



# Planning Department

## MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: July 10, 2024

RE: Planning Department Recommendations

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Please find attached, for your information, Planning Department recommendations for the July 16, 2024 Board of Appeal's Hearing.

Also included are the Board Memos for: Garrison Trotter Phase 4 and 376 to 384A Blue Hill AV  
Dorchester 02121

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



# Planning Department

<b>Case</b>	BOA1585436
<b>ZBA Submitted Date</b>	2024-03-28
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	207 W Newton ST Boston 02116
<b>Parcel ID</b>	0400802000
<b>Zoning District &amp; Subdistrict</b>	South End Neighborhood MFR
<b>Zoning Article</b>	32
<b>Project Description</b>	Substantially rehabilitate an existing 5-unit rowhouse and construct a new roof deck for 5th unit.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	GCOD Applicability

## Planning Context:

The applicant proposed substantial renovations to the existing 5-unit rowhouse including a new roof deck, sprinkler & fire alarm systems, and removing the existing fireplaces and chimneys. This site lies within the South End neighborhood and in the middle of a block of connected rowhomes of similar scale and architecture.

## Zoning Analysis:

This proposed project is cited for a conditional use permit due to its location within a Groundwater Conservation Overlay District (GCOD) per Article 32, which requires a conditional use permit for substantial rehabilitations of any structure within the overlay district. To grant a conditional use permit, a project must meet two requirements: 1) "promote infiltration of rainwater into the ground by capturing within a suitably-designed system a volume of rainfall on the lot equivalent to no less than 1.0 inches across that...lot area occupied by the structure to be Substantially Rehabilitated" and 2) "result in no negative impact on groundwater levels within the lot." The proposed project's designed system must be submitted to the Boston Water & Sewer Commission for review, comment, and approval.



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**Recommendation:**

In reference to BOA1585436, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: 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,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1579638
<b>ZBA Submitted Date</b>	2024-03-12
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	172 Leyden ST East Boston 02128
<b>Parcel ID</b>	0101888000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-4000
<b>Zoning Article</b>	53
<b>Project Description</b>	Internal repairs for building upkeep and addition of a bathroom to replace a deck on the second floor with an enclosed space within existing building footprint
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient Front Yard Insufficient

## Planning Context:

The proposed project intends to make repairs to an existing single family home and to convert an existing deck into a bathroom within the footprint of the current building, and not to exceed the maximum height of the existing building. This project will allow for a retention and improvement of existing housing stock in lieu of demolition through repairs, in alignment with the goals of Boston 2030: Housing a Changing City. The proposed project is located within the area of PLAN: East Boston adopted by BPDA Board in January 2024. Goals of the PLAN with respect to areas of residential character, such as the Orient Height subarea in which this project is located, include a more predictable development process through zoning changes that reduce existing nonconformities, and a retention of the existing low scale neighborhood fabric and wealth of architectural diversity that define the neighborhood. Given that the proposed project is located within the footprint of the existing building, the size and scale of the proposal is consistent with the principles of retaining the existing neighborhood scale and fabric and the improvement of existing structures set forth in PLAN: East Boston.

## Zoning Analysis:

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The proposed project is located in the East Boston Neighborhood District, pursuant to Article 53 of the Zoning Code. As of submission, this project was located in a two-family residential (2F-4000) subdistrict. With the passage of updated East Boston Zoning by Zoning Commission in April 2024, the project area has been rezoned to an EBR-2.5 subdistrict. Per the Refusal Letter, violations for this proposal are the front and side setback dimensions with respect to the dimensional regulations prior to April 2024. Per current East Boston Zoning dimensional regulations, the required side setback for structures in this subdistrict is five feet, and the minimum front yard depth is five feet, with a maximum front yard depth of twenty feet. The proposed project is located within the footprint of the existing structure, which includes a side setback of only four feet on the east side of the structure and a front yard of 8'-3", excluding the dimension of the bay window that protrudes into the front yard, allowed by the dimensional regulations within the code. The front yard setback violation is thus no longer a violation under current zoning, and only the side yard violation persists. As detailed in the Planning Context, this is an existing dimension, not worsened by the proposed project. As per PLAN: East Boston, existing nonconformities should not impede small scale projects moving forward.

## **Recommendation:**

In reference to BOA1579638, The Planning Department recommends APPROVAL.

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1587722
<b>ZBA Submitted Date</b>	2024-04-04
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	40 Auburn ST Charlestown 02129
<b>Parcel ID</b>	0201106000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	62
<b>Project Description</b>	Expand and enclose an existing carport at the rear of the driveway to form a new mudroom attached to the building. A new deck will be constructed on top.
<b>Relief Type</b>	Variance
<b>Violations</b>	Roof Structure Restrictions Height Excessive Side Yard Insufficient Rear Yard Insufficient

## Planning Context:

The proposed project would convert a wooden awning attached to the house into a fully enclosed mudroom. The existing deck that is on top of the current awning would be replaced with a new deck. The addition to the structure would not encroach further into the front yard.

The proposed project is located within the area of PLAN: Charlestown, recently adopted by the BPDA Board. The site is located within the “Original Peninsula” section identified by the plan.

The plan has specific design guidelines around parking. These include:

1. Avoiding new curb cuts
2. Maintaining a maximum driveway width of 10 feet, and
3. Placement of garage doors should not form the modal street wall.

This project adheres to all three of these design principles. The curb cut and driveway, which is 8 feet wide, are already constructed on the property. In addition, the mudroom is set back from the street wall and does not feature any garage doors.



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The existing building is a two and a half story residential building with party walls between the neighbor to the south and the rear abutter as well. This area of Charlestown is characterized by older single and multi family homes that can often trace their development back to the 19th century. Residential buildings, often with parking on premises and shared party walls with its neighbors are the predominant built form for the neighborhood. The mudroom that this project proposes is in line with its neighbors, as this type of structure is common in this area. In addition, the new mudroom and roof deck will not protrude into the streetscape any more than the already existing structure since it is already setback at the rear of the driveway.

## **Zoning Analysis:**

This project triggers four violations. The first two violations are in regards to height. The building is triggering a height violation in feet due to the already existing roof deck on the apex of the structure, half a story above the proposed mudroom deck. In addition, there is a roof structure restriction violation for the roof deck. However, both of these factors already exist in the current structure. The proposed development will not change the height or the building. In addition, the roof deck is already present. The project just proposed replacing the already existing roof structure with an updated design.

The third and fourth violations insufficient rear and side yard setbacks. This area of Charlestown is characterized by 0 foot lot lines and shared party walls. The requirement set by zoning is 2.5 feet for a side setback, and 20 feet for the rear setback. This would create a structure that is out of place for this dense and historic neighborhood where party walls and attached buildings are commonplace. This highlights a potential need for zoning reform in the area. In addition, there will be no dimensional changes made to the side and rear yard. These violations are already in existence. The proposed project would not extend the violation in any way.

## **Recommendation:**

In reference to BOA1587722, The Planning Department recommends APPROVAL .

Reviewed,



# Planning Department

Reviewed,

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Director of Planning, BPDA





# Planning Department

<b>Case</b>	BOA1575519
<b>ZBA Submitted Date</b>	2024-02-28
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	3 North SQ Boston 02113
<b>Parcel ID</b>	0303225000
<b>Zoning District &amp; Subdistrict</b>	North End Neighborhood Multifamily Residential
<b>Zoning Article</b>	54
<b>Project Description</b>	Expand the existing restaurant on the first and second floor to include seating on the third floor.
<b>Relief Type</b>	Variance
<b>Violations</b>	Extension of Non Conforming Use Use: Forbidden (Restaurant)

## Planning Context:

The proposed project at 3 North Square plans to update their restaurant through internal renovations. No changes to the external structure will be made. These renovations include adding a private dining room on the first floor and expanding the seating area into the third floor for the restaurant, Mamma Maria. This area is currently zoned as a Multifamily Residential subdistrict in the North End Neighborhood zoning district.

Mamma Maria, named one of Boston's Best Neighborhood Restaurants in 2021, is one of the North End's top restaurants that currently seats guests on the first and second floor of the existing 3-story brick building. These renovations would allow the restaurant to seat more customers while maximizing the total number of patrons for the restaurant. These changes would help support the goals of Imagine Boston 2030 (July 2017) as small businesses are a key part of Boston's economy and should be given a place to grow. Allowing the restaurant to expand would help support Boston's economy while it continues to be a major character in drawing people to the North End.



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## **Zoning Analysis:**

The refusal letter states two violations: an extension of a non-conforming use and a forbidden use. Under Article 54 restaurants are a forbidden use within a multifamily residential subdistrict. Relief should be granted for the use since the restaurant opened in 1988 and has remained in operation since.

Because restaurants are a forbidden use in this subdistrict under Article 54, extending the seating area into the third floor is causing the first violation of an extension of a non-conforming use. However, relief is recommended for this violation as Article 9 Section 1 states that a structure or land that is being lawfully used for a use not conforming to this code, such use may be extended on the same lot on an adjoining lot provided that a permit has been filed, the Board of Appeal grants permission for the extending nonconforming use, and that the use as extended shall not exceed by more than 25% either in volume or in area. As the extension of a nonconforming use is allowable under Article 9, it is recommended that relief is allowed for this change as it will allow the restaurant to continue to operate in a higher capacity and seat more customers.

The plans reviewed are titled 3 North Square and were prepared by Hacin. They are dated November 27, 2023.

## **Recommendation:**

In reference to BOA1575519, The Planning Department recommends APPROVAL.



# Planning Department

Reviewed,

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Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1565102
<b>ZBA Submitted Date</b>	2024-01-24
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	8 Greenville ST Roxbury 02119
<b>Parcel ID</b>	0802611000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR
<b>Zoning Article</b>	50
<b>Project Description</b>	The project seeks to extend an existing driveway to the rear of the property to accommodate a newly proposed three-unit dwelling to be constructed in the rear. This application has been applied in conjunction with the new rear dwelling unit development, 8R Greenville Street, listed as BOA1565094.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking design and maneuverability Usable Open Space Insufficient

## Planning Context:

The project seeks to extend an existing driveway to the rear of the property to accommodate a newly proposed three-unit dwelling to be constructed in the rear. This application has applied in conjunction with the new rear dwelling unit development, listed as BOA1565094.

8 Greenville St currently has a four-unit apartment on the lot. The property is located in the Roxbury neighborhood, right off of Dudley Street, a major mixed-use corridor. The property is located in a largely residential section of the area, made up of a mix of different housing types, including: single-family (15 Greenville St, 19 Greenville St), two-family (17A Greenville St), apartments (21-23 Greenville St, 22-24 Greenville St), and condominiums (6 Greenville St). The property is located about a 6-minute walk from Nubian Station, a major bus terminal, and nearby to bus stops that also provide services for the 23 and 28 buses. The 23 and 28 buses are part of the City of Boston's Fare Free program which provides free bus rides from 2022 to 2024.



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The property is located within the study area of the Roxbury Strategic Master Plan (2004). Some of the goals of the Roxbury Strategic Master Plan include providing a wider range of housing options for residents of diverse socioeconomic and age groups and providing a safe and convenient pedestrian, public transit and automobile transportation network. The plan recommends a balanced transportation system that mitigates some of the demand for off-street parking, relieving parking pressures on residential streets, and providing sufficient parking to support local businesses.

## **Zoning Analysis:**

8 Greenville St is located in a MFR subdistrict. The project received violations for insufficient clear access and maneuvering areas for the newly proposed parking spaces, and insufficient open space per unit. Currently, the property has a driveway, but no other forms of off-street parking for its existing four dwelling units. Under Article 50, multi-family buildings are required to provide at least one parking space per dwelling unit. The proponent is proposing four new parking off-street spaces in the rear of the building. While the proponent intends to comply with zoning requirements by creating four new off-street parking spaces, the narrow shape and size of the lot make it difficult to maneuver for future vehicles. A reduction in parking would improve the maneuverability of the parking area.

The extension of the driveway and development of the parking spaces will also reduce the amount of open space available to residents. Article 50 requires that MFR developments such as the project, have at least 200 square feet of usable open space per unit. Currently, the existing structure has 4 dwelling units that would require at least 800 square feet in total usable open space. A reduction in parking would help to address this need.

Given the limited maneuverability of the existing lot for this project and its close proximity to a major transit node, the proponent should consider revising the proposed project to reduce the number of parking spaces.



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The plans entitled PARKING PLAN OF 8R & 8 GREENVILLE ST. ADDITIONAL PARKING prepared by THOMAS ROVERO, AIA on NOVEMBER 24, 2023 were used in preparation of this recommendation.

**Recommendation:**

In reference to BOA1565102, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE.

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1565094
<b>ZBA Submitted Date</b>	2024-01-24
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	8R Greenville ST Roxbury 02119
<b>Parcel ID</b>	0802611000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR
<b>Zoning Article</b>	50
<b>Project Description</b>	The project seeks to demolish an existing one-story detached garage and erect a four-story, three-family dwelling, each with private roof decks and a ground-floor garage. The project will be located in the rear of an existing residential property (8 Greenville Street), which is also going through a ZBA case to extend its existing driveway; the application of that case is listed as BOA1565102.
<b>Relief Type</b>	Variance
<b>Violations</b>	Existing Building Alignment Lot Area Insufficient Lot Width Insufficient FAR Excessive Side Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient

## Planning Context:

The project seeks to demolish an existing one-story detached garage and erect a four-story, three-unit semi-detached, townhouse-style dwelling, each with private roof decks and a ground-floor garage. The proposal intends to develop a total number of 3 ground-floor garages. The project will be located in the rear of an existing residential property (8 Greenville Street), which is also going through a ZBA case to extend its existing driveway; the application of that case is listed as BOA1565102.

