as outlined in the planning context and PLAN: East Boston for this neighborhood residential area.

The side yard insufficiency is an existing condition specifically on the northwest side yard setback (1.8') and will not change with the proposed rear addition, leaving that condition as-is.

Based on the site conditions, proposed renovation plans, and interim zoning recommendations, zoning relief should not be provided for the proponent's project as it relates to its various dimensional violations.

Site plans prepared by Peter Nolan & Associates, LLC on 11/07/2022. Project plans titled "Renovation and Addition to 270 Sumner Street" prepared by

BOA1456727

2023-10-17

4 Boston Planning & Development Agency



Joy Street Design on 10/31/2022.

Recommendation:

In reference to BOA1456727, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE.** New plans shall be submitted with attention to the depth of the overall rear addition, the basement addition in a flood risk area, the removal of the rear compact parking space, the roof deck addition with glass railing, and adherence to CFROD design guidelines.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rand", is written over a faint, light blue rectangular background.

Director of Planning, BPDA



Case	BOA1461678
ZBA Hearing Date	2023-10-17
Address	106 Moore St. East Boston 02128
Parcel ID	0104283000
Zoning District & Subdistrict	East Boston Neighborhood 2F-2000
Zoning Article	Article 53, Article 27T
Project Description	Raze existing structure and erect 8 units with 9 parking spaces
Relief Type	Variance, IPOD Permit, Conditional use
Violations	FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Roof Structure Restrictions IPOD Applicability Parking or Loading Insufficient Forbidden Use (MFR)

Planning Context:

The proposed project sits in a two-family residential subdistrict (2F-2000). It is also a part of the Coastal Flood Resilience Overlay District and East Boston Interim Planning Overlay District. The East Boston IPOD was implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and zoning protections were in place to guide and regulate new construction in the area.

The PLAN: East Boston draft (September 2023) recommends adjustments to the 2F-2000 subdistrict that would remove property along Moore Street, South of Horace Street, from the 2F-2000 area and include it in a new East-Boston Residential-2 (EBR-2) subdistrict. The PLAN recommends infill development in this area be consistent with adjacent residential context. On lots in an EBR-2 with a width larger than 50', of which this parcel is, residential uses up to 6 dwelling units are allowed.

The zoning recommendations of PLAN: East Boston (2023) detail updated dimensional standards setting caps on new development in the neighborhood's residential fabric. The standards for the EBR-2 subdistrict include maximum building height (3 stories), maximum building lot coverage (60%), maximum building width (50ft), maximum building depth (70'), maximum building floor plate (3,000 sqft), minimum permeable surface area (30%), min/max

BOA1461678

2023-10-17



front yard setback (2.5'-5'), minimum side yard setback (5'), and minimum rear yard setback (1/3 lot depth). The proposed project's building width, permeable surface area, and side yard setback exceed the recommended requirements.

Zoning Analysis:

While the proposed project exceeds the maximum building height currently allowed by zoning (2.5 stories), the 3 stories proposed are contextual to the area and compliant with proposed zoning for the site. Several 3 story structures already exist within close proximity to the site.

Proposed zoning for East Boston's residential areas will remove FAR as a measure of building density. The items that will take its place include building lot coverage, building floor plate, building width, and building depth. The project's proposal shows dimensions for these measures that are compliant with future zoning, with the exception of building width which exceeds the proposed maximum by 4.5'.

The project's front yard setback falls 1.5' short of the figure required by zoning. However, it does match the predominant building alignment of the block and would comply with future zoning. Its side yard violation does not comply with either current or future zoning.

Proposed revisions to zoning for the area will enable residential uses up to 6 units for lots with a width exceeding 50', of which this lot's width (100') does. The project's current 9 unit proposal exceeds this allowance. A project proposing 6 dwelling units would be more contextual to the site and align with future zoning.

Roof decks are an uncommon sight in the project's immediate area. This, however, can be attributed to the high number of gabled structures surrounding. The roof decks proposed meet the setback requirements of the area's zoning and are a common condition for similar building typologies found around the neighborhood.

While the project's 9 off-street parking spaces render the project noncompliant with current zoning (14 required), the figure is actually in excess of both BTDA's recommended parking maximums for the area as well as what PLAN: East Boston's zoning proposes (1:1 parking ratio). The almost 15.5' curb cut and drive aisle would not comply with future zoning (12' max) and also contributes heavily to the site's lack of permeable area (which would also be insufficient and a violation in future zoning).

