



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: October 2, 2024

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the October 8, 2024 Board of Appeal's Hearing.

Also included are the Board Memos for: 751 to 757 Dudley ST 13 Dorchester MA 02125.

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



Case	BOA1603116
ZBA Submitted Date	2024-05-16
ZBA Hearing Date	2024-10-08
Address	319 to 327 Chelsea ST 01 East Boston MA 02128
Parcel ID	0106899000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	86
Project Description	New wireless equipment to be added to an existing building.
Relief Type	Conditional Use
Violations	Wireless Communication Applicability-Wireless communication on roof and facades Use and Dimensional Regulations

Planning Context:

Proponents are planning on adding new antennas and wireless communication equipment to an existing 5-story multi-family condominium building. Located across from Bremen Park near the East Boston public library and Airport blue line stop, this is the tallest building in its immediate context with most of the surrounding area being smaller 3-story 3-family homes of similar typology.

Zoning Analysis:

Article 86 specifically gives the zoning outlines for wireless communication equipment. Article 86 describes that any new equipment must have design review conducted in lines with small project review and the guidelines the article specifically outlines. Presently the proposal violates dimensional setback regulations. Any roof-mounted antenna must be 10' or 10% of roof depth (whichever is greater) from the edge. All four proposed roof-mounted antennas violate this to varying degrees. The project also seeks to build facade-mounted antennas. In Article 86, all facade mounted antennas must be at least 50' setback from residential uses. Presently the project is proposing 3 sets of facade mounted antennas on a residential use building making this requirement impossible to be met on site. The dimensional regulations of this zoning could



not have anticipated new needs in equipment. Due to the needs of the equipment and it's benefit to the community it can be recommended for relief given that it minimizes its disturbance to the neighborhood. The actions to minimize these disturbances can be to increase the setback of the new rooftop equipment, hide new rooftop equipment with screens, and make facade mounted antennas blend in with existing facade materials. To verify the adjustments are appropriate to the context and minimize impact, design review will be needed.

Recommendation:

In reference to BOA1603116, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review approval with 1) specific attention to minimizing the visibility of the roof top equipment with screening and increasing setback from the roof's edge as much as possible and; 2) that the facade mounted antennas are designed in such a way that they match the color and material of the facade in which they will be attached.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1649869
ZBA Submitted Date	2024-09-05
ZBA Hearing Date	2024-10-08
Address	1120 to 1122 Bennington St 01 East Boston
Parcel ID	0101582000
Zoning District & Subdistrict	East Boston Neighborhood NS
Zoning Article	53
Project Description	Change occupancy from 4 residential units and a nail salon to 5 residential units and a nail salon.
Relief Type	Variance
Violations	FAR Excessive Usable Open Space Insufficient Parking or Loading Insufficient Lot Area Insufficient Additional Lot Area Insufficient Forbidden Use (Basement Dwelling)

Planning Context:

The proposed project sits in an established mixed-use area in East Boston's Orient Height Square. Its surroundings consist of 3- and 4- story structures, which hold a variety of both multi-family residential uses (predominately on upper stories) and active commercial uses (predominately on the ground-floor). The site sits within immediate proximity (500 feet) of the MBTA's Orient Heights Station (which services the blue line), stops for the MBTA's 120 bus route, and a Bluebikes station. Several open space amenities - including Noyes Playground, Constitution Beach, and the Belle Isle Marsh - also lay within a quarter-mile walk of the project. Additionally, the proposed project sits within the City's Coastal Flood Resilience Overlay District (CFROD) and East Boston's Parking Freeze Zone.

The project site is currently occupied by an existing 3-story mixed-use structure with a ground floor nail salon and four residential dwelling units above. The proposed project seeks to convert the structure's existing basement space from storage and mechanical space to living space, resulting in the creation of a new basement dwelling unit (which increases the structure's



occupancy from four to five dwelling units). No external alterations to the existing structure are proposed by the project.

PLAN: East Boston's (adopted January 2024) planning recommendations for Orient Heights Square encourage contextual development which both preserves the area's existing low- to mid-density urban fabric and increases housing opportunities within it. However, such development, according to the PLAN, must align with the area's broader coastal flood resiliency goals to be considered appropriate.

As PLAN: East Boston notes, Orient Heights Square (along with much of the rest of East Boston) is critically vulnerable to coastal flooding associated with sea level rise and major storm events. This vulnerability, which is significant now, is projected to increase over the next century. Accordingly, PLAN East Boston strongly recommends a prohibition on the development of new residential space below the Sea Level Rise-Design Flood Elevation (SLR-DFE) in these affected areas, which are demarcated by their presence within the City's CFROD. The proposed project, which is located within the CFROD and seeks to create new living space below the SLR-DFE, deviates from these planning goals. Because of this and the potential safety risks associated with basement level living in this area, the Planning Department does not support the proposed project.

Zoning Analysis:

The proposed project has been cited with 6 zoning violations, relating to use, scale, and parking regulations. These citations are listed upon the project's most recent refusal letter, dated 9/5/24. The project proposal was initially filed with the Inspectional Services Department on 3/28/24. 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 Mixed-Use-4 (MU-4) subdistrict. MU-4 subdistricts allow a maximum building height of 4 stories/50' and permit a range of both residential and commercial uses. The proposed project complies with both of these requirements.

Updated zoning for the area also removes previously present dimensional regulations (such as maximum FAR, minimum lot area, minimum additional 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 and permeable area of lot), those violations relate exclusively to 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.

Additionally, the updated zoning for East Boston removes previously present minimum parking requirements for newly-created MU-4 subdistricts. This means that, under new zoning, the project's existing and proposed zero-parking condition would not constitute a zoning violation. Zero-parking conditions are the predominant parking condition found across the project's immediate surroundings, as well as across East Boston's other transit-accessible mixed-use locales, more generally.

The project's sole violation under the updated East Boston zoning relates to its proposed basement dwelling unit. Updated East Boston zoning 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 (SLR-DFE) for all projects therein. The proposed project, which is located in the CFROD and proposes the development of a new dwelling unit below the SLR-DFE, violates these requirements.

Because of the area's unique and increasing vulnerability to coastal flooding (as discussed in this recommendation's planning context section), as well as the safety risks for sub-SLR-DFE dwellings associated with it, the Planning Department does not support the proposed project's petition for zoning relief.

This recommendation was based on plans titled "1022 Bennington Street," prepared by Design Resource Team on 3/21/24.

Recommendation:

In reference to BOA1649869, The Planning Department recommends DENIAL.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1639678
ZBA Submitted Date	2024-08-13
ZBA Hearing Date	2024-10-08
Address	30 Fenway 04 Boston MA 02215
Parcel ID	0401790008
Zoning District & Subdistrict	Fenway Neighborhood MFR-2
Zoning Article	66
Project Description	Split the existing basement dwelling unit into two dwelling units and change the use of the fourth floor from office to residential use in an existing mixed-use building to result in five dwelling units, one office, and an accessory garage.
Relief Type	Variance
Violations	Parking or Loading Insufficient Extension of Nonconforming Use; Basement units: Forbidden

Planning Context:

The proposed project will split an existing residential unit in the basement into two residential units and change the use of the fourth floor from Office to Residential in an existing mixed-use building. In addition, the proposed project will remove the rear fire escape due to water damage. The basement residential split will include internal renovations and the addition of two kitchens and a full bath. The conversion of the office space to residential will require minimal internal renovations. The proposed project will not impact building dimensions, massing, or exterior design.