The existing parcel is currently behind a four-unit apartment at 8 Greenville Street. The parcel is located in the Roxbury neighborhood, right off of Dudley Street, a major mixed-use corridor. The



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property is located in a largely residential section of the area, made up of a mix of different housing types, including: single-family (15 Greenville St, 19 Greenville St), two-family (17A Greenville St), and multi-family apartments (21-23 Greenville St, 22-24 Greenville St), and multi-family condominiums (6 Greenville St).

The property is located about a 6-minute walk from Nubian Station, a major bus terminal, and nearby to bus stops that also provide services for the 23 and 28 buses. The 23 and 28 buses are part of the City of Boston's Fare Free program which provides free bus rides from 2022 to 2024.

The property is located within the study area of the Roxbury Strategic Master Plan (2004). Some of the goals of the Roxbury Strategic Master Plan include providing a wider range of housing options for residents of diverse socioeconomic and age groups and providing a safe and convenient pedestrian, public transit and automobile transportation network. The plan recommends a balanced transportation system that mitigates some of the demand for off-street parking, relieving parking pressures on residential streets, and providing sufficient parking to support local businesses. The Roxbury Strategic Master Plan also highlights the architectural character of the neighborhood, including its built character of two-family houses, row houses, and apartment buildings, and recommends that where new development occurs it should be designed to be compatible with the surrounding houses.

## **Zoning Analysis:**

8R Greenville St is a parcel located behind 8 Greenville St, which currently contains a four-unit apartment building. 8R Greenville St is in a MFR subdistrict and will replace an existing detached garage with three new dwelling units. The dwelling units will be semi-detached, townhome style units, with ground-floor garages per unit. The project raises several dimensional violations. 8R Greenville Street has a lot size of 2,490 square feet, falling short of the MFR required lot size of 3,000 square feet.

The parcel is uniquely landlocked between three separate parcels without direct street frontage access: 8 Greenville Street to the east, 223 Dudley Street to the north, 11 Mt. Pleasant Avenue to the east, and 10 Greenville Street to the south. This parcel's existing condition makes it





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difficult to meet the requirement for 40 feet of lot frontage and conformity with existing building line alignment.

The newly proposed building will be located in the center of the lot, and will build over more than half of the parcel. Article 50 requires a minimum of 10 feet for the side yard (the proposal has less than 5 feet in some sections) and 30 feet for the rear yard (the proposal has 3 feet). The proposal also raises challenges to meet the usable open space requirement of 200 sf per unit given the footprint of the development. The development includes a roughly 180 sf roof deck for each of the three units.

These features do not divert significantly from the existing conditions of other residential properties on the block, including 6 Greenville St, which has narrower side yards and a very shallow rear yard, with similar limitations on usable open space on the lot.

Lastly, the proposal exceeds the FAR limit, proposing 1.79 FAR when the limit is 1.0. Several existing abutting properties also significantly exceed the limitation, including: 2 Greenville St (2.38 FAR), 10 Greenville St (2.02 FAR), and 223-231 Dudley Street (1.23 FAR). This suggests that the proposed project does not significantly affect existing neighborhood context.

The plans entitled 8R GREENVILLE STREET, 3 TOWNHOMES, 8R GREENVILLE STREET, BOSTON, MA prepared by THOMAS ROVERO, AIA on SEPTEMBER 25, 2023 were used in preparation of this recommendation.

## **Recommendation:**

In reference to BOA1565094, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Planning Department for design review.



# Planning Department

Reviewed,

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Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1561098
<b>ZBA Submitted Date</b>	2024-01-08
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	23 Gay Head ST Jamaica Plain 02130
<b>Parcel ID</b>	1002298000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 1F-3000
<b>Zoning Article</b>	55
<b>Project Description</b>	Convert an existing one-family dwelling to a two-family dwelling by constructing a rear addition and adding two parking spaces to the rear yard.
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Use Regulation: Two-Family Residential

## Planning Context:

The proposed project intends to convert a single family residential building into a two-family residential building through interior alterations and a rear addition. The project site is located in a residential area with a variety of housing types including single-family, two-family, and multifamily homes. Surrounding uses also include daycares, corner stores, and shopping along Centre Street. The project also proposes the creation of two parking spaces in the rear of the parcel, along Round Hill Street. The parcel at 23 Gay Head Street is both a corner lot and a through lot, with the rear (east) side of the parcel abutting Round Hill Street, and the north side of the lot at the edge of the intersection of Gay Head Street, Round Hill Street, and Arklow Street. This parcel is the only lot on the block that does not have a rear parking area fronting Round Hill Street.

The site is located about one-half mile from the Jackson Square MBTA Station with access to the Orange Line and just over one-half mile from the Heath Street MBTA Station with access to the E Branch of the Green Line. The proximity to both of these train lines and several buses



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supports the conversion of this property from a single family to a two-family residential building as increased density is supported near transit. At least two other properties on the same block are existing two-family residential buildings, aligning this project proposal with existing neighborhood context.

The proposed use of two-family residential aligns with the needs of the city outlined in Boston 2030: Housing a Changing City, which calls for the addition of housing to support the growing population of Boston, particularly in areas near a variety of public transit opportunities. While this is a 1F subdistrict, there are two-family, multifamily, and commercial uses within the same block. The proposed project represents a case for zoning reform to accommodate contextual housing growth that retains existing structures.

## **Zoning Analysis:**

The proposed project is located in the Jamaica Plain Neighborhood District, within a One-Family Residential (1F-3000) Subdistrict, pursuant to Article 55 of the Zoning Code. The two violations for this proposed project include use and the proposed rear setback.

Due to the through-lot condition of the parcel, the rear yard serves as a front yard for the purpose of required setback dimensions. Per the Zoning Refusal, the "Rear yard proposed for two parking spaces, but is a Through Lot (Round Hill St, which is 30' (feet)), not meeting required setback of 15' (front yard)." Per the dimensional tables in Article 55 of the Zoning Code, the front yard setback required for parcels within this subdistrict is 15 feet. The proposed building is setback 20 feet from the property edge on Round Hill Street. The proposed parking, as noted in the Planning Context, is consistent with existing parking on the majority of the other parcels on the same block. Given the anomalous configuration of the parcel on the street grid at this location, relief for setbacks is appropriate.

## **Recommendation:**

In reference to BOA1561098, The Boston Planning & Development Agency recommends APPROVAL.



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Reviewed,

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Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1585783
<b>ZBA Submitted Date</b>	2024-03-29
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	21 Beethoven ST Roxbury 02119
<b>Parcel ID</b>	1101288000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 2F-4000
<b>Zoning Article</b>	55
<b>Project Description</b>	Remove existing two front porches and rebuild to code, including footings.
<b>Relief Type</b>	Variance
<b>Violations</b>	Front Yard Insufficient Side Yard Insufficient

## Planning Context:

Building is a two-family residential property in Jamaica Plain, approximately two blocks west of the center of Egleston Square. This building does sit within the PLAN: JP/ROX study area, in an area of existing residential not eligible for any density bonuses. The southern edge of this block does represent the portion of Egleston Square where a planning principle is to strengthen the active commercial core. While small-scale renovations are not directly addressed by the planning study, housing is a key focus -- most specifically, the initial framing text of JP/ROX notes that "the focus of the plan must be on addressing housing affordability and preventing displacement of low- and moderate-income residents." Both through the broader principles of the 2008 Housing a Changing City study, with its focus on different kinds of opportunities for housing, and via the housing focus of JP/ROX, it is a focus of City strategies to allow for both the maintenance of existing housing units and other larger-scale production methods. In this case, renovating a porch to ensure that existing units maintain compliance with updated building codes is an appropriate general strategy for existing units.

## Zoning Analysis:

Front Yard Insufficient: Article 55, Table E states that two-family dwellings in a 2F-4000 must have a front yard depth of at least 15 feet. The current front yard, from the front edge of the



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porch, is 4', which is an existing nonconformity. The proposal would reduce it to 1'9", which increases that nonconformity. The primary reason for this change is to expand the porch to include additional space beyond exclusively access to the front door. The porch to unit 2 is generally similar to the existing porch structure, with an area of approximately 35 square feet. The larger porch to unit 1 is approximately 80 square feet. The majority of the larger porch is set back more than 5 feet. The design of both porches mirror the historic style of the existing structure. Porches along the entire block contain a wide range of front yard setbacks, and some include setbacks that are approximately as small as the proposal. While context is not on its own definitive as to the appropriateness of zoning relief, very few buildings in this area appear to have porches that are able to meet the requirements of zoning. This porch is an appropriate design solution for this structure, and relief is appropriate. Future zoning reform should consider modifying yard requirements in residential districts to, at a minimum, better match existing conditions.

Side Yard Insufficient: Article 55, Table E states that two-family dwellings in a 2F-4000 must have a side yard depth of at least 10 feet. At its shortest, this building's current southern side yard is 9'7", which is an existing violation. The secondary southern porch runs alongside the existing southern edge of the building and should not worsen this nonconformity, but may extend this condition. No measurements are provided of the precise side yard alongside the porch, but given that the porch needs to run alongside the building edge due to the placement of the second front entrance, any extension or worsening of this condition is de minimis and unavoidable. Relief is appropriate.

## **Recommendation:**

In reference to BOA1585783, The Planning Department recommends APPROVAL.



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Reviewed,

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Director of Planning, BPDA





# Planning Department

<b>Case</b>	BOA1585769
<b>ZBA Submitted Date</b>	2024-03-29
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	538 Blue Hill AVE Dorchester 02121
<b>Parcel ID</b>	1400823000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR
<b>Zoning Article</b>	Article 50
<b>Project Description</b>	The proponent wants to park a food truck in front of a business.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Other Protectional Conditions

## Planning Context:

The proponent is seeking to park a food truck in front of a tire business located at the corner of Seaver St and Blue Hill Avenue. The provided plot plan shows that the truck would be parked at the southern edge of the parcel, parallel to Puddingstone Park. It would be entirely on private property. Since the truck would not be a permanent installation, its use and operation would be governed by the Office of Economic Opportunity and Inclusion (OEOI) and the Public Works Department (PWD).

The parcel is located on the southern edge of the Roxbury Strategic Master Plan (RSMP) area. The placement of a food truck aligns with one of the overall goals of the RSMP, which is to "actively promote a sustainable and diverse economy focused on job opportunities and the creation of wealth" (RSMP, 2004). While not specific to this area, the BPDA's recent Downtown Revitalization Report also highlights the overall importance of food truck vendors to a healthy and growing economy in Boston (October 2022). It identifies "expand[ing] entrepreneurship opportunities for street vendors/food trucks, currently 70% owned by BIPOC entrepreneurs, by allowing them to operate in more areas and at later times" as a goal. The regulatory environment is currently very difficult, expensive, and complex for food truck vendors to

BOA1585769

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navigate. Boston has been identified as one of the most challenging cities to operate a food truck, with high fees and significant regulatory hurdles (U.S. Chamber of Commerce Foundation, 2018).

## **Zoning Analysis:**

The sole violation is for Section 6-4, Other Protectional Provisions. That could include (but may not be limited to): front, rear, or side yards that exceed the minimum; lacking screening of parking areas from adjoining areas; modification of exterior features; limiting the size, number of occupants, method of operation, and extent of facilities; regulation of traffic features; or off-street parking beyond the minimum.

The addition of a food truck does not appear to trigger any of these conditions. Front, rear, and side yards are unchanged by the temporary parking of a vehicle. Any changes related to the physical exterior appearance of the building are not permanent. ISD has been contacted in regards to the violation.

This represents a case for zoning reform. Food trucks are generally outside of the scope of zoning. They are mentioned only once in the entire Code, and in that context they are always an accepted use (Article 90). The use and operation of food trucks is governed principally by PWD and OEOI.

## **Recommendation:**

In reference to BOA1585769, The Planning Department recommends APPROVAL: that plans shall be submitted to the Department of Parks and Recreation for review.



# Planning Department

Reviewed,

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Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1602440
<b>ZBA Submitted Date</b>	2024-05-15
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	9 Fuller ST Dorchester 02124
<b>Parcel ID</b>	1704535000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Renovate existing single-family building and erect a new rear addition with 13 residential units and parking on the ground-floor.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Side Yard Insufficient Height Excessive (ft) Height Excessive (stories) FAR Excessive Rear Yard Insufficient Use

## Planning Context:

The project proposes to retain and renovate an existing, single-family colonial building, demolish an existing 1.5-story two bay garage, and erect a significant new 4-story rear addition with 13 residential units above 12 spaces of ground-floor parking. The proposed addition is 55.5' wide and 82.9' deep for a total footprint of 4,600 square feet. The site is currently occupied by a 2.5-story single family colonial house built in 1900 with a gravel driveway on the side and rear, as well as a detached garage in the rear. According to satellite imagery, there are no existing trees on the lot. The lot is 70 feet wide and 150 feet deep.

The site is located within a block or 0.1 miles from Ashmont Station on Fuller Street. Abutting the project on the east is a triple-decker and to the west is a 2.5-story single-family house. To the rear is a 1-story "St. Mark's Post" social club building with surface parking. The site is only three parcels away from Dorchester Avenue, and the northeast rear corner abuts the recently



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developed five-story apartment building at 1934 Dorchester Avenue. Similarly, at the southern corner of Fuller and Dorchester Avenue is the recently developed six-story mixed-use building with American Provisions and Ashmont Cycles on the ground-floor. In the rear of the proposed project, along Bailey Street is 69 Bailey, a 3-story and 31' tall residential building under construction.

The proposed project is a multifamily use in a two-family subdistrict. However, if the dimensions of the proposed project were consistent with planning, zoning, and the neighborhood context, the proposed use would be appropriate. Given the goals of Housing a Changing City: Boston 2030, increasing housing options is a citywide goal.

