



Planning Department

CITY of BOSTON

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: November 13, 2024

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the November 19, 2024 Board of Appeal's Hearing.

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



Case	BOA1658855
ZBA Submitted Date	2024-10-03
ZBA Hearing Date	2024-11-19
Address	207 to 209 South ST Boston 02111
Parcel ID	0305349000
Zoning District & Subdistrict	Leather District Leather District
Zoning Article	44
Project Description	Interior upgrades to existing building
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project seeks to make interior upgrades and a change in use to a building in the Leather District. No significant changes are proposed to the building envelope at the project address. Moreover, the project lies within a Boston MHC Historic Inventory Area, where any alterations to its exterior visible from a public thoroughfare would be subject to review by the Landmarks Commission.

Of note are the three violations of Building Code cited in the Building Code Refusal letter. The following recommendation does not suggest support for the project with respect to building code violations.

Zoning Analysis:

The property falls within a Groundwater Conservation Overlay District. Consequently, a conditional use permit from the Board of Appeal is necessary for alterations constituting a substantial rehabilitation and review by the Boston Water & Sewer Commission.

This recommendation is based on plans submitted by EMBARC, reviewed for the Zoning Board of Appeal on September 13, 2024.

Recommendation:



In reference to BOA1658855, The Planning Department 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,

A handwritten signature in blue ink, appearing to read "Annee Rando".

Planning and Zoning Director, Planning Department



Case	BOA1658107
ZBA Submitted Date	2024-10-01
ZBA Hearing Date	2024-11-19
Address	21 Wellington ST Boston 02118
Parcel ID	0402545000
Zoning District & Subdistrict	South End Neighborhood Multifamily Residential
Zoning Article	32
Project Description	Change occupancy from three to two family dwelling; erect one story rear addition
Relief Type	Variance
Violations	GCOD Applicability

Planning Context:

The proposed plans are for the renovation of an existing three family home in the South End Neighborhood District. The proposal seeks to consolidate the dwelling from three into two units. The proposal also includes a one story addition to the rear of the building, which would include a roof deck, a dining room and media area.

Zoning Analysis:

The proposed rear addition would expand the footprint of the existing dwelling, triggering GCOD applicability. To receive the necessary conditional use permit the project must be reviewed by BWSC. Plans reviewed “Renovations To Casas Borinquen Apartments” prepared by Davis Square Architects, dated February 22, 2024.

Recommendation:

In reference to BOA1658107, The Planning Department recommends APPROVAL WITH PROVISIO: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD) .



Planning Department

CITY of BOSTON

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rade".

Planning and Zoning Director, Planning Department



Case	BOA1634586
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2024-11-19
Address	334 Shawmut AVE Roxbury 02118
Parcel ID	0306990000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Interior renovations to the kitchens, bathrooms, and stairs, among other features.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project would renovate much of the interior building while maintaining the same use. The GCOD overlay highlights the need for water conservation and acts as the planning context for this project.

Zoning Analysis:

There is one consideration for this project: GCOD applicability. This requires review due to the extensive internal renovations being conducted, which trigger review under the Groundwater Conservation Overlay by the Boston Water & Sewer Commission.

Recommendation:

In reference to BOA1634586, The Planning Department recommends APPROVAL w/ PROVISIO that plans be reviewed by the Boston Water & Sewer Commission for compliance with the Groundwater Conservation Overlay.



Planning Department

CITY of BOSTON

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rando".

Planning and Zoning Director, Planning Department

or



Case	BOA1634585
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2024-11-19
Address	328 to 330 Shawmut AV Boston 02118
Parcel ID	0306992000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Replace rubber roof and complete internal renovations. No proposed changes to dimensions, use, or exterior windows or walls.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project will replace the existing rubber roof and complete renovations of the roof, kitchen, bathroom, and other interior improvements.

The existing 4-story, brick building at 328-330 Shawmut Avenue includes two rowhouses with a total of eight dwelling units. The building is attached to the abutting buildings on either side.

Zoning Analysis:

The proposed project would substantially rehabilitate a structure in the Groundwater Conservation Overlay District and thus requires a Conditional Use Permit, per Article 32. Article 32 requires the design and installation of a groundwater recharge system capable of capturing 1 inch of precipitation over the impervious area of the lot. The designed system must be submitted to the Boston Water & Sewer Commission for review, comment, and approval. This recommendation is based on plans submitted by SIC Design and reviewed for the Zoning Board of Appeal on July 15, 2024.

Recommendation:

In reference to BOA1634585, the Planning Department 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).



Planning Department

CITY of BOSTON

Reviewed,

A handwritten signature in blue ink, reading "Anne Rando".

Planning and Zoning Director, Planning Department



Case	BOA1634600
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2024-11-19
Address	79 W Brookline ST Roxbury 02118
Parcel ID	0900211000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	The proponent is seeking approval for a partial renovation, which includes brick repairs on the rear retaining wall and updates to all bathrooms and kitchens. New rubber roofing will be installed wherever existing roofs are located. However, all windows, exterior walls, and fire escapes will remain unchanged.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The existing 4-story, brick building at 79 W Brookline Street includes one rowhouse with a total of two dwelling units. The building is attached to the abutting buildings on either side. This project involves a partial renovation of a two-unit building, with only minor exterior updates—limited to brick repairs on the rear facade and new rubber roofing. The interior work includes full renovations of the kitchens, bathrooms, and other interior improvements. There are no zoning violations or significant planning concerns associated with this project.

Zoning Analysis:

The proposed project would substantially rehabilitate a structure in the Groundwater Conservation Overlay District and thus requires a Conditional Use Permit, per Article 32. Article 32 requires the design and installation of a groundwater recharge system capable of capturing 1 inch of precipitation over the impervious area of the lot. The designed system must be submitted to the Boston Water & Sewer Commission for review, comment, and approval.

Recommendation:



In reference to BOA1634600, The Planning Department 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,

A handwritten signature in blue ink, appearing to read "Annee Rando".

Planning and Zoning Director, Planning Department



Case	BOA1634598
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2024-11-19
Address	75 W Brookline ST Roxbury 02118
Parcel ID	0900209000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	The proponent is seeking approval for a partial renovation, which includes brick repairs on the rear retaining wall and updates to all bathrooms and kitchens. New rubber roofing will be installed wherever existing roofs are located. However, all windows, exterior walls, and fire escapes will remain unchanged.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The existing 4-story, brick building at 75 W Brookline Street includes one rowhouse with a total of two dwelling units. The building is attached to the abutting buildings on either side.

This project involves a partial renovation of a two-unit building, with only minor exterior updates—limited to brick repairs on the rear facade and new rubber roofing. The interior work includes full renovations of the kitchens, bathrooms, and other interior improvements. There are no zoning violations or significant planning concerns associated with this project.

Zoning Analysis:

The proposed project would substantially rehabilitate a structure in the Groundwater Conservation Overlay District and thus requires a Conditional Use Permit, per Article 32. Article 32 requires the design and installation of a groundwater recharge system capable of capturing 1 inch of precipitation over the impervious area of the lot. The designed system must be submitted to the Boston Water & Sewer Commission for review, comment, and approval.

Recommendation:



In reference to BOA1634598, The Planning Department 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,

A handwritten signature in blue ink, appearing to read "Annee Rando".

Planning and Zoning Director, Planning Department



Case	BOA1634592
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2024-11-19
Address	10 Upton ST Roxbury 02118
Parcel ID	0900029000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Renovation of kitchens and brick work on existing dwelling.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The existing building is a three-unit attached rowhouse, comprising three floors and a basement. The proponent seeks to renovate interior conditions and finishes for the bathrooms and kitchens across the house. The only exterior alteration that will be done will be the renovation of the brick work. This site exists in the Groundwater Conservation Overlay District which aims to prevent the deterioration of groundwater levels in the city of Boston.

Zoning Analysis:

A conditional use permit is needed for the work proposed due to it meeting one of the definitions for substantial rehabilitation, Per Article 32. A project is considered substantial rehabilitation if any alterations cost more than fifty percent of the physical value of the structure. To receive the necessary conditional use permit the project must be reviewed and approved by the Boston Water and Sewer Commission. Plans reviewed: “Renovations To Casas Borinquen Apartments” prepared by Davis Square Architects, dated February 22, 2024.

Recommendation:

In reference to BOA1634592, The Planning Department recommends APPROVAL..



Planning Department

CITY of BOSTON

Reviewed,

A handwritten signature in blue ink, reading "Anne Rando".

Planning and Zoning Director, Planning Department



Case	BOA1634591
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2024-11-19
Address	638 Tremont ST Boston 02118
Parcel ID	0900249000
Zoning District & Subdistrict	South End Neighborhood Multifamily Residential/Local Services
Zoning Article	32
Project Description	The proponent is proposing to renovate the interior conditions and finishes for the bathrooms and kitchens across the building. There will be no significant changes to the building envelope beyond roof material upgrades.
Relief Type	Variance
Violations	GCOD Applicability

Planning Context:

The proposed plans are for the interior and exterior renovation of three units located at 638 Tremont Street in the Roxbury Neighborhood district. The proponent is proposing to renovate the interior conditions and finishes for the bathrooms and kitchens across the building. There will be no significant changes to the building envelope beyond roof material upgrades. The site exists in the Groundwater Conservation Overlay District which aims to prevent the deterioration of groundwater levels in the city of Boston. The proposed plans are also located within an Urban Renewal Area Overlay District.

Zoning Analysis:

Building code review per IEBC and 780 CMR will be required upon submission of complete construction documents. To receive the necessary conditional use permit the project must be reviewed by BWSC. Plans reviewed “Renovations To Casas Borinquen Apartments” prepared by Davis Square Architects, dated February 22, 2024.



Recommendation:

In reference to BOA1634591, The Planning Department recommends APPROVAL WITH PROVISIO: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD) .

Reviewed,

A handwritten signature in blue ink, appearing to read "Aimee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1634584
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2024-11-19
Address	2 Aguadilla ST Roxbury 02118
Parcel ID	0900082000
Zoning District & Subdistrict	South End Neighborhood MFR/LS
Zoning Article	64
Project Description	Interior upgrades and repairs to multi-building apartment complex with exterior repairs. No significant exterior building alterations.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project seeks to make interior upgrades and exterior repairs to an existing multi-building apartment complex in the South End Neighborhood. No significant changes are proposed to the building envelope at the project address. Moreover, the project lies within the South End Landmark District, where any alterations to its exterior visible from a public thoroughfare would be subject to review by the Landmarks Commission.

Zoning Analysis:

The property falls within a Groundwater Conservation Overlay District. Consequently, acquiring a conditional use permit from the Board of Appeal under Article 6 is necessary for alterations. This recommendation is based on plans submitted by SIC Design, reviewed for the Zoning Board of Appeal on July 16, 2024.

Recommendation:

In reference to BOA1634584, The Planning Department 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) .



Planning Department

CITY of BOSTON

Reviewed,

A handwritten signature in blue ink, reading "Anne Rando".

Planning and Zoning Director, Planning Department



Case	BOA1634588
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2024-11-19
Address	401 Shawmut AVE Roxbury 02118
Parcel ID	0900207000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Interior renovations to the kitchens, bathrooms, and stairs, among other features.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project would renovate much of the interior building while maintaining the same use. The GCOD overlay highlights the need for water conservation and acts as the planning context for this project.

Zoning Analysis:

There is one triggered violation for this project: GCOD applicability. This is only a violation due to the extensive internal renovations being conducted, which trigger review under the Groundwater Conservation Overlay by the Boston Water & Sewer Commission.

Recommendation:

In reference to BOA1634588, The Planning Department recommends APPROVAL w/ PROVISIO that plans be reviewed by the Boston Water & Sewer Commission for compliance with the Groundwater Conservation Overlay.



Planning Department

CITY of BOSTON

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rando".

Planning and Zoning Director, Planning Department



Case	BOA1634488
ZBA Submitted Date	2024-07-31
ZBA Hearing Date	2024-11-19
Address	403 to 405 Shawmut AVE Roxbury 02118
Parcel ID	0900208000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Change use of existing 6-story, non-residential building into a 6-unit residential building. Complete exterior and interior renovations without any proposed changes to massing or dimensions.
Relief Type	Variance, Conditional Use
Violations	GCOD Applicability Parking or Loading Insufficient FAR Excessive Usable Open Space Insufficient

Planning Context:

The proposed project would change the use of a building currently used as a self-described community center with office and conference rooms into a multifamily dwelling with six units. The project also includes interior and external renovations with no proposed changes to the building massing or dimensions.

The existing building is a brick six-story building at the northern corner of Shawmut Avenue and West Brookline Street. As described in the plan materials, the building is used as a community center by the owner, Inquilinos Boricuas En Accion. According to Boston Assessing records, the property is tax exempt.

Diagonally across the intersection from the site is Blackstone Square, a significant neighborhood open space. Back Bay Station with MBTA, commuter rail, bus, and Amtrak connections is 0.6 miles away, and the MBTA Silver Line stops 0.1 miles away.

Zoning Analysis:



The project is within a Multifamily Residential subdistrict, as well as the Coastal Flood Resilience Overlay District (CFROD), the Groundwater Conservation Overlay District, a Restricted Parking District, and the South End Landmark District.

The project is cited for excessive FAR and insufficient open space and parking. The maximum FAR in the MFR subdistrict is 2.0, and the proposed project maintains the existing FAR of 5.57. The project includes no changes to dimensions or massing; this is a case for zoning reform to update dimensional regulations to better match existing context.

The proposed project does not include any usable open space. The zoning subdistrict requires 200 square feet per unit, totaling 1,200 square feet. Open space is only required for residential uses, thus given the proposed change in use, the project would be creating a new non-conformity. However, providing usable open space on this property would require altering an existing building at the corner of a prominent intersection in a Landmark District, across the street from public open space at Blackstone Square. This is a case for zoning reform to update dimensional requirements to better match existing context.