The existing building is a 5-story brick building near the middle of a block of attached 3-, 4-, and 5-story buildings. The building currently includes two offices, three residential units, and an accessory garage.

In the buildings attached and abutting the proposed project are a multifamily residential use and an educational use owned by Berklee College of Music. The row of buildings is separated from the Fens by Fenway, and in the rear of the buildings is Public Alley 90.

The proposed conversion of an office use to residential is consistent with the City's goals reflected in the Downtown Residential Conversion Incentive Program launched in July 2023.



The Conversion Incentive Program is based on recommendations from the Downtown Revitalization Report and PLAN: Downtown and includes a set of requirements that the project does not meet. However, the Proposed Project is consistent with the goals of the Conversion Incentive Program.

Zoning Analysis:

The zoning is MFR-2. A zoning variance granted in 1985 allowed Office use in the building. The existing building has a residential unit in the basement, therefore the proposed project extends the existing non-conforming use. The site of the proposed project and abutting properties is not within the Coastal Flood Resiliency Overlay District or Flood Hazard Zone, indicating that basement units are safe from the risk of current and future flooding accounting for sea level rise. The materials submitted are limited and do not include a front or side elevation showing the grade at the basement level. Based on Google Maps street view imagery, it appears that although the rear of the basement is below grade, the front portion of the basement is entirely below grade. There is one window provided in the basement level on the rear wall both under existing and proposed conditions. Dividing the dwelling unit in the basement into two units would result in a new basement unit in the front portion of the basement with no windows or natural light. Therefore, splitting the existing residential unit into two units introduces new impacts on the residential use in the basement compared to the existing condition. While the basement dwelling use is appropriate, the design of both spaces must ensure light, air, and adequate egress to create safe and inviting living spaces.

The project also proposes to extend the nonconformance of inadequate off-street parking. The zoning requires both a minimum and maximum of 0.75 spaces per dwelling unit and requires no parking for other uses. The existing building has one off-street parking space in the accessory garage. 30 Fenway has a mobility score of 86, according to the Boston Transportation Department (BTD), resulting in a recommended maximum parking ratio of 0.75 parking spaces per condominium unit. Although the proposed project does not meet the zoning for off-street parking, the project extends an existing nonconformance and is consistent with BTD's Maximum Parking Ratio Guidelines. In addition, adding a parking space to serve the new dwelling on the fourth floor would require changing the massing and design of a historic structure in a Neighborhood Design Overlay District. Zoning relief is recommended.



The project is within the Neighborhood Design Overlay District, but given that there are no proposed exterior alterations except for the removal of the rear fire escape, Design Review is not required.

Zoning relief is recommended based on ISD's review of health and safety per the Building Code.

Recommendation:

In reference to BOA1639678, the Planning Department recommends APPROVAL WITH PROVISIO that plans be submitted to the Planning Department for review and that no building code relief be granted. Relief is recommended for the proposed conversion of office to residential use and for inadequate parking; however, the Planning Department does not recommend building code relief for the new basement dwelling unit and recommends design review to ensure adequate light, air, egress, and habitability of both basement dwelling units.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1649572
ZBA Submitted Date	2024-09-06
ZBA Hearing Date	2024-10-08
Address	471 W Broadway South Boston 02127
Parcel ID	0601963000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	The proponent is seeking to operate a ground-floor smoothie shop.
Relief Type	Conditional Use
Violations	Use: conditional (small restaurant takeout use)

Planning Context:

The proposed project is to open a smoothie shop at 471 West Broadway, a four-story mixed-use building with a commercial unit on the ground floor. As of September 2022, (the latest imagery available) a T-Mobile store occupied the commercial storefront. The block is mixed-use, with local retail, professional services, and multifamily residential uses in the immediate area.

Zoning Analysis:

Small restaurants with takeout are conditional in this subdistrict (Section 68, Table A). As defined within the Article, a "small restaurant" like this one has a total gross floor area equal to or less than one thousand (1,000) square feet.

A conditional use permit would be required to move forward (Section 6). The small restaurant with takeout use is appropriate for this Multifamily Residential/Local Services (MRF/LS) subdistrict, which was designed to encourage active uses on the ground floor (Section 68-6). There are other restaurants on the block, further indicating that it is in line with the surrounding context. The new use would not create any anticipated negative effects for the neighborhood, traffic, vehicles, or pedestrians. The facilities also appear to be adequate.

Future zoning reform efforts could consider making restaurants with takeout like this one allowed uses on the ground floor, given that this use aligns with the aims of this MFR/LS subdistrict.



Planning Department

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Recommendation:

In reference to BOA1649572, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1565204
ZBA Submitted Date	2024-01-25
ZBA Hearing Date	2024-10-08
Address	534 Massachusetts AVE 09 Roxbury MA 02118
Parcel ID	0900834004
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	The proposed project would add a third floor balcony above an existing second floor balcony. The balcony would take up part of the platform currently used as a fire escape and become the new path of emergency egress.
Relief Type	Conditional Use
Violations	Town House/Row House Extension

Planning Context:

This strip of Massachusetts Avenue is characterized by brick row houses with an eclectic mix of rear yard composition. The existing buildings in the neighborhood are mostly in the front of their parcels with similar massing to one another. The buildings are 3.5 stories tall and take up the majority of the parcel. Most of the adjacent buildings including this one have 15' wide decks that extend the entirety of the remaining rear yard. Many neighbors have second and third floor balconies where available to allow for better activation of limited outdoor space. The site is located in the South End Landmarks District and with any form of work to adjust rear exterior facades in this district as this project would do, a review is needed.

Zoning Analysis:

The only zoning violation is the need for a conditional use permit for the new balcony. The proposed project is an extension of a row house. Article 64 of the zoning code, the South End Neighborhood zoning district, states "Notwithstanding any contrary provision of this Article or Code, any Proposed Project that otherwise meets the applicable use and dimensional requirements of this Article shall be conditional if such Proposed Project involves the extension of a Town House or Row House into a rear yard, where such extension: (a) increases the gross floor area of such Town House or Row House by fifty (50) or more square feet; or (b) involves



the addition of a porch or balcony, other than a roof deck, above the first story". The project follows the requirements of Section 6-3 in Article 6 of the zoning code regarding permission of conditional uses. The project will not cause a nuisance to the neighborhood and does not extend a nonconforming use.

Plans reviewed entitled "534 Massachusetts Ave", prepared by I.S. Hernandez Services INC, and dated March 29, 2023.

Recommendation:

In reference to BOA1565204, The Planning Department recommends APPROVAL w/ PROVISIO that plans be submitted to the South End Landmarks Commission.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1625894
ZBA Submitted Date	2024-07-11
ZBA Hearing Date	2024-10-08
Address	530 to 542 Washington ST 17 Dorchester MA 02124
Parcel ID	1700948000
Zoning District & Subdistrict	Dorchester Neighborhood NS
Zoning Article	65
Project Description	Change in ownership of takeout restaurant. Remove proviso restricted to former restaurant owner.
Relief Type	Conditional Use
Violations	Other Protectional Conditions: Request to remove proviso order "to petitioner only"

Planning Context:

The proposed project would reopen a previously operating takeout restaurant use under new ownership. There are no structural alterations proposed. The takeout operation within the restaurant required a conditional use and was previously granted. The project needs to go before the Zoning Board of Appeal in order to change the restriction that limits the take out operations to the previous owner. The use is staying consistent with the previous use, the only change is the petitioner.

