



MEMORANDUM

TO: Sherry Dong  
Chairwoman, City of Boston Board of Appeal

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: April 8, 2024 (Revised)

RE: BPDA Recommendations

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Please find attached, for your information, BPDA recommendations for the April 9, 2024 Board of Appeal's Hearing.

Also included are the Board Memos for: 281 to 283 Franklin ST Boston 02110.

If you have any questions please feel free to contact me.



<b>Case</b>	BOA1565083
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	144 Worcester ST Roxbury 02118
<b>Parcel ID</b>	0402582000
<b>Zoning District &amp; Subdistrict</b>	South End Neighborhood MFR
<b>Zoning Article</b>	Article 62, Article 32
<b>Project Description</b>	Amendment to ALT1492188 include penthouse addition facade work elevator sitework utilities per construction documents
<b>Relief Type</b>	Variance
<b>Violations</b>	GCOD Applicability FAR Excessive Roof Structure Restrictions Town/Row Extension into Rear

**Planning Context:**

Application BOA1565083 proposes the renovation of an existing 8-unit multifamily building into a 5-unit multifamily building with a penthouse addition. The site is located in a transit rich neighborhood as it sits within walking distance of the green and orange lines. The parcel is located on a street with a wide variety of housing types, however the majority of them are larger multifamily buildings. For example, the building directly to the right of the site is a four story multifamily building that extends all the way back and also has a roof addition. The parcel is also located close to the Worcester St Community Garden within the South End Landmark District.

**Zoning Analysis:**

Since the project is located within a Multifamily Residential subdistrict, the conversion from 8 units to 5 units is a change from an allowed use to an allowed use. The project proposes the addition of two decks to the rear of each floor (sans the garden level and roof) that extend back from the house an additional 9 feet. Note that there is already a storage unit attached to the rear of the building which extends back just over 9 feet. Article 64-9-4 regulates town house extensions into the rear yard and establishes they are conditional when they add more than 50 square feet to the gross floor area of the structure. While this type of extension to the rear seems to be fairly common in the area, it is recommended that this deck extend back no more than 6 feet, which the BPDA Urban Design team has established as a common standard for buildings in the South End.

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Finally, the proposal outlines the addition of a penthouse structure to the roof, and in turn, have been cited as being in violation of Article 64-34 for roof structure restrictions. The penthouse would have a flat roof and extend above the current roofline for 9 feet and 8.625 inches. The addition also increases the gross floor area of the project, which coupled with the pre-existing parcelization, in which a garage to the rear of the property and help in common ownership is subdivided into its on parcel, results in an excessive FAR despite the minor changes proposed. The roof addition would be set back a fair amount from the front of the building, and given the narrow form of the street, may not disrupt the historic building line. That being said, the roof addition must be reviewed by the Boston Landmarks Commission to ensure it complies with the standards Architectural Conservation District.

The site is also flagged as being in a Groundwater Conservation Overlay District, and so needs the appropriate review process to be approved. The Boston Planning and Development agency would recommend an Approval with Proviso, given that the proposed rear deck additions do not exceed 6ft and the penthouse roof addition be reviewed by the Boston Landmarks Commission.

**Recommendation:**

In reference to BOA1565083, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: 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

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Director of Planning, BPDA



<b>Case</b>	BOA1563167
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	647 Tremont ST Roxbury 02118
<b>Parcel ID</b>	0400427000
<b>Zoning District &amp; Subdistrict</b>	South End Neighborhood MFR/LS
<b>Zoning Article</b>	64
<b>Project Description</b>	Furnish and install additional stairwell, including structural modifications per plans. New kitchen layout as per plan. Upgraded mechanical, electrical, and plumbing engineering.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Parking or Loading Insufficient Extension of Nonconforming Use Conditional Use

#### **Planning Context:**

Applicant is a restaurant, on Tremont Street in the South End, in a commercial corridor. Applicant seeks to expand the restaurant, by adding a stairwell, additional storage, additional restaurant sit-down space, and a kitchen, all in the existing basement. Though this does not involve exterior changes, the interior changes trigger a number of violations. Given the large number of restrictions present not only in the South End's zoning article but also through landmarks protections, it can be difficult for applicants to mitigate or avoid many of the violations that are triggered in this district, given the limited options and preexisting nonconformities that are often present.

#### **Zoning Analysis:**

Per Article 9, Section 1, a preexisting nonconforming use can only expand by 25%, so this larger expansion into the basement triggers a zoning violation. This space is pre-existing, and serves to better enable the restaurant to serve its business needs and the dining needs of the South End and greater Boston community. Given the limitations on structural changes to buildings, there is no other feasible way that the restaurant could otherwise use more space, and relief is appropriate.

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Per Article 64, Table D, the maximum FAR in an MFR/LS subdistrict is 2.0. The current FAR is 4.0, so this is a pre-existing nonconformity that would be worsened to approximately 5.0, where

this new floor would add 1.0 FAR. Given that no new space is actually being created, and instead that preexisting space is simply being newly counted as FAR, relief is appropriate. Future zoning reform should consider changing FAR limits or removing it from zoning districts, to better align dimensional requirements with existing building forms as a baseline condition.

Per Article 64, Section 36, the applicant provides insufficient parking. No parking is being provided, as there is no space for parking on the lot, which is fully occupied by the building. There is no feasible way for this property to provide parking, so relief is appropriate. Future zoning reform should consider adjusting or removing off-street parking minimums, to better reflect the realities of existing built form in Boston.

Per Article 64, Table A, restaurants providing takeout are a conditional use in an MFR/LS subdistrict. As noted in the conditions for a conditional use in Article 6: (a) Tremont St is a heavy commercial corridor with many restaurants including takeout, for which this is an exemplary use; (b) a takeout restaurant will not adversely affect a neighborhood both accustomed to and in fact renowned for its dining environment; (c) Tremont Street already provides adequate and reasonable accessibility for vehicles and pedestrians alike, and this business will not cause any potential danger to users and passersby; (d) no nuisance will be created by this use that is normative to the area; and (e) based on the building plans, adequate facilities are being provided for this use to operate successfully.

Additionally, two building code violations have been cited. The basement restaurant access does not provide an accessible route, and there are referenced codes per section 980 CMR Chapter 01 Section 101.4, referencing 521 CMR's Architectural Access Board regulations. In both of these cases, the existing landmark status of this neighborhood and the preexisting building severely limit the options for providing full accessibility. Given that this restaurant contains a full first floor space, and that this expansion is only additional square footage, this accessibility violation is somewhat mitigated.

This site is in the South End Landmark District and will require approval from the Landmarks Commission.



**Recommendation:**

In reference to BOA1563167, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO: that plans shall be submitted to the Boston Landmarks Commission for design review.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1505167
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	847 E Fifth ST South Boston 02127
<b>Parcel ID</b>	0604429000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Combine two adjacent parcels to create a 6,250 sq ft lot. Convert an existing two-family dwelling into a multifamily residential building of five residential units, with a side and rear addition to the existing structure and seven on-site parking spaces in the rear.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions Greenbelt Protection Overlay District

**Planning Context:**

This project proposes to combine two adjacent parcels and convert an existing two-family, three-story residential dwelling into a multifamily, five-unit residential dwelling by making an addition to the rear and eastern side of the existing structure. The project will include the construction of seven parking spaces in the rear and eastern side of the property. These parking spaces will be accessible from a first floor garage entrance at the front of the side addition that is accessible from E Fifth Street. The rear addition and eastern side addition will be three stories in height; the existing dwelling will remain at three stories.

The existing building is on the western of the two parcels and it is assessed as two stories but appears as a three-story building with a pitched roof above the second floor. There is a one-story family room attached to the rear of the primary dwelling and an open rear deck accessible from that family room. The proposed addition would attach a second three-story structure with a pitched roof and dormers to the eastern side yard in the front of the property, thus changing the roofline that is visible from the public realm from one pitched roof to two and introducing dormers. The rear area where the family room and rear deck are currently located will be increased to three stories and rear decks will be added to units on the second and third floors. A small part of the rear area's third-story roofline would be visible between the two pitched roofs, but only when looking straight-on at the building from a third-story view across the street. There



are a variety of roof styles on this block including flat three-decker roofs, pitched roofs, and the dormers, but this project is unique in that the dormers it proposes face another building and only give view of that building. Based on the plans, the existing structure will retain its front yard depth of about 9.4 ft while the new side addition will have a front yard depth of 3.9 ft. This will create a new variable front yard depth for the structure and create the appearance of an offset front for the whole structure between the existing building and the side yard addition.

The proposed parking spaces will include two open parking spaces in the southeast corner of the lot, two covered parking spaces at the basement level of the new side addition, and three partially covered parking spaces in the southwestern rear of the lot. The BPDA's Transportation Planning department recommends that parking spaces are designed to either be completely covered or completely uncovered. These parking spaces will be made accessible via a garage opening at the front of the new addition. The project plans do not provide a clear plan for how the sidewalk conditions will need to change to account for this vehicular activity entering that section of the building to reach the basement and rear spaces.

#### **Zoning Analysis:**

This property is located within the MFR (Multifamily Residential) subdistrict of the South Boston Neighborhood District (Art. 68). This neighborhood district has roof structure restrictions (Art. 68, Sec. 29) that require a conditional use permit should a project propose the construction or enlargement of a roof that relocates or alters the profile of the roof or mansard. The proposed addition would create a roofline condition that is not typical for the surrounding area due to the addition of side-facing dormers and the rear flat roof addition behind the pitched roofs that would be partially visible from the public realm. However, these additions are not applicable to this property due to the roof changes being specific to an addition to the side and rear of the existing property rather than changing the roof design of the primary existing dwelling.

This project is within the Greenbelt Protection Overlay District (GPOD), which requires zoning relief through a conditional use permit and review by the Department of Parks and Recreation if a project seeking a building permit in the GPOD exceeds 5,000 sq ft in areas along the City's Greenbelt Roadways. The GPOD's purpose is to preserve and protect the air quality and natural scenic resources of the Greenbelt Roadways' vegetation and open space as well as protect against traffic congestion and vehicular safety concerns. The project plans indicate that the five units will result in 4,005 sq ft, but the plans do not provide a total project square footage to

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determine if regulations fully apply. If these regulations apply, then zoning relief would be required which would be contingent on if the proposed project has an appropriate use for the area and provides "adequate and appropriate facilities" for that use. This project's multifamily use is allowed within this subdistrict and the proposed number of parking spaces align with the required off-street parking ratio, though the parking design does not match recommended standards from the BPDA's Transportation Planning department.

Site plans completed by Framingham Survey Consultants, Inc. on November 21, 2023. Project plans completed on November 3, 2023.

**Recommendation:**

In reference to BOA1505167, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review to address the parking design with attention to the front section of the building and its driveway entry as well as the rear parking spaces that are partially covered. Plans should also be submitted to the Department of Parks and Recreation for GPOD review if this project triggers the applicability for this district.

Reviewed.

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Director of Planning, BPDA



<b>Case</b>	BOA1549728
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	88 G ST South Boston 02127
<b>Parcel ID</b>	0701689002
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	Article 68
<b>Project Description</b>	Extend the existing roof deck.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Conditional use - Roof Deck

**Planning Context:**

The project proposes an interior renovation and roof deck extension on an existing residential condo in South Boston. The outcome of the renovation will be an extension of a pre-existing roof deck that will increase in size to encompass a larger extent of the pre-existing mansard roof, plus new railings. The mansard roof itself will not increase in floor area.

The pre-existing residential condo is 3.5 stories tall and surrounded by other condo and apartment buildings of a similar height, massing, and design. The pre-existing roof deck appears to be appropriately shielded from the street view, and many other dwellings in the nearby area, including those immediately adjacent to the dwelling, have roof decks as well.

**Zoning Analysis:**

Per Section 68-29 of the Zoning Code, roof decks are allowed on residential buildings in South Boston, provided that the design and location of the roof deck meets the conditions outlined in this section. These conditions include the provisions that such a) decks are less than 1 foot above the highest point of such roof; b) the total height of the building, including such deck, does not exceed the maximum Building Height allowed by this Article for the location of the Building; and (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, two (2) feet for each foot of height of such appurtenant structure, from a roof edge that faces a Street more than twenty (20) feet wide. If these conditions are not met, the Zoning Board of Appeal may grant a conditional use.

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The pre-existing roof deck does not satisfy condition C, as access to the deck is through a pair of doors off the interior room, to the third floor mansard-roof level. This is due to the fact that the dwelling itself has two roof levels: first, the mansard roof which is at the third level of the dwelling, and secondly the roof at the 3.5 story mark, which is created by a pre-existing attic-level addition. The proposed roof deck will extend to encompass more of the perimeter of the existing mansard roof; there will not be any addition of floor area to the roof itself. As stated in the Zoning Code, the Board of Appeal may grant a conditional use for such a roof deck as long as the deck does not damage the uniformity of height or architectural character of the immediate vicinity. Per the plans and the Google Street View images (dated August 2022), the pre-existing deck and the proposed expansion satisfy these conditions. The extended roof deck will also feature new railings along its perimeter.

The plans reviewed are titled "Floor Plan Alteration" and are dated 6/12/23. They were prepared by GJ Design Group LLC.

**Recommendation:**

In reference to BOA1549728, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed.

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Director of Planning, BPDA



<b>Case</b>	BOA1542408
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	27 to 29 Kenilworth St Roxbury 02119
<b>Parcel ID</b>	0903229000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	Article 50
<b>Project Description</b>	Construct a new nine (9) unit passive house condo building on a vacant corner lot.
<b>Relief Type</b>	Variance
<b>Violations</b>	Use Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient

**Planning Context:**

The proposed project sits in a Three-Family Residential Subdistrict in Roxbury's Highland Park Area. It is also a part of one of the neighborhood's Boulevard Planning Districts (BPDs). According to Section 50-37 of the Zoning Code (Boulevard Planning Districts, Roxbury), BPDs serve as markers of significant neighborhood corridors and gateways to residential areas. Special design guidelines for BPDs are established in Article 50 (Roxbury Neighborhood Zoning). In addition, the project sits within the Roxbury Neighborhood Design Overlay District (NDOD) as well as the Highland Park Architectural Conservation District.

The surrounding context comprises a mix of 2 to 4 story residential and mixed-use structures, with occupancies ranging from single-family to multifamily (20+ dwelling units). The project site is located within a 1/2 mile of the Roxbury Crossing orange line MBTA station and a short walk (500') from bus stops servicing the 14, 15, 19, 23, 28, 41, 42, 44, 45, and 66 MBTA bus routes. It is also within immediate proximity (~1/4) to several civic amenities, including the Roxbury Heritage State Park, Jeep Jones Park, Madison Park Playground, and Roxbury Branch of the Boston Public Library.

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The proposed project seeks to erect a new 3.5 story, 9 unit residential structure upon the site, which currently operates as a 100% impervious surface parking lot. This scope is revised from a previous Article 80 proposal, which included 23 dwelling units and was reviewed by the BPDA in 2022. The updated proposal also includes public realm improvements, which bump out the corner parcel's existing curb to regularize the dimensions of the adjacent intersection and create a new publicly accessible open space with landscaping and new street trees. The project also proposes to create two new accessible pedestrian crossings across Kenilworth Street and Dudley Street (previously there were none). These proposed improvements will be subject to the review and approval of the Public Improvement Commission.

The proposed project's scope, which replaces existing surface parking with housing, is consistent with both City and neighborhood planning goals: (1) to encourage appropriately-scaled residential infill development and create new housing (Imagine Boston 2030, 2016); (2) to promote the development of architecturally contextual mid-density housing (Roxbury Strategic Master Plan, 2006); (3) to reduce impervious surface across the City (Heat Resilience Solutions for Boston, 2023); and (4) to increase tree canopy across the City (Urban Forest Plan, 2022).

Because of the site's location within a BPD, NDOD, and Landmarks District, Landmarks Design Review will be required for the project.

### **Zoning Analysis:**

Because the project sits in a three-family residential subdistrict (3F-4000), its proposed multifamily residential use constitutes a zoning violation. Multifamily residential uses are common in the surrounding area and can be seen existing with occupancies far greater in scale than what is proposed by this project (20+ dwelling units). This condition is also what trigger's the project's additional lot area per dwelling unit violation.

Similarly, while the project's building height (3.5 stories proposed, 3 allowed), FAR (3.44 proposed, 0.8 allowed), side yard (0' proposed, 10' required) dimensions exceed the permitted zoning regulations for the area, several existing precedents of similar scale and dimensional violations can be found within a block radius of the project site. In fact, many of these examples actually exceed the scale of what is proposed by this project, especially in height.



While the project also holds violations for insufficient usable open space and off-street parking, these are largely offset by the public realm improvements proposed by the project (which include a new publicly accessible open space adjacent to the project and create enough on-street parking spaces to satisfy the site's off-street parking requirement).

The project's front yard dimension conforms with the street's existing building alignment, and should be excluded from the proposal's violation list.

Zoning reform is needed for the area to better align regulation with existing context. Specifically, given the extent of nonconformity already existing there, these efforts should look to expand allowances for multifamily residential uses, amend height requirements to match what is already existing, and replace existing density regulators such FAR and lot area/dwelling unit with more predictable regulators of building form such as building lot coverage.

A proviso for Landmarks Review has been added to this recommendation to satisfy the design review requirements of both the Roxbury NDOD and Highland Park Architectural Conservation District.

**Recommendation:**

In reference to BOA1542408, The Boston Planning & Development Agency recommends

APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Boston Landmarks Commission for design review

Reviewed.

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Director of Planning, BPDA



<b>Case</b>	BOA1561862
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	353 to 359 Blue Hill Ave Dorchester 02121
<b>Parcel ID</b>	0202731000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR
<b>Zoning Article</b>	50
<b>Project Description</b>	Construct 3-story, 5-unit building with ground floor retail in conjunction with the Mayor's Office of Housing.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Conditional (Local Retail) Traffic Visibility Across Corner

**Planning Context:**

This currently vacant corner lot is located within an MFR zoning subdistrict along Blue Hill Avenue in Roxbury and within 3/4 of a mile from the Four Corners/Geneva commuter rail station. The two blocks to the north of this site along Blue Hill Ave are largely vacant, with the exception of one single-story commercial space one block to the north.