Similarly, the proposed project does not include any parking in a subdistrict where 0.7 spaces per unit is required. According to Article 64 Table H, parking is not required for uses other than dormitories, hotels, and residential uses. Therefore, the proposed project is introducing a new non-conformity. The Boston Transportation Department's Maximum Parking Ratio Guideline for rental units at this location is up to 0.5 spaces per unit, supporting fewer spaces than required by zoning. In addition, similar to the discussion of usable open space above, providing parking would require significant changes to or demolition of the existing building. This is a case for zoning reform to update parking requirements to better align with planning and existing context.

Also, the proposed project would substantially rehabilitate a structure in the Groundwater Conservation Overlay District and thus requires a Conditional Use Permit, per Article 32. Article 32 requires the design and installation of a groundwater recharge system capable of capturing 1 inch of precipitation over the impervious area of the lot. The designed system must be submitted to the Boston Water & Sewer Commission for review, comment, and approval.

According to Article 25A-4, the project is not subject to CFROD, given that it is adding fewer than fifteen dwelling units. However, the potential risk of sea level rise and flooding should be considered in the review of this project for the health and safety of future residents. According to Article 25A, residential uses below the Sea Level Rise - Design Flood Elevation (SLR-DFE),



which is two feet above the Base Flood Elevation, are prohibited. The proposed project includes a residential unit on the first floor. The SLR-DFE was not specified in the materials, however, the first floor elevation appears to be 16.2 feet. According to the City of Boston Zoning Viewer, the Base Flood Elevation of the parcel is 18 feet. Therefore, the first floor is below SLR-DFE. Based on the potential threat of sea level rise and flooding of the first floor residential unit, it is recommended that the first floor be fitted with dry floodproofing strategies and not change use to residential.

Recommendation:

In reference to BOA1634488, the Planning Department recommends DENIAL WITHOUT PREJUDICE. The plans should be reconsidered to remove residential use on the first floor and include dry floodproofing strategies.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rana".

Planning and Zoning Director, Planning Department



Case	BOA1644118
ZBA Submitted Date	2024-08-23
ZBA Hearing Date	2024-11-07
Address	4 Cross ST Charlestown 02129
Parcel ID	0200412000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Proponent is seeking alterations to the one-unit rowhouse that would increase the total livable area in the first, second, and third floors from 2,281 to 2,354 square feet, and in the basement from 544 to 792 square feet. These alterations include adding a new space in the basement, adding a half bathroom and extending the kitchen towards part of the existing deck on the first floor, and adding a roof deck and renovating the existing bathroom on the second floor.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

Located two blocks away from the Bunker Hill Monument, 4 Cross Street is a 2.5-story attached rowhouse, the predominant housing typology on the block. The surrounding neighborhood is mostly similar design historic attached houses. These additions create outside massings that are only visible from the rear. The proponent is seeking alterations that would increase the total livable area by adding a new space in the basement, adding a half bathroom and extending the kitchen towards part of the existing deck on the first floor, and adding a roof deck and renovating the existing bathroom on the second floor.

Although the lot is located in a Neighborhood Design Overlay District (NDOD), we are not recommending Design Review because the exterior additions are only visible from the rear, and most of the additional area is added to the existing basement.

The Parcel is within PLAN: Charleston in the specifically outlined historical residential area of

the Original Peninsula. The plan details the importance of avoiding demolishing and preserving the existing historical context. To do so creative solutions where existing structures are preserved are encouraged for projects.

Zoning Analysis:

The project exceeds the allowable FAR limit of 2.0 for the 3F-2000 subdistrict, proposing a FAR of approximately 2.35, up from the existing 2.28—a minor increase. The block predominantly consists of 2.5- to 3-story buildings, many of which already surpass the 2.0 FAR limit. This suggests that the proposed density is consistent with the neighborhood's established character, and thus presents a case for zoning reform to align dimensional regulations with existing context.

Since several nearby buildings already match the proposed density, and the project will result in only minor exterior alterations, it should be permitted to move forward.

The plans entitled Duncan Marr House - Addition/Renovation at 4 Cross Street prepared by MASHEK MACLEAN ARCHITECTS on FEBRUARY 21, 2024 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1644118, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department

BOA1644118

2024-11-07

Planning Department



Case	BOA1562426
ZBA Submitted Date	2024-01-12
ZBA Hearing Date	2024-11-07
Address	30 Dwight ST Roxbury 02118
Parcel ID	0305795000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Construct a rear deck on the second story of an existing rowhouse.
Relief Type	Conditional Use
Violations	Town/Rowhouse extension into rear

Planning Context:

The proposed project would add a two story rear deck to an existing rowhouse. This area of the South End is characterized by rowhouses, often with rear decks similar to the proposed project.

Zoning Analysis:

The proposed project would trigger the need for a conditional use permit, "Town/Rowhouse extension into rear", as the proposed rear deck would further encroach on the rear yard. Section 64-9 of the zoning code states "this Article shall be conditional if such Proposed Project involves the extension of a Town House or Row House into a rear yard, where such extension: (a) increases the gross floor area of such Town House or Row House by fifty (50) or more square feet; or (b) involves the addition of a porch or balcony, other than a roof deck, above the first story." As this project is constructing a rear deck above the first story, the need for a conditional use permit is applicable.

While it would trigger the need for a conditional use permit, many of its neighbors have rear decks that protrude further than the proposed addition. The construction of a deck would allow for better activation of a residential yard. The yard to the rear of the project has already constructed a brick patio that extends the activated area of the house and lends credence to the appropriate fit of the proposal.



Recommendation:

In reference to BOA1562426, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Paul".

Planning and Zoning Director, Planning Department



Case	BOA1649258
ZBA Submitted Date	2024-09-04
ZBA Hearing Date	2024-11-07
Address	43 Bowdoin ST Boston 02114
Parcel ID	0300043000
Zoning District & Subdistrict	Underlying Zoning Boston Proper H-2-65
Zoning Article	13
Project Description	The proposal includes renovating the basement, first, and second floor units of an existing building, including a two-story attached extension, and converting all office space to residential.
Relief Type	Variance
Violations	FAR Excessive Usable Open Space Insufficient Parking or Loading Insufficient

Planning Context:

43 Bowdoin St is a five-story rowhouse with a ground floor commercial unit (currently office space) and eight residential units above. At the rear of the building there is an attached two-story building that currently extends the existing office space use. The lot on which the property sits is long and rectangular in shape with jagged lot lines that make the back of the parcel narrow with multiple corners. The parcel is incredibly unique in comparison to other parcels in the area. The neighborhood is mixed use with a diversity of housing types including five story row houses with ground floor commercial units and large multi-unit apartment complexes. Additionally, there is a church and approximately 30-story commercial building with an attached parking garage directly across from the property.

The property is situated in a transit rich and walkable area. It is 0.2 miles (approximately a 4 minute walk) to the MBTA Blue Line at Bowdoin Station and 0.4 miles (approximately 9 minute walk) from the MBTA Orange Line at Haymarket station. Additionally the neighborhood surrounding the property was given a 90-100 mobility score from the Boston Transportation Department.

The proposal includes renovating the basement, first, and second floor units, including the two-story attached extension, and converting all office space to residential. The renovation would



create two new multi-bedroom dwelling units at the site in an area where larger multi-bedroom units are in high demand. Additionally, in July 2023, Mayor Wu announced the launch of a Downtown Residential Conversion Incentive Program for higher vacancy office buildings with a goal of supporting owners and developers of older commercial office building space in converting to residential units. The City's program is designed to help increase economic activity in Downtown Boston by increasing the amount of people living downtown, while helping stabilize the office market. While this building is not applying for the Office to Residential program specifically, the conversion of office space to residential units at any scale is essential to further the goals of the program.

Zoning Analysis:

The subject property was cited for three violations in total, two of which are dimensional in nature. Of the two dimensional violations, two (Floor area ratio and insufficient open space) are pre-existing conformities given the age of the house (built in 1899) and the adoption of the Boston Proper regulations for H-2-65 (last amended October 12, 1988). The property was cited insufficient parking. There is currently no on site parking provided for either the existing residential units or office space and no new parking is being proposed. The conversion of the office space to residential requires a parking ratio of 0.7 per dwelling unit the Boston Proper Neighborhood (Section 23-1. - Residential Uses) for properties with a permitted FAR of 2.0.

Given the unique shape of the parcel and positioning of the property, the requirement to add parking presents a significant burden to the current and any future property owners.

Additionally, given the access to transit, walkability of the neighborhood, and neighborhood context (surrounding residential properties of a similar scale to do not offer on-site parking) zoning relief is appropriate. This is a case for zoning reform to align parking minimums and dimensional requirements with the existing built patterns of Boston.

Recommendation:

In reference to BOA1649258, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1651513
ZBA Submitted Date	2024-09-11
ZBA Hearing Date	2024-11-07
Address	20 Myrtle ST Boston 02114
Parcel ID	0501884000
Zoning District & Subdistrict	Boston Proper H-2-65
Zoning Article	Underlying Zoning
Project Description	Change use of a one-story law office building to retail space.
Relief Type	Conditional Use
Violations	Nonconforming Use Change Conditional Uses

Planning Context:

The site is an existing one-story historic storefront. Most of the buildings in the neighborhood are multi-story mixed use buildings with retail spaces on the ground floor and residential uses above or residential buildings. The project proposes converting the existing building to a retail space. No construction will be done to the interior or exterior of the building.

Zoning Analysis:

The present use as a law office is a nonconforming use. The proposed retail use will also be nonconforming. Article 9 Section 2 outlines that a nonconforming use can be changed to another nonconforming use as long as it goes through public notice and hearing process and follows the terms for conditional use. The proposed use will not adversely affect the neighborhood and it will not bring any new detriment to the neighborhood. There are many other similar retail spaces existing as nonconforming uses across this neighborhood and subdistrict. This should be highlighted as a case for zoning reform and remapping in this area. "Proposed Retail Store" prepared by Stefanov Architects dated July 1st, 2024.

Recommendation:

In reference to BOA1651513, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1660656
ZBA Submitted Date	2024-10-09
ZBA Hearing Date	2024-11-07
Address	590 E Broadway South Boston 02127
Parcel ID	0603187000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	This proposal seeks to change the use of an existing building from a professional office with two residential units above to a professional office, fitness studio, and two residential units above.
Relief Type	Conditional Use
Violations	Use Regulations

Planning Context:

590 E Broadway is a three-story row house located just before the corner of E Broadway and Emerson St. The lot is short and wide with a perpendicular lot lines and a slanted lot line at the rear of the property abutting Emerson ST. The neighborhood has a diversity of building types including primarily residential buildings and mixed use buildings. Surrounding the property are uses such as a beauty lounge, yoga studio, professional offices, and restaurants. Additionally, the area is very walkable and well serviced by a number of bus routes including the 9 and 10 with frequent access to the Red line at Andrew and Broadway Stations.

This proposal includes exterior updates such as lighting and paint to the property and a fitness studio use to the existing professional office and two dwelling units. No plans were submitted.

Zoning Analysis:

The property is located in the South Boston Neighborhood MFR/LS district with a restricted parking district overlay. In the MFR/LS district a fitness center or gymnasium use is forbidden (TABLE A - South Boston Neighborhood District Use Regulations Residential Subdistricts).



According to section 6-3: Conditions Required for Approval, the Zoning Board of Appeal may grant a conditional use so long as the following conditions are met: " (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;"

However, without adequate plans for the subject property the Planning Department cannot make a decision if the use is appropriate for the area and meets the conditions required for conditional use approval.

Recommendation:

In reference to BOA1660656, The Planning Department recommends DEFERRAL: adequate plans must be submitted for review.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1640459
ZBA Submitted Date	2024-08-15
ZBA Hearing Date	2024-11-07
Address	5 to 7 Denvir ST Dorchester 02124
Parcel ID	1601741000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Build a new curb cut, driveway and two parking spots in the rear yard of an existing house.
Relief Type	Variance
Violations	Usable Open Space Insufficient

Planning Context:

The property is an existing two- and a half-story, two-unit house. It takes up the majority of the parcel mostly towards the front, while the rest is open green space mostly in the rear yard. The surrounding houses are of a similar typology and have off street parking but with additional open space in line with zoning requirements. The house is located on a corner lot at the intersection of Denvir St and Shepton St; the primary facade and front entrance is oriented to Denvir St. The proponents are proposing to build a 10'-0 wide curb cut and driveway on Shepton St, converting the side and rear yard into two car off-street parking. Based on Google Earth imagery dated October 2023, these changes may require the removal of existing trees on the site.

Zoning Analysis:

Due to the new proposed parking, the site will have a violation of insufficient open space. The property is required to have 1,500 SF (750 SF per unit). The open space presently on site according to the requirements set by Article 65 is 1,105 SF which is an existing nonconformity. With the proposed parking the open space would be decreased to 548 SF. This would be worsening the already existing violation. Additionally, the curb cut would remove a public on-street parking space for private parking. "5-7 Denvir Street" prepared by Paul Lindholm, P.E. dated April 28, 2024

Recommendation:

In reference to BOA1640459, The Planning Department recommends DENIAL.



Planning Department

CITY of BOSTON

Reviewed,

A handwritten signature in blue ink, reading "Amee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1640461
ZBA Submitted Date	2024-08-15
ZBA Hearing Date	2024-11-07
Address	5 to 7 Denvir ST Dorchester 02124
Parcel ID	1601741000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Construct a rear deck with associated stairs and complete interior renovations.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

The proposed project would entail interior renovations as well as the addition of a rear staircase for a newly constructed deck. The existing building is a 2.5-story one-unit home with a considerable rear yard. This area of Dorchester is characterized by one-, two-, and three-unit residential buildings, often with rear decks similar to the proposed project.