Zoning Analysis:

The previously granted conditional use (takeout proviso) was granted only to the petitioner, the previous owner of the establishment. The only proposed change for this site is the ownership of the restaurant. The use remains consistent with existing neighborhood context. It is recommended that the conditional use be granted and petitioner only proviso removed. This project represents a case for zoning reform. The City has an interest in reducing administrative burdens for small business owners, such as the applicant, especially in cases extending an existing supported use. Zoning reform efforts could address this issue by allowing these provisos to be removed without ZBA intervention or by allowing takeout as a component of restaurant use.



Recommendation:

In reference to BOA1625894, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1644871
ZBA Submitted Date	2024-04-12
ZBA Hearing Date	2024-10-08
Address	108 Florence ST 19 Roslindale MA 02131
Parcel ID	1903143000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	67
Project Description	Renovate an existing 4-unit dwelling, adding dormers to the third floor and a new two-story rear deck.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Parking or Loading Insufficient Usable Open Space Insufficient

Planning Context:

108 Florence ST #19 is a four-unit, 2.5-story dwelling that sits within a residential neighborhood of 1- to 3-story houses. The site is approximately 0.4 miles (about a 9 minute walk) from the Roslindale Village Commuter Rail Station and Roslindale Square and approximately 0.2 miles (a 5 minute walk) away from multiple MBTA bus stops, serviced by the 30, 34, 34E, and 35 bus routes with frequent access to the Forest Hills MBTA Orange Line Station, along Washington Street. The property falls within the Roslindale Square, Squares + Streets planning area, focused on encouraging housing growth within easy walking distance to Roslindale Square and transit.

The property currently has four (4) one-bedroom units. Although the property is not proposing a change in use, the addition of 3rd floor dormers would allow the additional living space needed for both the 3rd and 4th units to transition to multiple bedrooms (3+). The Roslindale Strategic Neighborhood Plan, adopted in 2008, called for the creation of diverse unit sizes, including units with 3+ bedrooms to improve the area's ability to serve families and larger households. . Similarly, throughout the Squares + Streets community engagement process, staff has consistently heard the community ask for more multi-bedroom housing options. Lastly, as mentioned in the report "Reforming the Boston Zoning Code" by Sara Bronin, to streamline



housing growth within the City it "must establish as-of-right pathways for all principal-use housing and enable dense housing around Squares and transit hubs", making the proposal at this property a case for zoning reform. The Construction of a 2-story rear deck is also part of this proposal and will provide all units with additional outdoor amenity space and access to the backyard.

Zoning Analysis:

The property was cited for two (2) dimensional violations, one (1) open space violation, and one (1) parking violation. Two (2) of the four (4) violations (excessive FAR, and excessive building height (stories) are related to how the additions change the existing building. The FAR maximum for this district is 0.5. The existing building's FAR is 0.48 which is fairly standard across surrounding properties in the neighborhood. Because of the conversion of the attic to livable floor area, the proposed building's FAR would be 0.73. The third floor dormers would provide significant living space for more much-needed multiple bedroom housing units near transit, and create only minor changes to the massing in context with the surrounding area.

In the 2F-5000 subdistrict, building height of up to 2.5 stories is permitted however the site has, and was cited for, an existing nonconforming building height (stories) of 3 stories. Although the addition of the 3rd story dormers is extending the existing nonconformity, the overall building height in feet will not change, and there are several 3-story buildings in the surrounding area.

The project is currently cited as being in violation of the minimal usable open space. The code currently requires a minimum of 1,750 usable open space per dwelling unit. Currently, the property has an existing non-conforming open space per dwelling unit requirement 1,404 which has been minimally worsened to 1,356. Even with the addition of the 3rd story dormers it appears to still have either equal to or more open space in comparison to surrounding parcels.

Together, these violations point to the need to, through zoning reform, set dimensional requirements that better accommodate existing built context.

The last violation cited for the property pertains to insufficient parking for the site. According to the Roslindale Neighborhood District Off-Street Parking Requirements, Residential and related uses (Article 67, Table F) the required number of parking spaces for this 4-unit project is eight (8) spaces (2.0 per dwelling unit) and the proposal includes parking for up to four (4) cars. The proposed parking ratio 1.0 per dwelling unit which is also in alignment with BTB's maximum parking ratios for residential uses in the neighborhood. Additionally, given the close proximity to

BOA1644871

2024-10-08

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the Roslindale Square, the Roslindale Village Commuter Rail Station, MBTA bus routes, this lower parking ratio is acceptable and highlights a need for zoning reform to reduce parking.

Recommendation:

In reference to BOA1644871, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1631620
ZBA Submitted Date	2024-07-25
ZBA Hearing Date	2024-10-08
Address	4228 to 4230 Washington ST Roslindale 02131
Parcel ID	1904224000
Zoning District & Subdistrict	Roslindale Neighborhood CC-1
Zoning Article	67
Project Description	Change existing legal occupancy from Rental Agency Office, Beer Garden, and Retail Space to Rental Agency Office, Beer Garden, Retail Space, Bar with Live Entertainment with occasional Theater and Banquet/Event Use with a dance floor, and Office Uses. Increase the occupant load from 156 to 250 by adding 2 additional single-user non-accessible toilet rooms and one additional toilet in the existing common men's room at the lower level.
Relief Type	Conditional Use
Violations	Use: Conditional (Bar with live entertainment)

Planning Context:

The proponent is seeking a change in legal occupancy to add a “Bar with live entertainment” use that will include occasional theater and banquet uses. This will include internal changes to increase occupant load from 156 to 250 by adding two additional single-user, non-accessible toilet rooms and one additional toilet in the existing common men’s room at the lower level.

This property, The Substation, is a large, existing multi-use space in the core of the Roslindale Square used for public and private events, co-working, and office space. Other buildings within this core commercial area include the BCYF Roslindale Community Center, Adams Park, and the Square Root cafe, all of which host a variety of entertainment and community events.

Roslindale Square is one of multiple Squares + Streets planning initiative study areas due to the opportunity for increased transit-oriented development along multiple overlapping bus routes in the area and the Roslindale Village MBTA Commuter Rail stop. This change of use provides a greater flexibility for indoor entertainment and community events. Participants in the Roslindale Square Squares + Streets community engagement process have expressed support and interest in having more entertainment and events land uses within this existing commercial area.



Zoning Analysis:

This property is in the CC-1 (Community Commercial) zoning subdistrict of the Roslindale Neighborhood District. It is also within the Neighborhood Design Overlay District, though since the proponent is only making internal changes to the property to accommodate the land use changes, design review is not needed.

Bar with Live Entertainment is a conditional use within the CC-1 zoning subdistrict (Art. 67, Sec. 11). Additionally, any “expansion of seating or standing capacity of such use is Conditional.” (Art. 67, Sec. 11). This property is presently being used as a frequent event space near a major commercial and mixed-use area. As mentioned in the Planning Context, other buildings within this core commercial area include the BCYF Roslindale Community Center, Adams Park, and the Square Root cafe, all of which host a variety of entertainment and community events. As such, a conditional use permit for this use would be appropriate considering its expansion of small-scale event and entertainment activity in a surrounding context where such activity is common and desired.