The opposite side of Blue Hill Ave and further to the south has a mix of 3- and 4-story buildings with small commercial spaces on the ground floor and zero-lot-line conditions.

The project is being executed in conjunction with the Mayor's Office of Housing (MOH) as part of the Blue Hill Ave Action Plan. The Blue Hill Ave Action Plan includes a collection of 30 city-owned parcels that MOH issues RFPs to developers for affordable homeownership units and ground floor commercial spaces. A period of engagement with community groups and City departments from 2020 to 2022 resulted in development objectives of encouraging housing and mixed-use development, reviving retail stores, and establishing community based shopping districts. As part of the MOH development process, there was a public meeting held on

September 20th, 2023 to share the proposal with the community, receive feedback, and refine

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designs accordingly. The applicant also met several times with the adjacent neighbor. As a result of this feedback, the building was slightly relocated on the lot to accommodate the existing street tree on the site and provide a larger setback from the neighboring residences along Intervale Street. The 5 proposed units are condominiums that will be income-restricted to households earning equal to or less than 100% of Area Median Income.

Given the location along this major transportation corridor, surrounding commercial establishments, and dense multifamily development, additional housing units and retail space are appropriate at this site.

### **Zoning Analysis:**

The project requires a conditional use permit for the local retail proposed on the ground floor. The retail space faces Blue Hill Ave and is located on the ground floor; Table B of Article 50 stipulates that local retail shall be conditional in MFR subdistricts only if located on the ground floor.

The project proposes zero parking spaces; this should not be flagged for a zoning violation because 100% of the units are affordable at 100% AMI or below. Zoning Text Amendment No. 454 removed off-street parking minimums for affordable housing in Article 50, but that is not reflected in Municode and should be updated accordingly.

This project has several dimensional violations; largely resulting from an outdated code that does not reflect the existing built condition of the area. Zoning reform is needed here to align with the planning context of the Blue Hill Ave Action Plan, which included community and City department engagement around increased housing and small business opportunities that current zoning does not allow for. This lot has an area of 3,886 square feet; The total required lot area including additional lot area for more than 3 units is 6,000 square feet. There are several properties in the immediate vicinity within the same MFR subdistrict that have lots of a similar size and higher unit counts.

The required FAR here is 1.0 and the proposed FAR is 1.76. The project is within the required maximum height, but does violate front, side, and rear yard minimums. The required front yard is 20' and the applicant proposes 7' on Intervale Street and 0' on Blue Hill Ave. However, these proposed front yard setbacks are in conformity with the surrounding building alignments, where buildings along Blue Hill Ave are built to a zero-lot-line condition and the residential homes along Intervale Street are set back by 5'.

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The required side yard setback is 10', and the applicant proposes a setback of 5'. The rear yard setback is required to be 20', and the applicant proposes 9'. These proposed setbacks are consistent with other multifamily residential properties in this same MFR subdistrict and show a need for updated zoning in this area to reflect the existing built condition.

The project is also cited for not maintaining traffic visibility across the corner. The 3 other corners of this intersection have 3-story buildings built immediately to the property line and do not maintain traffic visibility. This is another area needed for future zoning reform.

The project is cited for usable open space. A total of 1000 square feet is required for these 5 units, but the applicant states in their plans that they are providing 1500 square feet. A detailed plan for usable open space should be refined through design review to maximize usability for future tenants.

And finally, this site is located within a Boulevard Planning Overlay District, which acknowledges the significance of major boulevards as the entryways to Roxbury's neighborhoods. Given its prominent location at a corner along Blue Hill Avenue and the cited dimensional violations, the project should undergo design review.

Plans reviewed are titled "Blue Hill Ave - B3 Parcels 353-359 Blue Hill Ave, Boston, MA 02121," prepared by Studio Luz Architects, and dated September 21st, 2023.

**Recommendation:**

In reference to BOA1561862, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to better defining usable open space and reviewing the design at this prominent location.

Reviewed.

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Director of Planning, BPDA



<b>Case</b>	BOA1561863
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	391 to 395 Blue Hill Ave Dorchester 02121
<b>Parcel ID</b>	1202673000, 12026720000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR/LS
<b>Zoning Article</b>	50
<b>Project Description</b>	Combine two parcels and construct a four-story building with ten affordable residential units with ground floor retail in conjunction with the Mayor's Office of Housing.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Parking or Loading Insufficient Traffic Visibility Across a Corner Lot Boulevard Planning District

**Planning Context:**

The resulting combined corner lot is located within an MFR/LS zoning subdistrict along Blue Hill Avenue in Roxbury and within 3/4 of a mile from the Four Corners/Geneva commuter rail station.

This section of Blue Hill Ave has a mix of 3- and 4-story buildings with small commercial spaces on the ground floor and zero-lot-line conditions.

The project is being executed in conjunction with the Mayor's Office of Housing (MOH) as part of the Blue Hill Ave Action Plan. The Blue Hill Ave Action Plan includes a collection of 30 city-owned parcels that MOH issues RFPs to developers for affordable homeownership units and ground floor commercial spaces. A period of engagement with community groups and City departments from 2020 to 2022 resulted in development objectives of encouraging housing and mixed-use development, reviving retail stores, and establishing community based shopping districts. As part of the MOH development process, there was a public meeting held on

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September 20th, 2023 to share the proposal with the community, receive feedback, and refine designs accordingly. The 10 proposed units are income-restricted condominiums at 100% AMI or below.

Given the location along this major transportation corridor, surrounding commercial establishments, and dense multifamily development, additional housing units and retail space are appropriate at this site.

### **Zoning Analysis:**

The project proposes zero parking spaces; this should not be flagged for a zoning violation because 100% of the units are affordable at 100% AMI or below. Zoning Text Amendment No. 454 removed off-street parking minimums for affordable housing in Article 50, but that is not reflected in Municode and should be updated accordingly.

This project has several dimensional violations; largely resulting from an outdated code that does not reflect the existing built condition of the area. Zoning reform is needed here to align with the planning context of the Blue Hill Ave Action Plan, which included community and City department engagement around increased housing and small business opportunities that current zoning does not allow for. The resulting combined lot has an area of 3,362 square feet; the total required lot area, including additional lot area for more than 3 units, is 11,000 square feet. The neighboring properties in this MFR/LS subdistrict have very high lot coverage on parcels of similar or smaller size.

The required FAR here is 1.0 and the proposed FAR is 2.92. The project is within the maximum height in stories (4 maximum and 4 proposed), but nominally exceeds the maximum height in feet (45' maximum and 49' proposed). There are multi-unit residential buildings within 3 blocks of this property that are 4 stories tall but also exceed this 45' maximum.

The applicant proposes 0' front and side yards to align with the neighboring properties and maintain a consistent street wall. The required front yard is 20' and the required side yard is 10', indicating a need for zoning reform in areas with these main street conditions of zero-lot-line construction. The proposed rear yard is at 9', just shy of the required 10' setback. This rear yard violation is consistent with the surrounding context where many properties have rear setbacks between 5' and 15'.



The required usable open space for these 10 units is 2,000 square feet; the applicant proposes 415 square feet of open space at the street level along Brunswick Street and in the rear yard. Although the immediately adjacent buildings along Blue Hill Ave do not provide sufficient usable open space, this project should continue to explore additional means of meeting the requirement via balconies, terraces, or other methods determined through design review.

The project is also cited for not maintaining traffic visibility across the corner. Two of the other corners of this intersection have 3-story buildings built immediately to the property line and do not maintain traffic visibility. This is another area needed for future zoning reform.

And finally, this site is located within a Boulevard Planning Overlay District, which acknowledges the significance of major boulevards as the entryways to Roxbury's neighborhoods. Given its prominent location at a corner along Blue Hill Avenue and the cited dimensional violations, the project should undergo design review.

Plans reviewed are titled "Blue Hill Ave - B3 Parcels 391-395 Blue Hill Ave, Boston, MA 02121," prepared by Studio Luz Architects, and dated September 21st, 2023.

**Recommendation:**

In reference to BOA1561863, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to increasing usable open space and reviewing the design at this prominent location.

Reviewed.

A handwritten signature in black ink, appearing to read "Amee Rana".

Director of Planning, BPDA



<b>Case</b>	BOA1567009
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	13 Alexander ST Dorchester 02125
<b>Parcel ID</b>	1301067000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000, RH
<b>Zoning Article</b>	50
<b>Project Description</b>	Extensive interior renovations including the relocation of a bathroom and the addition of living area and a laundry room in the basement. Proposed exterior changes include an added front yard parking space and a rear spiral staircase.
<b>Relief Type</b>	Variance
<b>Violations</b>	Limitation of Area for accessory use (parking) Rear Yard Insufficient Usable Open Space Insufficient Lot Area Insufficient Additional Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Screening and buffering requirement

**Planning Context:**

The proposed project is a renovation of a 4-story Roxbury rowhouse with a gated driveway on the north side of the parcel. Interior renovations include the addition of a bedroom and laundry room in the basement, the addition of a bathroom on the first floor, the relocation of a bathroom on the second floor, and the addition of a dining and living area on the third floor. On the rear of the building, a spiral staircase is being proposed from the garden level to the top floor. This would not be visible from the street. The plans also show a change in parking— from two spaces to three, with the third spot being a tandem space in the front yard.

The parcel is on a primarily residential block with a mix of housing typologies. There is a community garden on one end of the street, and the Upham’s Corner commuter rail station is just a block away. Released in 2014, the Upham’s Corner Station Area Plan was part of the larger Fairmount-Indigo Planning Initiative. The Station Area Plan calls for better walkability and increased housing choice, particularly multi-family housing, near rail stations.



### **Zoning Analysis:**

Of the nine zoning violations issued, eight are dimensional in nature. Many of them relate to pre-existing conditions. These include the rear yard, lot width, lot frontage, lot area, usable open space, and additional lot area violations. With the exception of the exterior spiral staircase extending into the rear yard, this plan does not worsen any of these nonconformities.

Despite taking up a portion of the rear yard, the staircase does not appear to be removing any permeable space. Satellite imagery from May 2023 shows that the yard is already paved. Another key reason for rear setbacks is to help ensure privacy between neighbors. The staircase is not a living area, so it would have little negative impact in this regard.

According to the plans, the current FAR is 0.98, and the proposed FAR is 1.43. This is in line with the RH subdistrict FAR maximum (1) but not within the cap for 3F-4000 (0.8). However, the violation derives from the impact of converting existing basement storage (excluded from FAR calculation) to living area in the basement; neither the massing of the building nor the density of the use are changing.

The final two violations address the parking space in the front yard and inadequate screening and buffering around that parking. Screening and buffering should consist of trees and shrubs in a strip at least 5' wide on the inside edge of the fence (Section 50-41(2)).

The larger issue, however, is the parking configuration. Parking in the front yard is not allowed (Section 10-1), and these plans include one front yard parking space. The Upham's Corner Station Area plan also calls for enhanced walkability. This parcel is just a block away from the T station, so the additional space is equally inappropriate from a transit-oriented development perspective.

### **Recommendation:**

In reference to BOA1567009, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: revised plans should include the removal of the front yard parking space and the addition of screening and buffering around the driveway.



Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Director of Planning, BPDA



<b>Case</b>	BOA1554601
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	62 N Beacon ST Allston 02134
<b>Parcel ID</b>	2101345000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 1F-3000
<b>Zoning Article</b>	Article 51
<b>Project Description</b>	Convert existing single-family house to 3-family through internal renovations. No changes to the existing structure except to add a deck over the existing garage.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (3F)

**Planning Context:**

The proposed project seeks to change the occupancy of an existing single-family house to a 3-family house through internal renovations. These renovations will convert each of the three floors to a 2-bedroom unit. While no changes to the external structure will be made, a deck will be added to the rear on top of the existing garage. This location is close to transit as it is a 1-minute walk from the MBTA 64 bus stop and a 5-minute walk from the MBTA 57 bus stop which would be able to connect the site to the MBTA Green Line. The BTD Parking Maximum Ratio for this area is 0.75. This area is currently zoned as 1F-3000 but this portion of North Beacon Street contains a mix of single-family, two-family, and three-family dwellings.

While this project falls outside the Brighton Guest Street Area Planning Study (March 2012), this project would help advance the needs identified in the Allston-Brighton Needs Assessment (January 2024). One of the central needs identified was a need for accessible and affordable housing. The proposed project would also add density near transit as it will convert a single-family house to three units, each with two bedrooms.

**Zoning Analysis:**

With the proposed project, the refusal letter states that there are violations with the use, the off-street parking requirement, and insufficient rear and side yards. Under Article 51 of the Zoning





Code, a 3-family residential dwelling is forbidden as this area is zoned as 1F-3000. This is a case for zoning reform to align with the planning goals in Allston-Brighton. As the project is proposing a 3-family residential building, even though the area is zoned as 1F-3000, it will help increase the available housing stock. There are also two-family and three-family buildings that surround the project at 64 North Beacon Street and 68 North Beacon Street. Zoning reform would allow the two-family and three-family use to be appropriate given the neighborhood context.

While there is a violation for the off-street parking requirement, zoning reform would help address the discrepancy between the requirement and necessity as well as what is listed in the Zoning Code and in the BTD Parking Guidelines. While the required minimum ratio under Article 51 is 1.75 for the area, the recommended BTD Parking Maximum Ratio is 0.75 which means that under the BTD guidelines, this project would meet the parking ratio requirements. Zoning reform would help address this discrepancy as parking is not a necessity due to the proximity of transit options. There are transit options within a 10-minute walk of the project.

Under Article 51, the minimum rear yard and side yard for a single-family house in this area are set at 30 feet and 10 feet respectively. For other uses in the area, the minimum rear yard is also set at 30 feet and the minimum side yard is also set at 10 feet. However, both of these values were already non-conforming with the Zoning Code as there are no proposed changes to the external structure with this project. This is also a case for zoning reform to allow the extension of existing non-conformities, such as the rear and side yard, when the structure otherwise conforms to dimensional requirements and the existing non-conformity is not increasing, to incentivize retention and improvement of existing structures.

The plans reviewed are titled 62 N Beacon St and are dated November 21, 2023. They were prepared by PFS Land Surveying, Inc.

**Recommendation:**

In reference to BOA1554601, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1565595
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	12 Geneva ST East Boston 02128
<b>Parcel ID</b>	0104091000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood MFR
<b>Zoning Article</b>	53
<b>Project Description</b>	Erect 4 story, 4-unit residential building with roof deck.
<b>Relief Type</b>	Variance
<b>Violations</b>	GCOD Applicability Parking or Loading Insufficient Additional Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient

**Planning Context:**

The site is in the Gove Street area of East Boston, north of Jeffries Point and a block west of Logan Airport. The site is currently occupied by a 1-story, 1-bay garage and a vacant lot. Abutting the lot on one side is a 3-story residential building and on the other is a vacant lot. Geneva Street is a 1-block dirt street lined with 3-story residential uses, 1-story auto service commercial uses, and the Southwest Service Area Airport Edge Buffer green space.

After almost four years of planning and community engagement, PLAN: East Boston was adopted by the BPDA Board in January 2024. The accompanying zoning text and map amendments were advanced by the BPDA Board in March 2024 and are expected to go to the Boston Zoning Commission for review in April 2024.

PLAN: East Boston aims to expand housing choices, advance climate preparedness, ensure access to travel choices, support neighborhood economies, and guide predictable growth and targets its analysis and recommendations toward two large categories of land uses: neighborhood residential areas and squares and streets. The proposed project is located in the Jeffries Point and Gove Street neighborhood residential area where the PLAN recommends

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replacing the existing MFR subdistrict with a new EBR-4 zoning subdistrict and allowing up to 4 stories in height, aligned with the existing condition of most residential buildings in the Gove Street area.

The draft zoning amendments to Article 53 would codify the PLAN recommendations and create new dimensional requirements, the most relevant of which are summarized below:

Height: 4 stories, 50 feet

Minimum Side Yard: 5 feet

Minimum Rear Yard: 1/3 lot depth (lot of proposed project has depth of 80 feet, therefore minimum rear yard is approximately 26 feet)

Maximum Building Lot Coverage: 60%

Minimum Permeable Area of Lot: 30%

The height of the proposed project is consistent with PLAN: East Boston and draft zoning. However, the proposed project provides 3-foot side yards on both sides, and a 9-foot rear yard (measured from the proposed covered decks to the rear lot line per Article 2 definition of Rear Yard). The side and rear yards are not consistent with the draft zoning. In addition, the building lot coverage and minimum permeable area are not provided in the submitted materials, but based on an estimate from the site plan, the proposed project has a building lot coverage of approximately 64% which is inconsistent with the draft zoning maximum building lot coverage of 60%.

The proposed project is also within the Coastal Flood Resilience Overlay District (CFROD), meaning that it is anticipated to be flooded with a 1% chance storm event in 2070 with 40 inches of sea level rise. The Base Flood Elevation (BFE) of the proposed site is 19.5 feet, according to the BPDA Zoning Viewer. Article 25A requires that residential uses have a minimum "Sea Level Rise Design Flood Elevation (DFE)" of BFE plus two feet of freeboard, meaning that the residential use must be elevated two feet above BFE. Based on the materials provided, the project is not elevated above the BFE. The Art 53 draft zoning prohibits the addition or extension of residential uses below the Sea Level Rise - Design Flood Elevation, and thus the proposed project is not in compliance with the draft zoning as it pertains to the CFROD.



**Zoning Analysis:**

The proposed project exceeds several dimensional requirements of Article 53. Although the draft zoning amendments to Article 53, as explained above, would increase the height limit to 4 stories, the building footprint (i.e. width and depth) of the proposed project exceeds current and proposed zoning, resulting in side yard, rear yard, usable open space, and FAR violations.

The lot on which the proposed project is narrow, resulting in minimum lot width or lot frontage violations. However, the draft zoning does not establish any dimensional regulations that would preclude building on this narrow lot, and relief from the minimum lot width or lot frontage may be considered. However, the proposed, oversized building footprint is inconsistent with the current and draft zoning and must be redesigned.

