



Planning Department

**CITY of BOSTON**

MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: September 5, 2024

RE: Planning Department Recommendations

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Please find attached, for your information, The Planning Department recommendations for the September 10, Board of Appeals Hearing.

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



<b>Case</b>	BOA1627274
<b>ZBA Submitted Date</b>	2024-07-15
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	344 Newbury ST Boston 02115
<b>Parcel ID</b>	0503051000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper B-3-65
<b>Zoning Article</b>	32
<b>Project Description</b>	Installation of Groundwater Recharge System for GCOD Compliance
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	GCOD Applicability

**Planning Context:**

The proposed project seeks to install a groundwater recharge system at the street edge of a building in the Back Bay Neighborhood. No changes are proposed to the structure at the project address. Moreover, it lies within the Back Bay Architectural 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 the installation of the GCOD recharge system.

**Recommendation:**

In reference to BOA1627274, 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,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1600076
<b>ZBA Submitted Date</b>	2024-05-08
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	1 Adams ST Charlestown 02129
<b>Parcel ID</b>	0203373000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood RH-1500
<b>Zoning Article</b>	62
<b>Project Description</b>	Add a roof deck, accessed by a stair hatch, to an existing 4-story residential building.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Roof Structure Restrictions Height Excessive (ft)

**Planning Context:**

The proposed project would add a roof deck to an existing brick residential building. While the roof appears flat from the street, it slopes downward to the rear yard. Adams St is a historic residential area, with row houses a predominant built style and bordering Winthrop Square. 1 Adams St. is located at the corner of a row of 13 residential buildings that all share party walls with their neighbors. Of those 13 buildings, 8 of them currently have roof decks. The majority of residential buildings within a two block radius have roof decks. This points to the need for possible zoning reform to create a less cumbersome process to approve appropriate roof decks in locations where they are desired to provide additional outdoor amenity space for residents.

PLAN: Charlestown adopted in 2023 included specific recommendations in regards to roof structures. The plan state “an open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five (5) degrees, provided that

1. Such deck is less than one (1) foot above the highest point of such roof;
2. The total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building;
3. Access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and



4. An appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, one (1) foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty (20) feet wide.”

The roof deck is setback 8’8” from the roof edge facing Adams Street. Access is provided by a hatch. It is unclear from the plans whether the slope of this roof is less than 5 degrees; the proposed deck design accommodates an upper and lower deck in order to ensure even surfaces. It is unclear from the plans whether this slope results in parts of the deck being located more than 1 foot above the roofline from the plans. Additionally, the proposed roof deck extends almost to the property line on southeastern side, where the neighboring building at 2 Adams St is only 3 stories tall. This setback deserves attention to ensure the roof deck is not visible from the public right of way on Adams Street. On the northern side, the attached building is the same height, helping ensure the roof deck will not be visible. The project will also include the extending of existing chimney flues so they are located at least two feet above the roof deck handrail.

### **Zoning Analysis:**

The proposed project triggers two items for zoning relief. The first violation is in regards to the height of the building. The existing building is 45 feet tall; zoning only allows for a 35 foot building in this district. While the roof deck will not add additional building height as a zoning measurement, it extends this nonconformity and will install roof deck barriers. This existing nonconformity of a 45 foot building at the corner within a 35 foot maximum height district would preclude a roof deck under the guidelines of PLAN: Charlestown. However, given the location of the roof deck, the set back of the roof deck, and the common presence of this feature in the surrounding area, this is a case for zoning reform to set clearer standards for how roof decks can be possible on existing historic structures that may not conform to other dimensional requirements.

Section 62-25 of the code establishes roof structure restrictions that require a conditional use permit from the Board of Appeal. As discussed in planning context, while the proposed roof deck meets many of the criteria for granting a conditional use permit, the existing size and slope of the roof mean they do not meet all of the criteria.

### **Recommendation:**

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In reference to BOA1600076, The Planning Department recommends APPROVAL WITH PROVISIO that plans be submitted to the Planning Department for design review with attention to ensuring that the proposed roof deck is not visible from the public right-of-way, including reduction in overall roof deck size and further setback from the roof edge if needed.

Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1604223
<b>ZBA Submitted Date</b>	2023-02-16
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	13R North AV 08 Roxbury MA 02119
<b>Parcel ID</b>	0803154000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-5000
<b>Zoning Article</b>	50
<b>Project Description</b>	The proponent is seeking to convert a 335 sq. ft. detached accessory garage into an accessory dwelling unit (ADU) studio apartment with a kitchen, bedroom, bathroom, and roof deck.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Two or More Dwellings on the Same Lot

**Planning Context:**

13R North Avenue is a one-story, 335 sq. ft. garage to the rear of the main house, 13 North Avenue. The owner-occupied main house is two stories, as are most of the other houses on this predominantly residential block. The proposed project would convert the accessory garage into an accessory dwelling unit (ADU). It would be a studio living space with a kitchen, bedroom, bathroom, and roof deck. All of the utilities would be connected to the main house.

In terms of local plans, the parcel is within the adopted Roxbury Strategic Master Plan area (January 2004). The Strategic Master Plan calls for "new and innovative housing options...that take into consideration the ready availability of transit service." Upham's Corner is singled out as one area that could support more transit-oriented development. This project is an eight-minute walk from the Upham's Corner MBTA station.



In March 2024, the Planning Department launched the Citywide ADU Zoning Initiative. This residential zoning reform initiative aims to right-size residential zoning by resolving common zoning nonconformities and establishing updated lot and building standards that accurately reflect existing and established building patterns in Boston's neighborhoods. The Citywide ADU Zoning Initiative will also create an envelope for the by-right development of ADUs – including detached ADUs, such as the one this project proposes – on most residential lots across the city. Although it did not include Roxbury as a focus area, the 2021 ADU 2.0 pilot program launched by MOH and Housing iLab created a precedent for the conversion of existing unused structures like barns, garages, and sheds into ADUs. This pilot program has informed the work for the current Citywide ADU zoning initiative, and demonstrates the viability of converting unused structures into additional housing.

**Zoning Analysis:**

This project has received violations for insufficient parking, insufficient lot area, insufficient lot width, insufficient lot frontage, insufficient usable open space, insufficient front, side and rear yards. These would require a variance to overcome. According to the plans, all of these violations relate to a pre-existing condition that would not be worsened by the proposed project.

The final violation is for two or more dwellings on the same lot. A conditional use permit would be required to move forward (Section 50-44.13). The standard for issuing the permit is that there is adequate "open space for all occupants, and light and air for all rooms designed for human occupancy." Based on the plans, it does appear that there is adequate open space, light, and air. This case represents the need to continue with zoning reform, as the Department aims to allow homeowners more flexibility and choice, expand lower-cost housing options, empower residents to build wealth, and create diverse, multi-generational living spaces.

**Recommendation:**

In reference to BOA1604223, The Planning Department recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted.





Planning Department

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Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1552298
<b>ZBA Submitted Date</b>	2023-12-08
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	27 Dudley ST Roxbury 02119
<b>Parcel ID</b>	0903293000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	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.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Lot Area Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient Use: forbidden (MFR)

**Planning Context:**

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.

**Recommendation:**

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

Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1597959
<b>ZBA Submitted Date</b>	2024-05-02
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	3336 Washington ST Jamaica Plain 02130
<b>Parcel ID</b>	1102340000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood LI
<b>Zoning Article</b>	55
<b>Project Description</b>	Renovate existing one-story commercial building and add two stories of residential development above the portion at the corner of the intersection of Glen Road and Washington Street, and construct three new three-story townhouses on the eastern portion of the lot along Glen Road for a total of 8 new units.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Height Excessive (ft) Usable Open Space Insufficient Rear Yard Insufficient Parking or Loading Insufficient Multifamily Use forbidden Townhouse use forbidden Cafe use conditional

**Planning Context:**

The site of the proposed project is a relatively long, narrow corner parcel at the northeast corner of Washington Street and Glen Road, measuring approximately 33 feet by 176 feet that extends up Glen Road. The grade of the site slopes up as it extends eastward up Glen Road. The proposed project would renovate an existing, vacant one-story commercial building at the corner of the intersection and add two stories of residential development with five units above. On the eastern portion of the parcel along Glen Road, the project would construct three new attached three-story townhouses. The project would include three structured parking spaces to serve the three new townhouses, introducing one new curb cut along Glen Road (as there is one existing).



The existing condition of the site is a vacant masonry building on the western portion of the site at the intersection of Washington Street and Glen Road. Currently, the eastern portion of the lot includes one gravel surface parking spot with a curb cut and underbrush vegetation. The site is 0.2 miles from Green Street Station on the MBTA Orange Line.

Abutting the proposed project to the north is surface parking and a 2.5-story building with a car-oriented service use and to the east is a three-story residential building. Across Glen Road to the south is a four-story mixed-use building and across Washington Street is a Boston Police Department station. Diagonally across the intersection at the southwest corner is a newly constructed, six-story mixed-use building.

There are eight projects under review, Board approved, or recently constructed within about 0.1 miles of the proposed project, including a Board approved project at 3326 Washington Street, directly adjacent to the north. The project at 3326 Washington is a five-story mixed-use project. 3326 Washington was approved with a nine foot side yard setback on the southern side with partial step backs at each level for a total of five feet of step backs by the fifth level. Given the step backs, roof decks on the first through fourth stories serve as balconies.

The proposed project is located within PLAN: Jamaica Plain/Roxbury (PLAN: JP/Rox), adopted in 2017 by the BPDA Board to increase market-rate and affordable housing choices and to protect against displacement in the neighborhood just east of the Orange Line from Jackson Square to Forest Hills stations. Although the PLAN was not codified in zoning, it provides use, dimensional, and design guidance for the proposed site and the Local Industrial zoning subdistrict.

Specifically, the PLAN makes recommendations for Glen Road, including at the site of the proposed project, to enable "a lively pedestrian friendly neighborhood street with active ground-floor uses," a variety of housing types, and housing on the upper floors. In addition, the PLAN's community priority visions and values include "mixed-use" land use and development. In terms of parking, the PLAN recommends reducing parking with parking ratio maximums for commercial and residential uses.

The PLAN also includes Area-Wide Urban Design Guidelines that recommend zero side yards and 10 to 20 foot rear yards in Active Commercial Areas, including this stretch of Green Street



and Glen Road. Finally, the PLAN includes the following Urban Design Guidelines targeted for the Green Street area where the proposed project is located: "This area is envisioned to have low-rise and mid-rise mixed-use residential buildings similar to the four story buildings with active ground floor uses found on Green Street today. To preserve the character and quality of the existing two- and three-family residential areas, it is critical that new buildings set back and step back along abutting edges." In addition, a density bonus up to 55 feet is recommended for the site of the proposed project.

In addition, the City of Boston Commissioner of Public Works released "Guidelines for the Issuance of a Curb Cut Permit" in 2013 that are pertinent to the proposal given the proposed new curb cut. Permits for curb cuts are at the discretion of the Commission of Public Works. One of the guidelines is to "first consider the impact that the proposed driveway will have on the safety and convenience of pedestrians and motor vehicles on the adjacent public ways". Given that the proposed driveways along Glen Road would require vehicles to back out across the existing sidewalk onto an arterial street from inside a structure with no visibility, the proposal likely conflicts with the curb cut permitting guidelines. In addition, the guidelines state that applicants "should not seek to create more than one curb cut for a single lot". The proposed project would result in two curb cuts for one lot.

### **Zoning Analysis:**

The proposed project is cited for three types of violations: use, dimensions, and parking.

In terms of use, the proposed use of a cafe on the ground floor facing Washington Street and Glen Road with multifamily above and townhouses along Glen Road is entirely consistent with the recommendations of PLAN: JP/Rox for active ground floors and an increase in housing options. Relief is recommended.

In terms of dimensions, the proposed height (37.5 feet) exceeds the maximum 35 feet; the proposed useable open space (approximately 1,100 square feet including approximately 300 square foot roof decks for each townhouse and a 200-foot roof deck shared across the 5 multifamily units) is less than the minimum of 50 square feet per dwelling unit; the proposed rear yard (0.1 to 5 feet) is less than the minimum 20 feet; and the proposed FAR (2.4) exceeds the maximum 1.0.