## **Zoning Analysis:**

The project is cited for several violations, including use, dimensional, and parking/loading.

The site is just two parcels away from the multifamily subdistrict where there has been significant new multifamily development in recent years, as documented in the Planning Context. Of note, construction of a market-rate development with 10 or more units that requires zoning relief, such as this proposed project, must execute a housing agreement with the Mayor's Office of Housing to provide affordable units under the City's Inclusionary Development Policy.

The dimensional violations can be categorized into those that relate to the proposed massing (i.e. excessive height in feet, excessive height in stories, FAR) and the location of the proposed addition (i.e. insufficient side yard, insufficient rear yard).

In terms of massing, the proposed project has a height of 4 stories and 43.5' in a subdistrict with a max height of 2.5 stories and 35'. Abutting the proposed project to the east are two existing 3-story triple-deckers within the same subdistrict, and there are two more triple-deckers on the same side of the street within the same subdistrict to the west. Therefore, a new 3-story project would fit right into the existing neighborhood pattern and relief would be recommended. It is recommended that the proposed project be designed for 3 stories instead of 4.



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The proposed rear addition leaves a side yard of 3'6" in comparison to the zoning requirement for 10', and leaves a 15' 3" rear yard (and 9' 3" rear yard to open decks) in comparison to the zoning requirement for 30'. The existing side yard of the colonial house is 18' from the eastern lot line and 21' from the western, and the garage in the rear is 7' from the eastern lot line and 8' from the rear. In terms of neighborhood context, most buildings on the same (north) side of this block of Fuller Street have relatively narrow side yards. The triple-decker to the east has side yards of approximately 5' and the single-family to the west has similar side yards of approximately 5'. However, most buildings have deep rear yards—the abutting triple-decker to the east has a rear yard of approximately 65' and the abutting 2.5-story single family to the west has a rear yard of approximately 95'. In summary, the neighborhood context reflects shallower side yards and deeper rear yards than is required by zoning. Given the excessive height and FAR of the proposal, the insufficient side and rear yard exacerbates the potential impacts of the proposed project on neighbors and reduces the amount of green space and permeable surface. Given that the lot is 70' wide and 150' deep, there is ample space to meet the required yards while providing reasonable use of the parcel. No relief is recommended for the rear yard. Relief is recommended for 5' side yards given the neighborhood context.

Finally, in terms of parking/loading, the project provides 0.85 spaces per unit in a subdistrict that requires 1.5 spaces per unit. In addition, the project is cited for a violation, because the project lacks a loading bay. Given the Boston Transportation Department's Parking Ratio Maximum Guidelines, a reduction in parking below that required by zoning is recommended. In addition, relief from the required loading bay is recommended, given the size and use of the proposed project.

## **Recommendation:**

In reference to BOA1602440, the Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO. The proponent should reconsider the site plan and design of the proposed project to comply with the zoning regulations for maximum height in feet and rear yard, as well as to meet a maximum height of 3 stories and minimum side yard of 5 feet for consistency with neighborhood context. In addition, the proposed project should be directed to BPDA staff for design review.



# Planning Department

Reviewed,

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Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1598326
<b>ZBA Submitted Date</b>	2024-05-03
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	1256 to 1262 River ST Hyde Park 02136
<b>Parcel ID</b>	1809131000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood District NS-2
<b>Zoning Article</b>	Art. 69 Sec. 11
<b>Project Description</b>	Request for a conditional use permit to allow live entertainment to an existing Function Hall use.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use Conditional (Functional Hall with Live entertainment) Nonconforming Use Change Other Protectional Conditions

## Planning Context:

1256-1262 River Street is located in the heart of Cleary Square in Hyde park just northeast of the intersection of Hyde Park Avenue and River Street. The property is approximately 1,000 feet away from the Hyde Park Commuter Rail Station and approximately 0.5 miles away from the Fairmount Line Commuter Rail Station. The property itself is an existing single story commercial building with two commercial spaces, an existing furniture store and function hall. This type of building typology is common in Cleary Square.

The property is also located in the center of Cleary Square Small Area Plan study area under the Squares + Streets initiative which began in February of 2024. Throughout the Squares + Streets engagement process, planners have consistently heard from community members that they would enjoy more venues for live entertainment in the Square.

## Zoning Analysis:

The property 1256-1262 River Street is located in the Hyde Park Neighborhood District (Article 69) in the Neighborhood Shopping -2 Subdistrict.

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The use of the property as a function hall in the NS-2 district is permitted by conditional use, which was granted by the Zoning Board of Appeals on May 24, 2022 with a proviso that the properties' permit would expire after one year of occupancy. The proviso was appealed and removed by the Zoning Board of Appeal on March 1, 2024 meaning the use of the property as a function hall is permitted. As such, the violation for Art. 06. Sec. 04 Other Protectional Conditions no longer apply..

The property seeks to add live entertainment after 10:30PM to the existing function hall use, which extends the conditional use, resulting in the need for a new conditional use permit.

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.

According to Article 69 Sec. 11, although restaurants with live entertainment after 10:30 PM typically require a conditional use permit, footnote #28 states that they are allowed on Wood and River Street as amended on May 22, 2014. Given this precedent, the addition of live entertainment at the property is an appropriate location for such use and will not adversely affect the neighborhood. The activities of the function hall with live entertainment will be confined to the interior of the building and not serve alcohol, further ensuring there will be no



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serious hazard to vehicles or pedestrians from the use, no nuisance will be created, and that adequate and appropriate facilities will be provided for the proper operation of the use. The proposed use meets all the above conditions of approval for a Conditional Use.

While the property is located in a Neighborhood Design Overlay, there are no exterior changes that would trigger design review.

## **Recommendation:**

In reference to BOA1598326, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1588958
<b>ZBA Submitted Date</b>	2024-04-09
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	1 Organ Park ST Roslindale 02131
<b>Parcel ID</b>	1904338000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 2F-5000
<b>Zoning Article</b>	55
<b>Project Description</b>	This project proposes a full remodel of an existing single family home with the addition of a second story including three bedrooms and two bathrooms.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient Front Yard Insufficient

## Planning Context:

The proposed project is seeking to remodel an existing single family home and add a second story addition at 1 Organ Park Street in Roslindale, located at the end of a cul-de-sac on residential street. The subject property's parcel is approximately 50 feet wide and 100 feet long; both side lot lines are slightly askew and not perfectly perpendicular to the front and rear lot lines. This parcel shape is common throughout the neighborhood resulting in a wide variety of front, side, and rear yard setbacks depending on where the structure sits in the lot. Additionally, houses in the area typically range from 1.5-2 stories. The abutting lots on both sides and to the rear are occupied by 2-story single family dwellings with similar front and side yard setback measurements.

## Zoning Analysis:

The property falls within the Jamaica Plain Neighborhood District (Article 55) with a Two-Family Residential District (2F-5000) subdistrict. The property's cited zoning code violations pertain to Section 9: Dimensional Regulations Applicable in Residential Subdistricts 1.) Side Yard insufficient and 2.) Front Yard insufficient. The 2F-5000 subdistrict requires a front yard setback of 20 feet and the subject property is proposing a new front yard setback of 13.7 feet to create

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an enclosed entrance. This proposal does worsen an already non-conforming setback of 17.4 feet however the proposed setback of 13.7 feet is still contextual for the neighborhood. Additionally in the 2F-5000 subdistrict, a side yard setback of 10 feet is required but the property has a west side yard setback of 8.2 feet and east side yard setback of 9.3 feet, both of which are previously existing setbacks and also not being worsened or extended by the addition. According to the City of Boston Assessment Card, the property was constructed in 1960, while Article 55 Section 9 (The Jamaica Plain Neighborhood District Dimensional Regulations applicable in Residential subdistricts) was last amended in 1996 making all of the previously existing setbacks an existing nonconformity. In light of this being an existing non-conformity; and the addition being contextually appropriate to the neighborhood, and not introducing a height nor FAR violation, relief is appropriate.

## **Recommendation:**

In reference to BOA1588958, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1598999
<b>ZBA Submitted Date</b>	2024-05-06
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	34 Elgin St West Roxbury 02132
<b>Parcel ID</b>	2008844000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	56
<b>Project Description</b>	Convert the existing half story into a full third story by constructing new full shed dormers to extend the living space of the second unit.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Width Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Rear Yard Insufficient Extension of Non Conforming USe

## Planning Context:

BOA1598999 is located at 34 Elgin St in West Roxbury. This two-family residence is located on the corner of Elgin St. and Hillcrest St. The location of this residence is exceptionally transit rich as it is around the corner from the West Roxbury commuter rail station (less than 300 feet away). The location is also accessible to several bus lines. The neighborhood is zoned single family, and indeed the majority of the surrounding homes are single family with only one or two exceptions. Nearly all of the surrounding homes in the neighborhood are two-and-a-half stories with dormer style roofs. Usable yard space and side yard setbacks in the neighborhood are all fairly limited. Immediately adjacent to the project are single family homes. The proponent currently seeks to convert the existing half story into a full third story by constructing new full shed dormers to extend the living space of the second unit. This entails a shift from a more deeply sloped roofline that is consistent with the surrounding neighborhood to one that is significantly more flat.



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This project is in a highly transit oriented location, making the existing non-conformity in line with the city's housing goals. More broadly, the city does not want to lose extant housing and supports the creation of housing that can support larger households, including larger families. The proposed elevations don't appear to be drastically out of context with the surrounding neighborhood.

## **Zoning Analysis:**

BOA158999 is located in the West Roxbury neighborhood district, and the 1F-6000 zoning sub-district. The current proposal has six zoning violations, all related to dimensional regulations, and most of which are existing non-conformities that will not be altered by the proposed project. The first violation is for the extension of a non-conforming use: a two family home in a single family subdistrict.

The proposal has been tagged for the following dimensional regulations: insufficient lot width, excessive FAR, number of stories allowed, and side and rear yard minimum requirements. The current lot width is 50 feet, and the minimum lot width in Hyde Park is 60 feet. The next violation is for FAR and the excessive number of stories. FAR for the Hyde Park 1F-600 subdistrict is 0.4, and the proposed FAR is increasing to approximately 0.6 which does not appear to be drastically out of context with the surrounding neighborhood. That being said, it might be appropriate for urban design to review the proposal. The number of stories is increasing by a half story, but again, this extension seems reasonable given the surrounding context. Finally, the rear and side yard setbacks are being violated by the proposal but these violations are not being extended by the current proposal.

## **Recommendation:**

In reference to BOA1598999, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.



# Planning Department

Reviewed,

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Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1547592
<b>ZBA Submitted Date</b>	2023-11-24
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	900 Beacon ST Boston 02215
<b>Parcel ID</b>	2100220000
<b>Zoning District &amp; Subdistrict</b>	Audubon Circle Neighborhood LC
<b>Zoning Article</b>	61
<b>Project Description</b>	Change of occupancy to include a second restaurant into the building. Restaurant already built, previous permit issued in error by not citing the forbidden use. In conjunction with U491523953 for the outdoor patio seating.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Use: forbidden (restaurant); Extension of Nonconforming Uses

## Planning Context:

900 Beacon is a five-story mixed use residential and commercial property in Audubon Circle, just off the corner of Beacon St and Audubon Circle. Audubon Circle is a primarily residential neighborhood composed of mid-rise multifamily residential buildings, some of which have ground floor retail, particularly along commercial corridors. This site is approximately two blocks south of the Mass Pike, and approximately three blocks north of the Landmark Center in Fenway at the northern edge of the Emerald Necklace. The site is two blocks north of the Fenway Green Line transit stop, and there are ground-floor restaurants and retail spaces within one block on either side along Beacon Street. While no specific changes to Audubon Circle were proposed during the changes to Fenway-Kenmore zoning and Article 66 in 2023, Imagine Boston 2030 described Fenway as having undergone and as still undergoing a multi decade transformation centered around active mixed-use development, of which this project is a good example.





# Planning Department

Proponent seeks to include a second restaurant in their change of occupancy. This restaurant has already been built, and was mistakenly omitted by the permit already issued, by not citing the forbidden use. The restaurant space is consistent with all plans submitted, considered, and approved during the property's Small Project Article 80 process, conducted from October 2013 through April 2014, and thus no substantive actual change to the building is being considered. Assuming the requirements of zoning are being met, the community process around project review for this development project already conducted should not be duplicated here, which included not only a formal Article 80 public meeting in November 2013, separate meetings with the Audubon Circle Neighborhood Association, Boston University, and abutters, an agreed-upon Affordable Rental Housing Agreement and Restriction, and Boston Redevelopment Authority Board approval in April 2014. Given that previous process, the overall appropriateness of a restaurant in this space should be considered acceptable.

## **Zoning Analysis:**

Extension of Nonconforming Uses: Section 9-1 states that an extension to a nonconforming use needs to meet the conditions of a conditional use from Article 6. The primary conditions to be met in this case are as follows:

- the specific site is an appropriate location for such use: as noted during the Article 80 process, two restaurants were anticipated and constructed on this site.
- the use will not adversely affect the neighborhood: Audubon Circle is home to other retail spaces on the ground floor, and this improves the public realm.
- no hazard to vehicles or pedestrians: Separate from the patio, addressed elsewhere, no effects on vehicles or pedestrians is foreseeable.
- no nuisance will be created: a restaurant is already common on corner lot conditions like this across Fenway.
- appropriate facilities will be provided: these appear present per the plans.



# Planning Department

Relief is appropriate. To the degree to which this adjustment of a nonconforming use is itself considered a conditional use permit due to the conditions of Article 6, this should be granted.