The proposed project is also within the Coastal Flood Resilience Overlay District (CFROD), meaning that it is anticipated to be flooded with a 1% chance storm event in 2070 with 40 inches of sea level rise. The project proposes less than 20,000 square feet and 15 units, therefore it is not subject to the use and dimensional regulations of the CFROD.

**Recommendation:**

In reference to BOA1565595, the Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should consider a project that increases side and rear yard setbacks and elevates residential uses at least 2 feet above Base Flood Elevation, per Article 25A.

Reviewed,

A handwritten signature in black ink, appearing to read "Anne R. G. ...". The signature is written in a cursive, flowing style.

Director of Planning, BPDA



<b>Case</b>	BOA1563668
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	28 Swan Ave East Boston 02128
<b>Parcel ID</b>	0101532000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-5000
<b>Zoning Article</b>	10, 53
<b>Project Description</b>	Build a 3 story 4 unit residential building with 4 parking spaces. The project is in conjunction with an almost identical project on the next parcel, 30 Swan Ave, which will share a driveway.
<b>Relief Type</b>	Variance, Conditional Use, IPOD Permit
<b>Violations</b>	FAR Excessive use Height Excessive (stories) Side Yard Insufficient Rear Yard Insufficient Parking or Loading Insufficient Conformity Ex Building Alignment Limitation of parking areas (Parking within 5 Ft of side lot line)

**Planning Context:**

The proposed project is for the construction of a 3 story, 4 unit multi family residential building, with parking and a driveway. This project is nearly identical to the one next door at 30 Swan Ave and shares a driveway with the property. This portion of East Boston is located between the High density Saratoga Economic Development Area and the protected areas of Belle Isle Marsh.

The proposed project sits within the bounds of the East Boston Interim Planning Overlay District. The 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. Projects within the IPOD should protect and enhance the neighborhood's existing context, in part by creating appropriate relationships of scale and continuity in character between established districts and new development. Because the proposed project's permit application was submitted prior to the IPOD's sunset on 11/11/23, its regulations will still apply.

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### **Zoning Analysis:**

PLAN: East Boston's draft zoning (approved by the BPDA Board in January 2024), which is pending Zoning Commission consideration, places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a max occupancy of 3 units, which this proposal exceeds. However, EBR-3 Districts allow for occupancy of up to 6 units if the lot frontage is equal to or greater than 55 feet. The proposed project has a frontage of 53 feet, just under this requirement. This 2 foot difference means that the project is a forbidden use and requires a variance.

The proposed project also requires variances for other dimensional regulations. The new draft Zoning for East Boston calls for a maximum building depth of 70 feet. the proposed project has a building depth of 76 Feet. Compounded with this is the requirement that the rear setback be equal to 1/3 of the lot depth. The overhang above the tuck-under parking on the rear of the property eclipses this requirement and goes to almost the edge of the lot.

While the project currently has need of variances for other dimensional issues, the new East Boston Zoning will eliminate the violations in question. The building is too tall under the current zoning. The new zoning raises height maximums to 3 stories, the height of the proposed project. The side and front yard setbacks are also currently triggering violations. With the new front yard setback requirement of 5 feet, and the side yard setback requirement of 3 feet, the project would be in compliance.

The FAR of the proposed project is also currently in violation of the zoning code. However, under the new zoning the only related requirement is that the building occupies less than 60% of the overall lot. This project meets this requirement at around 50% lot coverage.

The draft East Boston Zoning would also eliminate the minimum parking requirement violations. The new zoning calls for a parking ratio of 1 parking spot per unit. The proposed project meets this requirement exactly. The other parking violation, "Limitation of Parking Areas" is in regards to parking being within 5 feet of the lot edge, which is typically not allowed. This project is sharing driveway with the associated project adjacent to the property. While it technically violates the zoning regulations, the benefits presented by consolidating parking are highly encouraged and help contribute to a better site design.



The proposed project is located within the Coastal Flood Overlay District, but does not meet the requirements to be applicable under the policy. However, Draft East Boston Zoning calls for all projects within the CFROD must meet the dimensional requirements of the policy even if they don't meet the applicable triggers. The proposed project located at 28 Swan Ave has a base flood elevation of 19.5 feet. CFROD regulations state that any permanently occupied space must be built a minimum of 1 foot over the BFE. The proposed project does not do this, and instead has its floorplate at 19.5 feet of elevation, the same as the BFE.

This project requires an IPOD permit because it proposes to erect a structure greater than 1,000 square feet of gross floor area within the East Boston IPOD Study Area (Article 27T Section 5). Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T. Applicable provisions of Article 27T include Section 7, which states that Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns. Proposed Projects should also incorporate appropriate resiliency measures.

**Recommendation:**

In reference to BOA1563668, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The Proponent should consider a project that reduces the building depth to be in line with draft East Boston Zoning, as well as raising the elevation of the floorplate in order to comply with CFROD regulations.





Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rana". The signature is fluid and cursive.

Director of Planning, BPDA



<b>Case</b>	BOA1563671
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	30 Swan Ave East Boston 02128
<b>Parcel ID</b>	0101531001 and 0101531000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-5000
<b>Zoning Article</b>	53
<b>Project Description</b>	Build a 3-story 4-unit residential building with 4 parking spaces. The project is in conjunction with an almost identical project on the next parcel, 28 Swan Ave, which will share a driveway.
<b>Relief Type</b>	Variance, Conditional Use, IPOD Permit
<b>Violations</b>	FAR Excessive Rear Yard Insufficient Side Yard Insufficient Parking or Loading Insufficient Height Excessive (stories) Use Limitation of Parking Areas (Within 5 Ft of Side lot line) Conformity with Existing Building Alignment

**Planning Context:**

The proposed project is for the construction of a 3 story, 4 unit multi family residential building, with parking and a driveway. This project is nearly identical to the one next door at 28 Swan Ave and shares a driveway with the property. This portion of East Boston is located between the High density Saratoga Economic Development Area and the protected areas of Belle Isle Marsh.

The proposed project sits within the bounds of the East Boston Interim Planning Overlay District. The 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. Projects within the IPOD should protect and enhance the neighborhood's existing context, in part by creating appropriate relationships of scale and continuity in character between established districts and new development. Because the proposed project's permit application was submitted prior to the IPOD's sunset on 11/11/23, its regulations will still apply.

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### Zoning Analysis:

Draft zoning for Article 53 to implement PLAN: East Boston was approved by the BPDA Board in March 2024), and is currently pending Zoning Commission consideration. The draft zoning places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a maximum occupancy of 3 units, which this proposal exceeds. However, EBR-3 Districts allow for occupancy of up to 6 units if the lot frontage is equal to or greater than 55 feet. The proposed project has a frontage of 53 feet, just under this requirement. This 2 foot difference means that the project is a forbidden use and requires a variance.

The proposed project also requires variances for other dimensional regulations. The new draft Zoning for East Boston calls for a maximum building depth of 70 feet. The proposed project has a building depth of 76 Feet. Compounded with this is the requirement that the rear setback be equal to 1/3 of the lot depth. The overhang above the tuck-under parking on the rear of the property eclipses this requirement and goes to almost the edge of the lot.

The FAR of the proposed project is also currently in violation of the zoning code. However, under the new zoning the only related requirement is that the building occupies less than 60% of the overall lot. This project meets this requirement at around 50% lot coverage.

While the project currently has need of variances for other dimensional issues, the new East Boston Zoning will eliminate the violations in question. The building is too tall under current zoning. The new zoning raises height maximums to 3 stories, the height of the proposed project which would eliminate this violation. The side and front yard setbacks are also currently triggering violations. With the new front yard setback requirement of 5 feet, and the side yard setback requirement of 3 feet, the project would be in compliance.

The draft East Boston Zoning would also eliminate the minimum parking requirement violations. The new zoning calls for a parking ratio of 1 parking spot per unit. The proposed project meets this requirement exactly. The other parking violation, "Limitation of Parking Areas" is in regards to parking being within 5 feet of the lot edge, which is typically not allowed. This project is sharing driveway with the associated project adjacent to the property. While it technically violates the zoning regulations, the benefits presented by consolidating parking are highly encouraged and help contribute to a better site design.

The proposed project is located within the Coastal Flood Overlay District, but does not meet the requirements to be applicable under the policy. However, Draft East Boston Zoning states all

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projects within the CFROD must meet the dimensional requirements of the policy, including not allowing living areas to be built below the Design Flood Elevation.. The proposed project located at 30 Swan Ave has a base flood elevation of 19.5 feet. CFROD regulations state that any permanently occupied space must be built a minimum of 1 foot over the BFE. The proposed project does this, and has its floorplate elevation at 20.5 feet, Which does the minimum requirement.

This project requires an IPOD permit because it proposes to erect a structure greater than 1,000 square feet of gross floor area within the East Boston IPOD Study Area (Article 27T Section 5). Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T. Applicable provisions of Article 27T include Section 7, which states that Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns. Proposed Projects should also incorporate appropriate resiliency measures.

**Recommendation:**

In reference to BOA1563671, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The Proponent should consider a project that reduces the unit count and building depth to align with the recommendations of PLAN: East Boston.

Reviewed.

A handwritten signature in black ink, appearing to read 'Anne Kaut', with a stylized flourish at the end.

Director of Planning, BPDA



<b>Case</b>	BOA1570041
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	131 Hancock ST Dorchester 02125
<b>Parcel ID</b>	1502823000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Renovation of the existing Conservatory Lab Charter School and construction of a new addition
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive

**Planning Context:**

The existing building is a one-story school built in 1960 in a residential neighborhood predominantly composed of three-story, three-family homes. The building is set back approximately 100' from the sidewalk, and its front yard consists of a paved parking lot and a playground.

The proposed project replaces the existing front yard parking lot with a new one story addition to the existing school that includes a new lobby and multipurpose room that can function as a cafeteria and gym. The addition is setback 15' from the sidewalk. A smaller paved parking lot is proposed alongside the new addition where the playground is currently located.

The project aligns with the education goals of Imagine Boston 2030 to expand and modernize school facilities in Boston. The addition also helps fill in the wide gap between homes along Hancock St., which is currently a parking lot. The project should, however, undergo design review to assess opportunities for additional trees and plantings to buffer the site from neighboring homes and maintain permeable area of the lot. Design review is also needed to assess the 12' wide sewer easement that runs under the proposed addition.

**Zoning Analysis:**

The addition exceeds the max FAR of 0.5 for the Dorchester 3F-5000 sub-district with a proposed FAR of 0.62. The addition, however, provides much-needed educational space and

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maintains the scale of Hancock St. Design review should assess the site plan to determine additional planting opportunities.

The conditional elementary school use was authorized by a ZBA decision dated September 1, 2009.

The violation letter cited a violation for insufficient front yard, but the project complies with the 15' front yard minimum for the subdistrict.

**Recommendation:**

In reference to BOA1570041, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review to determine additional opportunities for trees, plantings, and permeable area of lot and to assess the sewer easement.

Reviewed.

A handwritten signature in black ink, appearing to read "Anne Kane", is written over a faint horizontal line.

Director of Planning, BPDA



<b>Case</b>	BOA1529408
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	31 Rosedale ST Dorchester 02124
<b>Parcel ID</b>	1700534000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-6000
<b>Zoning Article</b>	65
<b>Project Description</b>	Renovation of a two-family home into a three-family home with a new basement unit and roof dormers.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Lot Area Insufficient FAR Excessive Height Excessive (stories) Parking design and maneuverability Use: Basement Unit Location of Main Entrance

**Planning Context:**

The building is a 2.5-story two-family home on a street with one- to three family 2.5- to 3-story homes. The existing building footprint, yards, and lot size are very similar to the other homes on the street and the pitched roof forms vary building to building.

The renovation alters the interior layout of the home and changes the existing basement into a separate unit with an entry from the rear and side of the building. The first floor is approximately 4' above grade, leaving space, with the addition of new window wells, for windows into the basement unit.

To improve access to the top floor unit and provide additional living space the project adds a dormer on the rear side of the roof and expands the interior stair to the third floor. The project largely maintains the original floor plate of the home with the exception of two exterior stairs in the rear and side yards to access the basement unit and a reduction in the existing front deck, which results in more front yard space.

The renovation improves energy efficiency by updating building mechanicals for all units, improving insulation, and adding high-performance windows.

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The site is within an 8-minute walk of Talbot Ave. MBTA station and 6-minute walk of bus service on Washington St. This increase in housing units is an allowed use in the 3-family zoning district and expanding the living space for each unit aligns with the planning goals of increasing units for larger households, especially near transit nodes, as detailed in Housing a Changing City (September 2018).

The project adds 4 parking spaces in the rear of the site that would replace 4 mature trees and a substantial amount of the rear yard permeable area. Given the proximity of the site to public transit the number of parking spaces should be reduced and design review should assess the location of the parking spaces in relation to existing plantings.

### **Zoning Analysis:**

The project has several violations for dimensions that align with the surrounding built context. This includes insufficient lot area for a lot size that matches neighboring properties and a building height of 3 stories that is consistent with several other homes on the block with a roof form that still maintains the pitched roof style of the area.

The building footprint largely remains the same and the increase in FAR is primarily due to the conversion of the basement into living space. The rear yard and side yard stairs do not detract from the character of the home and the site is not within the Groundwater Conservation Overlay District that would put the partially below grade unit at risk.

Article 65 requires the main entrance of a dwelling unit to face the front lot line unless it is a residential use above the ground floor. Since the proposed project maintains the front entry for the ground-floor unit, the basement unit should be allowed to have rear and side entries like upper-floor units. This also ensures the access stairs to the unit do not infringe on front yard space.

The project does not provide adequate maneuvering area for the parking spaces provided as required by Article 65. The subdistrict requires only 3 parking spaces, but the project provides 4 spaces. The project should reduce and relocate the number of parking spaces to provide more space for maneuvering and more permeable area.

This project is a case for zoning reform to ensure dimensional regulations align with the existing context and enable additional units and reduced parking requirements in areas close to transit.

### **Recommendation:**

BOA1529408

2024-04-09

2 Boston Planning & Development Agency





In reference to BOA1529408, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to adequate parking maneuvering area and parking space locations in relation to existing trees and plantings.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1526561
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	1015 Hyde Park AVE Hyde Park 02136
<b>Parcel ID</b>	1807989000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 2F-5000
<b>Zoning Article</b>	Article 69
<b>Project Description</b>	Erect 4 story 9 unit residential building with accessory parking.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Parking or Loading Insufficient FAR Excessive Multiple Family Use: Forbidden

**Planning Context:**

The proposed project is located along the Hyde Park Ave mixed-use commercial corridor. The avenue is populated with a convenience store, nail salon, gas station, and residential dwellings consisting of two-and-a-half-story two-family and three-family residential dwellings. The buildings are serviced by the MBTA bus service provided on Hyde Park Ave. The parcel sits directly across from a gas station and is flanked by a two-and-a-half-story two-family and three-family residential dwellings. The parcel is currently used as a parking lot and is adjacent to a parcel to its rear which is used as a parking lot as part of an auto body repair shop. Approximately fifty percent of the parcel's frontage, totaling around 25 feet, is currently utilized as a curb cut.

The proposed project is a four-story nine-unit residential dwelling with accessory parking. The proposed scale and use deviate from the existing context by an additional story. The project's proposed setback maintains the continuity of the streetwall. Given that Hyde Park Ave is serviced by a bus network and commercial services, the project is consistent with the planning goals in Imagine Boston 2030 of increasing housing stock along commercial corridors and areas serviced by transit.

**Zoning Analysis:**



The project requires a conditional use permit to allow the MFR use. The project meets the conditions outlined in Section 6-3. as follows:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use;

The maximum allowed height is 2 1/2 stories and 35 feet, and the proposed height is 43' and 4 stories. The maximum FAR is 0.5 and the proposed FAR is 4. While the proposed massing and scale do not match the existing context, the proposed additional density aligns with the planning goals outlined in the planning context. This is a case for zoning reform to update dimensional requirements and land uses to reflect planning for mixed-use corridors with transit service.

The minimum required usable open space is 1,750 per dwelling unit and the proposed usable open space is 260 SF per dwelling. The proposed project should increase its usable open space by adding balconies, a roof deck, or reducing parking on the ground floor.

The required minimum parking spaces is 2.0 per dwelling unit, and the proposed parking is 1.0. Given the project's location and alignment with GO Boston's goal of reducing dependence on private vehicles, the reduction of parking spaces is consistent with the planning context.

**Recommendation:**

In reference to BOA1526561, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to increasing usable open space by adding balconies, a roof deck, or reducing the parking spaces on the ground floor to create usable open space.



Reviewed,

A handwritten signature in black ink, appearing to read "Annee Rand". The signature is fluid and cursive.

Director of Planning, BPDA



<b>Case</b>	BOA1549196
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	20 Rockview ST Jamaica Plain 02130
<b>Parcel ID</b>	1900995000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 2F-7000
<b>Zoning Article</b>	Art 55
<b>Project Description</b>	Rewritten Project Description: Construction of a single family dwelling, matching the additional proposed dwelling in BOA1549209 on a newly created lot at 20 Rockview Street.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Lot Frontage Insufficient Additional Lot Area Insufficient Parking design and maneuverability Lot Width Insufficient

**Planning Context:**

The project is proposing the construction of two single-family housing units at 20 Rockview St in Jamaica Plain. This proposal is in tandem with BOA1482958, which proposes to subdivide the existing lot. BPDA staff have recommended Denial without Prejudice in BOA1482958

There is quite a large variation of housing typologies surrounding the lot, including one large multifamily housing that contains at least three housing units, and on the other side, a two-story single family home. The street slopes uphill, and the site itself has a relatively steep grade from the rear down toward the street. A rocky cliff of a few feet in height separates the rear of the lot, where the single-family home that currently exists sits up quite high from the front yard area.

The site is within a 10 minute walk from the Stony Brook station of the MBTA Orange Line and within a 15 minute walk of a small grocery store and Whole Foods.

**Zoning Analysis:**



The proposed project is within the Jamaica Plain Neighborhood, 2F-7000 Two-Family Residential subdistrict. There are no zoning overlays.

Across Rockview Street and extending the full length of the block, the zoning is 3F-5000 Three-Family Residential.