Recommendation:

BOA1461678

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2 Boston Planning & Development Agency



In reference to BOA1461678, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE** Proponent should submit a proposal with 6 dwelling units that complies with the dimensional requirements (minimum side yard setback, maximum building width, and minimum permeable surface area, specifically) proposed in PLAN: East Boston. Additionally, the site's parking shall be reduced to a 1:1 ratio or less with a curb cut and drive aisle no wider than 12'. Impervious pavement should be minimized and replaced with permeable surfaces such as green space and plantings.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rade", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1485963
ZBA Hearing Date	2023-10-17
Address	340 W Second ST South Boston 02127
Parcel ID	0601727048
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	Article 68, Section 8
Project Description	Repair and replace existing roof deck on flat rubber roof. Expand the existing deck by approximately 600 sqft. New deck to sit on sleeper studs on flat rubber roof. Decking to be composite material. Existing 5' tall parapet wall encircling entire roof to remain and obstruct view from the street.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

This block in South Boston is bounded on the short side by E Street to the northwest and F Street to the southwest; and on the long side by W First Street to the northeast, W Second Street to the southwest, and bisected by Dresser Street as the central service road. It sits on the transitional zone between South Boston's residential districts on the W Second Street side and South Boston's industrial districts and parking lots near the Reserved Channel on the Dresser Street side.

This multifamily housing building is typical and scale and form of other housing developments both on this block and in the district.

This proposal represents an incremental improvement to the property for the occupant, with no substantial change in intensity or use.

Future considerations to zoning may consider adjusting dimensional requirements in this district to better reflect existing built form, removing the need for variances of this sort.

Zoning Analysis:

Section 68-8 states that "Rear Yard required for any Lot in a Residential Subdistrict... are set forth in Table D of this Article."



Table D of Article 68 notes that in the Multifamily Residential Subdistrict, the Rear Yard Minimum is 20 feet.

The preexisting building contains an articulated facade on the rear side that pulls the building face inward 3' feet for the central portion of the building, but there is otherwise no rear yard on this site. This proposal makes no change to the building envelope, nor does it exacerbate the rear yard insufficiency.

The existing parapet provides additional mitigation, minimizing any potential impact of this roof change on the public realm.

This property is within the South Boston Residential Zone, which is subject to a parking freeze. This proposal makes no modifications to parking considerations on this site.

This property is within the Coastal Flood Resilience Overlay District, with a Sea Level Rise - Base Flood Elevation of 19.5 feet. As a roof deck, this proposal makes no modifications that otherwise affect the resilience preparedness of this property.

Recommendation:

In reference to BOA1485963, The Boston Planning & Development Agency recommends **APPROVAL**.

Reviewed,

A handwritten signature in blue ink that reads "Amee Rana".

Director of Planning, BPDA



Case	BOA1491576
ZBA Hearing Date	2023-10-17
Address	338 to 344 Sumner ST East Boston 02128
Parcel ID	0105031010
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 27T, Article 53
Project Description	Adding stepped-back 4th floor to existing 4-unit building to make a 6-unit building with ground floor retail.
Relief Type	Variance, Conditional Use, IPOD Permit
Violations	Height Excessive (ft) Usable Open Space Insufficient Front Yard Insufficient Rear Yard Insufficient FAR Excessive Side Yard Insufficient Parking or Loading Insufficient IPOD Applicability Roof Structure Restrictions Lot Area Insufficient Height Excessive (stories) Forbidden Use 6 Unit

Planning Context:

This project is part of the PLAN: East Boston study area. The draft zoning recommendations of PLAN: East Boston (published on September 12th, 2023) detail new zoning requirements for neighborhood residential areas. In this area of Jeffries Point, the proposed zoning subdistrict is EBR-2. The dimensional regulations for this proposed EBR-2 subdistrict include a maximum building height (3 stories), maximum building footprint (75%), maximum building width (50 feet), maximum building depth (70'), maximum building floorplate (3,000 sqft), minimum permeable area of lot (15%), front yard minimum (2.5'), front yard maximum (5'), minimum side yard (2.5'), and minimum rear yard (1/3 of the lot). The addition of 2 housing units to this existing building is consistent with the ongoing PLAN: East Boston.