The proposed height is consistent with zoning but exceeds the maximum by a few feet to allow for 15-foot floor-to-ceiling height in the ground-floor commercial, which is desirable for commercial uses for the more spacious feeling and to allow greater space for inventory. The existing zoning was designed for industrial use rather than commercial therefore did not contemplate this increased groundfloor height.

The zoning requires 50 square feet of open space per dwelling unit. The proposed open space provides generous open space for the townhouse units but falls short by approximately 50 square feet for the five multifamily units. Given the long, thin shape of the parcel, there is limited opportunity for ground floor open space. A larger roof deck serving the multifamily units may provide 50 square feet per unit, and Planning Department design review is recommended to pursue this option. However, if a larger roof deck can not be achieved in design review, relief is recommended.

The proposed rear yard on the northern side of the lot also serves as a side yard, given that the proposed project is on a corner lot with the commercial entrance at the corner of the southern and eastern facades. The zoning has no requirement for a minimum side yard. In addition, the existing building has a 0.8-foot setback along the northern lot line, therefore the proposed project is extending and not exacerbating an existing nonconformity. The upper floors of the proposed project could change the context for the Board approved project at 3326 Washington that was designed based on a one-story building on its southern border at 3326 Washington. However, 3326 Washington was Board approved in 2020 and has not yet started construction. Therefore, although the project was approved, it does not yet affect the abutting condition of the proposed project. Relief is recommended.

The proposed FAR exceeds the FAR in zoning and recommended by PLAN: JP/Rox. However, the long, narrow shape of the parcel creates unique conditions that would provide challenges to achieving reasonable use of the parcel, especially given the goals of PLAN: JP/Rox. The proposed project is consistent with the vision for an active corridor along Green Street/Glen Road, providing active commercial on the ground floor and contextually-sensitive height and density to introduce new housing options. Relief is recommended.

Finally, the proposal does not meet the required off-street parking. Given the goals of PLAN: JP/Rox to limit off-street parking, the reduced parking is recommended. However, the proposed design of the parking and the new curb cut pose a threat to the safety of pedestrians, bicyclists, and motor vehicle drivers and violate Public Works guidance. Therefore, the proposed parking

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must be reconsidered to be consistent with the guidance. It is recommended that the proposed parking be removed and the space used for residential use and an indoor bike room.

**Recommendation:**

In reference to BOA1597959, the Planning Department recommends APPROVAL WITH PROVISIO: that the new curb cut be removed from the design or existing curb cut closed; and that plans be submitted to the Planning Department for design review with attention to outdoor amenity space and facade composition.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1582245
<b>ZBA Submitted Date</b>	2024-03-19
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	50 to 52 Townsend ST Roxbury 02119
<b>Parcel ID</b>	1101917000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	Combine existing 50 & 52 Townsend St into one building, to be known as 50-52 Townsend St. Fully renovate the combined building, adding 2 new units in the basement to form an 8 unit building.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Forbidden Use (MFR)

**Planning Context:**

The proposed project sits in an established three-family residential subdistrict in Roxbury's Washington Park community. The site immediately abuts both multifamily residential and community facilities subdistricts; the latter of which was previously home to the Radius Specialty Hospital, but now operates with industrial uses.

The project's surrounding context consists mainly of 2.5- to 4-story residential structures, with occupancies ranging from single-family to multifamily uses. However, several commercial areas/establishments (in addition to the aforementioned community facilities subdistrict) are walking accessible from the site (1/4 mile). Regarding transit, several options exist within proximity of the project, with bus stops for the MBTA's 10, 14, 19, 22, 23, 28, 29, 42, and 44 routes between a 1/8 - 1/4 mile walk away; the MBTA's Jackson Square Orange Line stop sits slightly further west and is a 1/2 mile walk from the site. In addition, a number of civic amenities and institutions lay within a 1/4 mile radius of the project, including Horatio Harris Park, Higginson Elementary, Malcolm X Park, Higginson-Lewis K-8, Shelburne Community Center,



the Melnea A. Cass Recreational Complex, the Museum of the National Center of Afro-American Artists, and the Boston Islamic Center.

The project site is currently occupied by a 3-story semi-attached residential structure with 6 total dwelling units spread across the two lots (3 on each lot, as the dividing line splits the middle of the semi-attached building). The proposed project seeks to expand the site's occupancy to eight dwelling units by converting the structure's existing basement storage space into living space for two additional dwelling units. Because the lot's grade slopes downwards from the site's street frontage, more light and air than typical is able to reach the structure's basement windows and permeate through to space therein. This condition makes the addition of basement level living space a more feasible and appropriate use for the site. Additionally, in merging the existing 50 Townsend and 52 Townsend Street properties into a single lot, the proposed project also helps to formalize and protect the site's fit within its surrounding historic built context. It does so by bringing its lot conditions into alignment with those of other similarly utilized, scaled, and designed lots/structures littered throughout the project's immediately surrounding area. Aside from the aforementioned interior renovations, no additional alterations to the existing structure are proposed as a part of the project (the structure's existing footprint and exterior are proposed to remain, as is). This project scope aligns with the planning goals of the Roxbury Strategic Master Plan (adopted 2004), to: (1) prioritize the development of new housing that either preserves the neighborhood's existing built form or is designed to be compatible with it; (2) facilitate the development of new dwelling units across Roxbury's neighborhood residential fabric, which can provide existing residents housing options and flexibility to ensure continued residence within the neighborhood; and (3) incentivize the development of higher density, multi-family housing in transit-accessible areas within the neighborhood.

### **Zoning Analysis:**

The project's front yard, side yard, and usable open space violations are existing conditions, not proposed to be worsened through the project. The majority of parcels within a 3 block radius of the site have similar nonconformities, with many having more severe dimensional noncompliances than those existing on the project site. Future zoning reform efforts in the area should look to recalibrate these dimensional requirements as to better fit zoning with the neighborhood's existing built context.

Similar to the violations discussed above, the site's multifamily residential use (3-family allowed, multi-family residential proposed) and insufficient parking violations (8 spaces required, 0

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spaces proposed) are existing conditions proposed to remain, albeit extended through the project. The project's multifamily use violation is triggered by both the merging of the two parcels into a single lot (previously occupancy-compliant with 3 units on each lot), as well as through the addition of the two additional basement dwelling units. This action, while in violation of the Code, formalizes an existing use and extends occupancy in a way that affirms the site's and surroundings' existing density and built condition. On that point, several multifamily residential structures (between 4-8 units) already exist in proximity to the site. These existing occupancies extend across parcels in both the site's 3F-4000 subdistrict and its immediately abutting MFR subdistrict, and comprise roughly 40% of the surrounding area's housing typologies. Because of the prevalence of this kind of residential development in the area (and on the site already) and because the footprint of the existing structure is not proposed to be expanded, this multi-family residential use will create few additional impacts on the surrounding area.

On parking, the site currently operates without off-street spaces, as its existing building condition (~5' side yard setbacks on both side lot lines) does not provide enough space to develop an on-site curb cut, driveway, or accessory parking. While the majority of the site's surrounding parcels do have off-street parking thereon, there are also several similarly-dimensioned sites with zero-parking conditions existing in immediate proximity to the project site - including on one of the site's immediately abutting lots (which also houses a multifamily residential use). Of the lots with multifamily residential uses and off-street parking, few provide enough spaces to meet the 1:1 parking ratio required by zoning for the area. Considering these factors, as well as the fact that the site is highly transit-accessible, this zero parking condition should be considered minimally impactful to the surrounding area.

The proposed project was also cited with a violation for excess floor area ratio (FAR). The site's existing FAR sits at 0.79, just below the maximum 0.8 figure allowed by zoning for the area. The proposed renovation of basement storage space into living space creates a net addition of 1,700 square feet of gross floor area to the structure, resulting in an FAR of 1.03. While in violation of the Code, this figure roughly in line with those of the surrounding multifamily residential lots (ranging from 0.9 - 1.0 FAR). Because the project does not propose to extend the structure's existing building footprint (with no exterior renovations proposed), the impacts of this expanded FAR figure will not affect the built context of the surrounding area. It's also worth noting that this FAR figure is influenced by the site's relatively shallow lot, whose depth sits roughly 70' below the area's average.



Considering the extent of nonconformity in the area relating to the violations mentioned above, future zoning reform efforts should aim to better align the area's zoning requirements with the existing built context. These efforts should consider expanding the allowance of small-scale multifamily residential uses across the Washington Park area and reassess requirements relating to parking, FAR, and other dimensional regulators.

Although the site's existing condition appears appropriate for basement dwelling units (see planning context for explanation, the provided plan set does not include official head height or egress window dimensions for the basement living spaces. Because of this, a proviso for "No Building Code Relief" has been added to this recommendation to ensure compliance with the City's Building Code requirements for habitable living spaces.

**Recommendation:**

In reference to BOA1582245, The Planning Department recommends APPROVAL WITH PROVISOR/S: that no building code relief be granted.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1632317
<b>ZBA Submitted Date</b>	2024-07-26
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	61 Linden St Dorchester 02122
<b>Parcel ID</b>	1500453010
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Construct a new 3-story, 6-unit multifamily residential dwelling with 5 rear off-street parking spaces and balconies in each side yard. Demolish an existing 1-unit residential dwelling under a separate permit.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories) Side Yard Insufficient Parking or Loading Insufficient Existing Building Alignment Parking design and maneuverability Limitation of Area for accessory use (parking) Use: Forbidden (Multifamily Residential)

**Planning Context:**

This project proposes a 3-story, 6-unit multifamily residential dwelling with 5 off-street parking spaces. The existing dwelling is a 1-story, 1-unit residential dwelling on a predominantly residential street. This block of Linden Street between Dorchester Avenue and Adams Streets is composed of a mix of 1-, 2- and 3-unit dwellings as well as a 3-story multifamily dwelling of 4-6 units at the Adams Street/Linden Street intersection. These buildings also vary in height from 1 to 3 stories. The adjacent buildings also vary in front yard depth between approximately 4 ft and 15 ft.

This project (See BOA1341131) was previously appealed at the March 26 ZBA hearing where it received a Denial without Prejudice decision and recommendation from the Planning Department. The previous project plans were submitted on 01/25/2022 and stamped by ISD on 04/26/2022. The original project proposed 6 units, 7 off-street parking spaces. The original



project also had shallower front (original = 6.2 ft; update = 9.2 ft), rear (original = 33.1 ft; updated = 34.1 ft) and western side yards (original = 6.8 ft; update = 7.8 ft). The original proposal also did not have an accessible entrance while the updated version includes a staircase up to the front porch and a proposed ramp from the western side of the front yard. Overall, the updated plans show a project with a slightly smaller building lot coverage, greater building accessibility and (as mentioned below) a dedicated rear green space.

Since this area has a diversity of housing in terms of units, heights and front yard depths, the proposal of a 3-story multifamily residential dwelling of this scale is appropriate considering the mix of residential density in this area. The proposed project design also includes bay windows on the 2nd and 3rd floors and side yard balconies reflecting similar design concepts as the three-decker styles already present on this street and in the broader neighborhood.

Imagine Boston 2030 (2017) identified this area of the Dorchester Neighborhood as a neighborhood to be enhanced through a series of goal and action items. Among these is "encouraging contextually-sensitive development," recommending that "new development will be contextually responsive, focused on filling gaps in neighborhood main-street corridors and complementing the scale and form of existing buildings along residential streets." The Plan goes on to specifically call out the triple-deckers of Dorchester, a style reflected by the design of the proposed development, which functions as two triple-deckers mirrored to create a single six-unit building.

The site is also within less than a 5-minute walk of an MBTA bus stop (Route 18) at the intersection with Dorchester Avenue and is about a 10-minute walk from the Fields Corner T stop which services several bus routes and the MBTA Red Line. The adjacent Dorchester Avenue corridor is also a major transit corridor that is one of multiple Squares + Streets planning initiative study areas due to the opportunity for increased transit-oriented development near major T stops. This project's adjacency to these transit resources aligns with the City of Boston's goals of increasing transit-oriented development in areas like Fields Corner.

Additionally, the project proposes fewer parking spaces than required in the existing zoning, thus limiting reliance on private vehicles which aligns with the goals of Go Boston 2030 (2017).