The project is proposing the construction of two single-family housing units at 20 Rockview St in Jamaica Plain. This project is associated with two additional cases that would construct new residential structures on the resulting lot: BOA1482958 to subdivide the existing lot of 22 Rockview Street, and BOA1549209 to construct the other residential structure at 24 Rockview St. However, the plans of the proposed project and the project description in the ISD refusal letter are not in accordance. The project description calls for the construction of a two-family detached dwelling, while the plans themselves show two single-family dwellings. The discrepancy between the plans and the description makes it impossible for a well informed decision to be made on this proposal.

**Recommendation:**

In reference to BOA1549196, the Boston Planning & Development Agency recommends DEFERRAL.

Reviewed

A handwritten signature in black ink, appearing to read 'Anne Kane', written in a cursive style.

Director of Planning BPDA



<b>Case</b>	BOA1482958
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	22 Rockview ST Jamaica Plain 02130
<b>Parcel ID</b>	1900995000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 2F-7000
<b>Zoning Article</b>	55
<b>Project Description</b>	Propose a subdivision of an existing 19,535 square foot lot at 22 Rockview Street into two lots: one 14,403 square foot "dog-leg" parcel with the existing residential building and another 5,032 square foot lot. This subdivision is associated with BOA1549209 and BOA1549196 which both propose constructing new structures on the smaller lot.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Frontage Insufficient Lot Area Insufficient Front Yard Insufficient Conformity with Existing Building Alignment

**Planning Context:**

The existing 19,535 square foot parcel is relatively large compared to surrounding lots. The site is currently occupied by a four story single family home that is set back fairly deep in the lot providing it with a relatively large front yard. The proposal does not require demolition of the existing structure.

There is quite a large variation of housing typologies surrounding the lot, including a 4-story multifamily dwelling that contains at least three housing units on one side of the proposed project, and a two-story single family home on the other side. The street slopes uphill, and the site itself has a relatively steep grade from the rear down toward the street. A rocky cliff defines the rear portion of the lot, where the single-family home that currently exists sits elevated from the front yard area. The site is within a 10 minute walk from the Stony Brook station of the MBTA Orange Line and within a 15 minute walk of a small grocery store and WholeFoods.

**Zoning Analysis:**

BOA1482958

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The proposed project is within the Jamaica Plain Neighborhood, 2F-7000 Two-Family Residential subdistrict. There are no zoning overlays.

Across Rockview Street and extending the full length of the block, the zoning is 3F-5000 Three-Family Residential.

The proposed subdivision has four zoning violations. The first violation relates to the proposed front yard, citing a violation of Section 55-41.1 which requires the front yard to be in conformity with the existing buildings along the same side of the block. The existing front yards along Rockview Street vary in depth, although most are within approximately 8-15 feet. The existing 60 foot front yard is exceedingly deep compared to surrounding parcels, creating one of the most pronounced inconsistencies in building alignment along this side of the street. The proposed front yards of the two new buildings, which would be sited in front of the existing dwelling, would be slightly smaller but generally consistent with the existing buildings along the street, thereby making the building alignment more consistent than the current condition. Therefore, subdivision of the parcel would extend and potentially bring into compliance an existing non-conformity.

The base zoning requires 5,000 square feet of lot area for a 1-family detached unit and 2,000 square feet for each additional dwelling unit (Art 55, Table E). Given that the proposal would erect two 1-family detached units, the new lot is required to be a minimum of 7,000 square feet, instead of the 5,000 square feet. The topography of the lot creates special circumstances peculiar to this lot potentially providing a condition for variance, per Section 7-3. The proposed line of subdivision is based on the natural features of the lot and runs along the contour of the steep slope. However, the proposal could include only one new structure rather than two, which would be consistent with the minimum lot area requirements and require no zoning relief.

The proposal is also in violation of the minimum lot frontage. The larger of the two lots after the proposed subdivision will only have 18 feet of frontage, whereas 50 feet is required. Flag lots with narrow frontages are common in this area of Jamaica Plain, contributing to an appealing and distinct built form. Therefore, the neighborhood context supports the proposed frontage. However, the proposed subdivision line could shift so that the frontage is more evenly distributed between the two new lots and more consistent with zoning requirements.

Finally, the proposed front yard of the new, smaller lot is insufficient. However, as explained above, the proposed subdivision is consistent with the topography of the lot, specifically the





steep grade change that runs parallel to the street and along the existing dwelling. This topography creates special circumstances unique to this lot preventing the proposed dwellings from being located further from the street and resulting in a more shallow front yard. In addition, the proposed front yard is consistent with front yards along the street, thus compliant with the modal setback. Therefore, conditions are met for a variance from the front yard requirements.

This project is associated with two additional cases that would construct new residential structures on the resulting lot: BOA1549196 at 20 Rockview St and BOA1549209 at 24 Rockview St. However, the plans of the proposed project and the project description in the ISD refusal letter are not in accordance. The project description calls for the construction of a two-family detached dwelling, while the plans themselves show two single-family dwellings. The discrepancy between the plans and the description makes it impossible for a well informed decision to be made on this proposal.

**Recommendation:**

In reference to BOA1482958, the Boston Planning & Development Agency recommends DEFERRAL.

Reviewed

A handwritten signature in black ink, appearing to read "Anne R. ...", is written over a faint, illegible background.

Director of Planning BPDA



<b>Case</b>	BOA1549209
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	24 Rockview ST Jamaica Plain 02130
<b>Parcel ID</b>	1900995000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 2F-7000
<b>Zoning Article</b>	Art 55
<b>Project Description</b>	Construction of a single family dwelling, matching the additional proposed dwelling in BOA1549196 on a newly created lot at 20 Rockview Street.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Additional Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient Usable Open Space Insufficient Front Yard Insufficient Rear Yard Insufficient Side Yard Insufficient Parking design and maneuverability

**Planning Context:**

The project is proposing the construction of two single-family housing units at 20 Rockview St in Jamaica Plain. This proposal is in tandem with BOA1482958, which proposes to subdivide the existing lot. BPDA staff have recommended Denial without Prejudice in BOA1482958

There is quite a large variation of housing typologies surrounding the lot, including one large multifamily housing that contains at least three housing units, and on the other side, a two-story single family home. The street slopes uphill, and the site itself has a relatively steep grade from the rear down toward the street. A rocky cliff of a few feet in height separates the rear of the lot, where the single-family home that currently exists sits up quite high from the front yard area. The site is within a 10 minute walk from the Stony Brook station of the MBTA Orange Line and within a 15 minute walk of a small grocery store and Whole Foods.

**Zoning Analysis:**



The proposed project is within the Jamaica Plain Neighborhood, 2F-7000 Two-Family Residential subdistrict. There are no zoning overlays.

Across Rockview Street and extending the full length of the block, the zoning is 3F-5000 Three-Family Residential.

This project is associated with two additional cases that would construct new residential structures on the resulting lot: BOA1482958 to subdivide the existing lot of 22 Rockview Street, and BOA1549196 to construct the other residential structure at 20 Rockview St. However, the plans of the proposed project and the project description in the ISD refusal letter are not in accordance. The project description calls for the construction of a two-family detached dwelling, while the plans themselves show two single-family dwellings. The discrepancy between the plans and the description makes it impossible for a well informed decision to be made on this proposal.

**Recommendation:**

In reference to BOA1549209, the Boston Planning & Development Agency recommends DEFERRAL.

Reviewed

A handwritten signature in black ink, appearing to read "Anne Kane", written in a cursive style.

Director of Planning, BPDA



<b>Case</b>	BOA1542615
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	87 to 89 Nottingham RD Brighton 02135
<b>Parcel ID</b>	2102644000, 2102643000, 2102642000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 2F-5000
<b>Zoning Article</b>	51
<b>Project Description</b>	Combine three lots with existing two-family residential structure spanning all lots; construct rear and height addition onto structure and change occupancy from two-family to six-family.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (MFR)

**Planning Context:**

The proposed project intends to combine three existing parcels containing one two-family home, which presently spans all three parcels, into a single parcel and construct an addition to the existing home consisting of both added height and a rear extension to convert the structure to a six-family residence. To the rear of the parcels is an Urban Wild Open Space, subjecting this property to Parks Design Review per Ordinance 7.4-11. The existing building is oriented along the width of the properties with longer width than depth dimensions, whereas most of the surrounding structures are deeper than they are wide. While most structures within the surrounding area are limited to two-family residences, there are notable exceptions, particularly those at 63 Nottingham Road, 67 Nottingham Road, and 75 Nottingham Road, all listed on the Boston Tax Parcel Viewer as having a land use of 7-30 Unit Apartment Building.

The Allston-Brighton Needs Assessment outlines the need for additional housing within the Allston-Brighton Neighborhood district. This need is further supported by Imagine Boston 2030, which calls for additional housing through contextually sensitive development, achieved through

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the addition onto an existing structure to meet the approximate size and condition of nearby buildings.

**Zoning Analysis:**

The proposed project is located in the Allston-Brighton Neighborhood District, within a 2F-5000 subdistrict, pursuant to Article 51 of the Zoning Code. Violations cited for the proposed project include Excessive Height, Rear, Front, and Side Setbacks, Excessive FAR, Insufficient Parking, and Forbidden MFR Use.

The proposed changes to the building do not alter building width and thus do not change the condition of the side setbacks, which are not extended by the proposed addition. The front setback also remains unchanged from existing conditions. Changes to the front yard include the construction of a retaining wall, but do not add to the front end of the building footprint. These nonconformities persist from an existing condition and support the case for zoning reform to reduce zoning violations due to nonconformities not exaggerated by proposed changes.

While the rear yard nonconformity is created by the project proposal, it is consistent with the rear yard depth of the abutting property at 83 Nottinghill Road, which also backs up to the Urban Wild. Given this unique lot, with the existing building rotated 90 degrees from the typical building orientation of similar structures along the street, contextual zoning relief is suggested for the rear yard setback violation.

The height of the proposed project is in excess of the dimensions allowed for both height in feet and with regard to number of stories. The exceedance for height is minimal, approximately two feet above zoning requirements, or one-half story above the allowed 2.5 stories in the zoning subdistrict. The additional height is contextual with the three properties of similar use, context mentioned in the planning context at 63, 67, and 75 Nottinghill Road. The use also aligns with the planning goals set forth by the Allston-Brighton Needs Assessment and Housing a Changing City.

The project proposed a total of three parking spaces for six proposed dwelling units. While this number does not align with the requirements of the zoning code of 1.75 spaces/dwelling unit, this is a condition that persists from the existing structure. Additionally, this site is located near the Sutherland Road stop on the Green Line, offering transit access within less than one-quarter



mile. The proposed parking aligns with the City goals of reduced reliance on single-occupancy vehicles.

**Recommendation:**

In reference to BOA1542615, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Department of Parks and Recreation for review.

Reviewed.

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Director of Planning, BPDA



<b>Case</b>	BOA1534938
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	250 Bremen ST East Boston 02128
<b>Parcel ID</b>	0106354000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Erect a new eight (8) unit residential dwelling with ground level commercial/retail.
<b>Relief Type</b>	Variance, IPOD Permit
<b>Violations</b>	IPOD Applicability GPOD Applicability Use Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient CFROD Applicability

**Planning Context:**

The proposed project was previously issued BPDA recommendations on 1/23/24 and 3/12/24. The initial version recommended denial without prejudice, citing the project's proposed unit count (8) and general groundwater/resiliency concerns as the justification for denial. The second version recommended denial without prejudice, citing project's excessive scale for its context. The project was deferred by the ZBA at both hearings. Because the deferred project's plans have not been updated since its 3/12/24 ZBA Hearing, the BPDA's recommendation for the project remains largely unchanged. Updates to the recommendation make minor modifications to the planning context and zoning analysis sections to account for two new violations added to the refusal letter, and also include updated BPDA Board dates for the newly approved East Boston zoning, which is now pending Zoning Commission consideration.

The proposed project is located on 250 Bremen Street in East Boston. This area is currently zoned for 3F-2000 under the current Article 53 and falls under the Groundwater Conservation Overlay District (GCOD) and the Coastal Flood Resilience Overlay District (CFROD). In

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addition, the proposed project also sits within the bounds of the East Boston Interim Planning Overlay District. The 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. Projects within the IPOD should protect and enhance the neighborhood's existing context, in part by creating appropriate relationships of scale and continuity in character between established districts and new development. Because the proposed project's permit application was submitted prior to the IPOD's sunset on 11/11/23, its regulations will still apply.

The project's surroundings consist predominantly of a mix of three-story, two-family and three-family dwellings. The proposed project sits on a lot currently used for surface parking. It proposes to erect a new multifamily dwelling with a ground floor commercial space that is larger – both in scale (4 stories), occupancy (8 dwelling units), and lot coverage (~80%) – than its surroundings. This outcome is one misaligned with the housing goals outlined in PLAN: East Boston (adopted by the BPDA Board on January 18, 2024), which call for the development of contextually sensitive and appropriately-scaled residential infill projects on underdeveloped lots.

PLAN: East Boston's draft zoning, which was approved by the BPDA Board on March 14, 2024 and is pending Zoning Commission consideration, places the proposed project within an EBR-4 subdistrict. EBR-4 subdistricts allow a max building height of 4 stories and permit multifamily residential uses. This project complies with both of those regulations. Despite that, the project exceeds several of the draft zoning's other dimensional requirements, including: a building lot coverage greater than 60%, a permeable area of lot less than 30%, a 0' front yard setback, and a rear yard setback less than a third of the lot depth.

The East Boston draft zoning also makes changes to the regulation of projects within the CFROD, prohibiting the erection or extension of living space below the Sea Level Rise - Design Flood Elevation for all projects therein. The proposed project is in compliance with these proposed provisions as it does not propose any ground floor or basement living space.

In addition, the Disabilities Commission has expressed concerns over the proposed project due to the lack of accessible routes to the second floor units. The proposed lift only goes up to the second floor and opens directly into one of the units, thus leaving the remaining two units on the second floor as well as the proposed units on the third and fourth floor with no access to the lift. It is preferred that accessible routes be provided to all dwelling units within the structure.





### **Zoning Analysis:**

This project requires an IPOD permit because it proposes to erect a structure greater than 1,000 square feet of gross floor area within the East Boston IPOD Study Area (Article 27T Section 5). Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T. Applicable provisions of Article 27T include Section 7, which states that Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns. Proposed Projects should also incorporate appropriate resiliency measures.

While housing is a critical need across the City, the proposed project is not consistent with the IPOD provisions, as Bremen Street's existing context largely consists of 3 story residential structures with average FARs around 1.5 (current zoning regulations include max height of 3 stories and FAR of 1.0). The proposed project (with a height of 4 stories and FAR of 1.82) is in excess of these figures. In addition to its height and density, the project's front yard (0' setback, 5' required), rear yard (10' setback, 30' required), usable open space (1/4 of required square footage proposed), and use (8 units in predominantly 3-family area) also deviate from the area's existing context.

Article 27T, Section 8 states that once the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an IPOD permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.

The proposed project also sits in a GCOD, so it will require review by the Boston Water & Sewer Commission.

While the project sits within the CFROD and has a listed "CFROD applicability" violation, it neither meets the thresholds listed in Article 25A for resilience review nor proposes living space below the Sea Level Rise - Design Flood elevation; thus avoiding the need for additional resilience review. Said violation should be removed from the Refusal. In addition, because the project's proposed side yard setback complies with the parcel's zoning (5' proposed, 2.5'



required), the listed "side yard" violation should also be removed from the project's Refusal Letter.

The plans reviewed are titled 250 Bremen St and are dated 10/17/2023. They were prepared by Talia Cannistra from Port One Companies.

**Recommendation:**

In reference to BOA1534938, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE the proponent should pursue an MFR project with a building lot coverage not to exceed 60%, permeable surface area of at least 30%, a front yard setback of at least 3', and a rear yard setback of at least 25'; and which explores opportunities to create fully accessible residential dwelling units. .

Reviewed.

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Director of Planning, BPDA



<b>Case</b>	BOA1548361
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	27 Mystic ST Charlestown 02129
<b>Parcel ID</b>	0200070000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	62
<b>Project Description</b>	Project proposes new additions for every floor of an existing three (3) story, three (3) unit residential building, by extending each floor further into the rear yard. The project also intends to develop a new roof deck.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Roof Structure Restrictions FAR Excessive

**Planning Context:**

This case was previously heard on February 6, 2024 by the ZBA, and since then, the proponent has not made significant changes to the plan. As a result, the BPDA's recommendation has not changed.

The project sits in the middle of Mystic Street and shares a common wall with 25 Mystic Street. The project is in the Charlestown Neighborhood District, within a Three-Family Residential ("3F") Subdistrict. 3F subdistricts are established to preserve low density three-family areas. This project is also located in the Original Peninsula area of the neighborhood, where urban design guidelines from PLAN: Charlestown apply. PLAN: Charlestown recognizes Charlestown's identity as Boston's oldest neighborhood and the distinct character as a result of the neighborhood's history and vibrant community. The plan recommends projects "toward forms that are appropriate to the neighborhood context and city's climate and urban context". PLAN: Charlestown also recognizes that housing needs will become more pressing in the future and that more "affordable, sustainable, and diverse housing opportunities" will be required.

This project also triggers Neighborhood Design Overlay District ("NDOD") review as it intends to extend the existing building by more than 300 square feet.

**Zoning Analysis:**



The project is located in a residential area, largely consisting of rowhomes. The existing building on the property is a rowhome, sharing a common wall with 25 Mystic Street. The project consists of an existing 3-story, three unit residential building. Each floor consists of one unit. The project is proposing to increase the size of each of these units by extending the rear of the building into the rear yard, and developing decks for each floor and a roof deck which would only be accessible via the third floor unit.

Per the refusal letter, the proposed project raises Roof Structure Restrictions and Floor Area Ratio Excessive violation. Additionally, throughout the zoning analysis process and review of the project's plans, there appears to be additional violations regarding rear yard setback requirements and usable open space requirements.

Open roof decks are permissible by conditional use. Currently, several properties with similar building features (3-story structures with flat roofs) in the vicinity have roof decks. These include 29 Mystic Street, 31 Mystic Street, and 35 Mystic Street. PLAN: Charlestown recommends that all roof decks be located in the rear of the rooftop and be offset a minimum of five (5) feet from all roof edges to reduce visibility from the public right-of-way and ensure a more cohesive visual experience for the entire block. While the proposed roof deck of the project is set to be at the rear portion of the building, it does not meet the 5' buffer from the sides and rear of the roof edge.