Zoning Analysis:

The proposed project triggers only one violation: insufficient side yard. However, this project is making no changes to the side yard of the house, only the rear yard. This violation has already been triggered by the existing building and would have required a variance. The proposed project would not extend this violation in any material way. The existing side yard is 7.1 feet in the right side yard and 6.1 feet in the left side yard while the requirement for the area is a minimum of 10 feet. This is a case for zoning reform to have dimensional regulations that better match existing context as the neighborhood side yard standards do not reflect the built reality of the neighborhood.

Recommendation:

In reference to BOA1640461, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Ranta".

Planning and Zoning Director, Planning Department



Case	BOA1649103
ZBA Submitted Date	2024-09-03
ZBA Hearing Date	2024-11-07
Address	2 Michael RD Brighton 02135
Parcel ID	2204927011
Zoning District & Subdistrict	Allston/Brighton Neighborhood 1F-5000
Zoning Article	51
Project Description	Add a four-foot bump out of the building entrance to improve door operability.
Relief Type	Variance
Violations	Front Yard Insufficient

Planning Context:

The proposed project intends to add a bump out to the existing basement entryway extending four feet from the building face into the front yard of the parcel. The addition would extend only two feet beyond the current extent of the exterior wall of the upper story of the building. The purpose of this addition is to improve the ability of the doorway to open fully. This project is proposing minor alterations to make improvements to an existing residential building.

Zoning Analysis:

Per dimensional regulations for detached single-family houses in this subdistrict, the required front yard setback is 20'. However, Section 51-9. - Dimensional Regulations Applicable in Residential Subdistricts allows for building additions into required yard space for existing non-conforming structures, stating "Within a One-Family Residential Subdistrict, Two-Family Residential Subdistrict or Three-Family Residential Subdistrict, additions to existing Detached Dwellings or Main Buildings may extend into a required yard (except the Front Yard) when the existing Detached Dwelling or Main Building is already nonconforming with respect to that yard; provided that such non-conformity affects at least seventy percent (70%) of the total length of the wall facing such required yard."



The existing condition of the front yard is nonconforming at 17.6' to the building front, and 15.6' to the front of the overhanging upper story. The proposed addition would reduce the front yard setback along its face to 13.6'.

The following recommendation is based on plans submitted by Berdi Consulting and reviewed for the Zoning Board of Appeal on August 6, 2024.

Recommendation:

In reference to BOA1649103, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1643227
ZBA Submitted Date	2024-08-21
ZBA Hearing Date	2024-11-19
Address	423 William F McClellan Hw East Boston 02128
Parcel ID	0102279000
Zoning District & Subdistrict	East Boston Neighborhood, Conservation Protection Subdistrict
Zoning Article	11, 53
Project Description	The proposed project seeks to erect a digital billboard with dimensions of 14.5 feet by 48 feet with a height of 60 feet facing the William F. McClellan Highway.
Relief Type	Use and dimensional
Violations	Insufficient Front Yard Excessive Sign Height Excessive Sign Area Forbidden Use Conditional Use

Planning Context:

The proposed project is located in a privately-owned green space along the William F McClellan Highway in the East Boston Neighborhood District. The site is in a Conservation Protection Subdistrict, adjacent to two residential subdistricts.

The proposed project seeks to erect a digital billboard with dimensions of 14.5 feet by 48 feet with a height of 60 feet facing the William F. McClellan Highway. The Planning Department does not recommend zoning relief for this project due to its inconsistency with citywide and East Boston-specific policies for electronic billboards.

Zoning Analysis:

The proposed project has five zoning code violations, starting with Article 11 Section 6 which states that billboards within 660 feet of a federally funded highway are a conditional use. Furthermore in Article 53 Section 27, the East Boston Neighborhood District forbids the construction of new billboards in Conservation Protection Subdistricts. Finally, the proposal



violates dimensional regulations including minimum front yard, and maximum sign height and area.

Recommendation:

In reference to BOA1643227, The Planning Department recommends **DENIAL**. Similar application to erect a digital billboard on the same site was denied by the Board on April 11, 2023 (see BOA 1214604).

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1640825
ZBA Submitted Date	2024-08-15
ZBA Hearing Date	2024-11-19
Address	261 Bunker Hill ST Charlestown 02129
Parcel ID	0201655100
Zoning District & Subdistrict	Charlestown Neighborhood
Zoning Article	Article 62
Project Description	Project seeks to rebuild and expand an existing roof deck, and replace an existing head house on top of an existing three-story residential condominium building.
Relief Type	Variance
Violations	Rear Yard insufficient, Side yard insufficient and Roof Structure Restrictions

Commented [1]: @lamei.zhang@boston.gov @jeffrey.hampton@boston.gov @joanne.m.marques@boston.gov This one is ready to go out. Thanks for your work on this Lamei!

Planning Context: Project seeks to rebuild and expand an existing roof deck, and replace an existing head house on top of a three-story residential condominium building. The proposed deck would cover nearly the full size of the roof. The current roof deck is roughly 200 square feet, and the proposed expansion would be 1,144 square feet in size. The stairwell to the roof deck will remain unchanged. The proposal also includes an outdoor fireplace on the roof, and guardrails surrounding the perimeter of the roof deck.

The existing building is on a corner lot, at the intersection of Bunker Hill Street and Cook Street, and shares a wall with the adjacent building, 263-265 Bunker Hill Street. Bunker Hill Street is a key corridor in Charlestown. This portion of Bunker Hill Street is primarily residential in character, with a mix of 2, 2.5, and 3-story residential buildings. Roof decks are a common feature of buildings in this area, with several neighboring buildings also having roof decks, including: 249, 251, 253-259, and 266 Bunker Hill Street. However, these roof decks are smaller than the one the project is proposing.

The proposed project is located in the Charlestown Neighborhood Zoning District. The project is situated in the Original Peninsula section of the neighborhood, as identified PLAN: Charlestown,



which was adopted by the BPDA Board in September 2023. The PLAN provides a comprehensive framework for how development can help provide more affordable housing, open space, resilience, economic opportunity, and access to essential retail and services.

PLAN: Charlestown recognizes the historically rich character of residential buildings in this area, the diversity of topography in the neighborhood, and allows for some flexibility on the development of building features like roof decks. PLAN: Charlestown recommends that roof decks be located on only flat roofs, at the rear of the rooftop to reduce visibility from the public right-of-way, and be offset a minimum of five feet from all roof edges.

Zoning Analysis: The project is located in a 3F-2000 subdistrict, and triggers two dimensional violations based on existing nonconformities: rear yard and side yard. Article 62 requires that buildings in 3F-2000 subdistricts provide a minimum of 2.5 feet of side yards, and a rear yard of 25 feet. The existing project has no side yard due to it being a corner lot and having a shared wall with the neighboring 263-265 Bunker Hill Street property. The existing rear yard is roughly 15 feet in depth, and is an existing nonconformity.

The project also requires a conditional use permit because it triggers Roof Structure Restrictions, per Article 62-25. Based on the schematic drawings, the project proposes to build a flat wooden beam on top of the existing roof, which appears to have a slope of more than 5 degrees, and build the new deck on the new flat beams without altering the existing roofline. The proposed deck would cover nearly the full roof area, in some areas, flush to the roof edge.

While the development and repair of a roof deck is common in this portion of Charlestown, the project's proposal does not align with the design guidelines of the recently adopted PLAN: Charlestown, nor does it align with the neighboring properties which also have roof decks. As such, it is recommended that the proposal be revised to reduce the size of the roof deck, make efforts to allocate the roof deck to the rear of the roof, and include elevations into their drawings.

The plans entitled PROPOSED ROOFTOP DECK ADDITION AND STAIR HEADHOUSE MODIFICATIONS, 261 BUNKER HILL STREET, CHARLESTOWN, MA prepared by SSA DESIGN GROUP on DATE UNKNOWN were used in preparation of the recommendation.

Recommendation:

BOA1640825
2024-11-19
2 Planning Department



Planning Department

CITY of BOSTON

In reference to BOA1640825, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rantz".

Planning and Zoning Director, Planning Department



Case	BOA1619123
ZBA Submitted Date	2024-06-26
ZBA Hearing Date	2024-11-19
Address	60 to 70 Cross ST Boston 02113
Parcel ID	0302396000,0302397000
Zoning District & Subdistrict	North End Neighborhood SALEM ST NS/HANOVER CC
Zoning Article	54
Project Description	<p>Proposed project involves combining the lots of 53-55 Salem St and 198 Hanover St. The existing 4-story building at the front of 53-55 Salem St would be maintained and renovated. The 1-story building at the back of 53-55 Salem St, as well as the 1-story buildings on 198 Hanover St, are proposed to be razed and replaced with a new 2.5-story building.</p> <p>In the renovated building on 53-55 Salem St, the uses would be a restaurant with accessory culinary arts education on the ground floor and residential on the second through fourth floors (one unit per floor for a total of three units). There is also a roof deck proposed with exclusive access for the top floor unit.</p> <p>In the proposed 2.5-story building, the proposed uses are retail and restaurants, including take-out. The top story is a half story which would contain a cafe, and the rest of the second story roof would be occupied by outdoor seating.</p>
Relief Type	Variance, Conditional Use
Violations	Roof Structure Restrictions Height Excessive Rear Yard Insufficient Roof Structure Restrictions

Planning Context:

This project was previously reviewed by the Planning Department for the ZBA hearing on 10/29/2024. Because no new plans have been submitted, the Planning Department’s recommendation has remained the same.

The location of the proposed project (Hanover St and Salem St at Cross St), serves as an entrance to the North End and faces the Rose Kennedy Greenway. Additionally, the Freedom



Train runs along the proposed project on two sides. This makes the project highly visible in one of Boston's most iconic and visited areas.

Because this project is within hundred (100') feet of a park (the Rose Kennedy Greenway), it requires review and approval from the Parks and Recreation Commission (City of Boston Municipal Code 7-4.11).

Zoning Analysis:

This project is flagged for three violations related to Section 54-18 (Roof Structure and Building Height Restrictions):

1. The project is flagged for a violation related to the roofline reconfiguration. This is because Section 54-18 states that "no roofed structure 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 therefor."
2. The plans also state that the project will include adding a private roofdeck with head house to the roof of the existing building on 53-55 Salem St. Section 54-18 states that access to a roofdeck by a head house requires approval from the Board of Appeal. Section 54-18 also states that roof decks must be less than one foot above the highest point the roof and the total height of the building, including such deck, must not exceed the allowed maximum building height. In addition, any hand rail, balustrade, hatch, or bulkhead must be set back horizontally, one foot for each foot of height of such structure, from a roof edge that faces a street more than twenty feet wide. Because the plans do not show the height of the proposed roofdeck, it can not be determined whether it complies with these zoning regulations.
3. Section 54-18 also states that "The height of any building existing as of June 24, 1985, shall determine the allowed building height on that lot subsequent to total or partial demolition or destruction of such building." Because the proposed height (2.5 stories) exceeds the existing height (1 story), the project requires approval from the Board of Appeal. This paragraph of Section 54-18 goes on to say that "In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures." There are two lots which would be affected by the proposed project: 57-61 Salem St and 206-208R Hanover St. The residential building at the rear of 57-61 Salem St



would lose all air and light access on the south side of the building due to the proposed building. 206-208R Hanover St would also lose some light and air access (although there is a space between this existing building and the lot line which helps mitigate the issue). The proposed building should be set back from the rear lot line so there is at least 5-10 ft of space between the new proposed building and existing abutting buildings to maintain light and air access to existing windows.

The project is also flagged for a rear yard violation because it proposes a rear yard of 0 feet, while the zoning requires a rear yard of 12 ft. Although a 12 ft rear yard may not be feasible due to the shallowness of the lot, the project should not receive a variance for the proposed 0 foot rear yard. As noted above, the project should be amended to include a larger rear yard, which would allow more space between the proposed buildings and the existing buildings on 57-61 Salem St and 206-208R Hanover St to maintain light and air access.

The project is also in two overlay districts: The Freedom Trail Neighborhood Design Overlay District (NDOD) and the Greenway Overlay District (GWOD).

Because the project is in the Freedom Trail NDOD (and proposes the erection of a new building), it is subject to the Design Component of Small Project Review and must follow specific design guidelines set forth in Article 54. These design guidelines include that "Contemporary design for new structures, or for additions to existing structures, shall not be discouraged, if such design is compatible with the size, material, and character of the existing structure, if any, and the surrounding neighborhood environment. Alterations to create earlier or later appearances are discouraged."

Additionally, because the project is the GWOD (and proposes the erection of a new building), it is subject to the Design Component of Small Project Review and also must follow specific design guidelines set forth in Article 49A. These design guidelines include that that project "shall be designed such that the exterior proportions, scale, massing, facade design, materials, colors, and architectural detailing are compatible with the observable historical and architectural character of other buildings in the area..."

Therefore, although the zoning does not discourage contemporary design, the applicant should consider amending the proposed design to be more compatible with the materials, architectural detailing, and historic character of the area. Any approved project at this location will require



Planning Department Design Review to ensure that it complies with the design guidelines of both Article 49A and Article 54.

This recommendation was written using plans prepared by George C. Collins. These plans were submitted and reviewed by ISD on 6/20/2024.

Recommendation:

In reference to BOA1619123, The Planning Department recommends DENIAL WITHOUT PREJUDICE Project should be amended to improve access to light and air for adjacent buildings by increasing rear yard so there is at least 5-10 ft between the new and existing buildings. Applicant should also consider improving compatibility with the materials, architectural detailing, and historic character of the area in line with the design guidelines of Article 54 and Article 49A. Adequate plans must also be submitted for review which show roof deck height and access.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1633160
ZBA Submitted Date	2024-07-29
ZBA Hearing Date	2024-11-19
Address	125 B ST South Boston 02127
Parcel ID	0601360000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	86
Project Description	Install a wireless rooftop cellular antenna and associated equipment on top of an existing penthouse.
Relief Type	Conditional Use and Dimensional Variance
Violations	Use and Dimensional Regulations

Planning Context:

The proposed project seeks to install a wireless cellular antenna and associated equipment on the roof of an existing multifamily residential building at 125 B Street in South Boston. 125 B Street is a three-story multifamily residential building. The equipment will be placed on the roof of the rooftop penthouse to minimize issues with existing mechanicals on the roof. Although this area is zoned as MFR, this section of B Street contains a mix of uses that range from industrial, open space with Flaherty Park, and a range of residential uses of generally two to three stories.