Site plans created by Derek Rubinoff Architect on April 5, 2024.

Recommendation:

In reference to BOA1631620, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1632893
ZBA Submitted Date	2024-07-29
BA Hearing Date	2024-10-08
Address	35 Glenellen RD 20 West Roxbury MA 02132
Parcel ID	2009770000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Renovate existing single-family dwelling to add entry vestibule at front and create an addition in the rear to add additional living space along with an open deck.
Relief Type	Variance
Violations	FAR Excessive Usable Open Space Insufficient Front Yard Insufficient Rear Yard Insufficient Side Yard Insufficient

Planning Context:

The proposed project seeks to renovate the one-family dwelling at 35 Glenellen Road by creating an entry vestibule in the front alongside the existing covered porch and a 1-story addition in the rear to create more living space in the form of an office and bathroom. An open deck will also be created in the rear next to the new addition. The proposed project will maintain the existing structure. This area is zoned as 1F-6000 and Glenellen Road is primarily filled with 1-family and 2-family residences. While most of the properties in this area conform with the subdistrict’s regulations with the height, there are discrepancies in the other dimensional regulations such as varying front yards due to different porch and entry vestibule designs, side yards that do not meet the minimum requirement, and general size of the properties. Additionally, many properties, including 25, 36-38, 39, and 45 Glenellen Road have rear additions indicating a higher FAR.

This project would further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as the rear addition would allow property owners to enhance their living spaces to meet their needs while preserving the existing structure.



Zoning Analysis:

The refusal letter states that there are five violations: excessive FAR, insufficient open space, insufficient front yard, insufficient rear yard, and insufficient side yard.

Under Article 56, an area zoned as 1F-6000 has a maximum FAR of 0.4, minimum amount of usable open space is 1,800 square feet with a minimum rear yard of 30' and a minimum front yard of 20'. This project is proposing an FAR of 0.53 which exceeds both the maximum and the current FAR by 0.13. This project would bring the FAR closer to the neighboring properties at 39 and 45 Glenellen Road which are a similar size and also have rear additions. The proposed project will also include 1,488 square feet of usable open space with a minimum rear yard of 20'. While this reduces both the open space and rear yard, it also brings the project in line with the neighboring properties at 39 and 45 Glenellen Road, which have rear additions of similar depth. The project is also proposing a front yard setback of 6.5' due to the addition of an entry vestibule at the front. However, this entry vestibule extends as far as the existing porch which is consistent with the current front yard of the neighboring properties at 39 and 45 Glenellen Road. This is a case for zoning reform to have the dimensional requirements reflect the actual built environment of the area.

The last violation is in regard to the side yard. Article 56 requires a minimum side yard setback of 10'. The project is proposing a side setback of 4.1'. However, this is an existing non-conformity as the width of the building remains the same with the proposed changes. This is also a case for zoning reform to allow the extension of non-conformities, when the structure otherwise conforms to dimensional requirements and the existing non-conformities are not increasing, to incentivize retention and improvement of existing structures.

The plans reviewed are titled ZBA REFUSED EPLANS_35 GLEN ELLEN RD_ALT1596472_1 and are dated April 15, 2024. They were prepared by Florin Luca Architects.

Recommendation:

In reference to BOA1632893, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1628644
ZBA Submitted Date	2024-07-18
ZBA Hearing Date	2024-10-08
Address	154 Brook Farm RD West Roxbury 02132
Parcel ID	2007877000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Erect a new 2.5-story single-family residential structure.
Relief Type	Variance
Violations	Usable Open Space Insufficient FAR Excessive Side Yard Insufficient Front Yard Insufficient Rear Yard Insufficient

Planning Context:

The proposed project sits in an established residential subdistrict in the Brook Farm area of Boston's West Roxbury neighborhood. Abutting both VFW Parkway and the Gethsemane Cemetery Conservation Protection Area, the site sits in both a Greenbelt Protection Overlay District and an area subject to Ordinance 7.4-11 (Parks Design Review). Its surrounding context consists of 2- to 2.5-story residential structures, with mostly single-family residential uses. Several open space amenities - including Piemonte Park and Hancock Woods - and bus stops for the MBTA's 37 and 52 bus routes, sit within a quarter-mile walk of the site.

The project site is currently vacant open space, sans a small 30'x 30' paved parking strip, accessory to the abutting property (772 LaGrange Street). Both 772 LaGrange Street and the project site currently fall under common ownership. The proposed project seeks to erect a new 2.5-story single-family residential structure on the vacant lot. The project scope also includes the construction of a new two-car garage - which sits in the rear of the lot and attached to the residential structure - as well as an accompanying drive aisle for access. This project scope aligns with the stated planning goals for the single-family areas in West Roxbury: (1) to preserve, maintain, and promote low density one-family areas in the neighborhood; and (2) to encourage the development of new infill construction that is appropriate - in scale and use - to



the areas' existing neighborhood fabric (Section 56-6.1, One-Family Residential Subdistricts, 1994). It also creates a residential structure in keeping - from a design perspective - with the existing scale and architectural character of the site's surrounding built context.

While the Planning Department is supportive of the project's proposed scale and use, Planning staff have flagged several design issues, relating to both the proposed site plan and structure, which will need to be revisited in design review. Each relates to the structure's proposed parking and garage. Currently, the project plans show a drive aisle, along the site's left lot line, whose width (7.75') falls significantly below the Transportation team's recommended minimum for residential lots (10'). To alleviate this issue, Planning Department staff recommend shifting the proposed structure several feet over from its currently proposed location, as a way to accommodate a more accessible drive aisle condition. In doing so, it recommended that the residential structure be moved to a dimension which aligns its exterior wall, along the right lot line, with that of the proposed garage, which is currently shown as offset from the footprint of the residential structure.

Because the project sits in close proximity to several public open spaces, Parks Design Review will be required for the project. Given the site's location and proposed site design (which proposes a significant amount of impervious pavement), it is recommended that emphasis be given in this process (and in Planning Department Design Review as well) to increasing permeability upon the site.

The project will not require GPOD review, as the proposal does not meet the minimum applicability triggers listed in Section 29-4 of the Zoning Code (construction or alteration of 5,000 square feet of GFA).

Zoning Analysis:

The proposed project has been cited 5 zoning violations, relating to the area's FAR, usable open space, and yard setback requirements. Additional violations, for insufficient lot area and lot frontage, are not listed on the project's refusal, but should apply to the proposal.

The proposed project sits on an existing 40 foot wide lot with an area of 4,300 square feet. These dimensions are insufficient by the zoning (minimum 60 foot lot width/frontage required;



minimum 6,000 square feet of lot area required). However, they are contextual to the area. The majority of the parcels in the surrounding area are similarly scaled and dimensioned.

The lot's smaller area and width also contribute to the project's excessive FAR (delta of 0.28) and insufficient side yard (compliant on one side, delta of 2' on the other) violations. While the project's FAR delta is on the higher end of the area's range of existing FARs, it still falls well below that of several nearby structures (delta of 0.5). The project's proposed building footprint and height are also similarly scaled to its surrounding structures. The project's side yard condition is one found on at least 50% of parcels on the blocks surrounding the site, including on one of the project's immediately abutting lots.