Use: forbidden (restaurant): Article 61, Table A notes that restaurants that include takeout of any size are forbidden in Local Convenience subdistricts. The only use which is allowed, even conditionally, is a restaurant with no takeout. Given the degree to which restaurants exist within very short walking distance, future zoning reform should consider whether or not restaurants should be forbidden in local convenience districts. In this case, the definition of this subdistrict is that in Audubon Circle, "there is one type of Neighborhood Business Subdistrict: Local Convenience ("LC"), providing convenience retail and services for the immediate neighborhood and pedestrians. Neighborhood Business Subdistricts are established to encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the Audubon Circle community." A restaurant does appear to meet this definition quite clearly, and relief is appropriate.

## **Recommendation:**

In reference to BOA1547592, The Planning Department recommends APPROVAL.

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1584537
<b>ZBA Submitted Date</b>	2024-03-26
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	50 Sutherland RD Brighton 02135
<b>Parcel ID</b>	2102168001
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood MFR-2
<b>Zoning Article</b>	51
<b>Project Description</b>	Addition of 16 units to a memory care facility to replace area previously devoted to daycare
<b>Relief Type</b>	Variance
<b>Violations</b>	Additional Lot Area Insufficient Parking or Loading Insufficient

## Planning Context:

The proposed project intends to add 16 new units to an existing 90-unit memory care and elderly assisted living facility within the footprint of the existing building. The units will occupy a space presently occupied by an existing daycare that is in the process of vacating said space. The project is located in the Cleveland Circle area of the Allston/Brighton Neighborhood, adjacent to several transit opportunities, including both the C and D branches of the Green Line. The addition of units to this facility supports the goals Boston 2030: Housing a Changing City, which expresses the need to provide more housing units and housing types for Boston's senior and elderly populations. The need for these units is further supported by the mission of Age Strong Boston, to ensure that the City embraces aging and maintains the capacity to enhance the lives of people age 55+ with meaningful resources.

## Zoning Analysis:

The proposed project is located in the Allston/Brighton Neighborhood District, in a Multifamily Residential (MFR-2) subdistrict, pursuant to Article 51 of the Zoning Code. The proposal intends to add 16 new units to an existing 90 unit housing facility in place of an existing daycare within

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the current building footprint. The Refusal Letter includes two zoning violations: Insufficient Parking and Additional Lot Area Insufficient. Given the additional new units are of similar size to existing units, and the alignment of adding new units with the goals of Housing a Changing City, relief is recommended for this violation. The proximity of the facility to transit, the BTM parking maximums, and the uniqueness of a memory care residential use as not requiring resident parking supports zoning relief for the insufficient parking violation.

**Recommendation:**

In reference to BOA1584537, The Planning Department recommends APPROVAL.

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1540041
<b>ZBA Submitted Date</b>	2023-10-30
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	261 Princeton ST East Boston 02128
<b>Parcel ID</b>	0100099000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	Art. 53
<b>Project Description</b>	Raze existing structure (under separate permit application) and erect a new residential building with 4 units, 2 roof decks, and 2 ground level parking spaces.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Roof Structure Restrictions Parking design and maneuverability Parking or Loading Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient Front Yard Insufficient Rear Yard Insufficient Use: Forbidden (Multifamily) Off-Street Parking and Loading Design Conformity with Existing Building Alignment

## Planning Context:

This project's first ZBA was originally scheduled for 05/07/24. The BPDA recommended Denial for this project for the 05/07/24 hearing based on previous plans and zoning violations. The ZBA project deferred this project to a hearing on 07/16/24. The stamped site plans and refusal letter for this project were updated on 05/22/24 with changes to the project site plan highlighted below. The zoning violations on the refusal letter were also updated on 05/28/24 in response to the project plan updates.

Prior to 05/07/2024, the proposed project has had recommendations issued by the BPDA three times previously: on 12/12/23, 01/09/24, and 02/27/24. The initial version recommended denial



# Planning Department

and the latter versions recommended denial without prejudice. All cited the project's height, parking count, number of units (7), and yard setbacks as items out of context with the area's existing context and planning context. The ZBA has deferred the case four times.

Several changes have been made to the plans since its last review of the previous set of plans (from 12/21/24): the rear yard setback was increased from 15' to 33', the originally proposed fourth floor has been removed making the structure 3 stories at 33', the parking spaces were reduced from 4 to 2, and the unit count was reduced from 7 to 4. These changes significantly change the project's dimensional and land use intensity compared to previous reviews and modifications have been made to reflect regulations associated with East Boston's newly adopted zoning (04/24/24).

The property is now located in an EBR-3 residential subdistrict (formerly in an 3F-2000 residential subdistrict) along Princeton Street, roughly 2 blocks from Day Square. The project site currently houses a 2-story, 2-family residential structure. The project's surroundings comprise predominantly 3- and 3.5-story, 3-family homes. The updated project, at 3 stories and 4 units, proposes a structure that is more similar in building scale with the neighborhood's existing context while promoting multifamily housing opportunity. This aligns with the housing goals outlined in PLAN: East Boston (adopted January 2024), which call for the development of contextually sensitive and appropriately-scaled residential infill projects on underdeveloped lots. The reduction of parking spaces aligns with goals outlined in PLAN: East Boston to reduce over-reliance on cars and the related reduction in parking minimums for multifamily residential dwellings in the neighborhood.

## **Zoning Analysis:**

The proposed project has been cited with 11 zoning violations, relating to scale, use, parking, and design-related regulations. These citations are listed upon the project's most recent refusal letter, dated 05/28/2024. This refusal letter cites regulations under the previous zoning for this section of East Boston; updated zoning for the East Boston neighborhood was adopted by the Zoning Commission on 04/24/24.

East Boston's updated zoning places the proposed project within an EBR-3 subdistrict. The project is compliant with several of the other EBR-3 zoning regulations including maximum



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building height in stories (3 stories permitted, 3 stories proposed), maximum building height in feet (35' permitted, 33' proposed), maximum building lot coverage (60% permitted, 50% proposed), maximum building width (50' permitted, 26.5' proposed) maximum building depth (70' permitted, 63.5' proposed), maximum building floorplate (3,000 sqft permitted, 1,653' proposed), minimum permeable area of lot (30% required, 36.8% proposed), minimum front yard setback (3' required, 3.5' proposed), minimum rear yard setback (33' required, 33' proposed), and minimum off-street parking space requirements (1 required for 4+ units, 2 proposed). The project is noncompliant with EBR-3 subdistrict's minimum side yard setback requirement of 3' on just the western side lot (2.5' proposed), but is compliant on the eastern side lot (4' proposed). It is also noncompliant with the maximum unit count (3 units permitted, 4 units proposed).

Under this new zoning, the project would also still be cited for several parking related violations, specifically related to the parking space design and maneuverability due to the tandem ground-level parking garage with the front yard entrance. It also triggered the Conformity with Existing Building Alignment requirement, but the proposed front yard depth and bay window design seems to be in alignment with the adjacent building context based on plans and aerial views of the area.

The project's cited roof structure restrictions violation triggers the need for a conditional use permit. This violation relates to noncompliance with roof access required by the Building Code, not the Zoning Code. Accordingly, this violation is incorrectly cited and should be removed from the project's refusal letter.

Site plans completed by VTP Associates on May 22, 2024. Project plans completed by Eck MacNeely Architects, Inc. on May 22, 2024.

## **Recommendation:**

In reference to BOA1540041, The Planning Department recommends DENIAL WITHOUT PREJUDICE: the Proponent should resubmit plans with only 3 units and with adequate side yard setbacks, in compliance with the provisions of PLAN East Boston zoning.



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Director of Planning, BPDA





# Planning Department

<b>Case</b>	BOA1527595
<b>ZBA Submitted Date</b>	2023-09-21
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	135 Havre ST East Boston 02128
<b>Parcel ID</b>	0105824002
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Change of occupancy from a 3-family to a 4-family; add an additional story to become a 4-story building
<b>Relief Type</b>	Variance
<b>Violations</b>	Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient FAR Excessive GCOD Applicability Use: Forbidden (MFS)

## Planning Context:

This project was reviewed for the 2024-03-12 ZBA Hearing and the 2024-05-07 ZBA Hearing and was deferred both times. Since the project's initial filing, the Zoning Commission adopted new Article 53 zoning. New plans were submitted on April 11, 2024 which show that the proposed roof deck was removed and the fourth floor addition would be reduced and now stepped back. However, the plans still continue to show a four-story residential project that does not comply with the dimensional regulations set by PLAN: East Boston. Based on these changes, the BPDA's recommendation has not changed since the last hearing on 2024-05-07.

The project is an existing 3-family triple-decker on a residential street lined with 3-family triple-deckers, situated across from a park. The project proposes to change the use occupancy from 3

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units to 4 units by adding an additional story on the 3-family triple decker. This project does not align with the goals set by PLAN: East Boston (January 2024). PLAN: East Boston, adopted by the BPDA Board in January 2024 and codified into zoning by the Zoning Commission in April 2024, noted that any development that occurs in Neighborhood Residential areas should align with the existing context and scale. Because Havre Street is primarily filled with 3-family triple-deckers, the scale and density of the proposed project should align with the built environment.

## **Zoning Analysis:**

The proposed project is not consistent with the zoning that was codified to implement PLAN: East Boston nor with the applicable zoning regulations at the project's initial filing. Under the new Article 53 zoning, for an area zoned as EBR-3, the maximum building height is 4 stories with a max occupancy of 3 units, a maximum building lot coverage of 60%, a minimum permeable area of 30%, and a minimum rear yard setback of a third of the lot depth. Under the previous zoning, which aligns with Havre Street's existing context, the dimensional regulations set a max height of 3 stories or 35 feet and a FAR of 1.0, a side setback of 10 feet, a rear yard of 10 feet, minimum of 1,200 square feet of usable open space, and a maximum of 3 units. The proposed project with a proposed height of 4 stories or 43'7", FAR of 2.35, side yard of 4.6", rear yard of 4.6", usable open space of less than 1,200 square feet, and the use deviate from the both the new zoning that was implemented and the previous zoning.

The new plans submitted indicated changes were made to keep the fourth floor addition but now includes a step back and to remove the roof deck. However, these changes remain insufficient as the project continues to not be compliant with the previous zoning and the new Article 53 zoning. The removal of the roof deck has also decreased the amount of usable open space and no changes to address the other violations in height, density, and setbacks were made.

Additionally, the project does not comply with the required 1 off-street parking space per unit that was set with both the previous zoning and the new zoning. As the project is only proposing 3 parking spaces, this does not meet the 1 space per dwelling unit ratio. It also does not meet the Additional Lot Area requirements which was set at 4,000 square feet per unit under the



# Planning Department

previous zoning. With these violations, relief should not be granted for the proposal in its current form. The proponent should pursue a project that aligns with the neighborhood context.

## **Recommendation:**

In reference to BOA1527595, The Planning Department recommends DENIAL WITHOUT PREJUDICE. The proponent should pursue a project that reduces density to no more than 3 units with a building height of 3 stories, building lot coverage not to exceed 60%, permeable surface area of at least 30%, front and side yard setbacks no less than 3'.

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1565038
<b>ZBA Submitted Date</b>	2024-01-24
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	75 Fulton ST Boston 02109
<b>Parcel ID</b>	0303601004
<b>Zoning District &amp; Subdistrict</b>	North End Neighborhood MFR
<b>Zoning Article</b>	Article 54
<b>Project Description</b>	The proposed project is the addition of a rear roof deck.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions

## Planning Context:

This case came before the Zoning Board of Appeals on May 7, 2024. Because of incomplete plans that omitted an existing roof deck and means of access, it was deferred by the Board. No new plans have been submitted in Hansen since the original recommendation, with the latest plans dated September 18, 2023. Given the lack of change in plans, the original recommendation follows below.

The proposed project is the addition of a 12.5' by 21.5' rear roof deck to a multifamily, 6- story building on a residential block in the North End. May 2023 satellite imagery shows an already-existing front roof deck on the Fulton Street side omitted from the proponent's plans.

## Zoning Analysis:

The project's only violation is for roof structure restrictions (Section 54-18), possibly because it appears to alter the profile of the roof from the Public Alley 101 side. However, this cannot be fully determined with the current set of plans.



# Planning Department

Relief from Section 54-18 requires a conditional use permit. The first standard deals with whether the addition of a rear roof deck is appropriate for the site and for the block. The same satellite imagery shows one other roof deck on the block, not counting the one already existing at 75 Fulton Street. In this sense, the rear roof deck appears to be appropriate. It would be reasonable to assume that this is unlikely to have adverse impacts on the neighborhood, vehicles or pedestrians. However, in regards to the last standard, there is not enough detail in the current plans to discern whether the facilities will be adequate or appropriate.

## **Recommendation:**

In reference to BOA1565038, The Planning Department recommends DENIAL WITHOUT PREJUDICE: that the applicant considers resubmitting more detailed plans, including an accurate image of existing conditions from above of both the current and proposed roof deck, and with more attention paid to the means of access.

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1576209
<b>ZBA Submitted Date</b>	2024-03-01
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	4 to 6 E Springfield ST Roxbury 02118
<b>Parcel ID</b>	0801496000
<b>Zoning District &amp; Subdistrict</b>	South End Neighborhood South End Neighborhood NDA
<b>Zoning Article</b>	64
<b>Project Description</b>	Change occupancy of an existing 3 story building from 4 to 6 residential units by building a 2-story addition, including roof deck and interior renovations.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Roof Structure Restrictions Parking or Loading Insufficient FAR Excessive Rear Yard Insufficient

## Planning Context:

This project was deferred from the ZBA hearing on 2024-05-21. There has been no update to the submitted plans, and thus the BPDA's recommendation remains the same.