Zoning Analysis:

The violation letter states a violation in regards to the use and dimensional regulations. Under Article 86, in a residential district, a rooftop or facade-mounted antenna is considered a conditional use, and it must also comply with the dimensional requirements in Section 86-6. Specifically, the section requires that a roof-mounted antenna be set back 10 feet, or 10% of the roof depth (whichever is greater), from the roof edge.

However, the rooftop penthouse where the equipment will be installed is approximately 10' by 10' in size, which means it cannot meet the required 10-foot setback. Given this, a conditional use permit and zoning relief should be granted. The penthouse is one of the furthest points from the street, which will help minimize its visibility from the public view. Additionally, design review



will ensure that the antenna blends in with the existing building, following the guidelines in Section 86-4 to minimize its visual impact.

The plans reviewed are titled ALT1556264 Zoning Refusal Set 7-23-24.pdf and are dated 7/23/24. They were prepared by DISH Wireless and NB+C Engineering Services, LLC.

Recommendation:

In reference to BOA1633160, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to ensure that the visibility of the equipment is minimized.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1636406
ZBA Submitted Date	2024-08-06
ZBA Hearing Date	2024-11-19
Address	617 Dorchester Ave South Boston 02127
Parcel ID	0703387000
Zoning District & Subdistrict	B-1
Zoning Article	Base Code
Project Description	Construct a 13-unit, four-story building on a currently unoccupied through block.
Relief Type	Variance
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Conformity with existing building alignment

Planning Context:

The Proposed Project is located in South Boston, within a General Business (B-1) subdistrict, pursuant to the base Zoning Code. The project site is located within the Coastal Flood Resilience Overlay District (CFROD), which requires new construction of a certain size to meet resilient design standards. While this proposed project falls under the minimum threshold, the standards outlined in the overlay district act as a guide for the project. These standards include elevating the ground floor of the building above Base Flood Elevation (BFE) for the year 2070, and limiting the uses that can be located below the Design Flood Elevation (DFE). The design proposal cites the ground floor at 22' BCB, in alignment with the CFROD requirements.

There are no recent local planning initiatives for the site at 617 Dorchester Ave. The proposed development is located outside the boundaries of the study area for the PLAN: South Boston, Dorchester Avenue study area.

The Proposed Project is located at the nexus of several planning neighborhood contexts. Across Boston Street, to the east, the neighborhood is characterized by the traditional three-



story buildings that comprise much of the residential fabric of the Dorchester neighborhood. The area west of the site is anchored by the South Bay Center, a major retail and residential development established in phases over the preceding decades.

As per the precedents set by the evolving neighborhood fabric and street network surrounding this Proposed Project, the General Business subdistrict within the Dorchester neighborhood has come to represent areas dominated by mixed-use, multi-family residential developments at heights above existing zoning regulations.

Zoning Analysis:

The proposed project has a total of 8 zoning violations that would require variances. The first group of violations is in regard to dimensions of the project. The proposed building is too tall in both feet and stories. The underlying zoning calls for a max height of 40 feet, or 3 stories. The proposed project is 41 feet tall and has 4 stories. This also helps to contribute to another violation: Excessive FAR. The underlying zoning calls for a max FAR of 1.0. The proposed project has a potential FAR of 2.74. and would be much denser than the surrounding sub article 80 developments.

The front yard setback is also insufficient according to the code. As the project is on a through block, it has frontage on both Boston St and Dorchester Ave. The requirement for both streets is a front yard setback of 5 feet. The proposed project has a setback of 4.1 feet on Dorchester Avenue, and a 3.4 foot setback on Boston Street. This violation may not be relevant to the proposed project as both streets the project abuts have a modal setback. However, the proponent has not provided calculations for the modal setback so it cannot be properly reviewed.

The second set of violations is in regards to the lot itself. The first is insufficient additional lot area. For the amount of units proposed, the lot would have to have an area of 15,000 Square feet. The existing lot has a total area of 6,134 Square feet, well under half of the requirement. In addition, the project also has insufficient usable open space. The minimum requirement is 2,600 Square Feet while the proposed project is providing none, in an area with a dearth of usable open space.

The final violation is insufficient Off-Street parking. The proposed project will provide 0 spaces for residents while the zoning mandates a ratio that would require a total of 12 spaces.



Recommendation:

In reference to BOA1636406, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Planning Department for design review.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rando".

Planning and Zoning Director, Planning Department



Case	BOA1635245
ZBA Submitted Date	2024-08-02
ZBA Hearing Date	2024-11-19
Address	64 Harvest ST Dorchester 02125
Parcel ID	0703121000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000 & Neighborhood Design Overlay (NDOD)
Zoning Article	65
Project Description	This proposal is seeking to build a roof deck for the exclusive use of the top floor unit.
Relief Type	Variance
Violations	Height Excessive (ft) Side Yard Insufficient

Planning Context:

64 Harvest ST is a three-story, three-unit triple decker in a primarily residential area. The lot on which the property sits is thin and rectangular with perpendicular lot lines that are slightly askew in comparison to other parcels for similar building types. The neighborhood has a diversity of housing types including other 2- and 3- story row houses, duplexes, and large multi-unit apartment complexes. The neighborhood has a diversity of housing types including other triple decker's, duplexes, single- unit homes, and larger multi-unit apartment buildings (6 units). The proposal includes the construction of a roof deck for the exclusive use of the 3rd-story unit.

Zoning Analysis:

This project is a case for zoning reform to create dimensional regulation requirements that better match the scale of the building and surrounding area. The property was cited for two dimensional regulation violations (excessive building height (ft) and insufficient side yard). Of the two violations, one (insufficient side yard) is a pre-existing conformity given the age of the house (built in 1905) and the adoption of the Dorchester Neighborhood regulations for 3F-5000 (most recently amended in 2023).



In the 3F-5000 district (Article 65, Table C) a side yard setback of 10 feet is required but the property has two pre-existing side setbacks of 2.6 feet and 3.3 feet. Although the side yards are being extended, they are not being worsened by the proposal. The maximum building height of 35 feet is permitted in the district. The roof deck would bring the building height to 38.81 feet. The minimal increase in height is appropriate and still contextual with the neighborhood. However, the property is located in a Neighborhood Design Overlay, meant to protect this historic character of the streetscape and as such the roof deck will need to be reviewed for compliance.

Recommendation:

In reference to BOA1635245, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rando".

Planning and Zoning Director, Planning Department



Case	BOA1593227
ZBA Submitted Date	2024-04-24
ZBA Hearing Date	2024-11-19
Address	282 Walnut AVE Dorchester 02119
Parcel ID	1203340000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	Add a seventh unit, located in the basement, to an existing six unit building.
Relief Type	Variance
Violations	FAR Excessive Usable Open Space Insufficient Parking or Loading Insufficient Forbidden Use (MFR)

Planning Context:

The proposed project sits in an established residential subdistrict in Roxbury's Washington Park area. Its surrounding context consists mostly of 2.5- to 3-story structures with a mix of two-family to multifamily residential land uses. Several civic amenities also sit within immediate proximity (quarter-mile) of the structure. These include: Higginson Elementary School and Schoolyard, National Center of Afro-American Artists and NCAA Museum Grounds, David A Ellis School and Schoolyard, Crawford Street Playground, Trotter Elementary School and Playground, Horatio Harris Park, Laviscount Park, Boston Latin Academy, Malcom X Park, Melan A. Cass Recreation Complex, Boston Islamic Center, and several childcare establishments. Bus stops for the MBTA's 32, 34, 36, 38, 42, and 44 routes are within walking distance (quarter-mile) of the project.

The project site is currently occupied by an existing 3-story, 6-unit multifamily residential apartment building. The proposed project seeks to renovate the structure's existing basement storage space into an additional basement dwelling unit (bringing the structure's total occupancy to 7 units). Because the project does not sit in a flood zone, and sits within a structure that provides appropriate egress and access to light and air, a basement unit is appropriate for the site. No exterior alterations to the existing structure are proposed by the project. This project scope is supported by the planning goals outlined in the Roxbury Strategic Master Plan



(adopted 2004): (1) to incentivize the development of a mix of housing typologies, as a way of allowing residents of various income-levels to remain in the neighborhood; (2) to prioritize the construction of new housing / dwelling units in locations accessible to public transit; and (3) to preserve and prioritize adaptive re-use for historic structures as a way to maintain and affirm Roxbury's existing architectural character.

Zoning Analysis:

The project's forbidden use violation relates to its proposed multifamily residential use within a three-family residential subdistrict. This multifamily residential use is an existing nonconformity (6 existing dwelling units) proposed to be expanded (net addition of 1 dwelling unit). Because of the structure's existing multifamily occupancy as well as the fact that no exterior alterations to the existing structure are proposed, the proposed occupancy increase will produce minimal impacts to the surrounding area. The project's surroundings also include several other existing multifamily residential structures with similar (or larger) occupancies.

Similarly, the project's excessive FAR violation relates to the extension of an existing nonconforming dimension. Both the project's current (1.66) and proposed (1.9) FAR sit in excess of what is permitted by zoning for the area (0.8). Because this increase in FAR does include any expansion of the existing structure's footprint (relates only to the conversion of existing storage space to living space), its impacts on both the existing structure and surrounding area are negligible. Further, the majority of the project's surrounding structures also exceed the area's maximum allowed FAR, with existing figures ranging from 1.0 to 2.7.

The project's usable open space violation is also an existing dimensional nonconformity. Because the proposed project maintains the lot's existing site conditions (no reduction in open space is proposed), the impacts of the violation are considered minimal.

In addition, the site's existing zero-parking condition is proposed to remain. While a violation of zoning for the area, the structure's site conditions do not provide adequate space for off-street parking to be developed. This zero-parking condition is another nonconformity common to the surrounding area, with roughly half of the project's surrounding properties also existing without off-street parking. The potential impacts of this condition are mitigated by the site's close proximity to multiple transit options (6 bus routes accessible via a quarter-mile walk or less).

Due to the prevalence of existing zoning nonconformity in Washington Park, zoning reform for the area is needed. Those efforts should consider: (1) relaxing the regulation of residential land

BOA1593227

2024-11-19

2 Planning Department



uses (to permit multifamily residential uses); and (2) implementing more flexible form- and site-based dimensional regulations (to better fit zoning to the area's existing built context).

While sitting in an area subject to Ordinance 7.4-11 (Parks Design Review), because no exterior alterations to the project's existing site or structure are proposed, the proposed project will not require Parks Design Review.

A proviso for "No Building Code Relief" has been added to this recommendation to ensure that the Building Code's standards for basement living space are met (no head height dimensions are listed in the project's proposed plans).

Plans reviewed are titled "282 Walnut Ave, Roxbury, MA 02119," prepared by Attic Studio, and dated October 22, 2022.

Recommendation:

In reference to BOA1593227, The Planning Department recommends APPROVAL WITH PROVISOR/S: that no building code relief be granted with specific attention to the project's proposed basement ceiling height.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rana".

Planning and Zoning Director, Planning Department



Case	BOA1623617
ZBA Submitted Date	2024-07-08
ZBA Hearing Date	2024-11-19
Address	13 Bird ST Dorchester 02125
Parcel ID	1301753000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Erect a new three unit residential building on a newly created parcel. Related case BOA1623610 would subdivide the parcel at 5 Wheelock Avenue to increase the size of the lot for the building at 13 Bird Street.
Relief Type	Variance
Violations	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Conformity with Existing Building Alignment

Planning Context:

The proposed project seeks to construct a new three unit residential building at 13 Bird Street in Dorchester, in conjunction with BOA1623610 at 5 Wheelock Avenue, which involves shifting the lot line to increase the size of the Bird Street lot.

13 Bird Street is currently a vacant parcel with a large tree canopy and a one-story shed. Although this area is zoned as 3F-5000 within a Neighborhood Design Overlay District, this portion of Bird Street contains a mix of single-family, three-family, and multifamily residential buildings that deviate from the subdistrict’s dimensional requirements including height, and minimum side and rear yard requirements.

This project aligns well with the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would increase the housing stock by building contextually-appropriate infill housing units on a vacant lot.



Zoning Analysis:

The proposal triggers eight violations: insufficient off-street parking, conformity with existing building alignment, insufficient lot area, excessive FAR, excessive height in stories, insufficient front yard, insufficient side yard, and an insufficient rear yard.

While noted for a violation for the neighborhood design overlay district (NDOD), this is not a violation as NDODs were established to protect the historic character, existing scale, and quality of the pedestrian environment.

While the required minimum ratio under Article 65 is 1.0 for the area, zoning relief is appropriate because there are multiple transit services within a 10-minute walk including multiple MBTA bus routes and the Upham's Corner Commuter Rail Station. Additionally, the Boston Transportation Department parking maximum guideline for the site is 0.75, which this project would meet as it is not providing any off-street parking.

Article 65 requires a minimum required lot area of 5,000 square feet. With the subdivision of 5 Wheelock Street through BOA1623610, the lot area of the parcel at 13 Bird Street would increase to 2,571 square feet. This would make the parcel comparable to the other parcels on Bird Street and Columbia Road that contain 3-family residential buildings.

Under Article 65, the front yard must be 15' or conform to the existing building alignment, the side yard must be 10', the rear yard must be 30', the maximum FAR is 0.5, and the maximum height is 2.5 stories and 35'. The project proposes a front yard of 2", a side yard of 7' 2" inches, a rear yard of 5 feet, an FAR of 1.81, and a height of 3 stories or 35 feet.