The proposed rear parking design includes the relocation of an existing curb cut and the placement of a permeable paving driveway along the eastern side yard lot line. The driveway leads to 5 rear parking spaces. The western side yard includes green space and a side



staircase towards the rear of the building. The northwesternmost corner of the lot in the rear yard has a green space with proposed trees and sitting area; the parking lot would be to the east of this corner sitting area.

The existing 1-unit dwelling has a driveway along the same eastern side yard lot line and has a significantly larger rear parking space than the proposed project due to the proposed project extending deeper into the rear yard than the existing building. Though the proposed number of parking spaces aligns with the zoning regulations and the proposed parking use and driveway placement align with the existing parking uses, further review is necessary to determine safety of maneuverability for cars to enter, exit, and park in the 33.41 ft rear parking lot. The Planning Department Transportation Planning staff identified that the existing drive aisle width is narrow allowing for about 16 ft for maneuvering. It is recommended that the drive aisle width is increased to at least 20 ft to account for two-way vehicular movements.

The Transportation Planning staff also identified concerns with the accessibility of the bike parking area as the main stairs and placement of the two doors from the front entrance make maneuvering with a bike through the building difficult. It is recommended that the proponent move the location of the bike parking and increase the size of the landing to make it easier for a resident to move their bike from the front entrance to a bike parking space.

The inclusion of permeable paving and the rear green space introduces permeable and green surfaces to the lot that are not presently there, which aligns with Climate Ready Boston's (2016) goals of increasing permeability and reducing the heat island effect by way of preserving and adding green space.

**Zoning Analysis:**

This project is located in the 2F-5000 subdistrict of the Dorchester Neighborhood District (Art. 65) and was flagged for parking-related, use-related, and scale-related zoning violations.

One of the proposed rear parking spaces is along the northeasternmost section of the lot, which violates a limitation of off-street parking area that requires parking be 5 or more feet from the side lot line (Art. 10, Sec. 1). The parking design has also been flagged for insufficient parking size and maneuverability (Art. 65, Sec. 41). This along with the shallower depth of the rear





parking lot necessitates further review of the parking design to improve maneuverability and reduce the impact of the parking design on the side lot line along the eastern abutting property.

Additionally, the project is required to provide 7.5 parking spaces (1.25 spaces per dwelling unit) and thus has an insufficient amount of parking with its proposed 5 spaces (Art. 65, Sec. 41). However, as mentioned, this project is a transit-oriented development providing multifamily housing near several transit resources and still provides some parking that is sufficient considering the context of resources.

The project's proposed multifamily residential land use is forbidden within this subdistrict (Art. 65, Sec. 8), but as mentioned, this is an appropriate transit-oriented development project and there is a precedent on the block of a multifamily dwelling of similar height and density that fits within this residential fabric. Related to this proposed unit density, the project has been flagged for an excessive FAR (maximum = 0.5; actual = 1.17), excessive building height in stories (maximum = 2.5 stories; actual = 3 stories), and insufficient side yard (minimum = 10; actual = 7.8). The project was also flagged for lack of conformity with the existing building alignment (Art. 65, Art. 42.2). Since many buildings on this block are 3 stories, have side yard driveways that create variable side yard depths, and have different alignments within their parcels as mentioned above regarding the front yard depths, these violations seem to be common nonconformities of properties in the surrounding area. This project still fits within this context in scale due to its similarity in these nonconformities and the scale that is proposed is appropriate for a multifamily dwelling while still providing both green space and off-street parking on the lot.

The existing context and existing nonconformities with use and scale indicate a case for zoning reform in this area to accommodate small multifamily residential dwellings near major transit resources as well as to accommodate the scales necessary to hold that use that can still align with this kind of residential area.

Site plans by AGH Engineering and completed on April 4, 2024. Project plans by Vita Architects and completed on March 28, 2024.

**Recommendation:**

In reference to BOA1632317, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to updating the parking design to improve maneuverability for two-way movements,



Planning Department

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improving the bike parking and entrance design for maneuverability to the bike parking spaces, and reduce the impact on eastern abutting property caused by the easternmost parking space.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1575600
<b>ZBA Submitted Date</b>	2024-02-28
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	214 Norwell ST Dorchester 02124
<b>Parcel ID</b>	1700187000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-6000
<b>Zoning Article</b>	65
<b>Project Description</b>	Convert a surface parking lot to a three-family residential building with four parking spaces and provide a driveway easement across two parcels.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient

**Planning Context:**

The proposed project intends to remove an eight-space asphalt surface parking lot from a 4,026 SF parcel and replace it with a three-story, three-unit dwelling. Four parking spaces and a driveway easement are proposed to serve the project parcel as well as the adjacent property. The proposed project is located at 214 Norwell Street. The adjacent parcel at 212 Norwell Street is held in common ownership.

The proposed project is located within the study area of the Fairmount Indigo Corridor Planning Initiative, within the Talbot Avenue Station Area. Talbot Avenue Station is designated as a "Neighborhood-serving Center" by the Fairmount Indigo Corridor Planning Initiative, indicating that this area includes a commercial node that serves the surrounding primarily residential neighborhood uses. The addition of a three-unit residential property to replace a surface parking lot meets the goals set forth in the Planning Initiative to provide housing opportunities and growth within the station area related to existing patterns of use and development. The Planning



Initiative specifically targets a 3.7% population increase for the station area through the redevelopment of vacant properties.

**Zoning Analysis:**

The proposed project is located in a Three-Family Residential (3F-6000) subdistrict within the Dorchester Neighborhood district, pursuant to Article 65 of the Zoning Code. The proposed project is located on a smaller lot (4,026 SF) for the subdistrict. The existing lot, like most of the surrounding properties, is smaller than the zoning requirement for the minimum lot size. This condition is contextual for the neighborhood. Of the 26 parcels on the block bounded by Athelwold Street to the north, Park Street to the south, Norwell Street to the west, and Millet Street to the east, 100% of parcels are undersized for the 6,000 SF minimum lot size dimensional requirement. This undersized condition, while within the context for the neighborhood, affects the violations related to Lot Size Insufficient, Additional Lot Area Insufficient, FAR Excessive, and Usable Open Space Insufficient.

The 3F-6000 subdistrict allows for a maximum zoning height of 2.5 stories for the proposed project. It is recommended that the project proceed with the proposed three stories given the existing neighborhood fabric. Of the existing properties on the block facing Norwell Street, there are ten individual buildings, nine of which contain three full stories, and the remaining one, which meets the existing zoning height of 2.5 stories.

While the proposed project contains the violation Front Yard Insufficient, the front yard setback is modal with the existing four similar properties to the north of the site, and contains a deeper front setback than the property directly to the south. Thus, while the setback does not meet the 15' required by the Zoning Code, it mimics the existing fabric of the neighborhood. The proposed project represents a case for zoning reform to establish requirements that better reflect the existing context of the neighborhood.

**Recommendation:**

In reference to BOA1575600, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review for a review of the parking layout.



Planning Department

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Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1589819
<b>ZBA Submitted Date</b>	2024-04-11
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	133 to 135 Whitfield ST Dorchester 02124
<b>Parcel ID</b>	1700431000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-6000
<b>Zoning Article</b>	65
<b>Project Description</b>	Add a third unit and third story to existing two-unit, 2.5-story building
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient

**Planning Context:**

The proposed project intends to convert an existing 2.5-story, two-unit residential property to a three-story, three-unit residential property through the conversion of the existing half-story to a full third floor. The proposal also includes the addition of a rear stairwell as an additional point of egress from the proposed new unit.

The proposed project is located within the study area of the Fairmount Indigo Corridor Planning Initiative, within the Talbot Avenue Station Area. Talbot Avenue Station is designated as a "Neighborhood-serving Center" by the Fairmount Indigo Corridor Planning Initiative, indicating that this area includes a commercial node that serves the surrounding primarily residential neighborhood uses. The addition of a third unit of housing to the existing two-family residential building meets the goals set forth in the Planning Initiative to provide housing opportunities and growth within the station area related to existing patterns of use and development. The Planning Initiative specifically targets a 3.7% population increase for the station area.

**Zoning Analysis:**



The proposed project is located in a Three-Family Residential (3F-6000) subdistrict, making a 3-unit building an allowed use. The Front Yard Insufficient and Side Yard Insufficient violations are existing non-conformities that will not be altered by the proposed changes to the structure.

The 3F-6000 subdistrict allows for a maximum zoning height of 2.5 stories for the proposed project. It is recommended that the project proceed with the proposed three stories given the existing neighborhood fabric. Within the neighborhood surrounding the project site, there are a mix of three-story and 2.5-story residential buildings, consistent with other three-family residential subdistricts across the neighborhood. The FAR Excessive violation is tied to the height violation, in that the addition of the full third story increases the FAR for the property. Given that relief is recommended for the height, relief for FAR is also appropriate.

The Parking or Loading Insufficient violation also merits relief due to the proximity of the project site to transit opportunities. The violation is due to the zoning requirement for three parking spaces for a three-unit structure. The project contains a driveway approximately 83' in length, with sufficient spaces for up to four vehicles, but without discrete spaces demarcated. The location of the site within the study area of the Fairmount Indigo Corridor Planning Initiative indicates the opportunities for reliance on public transit opportunities in lieu of single-occupancy vehicles.

**Recommendation:**

In reference to BOA1589819, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1637375
<b>ZBA Submitted Date</b>	2024-08-07
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	336 Meridian ST East Boston 02128
<b>Parcel ID</b>	0103648003
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-4
<b>Zoning Article</b>	53
<b>Project Description</b>	Renovate an existing 3-family building into a 4-family residence with a new roof deck.
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Parking or Loading Insufficient

**Planning Context:**

The proponent is seeking to renovate the existing 3-family and turn it into a 4-family residence with a roof deck. The existing building dates back to 1900 and is 4-stories plus an unfinished basement level. The building is on a steep hill therefore on frontage along Meridian Street level 2 is at grade but on the rear the basement is at grade with level 1 being 5’ above and level 2 being 16’ above grade. The building shares party walls with the adjacent buildings of similar historic character. All share the same setbacks, including rear setback and presently do not have parking. The rear porches on levels 2,3 and 4 will have their existing thin partitions demolished to studs for thicker wall replacements to allow the spaces to be conditioned. The project is located in the PLAN: East Boston, specifically in the outlined Meridian Street Corridor, adopted by the BPDA Board in January 2024. PLAN: East Boston also describes the importance of maintaining the existing historical context of East Boston. As an existing historic building from 1900, directly connected to similar historic buildings, it is important to preserve the character of this structure and the streetwall it creates with its neighbors. The project is not in the the Coastal Flood Resiliency Overlay District, allowing for the proponents to convert the lower level into a full apartment as the new 4th-unit. The roof deck will only be accessible by new stairs from the fourth floor unit.

**Zoning Analysis:**





The proposed project has two violations: insufficient street parking and an insufficient rear yard setback. Both are existing nonconformities that will not be worsened or changed. East Boston EBR 4 sub-district requires a minimum 1 parking space for any residency with 4 or more units but the project is proposing none. This is recommended for relief; it would require demolition of the existing building to build a new curb cut and access to meet this zoning requirement. The parcel is limited in size and is 70% taken up by the existing building with full street frontage not allowing for access from the street for parking. The other violation of the rear yard setback is an existing condition. The proponent is proposing to renovate the back porches but there will be no worsened conditions of the rear setback. Section 53-30 expresses work can be done as long as the dimensional nonconformity is not worsened, so this would not be a violation.

**Recommendation:**

In reference to BOA1637375, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1627005
<b>ZBA Submitted Date</b>	2024-07-15
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	238-240 Maverick ST East Boston 02128
<b>Parcel ID</b>	0103991000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Erect fourth-floor addition to convert from existing 3-unit use to 4-unit use. Build a new roof deck exclusive to the new unit.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	GCOD Applicability FAR Excessive Side Yard Insufficient Front Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient Height Excessive (ft) Height Excessive (stories) Additional Lot Area Insufficient Parking or Loading Insufficient Roof Structure Restrictions Forbidden Use (MFR)

**Planning Context:**

The proposed project sits in an established residential area in East Boston. It also lies within the City's Coastal Flood Resilience and Groundwater Conservation Overlay Districts, and has a base flood elevation of 19.5'. The project site is a corner parcel currently occupied by an existing 3-story, 3-family residential structure.