Zoning Analysis:

The East Boston Interim Planning Overlay District in which this site is located declares a need for interim zoning in this area and that interim zoning focuses on promoting residential



development that is sensitive in scale, form, and density to the neighborhood character. While the proposed project retains and adds on to an existing building, the project is subject to IPOD applicability pursuant to Article 27T due to the proposed exterior alteration in the cornice line.

The zoning recommendations from PLAN: East Boston remove FAR as a dimensional regulator and instead rely on building footprint, permeable area of lot, front/rear/side yards minimums, and height. Each of the dimensional violations for this proposed project are existing nonconformities: the side yard, front yard, and off-street parking are not worsened by this proposal. However, the rear yard is worsened by reducing the existing nonconforming depth from 8.5 feet to 3 feet. This condition is not compliant with either current or future zoning. A future project iteration should maintain the existing rear yard setback as is. While there is currently a small 4th floor bedroom on top of one portion of the building, the additional 4th floor buildout adds substantially to the structure's already nonconforming height. The project's surrounding context is almost entirely made up of 2-3 story structures. The maximum height contemplated by zoning for the area is 3 stories.

The proposal would add 2 additional units to the existing 4-unit use, totalling 6 units. The EBR-2 sub-district allows 6 units for lots wider than 50'. The project's irregular L-shaped corner lot exceeds this dimension on one side (60' on Sumner St), but is far more narrow on the other (20' on Cottage St). This condition makes fitting 6 units challenging with the proposed 4 stories and impossible without.

Plans reviewed are titled "Renovation and Addition to Sumner/Cottage", prepared by Joy Street Design, and dated April 19th, 2023.

Recommendation:

In reference to BOA1491576, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE**. Proponent should consider a project that maintains the structure's existing height and rear yard setback.



Reviewed,

A handwritten signature in blue ink, which appears to read 'Anne Kane'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



Case	BOA1494933
ZBA Hearing Date	2023-10-17
Address	260 Newbury ST Boston 02116
Parcel ID	0503153000
Zoning District & Subdistrict	Boston Proper B-3-65
Zoning Article	Article 3, Article 32
Project Description	Renovation of existing structure including new MEP systems, FA, sprinkler, elevator, stair tower, windows, and common area finishes. New construction includes penthouse with roof deck, two story rear addition, and recessed entry terrace. Tenant spaces to be core and shell for future tenants.
Relief Type	Conditional Use
Violations	GCOD Applicability Parking Accessory to Non-Residential Uses

Planning Context:

The existing structure, which was previously used as a religiously-affiliated group home, sits in a General Business Subdistrict and is proposed to be converted into a mixed-use commercial property with street-accessible retail space and office floors above. This use is contextual to the area's context.

The structure is sited on Newbury Street, one of the City's preeminent commercial corridors, and flanked on either side by commercial uses. It is also the widest brownstone property on the street with floor plates of over 3,000 square feet, making it one of the few, if only, brownstone properties surrounding that can accommodate a mid-sized commercial tenant. The proposed submerged front yard and basement retail space is a common condition along Newbury Street, broadly and in immediate proximity to the site, which will further activate the area's already robust ground floor streetscape.

The project proposes to erect an additional story on top of the structure and a 2-story addition to the rear. These additions are contextual to the surrounding area in both scale and design. Additionally, the project proposes to repair or restore many of the site's existing historic architectural features.



These proposed changes, together, align the project with the planning goals outlined in Imagine Boston 2030 (September 2017) for the area: to preserve historic architecture and encourage dense, walkable, mixed-use development and public realm improvements to foster a diverse and vibrant urban core.

Zoning Analysis:

Because parking accessory to non-residential uses is a conditional use for the site, a conditional use permit will be required to accommodate the project's proposed parking arrangement. This parking is situated on the rear of the structure, abutting Public Alley 442, and includes 6 total spaces, 2 of which are reserved as handicapped spots. The project's parking setup already exists on the site.

Provisos for GCOD Review and Landmarks Review have been added to the recommendation due to its flagged GCOD Applicability and location within the Back Bay Architectural District.

Recommendation:

In reference to BOA1494933, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISOS:** that plans shall be submitted to the Boston Landmarks Commission for design review, the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD).

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rane", is written in a cursive style.