In addition, both the project's proposed front yard (20' required, 12' proposed) and rear yard (30' required, 12' proposed) setbacks are common conditions found throughout the neighborhood. Several existing structures on the project's surrounding blocks have front yard setbacks of less than 10'. Meanwhile, several others have existing rear yard setbacks between 10' and 20', including on the parcel's other immediately abutting site. This rear yard condition is also exacerbated by the fact that the site's depth is roughly 10' shallower than its immediately abutting parcels.

The project's insufficient usable open space violation (1,800 sqft required, 1,604 sqft proposed) relates largely to the project's proposed driveway condition. A proviso for Planning Department Design Review has been added to this recommendation with an emphasis on increasing permeability on the site (and also to address some of the project's other design-related flags, which are discussed in the planning context section of this recommendation). Because the project proposes development within 100 feet of a public open space, it also triggers the provisions of Ordinance 7.4-11 (Parks Design Review). An additional proviso for Parks Design Review has been added to this recommendation to satisfy that requirement.

Because of the project's alignment with the area's existing context, both dimensionally and otherwise, its potential impacts to the surrounding area are minimal.

Future planning should consider updates to the area's dimensional requirements, including the removal of minimum lot sizes and re-calibration of FAR and yard setbacks, as to better align the area's regulations with its existing built form.



This recommendation is based on plans titled "154 Brook Farm Rd," prepared by Urban Determination on 3/22/24.

Recommendation:

In reference to BOA1628644, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review, that plans shall be submitted to the Department of Parks and Recreation for review with attention to the design of parking areas and increase in permeable area of the lot.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1628698
ZBA Submitted Date	2024-07-18
ZBA Hearing Date	2024-10-08
Address	179 Church ST 20 West Roxbury MA 02132
Parcel ID	2003979000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Add one additional parking space and rebuild concrete steps.
Relief Type	Variance
Violations	Front Yard Insufficient Side Yard Insufficient

Planning Context:

The proposed project sits in an established residential subdistrict in the Brook Farm area of Boston's West Roxbury neighborhood. Its surrounding context consists of 2- to 2.5-story residential structures, mostly with single-family residential uses. Several open space amenities - including Hynes Playground, Allandale Woods, and Hancock Woods - and bus stops for the MBTA's 51 bus route, sit within a quarter-mile walk of the site. The site's nearest rail-access is the MBTA's Bellevue commuter rail station, lies a half-mile from the project.

The project site is currently occupied by an existing 2.5-story single-family residential structure with one off-street parking space, located in the front yard. The proposed project seeks to add an additional off-street parking space to the site, next to the existing space in the front yard. The project proposes to remove existing open space, including an existing mature front yard tree, and widen the site's existing curb cut (from 11.7' to 16') to accommodate this change.

The Planning Department does not support front yard parking or the removal of open space and healthy, mature plantings to accommodate paving for 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/plantings, 2022) outline this point. The project's proposed curb cut dimension (16') also exceeds the recommended maximum figure (12') recommended by the Public Improvement Commission for



low-density residential uses. Because of these factors, and to better align with the Boston Transportation Department's recommended 1.25 spaces/dwelling parking maximum for the area, it is the preference of the Planning Department that the site's existing site plan and parking conditions remain as is.

Zoning Analysis:

The proposed project is cited with two zoning violations for insufficient front and side yard setbacks. These violations are incorrectly cited on the project's refusal letter, as yard setback requirements apply only to structures, not off-street parking. Instead, the provisions of Section 56-39.4 (Off-Street Parking Requirements, Location) should have been flagged.

Section 56-39.4(a) of the West Roxbury zoning states that, "off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section 56-39. If a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten (10) feet." With a 23' width across the front yard, the project's proposed off-street parking significantly exceeds these parameters.

Because of the extent of the project's parking-related violations as well as the proposal's general misalignment with stated City planning goals and design outcomes, the Planning Department does not support the project's petition for zoning relief

This recommendation is based on plans titled "179 Church Street, West Roxbury," prepared by MDJ Incorporated on 5/11/24.

Recommendation:

In reference to BOA1628698, The Planning Department recommends DENIAL.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1508455
ZBA Submitted Date	2024-08-02
ZBA Hearing Date	2024-10-08
Address	10 to 12 Lyne RD 21 Brighton MA 02135
Parcel ID	2102794000
Zoning District & Subdistrict	Brighton Neighborhood 2F-5000
Zoning Article	51
Project Description	Reconstruct existing rear yard deck with added depth.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

The proposed project consists of the removal and replacement of an existing rear porch and deck of a two unit residential structure. A visual analysis through Google Maps confirms that a rear porch encroaching on the required rear yard setback is a common condition among buildings on this block of Lyne Road between Priscilla Road and Union Street. Rear porches/decks provide a beneficial amenity that can improve the quality of the available housing stock.

Zoning Analysis:

Current zoning requires a 20 foot rear yard. Per submitted plans, the existing deck/porch extends five feet off the dwelling; the property has an existing rear yard depth of approximately 25'. The proposed deck/porch is ten feet deep to enable greater use of this outdoor amenity space, reducing the rear yard by five feet. Given that this condition is contextual with that of the surrounding neighborhood, the Planning Department recommends approval for the proposed project. This project suggests a case for zoning reform to align dimensional regulations with existing context and accommodate outdoor amenity spaces.

Recommendation:

In reference to BOA1508455, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1616380
ZBA Submitted Date	2024-06-18
ZBA Hearing Date	2024-10-08
Address	36 Leyden ST East Boston 02128
Parcel ID	0102046000
Zoning District & Subdistrict	East Boston Neighborhood 2F-4000
Zoning Article	Article 53
Project Description	Subdivide the existing lot of 36 Leyden St into two lots. Lot 1 contains an existing building which will remain and a new building is proposed on lot 2 through companion case ERT1585421. Construct a new driveway with 2 tandem spaces on lot 1 and expand the existing curb cut to 20.9 feet.
Relief Type	Variance
Violations	Front Yard Insufficient Rear Yard Insufficient

Planning Context:

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

The new driveway on 36 Leyden St would be accessed by extending the curb cut which is currently used to access the driveway on the abutting lot (30 Leyden St). This extended curb cut would be 20.9 ft. Because this curb cut appears to be shared between the two properties and



therefore serve at least 3 parking spaces, it seems to comply with the City of Boston Commissioner of Public Works curb cut guidelines which specifies a maximum of 24 ft for driveways serving three or more parking spaces.

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

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

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

Under PLAN: East Boston recommended zoning regulations, the proposed lot subdivision would mean the lot would not comply with the required 5 foot side yard. However, there would be 10 ft of space between the existing and proposed buildings, which allows for adequate light and air. Because of the addition of the driveway, the project also may not comply with the required permeable area of lot, which is 50%. However, it is not clear because a full landscaping plan was not provided.