The project is located on a mixed-use street, lined with multifamily residential buildings, restaurants, and offices, and is 0.1 miles from the bus network servicing Washington St. The existing multifamily residential buildings range from 3 stories to 5 stories tall. The existing building is a 2 1/2-story multifamily residential building. The project proposes to add 2 additional stories (5 stories) and a roof deck and increase its occupancy from 4 to 6 units.

The scale, massing, and use of the proposed project are consistent with the surrounding context. However, the proposed 2-story addition does not match the historic architectural character of the surrounding neighborhood as it is not set back from the original historic building. This is notable as the project is located in the South End Landmark District.



# Planning Department

The creation of two additional units is consistent with Boston's goals, as outlined in Housing a Changing City (2018), of increasing housing stock.

## **Zoning Analysis:**

The project triggers Section 64-34.-Restricted Roof Structure Regulations as the proposal alters the profile and configuration of the roof, as detailed here " no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefore."

The proposed project exceeds the maximum 3 FAR. As outlined in the planning context, the proposed project is consistent in scale and massing with the existing context.

The proposed project does not meet the minimum 20' rear yard requirement. The 0.7' rear yard is an existing condition and thus an existing nonconformity. The proposed changes do not exacerbate the nonconformity.

The project does not meet the minimum 4.2 parking spaces. Reducing the number of parking spaces is consistent with GO BOSTON 2030's (2017) goals of reducing reliance on private vehicles.

## **Recommendation:**

In reference to BOA1576209, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a project that ensures a sufficient setback from the existing building for the 2-story addition and ensures any roof deck is not visible from the street.



# Planning Department

Reviewed,

A handwritten signature in blue ink that reads "Ames Rand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Director of Planning, BPDA





<b>Case</b>	BOA1596026
<b>ZBA Hearing Date</b>	2024-06-04
<b>Address</b>	104 Norwell ST Dorchester 02121
<b>Parcel ID</b>	1402345000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Construct a new affordable housing development as part of phase 1 of MOH's "Welcome Home, Boston" project. The project proposes three, 3-story, 4-unit buildings on a vacant lot, city-owned lot for a total of 12 units. The lot is made-up of 3 abutting lots which are being combined through a separate application.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Height Excessive (ft) Front Yard Insufficient Side Yard Insufficient Use: forbidden (MFR) Two or More Dwellings on Same Lot

**Planning Context:**

The proponent, Dorchester Design Collaborative, has been awarded land and funding as part of the City of Boston’s “Welcome Home, Boston” program. The proponent is seeking to combine the lots of 104, 106, and 108 Norwell St and build 3 buildings on the new combined lot. The new buildings would contain 12 units (4 units each) of income-restricted, affordable homeownership opportunities. The BPDA reviewed all three cases as one project, and are submitting the same recommendation for each case.

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing to develop new affordable homes on City-owned property. The site previously identified (104, 106 and 108 Norwell St) is part of Phase I of this program, which began in 2022.

Community feedback was gathered to determine requirements to help shape the RFPs for disposition of the land which were used to select developers for each of the parcels identified in Phase I. Following this process, there was a 14-day public comment period in the fall of 2023.



The location of the 104-108 Norwell St is in a predominantly residential area characterized by 2.5- to 3-story buildings containing mostly 2-3 units. Most existing buildings in the area have FARs around 1.0, and yards range around 4-9 ft in the fronts and around 1-10 ft on the sides. Therefore, the proposed buildings would be aligned with existing conditions in terms of existing heights and yards. The proposed buildings would represent a slightly higher density in terms of units and FAR, as the proposed project contains 4 units per building and has an FAR of 1.17.

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

### **Zoning Analysis:**

The proposed project is not in compliance with the zoning requirements for maximum height (2.5 stories/35 ft allowed vs 3 stories/36 ft 6 in proposed), minimum front yard (15 ft required vs 1 ft proposed), and minimum side yard (10 required vs 3 ft 4 in proposed). However, as discussed in the planning context, similar heights and yards dimensions are already prevalent in the surrounding area. Therefore, these zoning regulations should likely be reformed to better reflect the existing built conditions.

The proposed project is also not in compliance with the zoning requirements for FAR (0.5 allowed vs 1.17 proposed) and the use restriction of 2 units (as the proposed project has 4 units per building). As discussed in the planning context, many existing buildings in the surrounding area have FARs around 1.0 and contain 3 units. The proposed project is therefore only slightly higher density as compared to the existing context. The FAR and unit count zoning regulations should also likely be reformed to better reflect the existing built conditions and the overarching planning goal of increased affordable homeownership opportunities in Boston. .



This project is flagged for insufficient lot area because Section 65-42.13: "Two or More Dwellings on Same Lot" states that "Where a Dwelling... is on the same Lot as, and to the side of, another Dwelling or other Main Building... the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards shall apply as if such Dwelling were on a separate Lot." Because this subdistrict requires 5,000 sq ft lots, the total lot would need to be 15,000 sq ft for 3 buildings (while the actual lot is 10,113 sq ft). 65-42.13 goes on to say that "After public notice and hearing, and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for the construction of a Dwelling that does not meet the requirements of this Section 65-42.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section were met." There is space around each building and the floor plan shows windows for all bedrooms and other major rooms designed for human occupancy, which provide light and air. There is also a reasonable amount of open space in the form of yards and patios that amount to approximately 500 sq ft per building. Therefore, it is appropriate for the Board of Appeal to grant permission for the construction of these dwellings.

Lastly, projects with at least 60% of units income-restricted at or below 100% of AMI are not required to provide off-street parking (per Text Amendment 454 which was passed in 2021). This project is therefore not required to provide any off-street parking.

**Recommendation:**

In reference to BOA1596026, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1596032
<b>ZBA Submitted Date</b>	2024-04-26
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	106 Norwell ST Dorchester 02121
<b>Parcel ID</b>	1402344000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Combine 3 lots into one new parcel in order to build 3 residential buildings with 4 units each of income-restricted housing as part of the Mayor's Office of Housing "Welcome Home, Boston" program
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Lot Area Insufficient Side Yard Insufficient Front Yard Insufficient Height Excessive (ft) Use: forbidden (MFR) Two or More Dwellings on Same Lot

## Planning Context:

The proponent, Dorchester Design Collaborative, has been awarded land and funding as part of the City of Boston's "Welcome Home, Boston" program. The proponent is seeking to combine the lots of 104, 106, and 108 Norwell St and build 3 buildings on the new combined lot. The new buildings would contain 12 units (4 units each) of income-restricted, affordable homeownership opportunities. The BPDA reviewed all three cases as one project, and are submitting the same recommendation for each case.

"Welcome Home, Boston" is a housing development initiative started by the Mayor's Office of Housing to develop new affordable homes on City-owned property. The site previously identified (104, 106 and 108 Norwell St) is part of Phase I of this program, which began in 2022.

Community feedback was gathered to determine requirements to help shape the RFPs for

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# Planning Department

disposition of the land which were used to select developers for each of the parcels identified in Phase I. Following this process, there was a 14-day public comment period in the fall of 2023.

The location of the 104-108 Norwell St is in a predominantly residential area characterized by 2.5- to 3-story buildings containing mostly 2-3 units. Most existing buildings in the area have FARs around 1.0, and yards range around 4-9 ft in the fronts and around 1-10 ft on the sides. Therefore, the proposed buildings would be aligned with existing conditions in terms of existing heights and yards. The proposed buildings would represent a slightly higher density in terms of units and FAR, as the proposed project contains 4 units per building and has an FAR of 1.17. The project would also involve replacing 1 existing curb cut with 1 curb cut per building in order to provide 2-car driveways for each of the 3 buildings. The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal state that "New driveways added at residential dwellings need to accommodate a minimum of two (2) vehicular spaces for every one (1) public on-street parking space that will be removed as a result of the new driveway. A new driveway accommodating three (3) vehicular spaces for every one (1) public on-street parking space is the preferred ratio." The new curb cuts would mean the removal 1 on-street space each, which means the project meets the minimum BTM recommendation of 2 off-street spaces but not the preferred ratio of 3 off-street spaces.

## **Zoning Analysis:**

The proposed project is not in compliance with the zoning requirements for maximum height (2.5 stories/35 ft allowed vs 3 stories/36 ft 6 in proposed), minimum front yard (15 ft required vs 1 ft proposed), and minimum side yard (10 required vs 3 ft 4 in proposed). However, as discussed in the planning context, similar heights and yards dimensions are already prevalent in the surrounding area. Therefore, these zoning regulations should likely be reformed to better reflect the existing built conditions and the overarching planning goal of increased affordable homeownership opportunities in Boston. .

The proposed project is also not in compliance with the zoning requirements for FAR (0.5 allowed vs 1.17 proposed) and the use restriction of 2 units (as the proposed project has 4 units per building). As discussed in the planning context, many existing buildings in the surrounding

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# Planning Department

area have FARs around 1.0 and contain 3 units. The proposed project is therefore only slightly higher density as compared to the existing context. The FAR and unit count zoning regulations should also likely be reformed to better reflect the existing built conditions.

This project is flagged for insufficient lot area because Section 65-42.13: "Two or More Dwellings on Same Lot" states that "Where a Dwelling... is on the same Lot as, and to the side of, another Dwelling or other Main Building... the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards shall apply as if such Dwelling were on a separate Lot." Because this subdistrict requires 5,000 sq ft lots, the total lot would need to be 15,000 sq ft for 3 buildings (while the actual lot is 10,113 sq ft). 65-42.13 goes on to say that "After public notice and hearing, and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for the construction of a Dwelling that does not meet the requirements of this Section 65-42.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section were met." There is space around each building and the floor plan shows windows for all bedrooms and other major rooms designed for human occupancy, which provide light and air. There is also a reasonable amount of open space in the form of yards and patios that amount to approximately 500 sq ft per building. Therefore, it is appropriate for the Board of Appeal to grant permission for the construction of these dwellings.

Lastly, projects with at least 60% of units income-restricted at or below 100% of AMI are not required to provide off-street parking (per Text Amendment 454 which was passed in 2021). This project is therefore not required to provide any off-street parking.

## **Recommendation:**

In reference to BOA1596032, The Boston Planning & Development Agency recommends APPROVAL.



# Planning Department

Reviewed,

A handwritten signature in blue ink that reads "Ames Rand". The signature is fluid and cursive.

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1596034
<b>ZBA Submitted Date</b>	2024-04-26
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	108 Norwell ST Dorchester 02121
<b>Parcel ID</b>	1402343000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Construct a new affordable housing development as part of phase 1 of MOH's "Welcome Home, Boston" project. The project proposes three, 3-story, 4-unit buildings on a vacant, city-owned lot for a total of 12 units. The lot is made-up of 3 abutting lots which are being combined through a separate application.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Parking or Loading Insufficient Height Excessive (ft) Front Yard Insufficient Side Yard Insufficient Lot Area Insufficient Use: forbidden (MFR) Two or More Dwellings on Same Lot

## Planning Context:

The proponent, Dorchester Design Collaborative, has been awarded land and funding as part of the City of Boston's "Welcome Home, Boston" program. The proponent is seeking to combine the lots of 104, 106, and 108 Norwell St and build 3 buildings on the new combined lot. The new buildings would contain 12 units (4 units each) of income-restricted, affordable homeownership opportunities. The BPDA reviewed all three cases as one project, and are submitting the same recommendation for each case.

"Welcome Home, Boston" is a housing development initiative started by the Mayor's Office of Housing to develop new affordable homes on City-owned property. The site previously identified

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# Planning Department

(104, 106 and 108 Norwell St) is part of Phase I of this program, which began in 2022.

Community feedback was gathered to determine requirements to help shape the RFPs for disposition of the land which were used to select developers for each of the parcels identified in Phase I. Following this process, there was a 14-day public comment period in the fall of 2023.

The location of the 104-108 Norwell St is in a predominantly residential area characterized by 2.5- to 3-story buildings containing mostly 2-3 units. Most existing buildings in the area have FARs around 1.0, and yards range around 4-9 ft in the fronts and around 1-10 ft on the sides. Therefore, the proposed buildings would be aligned with existing conditions in terms of existing heights and yards. The proposed buildings would represent a slightly higher density in terms of units and FAR, as the proposed project contains 4 units per building and has an FAR of 1.17. The project would also involve replacing 1 existing curb cut with 1 curb cut per building in order to provide 2-car driveways for each of the 3 buildings. The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal state that "New driveways added at residential dwellings need to accommodate a minimum of two (2) vehicular spaces for every one (1) public on-street parking space that will be removed as a result of the new driveway. A new driveway accommodating three (3) vehicular spaces for every one (1) public on-street parking space is the preferred ratio." The new curb cuts would mean the removal 1 on-street space each, which means the project meets the minimum BTD recommendation of 2 off-street spaces but not the preferred ratio of 3 off-street spaces.

## **Zoning Analysis:**

The proposed project is not in compliance with the zoning requirements for maximum height (2.5 stories/35 ft allowed vs 3 stories/36 ft 6 in proposed), minimum front yard (15 ft required vs 1 ft proposed), and minimum side yard (10 required vs 3 ft 4 in proposed). However, as discussed in the planning context, similar heights and yards dimensions are already prevalent in the surrounding area. Therefore, these zoning regulations should likely be reformed to better reflect the existing built conditions.

The proposed project is also not in compliance with the zoning requirements for FAR (0.5 allowed vs 1.17 proposed) and the use restriction of 2 units (as the proposed project has 4 units

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# Planning Department

per building). As discussed in the planning context, many existing buildings in the surrounding area have FARs around 1.0 and contain 3 units. The proposed project is therefore only slightly higher density as compared to the existing context. The FAR and unit count zoning regulations should also likely be reformed to better reflect the existing built conditions and the overarching planning goal of increased affordable homeownership opportunities in Boston.