Director of Planning, BPDA



Case	BOA1496081
ZBA Hearing Date	2023-10-17
Address	1295 to 1297 River ST Hyde Park 02136
Parcel ID	1809110000
Zoning District & Subdistrict	Hyde Park Neighborhood NS-2, NDOD
Zoning Article	Art. 69, Section 11
Project Description	Change Occupancy to Cannabis Business.
Relief Type	Conditional Use, Variance
Violations	Conditional Use, Forbidden use

Planning Context:

Applicant seeks to open a cannabis establishment in a commercial area on River Street, immediately adjacent to the River Street bridge over the Commuter Rail and just north of the Hyde Park Commuter Rail station. The River Street bridge is currently closed for renovation, but applicant intends to open the establishment at approximately the same time as the bridge construction is completed, so that both cars and pedestrians have full transportation access in the area.

Site is in the Cleary and Logan Square Neighborhood Shopping (NS-2) subdistrict, which "encourage[s] the development of neighborhood businesses that provide essential goods and services to, as well as jobs and entrepreneurial opportunities for, the Hyde Park community." As an applicant under the Boston Cannabis Equity Program, and as a minority and woman-owned company run by a Bostonian, this application is well-suited to meet the overall planning goals of this subdistrict.

As noted by applicant, 935 CMR 500, the statewide legislation implementing access to cannabis and referenced by Text Amendment No. 432, provides additional language defining buffer zones from schools:

"Buffer Zone. A Marijuana Establishment Entrance may not be closer than 500 feet from the nearest School Entrance, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement.



(a) The buffer zone distance of 500 feet shall be measured in a straight line from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest School Entrance, unless there is an Impassable Barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest School Entrance.

(b) The buffer zone distance of 500 feet may be reduced if a city or town adopts an ordinance or bylaw that reduces the distance requirement."; and

"Impassible Barrier means, for the purposes of determining the 500 feet buffer zone, a highway, public or private way or path, inaccessible structure, body of water, or other obstruction that renders any part of the 500-foot straight-line distance between a Marijuana Establishment Entrance and a School Entrance inaccessible by a pedestrian or automobile."

Modification to Boston's cannabis buffer zones should consider mirroring the language of the state's enabling legislation, to avoid the need for variances and appeals in situations where Boston's zoning and this legislation differs in small ways.

Zoning Analysis:

Cannabis establishments are a conditional use in this zoning subdistrict, requiring approval. The Boston Cannabis Board granted a license to Suite 420 Wellness, LLC for a proposed establishment needing Recreational Retail Cannabis Dispensary, Delivery Operator and Product Manufacturing Licenses on August 9, 2023, with a provisional condition pending zoning relief for a buffer zone variance. Given the existing oversight, community outreach, and consideration given by the Boston Cannabis Board, this condition should be granted.

In the Boston Zoning Code, Text Amendment No. 432 requires that all cannabis establishments "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. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school."

With respect to the first requirement, this proposal is less than one half mile from 48-54 Walter Street. This property is the location of Lowkey Cultivation, LLC, which was granted a license with the status of an equity applicant on June 22, 2022. As noted by applicant during



presentation to BCB on August 9, 2023, a cultivation license, while still in conflict according to the zoning code, can also be considered a complementary use, and is unlikely to create overall neighborhood conflicts with respect to foot traffic or retail sales. This should be considered a hardship of the applicant relative to the zoning as written.

With respect to the second requirement, this location is, according to this calculation, 486 feet from the nearest school, Uncommon Schools / Roxbury Prep, requiring relief. As noted by applicant during presentation to BCB on August 9, 2023, and verified by Fuss & O'Neill as consultant to the applicant, while the straight-line distance does show 486' between the proposal and Uncommon Schools / Roxbury Prep, the distance taking into account impassable barriers is 528', meeting the requirements of the buffer zone. This does appear to meet the overall public policy recommendations of the enabling legislation and should be considered a hardship of the applicant relative to the zoning as written.

Based on the site's proximity to a park or parkway in the City of Boston (the open space across River Street, directly in front of the post office) this site also triggers the need for Parks Design Review.