The proposed project triggers several dimensional regulation violations that relate to density and yard requirements. The proposed project greatly exceeds the allowable FAR of the 3F residential subdistrict. 3F subdistricts allow a maximum of 2.0 FAR. The proposed project will add roughly 1,200 square feet to the existing building (2,310 sf), pushing the property's existing FAR from 1.9 to 2.8. The proposed project's massing will be a stark contrast to the project's immediate neighbors, where most properties fall near the 2.0 FAR limit. These include: 23 Mystic Street (1.8 FAR), 25 Mystic Street (1.8 FAR), 32 Mystic Street (2.2 FAR), and 42 Mystic Street (2.0 FAR). While not much will change of the building's facade and height, the proposed building intends to build out to nearly the full footprint of the parcel; leaving less than 50 square feet of unbuilt space. This would be very different to the existing neighborhood context. Neighboring properties like 23 Mystic Street, 25 Mystic Street, and 32 Mystic Street, which are also three-story, three-family homes on similarly sized parcels, have roughly 300-400 square feet in unbuilt space. The proposed project's massing would have significant impacts on the existing context of the neighborhood block.



The proposed project will also affect the amount of Usable Open Space that is available to each dwelling unit. Properties within the 3F subdistrict must provide a minimum of 350 square feet of open space per dwelling unit. While decks are being installed onto every floor, the amount of open space afforded to each unit will fall far below the 350 square feet requirement (first floor and second floor units will have a 45 square foot deck), with the largest open deck (at 220 square feet) being exclusively available to the third floor unit.

As a result of the proposed project intending to build to nearly the full footprint of the parcel by extending the existing building into the rear yard, this will leave very little space for a rear yard on the property. Although a portion of the existing building is built nearly to the full length of the parcel, leaving just 0.2 feet between the main building and the end of the lot. If the proposed project were to be developed, it would further exacerbate this condition due to its extension of the rest of the building into the rear yard, leaving just four feet between the building and the rear lot line

**Recommendation:**

In reference to BOA1548361, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a project that reduces massing and retains a rear yard of sufficient depth to be in context with neighboring properties.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rana".

Director of Planning, BPDA



<b>Case</b>	BOA1548795
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	189 W Fifth ST South Boston 02127
<b>Parcel ID</b>	0600596000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Erect a three-unit residential building on a currently vacant lot.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient Parking design and maneuverability

**Planning Context:**

This project was deferred from February 2024. Updated, unstamped plans were received on 3/27/24. The proponent is now seeking to build a 3-unit, 3-story residential building on a fenced vacant lot on a residential block. Houses on the block are predominantly zero lot line, with party walls or narrow side yards and little to no front yards. Most neighboring homes are multifamily dwellings, which is an allowed use in this multifamily residential (MFR) subdistrict. The proposed building is 3 stories and 34' high.

The parcel is a 12-minute walk from the Broadway T stop, served by the Red Line, and is within the South Boston Residential Parking Freeze zone intended to help the area meet federal Clean Air Act standards. While the lot falls outside the PLAN: South Boston Dorchester Avenue study area, it is within the Transportation Action Plan (TAP) boundary. Among other recommendations, the TAP calls for improved walkability and strategies to mitigate fatal and serious car collisions.

Additionally, the proposal would turn a vacant lot into three units of new housing, modestly supporting the city's goal to increase the supply of market-rate units as described in Housing a Changing City: Boston 2030 during this critical shortage (September 2018). New construction

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would require Parks Design Review in accordance with Ordinance 7.4.11 because Sweeney Playground is located across the street.

**Zoning Analysis:**

Three of the cited violations (parking or loading insufficient, parking design and maneuverability, and FAR excessive) would no longer apply in this revised set of plans. ISD has been contacted for an updated refusal letter.

All of the remaining violations are dimensional in nature and are related to the depth of the building, which leaves 12' for a rear yard on the first floor where 20' feet is required. The front (5' required, 0' proposed) and side yard (3' required, 1' on one side, 0' on the other) dimensions, while deficient by the standards of the Code, are common on the block. 12' for the rear yard is also reasonable given the unusual panhandle shape of the parcel, especially when compared to the standard rectangular lots surrounding it.

The Code requires an additional lot area per unit of 1,000 square feet in multifamily residential subdistricts. The proposed plans do not include any additional lot area per unit. In terms of usable open space, the plans cite the total usable open space as 394.5 square feet, which is 131.5 square feet per unit instead of the required 200 square feet per unit. While this is less than required, given the shape of the lot and the front decks, this is an appropriate deviation from the code.

The parking requirement for three residential units in this subdistrict is 3.5 spaces. However, this parcel is located in a restricted parking district where the larger goal is to improve air quality by reducing emissions. This project relies on off-street parking, which helps work towards the TAP goal of improving walkability. This revision would also preserve public on street parking that is available to everyone.

These plans were prepared by Context Architecture on 6/12/2023. Revised plans were received on 3/27/24.

**Recommendation:**

In reference to BOA1548795, The Boston Planning & Development Agency recommends APPROVAL with proviso/s: that the two trees removed to erect the building be relocated or



replaced by two new trees in the rear yard, and that plans shall be submitted to the Department of Parks and Recreation for review.

Reviewed.

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Director of Planning. BPDA





<b>Case</b>	BOA1522524
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	79 W Milton ST Hyde Park 02136
<b>Parcel ID</b>	1812962000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 1F-6000
<b>Zoning Article</b>	69
<b>Project Description</b>	Change occupancy from 1 unit to 4 units inclusive of an ADU.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Usable Open Space Insufficient Use: Forbidden (Three-Family Dwelling + Basement Dwelling)

#### **Planning Context:**

This case was deferred by the Zoning Board of Appeals at a hearing on February 27th, 2024. Since that deferral there have been no changes to the submitted plans, but plans examiners have added an additional violation for insufficient usable open space.

This existing 3-story, 1-family, 11-bedroom home is within a 1F-6000 subdistrict in Hyde Park. The surrounding properties within this 1F-6000 subdistrict are a mix of 1- and 2-unit homes. The project consists of converting the 1st and 2nd floors into 4-bedroom units, the 3rd floor into a 3-bedroom unit, and the unfinished basement into a 2-bedroom additional dwelling unit (ADU). The proponent states that this project is 3 units plus 1 ADU, but given the conversion from an existing 1-unit building, this is more appropriately characterized as a 4-unit, multifamily project. The project does not propose any enlargement of the existing building.

The site is located within 1/4 mile of the Readville Commuter Rail Station and within 500 feet of the MBTA Key Bus Route 32. Given the proximity to transit, this project would advance recommendations from the Hyde Park Neighborhood Strategic Plan (2011) of increasing residential density around transit stations.

The existing building was constructed in 1875 as a rectory for the Saint Anne Roman Catholic Church located across the street. Since 1875, the building has changed in use from a rectory to a convent, and then to a single-family home. The building's architectural style is colonial revival

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and Victorian eclectic, as designated by the Massachusetts Historical Commission. The proposed retaining of this existing, historic building is in line with recommendations from the Hyde Park Neighborhood Strategic Plan (2011), which called for retaining and preserving the historical and architectural features of the neighborhood while encouraging progress and development.

The 2011 Hyde Park Neighborhood Strategic Plan also called for the creation of diverse unit sizes, including units with 3 or more bedrooms to improve Hyde Park's family-friendly character. Although the Plan recommends one-family zoning for this area, the combination of large units, adaptive reuse of an existing historic structure, and proximity to MBTA transit assets make this site a good opportunity for increased density.

Not only does this proposal align with aspects of the 2011 Hyde Park Plan, the creation of more housing units while retaining an existing historic building advances the planning goals of increasing housing supply as outlined in *Housing a Changing City, Boston 2030*. The project also promotes transit-oriented development as outlined in the Fairmount Indigo Planning Initiative (October 2015).

### **Zoning Analysis:**

The project consists of a proposed three family detached dwelling with an additional dwelling unit in the basement. Three family detached dwellings are a forbidden use in this 1F-6,000 subdistrict as described in Table A of Article 69. Further, pursuant to Section 69-8.2, dwelling units are forbidden in a basement. While the proposed ADU satisfies the conditions of Section 69-8.3, the restriction of dwelling units in a basement supersedes. The basement ADU as designed is largely below grade, roughly 1.5' above grade. Given this condition, as well as the existing provision of dwelling units being forbidden in the basement, this ADU should not be constructed as proposed. However, some portions of this basement can be used as a livable area for a unit located above grade.

The project is cited for excessive Floor Area Ratio; the maximum FAR within this 1F-6,000 subdistrict is 0.5 as stated in Table C of Article 69. The existing FAR is 0.35; the conversion of the basement to a unit increases the FAR to just over 0.5, at 0.5038.

Pursuant to Table F in Article 69, the required number of parking spaces for this 4-unit project is 8 spaces (2.0 per dwelling unit). The project proposes 6 parking spaces, resulting in a ratio of 1.5 per dwelling unit. Given the proximity to the Readville Commuter Rail Station and the MBTA

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Key Bus Route 32, this moderately lower parking ratio is acceptable. This highlights a need for zoning reform to reduce parking minimums near transit.

The project is also cited for not providing enough usable open space. Table F in Article 69 requires 1,800 sf of usable open space per unit for a total of 7,200 square feet for 4 units. The site itself has an area of 6,000 square feet, so achieving this 7,200 square feet of open space is not feasible. However, design review should investigate increasing the amount of usable open space in the rear of the site and its relationship to the provided off-street parking.

Plans reviewed are titled "Change of Occupancy from 1 Family to 3 Family + 1 ADU" and dated May 1st, 2023.

**Recommendation:**

In reference to BOA1522524, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to increasing usable open space and that no dwelling unit be located with the majority of its living space below grade.

Reviewed,

A handwritten signature in black ink, appearing to read "Anne Kane", is written over a faint, illegible stamp.

Director of Planning, BPDA



<b>Case</b>	BOA1571297
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	50 Princeton ST East Boston 02128
<b>Parcel ID</b>	0102575000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-2000
<b>Zoning Article</b>	53, 27T
<b>Project Description</b>	The proponent seeks to convert an existing 2.5-story, two-family residential building into a 3.5-story, three-family residential building by adding an additional story on top of the existing structure and increasing the lot coverage by extending the existing development into the rear yard. The proponent also seeks to develop a ground floor garage on the ground floor and add new decks and egresses in the rear of the building.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Use Parking or Loading Insufficient Roof Structure Restrictions FAR Excessive Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient IPOD Applicability Location of Main Entrance

**Planning Context:**

The proponent seeks to convert an existing 2.5-story, two-family residential building into a 3.5-story, three-family residential building by adding an additional story on top of the existing structure and increasing the lot coverage. The proponent also seeks to develop a ground floor garage on the ground floor and add new decks and egresses in the rear of the building.

The proposed project shares a wall with 54 Princeton Street, and shares a similar facade style. The project is located within a predominantly residential area of East Boston. These residential buildings consist of two-family homes (56 and 58 Princeton St), three-family homes (48 and 62 Princeton St), and a condominium (54 Princeton St). An exception to this is the Joseph H. Barnes School housing development directly across from the proposed project, which is over 3-stories in height. It is a rehabilitated development that serves low-income senior residents.

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The proposed project is located in the East Boston Neighborhood District, and within a 2F-2000 subdistrict. The project falls within the PLAN: East Boston study area. PLAN: East Boston is a neighborhood-wide plan that was adopted by the BPDA Board in January 2024, with several goals, one of which includes expanding access to “housing options that are affordable, stable, and able to meet households’ needs as they change over time”. PLAN: East Boston’s draft zoning, which was adopted by the BPDA Board in March 2024 and is pending Zoning Commission consideration, places the proposed project within an EBR-2.5 subdistrict. EBR-2.5 subdistricts allow the development of two units, and allow a maximum of 2.5 stories and a maximum of 35 feet in height. This project is proposing three-units and an increased height of 39 feet and 3.5 stories.

**Zoning Analysis:**

The proposed project raises violations that are due to increased floor area and unit count, insufficient parking, and its IPOD applicability.

The addition affects the property's FAR limitations and setback requirements. Current 2F-2000 zoning limits FAR to 0.8 and requires that rear yards are a minimum of 30 feet in depth. Based on EBR-2.5 dimensional regulations, buildings are allowed a maximum of 5,000 sf of total gross floor area, and must meet a minimum of one-third lot depth for the rear yard. Based on that condition, the proposed project exceeds the total gross floor area limit by 1,000 square feet, and falls short by 16 feet of the minimum rear yard requirement, which in this case is about 30 feet given the lot depth.

Under existing parking requirements, buildings with 1-3 units are required to provide 1.0 off-street parking spaces per unit. PLAN: East Boston encourages the active use of sidewalks, and highlights the need to better coordinate parking requirements with opportunities for greater density, which can help to reduce an overreliance on cars, improve safety, sustainability, and climate resilience. As such, once approved, PLAN: East Boston zoning updates, will not require buildings with 1-3 units to provide any off-street parking. The proposed project will develop a garage on the ground floor that provides two off-street parking spaces, which will align with the reduced parking requirement under PLAN: East Boston.

This project raises urban design violations, which include the location of the main entrance for Unit 1, and roof structure restrictions. Under existing zoning, Location of Main Entrance is limited to the front lot line of a parcel, however, with the proposed zoning updates, this



requirement is removed. The proposed project looks to make alterations to the existing building's profile, and thus must receive a permit for conditional uses, per Article 53.

Lastly, the proposed project requires an IPOD permit because it is within the East Boston IPOD Study Area and is subject to IPOD due to its intent on enlarging or extending "a building or structure so as to increase the gross floor area by more than one thousand (1,000) square feet; or (c) make an exterior alteration changing the cornice line, street wall, or building height of an existing building".

Applicable provisions of Article 27T include Section 7, which states that "Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns. Proposed Projects should also incorporate appropriate resiliency measures." While housing is a critical need across the City, the proposed project is not consistent with the IPOD provisions calling for building character consistency, including aligning with existing density. Article 27T Section 8 also states that if the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an IPOD permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.

While the IPOD for East Boston has now expired, this proposal is subject to IPOD due to the fact that the application came in during the period in which the East Boston IPOD was active.

The plans entitled 50 PRINCETON STREET EAST BOSTON, PAUL PASSACANTILLI prepared by CONTEXT A COLLABORATIVE DESIGN WORKSHOP on FEBRUARY 13, 2024 were used in preparation of this recommendation.

**Recommendation:**

In reference to BOA1571297, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The proponent should ensure alignment with neighboring buildings and alignment with PLAN: East Boston recommendations for EBR-2.5 subdistricts; including limiting the development of the building to no more than 5,000 square feet, reducing



the number of units from three units to the allowable two units, and reducing the height of the building to the allowed 35 feet and 2.5 stories in height.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rana". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



<b>Case</b>	BOA1552834
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	374 Athens ST South Boston 02127
<b>Parcel ID</b>	0601869000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	Article 68
<b>Project Description</b>	Erect a new four (4) story, three (3) family dwelling with covered parking.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Rear Yard Insufficient Side Yard Insufficient Parking design and maneuverability Parking or Loading Insufficient

**Planning Context:**

The proposed project seeks to erect a 4 story, 3-family residential structure in an established multifamily residential area in the South Boston Neighborhood. The parcel is currently vacant and used as surface parking. Its immediate surroundings comprise mostly of other surface parking lots; though the parcel is flanked by an existing 3 story residential structure on one side. Several 4-story residential structures can be found scattered through the project's surrounding blocks, including all along East Broadway, which sits one block over from the project site. While the site doesn't have an accessible T stop within immediate proximity (3/4 mile from both Broadway and Andrews red line stops), both the MBTA 9 and 10 buses have stops along East Broadway within a 100 feet of the project site, and run with frequency along the corridor. The parcel also sits roughly a 1/2 mile walk from Moakley Park.

The proposed project's scope, which replaces existing surface parking with housing, is consistent with both City and neighborhood planning goals: to encourage appropriately-scaled residential infill development and create new housing (Imagine Boston 2030, 2016), and to promote contextual mid-density residential development (Section 68-6 - South Boston Residential Zoning, 2016).

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BPDA Transportation staff have deemed the project's proposed tandem parking design to be appropriate for its proposed use and existing context. BPDA Urban Design staff have recommended this project undergo BPDA Design Review to confirm the materials palette and make minor modifications to the design.

**Zoning Analysis:**

The proposed project's lot size is 1,620 square feet. While this total falls below the required figure by zoning (2,000 square feet), it is a mid-sized parcel in its context. The average size of developed parcels in the area ranges between 550 square feet and 2,700 square feet of lot area. Several of these properties hold 3+ family occupancies, including on the 1,215 square foot lot immediately abutting the project site.

The project's proposed FAR of 3.0 is also in excess of the required zoning (2.0). This proposed measurement is a standard figure for existing structures on similarly sized lots in the surrounding area. Similarly, the project's side yard (0.5' proposed, 3' required), rear yard (0.5' proposed, 15' required), and usable open space (200 square feet proposed, 600 square feet required) violations are each exacerbated by the lot's narrow width (27') and shallow depth (60'). Several other existing near zero lot line conditions can be found in the blocks surrounding the project.

On parking, the project proposes a ground floor garage with 2 parking spaces. This figure falls short of what's required by zoning (4.5 spaces), but more closely aligns with the Boston Transportation Department's recommended parking maximums for the area (0.75 spaces per dwelling). The project's parking design violation stems from its proposed tandem parking condition. The BPDA's Transportation team reviewed the project and felt that condition to be appropriate for the development and in its context. Tandem parking is a common condition found throughout South Boston.

A proviso for BPDA Design Review has been added to this recommendation to confirm the proposed material palette and make minor revisions to the proposed design.

Given the amount of existing nonconformity present throughout, future zoning reform in the area should consider revisions to parking requirements and the removal of lot area/FAR as dimensional regulations (and instead implement more flexible form-based regulators such as building lot coverage).



**Recommendation:**

In reference to BOA1552834, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review .