Although the proposed front yard is 2", it aligns with many of the properties on Bird Street. For example, the properties at 14 and 16 Bird Street have porch stairs that extend onto the sidewalk. Similarly, the proposed side yard of 7' 2" is consistent with side yards along this portion of Bird Street, including between 14 and 16 Bird Street. The proposed rear yard of 5' would also align the property with neighboring properties, such as the rear yard at 9 Bird Street.

The proposed 1.81 FAR is in line with the FAR of neighboring dwellings at 14 and 16 Bird Street, which have similar lot sizes and living areas. The project meets the maximum allowable height in feet at 35 feet, but it exceeds the 2.5-story limit by proposing 3 stories. However, many properties in the area, such as 499 and 505 Columbia Road and 14 and 16 Bird Street, are also



3 stories. Zoning relief for this contextually consistent height is appropriate as it would allow for fair use of the land.

The plans reviewed are titled ERT1602038plans_forBOA070124 and are dated March 22, 2024. They were prepared by Monte French Design Studio.

Recommendation:

In reference to BOA1623617, The Planning Department recommends APPROVAL WITH PROVISIO: that plans be submitted to the Planning Department for design review.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rando".

Planning and Zoning Director, Planning Department

Case	BOA1623610
ZBA Submitted Date	2024-05-14
ZBA Hearing Date	2024-11-19
Address	5 Wheelock AV 13 Dorchester MA 02125
Parcel ID	1301747000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Subdivide parcel at 5 Wheelock Avenue to increase the size of lot for related case BOA1623617 at 13 Bird Street to erect a new three unit residential building.
Relief Type	Variance
Violations	Lot Area Insufficient FAR Excessive Rear Yard Insufficient

Planning Context:

The proposed project seeks to subdivide the lot at 5 Wheelock Avenue to decrease the lot size from 3,262 square feet to 2,281 square feet to accommodate related case BOA1623617 at 13 Bird Street to erect a new three unit residential building. No changes to the existing structure on 5 Wheelock Street will be made in this process.

5 Wheelock Avenue currently contains a two story single unit residential building. This area is zoned as 3F-5000 within a Neighborhood Design Overlay District; Wheelock Avenue is a short street that intersects Columbia Road and Hancock Street that contains two single unit residential buildings and the off-street parking for the multifamily residential building at 23 Hancock Street.

Zoning Analysis:

The refusal letter states a total of three violations: insufficient lot area, excessive FAR, and insufficient rear yard. Under Article 65, the minimum required lot area is 5,000 square feet, the maximum FAR is 0.5, and the minimum required rear yard is 30 feet. The project is proposing a lot area of 2,281 square feet, and an FAR of 1.05. At present, the existing dwelling has an insufficient rear yard; this existing non-conformity will be exacerbated.

While the lot area will decrease to 2,281 square feet, it will make the parcel comparable to the other parcels on Bird Street and Columbia Road that contain higher density buildings. The proposed FAR of 1.05 is in line with the residential properties on Bird Street such as the ones at 14 and 16 Bird Street, which due to their lot sizes and amount of living space, would have an FAR that exceed 0.5. While the minimum required rear yard is 30 feet, many of the properties on Wheelock Avenue and Bird Street do not meet the minimum required rear yard. The subdivision of the parcel would make the rear yard of 5 Wheelock Avenue align with the rear yard of the neighboring property at 3 Wheelock Avenue.

The plans reviewed are titled ALT1602047plans_forBOA070224 and are dated August 4, 2020. They were prepared by Monte French Design Studio.

Recommendation:

In reference to BOA1623610, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department

2024-11-19
Planning Department



Case	BOA1597917
ZBA Submitted Date	2024-05-02
ZBA Hearing Date	2024-11-19
Address	11 to 5 Ashmont PK Dorchester 02124
Parcel ID	1603092000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-D-3000
Zoning Article	65
Project Description	Build a new four-unit residential building on a vacant lot. The building will include two private roof decks and five covered parking spaces.
Relief Type	Variance, Forbidden Use
Violations	Additional Lot Area Insufficient FAR Excessive Front Yard Insufficient Side Yard Insufficient MFR- Forbidden

Planning Context:

The proposed project is a three-story, four-unit residential building, with each unit containing two bedrooms and two bathrooms. The entrance of the proposed project is located on Ashmont Park, very close to Dorchester Avenue with convenient access to grocery stores and other amenities, and a three-minute walk to the Ashmont MBTA Red Line Station and several bus routes including 15, 18, 215, 22, 23, 26 and 45. It is located near several mixed-use buildings along Dorchester Avenue. Additionally, buildings with more than four units are common in the area.

The site is ideally located for public transit users. Allowing infill development on vacant land surrounding MBTA stops to reduce dependency on cars is a key part of the city's plan to increase public transit use and grow needed housing (Go Boston 2030, March 2017).

Zoning Analysis:

The proposed project site is in a 3F-D-3000 Subdistrict within the Dorchester Neighborhood District. The proposed project has several dimensional violations related to scale and massing, including excessive FAR, insufficient front yard, and insufficient side yard. The proposed FAR is



1.49, exceeding the maximum allowed 1.3. The front yard is proposed at 4'1", below the required 5', and the side yard is 3', also below the required 5'.

This project underscores the need for zoning reform. The proposal is well aligned with the surrounding context, and therefore is a case for zoning reform. Additionally, aligning zoning regulations with the existing context, especially here, where adjacent lots are already zoned for multi-family residences—would help increase housing opportunities near transit. Therefore, the Planning Department recommends zoning relief to allow multi-family residences without requiring additional lot area per unit.

Although the Refusal Letter lists off-street parking requirements as a violation, the latest revised plan shows that the total number of units has been reduced from five units to four units. Zoning requires 1.25 parking spaces per unit, so with 4 units, 5 parking spaces are required. Therefore, the project complies with this requirement.

Recommendation:

In reference to BOA1597917, The Planning Department recommends APPROVAL WITH PROVISIO: that plans be submitted to the Planning Department for design review.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1645854
ZBA Submitted Date	2024-08-28
ZBA Hearing Date	2024-11-19
Address	251 to 253 Wood AVE Hyde Park 02136
Parcel ID	1807208000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	69
Project Description	Combine two parcels under common ownership into a single lot. Construct a two-unit addition to an existing two unit dwelling resulting in a four unit building, and provide three off-street parking spaces by closing an existing curb cut and opening a new one.
Relief Type	Variance
Violations	Lot Width Insufficient FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Parking or Loading Insufficient Nonconforming use change; MFR use forbidden

Planning Context:

The proposed project would combine two parcels, one parcel with an existing 2.5-story, 2-unit dwelling and the other vacant. Further, the proposed project would construct a 2-unit addition to the existing dwelling and add three off-street parking spaces.

The site is at the southeast corner of the block. The parcel with the existing 2-unit dwelling fronts the longer, approximately 350' edge of the block along Wood Avenue (running north/south), and the vacant parcel is to the rear on the shorter, approximately 215' edge of the block along Ellard Road (running east/west). In effect, the combination of the parcels will result in a larger corner lot.

The neighborhood is residential with a consistent urban fabric of 2.5-story residential buildings with front yard setbacks of approximately 18'-20', side yard setbacks of approximately 10'-14', and rear yards of 30'-40' for homes fronting the long edges of the blocks. However, the pattern of lots and building footprints along the shorter edge of blocks is inconsistent. On some blocks,



there are only two corner parcels, whereas others have been divided and consist of three of four parcels.

251-253 Wood Avenue is 0.2 miles away from River Street, where significant commercial uses are located, including the Price Rite grocery store. In addition, it is less than a block north of the study area for the Fairmount Indigo Corridor Plan (adopted in 2014), and just one block west of the study area for PLAN: Mattapan (adopted in 2023). The Fairmount Indigo Corridor Plan aims to "Grow Infill Opportunities": "new housing that fills in vacant lots with context-sensitive residential use is important to strengthening residential blocks," specifying that "New housing that fills in vacant lots...should be of the same scale with sensitivity to the height and massing of existing structures." In terms of housing, PLAN: Mattapan shares similar goals and strategies as the Corridor Plan: "ensure that all existing Mattapan residents have the resources and support they need in order to stay in their homes and neighborhood" and "increase the neighborhood's housing supply." PLAN: Mattapan further specifies: "Although new buildings will inevitably evolve with respect to style and materials, the basic height, building footprints, and rich architectural detail that is found within the neighborhood today should be reflected in new buildings to come. Basic dimensional zoning requirements including front yard setbacks, limits on building square footage, height, and open space will remain unchanged from the current zoning." In terms of parking for infill development, the Corridor Plan recommends parking management within the more commercial areas surrounding the Fairmount Line station areas. PLAN: Mattapan notes that "historically, most of the housing stock in Mattapan provided parking in the form of side yard driveways or detached garages, often located within rear yards. These designs are very effective at reducing the public visibility of parking and paved areas." The PLAN goes on to discuss the recommended design of structured parking for new buildings.

Zoning Analysis:

The proposed project is cited for use, dimensional, and parking violations.

The existing two-dwelling building is non-conforming. The proposed project would exacerbate this non-conformity by adding two more dwelling units. Two unit dwellings are common in the neighborhood - several of the buildings on the same block within the same 1F-6000 subdistrict are two unit dwellings, according to the City's Assessor's database. The proposed project would add additional housing units with an incremental approach that mimics the existing fabric, by attaching a two unit dwelling to an existing two unit dwelling on a double-size lot. There will be



no visible change to the existing building from its primary entrance along Wood Street. Zoning relief for use is recommended.

The site has a lot width of 47', falling short of the zoning minimum of 60'. However, the lot is only 56' at its widest, and narrows in the rear down Ellard Street. Therefore, the lot width is an existing non-conformity and without relief, the zoning would preclude any development on either of the two existing parcels. Zoning relief for lot width is recommended.

The proposed project has an FAR of 0.62, exceeding the zoning maximum of 0.5. Parcels on the same block also exceed the minimum FAR. Based on the City Assessor's data, 239-241 Wood Avenue has an FAR of 0.53, 247-249 Wood Avenue has an FAR of 0.62, and the existing dwelling unit has an FAR of 0.62. Therefore, the proposed project would extend and not exacerbate an existing non-conformity; zoning relief for FAR is recommended.

The proposed project includes a total of 3,050 square feet of open space, or 762 square feet per unit. The zoning minimum is 1,800 square feet per unit. In addition to the lack of square footage, the open space that is provided is piecemeal. There is an existing front yard at the corner of Wood Avenue and Ellard Street that will be retained with dimensions of 18.6' and 13.7', but the rest of the open space is located in the side yards with a max width of 13.7' and in pockets around the surface parking. The back yard is occupied by new surface parking. There are some precedents for dwelling units along the shorter edges of the blocks that lack backyards. For example, the block south of the site also has three parcels along the southern, short-edge of the block. The center parcel is developed with a two-unit dwelling, but the parcel is much deeper than that of the proposed site, therefore, the building fronts short-edge of the block and has a backyard of approximately 35 feet. The backyard is paved and includes a garage, but according to Google satellite imagery from March 2024, cars park along the side of the dwelling and the paved area in the rear is usable for non-vehicular uses. Given the recommendations of both the Fairmount Indigo Corridor Plan and PLAN: Mattapan to build in patterns consistent with the neighborhood context, zoning relief for the usable open space is not recommended.

Consolidating the parking to provide a usable backyard area would help the proposed project provide usable open space more similar to that throughout the neighborhood.

The proposed project is cited for a side yard violation. Given that the project is on a corner lot, it has two front yards, one side yard, and one rear yard opposite from the front entrance on Wood Avenue. The minimum front yard is 25' and side yard is 10'; the new addition has a front yard along Ellard Avenue of 10' 1" and a side yard of 10' 2". The proposed front yard along Ellard



Avenue is consistent with the modal setback defined by the side yard of the two corner lots on either side, given that there are no other buildings that front Ellard Street. In addition, given the narrow width of the lot, requiring two 25' front yards and a 10' side yard on this corner lot would deprive the landowner of reasonable use of the land.

Finally, the project is providing 1.5 parking spaces per unit, instead of the required minimum of 2.0. According to the Boston Transportation Department's Maximum Parking Ratio Guidelines, the project has a recommended maximum of 1.0 spaces for rental units and 1.25 spaces for condominium units. Therefore, zoning relief from the two space minimum is recommended. In fact, further reducing the parking to 1 space per unit would be more consistent with the Boston Transportation Department Guidelines and help create more usable open space.

This recommendation is based on plans submitted by CBC Design and reviewed for the Zoning Board of Appeal on July 17, 2024.

Recommendation:

In reference to BOA1645854, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Plans should be reconsidered to increase usable open space through reducing the parking by one space and reconsidering the site plan to create a usable rear yard space.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1586136
ZBA Submitted Date	2024-04-01
ZBA Hearing Date	2024-11-19
Address	110 to 114 Business ST Hyde Park MA 02136
Parcel ID	1811886000
Zoning District & Subdistrict	Hyde Park Neighborhood LI-2
Zoning Article	69
Project Description	Change of occupancy to a cannabis delivery establishment (recreational use).
Relief Type	Conditional and Forbidden Use
Violations	Conditional use (cannabis) Forbidden use (cannabis buffer zone)

Planning Context:

The parcel is a 42,000 square foot property in an area of Hyde Park primarily characterized by commercial and industrial uses, and concordant Local Industrial (LI-2) zoning. The property contains a 26,000 square foot building, of which this proponent would be a single tenant occupying approximately 1,750 square feet. Proponent seeks to change the occupancy of their space to be used for cannabis storage and delivery. As noted in the authorization letter for change of occupancy from the proponent’s landlord included with submitted plans, the space will only be for storage and delivery. The proposed use is generally in alignment with the existing warehouse and distribution use of the site.