The surrounding context is predominantly comprised of 3- to 4-story residential structures with ranging single-family to multi-family uses. The project site sits a quarter-mile east of East Boston's Maverick Square and the MBTA's Maverick Square Blue Line stop therein, as well as the Welsh Kennedy Greenway. It also immediately abuts bus stops for the MBTA's 120 route and several publicly accessible open spaces, including the Southwest Service Area Airport



Edge Buffer Park and Donald McKay School Playground. Piers Park lies a quarter-mile walk south of the structure.

The proposed project seeks to alter the existing structure (3-story, 3-family residential structure) to add an additional story of height to accommodate an additional dwelling unit (increasing the structure's unit count from 3 to 4) with a roof deck. This scope is aligned with the housing goals outlined in PLAN: East Boston (adopted by the BPDA Board on January 18, 2024), which encourage the preservation of existing housing and development of contextually sensitive and appropriately-scaled residential infill on underdeveloped lots throughout the neighborhood.

### **Zoning Analysis:**

The proposed project has been cited with 12 zoning violations, relating to use, scale, and parking regulations. These citations are listed upon the project's most recent refusal letter, dated 7/15/24. The project proposal was initially filed with the Inspectional Services Department on 12/12/23. Since that initial filing, updated zoning for the East Boston neighborhood was adopted by the Zoning Commission (on 4/24/24).

East Boston's updated zoning places the proposed project within an EBR-4 subdistrict. EBR-4 subdistricts allow a maximum building height of 4 stories/50' and permit multifamily residential uses. The proposed project complies with both of these requirements (4 stories/42' building height & 4 dwelling units proposed).

Updated zoning for the area also removes previously present dimensional regulations (such as maximum FAR, minimum lot area, and minimum usable open space) and replaces them with updated dimensional regulations based on building form and environmental performance items (including maximum building lot coverage, maximum building floor plate, and minimum permeable area of lot). The zoning also recalibrates the requirements for previously present dimensional regulators (including for front, rear, and side yard setbacks). While some of the proposed project's raw dimensional figures are in violation of these requirements (mainly building lot coverage, permeable area of lot, and yard setback maximums/minimums), they relate exclusively to extensions of existing nonconforming dimensions currently present on the site. Because the proposed project will not worsen these existing dimensions, they will not constitute violations of the area's zoning (as per Section 53-30 of the Zoning Code - Nonconformity as to Dimensional Requirements). This makes the project dimensionally compliant with East Boston's updated zoning.



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

The project's cited violations relating to parking requirements and roof structure restrictions remain applicable to the proposal. The regulations of the City's GCOD are also applicable to the project. Comments on each follow below.

1) Insufficient Parking: The proposed project falls below the required parking count in East Boston's updated zoning (0 spaces proposed, 4 spaces required). This zero parking condition is already existing upon the site and is not proposed to be altered through the proposal. Even if it were, the project's lot size (1,600 sqft) is not large enough to accommodate 4 spaces with sufficient space for maneuverability without demolishing the existing structure thereon. The City also discourages the development of new curb cuts, wherever possible. This zero parking condition is also one that is shared across 90%+ of the lots within a 3 block radius of the project site. Because of this, as well as the project's close proximity to multiple public transit options, the proposal's insufficient parking violation is minimally invasive to the site and surrounding area. The City also discourages the development of new curb cuts.

2) Roof Structure Restrictions: The project's proposed roof deck violates the roof structure setback requirements detailed in the area's updated zoning (5' setback from all roof edges required - 0' proposed on the parcel's west roof edge). A proviso for Planning Department Design Review has been added to this recommendation to address the roof deck's setback from the structure's left roof edge.

3) GCOD Applicability: Because the proposed project seeks to add more than 50 square feet of area to the existing structure (a GCOD applicability trigger), the proposed project will be required to comply with the regulations of the GCOD for review by the Boston Water & Sewer Commission. A proviso for GCOD Review has been added to this recommendation to accommodate this need.

**Recommendation:**

In reference to BOA1627005, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review, the plans

BOA1627005

2024-09-10

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shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD) with attention to roof deck setbacks.

Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1625940
<b>ZBA Submitted Date</b>	2024-07-11
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	400 to 408 W Broadway South Boston 02127
<b>Parcel ID</b>	0601154000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	68
<b>Project Description</b>	Changing occupancy from 36 residential units and 1 retail store to 36 residential units and 1 restaurant.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Parking or Loading Insufficient Use: Conditional (Restaurant)

**Planning Context:**

The project is located along the active mixed-use commercial corridor of W Broadway in South Boston. The property is just over 1/2 mile from the Broadway Red Line Station, and 1 block away from the MBTA #9, #10, and #11 buses. Along the entire length of W Broadway, and immediately proximate to the site, there are several other ground-floor restaurants and retail spaces.

This project is a previously approved Article 80 Small Project that received building permits on September 1st, 2022. The originally approved plans included 36 residential units, 36 parking spaces, and 1 retail store. Given the project's location along a significant commercial corridor in South Boston, restaurant use is appropriate at this site.

**Zoning Analysis:**

The site is located within the MFR/LS subdistrict of South Boston. The intent of the MFR/LS subdistrict pursuant to Section 68-6 is "to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings, as well as ground floor local retail and commercial uses." Despite the stated goals of encouraging ground floor local retail and commercial spaces, restaurants are a conditional use within this MFR/LS subdistrict. The following conditions for approval in accordance with Section 6-3 may be satisfied: that the specific site is an appropriate



location for such use, that it will not adversely affect the neighborhood, that there will be no serious hazard to vehicles or pedestrians from the use, that no nuisance will be created by the use, and that adequate and appropriate facilities will be provided for the proper operation of the use. Given the location of the project on a significant mixed-use corridor with other restaurants and commercial spaces, this is an appropriate location for a restaurant and will benefit the local neighborhood by introducing a new dining option. No new curb cuts are proposed along the W Broadway frontage, so there will not be new hazards introduced to vehicles or pedestrians.

Additionally, the project is cited for insufficient off-street parking. The originally approved project also had insufficient off-street parking, as it provided only 36 parking spaces, despite a minimum required 47 spaces (42 spaces for the 36 residential units and 5 spaces for the retail uses). With the change to restaurant use, the minimum required total parking spaces is 69 (42 spaces for the 36 residential units and 27 spaces for the restaurant use). The addition of more parking spaces is infeasible due to the approved building plans; the building takes up nearly the entire lot and the 36 provided parking spaces are contained within a first floor and below-grade parking structure. Although this is not an Article 80 Large Project, the guidance provided by the Boston Transportation Department (BTD) for parking ratios here is a maximum of 0.40 for retail (there is no restaurant category in the BTD guidelines), which would result in a maximum of 1 parking space for the restaurant use. Many commercial properties along this same street do not provide off-street parking for customers, as there is street parking along W Broadway, and the area is well-served by transit. This is a case for zoning reform, where minimum parking requirements are not necessary for these mixed-use commercial areas.

**Recommendation:**

In reference to BOA1625940, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1630349
<b>ZBA Submitted Date</b>	2024-07-23
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	275 Gold ST South Boston 02127
<b>Parcel ID</b>	0700888000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	The proposed project would construct a new three-unit, four-story building with three parking spaces.
<b>Relief Type</b>	Variance
<b>Violations</b>	Roof Structure Restrictions Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient FAR Excessive Parking design and maneuverability Parking or Loading Insufficient Insufficient Minimum Lot Size

**Planning Context:**

The proposed project is to demolish an existing two-story house and replace it with a four-story, three-unit house with two tandem parking spaces and one standalone space in a garage located on the first floor. The block is a mix of old and new residential construction, with two- to four-story houses on similarly narrow lots.

**Zoning Analysis:**

This project received violations for roof structure restrictions (related to height), insufficient yards (front, side, and rear), insufficient usable open space, insufficient additional lot area, excessive FAR, parking design and maneuverability, insufficient parking, and insufficient minimum lot size. According to the plans, the side yard setback would be 3', which is the minimum in this subdistrict. ISD has been contacted in regards to the discrepancy.





In regards to the height, the violation appears to stem from the new project having a greater height (40', the cap for this subdistrict) than the existing building, although this is unconfirmed by the plans. The requirements to overcome this condition are laid out in Section 68-29: "Any proposed construction on the lot that would exceed the prior height shall require Board of Appeal approval, and shall be subject to the roof structure and building height restrictions of this Section 68-29 and the height limits applicable to the Subdistrict in which the lot is located. 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 and/or restricting views from roofs, windows, doors, or balconies." Based on a review of 2022 satellite imagery of the current building and the project plans, the impacts to light, airflow, and views do not appear to be significant.

Many of the other violations reflect a Code that does not match built conditions on this block, indicating an opportunity for zoning reform. For instance, the minimum lot size requirement in this subdistrict is 2,000 sq. ft. However, more than half of the parcels on the block are under 1,500 sq. ft. Similarly, additional lot area requirements in this MFR subdistrict are 1,000 square feet per dwelling unit. Like much of South Boston, this block is densely-packed residential street, and many parcels do not meet this requirement. At 5', the required front yard setback is similarly misaligned. Only three parcels (8% of all parcels on the block) have a non-zero lot line. There is also a significantly smaller rear yard (5') than the 20' minimum in this subdistrict. However, most parcels on this block do not meet the 20' minimum.

Tandem parking in the proposed first-floor garage triggers a maneuverability violation. There would be two side-by-side spaces at the entry to the garage, and an additional space further back and directly behind that. The project is proposing three spaces for three dwelling units, under the Code requirement of 1.5 spaces per unit. BTM parking maximums at this location are zero to .75 spaces per unit for rentals, and zero to one space per unit for condominiums.

However, the outstanding issue for this project is accessibility, which has not been adequately addressed in the submitted plans. The project received a building code violation related to the proposed limited use/ limited application (LULA) lift to provide access to the second floor unit (521 CMR 28.12). The lift would be used over a full story, but LULAs are only intended to negotiate grade changes less than a full story. In this case, a full-size elevator is the appropriate alternative. The elevator would have to be installed at the time of occupancy, which is not what is being proposed.



Based on the refusal letter, it appears that ISD is requiring the proponent to obtain a variance through the state Architectural Access Board (AAB) to allow the LULA lift. The Disabilities Commission generally only supports AAB variances in smaller-scale new construction when the building has the wiring for the LULA installed at the time of occupancy.

**Recommendation:**

In reference to BOA1630349, The Planning Department recommends DENIAL without PREJUDICE: that the applicant submit new plans in line with accessibility regulations or obtain an AAB variance that would be supported by the Disabilities Commission.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1605933
<b>ZBA Submitted Date</b>	2024-05-24
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	53 Burrell ST Roxbury 02119
<b>Parcel ID</b>	0800309000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	Demolish existing garage to build a new three-unit home.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Rear Yard Insufficient Side Yard Insufficient

**Planning Context:**

The proponents are seeking to demolish an existing single-story multi-car garage and build a new three-unit home. Neighboring properties at 57 Burrell Street, 57R Burrell Street, and 55R Burrell Street are also owned by the proponent. The garage spans the full 86.87' depth of its parcel. The garage has street frontage with a curb cut for access. The west facing side of the garage ends on the parcel line while on the east facing side 10' of the parcel width is a driveway space. At the rear 20' of the site the garage extends its width and directly touches with no apparent structural connection to neighboring 55R Burrell St. The surrounding neighborhood is mostly 3-story 3-family triple decker homes including the directly adjacent lots which have similar dimensions. The proposal is within the Roxbury Strategic Master Plan which outlines as one of its principles for housing that new buildings should be compatible with the predominant character of the existing housing. The proposal would be of a similar triple decker typology as the surrounding context in line with the plan's principles.

**Zoning Analysis:**

The proposed project has five violations: insufficient parking, lot area, rear yard, side yard and an excessive FAR. The off-street parking at a proposed amount of 0 while the requirement



would be 3 according to Article 50 requirements (1.0 parking spot per unit). This can be recommended for relief due to the limited lot size that would not make parking feasible while keeping the housing that would be added to the site. It is also contextual to the surrounding context with similar designed homes on similar lots not having parking including the adjacent buildings.