Reviewed,

A handwritten signature in black ink, appearing to read "Anne Kane". The signature is fluid and cursive.

Director of Planning, BPDA



<b>Case</b>	BOA1571194
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	181 E ST South Boston 02127
<b>Parcel ID</b>	0700525000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Erect three-story building with ground-level parking.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Width Insufficient Lot Area Insufficient FAR Excessive Side Yard Insufficient Usable Open Space Insufficient Front Yard Insufficient Parking or Loading Insufficient Rear Yard Insufficient

**Planning Context:**

The proposed project is located on a multifamily residential street in South Boston. The proposal is to erect a three-story multi-family building with ground-level parking on a 715 SF empty parcel (abutting parcels are 831 SF, 714 SF, and 1,200 SF). The scale, size, and use of the project are consistent with the existing neighborhood context. The parcel is abutted by a three-and-a-half-story, three-story, and two-story residential dwelling ranging from single to multi-family occupancy.

The project is located 0.5 miles from the MBTA's Andrew Station and 0.2 miles from the bus network on W 6th St. The proposed project is consistent in scale, massing, and use with the existing context. Its location close to 2 transit stops and a commercial corridor is consistent with Imagine Boston 2030 (September 2017) and GO Boston 2030 (2017) goals of increasing density near transit stops and commercial corridors to decrease reliance on private vehicles.

**Zoning Analysis:**

The project is sighted for insufficient lot size and lot width. These conditions cannot be adjusted within the project's scope as it is limited to the given parcel's dimensions. The project's exceptionally small lot size likely produces a substantial hardship in regards to conforming with

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related dimensional regulations, so as stated in Section 7-3.

Conditions Required for Variance "(b)That, for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;"

The proposed project has a FAR greater than the maximum 1.5 FAR. However, as outlined in the planning context, the project's proposed massing and scale are consistent with the existing context. This is a product of the lot being significantly smaller than the anticipated minimum lot size of 2,000 SF (the project's lot is 715 SF). This is an opportunity for zoning reform to adjust the minimum lot size to the existing context.

The project is also sighted for insufficient side yard setback (3' minimum setback required), insufficient open space, insufficient front yard setback, and insufficient rear yard setback (shallow lots may not be less than 15' and the proposed project's rear yard setback is 5.7'). The project proposes a 3' setback from the dwelling on the corner (west) and a zero lot line adjacent to a garden to its east. The front yard setback is consistent with the existing modal lot line. Lastly, achieving the required 15' rear yard setback would make the lot unbuildable given that the parcel's total depth is 37.97'.

The project is required to create 1.5 parking spaces for residential uses and the project is proposing 1.0 spaces. Given the project's location and alignment with GO Boston's goal of reducing dependence on private vehicles, the reduction of parking spaces is consistent with the planning context.

**Recommendation:**

In reference to BOA1571194, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

Reviewed.

A handwritten signature in black ink, appearing to read "Anne Vento".

Director of Planning BPDA



<b>Case</b>	BOA1493570
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	18 Albion St Roxbury 02119
<b>Parcel ID</b>	0800193000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	Change of occupancy from 3 Family Dwelling to 4 Family Dwelling (with fourth unit in basement), including parking in rear.
<b>Relief Type</b>	Variance
<b>Violations</b>	Additional Lot Area Insufficient Usable Open Space Insufficient FAR Excessive Parking or Loading Insufficient Forbidden Use

**Planning Context:**

Site is a newly constructed triple-decker one block east of Dudley St, on a residential side street, in Upham's Corner in Roxbury. The basement is currently unfinished, and the applicant seeks to turn it into an additional dwelling unit. Because the applicant is not applying through the ADU program, the applicant is unable to use the fact that the ADU otherwise fits entirely within the existing building. The basement does not currently include living space, a kitchen, or plumbing, so this is not an example of a preexisting unit being made legal.

Contextually, as part of its zoning reform efforts, the BPDA recently launched the Citywide ADU Zoning Initiative. This residential zoning reform initiative aims to right-size residential zoning by resolving common zoning nonconformities and establishing updated lot and building standards that accurately reflect existing and established building patterns in Boston's neighborhoods. The Citywide ADU Zoning Initiative will also create an envelope for the by-right development of ADUs on most residential lots across the city. This zoning initiative builds off work started in 2018 by the Mayor's Office of Housing (MOH), to diversify Boston's housing stock with the allowance of internal ADUs. While this application does not meet the immediate set of qualifications to be submitted under this program, the proposal is identical to a currently allowable ADU from a design standpoint -- it simply repurposes the current basement into a new unit. This meets both the overall goals of the current Citywide ADU zoning initiative and the need to increase housing supply through diverse housing stock, from Housing a Changing City.



This new unit is not visible from the street and will not increase the perceived intensity of use, and should be allowed in the same way an ADU otherwise would be. The applicant proposes expanding the three south side windows facing the open space as well as adding a new front-facing basement window and adding window wells to all four, to improve air and light conditions in the unit. The windows along the existing driveway on the north side are not being expanded, due to the need for clearance along the drive aisle.

**Zoning Analysis:**

Per Article 50 Table B, multifamily use is forbidden in a 3F-4000 subdistrict, which would make this fourth unit a violation. There is an example of a larger multifamily building further down the block. Given the public policy objectives of City initiatives to allow housing of just this type, the existing rules limiting this building to three-family residential are appropriate for relief. Zoning reform should consider adjusting use requirements so that multifamily housing at such a scale can be provided as-of-right in similar areas.

Per Article 50 Table F, the lot needs to be 8000 square feet for a fourth unit in a 3F-4000 subdistrict (though, as noted above, multifamily use is forbidden, the zoning code separately specifies 4000 square feet minimum lot area for 1 or 2 units, but then also specifies an additional 2000 square feet of lot area for every additional dwelling unit. This is a separate control from the actual use restriction.) The lot is 5000 square feet, which means it does not even meet the 6000 square foot threshold for 3 units, based on the 4000 square feet base plus 2000 square feet for the additional unit. The reason this is not a preexisting nonconformity is because additional units beyond 2 are treated individually. That said, the nonconformity of the lot size existed before this proposal. The lot is larger than many surrounding lots on the parcel, and the added intensity of this unit will not be visible contextually. Relief is appropriate, and zoning reform should align lot size minimums with existing lot patterns, or potentially even remove them.

Per Article 50 Table F, the usable open space is insufficient. Though not specifically marked, it appears to be approximately 1300 square feet from building plans. This does not even meet the 1950 square foot threshold for 3 units. The reason this is not a preexisting nonconformity is because additional units beyond 2 are treated individually. That said, the nonconformity of the open space existed before this proposal. Relief is appropriate, and zoning reform should align open space and lot dimensions with existing lot and building patterns.



Per Article 50 Table F, the maximum allowable FAR is 0.8. The current FAR with the existing 5166 square feet is 1.02, per the tax assessor report. However, this seems to be an error. Per the building plans, each floor is approximately 1350 square feet, which should yield an FAR for a three-story structure of 0.8. The assessor report, then, seems to suggest that the basement is being counted as living area. The building plans, though, do not show finished space in the basement. This, then, is either a preexisting nonconformity which is not being worsened, or it goes from a nominally conforming FAR standard to this new violation of approximately 0.2 additional FAR. Either way, this violation tracks with the other violations noted earlier in this analysis, and relief is similarly appropriate. Zoning reform should consider the elimination of FAR as a dimensional constraint, given its duplicative nature relative to other dimensional regulations elsewhere in the code.

Per Article 50 Section 43, one space must be provided per unit. No new spaces are being provided with this unit beyond the preexisting three for the building. This site is one half mile walking distance to the Upham's Corner commuter rail stop, and less than a block from the commercial corridor of Dudley St. New parking would otherwise further diminish the open space on-site. Zoning reform should consider adjusting off-street parking requirements so that unnecessary amounts of parking are not required for all new construction.

More generally, zoning reform should consider ways, either through the Citywide ADU zoning initiative or other residential zoning reform, to ensure that existing spaces can be converted to residential units, as long as there are not otherwise safety or regulatory concerns.

Updated plans provided by T Design, LLC, and reviewed on July 5, 2023 by Thomas White.

**Recommendation:**

In reference to BOA1493570, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted.



Reviewed,

A handwritten signature in black ink, appearing to read 'Amee Rand'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Director of Planning, BPDA





<b>Case</b>	BOA1460985
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	53 to 57 Erie ST Dorchester 02121
<b>Parcel ID</b>	1400961000
<b>Zoning District &amp; Subdistrict</b>	Greater Mattapan Neighborhood 3F-5000
<b>Zoning Article</b>	Article 60
<b>Project Description</b>	Demolish the existing roof and add a new roof to accommodate a second floor to include an office, storage, restrooms, and assembly area for the existing church.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient

**Planning Context:**

The Global Reach Evangelical Missionary Church is a non-denominational church located at 53 Erie Street in Dorchester. This church is seeking to renovate its space to add a second floor. This would be done by demolishing the existing roof and adding a new roof. The second floor would include office space, storage, restrooms, and an assembly area. Minor renovations would occur on the first floor to remove the entry hall and add a stairway to access the new second floor. The current roof is a flat roof and the new roof will be a pitched roof which aligns with the roofs of the residential buildings on Erie Street.

This project would help further the goals of Imagine Boston 2030 (July 2017) where a goal was to prioritize a partnership with religious and community organizations as it would strengthen the community fabric. By allowing this renovation, it would allow this church to grow and continue to serve the community.

**Zoning Analysis:**

The refusal letter states violations in the number of off-street parking requirements, insufficient lot area, excessive FAR, and insufficient front yard, side yard, and rear yard. Because the base floor plate of the structure has not changed, a lot of these dimensional regulations were already non-conforming with Article 60 of the Zoning Code as this area is currently zoned as 3F-5000.

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This includes the minimum lot area, and the minimum front, side, and rear yard. This would be a case of zoning reform to allow the extension of these non-conformities, as the structure otherwise conforms to dimensional requirements and the existing non-conformities are not increasing. This would incentivize retention and improvement of existing structures.

In regards to the off-street parking requirement, as this site does not provide any off-street parking options, this is also an existing non-conformity. Zoning reform would help address the discrepancy between the requirement and the necessity. While the minimum ratio is 0.1 space(s) per 1,000 square feet of gross floor area, this site is near different transit options within a 10-minute walk. This includes two MBTA bus lines and the Four Corners/Geneva Commuter Rail station.

The excessive FAR is due to the addition of the second floor. As the existing structure already takes up a majority of the space on the parcel, adding a second floor would increase the FAR. As this area is primarily zoned for residential uses, zoning reform would help address this discrepancy as it would ensure that necessary religious and cultural spaces can remain in the community.

The plans reviewed are titled 53-57 Erie St and are dated February 10, 2023. They were prepared by Land Mapping Inc.

**Recommendation:**

In reference to BOA1460985, The Boston Planning & Development Agency recommends APPROVAL

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1565345
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	1010 to 1020 William T Morrissey BLVD Dorchester 02122
<b>Parcel ID</b>	1602414000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood Community Commercial
<b>Zoning Article</b>	65
<b>Project Description</b>	Change of occupancy to remove drive through, but keep restaurant use for new tenant (Milkweed). Change of layout to dining area. Installation of new cold bar station. New flooring. Cosmetic changes to dining area.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Conditional Use: Other Protectional Conditions

**Planning Context:**

The project proposes a re-tenanting and change of occupancy from a restaurant with a drive-through and take-out use to a restaurant with take-out use. The previous tenant, Boston Market, operated in this commercial space for over 15 years. The scope of work will include interior renovations to prepare the space for the new restaurant tenant (Milkweed), including a new layout of the dining area, a new cold bar station, and new flooring.

Morrissey Boulevard is an important mixed-use corridor that spans the eastern edge of Dorchester. The restaurant space is located in a large, one-story commercial building that also houses a Supercuts hair salon and a bank. Other local establishments, such as a yoga studio, auto shops, and a storage center are nearby as well.

**Zoning Analysis:**

1010-1020 Morrissey Boulevard is located in a Community Commercial (CC) subdistrict. Within this subdistrict, restaurants are an allowed use, but restaurants providing take-out are conditional uses.

The previous tenant of this restaurant space, Boston Market, received a conditional use permit to offer take-out. However, now that the space is being re-tenanted by a new restaurant, the new tenant is required by zoning to receive a conditional use permit for takeout.



As outlined in Section 6-3 of the zoning code, the conditions for granting appeal of a Conditional Use are as follows:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use.

As described in the Planning Context, a restaurant that offers take-out as part of its business model fits the overall character of Morrissey Boulevard, which is a major corridor in Dorchester. Furthermore, the new restaurant is not functionally different from the prior use within this space, which was also a restaurant that offered take-out. Adverse effects and nuisance from the shop are deemed minimal to none, and the plans show appropriate and adequate facilities supporting proper operation of the use. This is a case for zoning reform, to allow for takeout uses within Community Commercial and other neighborhood business subdistricts to enable this type of common use and allow for faster re-tenanting of local commercial spaces.

The plans reviewed are titled "Alterations to: Milkweed" and are dated 10/17/23. They were prepared by Concise Design Group.

**Recommendation:**

In reference to BOA1565345, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

A handwritten signature in black ink, which appears to read "Amee Rand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Director of Planning, BPDA



<b>Case</b>	BOA1548380
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	131 Kilsyth RD Brighton 02135
<b>Parcel ID</b>	2102161000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 3F-6000
<b>Zoning Article</b>	51
<b>Project Description</b>	Change occupancy from a 1-family to a 4-family; erect a new 1-story addition in the rear; renovate to create 4 units, 3 interior parking spaces, and 1 parking space at grade.
<b>Relief Type</b>	Variance
<b>Violations</b>	Additional Lot Area Insufficient Rear Yard Insufficient Parking or Loading Insufficient Forbidden Use: Multi-Family Residential

**Planning Context:**

The project proposes a change of occupancy from an existing single-family home to a 4-family dwelling, with interior renovation and construction of a 1-story rear addition.

The existing dwelling is a 2.5 story wood-framed residential dwelling located in a 3F Neighborhood Design Overlay District (NDOD), in the Aberdeen Architectural Conservation District in Brighton. Within its immediate vicinity, the dwelling is surrounded by other 2.5 and 3-story dwellings of a similar size, scale, and exterior design. Adjacent streets to Kilsyth Road, which are all within the same three-family subdistrict, feature slightly larger dwellings (2.5 and 3 stories) as well as 3-story apartment buildings. The majority of these dwellings appear to contain more than 3 residential units.

The Aberdeen Architectural Conservation District became a designated landmarks district in 2002. Aberdeen's architectural styles include the Colonial Revival, Georgian Revival, Queen Anne, and Shingle styles.

The proposed scope of the project and the change of use of a one-family dwelling to a multi-family dwelling fits the recommendations of the Allston-Brighton Needs Assessment (January 2024), a comprehensive document that compiles ten months of research and engagement around the neighborhoods' needs analysis. Survey results from the report show that 53% of

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respondents identified housing affordability as a “serious concern,” and 68% of respondents also identified a concern for the quality of their home. Furthermore, the Needs Assessment reports that Allston-Brighton’s housing stock has not kept pace with its population level: while the neighborhoods’ population has stayed about the same over a ten-year period (approximately 68,000 people), the overall housing stock has shrunk by 8%. A primary recommendation from the Needs Assessment is the production of more housing in the area, particularly affordable housing.

The dwelling is located an approximate 6 minute walk from the B Line trolley and a 10 minute walk from the C and D Line trolleys. The proposed number of off-street parking spaces (a total of 4) is aligned with Boston Transportation Department’s parking maximum ratios guidelines, released in 2020.

### **Zoning Analysis:**

This is a case for zoning reform to both update residential use and dimensional tables to more accurately reflect existing, established patterns of building in Boston’s neighborhoods. The dwelling is located in a 3F subdistrict in Brighton. The proposed residential use change to a 4-family (multi-family) dwelling is a Forbidden use. However, as noted in the Planning Context, the dwelling is surrounded by dwellings that are 4 units and upwards, some of which are even apartment buildings containing upwards of a dozen units. All these non-conforming dwellings are within the same 3F subdistrict as 131 Kilsyth. Relatedly, the project has also been cited for insufficient additional lot area per dwelling unit. Per the zoning code, lots in the 3F-6000 subdistrict must have a minimum lot area of 3,000 sf for 1 unit, with an additional 3,000 sf per additional unit. This means that in order to conform to zoning, the lot must be at least 12,000 sf for the proposed 4 units. The pre-existing lot is 11,806 sf -- smaller than what is required, but nominally so. Additionally, 131 Kilsyth’s lot is one of the largest in the vicinity, despite it only housing 1 unit, while many of its neighbors house dwellings of 3 or more units on far smaller lots.

The zoning code also requires a minimum rear yard of 30 feet. The lot has an irregular rear yard of varying dimensions, due to its odd shape. At its smallest, the existing dwelling has a pre-existing nonconforming rear yard of 18’. The proposed rear addition will be built within the rear yard, but will be in line with the largest existing extension of the existing home. The rear yard dimension off the proposed addition will be 27.6’. Both the pre-existing and proposed rear yards



are within character for the surroundings, where very few lots have homes that conform to the 30' rear yard minimum.

Finally, the project proposes a total of 4 parking spaces - 1 space per each proposed unit. The zoning code requires 1.75 off-street spaces per unit, which would be 7 units in this case. As described in the planning context, this proposal is in line with Planning goals for reduced dependency on private vehicles and to preserve usable open space in residential areas.

Due to the dwelling's location in a designated Landmarks District, as well as the proposed excavation to facilitate the basement-level patio, the project must undergo Landmarks Review as a condition of approval.

The plans reviewed are titled "131 Kilsyth Road" and are dated 9/28/23. They were prepared by Sousa Design Architects.

**Recommendation:**

In reference to BOA1548380, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Boston Landmarks Commission for design review.

Reviewed.

A handwritten signature in black ink, appearing to read "Anne Kavanagh".