Zoning Analysis:

As noted in Article 69, Table B, cannabis establishments are a conditional use in Local Industrial subdistricts. This cannabis establishment is a delivery business and will have no customer presence. The tenant will occupy a portion of the parcel, and their presence and impacts would be consistent with any other warehousing and distribution business. Accordingly, this location would be well suited for a cannabis delivery business, and relief via a conditional use permit is appropriate. Based on the conditions for approving a conditional use from Article 6, the site is



appropriate for the use, the use will not have adverse effects, no hazards to vehicles or pedestrians seem likely, no nuisance should be created, and the facility appears sufficient to provide adequate and appropriate facilities.

As noted by the applicant to the Cannabis Board, by the Cannabis Board, and by Inspectional Services, this parcel is also within the 2,640' radius from another preexisting cannabis establishment. To that end, the Cannabis Board voted on September 25, 2024 to grant a license conditionally pending zoning relief for a buffer zone variance. More specifically, this buffer zone violation makes this proposal forbidden use requiring zoning relief in the form of a variance. Sweet Wellness LLC is located at 1295-1297 River Street, also in Hyde Park. While Sweet Wellness LLC is a customer-facing business, this applicant is limited to delivery sales, and thus there is neither geographic market competition nor an increase in customer density, making the buffer requirement unreasonably restrictive. Relief is appropriate.

Recommendation:

In reference to BOA1586136, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1621738
ZBA Submitted Date	2024-07-01
ZBA Hearing Date	2024-11-19
Address	77 to 79 Readville ST Hyde Park 02136
Parcel ID	1812620000
Zoning District & Subdistrict	Hyde Park Neighborhood 2F-5000
Zoning Article	69
Project Description	This proposal is seeking relief for the conversion of additional attic space to change from a two to three- unit dwelling and to convert an existing store to office space.
Relief Type	Variance, Conditional Use, Forbidden Use
Violations	Usable Open Space Insufficient Parking or Loading Insufficient Parking design and maneuverability Nonconforming Use Change Use: Forbidden

Planning Context:

77-79 Readville ST is a 2.5-story, two unit detached house with an attached commercial unit at the front of the building in a primarily residential area. The neighborhood has a diversity of housing types including one, two, and three- and story single- and multi-unit dwellings.

The property is within a half mile of the Readville MBTA Commuter Rail Station (an approximately 10 minute walk or 7 minute bus ride) and 0.2 miles away from the 32 and 33 MBTA bus routes.

The proposal seeks to change the use of the building from a two to three unit dwelling by converting attic space into additional livable area and converting an existing, approximately 500 square foot, store to an office in the commercial unit.

Zoning Analysis:

The property was cited for six violations in total. Three of the violations are dimensional (insufficient open space, and off street parking and design) and the remaining three pertain to



the proposed uses at the property (two forbidden uses, three-family and office space, and a change to a nonconforming use).

In Hyde Park's 2F-5000 sub-districts three-family detached dwellings and office uses are forbidden uses, per Article 69, Table A. Although three-unit dwellings are forbidden in the zoning sub-district, there are a number of existing three-unit dwellings in the neighborhood which establishes a context for the use in the neighborhood. Further, the proposal's design creates more housing without impacts to the building's existing massing, site plan, and open space. Additionally the property was cited for change in nonconforming use and forbidden use: office space. The proposal seeks to change the use of the existing commercial space at the property from a store to office space. Pursuant to Article 9 Section 2, a change in nonconforming use may be allowed provided that the Board of Appeal grants permission in accordance with the conditional use approval procedures in Article 6. These conditions include that the use will not adversely affect the neighborhood, there will be no serious hazard to vehicles or pedestrians from the use, no nuisance is created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use. The proposed office use would occupy a vacant storefront: no active ground floor business would be impacted.

Insufficient open space per dwelling unit was also cited as a violation on the zoning refusal letter. According to Article 69 Table F, a minimum of 1,750 square feet is required per dwelling unit in the district. With the inclusion of a third unit, 5,250 square feet is required. The property meets this requirement by providing 5,940 square feet.

The property was also cited for insufficient parking. According to the Hyde Park Neighborhood District Off-Street Parking Requirements (Article 69, Table F) the required number of parking spaces for this 3-unit project is six (6) spaces (2.0 per dwelling unit) and requires two (2) spaces for the office use (2.0 per 1,000 sq .ft of GFA). The proposal maintains two (2) existing parking spaces. Although the proposed off-street parking count is insufficient by six (6) spaces, given the close proximity to the Readville Commuter Rail Station, MBTA bus routes and existing context being similar to other surface parking areas in the neighborhood (some houses with no parking at all), the reduced parking count of two (2) spaces is acceptable. Additionally, the Boston Transportation Department's parking guidelines recommend one (1) space per dwelling unit and 1.25 spaces per 1,000 square feet of office space in this area. As such a total of 4.25 spaces would be deemed appropriate at the property, bringing the current parking available into



closer alignment with Boston Transportation Department's parking guidelines. This highlights a need for zoning reform to reduce parking.

Lastly, the property was also cited for insufficient parking design. Zoning relief is appropriate because the driveway design is a pre-existing non-conformity that would not be exacerbated by this proposal.

Recommendation:

In reference to BOA1621738, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rade".

Planning and Zoning Director, Planning Department



Case	BOA1659217
ZBA Submitted Date	2024-10-03
ZBA Hearing Date	2024-11-19
Address	355 Park ST Dorchester 02124
Parcel ID	1701163000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Construct a new three-story, six-unit, income-restricted workforce condo dwelling on a 3,431sf lot, under the Welcome Home Boston Phase II RFP. The dwelling will be a passive house certifiable with zero off street parking and 100% of units income-restricted for families making 100% AMI or below.
Relief Type	Variance
Violations	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Forbidden Use (MFR)

Planning Context:

This proposed project is one of twenty-six (26) buildings in the second phase of the Welcome Home Boston initiative from the Mayor's Office of Housing. Welcome Home, Boston is a first-time homebuyer program for families earning between 80-100% AMI. This building includes six (6) total dwelling units, proposed as work-force housing and income-restricted at 100% AMI or below. The project includes two (2) one-bedroom units, two (2) two-bedroom units, and one (1) three-bedroom unit.

The project site, located in the Fields Corner area of Dorchester, sits within a quarter mile of the MBTA's Shawmut Station (serving the Red Line) as well as several bus stops (servicing the MBTA's 15, 18, 19, 22, 23, 45, 201, 210, and 215 routes). The Fields Corner MBTA Red Line Station sits a half mile from the project site. Several public open spaces - including the Fannie Lou Hammer Community Garden, Lucy Stone Schoolyard Park, Mothers Rest at Four Corners



Park, Wellesley Park, Nightingale Community Garden, and Doherty-Gibson Playground - also sit within walking distance (quarter mile) of the project. Other amenities - including the Daily Table Grocery, several childcare establishments, and the Washington Street and Dorchester Avenue commercial corridors - are similarly proximal to the site (quarter-mile walk).

The currently vacant project site sits within an established residential area, with a broad mix of housing, including single-family homes, three-deckers, and multifamily apartment buildings. The proximity of the project's site to multiple public transit options, several publicly accessible open spaces, and two robust commercial corridors make it an appropriate location for more housing density than the current zoning may allow. Further, as a part of the Welcome Home Boston initiative, this project shows alignment with several broader City planning goals. These include: (1) to increase the number of affordable homeownership options available to existing residents; (2) to provide additional opportunities for work-force families to grow generational wealth; and (3) to proliferate the development of fully electric building design as a way to reduce the City's negative environmental impacts.

Zoning Analysis:

The project is incorrectly cited for insufficient off-street parking, as Article 65 in Municode does not reflect the contents of Text Amendment No. 454 (adopted 2021). Text Amendment No. 454 exempts projects with at least 60% of units being income-restricted at or below 100% of AMI from any parking requirements. This renders the proposed project's proposed parking condition (0 spaces) compliant with zoning.

Multi-family dwellings are forbidden within the two-family residential subdistricts of Dorchester. However, this 6-unit project, from a design perspective, is similar in scale to many of the existing residential structures found on the project's same block and, more generally, within the project's larger two-family subdistrict. There are also several multi-family apartment buildings already existing nearby within the project's two-family subdistrict, including one of the project's immediately adjacent parcels.

While the project's lot area (3,665 square feet) falls below the minimum threshold required by zoning (5,000 square feet), its size is consistent with the vast majority of the area's surrounding parcels. The average lot size on the project's block is ~3,000 square feet. Only one of the block's thirty-four (34) lots meets the minimum lot size threshold set by zoning.



The proposed project's FAR (1.8) is also in excess of what zoning permits for the area (0.5). Similarly to the project's lot area though, this figure is largely consistent with the project's surroundings. Almost every existing structure on the block has an FAR between 1.0 - 1.5, while the project's neighboring multifamily residential structure has an FAR of roughly 1.75-2.0.

The proposed project's excessive height violation relates to its proposed three-story height. While zoning for the area sets the maximum allowed height at two and a half stories, the vast majority of the area's existing residential structures are of the three-story triple decker typology. The proposed structure's maximum total height, in feet, (35') complies with the maximum allowed by zoning (35').

Finally, the project also violates the area's minimum dimensional requirements for front (15'), side (10'), and rear yard (30') setbacks. The project proposes 5' setbacks from each of the lot's front, side, and rear yards. While in excess of the zoning, these setbacks are contextual to the area. This is especially true for the project's front and side yard setback dimensions, which are similarly scaled to those of the vast majority of the parcel's surrounding properties. The project's proposed rear yard setback is slightly more severe than those surrounding (delta of 5' - 10' on average). However, that difference can largely be attributed to the parcel sitting on an abnormally shallow lot for the area (55' depth on project site, 75' average depth for other lots on the block).

The extent of existing dimensional nonconformity present across the proposed project's surroundings suggests that zoning reform for the area is needed. Future zoning reform efforts here should explore removing minimum lot size requirements and recalibrating the area's dimensional requirements relating to building scale/massing and site conditions.

A proviso for Planning Department Design Review has been added to this recommendation to confirm the project's proposed materials, site plan, and overall design direction.

Plans reviewed are titled "355 Park Street", prepared by Co-Everything LLC, and dated June 30, 2024.

Recommendation:

In reference to BOA1659217, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

BOA1659217

2024-11-19

3 Planning Department



Planning Department

CITY of BOSTON

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Kane".

Planning and Zoning Director, Planning Department



Case	BOA1616380
ZBA Submitted Date	2024-06-18
ZBA Hearing Date	2024-11-19
Address	36 Leyden ST East Boston 02128
Parcel ID	0102046000
Zoning District & Subdistrict	East Boston Neighborhood 2F-4000
Zoning Article	Article 53
Project Description	Subdivide the existing lot of 36 Leyden St into two lots. Lot 1 contains an existing building which will remain and a new building is proposed on lot 2 through companion case ERT1585421. Construct a new driveway with 2 tandem spaces on lot 1 and expand the existing curb cut to 20.9 feet.
Relief Type	Variance
Violations	Front Yard Insufficient Rear Yard Insufficient

Planning Context:

This project was previously reviewed by the Planning Department for the ZBA hearing on 8/13/2024. Because no new plans have been submitted, the Planning Department's recommendation has remained the same.

This application proposes subdividing the existing lot 36 Leyden St into two lots: 36 Leyden St on the West and 36A Leyden St on the East. 36 Leyden St contains an existing 2-unit, 2-story building. A companion case (ERT1585421) proposes a new 3-story, 3-unit building on 36A Leyden St. This area currently contains parking and a side deck on the existing building on 36 Leyden St, which would be demolished. The curb cut for this existing parking is on the East of 36A Leyden St and would be closed, and the companion case includes a new 2-car driveway and curb cut on the West side 36A Leyden St to serve the new building (between the existing and proposed building). There is also a new driveway and extended curb cut proposed on the West side of 36 Leyden St to serve the existing building and replace some of the parking lost by the construction of the new building.



The new driveway on 36 Leyden St would be accessed by extending the curb cut which is currently used to access the driveway on the abutting lot (30 Leyden St). This extended curb cut would be 20.9 ft. Because this curb cut appears to be shared between the two properties and therefore serve at least 3 parking spaces, it seems to comply with the City of Boston Commissioner of Public Works curb cut guidelines which specifies a maximum of 24 ft for driveways serving three or more parking spaces.

Plan: East Boston, which was adopted by the BPDA Board on March 14, 2024, states that in the area where this project is located (Orient Heights) "much of the building stock is small scale, defined by sloping roof forms, large front yards, and wide side setbacks; although more dense uses and larger buildings do exist throughout the area." The plan recommends including Leyden St in a new EBR-2.5 subdistrict "to affirm the existing built character of Orient Heights."

The immediate surrounding area has a variety of housing types. The West side of the block consists of primarily 2-story, 2-units detached houses, while the East is primarily 3-story townhouses. Yards also range significantly, with most front yards between 2 and 10 ft, side yards between 0 and 20 ft, and rear yards between 10 and 30 ft. The existing building fits within this range of size and density at 2-units and 2 stories. Before the subdivision, the parcel also has a very large side yard of almost 30 ft.

PLAN: East Boston also includes that infill development in Neighborhood Residential areas should preserve privately-owned open space and increase permeable areas. The plan states that "The spaces between buildings created by front, side, and rear yard setbacks contribute to neighborhood open space and provide the space needed for trees and other plants to grow. Permeable areas are needed to support groundwater recharge and limit stormwater runoff that contributes to neighborhood flooding and worsens water quality." The proposed project may not comply with the recommended permeable area of lot minimum of 50% which is stated in PLAN: East Boston.

Under PLAN: East Boston recommended zoning regulations, the proposed lot subdivision would mean the lot would not comply with the required 5 foot side yard. However, there would be 10 ft of space between the existing and proposed buildings, which allows for adequate light and air. Because of the addition of the driveway, the project also may not comply with the required



permeable area of lot, which is 50%. However, it is not clear because a full landscaping plan was not provided.