The next violation would be the insufficient Lot Area of 2,521 SF while the required for this amount of units would be 6,000 SF (4,000 SF for 1 or 2 units and 2,000 SF for each additional unit). This violation can be recommended for relief also due to the neighboring context having similar sized lots with the same unit count. The proposal has an excessive floor area ratio at 1.37 while the maximum is 0.8. This is another violation that can be recommended for relief due to the neighboring context having similar conditions. Due to the commonality of this existing excessive FAR this is a case for zoning reform to update zoning requirements to better match the built context.

The last two violations are insufficient side yard and rear yard setbacks. The required side yard setback is 10' which can not be met with the existing 27.57' wide site and can be found commonly across the neighborhood with similar width parcels. This is also an existing violation on the site which will be better with the building code required 3.5' setback that is being proposed. On the other side it will be worsened with the proposed abutting the parcel line however there will still be a 14' driveway on the adjacent parcel separating the homes. These can be conditions for a relief recommendation. In regards to the rear yard setback it is required to be 30' while the proposed is 25.8'. This is an improvement over the existing being 0' and would be further of a rear setback than what is commonly seen in the existing neighborhood context. The rear yard violation is recommended for relief.

**Recommendation:**

In reference to BOA1605933, The Planning Department recommends APPROVAL .



Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1616343
<b>ZBA Submitted Date</b>	2024-06-18
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	120 Glendower Rd Roslindale 02131
<b>Parcel ID</b>	1805220000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 2F-5000
<b>Zoning Article</b>	Art. 67
<b>Project Description</b>	Construct a 2-unit residential dwelling with 4 parking spaces on a newly-created 4,000 sq ft lot. See ALT1589966 for a separate application for the subdivision of an existing 8,548 sq ft lot at 124 Glendower Rd to create a 4,548 sq ft lot and a 4,000 sq ft lot on which this proposed dwelling would be built.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Width Insufficient Lot Area Insufficient Lot Frontage Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Side Yard Insufficient

**Planning Context:**

This project proposes the construction of a 3-story, 2-unit residential dwelling on a newly created 4,000 sq ft lot that was created due to the subdivision of an existing 8,548 sq ft lot on 124 Glendower Rd. The existing 8,548 sq ft lot has an existing 2-unit residential dwelling on the northwestern side of the lot. The subdivision will split the northwestern and southeastern portions of the lot to create two rectangular lots. The existing 2-unit residential dwelling will be on the newly subdivided 4,548 sq ft lot while this proposed 2-unit residential dwelling is proposed for the southeastern 4,000 sq ft lot.

In terms of scale, use and relationship to lot, this building would conform with existing height and building lot coverage for lots of similar size. Additionally, this project aligns with City goals



as outlined in Housing a Changing City, Imagine Boston 2030 (2018) to promote infill development that increases housing opportunity.

The project proposes 4 rear parking spaces and a driveway with a new curb cut along the northwestern side yard. The existing lot seems to have existing trees as well as permeable green space in this location. The proposed driveway and parking plans do not indicate if permeable paving will be used and does not indicate any retention or replacement of green space related to this development. 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 increased tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees, 2022) outline this point. This necessitates further review of the proposed parking plan to determine the need to eliminate or reduce the parking design to retain or replace the existing green space.

Additionally, this lot is within a 10-minute walk of MBTA bus stops that service multiple bus routes connecting to commercial areas like Roslindale Square and Cleary Square and to the Forest Hills MBTA T stop. This closeness to transit resources reduces the need for reliance on private vehicles, a goal outlined by the City in Go Boston 2030 (2017).

### **Zoning Analysis:**

This project is proposed within the 2F-5000 subdistrict of the Roslindale Neighborhood District (Art. 67). This project was flagged for dimensional regulation violations caused by the size of the newly created lot. Due to the newly created lot being 4,000 sq ft, it triggers insufficient lot width (minimum = 50 ft; actual = 40 ft), insufficient lot area (minimum = 5,000 sq ft for 1 unit; actual = 4,000 sq ft for 2 units), and insufficient additional lot area per unit violations (minimum = 3,000 sq ft per unit; actual = 0) (Art. 67, Sec. 9).

There are precedent lots on this block of Glendower Rd with about 4,000 sq ft lots that have these existing nonconformities in terms of lot width and lot area. This block has existing lots that vary in size between about 4,000 sq ft and about 9,000 sq ft with uses ranging from 1 to 3 units on them. This is due to variations in lot width and depth, leading to properties that have different amounts of open space and different depths of side and rear yards committed to driveways and rear parking spaces.



Most buildings are 2 or 2.5 stories with only a couple 3-story buildings on the block. This project is 3 stories in height, but also has an above ground basement level of 7 ft that makes the property appear taller. The total height of the building per the plans is 35 ft, which many buildings on the block are at or below in height even if they vary in their number of stories.

Most of the lots on this block that are about 4,000 sq ft hold 1-unit residential dwellings with lot coverages estimated between 680 sq ft and 1,100 sq ft (between 17% and 27% of the lot). The proposed 2-unit residential dwelling would have a lot coverage of 800 sq ft (20% of the lot), which is within the range of these existing residential dwellings on lots around 4,000 sq ft while providing an additional housing unit that is allowed within this zoning district.

This project should have zoning relief since it reflects the pattern of the surrounding built context and has a building lot coverage consistent with adjacent buildings that are also on lots around 4,000 sq ft.

This project also is flagged for having an excessive FAR (maximum = 0.5; actual = 0.61) and building height in stories (maximum = 2.5; actual = 3) (Art. 67, Sec. 9). As mentioned above, this project aligns with the common heights in feet of other buildings in the area and while it is above the maximum height in stories, it aligns with the maximum height in terms of feet and general scale as well as a common building lot coverage. Relief should be provided for this height and FAR because this project is producing an urban form that would still fit within the diversity of built forms already along this block while producing large 3-bedroom units.

This project was flagged for insufficient usable open space per dwelling unit (minimum = 1,750 sq ft per unit; actual = estimated at about 720 sq ft per unit per plans) (Art. 67, Sec. 9). It was also flagged for an insufficient side yard (minimum = 10 ft; actual = 8 ft). This low amount of usable open space per unit and smaller side yard depth are due to the commitment of space for 4 rear parking spaces and a side yard driveway. The southeastern side yard is 8 ft because the northwestern side yard needs to be 12 ft to accommodate the driveway towards the rear yard. The side yard condition should be given relief due to this being a common nonconformity along this block for properties that have a side yard driveway that takes up more space than the alternate side yard.

While the project plans do not calculate the exact amount of space dedicated to the driveway, parking spaces and turn radius for those spaces, it is apparent that the parking design and the paving of existing open space leads to the usable open space violation. Since this project is





providing parking spaces in alignment with the existing zoning regulations in the Roslindale Neighborhood District for “other residential uses” like this (parking ratio of 2 parking spaces per unit), further review of the parking and open space design are necessary to reduce the impact of this inclusion of parking and provide the most amount of usable open space for each unit.

These lot dimension, building dimension and off-street parking violations indicate a case for zoning reform to establish updated zoning regulations that support infill development that fits into the context of the residential fabric while promoting the retention and provision of usable open space over parking spaces, particularly when in proximity to transit resources as mentioned in the Planning Context.

Site plans were submitted on 06/25/2020 by Boston Survey, Inc. and project plans were submitted on 04/11/2024 by HiARCHi Design Collaborative.

**Recommendation:**

In reference to BOA1616343, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to an update to the parking design to retain or provide more usable open space and mitigate the loss of existing green space and trees.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1616347
<b>ZBA Submitted Date</b>	2024-06-18
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	124 Glendower RD 18 Roslindale MA 02131
<b>Parcel ID</b>	1805220000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 2F-5000
<b>Zoning Article</b>	67
<b>Project Description</b>	Subdivide an existing 8,548 sq ft lot at 124 Glendower Rd into two separate lots to be 120 Glendower Rd as the newly created 4,000 sq ft lot and 124 Glendower Rd as the remaining lot at 4,548 sq ft. See ERT1589930 for a proposal to build a 2-unit residential dwelling on the newly created vacant 4,000 sq ft lot.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Lot Width Insufficient Lot Area Insufficient Lot Frontage Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Side Yard Insufficient

**Planning Context:**

This proponent is subdividing an existing 8,548 sq ft lot at 124 Glendower Rd into two separate lots to be 120 Glendower Rd as the newly created 4,000 sq ft lot and 124 Glendower Rd as the remaining lot at 4,548 sq ft. The existing 8,548 sq ft lot has an existing 2-unit residential dwelling on the northwestern side of the lot. The subdivision will split the northwestern and southeastern portions of the lot to create 2 rectangular lots. The existing 2-unit residential dwelling will be on the newly subdivided 4,548 sq ft lot while this proposed 2-unit residential dwelling is proposed for the southeastern 4,000 sq ft lot. There are no changes proposed to the existing 2-unit residential structure at 124 Glendower Rd, just changes to its lot dimensions.

This block of Glendower Rd that are all within this 2F-5000 subdistrict has existing lots with 1-, 2- and 3-unit dwellings on them that vary in size between about 4,000 sq ft and about 9,000 sq ft. This is due to variations in lot width and depth, leading to properties that have different



amounts of open space and different depths of side and rear yards committed to driveways and rear parking spaces. The proposed reduction of the lot from 8,548 sq ft to 4,548 sq ft creates a lot size for this property that is still consistent with the lot sizes present in the surrounding area. This subdivision creates opportunity for the construction of an infill development in the area (see ERT1589930), which aligns with City goals as outlined in Housing a Changing City, Imagine Boston 2030 (2018) to promote infill development that increases housing opportunity.

The subdivision creates a side yard depth between the building and its southeastern side lot line of 4.8 ft, which is due to the property retaining its 15.6 ft side yard on the northwestern side while providing enough lot width on the newly created 120 Glendower Rd lot for it to fit a new residential property. The resulting width of both lots are in keeping with the range of lot widths in the area and a small side yard depth on the side yard that is not used for a driveway is common for residential dwellings on this block with the same driveway and parking uses.

### **Zoning Analysis:**

This proposal is within the 2F-5000 subdistrict of the Roslindale Neighborhood District (Art. 67). This project was flagged for dimensional regulation violations caused by the size of the newly created lot.

Due to the lot size reduction for the subdivision, it triggers insufficient lot width (minimum = 50 ft; actual = 45.5 ft), insufficient lot area (minimum = 5,000 sq ft for 1 unit; actual = 4,548 sq ft for 2 units), and insufficient additional lot area per unit violations (minimum = 3,000 sq ft per unit; actual = 0). (Art. 67, Sec. 9). As mentioned, there are precedent lots on this block of Glendower Rd with a range of scales between about 4,000 sq ft and about 9,000 sq ft that have these existing nonconformities and that hold 2 or more units, thus not always meeting the additional lot area per unit requirement.

The remaining violations of excessive FAR, insufficient usable open space, and insufficient side yard (Art. 67, Sec. 9), are all factors of the reduction in lot size but are consistent with similar nonconformities on these factors for other adjacent buildings. Relief should be provided for this property due to this being a common condition in the surrounding area.

This project has been flagged as having an insufficient number of off-street parking spaces (required = 4), though the existing lot's assessing data states that it has 6 parking spaces and the surveyed plans indicate a driveway leading to rear parking but does not identify the number of existing off-street parking spaces. Since this building is not adding residential units that would



require more parking spaces, relief should be provided to allow for the current number of parking spaces in the case that the property actually has fewer than 4 spaces.

These lot dimension, building dimension and off-street parking violations indicate a case for zoning reform in this area to establish updated zoning regulations for existing residential properties that conform to common built conditions in the area but are flagged for zoning regulations even without land use or built form changes.

Site plans were submitted on 06/25/2020 by Boston Survey, Inc. and project plans were submitted on 04/11/2024 by HiARCHi Design Collaborative.