Director of Planning, BPDA





<b>Case</b>	BOA1571207
<b>ZBA Hearing Date</b>	2024-04-09
<b>Address</b>	77 Bigelow ST Brighton 02135
<b>Parcel ID</b>	2203275000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 2F-5000
<b>Zoning Article</b>	Art. 51
<b>Project Description</b>	Combine two (2) adjacent parcels to create a 14,000 sq ft lot. Expand and convert an existing two-family dwelling into an expanded multifamily residential building of five (5) residential units, with a side/rear addition to the existing structure, five (5) on-site parking spaces and related improvements.
<b>Relief Type</b>	Variance
<b>Violations</b>	Height Excessive (ft) Height Excessive (stories) FAR Excessive Parking or Loading Insufficient Use: Forbidden (Multi-family dwelling)

**Planning Context:**

This project proposes to combine two adjacent parcels and convert an existing two-family, two-story residential dwelling into a multifamily, five-unit residential dwelling by making a side and rear addition to the existing structure. The project will include the construction of five on-site parking spaces, one of which will be at the end of a driveway along the northern side yard of the property and four of which will be within a basement-level garage that is accessible from the driveway on the northern side of the building. The eastern rear addition and northern side addition will be three stories in height while the existing dwelling will remain at two stories.

The southern parcel on which the existing two-family dwelling is located is 10,000 sq ft with a 200 ft lot depth and 50 ft lot width that is common for multiple lots within this part of the surrounding zoning subdistrict. The northern of the two parcels that will be combined is a 4,000 sq ft lot with a 200 ft lot depth and a 20 ft lot width that is currently used as a gravel driveway and has a small shed located at the easternmost rear of the parcel. These combined parcels will produce a 70 ft lot width that is uncommon in the surrounding area and produces more side yard space than other nearby properties have. The project's northern side yard addition makes use of this with an extension into the northern side yard that still retains the driveway use with a

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variable width of 14.9 ft to 17.7 ft . The parcel where the property is located also has a deep front yard of 38.2 ft that is not typical for the area. The side yard addition will maintain that front yard depth with the structure's extension into the northern side yard in alignment with the front wall. The proposed eastern rear yard depth would be 77 feet which is similar in rear yard depth as the southern abutting property.

There are residential dwellings along this block and the next southern block of Bigelow Street that are assessed between two and three stories. This property is elevated above grade and it shares this characteristic with other properties on this eastern side of Bigelow Street on this block, some of which are between 2.5 and three stories and that set a precedent in both physical height and their appearance in the public realm. This block has predominantly two-family residential dwellings and is within a five-minute walk of MBTA bus stops at the corner of Bigelow and Faneuil Streets. At the southern end of the block at the corner of Bigelow Street and Perthshire Road there are two structures on the same parcel that are three stories and collectively hold four residential units, establishing a similar height and multifamily use as this project proposes. This proposed project would help advance the needs identified by residents in the Allston-Brighton Needs Assessment (January 2024) where many residents promoted supply-side housing solutions to increase housing production within the neighborhood. This project both increases the housing supply and does so near a transit resource, thus promoting a City goal for increased transit-oriented development as well.

There is an existing mature tree in the eastern rear yard located an estimated 37 feet behind the existing residential dwelling's rear wall. Based on an aerial view of the property, there are potentially trees along the southern side of the rear yard behind the dwelling as well. The proposed rear addition extends 37.06 ft to the rear of the existing dwelling and the project plans do not provide a mitigation plan for any potential tree removal of the tree in that rear area. The rear addition would extend along the existing dwelling's southern side wall and have a variable side yard depth from 13.67 ft to 12 ft moving towards the rear. The plans do indicate a "new landscape buffer" in the location where the existing southern side yard trees may be located as part of the project, but project plans do not provide detail on the existing tree layout to determine the scale of mitigation.

The proposed project has a 1.0 parking ratio with its five on-site parking spaces, which aligns with the Boston Transportation Department's (BTD) recommendation of a 1.0 maximum parking ratio for residential land uses in Brighton.



The Disabilities Commission has identified a need for an accessible entrance and access in the rear entry and section of the building as the proposed rear addition currently only proposes access to that part of the building via staircase.

**Zoning Analysis:**

This property is located within the 2F-5000 (Two-Family Residential) subdistrict of the Allston/Brighton Neighborhood District (Art. 51). This subdistrict forbids “multi-family dwelling” land uses, which this project triggers by proposing five (5) residential units. As mentioned in the Planning Context, there is an existing multifamily residential precedent on this block and this proposed number of units aligns with City goals for housing production near transit resources. It also maintains the existing structure and does not produce rear or side yard depths that violate the area’s zoning or produce a built form drastically out of line with the surrounding area.

This subdistrict restricts the maximum height of a building to 2.5 stories and 35 feet. It also restricts the maximum FAR of a building to 0.6. This project proposes a three-story building that is 38 feet tall, exceeding both maximums. The project plans state that the project has 8,203 total sq ft that would be calculated for FAR, resulting in a 0.59 that is below the maximum restriction. Additionally, there are existing properties as mentioned in the Planning Context that are at or above the 2.5-story maximum and likely above the 35-foot maximum height. Based on the plan’s dimensional measurements, this property has an building footprint of about 3,300 sq ft, thus having a building lot coverage of about 24%. The property further down the block on Bigelow Street with two structures and a multifamily residential use has a cumulative building coverage estimated at about 25% and shows a precedent building scale for that type of residential activity. This metric of building lot coverage better represents the relationship of the building to the surrounding lot and the way it looks in the public realm. This project presents a case for zoning reform in this area of the zoning subdistrict due to the frequency of deep lots and the variation in building heights that establish building scales and lot coverage trends that are not currently accounted for within the zoning regulations. Building lot coverage regulations may provide greater relief for existing buildings and projects that propose future additions such as this one.

This subdistrict requires an off-street parking ratio of 1.75 for residential uses with 1-9 units. This project proposes a 1.0 off-street parking ratio. While this is below the required minimum, the proposed number of parking spaces reduces the level of reliance on private vehicles



especially near transit resources and does not exceed BTD's recommended parking maximum for residential land uses in Brighton.

Site plans completed by J Webby Consulting LLC C&G Survey Company on October 24, 2023.

Project plans completed by O'Sullivan Architects, Inc. on March 18, 2024.

**Recommendation:**

In reference to BOA1571207, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review to address considerations raised by the Disabilities Commission and with attention to existing trees on the lot as well as proposed landscaping.

Reviewed.

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Director of Planning, BPDA

**MEMORANDUM**

**MARCH 14, 2024**

**TO:** **BOSTON REDEVELOPMENT AUTHORITY**  
**D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)**  
AND JAMES ARTHUR JEMISON II, DIRECTOR

**FROM:** CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW  
MICHAEL SINATRA, OMBUDSMAN  
DYLAN NORRIS, PROJECT ASSISTANT

**SUBJECT:** 281 FRANKLIN STREET, DOWNTOWN

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 281 Franklin Street in Downtown & Wharf District Neighborhood (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; (3) Authorize the Director to enter into a Deed to take a real property interest in the 281 Franklin Property; and (4) enter into a Pilot Agreement for the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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**PROJECT SITE**

The Proposed Project is located on an approximately 2,140 square foot parcel of land at 281 Franklin Street in the Downtown and Wharf District neighborhoods of Boston (the "Project Site"). The Project Site is currently occupied by a six-story commercial building containing a ground-floor retail space currently occupied by

David's Instant Shoe Repair store and Mediterranean Grill Boston and five (5) upper-floors of office space.

**DEVELOPMENT TEAM**

The development team includes:

Proponent: Boston Pinnacle Properties  
Adam Burns  
John Beaty

Legal Counsel: Adams & Morancy, P.C.  
George Morancy, Esq.

Architect: Balance Architects  
Phillip Sima

Code Compliance  
Counsel: Sullivan Code Group  
Donald Contois

**BACKGROUND ON PILOT PROGRAM**

On October 30th, 2023, Boston Pinnacle Properties LLC (the "Proponent") applied to Mayor Wu's and the BPDA's Downtown Residential Conversion Incentive PILOT Program (the "Pilot Program"). The Pilot Program was authorized by the BPDA Board on October 12, 2023 ("October Board Vote") and offers to approved applicants a tax abatement in exchange for converting their underutilized office building into multi-family residential rental units. The October Board Vote authorized the creation of a Demonstration Project Plan Area in Downtown Boston (the "Plan Area") and the Plan Area establishes an area where the BPDA is able to act pursuant to Massachusetts General Law Chapter 121B ("Chapter 121B") and provide a contract for payment in lieu of taxes ("Pilot Agreement") pursuant to Chapter 121B. The Demonstration Project Plan Area was created and authorized to prevent blight and decadence stemming from the increased vacancy rate in the commercial real estate market and incentivize the transistion to housing of these units.

While the new City of Boston Inclusionary Zoning (“2024 IZ”) does not go into effect for all project types until October 1, 2024, in order to qualify for the PILOT program, the proponent must meet the 2024 IZ standards, which require that Seventeen Percent (17%) of all newly created units must be deed restricted affordable restricted for households making up to Sixty Percent (60%) of the Area Median Income (“AMI”), and an additional 3% of units must be available at HUD Small Area Fair Market Rent and reserved for voucher holders. Applicants must also comply with current Green Energy Stretch Goals, where applicable.

**PROPOSED PROJECT**

The Proponent seeks to renovate the interior of the existing six (6) story, approximately 12,834 gross square foot building that currently contains five (5) upper floors of under-used office space and ground floor retail. The upper five (5) floors of 281 Franklin Street (the “Proposed project”) will be converted from office space to now include fifteen (15) residential rental units, while maintaining the ground floor retail. Of the fifteen (15) rental units, nine (9) units will be studio units, six (6) units will be one-bedroom units. Five (5) rental units are designated as ADA group 2 units, ten (10) units will be designated as ADA group 1 units. The Proposed Project also will include an interior subsurface bicycle storage room with sixteen (16) bicycle spaces. The ground floor retail spaces of the Proposed Project will remain untouched and currently includes approximately 1,489 square feet of retail space.

The table below summarizes the Proposed Project’s key statistics.

<b><u>Estimated Project Metrics</u></b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	12,834
<b>Gross Floor Area</b>	11,119
<i>Residential</i>	9,630
<i>Office</i>	0
<i>Retail</i>	1,489
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0

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	<i>Cultural</i>	0
	<i>Parking</i>	0
<b>Development Cost Estimate</b>		\$1,599,000
<b>Residential Units</b>		
	<i>Rental Units</i>	15
	<i>Ownership Units</i>	0
	<i>IDP/Affordable Units</i>	3
<b>Parking spaces</b>		0

**PLANNING CONTEXT**

Launched in October 2023, the Downtown Residential Conversion Incentive Pilot Program “Downtown Conversion Program” aims to support owners and developers of older commercial office building space in converting to residential units. The Pilot Program was informed by both 1) the City of Boston’s October 2022 Downtown Revitalization Report which analyzed and made recommendations for downtown economic revitalization, as well as 2) the PLAN: Downtown planning process which recommended a downtown office conversion program as a key strategy for achieving the PLAN goals. In order to encourage new use of underutilized office space, the Downtown Conversion Program offers a tax abatement and a streamlined approval process to applicants who meet affordability and sustainability requirements. The Proposed Project is the first applicant for the Downtown Conversion Program, advancing key recommendations of the 2022 Downtown Revitalization Report and PLAN: Downtown.

**ARTICLE 80 REVIEW PROCESS**

On December 19th, 2023, the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Boston Zoning Code (the “Code”).

The BPDA sponsored and held a virtual public meeting on January 23rd, 2024, via Zoom for the Proposed Project & the Proposed PILOT agreement. The meeting was advertised in the Boston Guardian, posted on the BPDA website and a notification was emailed to all subscribers of the BPDA’s Downtown neighborhood update list. The public comment period ended on January 31, 2024.



**ZONING**

The Proposed Project is located in the Broad Street Protection Area subdistrict of the Government Center/Markets zoning district. The proposed Residential use is allowed per Section 45-14. The existing building at 281 Franklin Street exceeds the maximum height and floor area ratio per Section 45-5; however, the Proposed Project does not include any change to the building footprint or other increase or enlargement to the dimensional nonconformity, therefore the alteration of use is permitted per Section 13-3.

The Site is also located in the Greenway Overlay District, Groundwater Conservation Overlay District ("GCOD"), and Restricted Parking Overlay District.

The Proponent will be requesting relief from the Zoning Board of Appeal for the Groundwater Conservation Overlay District ("GCOD").

**MITIGATION AND COMMUNITY BENEFITS**

The Proposed Project will include mitigation measures and community benefits to the neighborhood and the City of Boston (the "City"), including:

- Revitalizing the downtown neighborhood by converting underutilized office space to on-site housing in the downtown, bringing foot traffic back to the neighborhood, generating a new customer base for downtown restaurants and shops, and creating a more vibrant downtown core.
- Exceeding Disability Commission standards and creating five (5) Group 2 designated ADA units and ten (10) Group 1 ADA designated units.
- The creation of a new at-grade ADA accessible entrance on private way off Franklin Street
- The creation of new housing units, including three (3) affordable units, 20% of proposed units in, accordance with the City's Inclusionary Development Policy;
- The expected creation of approximately twenty-five (25) construction industry jobs to complete the Proposed Project;
- Proposed building to be renovated to be in compliance with GCOD requirements.

- Meeting, where applicable, C.O.B Green Energy “Stretch Goals” and fully electrifying the utilities of the building; as required by the BPDA office to residential Conversion Program
- Electrification of existing HVAC systems using a high performance mini split system
- Electrification of Cooking and residential hot water where able
- The re-use of a vast majority of existing building components in order to minimize demolition waste and promote construction sustainability
- implementation of demolition waste management and recycling protocols
- Best efforts to achieve LEED compliance certifiability for modern energy efficiency standards of a building originally constructed nearly 150 years ago.

The Proposed Project and public realm improvements are subject to BPDA Design Review. The Project will continue to seek and be subject to any Public Improvement Commission approval where privately held areaways extend out under the public rights-of-way at the surface. A structural certification for these areaways should be completed as a part of the project to allow the City of Boston to make future accessibility improvements to the sidewalk surface over these privately held areaway. Accessibility improvements to the public right of way are not being contemplated as a part of this project.

### **INCLUSIONARY DEVELOPMENT POLICY**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the “IDP”) and is located within Zone A, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. The project is further subject to the affordability requirements of the BPDA’s Downtown Residential Conversion Incentive PILOT Program dated July 10, 2023, which requires projects applying under the Pilot program to comply with the 2024 IZ requirements, or in this case, 20% of the total number of units within the conversion project must be designated as IDP units. In this case, three (3) units, or approximately 20% of the total number of units within the Proposed Project, will be created as IDP rental units (the “IDP Units”). Each of the three (3) IDP units will be made affordable to households earning not more than 60% of AMI, as based upon data from the United States Department of Housing and Urban Development (“HUD”) and published by the BPDA.

The proposed locations, sizes, income restrictions, and rents for the IDP Units are as follows:

Unit Number	Number of Bedrooms	Square Footage	Percent of Area Median Income	Rent	ADA/Group 2 Designation (if any)
3	One-bedroom	646	60% AMI	\$1,325	Group 2
5	Studio	455	60% AMI	\$1,130	Group 1
7	Studio	527	60% AMI	\$1,130	Group 1

The location of the IDP Units will be finalized in conjunction with BPDA and MOH staff and outlined in the Affordable Rental Housing Agreement and Restriction (“ARHAR”), and rents and income limits will be adjusted according to BPDA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units. IDP Units must be comparable in size, design, and quality to the market-rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also register the Proposed Project with the Boston Fair Housing Commission (“BFHC”) upon issuance of the building permit. The IDP Units will not be marketed prior to the submission and approval of an Affirmative Marketing Plan to the BFHC and the BPDA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

- Boston resident; and
- Household size (a minimum of one (1) person per bedroom).

Where a unit is built out for a specific disability (e.g., mobility or sensory), a preference will also be available to households with a person whose need matches the build out of the unit. The City of Boston Disabilities Commission may assist the BPDA in determining eligibility for such a preference.

An affordability covenant will be placed on the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of the renter and rent of any subsequent rental of the IDP Units during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit. IDP Units may not be rented out by the developer prior to rental to an income eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

### **TERMS OF PILOT AGREEMENT**

Based on BPDA staff review under Article 80 and review under the Pilot Program, the Proponent has been selected to receive a Pilot Agreement, based on the Pilot Program criteria. The Proponent will, upon approval by the BPDA Board, enter into a Pilot Agreement among the City of Boston (the "City") and the BPDA. If approved today, the City and the BPDA will provide the Proposed Project an average tax abatement of up-to seventy-five percent (75%) of the assessed residential value for a term of twenty-nine (29) years, terms which are consistent with the October Board Vote.

### **DEED CONVEYANCE**

In order to comply with the rules and regulations under Massachusetts General Law Chapter 121B, Section 16, the BPDA must take an interest in the Project Site. To effectuate that, the BPDA and the Owner of the 281 Franklin Street will enter into a Deed agreement which conveys limited rights in the 281 Franklin Street property. Additionally, the Owner and the BPDA will enter into to indemnification agreement to ensure the BPDA does not have liability on the property.

### **RECOMMENDATIONS**

BPDA staff recommends that, based on the foregoing, that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; ; (3) Authorize the Director to enter into a Deed to take a real property interest in the 281 Franklin Property; and (4) enter into a Pilot Agreement for the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed

Project.