Zoning Analysis:

New zoning for this area to codify the recommendations of PLAN: East Boston was adopted on April 24, 2024. The notice for this new zoning was advertised on April 1, 2024, therefore only projects that applied before this date should be reviewed under the old zoning. This project applied on February 28, 2024, and therefore the old zoning applies. Therefore, it is flagged for insufficient rear yard and front yard for the existing non conforming building. This application involves subdividing the existing parcel into two lots, which also creates violations for lot width and lot frontage. These violations are shown on the refusal letter for the associated case (ERT1585421). The subdivision also creates a side yard violation, as the new lot line would be zero feet from the existing building.

This recommendation was written using plans titled using plans prepared by Peter Nolan & Associates LLC. These plans were submitted and reviewed by ISD on 6/18/2024.

Recommendation:

In reference to BOA1616380, The Planning Department recommends DENIAL WITHOUT PREJUDICE Proponent should consider a project that increases the permeable area of the lot to align with PLAN: East Boston.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rando".

Planning and Zoning Director, Planning Department



Case	BOA1616384
ZBA Submitted Date	2024-06-18
ZBA Hearing Date	2024-11-19
Address	36A Leyden ST East Boston 02128
Parcel ID	0102046000
Zoning District & Subdistrict	East Boston Neighborhood 2F-4000
Zoning Article	53
Project Description	Erect a new 3-story, 3-unit building on a new lot (subdivision on ALT1585424). Also includes a new driveway with 2 tandem spaces and new curb cut.
Relief Type	Variance
Violations	Side Yard Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Rear Yard Insufficient Use: forbidden (3F)

Planning Context:

This project was previously reviewed by the Planning Department for the ZBA hearing on 8/13/2024. Because no new plans have been submitted, the Planning Department’s recommendation has remained the same.

A companion application (ALT1585424) proposes subdividing the existing lot 36 Leyden St into two lots: 36 Leyden St on the West and 36A Leyden St on the East. 36 Leyden St contains an existing 2-unit, 2-story building. This application proposes a new 3-story, 3-unit building on 36A Leyden St. This area currently contains parking and a side deck on the existing building on 36 Leyden St, which would be demolished. The curb cut for this existing parking is on the East of 36A Leyden St and would be closed, and a new 2-car driveway and curb cut is proposed on the West side 36A Leyden St to serve the new building (between the existing and proposed buildings). There is also a new driveway and extended curb cut proposed on the companion



case on the West side of 36 Leyden St to replace some of the parking lost by the construction of the new building.

Plan: East Boston, which was adopted by the BPDA Board on March 14, 2024, states that in the area where this project is located (Orient Heights) "much of the building stock is small scale, defined by sloping roof forms, large front yards, and wide side setbacks; although more dense uses and larger buildings do exist throughout the area." The plan recommends including Leyden St in a new EBR-2.5 subdistrict "to affirm the existing built character of Orient Heights."

The immediate surrounding area has a variety of housing types. The West side of the block consists of primarily 2-story, 2-units detached houses, while the East is primarily 3-story townhouses. Yards also range significantly, with most front yards between 2 and 10 ft, side yards between 0 and 20 ft, and rear yards between 10 and 30 ft. The proposed building is similar to the largest buildings in this range (with 3 stories in height, 1.1 ft front yard, 5 and 10 ft side yards, and 10.2 ft rear yard). However, PLAN: East Boston also includes that infill development in Neighborhood Residential areas should preserve privately-owned open space and increase permeable areas. The plan states that "The spaces between buildings created by front, side, and rear yard setbacks contribute to neighborhood open space and provide the space needed for trees and other plants to grow. Permeable areas are needed to support groundwater recharge and limit stormwater runoff that contributes to neighborhood flooding and worsens water quality." The proposed project does not comply with the recommended permeable area of lot minimum of 50% which is stated in PLAN: East Boston.

The project does comply with PLAN: East Boston recommended zoning regulations for floor plate, side yards, building width, and max GFA. The project however does not comply with new East Boston zoning regulations for building depth (max = 50 ft, proposed = 58.7 ft), building height (max = 2.5 stories, proposed = 3 stories), front yard (min = 5 ft, proposed = 1.1 ft), rear yard (min = 23.3 ft, proposed = 10.2 ft), building lot coverage (max = 40%, proposed = 47%) permeable area of lot (min = 50%, proposed < 45%), or use (max = two units, proposed = 3 units).

This project is also within hundred (100') feet of a park. This means that it requires review and approval from the Parks and Recreation Commission (City of Boston Municipal Code 7-4.11).



Zoning Analysis:

New zoning for this area to codify the recommendations of PLAN: East Boston was adopted on April 24, 2024. The notice for this new zoning was advertised on April 1, 2024, therefore only projects that applied before this date should be reviewed under the old zoning. This project applied on February 28, 2024, and therefore the old zoning applies. The size of the proposed building means it does not comply with existing zoning for side yard, front yard, rear yard, FAR, or height. The 3 unit use also does not comply with zoning, which only allows up to 2 units. The creation of the new parcel also does not comply with lot width or lot frontage minimums.

This recommendation was written using plans titled using plans prepared by Peter Nolan & Associates LLC. These plans were submitted and reviewed by ISD on 6/18/2024.

Recommendation:

In reference to BOA1616384, The Planning Department recommends DENIAL WITHOUT PREJUDICE the project should be no more than 2 units and comply with updated dimensional requirements in PLAN: East Boston and codified in the updates to Article 53.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1599485
ZBA Submitted Date	2024-05-07
ZBA Hearing Date	2024-11-07
Address	309 to 325 Old Colony AVE South Boston 02127
Parcel ID	0700567010
Zoning District & Subdistrict	South Boston L-1
Zoning Article	6
Project Description	Remove proviso of takeout conditional use, where permit was granted to petitioner only.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

Site is a one-story corner commercial property on Old Colony Avenue at the Columbia Rd rotary in South Boston, and was previously used as a pizza restaurant. Proponent has already applied for a common victualler license dba "Virtual Food Court" to open a location here, in addition to one other site in Brighton. Proponent seeks to remove the "this petitioner only" proviso for the takeout conditional use permit granted previously to this site and therefore to grant a new takeout use permit to the petitioner.

Restaurants and takeout uses are prevalent up and down Old Colony Avenue, and as was noted in 2015, when the previous owner themselves had the takeout use granted to them by the ZBA from the then previous owner, there was then (and is now) a continued demand for takeout restaurant uses both around this site and across the neighborhood. While the idea of virtual kitchens was not present in 2015, they are a business that meets consumer demand in Boston, and this site is a reasonable place for one. The placement at the Columbia Rd rotary is well suited to allow drivers to reach multiple different neighborhoods, and the relative unfriendliness for pedestrians around this level of car infrastructure means that the potential concerns around having a business be so takeout-focused is generally mitigated.

Zoning Analysis:



As required by Article 6, this proposal does appear to meet the requirements for a conditional use. As noted above, it is an appropriate location for the use, the use will not adversely affect the neighborhood, it will not create serious pedestrian or vehicle hazard, no nuisance will be created, and the current existence of a takeout restaurant on site suggests that adequate and appropriate facilities will be provided.

No plans were submitted with this request, but the request with the licensing board does additionally note that the facility will consist of "Take out restaurant all on one floor, full open kitchen in the back. Bathroom at the back of the restaurant. Office space in the back with a separate bathroom. Basement used for storage." This appears reasonable with respect to the provision of adequate and appropriate facilities for a virtual kitchen.

Relief via a conditional use permit is appropriate.

Recommendation:

In reference to BOA1599485, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1552298
ZBA Submitted Date	2023-12-08
ZBA Hearing Date	2024-11-19
Address	27 Dudley ST Roxbury 02119
Parcel ID	0903293000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 50
Project Description	This project proposes converting an existing 6 unit building (3 stories plus a basement) into 7 units by splitting the existing Unit 3 into 2 units. The plans also show part of Unit 1 becoming part of Unit 2. All changes are internal.
Relief Type	Variance
Violations	FAR Excessive Lot Area Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient Use: forbidden (MFR)

Planning Context:

This project was previously reviewed by the Planning Department for the ZBA hearings on 9/10/2024 and 10/8/2024. Because no new plans have been submitted, the Planning Department’s recommendation has remained the same.

This project proposes converting an existing 6 units building (which is 3 stories plus a basement) into 7 units by splitting the existing Unit 3, which is split between the first and second story, into two units. The first story portion would become a studio unit and the second story portion would become a 1-bedroom unit.

There are also changes to Unit 1 and Unit 2 shown in the plans, but there are inconsistencies which make this aspect of this project unclear. In the plans which show the existing floor plan, both units are 3 bedrooms each with 2 bedrooms in the basement level and 1 bedroom on the first level. Both units have their own private stairwells to access the two levels of the units. In the plans which show the proposed project, the first level section of Unit 1 becomes part of Unit 2.



This creates a few contradictions. Firstly, Unit 1 is still labeled as having 3 bedrooms, even though there are only two bedrooms in the plan. Unit 2 is also labeled as 3 bedrooms even though it's shown as 4 bedrooms. Second, the private stairwell Unit 1 is still shown on in the basement level (making now a stairwell to nowhere). And finally, there is no way to access this new part of Unit 2 except through the common hallway, and so it acts as a separate unit and not part of Unit 2. It's important to clarify this because this new Unit 2 section appears to be potentially a separate unit, which changes the variance being requested. This change would also mean that Unit 1 loses access to sunlight, which decreases the quality of the unit.

The project is in a primarily residential area adjacent to the Campus High Community Facilities Subdistrict, which contains important community-based facilities such as Madison Park High. 27 Dudley ST is also well served by public open space amenities, with multiple parks, plazas, and urban wilds within a half mile.

One of the recommendations of the Roxbury Strategic Master Plan is to take advantage of opportunities for Transit-Oriented Development (placing higher density housing and mixed-use development near transit stations). As this project is less than half a mile from the Roxbury Crossing MBTA station, increasing the residential density at this location is in alignment with the recommendations of the plan.

This project is also in the Highland Park Architectural Conservation District. However, because all proposed changes are internal, landmarks review is not required.

Zoning Analysis:

The building is an existing non-conforming MFR use with 6 units in a 3F district. The proposed project would further the non-conformity by increasing the units to 7. However, as noted in the planning context, higher residential density is appropriate for this location.

It is not clear from the plans how the proposed project affects the FAR, as there are inconsistencies in the proposed gross floor area noted in the plan. If the project does have an FAR violation, it is minor. In addition, the visible height and massing would remain the same.

The project extends and worsens the existing usable open space requirement, as the zoning requires 650 sq ft of usable open space per unit (which would be 3,900 sq ft for the existing building and 4,550 sq ft for the proposed project). The project provides approximately 1,600 sq



ft of usable open space. However, as noted in the planning context, this area is well served by public open space amenity.

The project is also flagged for a lot size violation. The zoning requires 4,000 sq ft for 2 units and 2,000 sq ft for each additional unit, which would mean a 12,000 sq ft lot is required for the existing 6 unit use, and a 14,000 sq ft lot is required for the proposed 7 unit use. The lot however is 8,241 sq ft. However, the lot has sufficient space for 7 parking spaces (which complies with zoning) and some open space. Zoning reform may be needed to amend this zoning requirement.

This project is also in a Neighborhood Design Overlay District and a Boulevard Planning District. However, because all proposed changes are internal, design review is not required.

This recommendation was written using plans titled "ZBA Refusal Set - Revised Plan Submission," prepared by J. Peter Vanko. These plans were submitted and reviewed by ISD on 10/20/2023.

Recommendation:

In reference to BOA1552298, The Planning Department recommends DEFERRAL: adequate plans must be submitted for review.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1603160
ZBA Submitted Date	2024-05-16
ZBA Hearing Date	2024-11-19
Address	20 Hinckley St Dorchester 02125
Parcel ID	1301869000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Construct a new one-unit residential building on a vacant parcel.
Relief Type	Variance
Violations	Parking or Loading Insufficient Existing Building Alignment Lot Area Insufficient Lot Frontage Insufficient Lot Width Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient

Planning Context:

This project was previously deferred at the July 30, 2024 Zoning Board of Appeal hearing. The proponent resubmitted plans on July 8th, 2024, and a new refusal letter was issued on September 18th, 2024. The revised project reduces the Gross Square Footage and FAR, and reduces the bedrooms from four to three; the zoning violations did not change. The project was then deferred again to the hearing on November 19, 2024, and the Planning Department recommendation has not changed.

This project proposes the construction of a new three-story, one-unit residential building on a presently vacant lot in the Dorchester Neighborhood, approximately one-quarter mile south of Everett Square and just under a half mile east of Upham’s Corner. The project site is near several bus lines, and located one-half mile from the Upham’s Corner Commuter Rail MBTA Station. The location of the site close to transit is optimal for the addition of housing. Citywide plans, Housing a Changing City and Go Boston 2030 promote siting housing near a variety of transit opportunities. The proposed height of three stories is consistent with the neighborhood



context. Other structures on the block vary between three-story/three-decker buildings and 2.5-story buildings, with heights and setbacks similar to the proposed project.

Zoning Analysis:

This project is located on an undersized lot in a 3F-5000 subdistrict in the Dorchester Neighborhood, pursuant to Article 65 of the Zoning Code. Within the block bounded by Hinckley Street to the north, Mayfield Street to the south, Bakersfield Street to the west, and Pleasant Street to the east, 100% of the 18 parcels are undersized for the zoning subdistrict. Thus the 5000 SF parcel size minimum would render all lots on the block unbuildable if enforced. However, the width of the surrounding parcels is far greater than that of the proposed project, with most lots measuring the required minimum 40' of lot frontage and the parcel for the proposed project containing only 25' of street frontage. The depth of the parcel is uniform with the remainder of the block.

Given that this width of the parcel is an existing condition, the Lot Frontage and Lot Width violations as well as the Insufficient Lot Area violation are consistent with the provisions of Section 7-3. - Conditions Required for Variance, with respect to the "exceptional narrowness" of the lot. Given that the FAR is tied to the area of the lot, the Excessive FAR violation is also subject to variance under Section 7-3.