**Recommendation:**

In reference to BOA1616347, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1588133
<b>ZBA Submitted Date</b>	2024-04-05
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	190R Paris St East Boston 02128
<b>Parcel ID</b>	0106206000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood
<b>Zoning Article</b>	3F-2000
<b>Project Description</b>	Renovate an existing single-family structure known as 190R Paris Street including expanding the third floor through use of dormers extending the protrusion of the third floor above the building.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Rear Yard Insufficient Usable Open Space Insufficient FAR Excessive

**Planning Context:**

This project was previously reviewed for the July 16, 2024 ZBA Hearing, where it was deferred. A revised set of plans were submitted that reduces the extent of the side addition from projecting 6’5” feet to 4’1”. This recommendation has been updated to reflect the changes.

The proponent seeks to renovate an existing single-family structure known as 190R Paris Street, located in the rear yard of a lot that also contains a three-unit dwelling on the front, by erecting a side yard addition and attic dormers. The lot currently contains a total of four dwelling units: three units in the front structure and one unit in the rear structure. The plan to renovate the existing rear structure will not increase the number of units.

**Zoning Analysis:**



Due to the date of file, before zoning changes were adopted, the zoning was reviewed by different zoning than is now in effect. The building is located in the 3F-2000 zoning district under old zoning, and in the EBR-3 district under the new East Boston zoning.

The rear yard for a 3F-2000 district must be less than 30 feet. Per new East Boston zoning, Table F, the rear yard for an EBR-3 district should be at least  $\frac{1}{3}$  of the depth. The site plan suggests that the current lot depth is 100' and the proposed rear yard is 4' 10  $\frac{3}{4}$ ", which is less than 100/3'. While the zoning refusal cites this as a violation, the new additions will not worsen or extend the condition, making it a pre-existing nonconformity, and zoning relief is appropriate and enabled in updated East Boston zoning through Section 53-39 Nonconformity as to Dimensional Regulation .

Per Article 53, Table F, usable open space for a 3F-2000 district must be at least 300 square feet per dwelling unit. The plans indicate a proposed open space of 415.5 sq ft per unit, calculated as 1,662 sf divided by 4 units. The new zoning amendment does not specify Usable Open Space or FAR requirements for the EBR-3 district. The proposed usable open space is above the minimum requirement, and should therefore be allowed.

Per Article 53, Table F, Floor Area Ratio for a 3F-2000 district must be less than 1. The plans indicate a proposed Floor Area Ratio of 1.38 (4578/3300). Surrounding lots have similar or higher existing FAR conditions, making this change contextually appropriate. The current FAR is 1.16, the proposed project would increase the FAR to 1.38. FAR is not regulated any more under the new East Boston zoning. The proposed building does dimensionally conform with current EBR-3 zoning's maximum floor plate area (3,000 sf), maximum lot coverage (60%) and maximum building width (50 feet), and maximum building depth (70 feet).

The proposal indicates an unfinished basement, which is appropriate given that the building is in the flood zone and the basement is only 6'4" tall.

While not indicated on the plans, the amount of permeable surface area included in the proposal seems to be under the 30% minimum requirement under the EBR-3 district. The reduction in the size of the side addition has not improved the permeable area of lot. The plans indicate new paved area to be located in the side yard of the addition, similar to an existing concrete area in another side yard. Given that the lot already contains very high lot coverage and permeable area of lot below the minimums of PLAN: East Boston and updated zoning, based on the fact there are two residential structures on a small lot, any proposed change needs to increase the



permeable area of lot to bring it into better alignment with updated zoning by reducing building footprint and removing paved surfaces.

This project presents a case for rear yard zoning relief and allowance for an additional dwelling unit, because existing conditions are not being worsened and because it aligns with the need to protect existing housing in the area. However, the side yard addition should be reduced further and the permeable area of lot must be increased to better align with the zoning recommendations of PLAN: East Boston by not worsening existing non-conformities.

The project is located in the Groundwater Conservation Overlay District and thus requires review by the Boston Water & Sewer Commission.

The plans reviewed are titled 190 Rear Paris Street Revision Set and were prepared by Context. They are dated January July 3, 2024.

**Recommendation:**

In reference to BOA1588133, The Planning Department recommends DENIAL WITHOUT PREJUDICE that the proponent should consider a project that increases the permeable area of lot.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1606963
<b>ZBA Submitted Date</b>	2024-05-29
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	30 Concord ST Charlestown 02129
<b>Parcel ID</b>	0203085000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	62
<b>Project Description</b>	The proponent is seeking to add new front and rear dormers to the existing two-and-a-half story residence, single-family home. This will allow for the creation of a new third floor layout with a new bathroom and three new bedrooms. The proponent has filed an almost identical set of plans to renovate the roof of the neighboring single-family residence at 32 Concord Street.
<b>Relief Type</b>	Variance
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

BOA1606963 is located at 30 Concord Street in the Charlestown neighborhood. The parcel is located in a mainly residential area of the neighborhood (3F-2000) with houses that come in a variety of heights, sizes, and roof styles. The proponent is seeking to add a new front gable dormer and a rear shed dormer to the existing two-and-a-half story residence, single-family home. This will allow for the creation of a new third floor layout with a new bathroom and three new bedrooms. The proponent has filed an almost identical set of plans (BOA1601715) to renovate the roof of the neighboring single family residence at 32 Concord Street.

The historic property is located in the Original Peninsula area of PLAN: Charlestown, where recommendations focus on preserving existing residential structures and allowing appropriate infill and small changes. PLAN: Charlestown recommends that residents have control over changes to their homes as it “increases the likelihood that families who live the neighborhood already will stay, if they can appropriately modify their houses to adjust to new needs.” They cite the importance of allowing for modifications including adding dormers to their rear facing roofs. That being said, PLAN Charlestown outlines specific qualifications for the placement of the





dormers, several of which are not being complied with including the slope of the rear shed dormer and the position (centering) of the front gable dormer.

**Zoning Analysis:**

BOA1606963 is located in the Charlestown neighborhood zoning district, and the 3F-2000 zoning subdistrict. The parcel is also subject to Charlestown Neighborhood Design Overlay District. The proposal has one zoning violation for roof structure restrictions. According to Article 62, Section 25 of the code, no roofed structure shall be erected or enlarged if such construction relocates or alters the profile and/or configuration of the roof or mansard. That being said, along the same corridor, there are a variety of homes with a diversity of different styles of roof dormers, as well as homes that are significantly taller. The proposed plans will not put the existing residence drastically out of alignment with the surrounding neighborhood context. However, design review is appropriate in this instance given that the proponent will require modifications to dormer design and placement to comply with the dormer guidelines outlined in PLAN Charlestown.

**Recommendation:**

In reference to BOA1606963, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to dormer design and placement.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1601715
<b>ZBA Submitted Date</b>	2024-05-29
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	32 Concord ST 02 Charlestown MA 02129
<b>Parcel ID</b>	0203084000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	62
<b>Project Description</b>	The proponent is seeking to add new front and rear dormers to the existing two-and-a-half story residence, single family home. This will allow for the creation of a new third floor layout with a new bathroom and three new bedrooms. The proponent has filed an almost identical set of plans to renovate the roof of the neighboring single family residence at 30 Concord Street.
<b>Relief Type</b>	Variance
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

BOA1601715 is located at 32 Concord Street in the Charlestown neighborhood. The parcel is located in a mainly residential area of the neighborhood (3F-2000) with houses that come in a variety of heights, sizes, and roof styles. The proponent is seeking to add a new front gable dormer and a rear shed dormer to the existing two-and-a-half story residence, single family home. This will allow for the creation of a new second floor and third layout with a new bathroom and three new bedrooms. The proponent has filed an almost identical set of plans (BOA1606963) to renovate the roof of the neighboring single family residence at 30 Concord Street.

The historic property is located in the Original Peninsula area of PLAN: Charlestown, where recommendations focus on preserving existing residential structures and allowing appropriate infill and small changes. PLAN: Charlestown recommends that residents have control over changes to their homes as it “increases the likelihood that families who live the neighborhood already will stay, if they can appropriately modify their houses to adjust to new needs.” They cite



the importance of allowing for modifications including adding dormers to their rear facing roofs. That being said, PLAN Charlestown outlines specific qualifications for the placement of the dormers, several of which are not being complied with including the slope of the rear shed dormer and the position (centering) of the front gable dormer.

**Zoning Analysis:**

BOA1606963 is located in the Charlestown neighborhood zoning district, and the 3F-2000 zoning subdistrict. The parcel is also subject to Charlestown Neighborhood Design Overlay District. The proposal has one zoning violation for roof structure restrictions. According to Article 62, Section 25 of the code, no roofed structure shall be erected or enlarged if such construction relocates or alters the profile and/or configuration of the roof or mansard. That being said, along the same corridor, there are a variety of homes with a diversity of different styles of roof dormers, as well as homes that are significantly taller. The proposed plans will not put the existing residence drastically out of alignment with the surrounding neighborhood context. However, design review is appropriate in this instance given that the proponent will require modifications to dormer design and placement to comply with the dormer guidelines outlined in PLAN Charlestown.

**Recommendation:**

In reference to BOA1606963, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to dormer design and placement.

Reviewed,

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1624853
<b>ZBA Submitted Date</b>	2024-03-15
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	53 to 85 Canal ST 03 Boston MA 02114
<b>Parcel ID</b>	0301568000
<b>Zoning District &amp; Subdistrict</b>	Boston Neighborhood Central Artery Area
<b>Zoning Article</b>	11, 46, 80
<b>Project Description</b>	Remove the existing poster structures on the building's side wall and replace with a 25' x 25' static wallscape, which has no structure.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Signs Non-Residential Districts; Bullfinch Triangle District Design Review; Billboard Signs; Small Project Review Applicability

**Planning Context:**

The proposed project sits in the historic Bulfinch Triangle area within Boston’s urban core. The site sits one block from both North Station and TD Garden as well as Haymarket, the North End, and the Rose Kennedy Greenway.

The proposed project seeks to remove an existing billboard structure and replace it with a new, similarly-scaled billboard. While the project’s design does improve upon certain elements of the existing billboard (a slightly reduced overall size to go along with an amended placement, which lowers the sign below the top of the building’s roofline), the Planning Department does not support the development of the project, nor the replacement of billboards anywhere in the City.

Despite being in proximity to many high vehicular traffic areas, the billboard’s presence is not appropriate for the location it’s proposed. The location of the proposed sign does not face a major vehicular thoroughfare, but rather sits on a building frontage firmly within the lower-intensity, pedestrianized core of the historic Bulfinch Triangle area. Its proposed location fronts only rear entrances to the MBTA’s North Station as well as several existing commercial and retail spaces. Its proposed scale (625 square feet of sign area) trumps that of the site’s abutting ground floor commercial signs by a factor of at least 10 times (and likely more). This scale



results in the billboard having severely oversized visual impacts upon the site's street frontage, which not only take visual emphasis away from the historic architecture of the Bulfinch Triangle (the Bulfinch Triangle District has an NRDIS designation on the National Register of Historic Places), but also the businesses surrounding it through the sign's purpose: to display off-premise commercial advertising. These impacts stand in direct contrast to the design goals outlined for development in the Bulfinch Triangle District: "new buildings, rooftop additions, and façade renovations should be designed such that the exterior proportions, scale, massing, window treatment, materials, colors, and architectural detailing are compatible with the observable architectural character of the existing late 19th- and early 20th-century masonry warehouse structures in the Bulfinch Triangle District" (Zoning Code Section 46-8.1(b) - Bulfinch Triangle District Design Guidelines, Compatibility with Historic Context).

### **Zoning Analysis:**

The proposed project's violation of Section 11-2 of the Zoning Code (Signs in Non-Residential Districts) relates to its proposed scale and placement upon the building. Specifically, the proposed sign is in excess of the area's maximum permitted placement height (25' allowed, 40' proposed) and allowed sign area (~75 square feet of area permitted, 625 square feet of area proposed). These dimensions result in a sign of significant scale that both severely violates the requirements of the Code and creates an oversized visual impact within the context it resides. This proposed scale is also responsible for 2 of the project's additional violations, which relate to triggers for Bulfinch Triangle District design review (exterior alteration affecting more than 500 square feet of the street frontage) and comprehensive sign design review (triggered through the design review component of Article 80 Small Project Review).