Zoning Analysis:



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

Recommendation:

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

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1616384
ZBA Submitted Date	2024-06-18
ZBA Hearing Date	2024-10-08
Address	36A Leyden ST East Boston 02128
Parcel ID	0102046000
Zoning District & Subdistrict	East Boston Neighborhood 2F-4000
Zoning Article	Article 53
Project Description	Erect a new 3-story, 3-unit building on a new lot (subdivision on ALT1585424). Also includes a new driveway with 2 tandem spaces and new curb cut.
Relief Type	Variance
Violations	Side Yard Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Rear Yard Insufficient Use: forbidden (3F)

Planning Context:

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

Plan: East Boston, which was adopted by the BPDA Board on March 14, 2024, states that in the area where this project is located (Orient Heights) "much of the building stock is small scale,



defined by sloping roof forms, large front yards, and wide side setbacks; although more dense uses and larger buildings do exist throughout the area." The plan recommends including Leyden St in a new EBR-2.5 subdistrict "to affirm the existing built character of Orient Heights."

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

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

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

Zoning Analysis:

New zoning for this area to codify the recommendations of PLAN: East Boston was adopted on April 24, 2024. The notice for this new zoning was advertised on April 1, 2024, therefore only projects that applied before this date should be reviewed under the old zoning. This project applied on February 28, 2024, and therefore the old zoning applies. The size of the proposed



building means it does not comply with existing zoning for side yard, front yard, rear yard, FAR, or height. The 3 unit use also does not comply with zoning, which only allows up to 2 units. The creation of the new parcel also does not comply with lot width or lot frontage minimums.

Recommendation:

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

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1588133
ZBA Submitted Date	2024-04-05
ZBA Hearing Date	2024-10-08
Address	190R Paris St East Boston 02128
Parcel ID	0106206000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53
Project Description	Renovate existing single-family structure known as 190R Paris Street including erecting side addition dormers, and confirming occupancy as one family.
Relief Type	Variance
Violations	Rear Yard Insufficient Usable Open Space Insufficient FAR Excessive GCOD Applicability

Planning Context:

The proposed project was deferred from its initial ZBA hearing on 7/16/24, and again on 9/10/24. The BPDA provided a recommendation for denial without prejudice for each of those project iterations, citing design concerns relating to both the project’s proposed side yard setbacks (present on 7/16/24 recommendation) and lack of permeability on the site (present on 7/16/24 & 9/10/24 recommendations). Prior to the project’s 9/10/24 hearing, revised plans were submitted to the Inspectional Services Department (ISD) and the Planning Department. These plans reduced the extent of the structure’s proposed encroachment into the side yard (a net reduction of 2’4”). On 9/23/24, the proponent provided ISD and the Planning Department with an additional planning set, showing alterations to the project’s site plan that substantially increased the amount of permeable surface area proposed. Specifically, the updated project plans convert previously proposed concrete paving around the structure to a mix of grass and permeable pavers, resulting in an increase of the site’s permeability, from roughly 15% to 43%. This recommendation has been updated to reflect those changes.

Of note, at the time of this recommendation’s drafting, ISD has yet to officially review and refuse this updated set of project plans. Should ISD’s official review and refusal of these plans be



completed prior to the project's 10/8/24 ZBA hearing, the contents of this recommendation shall apply. However, should ISD's review not be completed, the Planning Department shall recommend deferral of the project's hearing to a later date (as noted in the project's attached proviso).

The structure associated with the proposed project currently exists as a single-family dwelling located on the same lot and in the rear yard of a separate existing three-family dwelling in East Boston. The project is located within both the City's Coastal Flood Resilience Overlay District (CFROD) and Groundwater Conservation Overlay District (GCOD), and sits less than one block away from Route 1A along Paris Street. The project's surrounding area is known as Eagle Hill and is a residential neighborhood whose built context consists mainly of 3-story structures with residential uses containing up to three dwelling units. Rear-yard additions, like proposed enclosed rear decks, are common throughout the area. Most of the site's surrounding buildings also have small side yard setbacks, similar to those proposed by project.

The proponent seeks to renovate this existing single-family structure, known as 190R Paris Street, to erect a side yard addition and attic dormers. The proposed project will not change the site's existing dwelling unit count (three units in the front structure and one unit in the rear structure). These proposed changes align with the planning goals of PLAN: East Boston (adopted January 2024): (1) to encourage the development of a mix of housing types across East Boston; and (2) to protect and preserve the existing structures and character of East Boston's established neighborhood residential areas. This project scope is also supported by the broader city-wide planning goals of "Housing a Changing City" (adopted July 2018): to provide flexibility for changing living arrangements and promote a diversity of housing options.

The proposal does not meet the fire department access road requirement requiring a firefighter access path of at least 10 feet wide to access the structure in the rear yard and will receive a refusal letter from the fire department. The proponent should consider the fire code requirements, as increasing the living area in a structure located in the rear yard will trigger sprinkler system requirements unless certain conditions are met. Refer to the Massachusetts Comprehensive Fire and Safety Code (527 CMR 1.00) and the Massachusetts State Building Code (780 CMR).



Zoning Analysis:

The proposed project has been cited with four zoning violations, relating to the project's FAR, rear yard setback, usable open space, and location within the GCOD. These citations are listed upon the project's most recent refusal letter, dated 8/08/24. Since then, the proponent has provided ISD and the Planning Department with revised plans that address some of the project's cited violations. While ISD has yet to complete their official review and refusal of these updated plans, the contents of this recommendation have been based upon said plans. Should ISD's official review and refusal of these plans be completed prior to the project's 10/8/24 ZBA hearing, the contents of this recommendation shall apply. Otherwise, the Planning Department has attached a proviso to this recommendation suggesting the project be deferred to a later hearing.

Additionally, since the proposed project's initial filing with the Inspectional Services Department (on 2/29/24), updated zoning for the East Boston neighborhood was adopted by the Zoning Commission (on 4/24/24). This recommendation's zoning analysis has been based upon those updated regulations.

East Boston's updated zoning places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a maximum building height of 3 stories/35' and permit residential uses up to three-family occupancies. While in excess of the permitted land uses outlined for EBR-3 subdistricts, the site's residential occupancy (4 dwelling units) is an existing condition, not proposed to be expanded by the project. The project's existing building height (3 stories/30' building height) is not proposed to be altered through the project, and complies with the area's zoning requirements.

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). With the exclusion of the project's rear yard setback, the proposed project's updated plans exhibit alignment with each of the area's updated dimensional requirements. The project's rear yard (33' required, 5' proposed) is an existing condition, not proposed to be altered through the project. Because the



proposed project will not worsen this existing dimension, it will not constitute a violation 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 of living space below the SLR-DFE.

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 BOA1588133, The Planning Department recommends APPROVAL WITH PROVISO(S) with the condition that the Inspectional Services Department's review and refusal of the proposed project's updated drawing set be complete prior to the project's 10/8/24 ZBA hearing, and, in that case, that the project's plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD); otherwise, the Planning Department recommends DEFERRAL.