This site is also located in the Hyde Park Main Streets Design Overlay (NDOD) District. Section 69-23 of the Boston Zoning Code states about this district: "Downtown" in Hyde Park, by the late 1860s, was already focused along the stretch of Fairmount Avenue and River Street between the two railroad stations. By the early 1870s, this part of town housed several commercial blocks, and was the location of Hyde Park's Baptist, Congregational, and Episcopal Churches. By the end of the 19th century, local building laws required that all new development in this area be of masonry construction, and during the next two decades the character of Cleary and Everett (now Logan) Squares changed from one of frame blocks and stores to a commercial center of decidedly urban character. Although several substantial buildings have been lost or reduced in height as a result of suburbanizing forces in the mid-20th century, the district retains much of its feel as a lively and relatively dense commercial center. Designated a Boston Main Streets district in 1995 and a Historic Neighborhood Center by Historic Boston Incorporated in 2007, future development to restore some of the district's original density and support its economic revitalization could take its cue from what is known of its lost buildings, many of which have been documented using the resources of the Hyde Park Historical Society."



As an application to reuse an existing masonry building in Cleary Square, this proposal fits well within the criteria for requiring design review with the BPDA.

Recommendation:

In reference to BOA1496081, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISIO**: that plans shall be submitted to the Department of Parks and Recreation for review, that plans shall be submitted to the Agency for design review.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rand", is written in a cursive style.

Director of Planning, BPDA



Case	BOA1522084
ZBA Hearing Date	2023-10-17
Address	358 Marlborough ST Boston 02115
Parcel ID	0503547000
Zoning District & Subdistrict	Boston Proper H-3-65
Zoning Article	Article 32
Project Description	Change of occupancy to single family. Interior building renovations. New roof hatch to a roof deck.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

Making necessary repairs to an existing dwelling is in keeping with the planning goals of preserving housing stock as detailed in Housing a Changing City, Boston 2030 (September 2018).

Zoning Analysis:

Due to the proposed complete interior renovations, the project requires a conditional use permit as it is located within the Groundwater Conservation Overlay District. The project requires review by BWSC.

Article 32 - Groundwater Conservation Overlay District states that any applicant seeking a building permit for a Proposed Project within a Groundwater Conservation Overlay District shall be subject to the requirements of this article where such Applicant seeks substantial rehabilitation of any structure. To obtain a conditional use permit, the Applicant shall show that the Proposed Project complies with the requirements set forth in section 32-6 in addition to the standards set forth in Article 6. The project has met these requirements.

Recommendation:

In reference to BOA1522084, The Boston Planning & Development Agency recommends **APPROVAL**. In a letter dated August 24, 2023, BWSC reviewed the plans and stated that they meet the requirements of the GCOD.



Reviewed,

A handwritten signature in blue ink, which appears to read 'Anne Kane'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



Case	BOA1523532
ZBA Hearing Date	2023-10-17
Address	129 B St. South Boston 02127
Parcel ID	0601356000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	Article 68
Project Description	Gut remodel, addition of 2 shed dormers.
Relief Type	Conditional Use, Variance
Violations	Roof Structure Restrictions Rear Yard Insufficient Side Yard Insufficient FAR Excessive

Planning Context:

The proposed renovation and addition of dormers improves the quality of the existing housing stock and advances goals of enhancing neighborhoods as described in Imagine Boston 2030.

Zoning Analysis:

The proposed roof structure modification is subject to conditional use pursuant to Section 68-29 if the construction relocates or alters the profile and/or configuration of the roof or mansard. Conditional use may be granted if the roof structure conforms to the height and architectural character of the immediate vicinity. The proposed dormer along B Street conforms with the dormers along this block and the rear dormer conforms with the adjacent building.

The side yard setback is an existing nonconformity as this building is built to the property line and adjoins the building next to it, as do the other buildings on this block. The rear yard setback is an existing nonconformity of 6.5 feet and is being increased to a 13-foot setback and is uniform with the surrounding building context. This increased setback is achieved by demolishing a 2-story addition, and increasing the setback further would require further demolition of the existing building.

This site is across the street from Flaherty Park and therefore requires review by the Parks Department.



Plans reviewed are titled "129 B Street - Boston, MA - Permit Refusal Set", prepared by Shake Architecture : Construction, and dated May 17th, 2023.

Recommendation:

In reference to BOA1523532, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISIO**: that plans shall be submitted to the Department of Parks and Recreation for review.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rand", is written over a faint, light blue circular stamp.

Director of Planning, BPDA