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development at 281 Franklin Street in the Downtown neighborhood, proposed by Boston Pinnacle Properties (the "Proponent"), for the gut renovation of a six (6) story, approximately 12,834 gross square foot building that will include thirty (15) residential rental units and sixteen (16) interior bike parking spaces (the "Proposed Project"), in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the BPDA; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute and deliver an Affordable Rental Housing Agreement and Restriction for the creation of three (3) IDP Units in connection with the Proposed Project; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute a Quitclaim Deed between the Boston Redevelopment Authority and 281 Franklin Street Development LLC for certain rights in the 281 Franklin Street Property; and

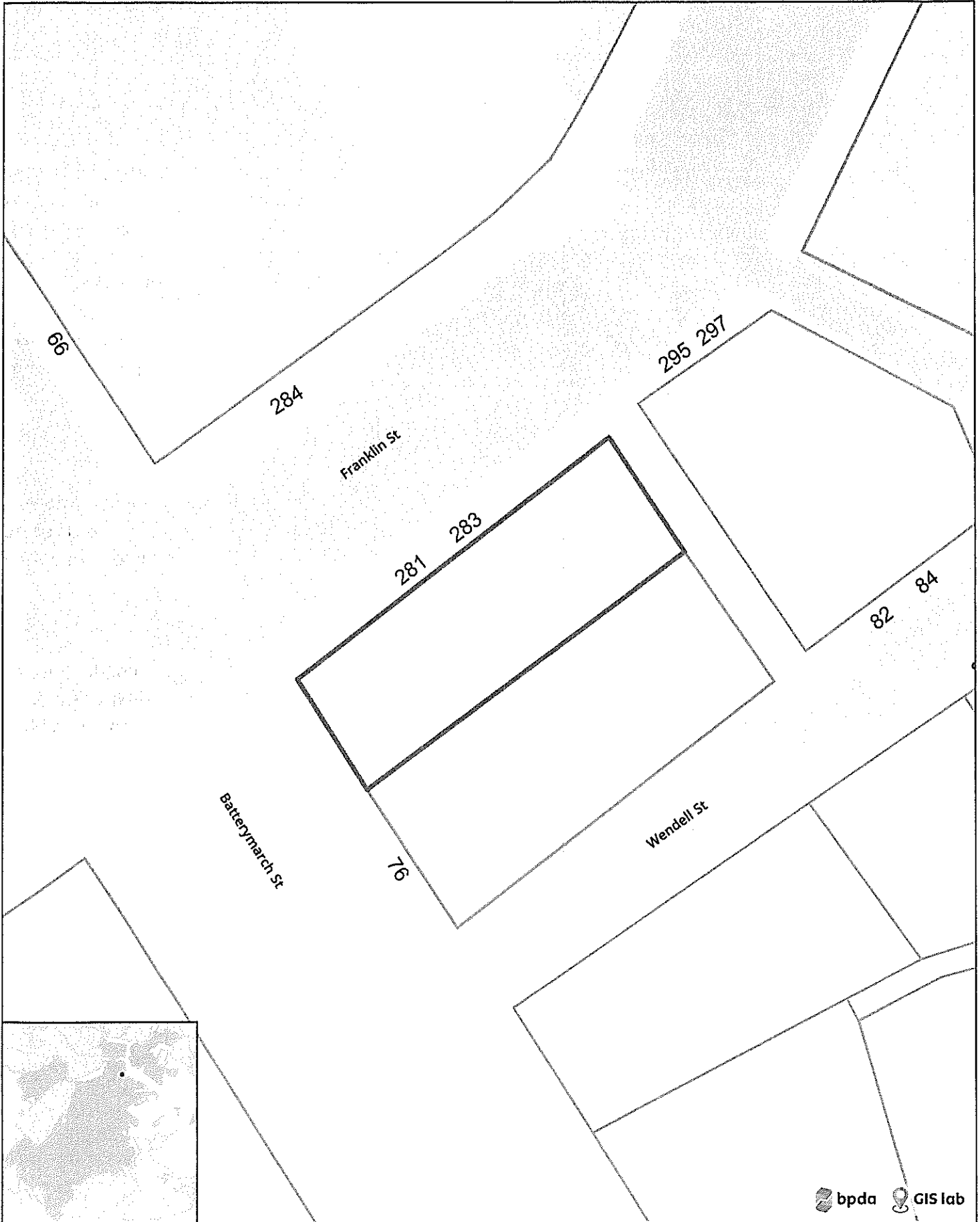
**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to enter into the Pilot Agreement in connection with the 281 Franklin Street Project subject to terms and conditions consistent with this Board Memorandum and as the Director deems to be appropriate and necessary and in the best interest of the BRA;

# 281 Franklin Street



1:300



# 281 Franklin Street



1:300





# CITY of BOSTON

Michelle Wu, Mayor

To: Dylan Norris, BPDA  
From: Yang Yang, PWD  
Date: 12/20/2023  
Subject: 281 Franklin Street- Boston Public Works Department Comments

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Included here are Boston Public Works Department comments for the 281 Franklin Street SPRA.

### Project Specific Scope Considerations:

The developer shall reconstruct the existing sidewalks along the frontage of their building, including the sidewalk above the areaway on Franklin Street. The developer should reconstruct pedestrian ramps and crossings as needed, specifically those at Franklin Street and Batterymarch Street and Batterymarch Street and Wendell Street intersections.

### Site Plan:

The developer must provide an engineer's site plan at an appropriate engineering scale that shows curb functionality on both sides of all streets that abut the property.

### Construction Within The Public Right-of-Way (ROW):

All proposed design and construction within the Public ROW shall conform to PWD Design Standards (<https://www.boston.gov/departments/public-works/public-works-design-standards>). Any non-standard materials (i.e. pavers, landscaping, bike racks, etc.) proposed within the Public ROW will require approval through the Public Improvement Commission (PIC) process and a fully executed License, Maintenance and Indemnification (LM&I) Agreement with the PIC. Please note that the comments below are specific to proposed work within the Public ROW.

### Sidewalks:

The developer is responsible for the reconstruction of the sidewalks abutting the project and, wherever possible, to extend the limits to the nearest intersection to encourage and compliment pedestrian improvements and travel along all sidewalks within the ROW within and beyond the project limits. The reconstruction effort also must meet current Americans with Disabilities Act (ADA)/Massachusetts Architectural Access Board (AAB) guidelines, including the installation of new or reconstruction of existing pedestrian ramps at all corners of all intersections abutting the project site if not already constructed to ADA/AAB compliance per Code of Massachusetts Regulations Title 521, Section 21 (<https://www.mass.gov/regulations/521-CMR-21-curb-cuts>). This includes converting apex ramps to perpendicular ramps at intersection corners and constructing or reconstructing reciprocal pedestrian ramps where applicable. Plans showing the extents of the proposed sidewalk improvements associated with this project must be submitted to the PWD Engineering Division for review and approval. Changes to any curb geometry will need to be reviewed and approved through the PIC.

Please note that at signalized intersections, any alteration to pedestrian ramps may also require upgrading the traffic signal equipment to ensure that the signal post and pedestrian push button locations meet current ADA and Manual on Uniform Traffic Control Devices (MUTCD) requirements. Any changes to the traffic signal system must be coordinated and approved by BTM.

All proposed sidewalk widths and cross-slopes must comply to both City of Boston and ADA/AAB standards.

The developer is encouraged to contact the City's Disabilities Commission to confirm compliant accessibility within the Public ROW.

### Driveway Curb Cuts:

Any proposed driveway curb cuts within the Public ROW will need to be reviewed and approved by the PIC. All existing curb cuts that will no longer be utilized shall be closed.



### PUBLIC WORKS DEPARTMENT

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(617) 635-4900





# CITY of BOSTON

Michelle Wu, Mayor

## **Discontinuances:**

Any discontinuances (sub-surface, surface or above surface) within the Public ROW must be processed through the PIC.

## **Easements:**

Any easements within the Public ROW associated with this project must be processed through the PIC.

## **Landscaping:**

The developer must seek approval from the Chief Landscape Architect with the Parks and Recreation Department for all landscape elements within the Public ROW. The landscaping program must accompany a LM&I with the PIC.

## **Street Lighting:**

The developer must seek approval from the PWD Street Lighting Division, where needed, for all proposed street lighting to be installed by the developer. All proposed lighting within the Public ROW must be compatible with the area lighting to provide a consistent urban design. The developer should coordinate with the PWD Street Lighting Division for an assessment of any additional street lighting upgrades that are to be considered in conjunction with this project. All existing metal street light pull box covers within the limits of sidewalk construction to remain shall be replaced with new composite covers per PWD Street Lighting standards. Metal covers should remain for pull box covers in the roadway. For all sections of sidewalk that are to be reconstructed in the Public ROW that contain or are proposed to contain a City-owned street light system with underground conduit, the developer shall be responsible for installing shadow conduit adjacent to the street lighting system. Installation of shadow conduit and limits should be coordinated through the BPDA Smart Utilities team.

## **Roadway:**

Based on the extent of construction activity, including utility connections and taps, the developer will be responsible for the full restoration of the roadway sections that immediately abut the property and, in some cases, to extend the limits of roadway restoration to the nearest intersection. A plan showing the extents and methods for roadway restoration shall be submitted to the PWD Engineering Division for review and approval.

## **Additional Project Coordination:**

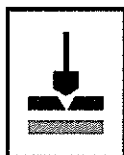
All projects must be entered into the City of Boston Utility Coordination Software (COBUCS) to review for any conflicts with other proposed projects within the Public ROW. The developer must coordinate with any existing projects within the same limits and receive clearance from PWD before commencing work.

## **Green Infrastructure:**

The developer shall work with PWD, the Green Infrastructure Division, and the Boston Water and Sewer Commission (BWSC) to determine appropriate methods of green infrastructure and/or stormwater management systems within the Public ROW. The ongoing maintenance of such systems shall require an LM&I Agreement with the PIC. Effects of water infiltration with respect to the adjacent underpass structure and underground MBTA tunnels that may be negatively impacted by infiltration may impact the ability to install such systems and should be considered. Coordination with PWD and MBTA will be required.

## **Resiliency:**

Proposed designs should follow the Boston Public Works Climate Resilient Design Guidelines (<https://www.boston.gov/environment-and-energy/climate-resilient-design-guidelines>) where applicable.



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# CITY *of* BOSTON

Michelle Wu, Mayor

Please note that these are the general standard and somewhat specific PWD requirements. More detailed comments may follow and will be addressed during the PIC review process. If you have any questions, please feel free to contact me at [jeffrey.alexis@boston.gov](mailto:jeffrey.alexis@boston.gov) or at 617-635-4966.

Sincerely,

**Jeffrey Alexis**  
Principal Civil Engineer  
Boston Public Works Department  
Engineering Division

CC: Para Jayasinghe, PWD  
Todd Liming, PIC



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(617) 635-4900

**Boston Water and  
Sewer Commission**



980 Harrison Avenue  
Boston, MA 02119-2540  
617-989-7000

January 18, 2024

Mr. Dylan Norris, Project Manager  
Boston Planning and Development Agency  
One City Hall Square  
Boston, MA 02210

Re: 281-285 Franklin Street, Boston  
Small Project Review Application

Dear Mr. Norris:

The Boston Water and Sewer Commission (Commission) has reviewed the Small Project Review Application (SPRA) for the proposed redevelopment project located at 281-285 Franklin Street in downtown Boston. This letter provides the Commission's comments on the SPRA.

The proposed project is for a 6-story brick mixed-use building on an approximately 2,140 square foot lot. The project proponent, Boston Pinnacle Properties, proposes to convert the upper five (5) stories to residential use. The building will contain fifteen residential apartment units, 5 one-bedroom units and 10 studio units. The first floor retail use will remain. The conversion will add approximately 8,029 gross sq. feet of residential space.

The Commission owns and maintains water and sewer infrastructure in Franklin Street and Batteryarch Street. Water infrastructure servicing the subject property includes an 10-inch ductile iron, zinc coated cement (DICL) lined water main that was installed in 1994 and is on the Commission's Southern Low pressure system. Additional water mains include a 1994 16-inch DICL High Pressure Fire System pipe in Batteryarch Street, and two 2205 12-inch DICL pipes in Franklin Street, one on the Southern Low network and the other on the Southern High. The site is served by a 20x28-inch brick combines sewer pipe installed in 1874. The sewer flows north-westerly on Batteryarch Street.

The Commission has the following comments regarding the proposed project.

General

1. Prior to the initial phase of the site plan development, Boston Pinnacle Properties, should meet with the Commission's Design and Engineering Customer Services Departments to review water main, sewer and storm drainage system availability and potential upgrades that could impact the development.



2. All new or relocated water mains, sewers and storm drains must be designed and constructed at Boston Pinnacle Properties's expense. They must be designed and constructed in conformance with the Commission's design standards, Water Distribution System and Sewer Use regulations, and Requirements for Site Plans. The site plan should include the locations of new, relocated and existing water mains, sewers and drains which serve the site, proposed service connections, water meter locations, as well as backflow prevention devices in the facilities that will require inspection. A General Service Application must also be submitted to the Commission with the site plan.
3. The Department of Environmental Protection (DEP), in cooperation with the Massachusetts Water Resources Authority (MWRA) and its member communities, has implemented a coordinated approach to flow control in the MWRA regional wastewater system, particularly the removal of extraneous clean water (e.g., infiltration/inflow (I/I)) in the system. The Commission has a National Pollutant Discharge Elimination System (NPDES) Permit for its combined sewer overflows and is subject to these new regulations [314 CMR 12.00, section 12.04(2)(d)]. This section requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of I/I for each new gallon of wastewater flow. In this regard, any new connection or expansion of an existing connection that exceeds 15,000 gallons per day of wastewater shall assist in the I/I reduction effort to ensure that the additional wastewater flows are offset by the removal of I/I. Currently, a minimum ratio of 4:1 for I/I removal to new wastewater flow added is used. The Commission will require proponents to develop a consistent inflow reduction plan. The 4:1 requirement should be addressed at least 90 days prior to activation of water service and will be based on the estimated sewage generation provided on the project site plan.
4. The design of the project should comply with the City of Boston's Complete Streets Initiative, which requires incorporation of "green infrastructure" into street designs. Green infrastructure includes green spaces, such as trees, shrubs, grasses and other landscape plantings, as well as rain gardens and vegetative swales, infiltration basins, and paving materials and permeable surfaces. The proponent must develop a maintenance plan for the proposed green infrastructure. For more information on the Complete Streets Initiative see the City's website at <http://bostoncompletestreets.org>
5. The water use and sewage generation estimates were not stated in the SPRA. The Commission requires that these values be calculated and submitted with the Site Plan. Boston Pinnacle Properties should provide separate estimates of peak and continuous maximum water demand for residential, irrigation and air-conditioning make-up water for the project. Estimates should be based on full-site build-out of the proposed project. Boston Pinnacle Properties should also provide the methodology used to estimate water demand for the proposed project.



6. The Commission will require Boston Pinnacle Properties to undertake all necessary precautions to prevent damage or disruption of the existing active water and sewer lines on, or adjacent to, the project site during construction. As a condition of the site plan approval, the Commission will require Boston Pinnacle Properties to inspect the existing sewer lines on site by CCTV after site construction is complete, to confirm that the lines were not damaged from construction activity.
7. It is Boston Pinnacle Properties's responsibility to evaluate the capacity of the water, sewer and storm drain systems serving the project site to determine if the systems are adequate to meet future project demands. With the site plan, Boston Pinnacle Properties must include a detailed capacity analysis for the water, sewer and storm drain systems serving the project site, as well as an analysis of the impacts the proposed project will have on the Commission's water, sewer and storm drainage systems.

#### Water

1. Boston Pinnacle Properties should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular, Boston Pinnacle Properties should consider outdoor landscaping which requires minimal use of water to maintain. If Boston Pinnacle Properties plans to install in-ground sprinkler systems, the Commission recommends that timers, soil moisture indicators and rainfall sensors be installed. The use of sensor-operated faucets and toilets in common areas of the building should be considered.
2. Boston Pinnacle Properties is required to obtain a Hydrant Permit for use of any hydrant during the construction phase of this project. The water used from the hydrant must be metered. Boston Pinnacle Properties should contact the Commission's Meter Department for information on and to obtain a Hydrant Permit.
3. Boston Pinnacle Properties will be required to install approved backflow prevention devices on the water services for fire protection, mechanical and any irrigation systems. Boston Pinnacle Properties is advised to consult with Mr. Larry Healy, Manager of Engineering Code Enforcement, with regards to backflow prevention.
4. The Commission is utilizing a Fixed Radio Meter Reading System to obtain water meter readings. For new water meters, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, Boston Pinnacle Properties should contact the Commission's Meter Department.

#### Sewage / Drainage



1. In conjunction with the Site Plan and the General Service Application Boston Pinnacle Properties will be required to submit a Stormwater Pollution Prevention Plan. The plan must:
  - Identify specific best management measures for controlling erosion and preventing the discharge of sediment, contaminated stormwater or construction debris to the Commission's drainage system when construction is underway.
  - Include a site map which shows, at a minimum, existing drainage patterns and areas used for storage or treatment of contaminated soils, groundwater or stormwater, and the location of major control structures or treatment structures to be utilized during the construction.
  - Specifically identify how the project will comply with the Department of Environmental Protection's Performance Standards for Stormwater Management both during construction and after construction is complete.
2. The Commission encourages Boston Pinnacle Properties to explore additional opportunities for protecting stormwater quality on site by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.
3. Boston Pinnacle Properties must fully investigate methods for retaining stormwater on-site before the Commission will consider a request to discharge stormwater to the Commission's system. The site plan should indicate how storm drainage from roof drains will be handled and the feasibility of retaining their stormwater discharge on-site. All projects shall retain, on site, a volume of runoff equal to 1.00 inches of rainfall times the impervious area. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer.
4. The Massachusetts Department of Environmental Protection (MassDEP) established Stormwater Management Standards. The standards address water quality, water quantity and recharge. In addition to Commission standards, Boston Pinnacle Properties will be required to meet MassDEP Stormwater Management Standards.
5. Sanitary sewage must be kept separate from stormwater and separate sanitary sewer and storm drain service connections must be provided. The Commission requires that existing stormwater and sanitary sewer service connections, which are to be re-used by the proposed project, be dye tested to confirm they are connected to the appropriate system.
6. The Commission requests that Boston Pinnacle Properties install a permanent casting stating "Don't Dump: Drains to Boston Harbor" next to any catch basin created or modified as part of this project. Boston Pinnacle Properties should contact the



Commission's Operations Division for information regarding the purchase of the castings.

7. If a cafeteria or food service facility is built as part of this project, grease traps will be required in accordance with the Commission's Sewer Use Regulations. Boston Pinnacle Properties is advised to consult with the Commission's Operations Department with regards to grease traps.

Thank you for the opportunity to comment on this project.

Yours truly,

John P. Sullivan, P.E.  
Chief Engineer

JPS/apm

cc: K. Ronan, MWRA via e-mail  
P. Larocque, BWSC via e-mail  
P. Salvatore, BWSC via e-mail