Reviewed,

Planning and Zoning Director, Planning Department



Case	BOA1599326
ZBA Submitted Date	2024-05-07
ZBA Hearing Date	2024-10-08
Address	46 High ST Charlestown 02129
Parcel ID	0200419000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Adding 3 units to an existing 5-unit building through a 3.5-story addition to the rear and side of the existing structure.
Relief Type	Conditional Use, Variance
Violations	Roof Structure Restrictions Parking or Loading Insufficient Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Nonconforming Use Change Use: Forbidden (MFR)

Planning Context:

This project was originally scheduled to go before the Zoning Board of Appeal on August 13th, 2024. However, the Proponent requested a continuance until October 8, 2024 and has since filed revised plans. The Planning Department’s recommendation has been updated accordingly. This site is located within the Original Peninsula of Charlestown, and on a predominantly residential block, with a mix of 1- to 3-dwelling buildings. The proposed project is also within 0.5 miles of the Community College Green Line Stop and one block away from MBTA bus service along Main Street. High Street itself is an emerging mixed-use corridor, and the site is 500 feet away from Thompson Square, a key commercial and mixed-use destination in the neighborhood.

The site slopes down in grade by 13' from the front property line to the rear property line. Areas of the existing property not occupied by the building footprint is currently permeable surface with several well-established trees.

The proposal includes an addition to the existing 5-unit building, resulting in a total of eight units (for a net increase of three units). There are four 2-bedroom and four 3-bedroom units; PLAN: Charlestown (2023) recommended the creation of large housing units with 3+ bedrooms to



create opportunities for families in addition to creating smaller units. PLAN: Charlestown focused on several areas for new development, including housing growth in Sullivan Square and along Rutherford Avenue and contextually within the Original Peninsula. Zoning updates in the Original Peninsula were very limited in scope.

The existing building does not have an official historic designation, but is in the MACRIS inventory; it was constructed in 1850 in the Greek Revival style. The proposal maintains this existing structure and advances goals from PLAN: Charlestown around preservation within the Original Peninsula.

This parcel is substantially larger than much of the surrounding context and the existing building adjoins a residential building with 10 condominium units. This neighboring building is also historic and has a 2-story addition to the rear. Given the slope of the site downward from the front to the rear, the proposed addition for this project is effectively four stories in the rear of the site, which is one story taller than the neighboring addition.

Additional recommendations for the Original Peninsula in PLAN: Charlestown include urban design guidelines. Some of these guidelines include: making the massing for proposed buildings similar to the surrounding buildings, avoiding partially covered parking, maximizing permeable surfaces and preserving existing on-site trees, and using material and massing differentiation to break down the scale of substantial additions. The proposed addition to the side of the building is substantially set back from the frontage along High Street, which maintains the appearance of the existing building on High Street. The addition to the rear steps down with the topography of the site and is of similar height and scale to the neighboring Abraham Lincoln Post 11 Memorial Hall and the Church to the rear of the site.

This site and existing building is appropriate for additional housing units due to the size of the parcel and the immediate surrounding context. However, some project elements are not in line with the urban design guidelines from PLAN: Charlestown, including the partially covered parking and the removal of existing trees.

Zoning Analysis:

Table A of Article 62 states that multi-family dwelling is a forbidden use in 3F subdistricts in Charlestown. The existing use of the site is multi-family (five units) and the proposed use is multi-family (eight units). Pursuant to Article 9 Section 2, a change in nonconforming use may be allowed provided that the Board of Appeal grants permission in accordance with the conditional use approval procedures in Article 6. These conditions include that the use will not adversely affect the neighborhood, there will be no serious hazard to vehicles or pedestrians



from the use, no nuisance is created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use.

Table F of Article 62 requires 1.0 loading bay for projects between 15,001 and 49,999 square feet; this proposed project is 18,042 square feet. Given the provided parking in the rear and the use of this site as only residential, it is not clear that a designated loading bay is essential for the functioning of the building. This is a case for zoning reform, where loading bays should not be required for residential uses, which is already the case for areas regulated by Base Code. Neighborhood articles still largely require these loading bays for residential uses.

The project is cited for excessive height in both feet and stories. As proposed, the building is 52' (35' maximum) and 4 stories (3 stories maximum), which is the same as the existing condition. The neighboring property has a building with a similar form of a rear addition to a historic 4-story building, and similarly steps down in height along with the slope of the site. The proposed project is generally one story taller than this neighboring building as it steps down towards the rear. A portion of the building to the rear is also supported on columns above part of the parking area.

The applicant proposes two private roof decks; Article 62 Section 25 states that an open roof deck may not be constructed if the building height exceeds the maximum allowable building height. Many properties along this block and within the same zoning district also have roof decks while their height exceeds the maximum allowable building height.

The required usable open space is 4,906 square feet, and proposed is 3,819 square feet. The proposed open space is achieved through private patios and roofdecks for each unit. A common condition in this 3F subdistrict is a building occupying the majority of the property with leftover space devoted to parking, with usable open space through roof decks or patios.

Finally, parking is required at a 1:1 ratio for over 7 units in Charlestown. This parking requirement necessitates paving over the existing permeable surface on the site and removing the existing trees, but the proposal does include permeable pavers for the parking area. However, Section 62-28 states that only "the additional number of dwelling units shall be counted in computing the offstreet parking facilities required." Given this provision, the project would only be required to construct three parking spaces, leaving additional room for preserving existing trees and providing ample usable open space.



The updated plans are titled "46 High Street Residences", prepared by Khalsa Design Inc., and dated September 24th, 2024. At the time of writing this recommendation, an updated refusal letter has not been issued. Should the updated refusal letter not be issued before the ZBA hearing date, deferral is recommended.

Recommendation:

In reference to BOA1599326, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to reduce the number of parking spaces to the minimum required three spaces, fully enclose the provided parking, and preserve existing trees on the site.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1552298
ZBA Submitted Date	2023-12-08
ZBA Hearing Date	2024-10-08
Address	27 Dudley ST Roxbury 02119
Parcel ID	0903293000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 50
Project Description	This project proposes converting an existing 6 unit building (3 stories plus a basement) into 7 units by splitting the existing Unit 3 into 2 units. The plans also show part of Unit 1 becoming part of Unit 2. All changes are internal.
Relief Type	Variance
Violations	FAR Excessive Lot Area Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient Use: forbidden (MFR)

Planning Context:

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

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

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



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

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

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

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

Zoning Analysis:

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

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

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



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

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

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

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

Recommendation:

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

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1603160
ZBA Submitted Date	2024-05-16
ZBA Hearing Date	2024-10-08
Address	20 Hinckley St Dorchester 02125
Parcel ID	1301869000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Construct a new one-unit residential building on a vacant parcel.
Relief Type	Variance
Violations	Parking or Loading Insufficient Existing Building Alignment Lot Area Insufficient Lot Frontage Insufficient Lot Width Insufficient 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. The proponent resubmitted plans on July 8th, 2024, and a new refusal letter was issued on September 18th, 2024. The revised project nominally reduces the Gross Square Footage and FAR, and reduced the bedrooms from 4 to 3; the zoning violations have not changed.

This project proposes the construction of a new 3-story, one-unit residential building on a presently vacant lot in the Dorchester Neighborhood, approximately one-quarter mile south of Everett Square and just under a half mile east of 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 3 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 3 stories in height, but the maximum allowable stories in this 3F-5000 District is 2.5 stories. However, given the surrounding context of 3-story residential buildings, this is an area for zoning reform to better reflect the existing conditions of the area.