The proposed project also falls in violation of the Code because billboards are conditional sign types. Specifically, Section 11-6 of the Zoning Code (Signs Subject to Other Regulations) states that, "no new billboards shall be allowed within six hundred sixty (660) feet of a federally-funded highway subject to the Federal Highway Beautification Act unless approved by the Board of Appeal in accordance with Article 6 after receipt by the Board of Appeal of a planning recommendation from the Boston Redevelopment Authority." Section 6-3 of the Zoning Code details the conditions required for approval for conditional uses. These include the following: (1) that the specific site is an appropriate location for such use or; (2) that the use will not adversely affect the neighborhood; (3) there will be no serious hazard to vehicles or pedestrians from the use; (4) that no nuisance will be created by the use; and (5) that adequate and appropriate



facilities will be provided for the proper operation of the use. Because of the project's misalignment with these conditions, as outlined in the "Planning Context" section of this recommendation, the Planning Department does not support the approval of a conditional use permit for the proposed project.

**Recommendation:**

In reference to BOA1624853, The Planning Department recommends DENIAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1599860
<b>ZBA Submitted Date</b>	2024-05-08
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	332 W Broadway South Boston 02127
<b>Parcel ID</b>	0600457010
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	68
<b>Project Description</b>	Add live entertainment and take-out as permitted uses to an existing restaurant.
<b>Relief Type</b>	Variance
<b>Violations</b>	Restaurant with take out forbidden; Live entertainment forbidden

**Planning Context:**

The proposed project was scheduled for a July 30, 2024 ZBA Hearing. New plans were submitted on July 29 that maintains the proposed live entertainment, no longer proposes on-street dining, and updates the project to propose take out uses.

The proposed project is in a mixed use area with small retail and service establishments on the surrounding block and one other bar on the abutting lot (the Clock Tavern at 342 W Broadway). The existing use is a restaurant/bar (Layla's American Tavern) which is open during late hours (until 1am everyday). The existing use as a restaurant would not change and the proposal is to add live entertainment and take out. There are two options included in the plans for the addition of live entertainment: one which would include a smaller “acoustic musician area” and one which would include a larger “DJ booth.” The plans do not show the existing seating plan, but it appears from the included occupancy summary that the proposal includes adding additional interior seating of 9 seats (for the DJ booth plan) or 18 seats (for the acoustic musician area plan).

The location seems appropriate for late-night live entertainment use, as this location has long served as a bar. In addition, the operator will be required to receive a live entertainment license through the Boston Licensing Board, which will include additional community engagement to ensure that the specifics of the live entertainment proposed (including hours of operation) are appropriate. The location also seems appropriate for take-out, as there is on-street parking in



front of the building as well as off-street parking available. In addition, one block northwest of the proposed project on West Broadway is a restaurant with take-out, providing context for the proposed use.

**Zoning Analysis:**

The proposed project is in a Multifamily Residential/ Local Services subdistrict in South Boston. According to Article 68, "the Multifamily Residential ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types... as well as ground floor local retail and commercial uses."

In this subdistrict, "Restaurant with live entertainment, operating after 10:30 p.m" and "Take-out restaurant, Small" and "Take-out restaurant, Large" are forbidden (Article 68 Table A).

Many of the existing uses in the area are allowed in an MFR/LS subdistrict, such as local retail or salons. There are however some other existing nonconforming uses, such as a fitness center, the neighboring bar, and a number of clinics. This indicates that it may be appropriate to reform the zoning for this area to better reflect built conditions and updated land uses for mixed use residential areas.

**Recommendation:**

In reference to BOA1599860, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department





<b>Case</b>	BOA1565102
<b>ZBA Submitted Date</b>	2024-01-24
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	8 Greenville ST Roxbury 02119
<b>Parcel ID</b>	0802611000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR
<b>Zoning Article</b>	50
<b>Project Description</b>	The project seeks to extend an existing driveway to the rear of the property to accommodate a newly proposed three-unit dwelling to be constructed in the rear. This application has been applied in conjunction with the new rear dwelling unit development, 8R Greenville Street, listed as BOA1565094.
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient Parking design and maneuverability

**Planning Context:**

This project was reviewed for the 2024-07-16 ZBA hearing, and deferred at that time. The project plans have not been updated since so the planning context, zoning analysis, and recommendations remain the same.

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

8 Greenville St currently has a four-unit apartment on the lot. The property is located in the Roxbury neighborhood, right off of Dudley Street, a major mixed-use corridor. The property is located in a largely residential section of the area, made up of a mix of different housing types, including: single-family (15 Greenville St, 19 Greenville St), two-family (17A Greenville St), apartments (21-23 Greenville St, 22-24 Greenville St), and condominiums (6 Greenville St).

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



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

**Zoning Analysis:**

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

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

Given the project's reduction of open space due to the development of parking, limited maneuverability for future parking spaces, and its close proximity to a major transit node, the proponent should consider revising its parking proposal. It is recommended that the proponent reduce the number of parking spaces proposed, and retain the driveway access.

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

**Recommendation:**



Planning Department

**CITY of BOSTON**

In reference to BOA1565102, The Planning Department recommends DENIAL WITHOUT PREJUDICE.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1565094
<b>ZBA Submitted Date</b>	2024-01-24
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	8R Greenville ST Roxbury 02119
<b>Parcel ID</b>	0104809000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR
<b>Zoning Article</b>	50
<b>Project Description</b>	The project seeks to demolish an existing one-story detached garage and erect a four-story, three-family dwelling, each with private roof decks and a ground-floor garage. The project will be located in the rear of an existing residential property (8 Greenville Street), which is also going through a ZBA case to extend its existing driveway; the application of that case is listed as BOA1565102.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Usable Open Space Insufficient

**Planning Context:**

This project was reviewed for the 2024-07-16 ZBA hearing, and at that time deferred. The project plans have not been updated since so the planning context, zoning analysis, and recommendations remain the same.

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

The existing parcel is currently behind a four-unit apartment at 8 Greenville Street. The parcel is located in the Roxbury neighborhood, right off of Dudley Street, a major mixed-use corridor. The property is located in a largely residential section of the area, made up of a mix of different housing types, including: single-family (15 Greenville St, 19 Greenville St), two-family (17A



Greenville St), and multi-family apartments (21-23 Greenville St, 22-24 Greenville St), and multi-family condominiums (6 Greenville St).

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

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

### **Zoning Analysis:**

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

The parcel is uniquely landlocked between three separate parcels without direct street frontage access: 8 Greenville Street to the east, 223 Dudley Street to the north, 11 Mt. Pleasant Avenue to the east, and 10 Greenville Street to the south. This parcel's existing condition makes it difficult to meet the requirement for 40 feet of lot frontage and conformity with existing building line alignment.

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

BOA1565094

2024-09-10

2 Planning Department



given the footprint of the development. The development includes a roughly 180 sf roof deck for each of the three units.

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

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

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

**Recommendation:**

In reference to BOA1565094, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans 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



<b>Case</b>	BOA1603160
<b>ZBA Submitted Date</b>	2024-05-16
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	20 Hinckley St Dorchester 02125
<b>Parcel ID</b>	1301869000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Construct a new single family residential building on a vacant parcel.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Existing Building Alignment Lot Area Insufficient Lot Frontage Insufficient Lot Width Insufficient NDOD Applicability 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. No updated plans were submitted and the zoning violations remain the same. As such, the Planning Department recommendation has not changed.

This project proposes the construction of a new 2.5-story single family 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 Uphams Corner. The project site is near several bus lines, and located one-half mile from the Uphams 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 2.5 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 2.5 stories in height, in alignment with the dimensional requirements of the Zoning Code for the appropriate subdistrict. The Excessive Height (stories) violation is therefore an error, and not applicable to said project.

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 due to new construction in a Neighborhood Design Overlay District (NDOD).

**Recommendation:**

In reference to BOA1603160, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to ensure adequate setbacks and site plan considerations and for consistency with the Neighborhood Design Overlay District.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1601598
<b>ZBA Submitted Date</b>	2024-05-13
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	142 Erie ST Dorchester 02121
<b>Parcel ID</b>	1401832000
<b>Zoning District &amp; Subdistrict</b>	Greater Mattapan Neighborhood 3F-5000
<b>Zoning Article</b>	60
<b>Project Description</b>	Construct two three-family structures in conjunction with its neighbor, 52-54 Glenway St.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Front Yard Insufficient Side Yard Insufficient Usable Open Space Insufficient Parking or Loading Insufficient Lot Area Insufficient Additional Lot Area Insufficient

**Planning Context:**

The proponent has been awarded land and funding to forward the City of Boston’s “Welcome Home, Boston” program. This case proposes the construction of two, three unit residential units across one parcel. The potential units will all be income-restricted. This case comes in conjunction with 56 Glenway St, and 142 Erie St, which have their own ZBA cases, BOA1601654 and BOA1601598, respectively.

This project was previously reviewed as an interrelated set of projects "52-54 Glenway St", "56-58 Glenway St" and "142 Erie St", and was deferred from the 6/25/24 ZBA meeting, no new plans have been received, but this project is now being reviewed under "56 Glenway St", "142 Erie St" and "154 Erie St".

“Welcome Home, Boston” is a housing development initiative started by the Mayor’s Office of Housing, which aims to develop new affordable homes. The site previously identified (52-58 Glenway St, 142 Erie St) is part of Phase I of this program, which began in 2022. Community



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

This area of Dorchester is largely comprised of two- and three-unit residential buildings, with small scale retail spread throughout. The triple decker is a common built form in this area, as well as 2.5- story residences.

### **Zoning Analysis:**

This analysis is in conjunction with 56 Glenway St, BOA1601654, and 154 Erie St, BOA1601598. These projects will be developed in conjunction and share a planned driveway. The proposed project has a total of 8 violations which would require a variance.

The first two dimensional violations are in relation to the side and front yard setbacks. The Zoning code calls for a 10 foot side setback and a 30 foot front setback. The proposed side setback is 6.3 feet and a front yard setback of 14.3 Feet. While these are both in violation of the code, the surrounding neighborhood points to a disconnect between the code and built form. Many of the buildings along Glenway St have little side setbacks and no front setbacks. None of the adjacent buildings meet these requirements. Requiring this setback may even contribute to a mismatch in neighborhood character. In addition, the parcel is much shallower than many of its neighbors and lacks the ability to set the buildings further back, creating a hardship for the development.

The second set of violations are in regards to the project's proposed density. These are "Two or more Dwellings on the Same Lot", "Excessive FAR", "Insufficient Lot area", and "Insufficient Additional lot area". The parcel has a unique configuration, with a wide front lot frontage, and a narrower rear. The lot width along the front lot line is approximately three times that of neighboring lots. As a result, the project proposes two triple-decker style buildings that contextually have appropriate lot frontage, but have overall lot dimensions smaller than zoning requires. These factors all highlight the idea that it is not the fit of the building that does not match the neighborhood, it is the parcelization itself. This orientation is the only way to fit six affordable housing units on this unique parcel.



The seventh violation is in regards to insufficient parking. The proposed project is providing four spaces, below the minimum required. However, the two parking spaces per building is similar to other residences along the block. Many have small one or two car driveways, and this project is delivering four parking spaces. Any more parking would make this project break from the surrounding neighborhood context and further reduce usable open space. In addition, the parking will be screened by the front of the building. This disconnect points to a need for zoning reform to align parking with city transportation policy and urban design goals.

The last violation is "Insufficient Open Space". The project is providing just below the 400 square feet per unit. The unique shape of the parcel has cut down on the open space that would be available to a regularly shaped plot. The proponent has designed it in such a way that the majority of the open space is located behind the two buildings, creating a larger green space shared between the buildings. While it is below the square footage requirement, the proponent has worked to create a hospitable and usable open space with the limited area provided.

**Recommendation:**

In reference to BOA1601598, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

Planning and Zoning Director, Planning Department

or



<b>Case</b>	BOA1466516
<b>ZBA Submitted Date</b>	2023-04-27
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	250 Pond ST Jamaica Plain 02130
<b>Parcel ID</b>	1902397000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 1F-9000
<b>Zoning Article</b>	55
<b>Project Description</b>	Convert an existing garage in the rear yard to a detached Accessory Dwelling Unit (ADU)
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Rear Yard Insufficient Two or more dwellings on the same lot

**Planning Context:**

This project was previously reviewed by the Planning Department for the ZBA hearing on June 25, 2024 and June 25, 2024. Because no new plans have been submitted, the Planning Department recommendation has remained the same.