This project is flagged for insufficient lot area because Section 65-42.13: "Two or More Dwellings on Same Lot" states that "Where a Dwelling... is on the same Lot as, and to the side of, another Dwelling or other Main Building... the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards shall apply as if such Dwelling were on a separate Lot." Because this subdistrict requires 5,000 sq ft lots, the total lot would need to be 15,000 sq ft for 3 buildings (while the actual lot is 10,113 sq ft). 65-42.13 goes on to say that "After public notice and hearing, and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for the construction of a Dwelling that does not meet the requirements of this Section 65-42.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section were met." There is space around each building and the floor plan shows windows for all bedrooms and other major rooms designed for human occupancy, which provide light and air. There is also a reasonable amount of open space in the form of yards and patios that amount to approximately 500 sq ft per building. Therefore, it is appropriate for the Board of Appeal to grant permission for the construction of these dwellings.

Lastly, projects with at least 60% of units income-restricted at or below 100% of AMI are not required to provide off-street parking (per Text Amendment 454 which was passed in 2021). This project is therefore not required to provide any off-street parking.

## **Recommendation:**

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2024-07-16  
3 Planning Department



# Planning Department

In reference to BOA1596034, The Boston Planning & Development Agency recommends  
APPROVAL.

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1510209
<b>ZBA Submitted Date</b>	2023-08-03
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	15 W Tremlett ST Dorchester 02124
<b>Parcel ID</b>	1700447000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-6000
<b>Zoning Article</b>	65
<b>Project Description</b>	Demolish existing single family home and replace with 4 unit apartment building with 4 associated parking spaces.
<b>Relief Type</b>	Variance Conditional Use
<b>Violations</b>	FAR Excessive Limitation of Area for accessory use (parking) Parking or Loading Insufficient Lot Area Insufficient Height Excessive (stories) Front Yard Insufficient Forbidden Use: Multifamily Residential; Conformity with Existing Building Alignment

## Planning Context:

The project proposes the construction of a new residential structure on a lot that currently houses a 1 1/2 story, single-family home in Dorchester which will be demolished in the process of the new development. The proposed new building will be 3-story, flat-roof, 4-unit residential building with 4 off-street parking spaces.

W Tremlett Street is a residential street within a 3-family subdistrict in Dorchester. The vast majority of the dwellings along W Tremlett are 3-story, triple-decker style dwellings, containing between 3-6 units. The predominant style of housing has outpaced the zoning code and highlights the need for potential zoning reform. W Tremlett runs immediately perpendicular to Washington Street, a neighborhood corridor that is zoned for Neighborhood Shopping (NS) and features numerous local businesses and multi-family buildings, as well as transit service.



# Planning Department

## **Zoning Analysis:**

This project is a case for zoning reform, to update dimensional and use regulations to fit established, existing character in Boston's neighborhoods. 15 W Tremlett is located in a 3F-6000 subdistrict. The proposed 4-unit building is a Forbidden use. The proposed 3-story building is also in violation of the subdistrict's building height maximum of 2 1/2 stories. As described in the planning context, W Tremlett Street is almost entirely composed of 3-story buildings of a similar flat roof style as the one proposed. The majority of dwellings contain 3 units, with some containing between 3-6. The proposed 3-story, 4-unit building is contextual for the area.

The project has also received zoning violations for minimum lot area. The area of the existing lot is 5,012 sf. In the 3F-6000 subdistrict, the minimum lot size for any dwelling is 6,000 sf. This is a pre-existing condition of the lot itself. Additionally, this lot is larger in area than the majority of lots along W Tremlett Street, most of which are between 2700 - 4500 sf in area and feature dwellings that contain at least 3 units. Every lot on W Tremlett Street, except for two, would not comply with the minimum lot area regulation in the zoning code.

The project has received a zoning violation for a proposed front yard setback of 3.2.' The minimum front yard setback stipulated by zoning is 15.' The proposed 3.2' front setback is contextual for the area, as the vast majority of dwellings along W Tremlett have narrow front setbacks that are well below 15' and closer to 3-5' in depth. Relatedly, the project is in violation of Art 65. Section 42 - Conformity With Existing Building Alignment. This provision of the zoning code states that the minimum front yard depth shall be in conformity with the existing building alignment of a block, if there are two or more buildings fronting on the same side of the street as the lot in question. The dwellings on either side of 15 W Tremlett (numbers 9 and 19) feature varying front yards. Although the front yards of neither dwelling are shown on the project plans, the front yard of 9 W Tremlett appears to be approximately 8 ft, and the front yard of 19 W Tremlett appears to be approximately 25 feet, as measured in Google Maps. As described, the predominant front yard setback along the street is closer in line to 3' - 5', and neither of these homes conform to the existing building alignment themselves. The proposed 3.2' front yard setback is more aligned to the overall character of the street itself.



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The project is also in violation of FAR regulations. The zoning code allows for a maximum FAR of 0.4. The proposed FAR is 0.94. Per the plans, however, the 3-story, 35' building appears to be contextual in massing, design, and height to surrounding dwellings. It will cover about 35% of its lot, a far lower lot coverage than the majority of existing buildings along Tremlett Street, many which cover 50% or more of their lots.

Finally, the project has received two violations related to off-street parking. First, the zoning code requires 1.25 off-street spaces for dwellings with 4-9 units. This would require 5 off-street spaces for this building, while only 4 are proposed (1/unit). This ratio complies with maximum parking ratio guidelines released by BTM in 2022. Additionally, the project is in violation of the provision in Article 10, Sec. 1 related to the Limitation of Area for off-street parking. As described by this section, space for off-street parking can occupy the side yard of a lot, as long as it is more than 5' from the side lot line. The off-street parking area proposed by this project is 0.5' from the side lot line. While in violation of zoning, this dimension is in line with the established conditions of surrounding lots, most of which have very narrow or even 0' lot lines for their off-street parking aisles. This narrow setback is necessary in order to facilitate room for the 4 off-street spaces, while also ensuring that the parking spaces have some degree of setback from the dwelling.

The plans reviewed are titled "15 W Tremlett" and were reviewed on 8/2/23 by ISD. They were prepared by Context LLC.

## **Recommendation:**

In reference to BOA1510209, The Boston Planning & Development Agency recommends APPROVAL .



# Planning Department

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1486245
<b>ZBA Submitted Date</b>	2023-06-15
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	1260 Boylston ST Boston 02215
<b>Parcel ID</b>	0504230000
<b>Zoning District &amp; Subdistrict</b>	Fenway Neighborhood SOUTH BOYLSTON NS-1
<b>Zoning Article</b>	66
<b>Project Description</b>	Proposed use of an Immersive Gamebox establishment on the first floor of a newly constructed building. Immersive Gamebox is closest to an "amusement game machine in a commercial space". It is a "dry" social entertainment concept where customers play in interactive smart rooms. Scope of work will include construction of interior walls, 2 single restrooms, back of house area, and associated mechanical, electrical, and plumbing.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: Conditional (Amusement Game Machines in Commercial Establishment)

## Planning Context:

This project was previously reviewed by the BPDA for the ZBA hearing on 4/30/2024. Because no new plans have been submitted, the BPDA's recommendation has remained the same.

This project proposes an immersive game room entertainment establishment on the ground floor of 1260 Boylston, a residential building in the Fenway neighborhood. This area of Boylston Street is a major commercial and entertainment center within the Fenway neighborhood, with a very diverse array of commercial and recreational establishments -- including restaurants/bars, fitness centers, and retail stores -- situated along the street. Furthermore, the project site is located a block away from the area of the Fenway neighborhood that includes Fenway Park, MGM Music Hall, and related bars/restaurants, making this general area a lively entertainment





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and leisure hub for both the Fenway neighborhood and Boston overall. The proposed use would be an appropriate fit for the existing neighborhood context.

## **Zoning Analysis:**

The project site is located in a Neighborhood Shopping subdistrict. Since the proposed use of "immersive gamebox" is not a use that is named in the zoning code, the zoning refusal letter instead has coded it as an "Amusement Game Machine in Commercial Establishment," which is a Conditional Use when located on the ground floor of Neighborhood Shopping subdistricts in Fenway. This use would be designated as Indoor Recreation through Squares + Streets Zoning. 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, the area in which this project is proposed to be located is a lively commercial subdistrict with a diverse variety of entertainment, leisure, and retail uses, none of which are functionally different in terms of neighborhood impact from the proposed use. The proposed use will function as a social entertainment center where all activity will be confined to its interior, with rooms and gaming facilities expressly created for this purpose. There will be a total of 9 computer gaming pods with a maximum capacity of 6 people per pod (54 occupants total if all pods are at maximum capacity). The establishment will not serve alcohol, further ensuring that it will not contribute to nuisance or other adverse effects. Due to its



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exclusively interior nature, there will be no serious hazard to vehicles or pedestrians from this use. The proposed use meets all the above conditions of approval for a Conditional Use.

The project plans reviewed are titled "Immersive Gamebox, Fenway" and prepared by GMA Architects. They were reviewed by ISD on June 6, 2023.

## **Recommendation:**

In reference to BOA1486245, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

Director of Planning, BPDA



# Planning Department

<b>Case</b>	BOA1526691
<b>ZBA Submitted Date</b>	2023-09-19
<b>ZBA Hearing Date</b>	2024-07-16
<b>Address</b>	226 Magnolia St Dorchester 02121
<b>Parcel ID</b>	1400128000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	Erect a new 4-story, 6 unit multifamily building with a garage for 6 parking spaces.
<b>Relief Type</b>	Variance
<b>Violations</b>	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 Use: Forbidden (MFS)

## Planning Context:

The proposed project seeks to erect a new 4-story multifamily residential building that consists of six residential units with six parking spaces at 226 Magnolia Street in Dorchester. This parcel of land currently holds a single story garage with multiple parking bays. 226 Magnolia Street was also previously the proposed site for a proposed 4-story building that would contain 28 compact residential units. A Small Project Review Application was submitted for consideration in 2021 with a different development team. However, that project did not advance. While Magnolia Street is currently zoned as 3F-4000, this portion of Magnolia Street contains a mix of single-family, two-family, and three-family buildings. The immediate area is characterized by several pairs of attached 3 unit dwellings that present as six unit multifamily dwellings. It is also right next to the Ceylon Park, which is a City owned park with a soccer field, basketball court, two play areas, and sloped lawns and trees. Magnolia Street is also where the Uncommon Schools Roxbury Prep Dorchester Campus is located.

BOA1526691

2024-07-16

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This project would help further the goals outlined in *Housing a Changing City, Boston 2030* (September 2018) as it would increase the housing stock by building on land that was previously used for parking.

## **Zoning Analysis:**

In regards to the dimensional regulations, under Article 50, for an area zoned as 3F-4000, the required additional lot area is 2,000 square feet for each dwelling unit, a maximum FAR of 0.8, maximum height of 3 stories or 35 feet, a minimum of 650 square feet per dwelling unit of usable open space, a minimum front yard of 20 feet, a minimum side yard of 10 feet, and a minimum rear yard of 30 feet.

The refusal letter states a total of nine violations in insufficient additional lot area, excessive FAR, excessive height in both feet and stories, insufficient open space, insufficient front yard, side yard, and rear yard, and a forbidden use. Under Article 50, for an area zoned as 3F-4000, a multifamily residential use is a forbidden use. However, while 3 units are an allowed use, 4 units is a conditional use. The proposed unit count of 6 is consistent with the contextual density established by pairs of attached three unit dwellings noted above.

Accordingly, relief should be granted for use, additional lot area, height, and FAR. In regards to the additional lot area, the required amount is 2,000 square feet for each dwelling unit.

However, the size of the parcel would only allow for 2 units to be built and even though this area is entitled to have up to 3 units allowed with a fourth unit as a conditional use. In regards to the height and FAR, while the proposed building sits at 43 feet or 4 stories, which is greater than the maximum of 35 feet or 3 stories, it would align with the abutting properties at 228-230 Magnolia Street which are currently 4-stories tall due to the slope of Magnolia Street. This also aligns with the height of the 3-family residential property at 232 Magnolia Street and the single-family residential property at 239 Magnolia Street where the entrance does not sit at grade with Magnolia Street. The higher FAR, which is estimated to be 1.4 as the applicant did not provide it with the plans, is also due to the higher amounts of livable space that this project is creating but this would be comparable based on the number of units since this project is proposing 6 units but this subdistrict allows a maximum of 3 units with an FAR of 0.8.



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Based on the existing context, relief should also be granted for the front yard and side yard. For the front yard, while it would not meet the minimum required 20 feet, it does align with the modal front yard of the abutting properties. Section 50-44.2 states that if at any time in the same Block or Lot required by Article 50 to have a minimum Front Yard, there exist two or more buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in the Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block. The proposed front yard aligns with the properties at 228, 230, and 232 Magnolia Street. In regards to the side yard, the Code requires a minimum of 5 feet from the side lot line and 10 feet from an abutting property. However, while the current east setback sits at 3.1 feet, it would be difficult to increase this due to the drive aisle space required for the parking.

However, the proposed massing, rear setback, parking area, building lot coverage are contextually inappropriate. Relief should not be granted for the current rear yard as the current proposed rear yard is only 2.9' and this would protrude further into the rear yard than the abutting properties and will affect not only the abutting Ceylon Park but also the abutter's rear yard. The rear yard should be increased to create a satisfactory buffer between the proposed building and the park, in a manner consistent with adjacent pairs of attached three unit dwellings. Likewise, in regards to the open space requirement, no relief should be granted. While this project directly abuts Ceylon Park and is providing balconies for each of the units, the majority of the site will be impervious surface due to the parking. The amount of usable open space on the site should be increased to include more permeable surfaces.

Due to its close proximity to the Ceylon Park, this project will need to undergo a Park Design Review as per Ordinance 7.4-11.