The proposed building is three stories in height, but the maximum allowable stories in this 3F-5000 District is two and a half stories. However, given the surrounding context of three-story residential buildings, this is an area for zoning reform to better reflect the existing conditions of the area.

The proximity of the project to transit options as detailed in the Planning Context section of this recommendation as well as the availability of on-street parking in the area reduce the need for on-site parking within the parcel. To best align with the City's goal of reducing reliance on single occupancy vehicles, relief is recommended for the Parking or Loading Insufficient violation. The proposed project maintains a significant amount of usable green space on site that would not be possible with the provisions required to add parking.

With respect to the front yard, the proposed project violates the Existing Building Alignment provision. The proposed structure is set back farther into the parcel than the neighboring building, at 12', compared to the neighboring ~10'. This setback preserved a mature tree at the front of the parcel. The proponent should explore alignment with the neighboring buildings



through the process of Design Review and Site Plan Review to determine if the Existing Building Alignment provision can be adequately met without causing disturbance to the tree. The same is suggested for the noncompliant side setback on the eastern side of the parcel. It is recommended that this setback be increased by 1.5' to a total dimension of 3' to match the proposed western side setback. These setbacks can be addressed in conjunction with the recommendation for Design Review.

Recommendation:

In reference to BOA1603160, The Planning Department recommends APPROVAL WITH PROVISIO: that plans be submitted to the Planning Department for design review.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1553581
ZBA Submitted Date	2023-12-13
ZBA Hearing Date	2024-11-19
Address	175 Savin Hill AVE Dorchester 02125
Parcel ID	1302270002
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Add a roof deck to serve the third-floor unit.
Relief Type	Variance
Violations	Side Yard Insufficient Front Yard Insufficient

Planning Context:

Property is a corner-lot triple decker on the southern side of Savin Hill, approximately one block north of Malibu Beach, and three blocks east of I-93. The surrounding blocks are a diverse mix of one-, two-, and three-family residential structure. Porches and decks, though not necessarily roof decks, are a common feature on many of these buildings. Given the particularly constrained dimensions of this property's lot boundaries, a roof deck on this property could provide similar recreation space to the yards present on many neighboring properties.

Zoning Analysis:

Article 65, Table C notes that residential structures in a 2F-5000 subdistrict must have a front yard of 15' and a side yard of 10'. The existing structure has a front yard of 8.9' and a side yard of 5', both of which are preexisting nonconformities. Neither of these existing non-conformities is being altered by the proposed project. This is a case for zoning reform to align dimensional regulations for yards with existing context.

This building is in a Neighborhood Design Overlay District, and thus is subject to the conditions in Article 80, Section 80E-2.1.(b).(iii), noting that "[a]ny exterior alteration changing the roof shape, cornice line, Street Wall height, or building height of an existing building" must undergo the design review component of Article 80 Small Project Review. As a roof deck, this applies, and Design Review is appropriate. Additionally, because the roof deck's stair will be visible from the side street, it would be preferable to locate roof deck access to the interior of the building.



Recommendation:

In reference to BOA1553581, The Planning Department recommends APPROVAL W/
PROVISO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rando".

Planning and Zoning Director, Planning Department



Case	BOA1515203
ZBA Submitted Date	2023-08-15
ZBA Hearing Date	2024-11-19
Address	40 to 42 Temple St Mattapan 02126
Parcel ID	1703801002
Zoning District & Subdistrict	Dorchester Neighborhood 1F-6000
Zoning Article	65
Project Description	Demolish two existing residential structures (one-unit residential and two-unit residential) on a separate permit. Construct five, three-story attached townhouses that will be fully sprinklered and have five new at-grade parking spaces as well as five ground-floor garage spaces per townhouse. This lot is to be known as 42-46C Temple Street (per the project plans).
Relief Type	Variance, Conditional Use
Violations	Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Limitation of Area for accessory use (parking) Existing Building Alignment Use: Forbidden (Townhouse) Use: Forbidden (Multifamily Residential) Location of Main Entrance

Planning Context:

This project's ZBA hearing was originally scheduled for March 26, 2024. The project was deferred to a hearing on June 4, 2024, then again to a hearing on August 13, 2024, and then again to the hearing on November 19, 2024. The content of the Planning Department's recommendation was updated to reflect an updated set of plans and an updated zoning refusal letter from March 2024 in preparation for the June hearing. No updated plans or refusal letter have been received since and therefore the Planning Department's recommendation has not been updated since the June 4, 2024 hearing.



This project proposes the demolition of two existing residential structures on an 11,000 square foot lot and the construction of five attached three-story residential townhouse buildings with five new on-grade parking spaces in the rear and five first-floor garages accessible from the front of each building. The townhouses will each be one-family residential dwellings. The previous plans had only the five rear on-grade parking spaces. The additional five parking spaces in the garages were added in the updated plans and required the removal of one bedroom from each townhouse to accommodate the garage spaces. In effect, this shift in the plans traded living area appropriate for larger households for more parking.

The lot has two existing structures on it that are assessed together as a three-family residential land use: a two-story, two-family residential dwelling that is located close to the eastern front yard lot line and a two-story, one-family residential dwelling located against the southern side yard lot line in the horizontal center of the lot. Neither of the structures are listed in MACRIS, the State's cultural resource information database for historic structures. The existing property also has six parking spaces total for both structures (per the Assessor's Report).

This property is within the PLAN: Mattapan (adopted May 2023) study area, but it is located within the Dorchester Neighborhood District (Art. 65), and thus was not included in recent zoning changes to the Greater Mattapan Neighborhood District (Art. 67) to implement PLAN: Mattapan. The project proposes the demolition of both of these structures and the placement of the attached townhouses in the northeastern corner of the lot to provide space for a driveway along the southern side yard leading to the five parking spaces in the western rear yard area. The proposed townhouses are designed as a horizontal row down the length of the lot along the northern side yard line, with a driveway running along the southern boundary of the lot to access a proposed rear parking area. The front of each townhouse faces the southern side yard of the lot, proposed as a driveway, including the townhouse that is closest to the eastern front yard lot line.

The townhouse closest to the street has an eastern side facing the street that differs in design from the front portions of other residential buildings in the area as well as that of the existing building, due mostly to it functioning as the whole building's side rather than an entranceway. PLAN: Mattapan recommends that new residential developments like this that are proposed within the residential fabric of the area have design characteristics that acknowledge, enhance, and promote the existing character of its surroundings with attention to height, building footprints, and architectural detail. While this proposed building maintains that alignment in height, it does not in terms of building footprint and architectural detail. Its building footprint alignment is impacted by the unique condition of the lot.



The existing property is located on a long rectangular lot with an eastern front yard lot line and a western rear yard lot line that are common for lots in the area at 49.8 feet. The lot has deep side yard lot lines of 223.5 feet (northern side yard) and 221 feet (southern side yard). Most other lots have front and rear yard lot lines of about 50 feet and of the longer rectangular lots in the area, most of those have side yard lot line lengths of about 150 feet.

This property's lot is uniquely deeper and has a larger square footage than most surrounding properties in the area. The property directly abuts another unique lot against its southern side yard that is 26,000 square feet, holds five structures on it, and has side yard lot line lengths of 221 and 224 feet, thus being the only nearby precedent for a property of similar length.

The surrounding area is composed of buildings that are one-, two- and three-family residential dwellings. Most of the buildings in the surrounding area are between one story and 2.5 stories. The large lot that abuts this property to the south has three structures that are three stories tall and two structures that are 2.5 stories tall, also establishing a precedent of residential structures of this height on a similarly deep lot. Several homes in the surrounding area have driveways as well, thus impacting the side yard depths of some properties and establishing a pattern of smaller side yards on one side of a property. PLAN: Mattapan recommends that areas in the residential fabric of the neighborhood like where this property is located should reflect the existing built form and land use of its surroundings. Within PLAN: Mattapan, this section of the neighborhood is characterized as predominantly three-family residential fabric.

The project's proposed driveway extends the existing driveway all the way to the western rear of the lot to reach the new parking spaces. The existing six parking spaces and drive aisle do not appear to have a clear parking design based on an aerial view of the site, so the proposed parking design improves upon that condition while reducing the number of spaces used.

That western rear area currently has permeable green space and potentially trees based on an aerial view of the site. The City does not support the removal of healthy and mature trees and open space to accommodate the development of off-street parking. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increase tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees, 2022) outline this point. PLAN: Mattapan also recommends lot coverage that reduces impervious surfaces, promotes additional plantings and limits stormwater runoff. The proponent's plans do not provide clear enough details for how the permeable area of the lot will be preserved as well as any mitigation planned due to the potential loss of trees and open space should this project be approved.



The project is less than 5 minutes from several MBTA bus stops along River Street, Central Avenue, and Dorchester Avenue that serve multiple routes, thus promoting the construction of more housing close to transit resources which aligns with the PLAN: Mattapan housing goals to encourage transit-oriented development.

Zoning Analysis:

This property is located within the 1F-6000 (One-Family Residential) zoning subdistrict of the Dorchester Neighborhood District (Art. 65). It is also located within the Dorchester Neighborhood Design Overlay District (Art. 65, Sec. 32). While this property is within the PLAN: Mattapan study area, it is not located within the Mattapan Neighborhood District and does not have recently updated residential zoning. As stated in the planning context, this lot is unique in size and length which impacts the way this project interacts with the regulations of this district and the orientation of the proposed townhouses on the lot.

The 1F-6000 subdistrict forbids multifamily residential dwellings and townhouses as land uses, both of which are proposed through this project (Art. 65, Sec. 8). The existing property is assessed as a three-family residential land use which is forbidden within the subdistrict and the existing two-family residential dwelling in the front yard of the lot is also forbidden when assessed as a standalone structure. The mix of one-, two-, and three-family residential dwellings in the area present a case for a zoning map amendment that better accommodates the variety of existing residential land uses, particularly for the proposal of housing development near transit resources.

This project was identified as having a limitation of off-street parking area due to the rear parking being less than five (5) feet from the northern side lot line (Art. 10 - Sec. 1). While the proponent placed the parking closer to the northern side lot line with a small depth of three (3) feet to accommodate a drive aisle towards the rear along the southern side lot line, attention should be paid to how that shallow depth may impact the abutting property. In addition, providing ten parking spaces for five units greatly exceeds the minimum parking per Article 65 of 1.25 spaces per unit for residential uses with 4-9 units. According to the Boston Transportation Department Maximum Parking Ratio Guidelines, the site of the proposed project has a mobility score of 35 and corresponding recommended maximum parking ratio of 1.0 spaces per unit. The Maximum Parking Ratio Guidelines only apply to Article 80 Large Projects, and thus the proposed project is not subject to the Guidelines, but they reflect an informed approach to right-



sizing parking supply for every project based on local transit access and walkability. Therefore, a reduction in parking should be considered as the site plan is revisited.

This subdistrict also requires that structures be built on lots that have a minimum lot width of 60 feet, a minimum lot frontage of 60 feet, and a minimum side yard width of 10 feet for “Any Other Dwelling or Use” (Art. 65, Sec. 9). As stated in the planning context, this property has a front yard and rear yard lot with close to 50 feet that is a common yard lot line length for lots within this section of the neighborhood and zoning subdistrict. The existing property has nonconforming northern and southern side yard widths of under 4 feet due to the location of the two structures near those respective lot lines. This presents a case for zoning reform within the area should property owners choose to increase the housing since most surrounding lots would be found nonconforming with the lot width and frontage regulations.

The project moves the building footprint further away from the eastern front yard lot line and the northern side yard lot line than the existing building, thus increasing the front yard depth from 11.1 to 15 feet and the northern side yard from under 4 feet to 8 feet and accounting for more potential open space. The southern side yard width is also increased to be conforming at 15 feet to accommodate the new driveway.

This subdistrict requires that structures have a maximum FAR of 0.5 and a maximum building height of 2.5 stories (Art. 65, Sec. 9). There are a few existing three-story buildings within this section of the subdistrict including in the lot to the south of this property that holds the multiple structures. Many of the two and 2.5-story buildings within this part of the subdistrict have FAR ratios that are larger than the required 0.5 maximum, thus posing a common nonconforming pattern. This presents a case for zoning reform in that this section of the subdistrict has a pattern of buildings with FAR larger than 0.5 and precedent heights above 2.5 stories.

This subdistrict requires that structures adhere to “Conformity with Existing Building Alignment” regulation which states that rather than conforming with the minimum front yard requirement for this subdistrict, structures must be “in conformity with the Existing Building Alignment of the Block” as established by structures facing the same side of the street (Art. 65, Sec. 42). This project proposes a 15-foot front yard depth that conforms with the existing minimum front yard requirement of the subdistrict and appears to align better with the properties that immediately abut it to the north and south than the existing building does, based on the plans.



This project was identified for having a violation due to the location of the main entrance (Art. 65 - Sec. 9.2). The proposed project has a set of attached townhouses that each have a front that faces the southern side lot and thus has multiple main entrances though none face the primary frontage of Temple Street. In the previous BPDA recommendation, design review was recommended with attention to the easternmost side of the townhouses to respond to this.

Site plans completed by Daniel Macisaac on February 19, 2024. Project plans completed by Hue Architecture on February 16, 2024.

Recommendation:

In reference to BOA1515203, The Planning Department recommends APPROVAL WITH PROVISOS: that plans be submitted to the Planning Department for design review with attention to: the landscaping of the site to increase permeable area of lot throughout the proposed driveway and parking area, the articulation of the easternmost side of the townhouses that faces the street to account for its fit within the existing residential fabric, the adjustment of the rear parking spaces' northern side lot line to accommodate greater side yard depth, and a reduction in parking spaces to better align with Boston Transportation Department Maximum Parking Ratio Guidelines.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand".

Planning and Zoning Director, Planning Department