The proposed project is seeking to add an Accessory Dwelling Unit (ADU) and was filed in conjunction with a Board of Appeal application for 250R Pond Street, ALT1443003. The proposal includes the conversion of an existing single-story garage into the proposed 1.5-story ADU in the same footprint. The project site is in the Jamaica Plain neighborhood, approximately one block south of Jamaica Pond. The property is surrounded by a mixture of single family and two-family residential buildings.

The project's scope aligns well with the Mayor's Office of Housing's ADU 2.0 Pilot and ongoing planning work to develop a Citywide ADU Pattern Book and zoning for ADUs. In 2021 and 2022, the Mayor's Office of Housing (MOH) developed the ADU 2.0 initiative, which provides guidance and zoning relief to homeowners interested in turning existing exterior structures, like garages, into livable spaces. MOH recognizes that ADUs can provide additional income for homeowners and flexible, separate living arrangements for families to age in place, or support relatives or children while still maintaining their privacy.



**Zoning Analysis:**

The following violations are listed for this project: Parking or Loading Insufficient, Rear Yard Insufficient, and Two or more dwellings on the same lot.

The garage parking onsite is proposed to be reduced from two garage spaces to one garage space, with the conversion of the existing garage space to an ADU. A reduction in parking on site aligns with the planning goals of the City to reduce reliance on single-occupancy vehicle use. The footprint of the proposed ADU is within the constraints of the existing garage building on site. Therefore, the rear setback is an existing condition, unchanged by the interior changes required for the proposed project. The conversion of the space into an ADU does not change the location of the building footprint. The required dimension (40') for the rear setback is given in the Zoning Code under the assumption that there will be only one dwelling unit on this lot. Given the zoning reform work being done citywide to allow for the development of detached ADUs, this dimensional violation should not apply to the proposed project. The existing dimensional and design regulations for garages within the Jamaica Plain Neighborhood District can be used as precedent for the allowances with respect to the proposed ADU. Garages within the Jamaica Plain Neighborhood District are allowed per the Design Guidelines (Section 55-36. - Design Review and Design Guidelines.) in the rear yard of buildings with appropriate screening. The property presently contains adequate vegetative screening for the existing garage. Section 55-41. - Application of Dimensional Requirements allows for the construction of accessory buildings in side or rear yards within the space generally reserved for the side or rear setback provided that the building is no less than four feet from the lot line. The proposed garage conversion is setback 7.7' from the rear lot line. The violation of two or more buildings on one lot will also need to be removed through the process of zoning reform to facilitate further development of detached ADUs.

**Recommendation:**

In reference to BOA1466516, The Planning Department recommends APPROVAL.



Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1605958
<b>ZBA Submitted Date</b>	2023-04-27
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	250R Pond St 19 Jamaica Plain MA 02130
<b>Parcel ID</b>	1902397000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 1F-9000
<b>Zoning Article</b>	55
<b>Project Description</b>	Convert an existing garage in the rear yard to a detached Accessory Dwelling Unit (ADU)
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Lot Frontage Insufficient Rear Yard Insufficient Two or More Dwellings on Same Lot Location of Main Entrance

**Planning Context:**

This project was previously reviewed by the Planning Department for the ZBA hearing on June 25, 2024 and June 25, 2024. Because no new plans have been submitted, the Planning Department recommendation has remained the same.

The proposed project is seeking to add an Accessory Dwelling Unit (ADU) and was filed in conjunction with a Board of Appeal application for 250 Pond Street, BOA1466516. The proposal includes the demolition of an existing garage and replacement of said structure with the proposed ADU. The project site is in the Jamaica Plain neighborhood, approximately one block south of Jamaica Pond. The property is surrounded by a mixture of single family and two-family residential buildings.

The project's scope aligns well with the Mayor's Office of Housing's ADU 2.0 Pilot and ongoing planning work to develop a Citywide ADU Pattern Book and zoning for ADUs. In 2021 and 2022, the Mayor's Office of Housing (MOH) developed the ADU 2.0 initiative, which provides guidance and zoning relief to homeowners interested in turning existing exterior structures, like garages, into livable spaces. MOH recognizes that ADUs can provide additional income for homeowners





and flexible, separate living arrangements for families to age in place, or support relatives or children while still maintaining their privacy.

**Zoning Analysis:**

The following violations are listed for this project: Lot Area Insufficient, Lot Frontage Insufficient, Rear Yard Insufficient, Location of Main Entrance, Two or More Dwellings on the Same Lot.

The footprint of the proposed ADU is within the constraints of the existing garage building on site. Therefore, the rear setback is an existing condition, unchanged by the interior changes required for the proposed project. The conversion of the space into an ADU does not change the location of the building footprint. However, the allowance within the Jamaica Plain Neighborhood District for the height of an accessory building is presently only 15'. The proposed project should be reviewed by the Urban Design staff at the Planning Department to ensure the additional height can align with the existing neighborhood fabric. The required dimension (40') for the rear setback is given in the Zoning Code under the assumption that there will be only one dwelling unit on this lot. Given the zoning reform work being done citywide to allow for the development of detached ADUs, this dimensional violation should not apply to the proposed project. The violation of two or more buildings on one lot will also need to be removed through the process of zoning reform to facilitate further development of detached ADUs.

**Recommendation:**

In reference to BOA1605958, 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 that reads "Amee Rana".

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1615937
<b>ZBA Submitted Date</b>	2024-06-17
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	297 Newbury ST Boston 02115
<b>Parcel ID</b>	0503092000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper B-3-65
<b>Zoning Article</b>	8
<b>Project Description</b>	Change use from retail to cannabis dispensary. Renovate the interior space currently fit out as retail, involving the internal reconfiguration of walls. No exterior changes.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Use: Forbidden

**Planning Context:**

The parcel is a 2600 square foot row house property in the Back Bay on Newbury St, with a currently vacant commercial space. Applicant seeks to change the use of the existing retail space to a cannabis establishment.

**Zoning Analysis:**

Per Article 8, Table B, Use Item No. 39B, cannabis establishments are conditionally allowed in B subdistricts in Boston Underlying Zoning, "provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only." There is another existing cannabis establishment licensed at 551 Boylston St, which is approximately 2500 feet (measured via online maps; no distance was present in plans submitted to ISD), which means that this buffer zone requirement is not fulfilled by this applicant. Accordingly, both a conditional use for the cannabis use, and a variance for the buffer zone would be required.



The Cannabis Board voted on February 17, 2021 to grant this applicant a conditional license to operate a cannabis establishment, pending zoning relief for a variance for a buffer zone, which represents the condition noted above. Given the existing oversight, community outreach, and consideration given by the Boston Cannabis Board, the conditional use related to the cannabis establishment use should be granted. Given the fact that the distance from the nearest existing license is ~ 2500 feet out of a required 2640 feet, this condition is a minor violation of the buffer zone that will not overconcentrate the use, and a variance related to the buffer zone should be granted.

**Recommendation:**

In reference to BOA1615937, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1398736
<b>ZBA Submitted Date</b>	2022-10-05
<b>ZBA Hearing Date</b>	2024-09-10
<b>Address</b>	5 Warren Av Hyde Park 02136
<b>Parcel ID</b>	1811031000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 3F-4000
<b>Zoning Article</b>	Article 69
<b>Project Description</b>	Raze an existing 2-story, 2-unit building and replace with a 4-story, 9-unit building. Project would provide parking on the ground floor with 9 spaces and bike storage.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Height Excessive (ft) Front Yard Insufficient Side Yard Insufficient

**Planning Context:**

This project is within the study area for the Cleary Square Squares + Streets Small Area Plan, which is an ongoing planning and zoning process designed to activate Boston's neighborhood centers and produce needed housing. Cleary Square has two MBTA commuter rail stations, Hyde Park and Fairmont. This project is 0.2 miles from the Fairmount station, situated between the Neponset River, a U-Haul Storage building, a 4-story apartment building at 605 Truman Pkwy, and one other small, 1-unit building across the street. The proposed building would therefore not be the largest in the surrounding area in terms of height or floor plate, as the apartment building at 605 Truman Pkwy is the same height, and both the U-haul and apartment building at 605 Truman Pkwy have larger floor plates.

While not a zoning violation, the ground floor parking does not have proper maneuverability as designed. Compact spaces should be a minimum of 8 ft wide and 19-20 ft deep. The proposed compact spaces are only 7 ft wide (depth not shown on the plans). Bike parking also appears to not comply with BTM's bike parking guidelines, which requires 6' wide access aisles. The



accessible space also does not appear to conform with MAAB rules, which requires 13 ft to be available for a van to be able to load from either side.

The Guidelines by the Boston Transportation Department for use by the Zoning Board of Appeal recommends a ratio of 1 parking space per unit in Hyde Park, which this project complies with. A lower ratio would be appropriate for this project due to its location in the Cleary Square study area, as there are rich existing transit resources. In addition, the future Small Area Plan will include strategies to improve the existing parking and transportation infrastructure.

This project is within the Buffer Zone of the Neponset River, which means that no development is allowed unless permitted by the Conservation Commission, as outlined in the Wetlands Protection Ordinance. This is to ensure the protection of wetland resources.

### **Zoning Analysis:**

Because this property is within 200 feet of the centerline of the Neponset River, it falls within the Riverfront Protection Overlay District (RPOD) established in Article 69 of the Zoning Code. Riverfront Protection Overlay Districts are established “to preserve and enhance river resources and the natural environment by protecting the supply of vegetation and open space along the City’s waterways.” Projects within the RPOD are required to comply with the Design Component of Small Project Review (with specific design guidelines) if they are new non-residential buildings or existing structures adding two thousand (2,000) or more square feet of gross floor area. Because this project is a new residential building, it is not required to comply with the Design Component of Small Project Review.

This parcel is also within the Special Flood Hazard District which was updated on July 3, 2024. This triggers the provisions of Article 25 of the Zoning Code, which requires buildings to meet new state Building Code standards for flood resilience. However, because the application for this project was submitted on July 28, 2022, the new map does not apply and the project is not required to comply with the updated Article 25.

This project is in a 3F-4000 subdistrict. This subdistrict has a maximum FAR of 0.8 and a maximum height of 3 stories/35 ft, and so this project (with an FAR of 1.1 and a height of 4 stories/51 ft) does not comply. However, as stated in the planning context, the scale is not out of context with the surrounding area.



The project also has a proposed front yard of 11.9 ft, while 20 ft is required by the zoning. However, an even smaller front yard may be appropriate in order to move the building further out of the Wetlands Buffer Zone. The project should have a front yard which, at minimum, allows the sidewalk in front of the building to comply with the Boston Complete Streets guideline of 5 ft in width (which the current 11.9 ft proposed front yard far exceeds).

The project also violates the side yard requirement (10 ft on each side) because the project proposes 19 ft on the West side and 3.5 ft on the East side. This exceeds the cumulative side yard as the zoning requirement (20 ft), but it is more appropriate to place the building further to the East side (as proposed), as this is further from the river and at a higher elevation, which helps protect the units from flooding risks.

The project also does not comply with the usable open space requirement of 800 sq ft per unit (7,200 sq ft total). However, the project does provide 5,377 sq ft of usable open space. In addition, there is some public open space accessible in the area, such as the urban wild off of West St.

Greenbelt Protection Overlay Districts (or GPODs) are established to protect the vegetation and open space along the City's Greenbelt Roadways. In Hyde Park, there is a GPOD area along Truman Parkway. Within the GPOD, projects which are at least 5,000 sq ft (or which increase the impervious surface of a site by more than 2,000 sq ft) must receive a conditional use permit from the Zoning Board of Appeal (ZBA) and be reviewed and approved by the Boston Parks Commission. This conditional use permit is appropriate because the proposed project would not significantly degrade the existing vegetation and open space along this area of Truman Parkway.

**Recommendation:**

In reference to BOA1398736, The Planning Department recommends DENIAL WITHOUT PREJUDICE accounting for general planning and zoning concerns, this project's use and massing is appropriate for the location. However, plans should be amended to reduce the amount of parking in the project in order to comply with MAAB and improve parking maneuverability. The applicant may also consider moving the building closer to the front lot line in order for more of the building to be out of the Wetlands Buffer Zone. The amended project also must be permitted by the Conservation Commission.



Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department