The plans reviewed are titled 226 Magnolia Street and were prepared by McDougal Architects. They were prepared on March 16, 2024.

## **Recommendation:**



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In reference to BOA1526691, The Planning Department recommends DENIAL WITHOUT PREJUDICE: Proponent should reconfigure massing, open space, and parking area to design a six unit dwelling in a manner contextually consistent with its surroundings.

Reviewed,

Director of Planning, BPDA

## MEMORANDUM

June 15, 2023

**TO:** BOSTON REDEVELOPMENT AUTHORITY  
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY<sup>1</sup>  
AND JAMES ARTHUR JEMISON II, DIRECTOR

**FROM:** MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW  
CASEY HINES, DEPUTY DIRECTOR OF DEVELOPMENT REVIEW  
CAITLIN COPPINGER, SENIOR PROJECT MANAGER  
MEGHAN RICHARD, URBAN DESIGNER II  
JONATHAN SHORT, REAL ESTATE DEVELOPMENT OFFICER  
CHRISTOPHER BREEN, URBAN RENEWAL MANAGER

**SUBJECT:** GARRISON TROTTER, PHASE 4, ROXBURY

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Certification of Approval for the proposed development located at the assembled parcels in Roxbury for the Garrison Trotter Phase 4 Project (the “Proposed Project”), in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the “Code”); and (2) adopt the attached Resolution entitled: “Resolution of the Boston Redevelopment Authority Re: Minor Modification to the Washington Park Urban Renewal Area, Project No. Mass R-24, With Respect to Newly Created Parcels A-3A, A-3B, A-3C and A-3D” in connection with the Garrison Trotter Phase 4 Project along Hollworthy and Hollander Streets in Boston (3) to enter into a Land Disposition Agreement (“LDA”) for Parcels A-3A, A-3B, A-3C, and A-3D with Windale Developers for use as a residential development and to deliver any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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<sup>1</sup> Effective October 20, 2016 the BRA commenced doing business as the BPDA.

## **PROJECT SITE**

The Proposed Project is located at Hollander and Hollworthy Streets in Roxbury and sits on a 35,300 square foot parcel (the “Project Site”). The Project Site is currently vacant and owned by the Boston Redevelopment Authority.

The Project is conveniently located along MBTA Bus Routes #44, #14, and #19 and is 0.8 miles from the Jackson Square Orange Line MBTA station.

## **DEVELOPMENT TEAM**

Proponent: Windale Developers, Inc.  
Arnold Johnson  
George Chin

Architect: PLACETAILOR Elton + Hampton  
Nick Elton

Legal  
Counsel: McKenzie & Associates  
Denzil D. McKenzie

## **BACKGROUND & PROPOSED PROJECT**

Windale Developers Inc. (the “Proponent”) proposes to construct twenty-three home ownership units in single-family, stacked two-family and semi-detached two family unit types totaling 32,200 square feet (“Proposed Project”). 16 of the units will be made affordable to those earning between 80% and 100% AMI and the remaining 7 units will be market rate. The unit mix of the units include six two-bedroom units and seventeen three-bedroom units. The Proposed Project will include 26 driveway parking spots.

The Proposed Project includes the reopening of Harold Street to further connect the new development to the existing neighborhood.



The Garrison Trotter Project is Phase 4 of this multi-phase engagement with the Garrison Trotter Neighborhood. Windale was selected by the BPDA as the developer for the project on 05/12/2022. The previous phases of the Garrison Trotter Project included Requests for Proposals from the Mayor’s Office of Housing to create homeownership opportunities through the Neighborhood Homes Initiative. The Neighborhood Homes Initiative was a commitment to promote mixed-income communities and expand affordable homeownership opportunities for first time home buyers. Working extensively with the Garrison Trotter Neighborhood Association (“GTNA”) MOH and BPDA have completed three phases of Neighborhood Homes Initiative developments, resulting in the development of eighteen (18) homes comprising twenty-nine (29) units of housing that were developed by private developers responding to Request for Proposals (“RFP”) requiring two thirds of the units as income restricted, affordable housing. The developments represent 107,516 square feet of land, including land formerly owned by BPDA and the City of Boston.

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>	32,200
<b>Gross Floor Area</b>	32,200
<i>Residential</i>	32,200
<i>Office</i>	0
<i>Retail</i>	0
<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
<i>Cultural</i>	0
<i>Parking</i>	0
<b>Development Cost Estimate</b>	\$13,000,000

<b>Residential Units</b>	23
<i>Rental Units</i>	23
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	16
<b>Parking spaces</b>	26

### **ARTICLE 80 REVIEW PROCESS**

On February 16, 2023, the Proponent filed a Small Project Review Application with the BPDA for the Proposed Project pursuant to Article 80E of the Code. A virtual BPDA sponsored public meeting was held on March 20, 2023. All meetings were noticed in local papers as well as on BPDA email lists and social media.

### **PLANNING CONTEXT AND CITY STAFF REVIEW**

The Proposed Project is located within the planning boundaries of the Roxbury Strategic Master Plan (“RSMP”), a strategic framework, adopted in 2004, to guide change and economic growth in Roxbury over the next ten to twenty years.

The Proposed Project makes significant contributions towards the realization of the RSMP’s goals of providing affordable housing opportunities by proposing 100% homeownership single- and two-family houses, totaling to 23 residential units with 16 of the units designated under the Inclusionary Development Policy (“IDP”). The units vary in size from 2- to 3-bedroom which serves the projected needs based on the demographics of households in the area. The Proposed Project further advances RSMP’s goals of promoting pedestrian improvements along Hollander, Harold and Holworthy Streets through landscaping, street lighting, and the mitigation of curb cut impacts on the streetscape. Additionally, the parking ratio is below the maximum parking ratios per citywide guidelines which advances both mobility and climate resiliency citywide planning goals.

### **MINOR MODIFICATION TO THE URBAN RENEWAL PLAN**

In order to allow for the required uses of Residential, Open Space, Accessory Parking and Minor Adjustments of Property and Rights of Way Lines as proposed uses for Parcels previously known as Parcel A-3, S-23, L-53, L-52, and so called Parcels A-11, L-38, A-7, A-8, A-9, A-10, 235-D2-4, and 235-D-5 it is necessary to amend the Washington Park Urban Renewal Plan, Project No. Mass R-24 ("Plan").

A Minor Modification to Map No. 2 of the plan entitled "Proposed Land Use Plan" will add Residential, Open Space, Accessory Parking and Minor Adjustments of Property and Rights of Way Lines to newly created and named Parcels A-3A, A-3B, A-3C and A-3D along Holworthy and Hollander Streets in Boston.

A Minor Modification to Section 602, Table A entitled "Land Use and Building Requirements" which adds Residential, Open Space, and Minor Adjustments of Property and Rights of Way Lines to the permitted uses as well as requiring Authority Approval for all other requirements.

Section 1201 of the Plan provides that the BRA may make minor modifications at any time when such modifications do not substantially or materially alter or Change the Plan. The staff has determined that the foregoing modifications to the Plan, and any proposed improvements undertaken pursuant thereto, will not result in significant damage to, or impairment of, the environment, and further that all practicable and feasible means and measures have been taken and are being utilized to avoid or minimize damage to the environment. This modification may, therefore, be effected by a vote of the BRA pursuant to Section 1201 of the Plan.

The Minor Modification will create new Parcels and delete existing parcels as well as so-called parcels to create four (4) new parcels with new land use and building requirements.

Existing Parcel A-8 and A-10 to be combined into newly created Parcel A-3A  
The BRA owns an approximately 3,300 square foot vacant parcel of land located at 31 Hollander Street and a 3,300 square foot parcel of vacant land at 29 Hollander Street to be combined into the newly created Parcel A-3A and designating the allowable land uses as Residential, Accessory Parking and Open Space

Existing So-called Parcels A-7, A-9, A-11, L-38, Block and Parcel 235-D2-4, Block and Parcel 235-D2-5 and a Portion of A-3 will be combined into newly created Parcel A-3B.

The BRA owns approximately 3,334 square feet at 80 Holworthy St also known as A-7, 3,333 square feet at 78 Holworthy St also known as A-9, 3,333 square feet at 76 Holworthy St also known as A-11, 3,333 square feet at 74 Holworthy St also known as L-38, 3,250 square feet at 59 Holworthy St also known as 235-D2-4, 3,250 square feet at 57 Holworthy St also known as 235-D2-5 and a portion of Parcel A-3 along Holworthy St to be combined into the newly created Parcel A-3C and designating the allowable land uses as Residential, Accessory Parking, Open Space and Minor Adjustment of Property and Rights of Way Lines.

An Existing Portion of A-3 and S-23 to be combined into newly created Parcel A-3C  
The BRA owns a portion of Parcel A-3 along Holworthy Street and 3,350 square feet of land also known as Parcel S-23 located at 41 Holworthy Street to be combined into a newly created Parcel A-3C and designating the allowable land uses as Residential, Accessory Parking, Open Space and Minor Adjustment of Property and Rights of Way Lines.

Existing Parcels L-52 and L-53 will be combined into newly created Parcel A-3D.  
The BRA owns an approximately 3,300 square foot vacant parcel of land located at 31 Hollander Street and a 3,300 square foot parcel of vacant land at 29 Hollander Street to be combined into the newly created Parcel A-3D and designating the allowable land uses as Residential, Accessory Parking and Open Space

### **LAND DISPOSITION AGREEMENT**

A land disposition agreement (“LDA”) will be entered into to allow the construction of the project consisting of twenty-three homeownership units in single-family, stacked two-family, and semi-detached two-family unit types totaling 32,200 square feet (“Proposed Project”). 16 of the units will be made affordable to those earning between 80% and 100% AMI and the remaining 7 units will be market rate. The unit mix of the units include six two-bedroom units and seventeen three-bedroom units. The Proposed Project will include 26 driveway parking spots.

### **ZONING**

The Project Site is situated within a 3F-4000 subdistrict in the Roxbury Neighborhood District and is governed by Article 50 of the Boston Zoning Code. The Project is not anticipated to need any relief from the Zoning Board of Appeals. If the Project needs zoning relief, the project shall appear in front of the Zoning Board of Appeals.

### **INCLUSIONARY DEVELOPMENT POLICY/INCOME RESTRICTED HOUSING**

Projects financed as one entity and where at least 40% of the units are income restricted are exempt from the Inclusionary Development Policy, dated December 10, 2015. The Proposed Project is financed as one entity and contains sixteen (16) income restricted units (69.5% of total units) surpassing 40% of the total units. As such, the Proposed Project is exempt from the Inclusionary Development Policy.

The proposed AMIs are anticipated as follows:

Percentage of AMI	Number of Units
80%	8
100%	8

The housing affordability of the project will be finalized through the public funding process and the ongoing housing affordability of the project will be monitored under a MassDocs agreement.

### **MITIGATION & COMMUNITY BENEFITS**

The Proposed Project will provide a number of benefits to the Roxbury neighborhood and the City of Boston as a whole, including the following:

- Creating 16 affordable homeownership units, which will exceed Boston's Inclusionary Development Policy requirements;
- Encouraging alternative modes of transportation through the use of bicycling and walking, due to the close proximity of MBTA and bus lines and improved accessibility;
- Create construction jobs

- Improve the safety and visual appearance of the Project Site through improved landscaping and lighting.
- Construction of an energy efficient building that is targeting LEED Silver, green building and energy efficiency practices.

## **RECOMMENDATIONS**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project in accordance with Article 80E, Small Project Review, of the Boston Zoning Code (the "Code") and (2) adopt the attached Resolution entitled: "Resolution of the Boston Redevelopment Authority Re: Minor Modification to the Washington Park Urban Renewal Plan, Project No Mass R-24. , With Respect To the Newly Created Parcels A-3A, A-3B, A-3C, and A-3D" also known as the Garrison Trotter Phase 4 Project and to enter into a Land Disposition Agreement for Parcels A-3A, A-3B, A-3C and A-3D and to take any other action and execute and deliver any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

**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 consisting of twenty-three home ownership units across 13 buildings, totaling approximately 32,300 square feet at the intersection of Hollander and Holworthy Streets in Roxbury (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA") and deliver any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

### **FURTHER**

**VOTED:** That the BRA hereby adopts the attached Resolution entitled: "Resolution of the Boston Redevelopment Authority Re: Minor Modification to the Washington Park Urban Renewal Area Project No. Mass. R-24, With Respect to Newly Created Parcels A-3A, A-3B, A-3C, and A-3D".

### **FURTHER**

**VOTED :** That the Director be, and hereby is, authorized to enter into a Land Disposition Agreement for Parcels A-3A, A-3B, A-3C, and A-3D in the

Washington Park Urban Renewal Area, Project No. Mass R-24 located along Holworthy and Hollander Streets, into to allow the construction of the project consisting of twenty-three homeownership units in single-family, stacked two-family, and semi-detached two- family unit types totaling 32,200 square feet ("Proposed Project"). 16 of the units will be made affordable to those earning between 80% and 100% AMI and the remaining 7 units will be market rate. The unit mix of the units include six two-bedroom units and seventeen three-bedroom units subject to the terms and conditions deemed necessary and appropriate by the Director and in the best interests of the Boston Redevelopment Authority

**FURTHER  
VOTED :**

That the Director be, and hereby is, authorized to enter into and execute documents and any and all other related instruments and agreements in connection with areas within Parcels A-3A, A-3B, A-3C, and A-3D in the Washington Park Urban Renewal Area, Project No. Mass. R-24, which the Director, in his sole discretion deems appropriate and necessary, and upon terms and conditions determined to be in the best interest of the Authority.



**RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY REGARDING  
MINOR MODIFICATION TO THE WASHINGTON PARK URBAN RENEWAL PLAN,  
PROJECT NO. MASS. R-24, WITH RESPECT TO NEWLY CREATED PARCELS A-3A, A-  
3B, A-3C, AND A-3D**

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**WHEREAS**, the Urban Renewal Plan for the Washington Park Urban Renewal Area, Project No. Mass. R-24, was adopted by the Boston Redevelopment Authority (the "**Authority**") on January 16, 1963 and approved by the City Council of the City of Boston on February 18, 1963; (said plan, as amended, being herein referred to as the "Plan"); and

**WHEREAS**, Section 1201 of Chapter XII of the Plan, entitled "Modification", provides that the Urban Renewal Plan may be modified at any time by the Authority provided that, if the general requirements, controls or restrictions applicable to any part of the Washington Park Urban Renewal Area shall be modified after the lease or sale of such part, the modification must be consented by the redeveloper or developers of such part or their successors and assigns; provided further that where the proposed modifications may substantially or materially alter or change the Plan, the modifications must be approved by the Boston City Council and the Commonwealth of Massachusetts Department of Housing and Community Development; and

**WHEREAS**, it is the opinion of the Authority that the modifications as hereinafter provided in the Washington Park Urban Renewal Plan Area are consistent with the objectives of the Plan and are minor modifications that may be adopted within the discretion of the Authority pursuant to said Section 1201; and

**WHEREAS**, the proposed amendments to the Plan are necessary to effectuate the use of newly created Parcels A-3A, A-3B, A-3C and A-3D

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

Pursuant to Section 1201 thereof, the Plan be and hereby is amended as follows:

- (a) That Map 2, "Proposed Land Use Plan" is hereby amended by expanding and subdividing Parcel A-3, and deleting Parcels L-53, L-52, S-23 and other so-called parcels and then adding Residential, Accessory Parking, Open Space and Minor adjustments of Property and Rights of Way Lines as a Proposed Land Use for the newly created Parcels A-3A, A-3B, A-3C, and A-3D.

(b) That Chapter VI, "Proposed Land Use and Building Requirements", Section 602, Table A, "Land Use and Building Requirements", is hereby modified as follows:

Site Designation	Permitted Uses	Minimum Setbacks F S R	Maximum Building Height	Maximum Floor Area Ratio	Maximum Net Density	Minimum Parking Ratio
A-3A	Residential, Accessory Parking and Open Space	*	*	*	*	*
A-3B	Residential, Open Space, Accessory Parking and Minor adjustment of Property and Rights of Way Lines	*	*	*	*	*
A-3C	Residential, Accessory Parking, Open Space, and Minor adjustment of Property and Rights of Way Lines	*	*	*	*	*
A-3D	Residential, Accessory Parking,	*	*	*	*	*

	Open Space					
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\* To be determined by the Authority

2. That the proposed modifications are found to be minor modifications that do not substantially or materially alter or change the Plan.

3. That all other provisions of the Plan not inconsistent herewith be and hereby are continuing in full force and effect.

4. That it is hereby found and determined pursuant to MEPA that the foregoing modification of the Plan, and any proposed development undertaken pursuant thereto, will not result in significant damage to or impairment of the environment, and further that all practicable and feasible means and measures have been taken and are being utilized to avoid or minimize damage to the environment.

5. That the Director be, and hereby is, authorized to proclaim by certificate this minor modification of the Plan, all in accordance with the provisions of the Urban Renewal Handbook, RHM 7207.1, dated August 8 1974, if applicable.

**MEMORANDUM**

**JANUARY 18, 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  
SCOTT GREENHALGH, PROJECT MANAGER

**SUBJECT:** 376-384A BLUE HILL AVENUE, DORCHESTER

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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 376-384A Blue Hill Avenue in Dorchester (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); and (2) enter into a Community Benefit Contribution Agreement in connection with 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 11,480 square foot parcel of land at 376-384A Blue Hill Avenue in a MFR/LS section of the Roxbury neighborhood of Boston (the "Project Site"). The Project Site is currently vacant City-owned land being developed through a Mayor's Office of Housing (MOH) Request for Proposal ("RFP"). The Project Site is located 1.4 miles away from the MBTA's Dudley Station and is served by the MBTA #45 Bus route.

**DEVELOPMENT TEAM**

The development team includes:

Proponent: MTK Development, LLC  
 Wadi Muhammad  
 Jared Harrell  
 Malik Aziz

Architect: J. Garland Enterprises  
 Jonathan Garland  
 Donald Respress

**PROPOSED PROJECT**

MTK Development, LLC (the “Proponent”) seeks to construct a four (4) story, approximately 23,313 gross square foot building that will include eighteen (18) affordable homeownership condominium units and ten (10) off-street vehicle parking spaces (the “Proposed Project”). Of the eighteen (18) homeownership condominium units, three (3) units will be one-bedroom units, nine (9) will be two-bedroom units, and six (6) units will be three-bedroom units. The Proposed Project also will include an interior bicycle storage room with twenty (20) bicycle spaces and four (4) exterior bicycle storage spaces. The Proposed Project will include two retail spaces that total approximately 2,090 square feet and an interior approximately 1,547 square foot community space on the ground floor.

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>	23,313
<b>Gross Floor Area</b>	19,260
<i>Residential</i>	15,623
<i>Office</i>	0
<i>Retail</i>	2,090
<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
<i>Cultural</i>	1,547
<i>Parking</i>	3,037
<b>Development Cost Estimate</b>	\$12,431,220
<b>Residential Units</b>	18
<i>Rental Units</i>	0
<i>Ownership Units</i>	18
<i>IDP/Affordable Units</i>	18
<b>Parking spaces</b>	10

**PLANNING CONTEXT**

The proposed project is located in Grove Hall on Blue Hill Avenue, a major City thoroughfare serving several key bus routes, which includes the 45 bus that connects the project site north to Nubian Square and Ruggles station and south to Franklin Park at Columbia Road. This section of Blue Hill Avenue is characterized by 3-4 story blocks, which are primarily residential with ground floor retailers. These include bakeries, bodegas, salons, and banks. There are also several religious institutional buildings in the area, including a Haitian church across the street from the project site and a mosque directly to the rear of the project site.

The Proposed Project is located within the boundaries of the Roxbury Strategic Master Plan, adopted in 2004, with the goal to guide development for the next 10-20 years in the Roxbury neighborhood. Key elements of this Plan include the enhancement of the civic and cultural environment, promoting a diverse economy and range of housing options, creating safer transportation connections and a lively public realm. Providing accessible, affordable housing is particularly critical to achieve housing stability within the Roxbury community, as well as mitigate rising citywide housing costs.

The proposed project contributes to housing stability in the Roxbury community with the provision of 18 income-restricted units, which fills in a currently missing tooth in the built fabric. This building will mitigate the presence of several vacant lots and empty storefronts in the vicinity, improving street level activity and public

realm maintenance with the addition of new street trees and public-serving ground floor uses.

The developer has worked with city planners in order to address issues involving the placement and activation of the proposed community room. In addition, there have been changes made to maximize open space on the property in response to BPDA recommendations.

### **ARTICLE 80 REVIEW PROCESS**

On September 22, 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 November 9, 2023, via Zoom. The meeting was advertised in the local newspapers, posted on the BPDA website and a notification was emailed to all subscribers of the BPDA’s Dorchester neighborhood update list. The public comment period ended on November 16, 2023.

### **ZONING**

The Project Site is in the Roxbury Neighborhood District governed by Article 50 of the Code and more specifically within a MFR/LS Subdistrict.

The Proponent expects that zoning variances will be needed for the following: minimum lot area, maximum floor area ratio, minimum usable open space per unit, maximum front yard setback, maximum side yard setback, and minimum parking spaces per dwelling unit.

### **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:

- The Proposed Project will upgrade the public realm in and around the Project Site through base building exterior lighting improvements and approximately five (5) new street trees;

- Before issuance of the Certification of Approval, the Proponent shall make a five thousand seven hundred twenty-four dollars (\$5,724.00) contribution to the Boston Transportation Department to support the bike share system.
- In support of the City's green building and carbon neutral goals, the Proposed Project will be designed to be LEED Gold-certifiable;
- The ground-level interior community space, encompassing approximately 1,547.08 square feet, adjacent to the exterior open space, will be dedicated to the residents of the building.
- Additional property tax revenue for the City.

The community benefits described above will be set forth in the Community Benefit Contribution Agreement for the Proposed Project. The community benefit contribution payments shall be made to the BPDA or respective City department before issuance of the initial building permit by the City of Boston Inspectional Services Department ("ISD") and will be distributed as outlined above.

The Proposed Project and public realm improvements are subject to BPDA Design Review.

### **HOUSING PROGRAM & INCLUSIONARY DEVELOPMENT POLICY**

Projects financed as one entity and where at least forty (40) percent of the units are income restricted are exempt from the Inclusionary Development Policy, dated December 10, 2015. The Proposed Project is financed as one entity and contains eighteen (18) income restricted units, or 100 percent of the total units, surpassing 40 percent of the total units. As such, the Proposed Project is exempt from the Inclusionary Development Policy.

As currently proposed, all eighteen (18) homeownership units within the Proposed Project will be made affordable to households earning not more than 100% of the Area Median Income ("AMI"), as published by the United States Department of Housing and Urban Development ("HUD"). The affordability of the project will be finalized through the public funding process and the ongoing affordability of the project will be monitored under a MassDocs agreement.



**RECOMMENDATIONS**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; and (2) enter into a Community Benefit Contribution Agreement in connection with 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 376-384A Blue Hill Avenue in the Dorchester neighborhood, proposed by MTK Development, LLC (the "Proponent"), for the construction of a four (4) story, approximately 23,313 gross square foot building, that will include eighteen (18) homeownership condominium units, and ten (10) off-street vehicle 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

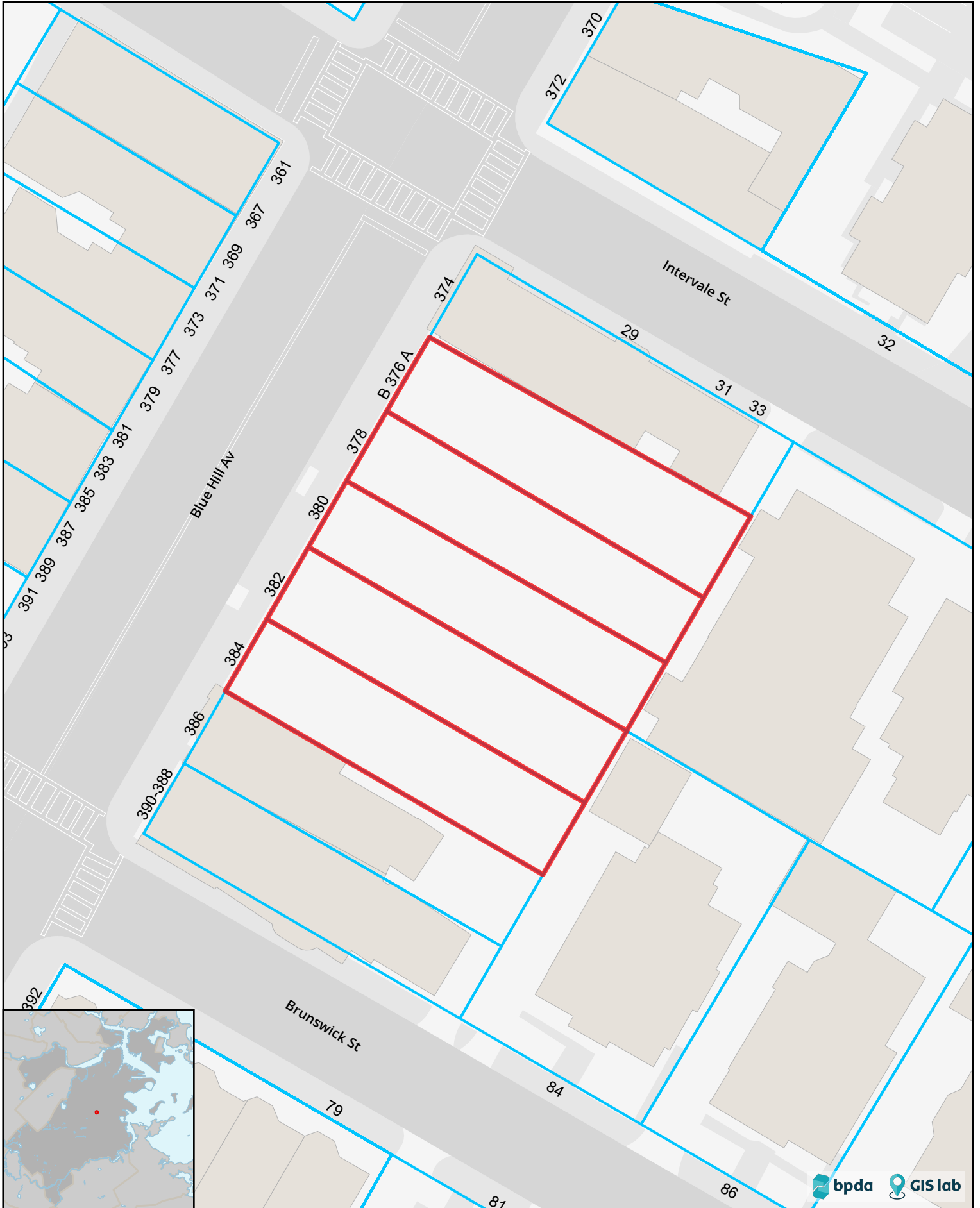
**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to enter into a Community Benefit Contribution Agreement, 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.

# 376-384A Blue Hill Avenue



1:400



# 376-384A Blue Hill Avenue



1:400