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

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



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

Planning and Zoning Director, Planning Department



Case	BOA1526691
ZBA Submitted Date	2023-09-19
ZBA Hearing Date	2024-10-08
Address	226 Magnolia St Dorchester 02121
Parcel ID	1400128000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Art. 50
Project Description	Erect a new 4-story, 6-unit multifamily building of townhouses with a garage for 6 parking spaces.
Relief Type	Variance
Violations	Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (Multifamily Dwelling)

Planning Context:

This project's first ZBA hearing was originally scheduled for 07/16/24. The BPDA recommended Denial without Prejudice for this project for the 07/16/24 hearing based on previous plans and zoning violations. The ZBA project deferred this project to a hearing on 08/13/24. The stamped site plans and refusal letter for this project were updated on 06/25/24 with changes to the project site plan highlighted below and reviewed by an ISD plans examiner on 07/11/24. The refusal letter was also updated on 07/11/24; there were no changes in the zoning violations between the two plans that were submitted. This recommendation has been updated accordingly to reflect these changes.

The proposed project seeks to erect a new 4-story multifamily residential building that consists of six residential units with six parking spaces at 226 Magnolia Street in Dorchester. This parcel



of land currently holds a single story garage with multiple parking bays. 226 Magnolia Street was also previously the proposed site for a proposed 4-story building that would contain 28 compact residential units. A Small Project Review Application was submitted for consideration in 2021 with a different development team. However, that project did not advance.

While Magnolia Street is currently zoned as 3F-4000, this portion of Magnolia Street contains a mix of single-family, two-family, and three-family buildings. The immediate area is characterized by several pairs of attached 3-unit dwellings that present as 6-unit multifamily dwellings. The parcel is slightly deeper and just as wide as other parcels in the surrounding area that hold buildings of these varying sizes and density. It is also right next to the Ceylon Park, which is a City owned park with a soccer field, basketball court, two play areas, and sloped lawns and trees. Magnolia Street is also where the Uncommon Schools Roxbury Prep Dorchester Campus is located.

This proposed design is a building of 6 attached townhouse style units along the southern side yard of the parcel and a driveway along the northern side yard. The building and garage entrances for each townhouse faces the driveway and there is no entrance on the frontage along Magnolia Street, which differs significantly from the frontages and entrances of other buildings on the street. There are second story overhangs above each unit's first floor on the side facing the northern side yard. Above those overhangs are terraces for each townhouse unit on the fourth floor.

The updated plans make a few internal and facade changes to the project design compared to the original plans. The front door entrances for each unit have been moved to the left of each garage entrance rather than the entrances alternating from the left and right of the garage for each unit. The original plans also had three windows on the upper stories facing Magnolia Street to the southwest; the windows have been removed from the updated plans and the wall facing Magnolia Street now has a flat blank facade with no windows. The blank wall facade further differentiates this building from the adjacent buildings that all have street-facing windows and entrances for their units.

Additionally, the original plans had a straight roofline and a flat paved surface that filled in the natural downward slope of the parcel. The updated plans have proposed a step-ladder design with each townhouse unit's roofline slightly descending in height heading southeast to align with the natural downward sloping elevation without flattening the surface.

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



Zoning Analysis:

Under Art. 50 in the 3F-4000 subdistrict, the required additional lot area is 2,000 sq ft for each dwelling unit, a maximum FAR of 0.8, maximum height of 3 stories or 35 ft, a minimum of 650 sq ft per dwelling unit of usable open space, a minimum front yard of 20 ft, a minimum side yard of 10 ft, and a minimum rear yard of 30 ft.

The refusal letter states a total of 9 violations in insufficient additional lot area, excessive FAR, excessive height in both feet and stories, insufficient open space, insufficient front yard, side yard, and rear yard, and a forbidden use. The updated project retains the same 9 zoning violations in its updated refusal letter from 07/11/24 as the violations it triggered based on the previously submitted plans. In this subdistrict, a multifamily dwelling is Forbidden. However, while 3 units are an allowed use, 4 units is a conditional use. The proposed unit count of 6 is consistent with the contextual density established by pairs of attached three unit dwellings noted above.

Accordingly, relief should be granted for use, additional lot area, height, and FAR. In regards to the additional lot area, the required amount is 2,000 sq ft for each dwelling unit. However, the size of the parcel would only allow for 2 units to be built and even though this area is entitled to have up to 3 units allowed with a fourth unit as a conditional use.

While the proposed building sits at 43 ft or 4 stories, which is greater than the maximum of 35 ft or 3 stories, it would align with the abutting properties at 228-230 Magnolia Street that are currently 4-stories tall due to the slope of Magnolia Street. This also aligns with the height of the 3-family residential property at 232 Magnolia Street and the single-family residential property at 239 Magnolia Street where the entrance does not sit at grade with Magnolia Street.

The higher FAR, which is estimated to be 1.4 as the applicant did not provide it with the plans, is also due to the higher amounts of livable space that this project is creating but this would be comparable based on the number of units since this project is proposing 6 units but this subdistrict allows a maximum of 3 units with an FAR of 0.8.

Based on the existing context, relief should also be granted for the front yard and side yard. While the proposed front yard would not meet the minimum required 20 feet, it does align with the modal front yard of the abutting properties. Section 50-44.2 states that if at any time in the same Block or Lot required by Article 50 to have a minimum Front Yard, there exist two or more buildings fronting on the same side of the same Street as such Lot, instead of the minimum



Front Yard depth specified in the Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block. The proposed front yard aligns with the properties at 228, 230, and 232 Magnolia Street.

In regards to the side yard, the Code requires a minimum of 5 feet from the side lot line and 10 feet from an abutting property. While the current east setback sits at 3.1 feet, it would be difficult to increase this due to the drive aisle space required for the parking.

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

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

The plans reviewed are titled 226 Magnolia Street and were prepared by McDougal Architects. They were prepared on June 25, 2024.

Recommendation:

In reference to BOA1526691, The Planning Department recommends DENIAL WITHOUT PREJUDICE: Proponent should reconfigure massing, frontage design, open space, and parking area to design a 6-unit dwelling in a manner contextually consistent with its surroundings.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1632317
ZBA Submitted Date	2024-07-26
ZBA Hearing Date	2024-10-08
Address	61 Linden St Dorchester 02122
Parcel ID	1500453010
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	Art. 65, Art. 10
Project Description	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-family residential dwelling under a separate permit.
Relief Type	Variance
Violations	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-family 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-family 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.

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.

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-family 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 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 multifamily residential dwellings near major transit resources as well as the accommodate the scales necessary to hold that use that can still align with this kind of residential area.

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 and reduce the impact on eastern abutting property caused by the easternmost parking space.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1575600
ZBA Submitted Date	2024-02-28
ZBA Hearing Date	2024-10-08
Address	214 Norwell ST Dorchester 02124
Parcel ID	1700187000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	65
Project Description	Conversion of a surface parking lot to a three-family residential building with three parking space and a driveway easement across two parcels.
Relief Type	Variance
Violations	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 with one 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:

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

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 an undersized lot (4,026 SF) for the subdistrict. 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.

Recommendation:



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

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1589819
ZBA Submitted Date	2024-04-11
ZBA Hearing Date	2024-10-08
Address	133 to 135 Whitfield ST Dorchester 02124
Parcel ID	1700431000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	65
Project Description	Add a third unit and a half story to an existing two-family, 2.5-story building
Relief Type	Variance
Violations	Parking or Loading Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient

Planning Context:

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

The proposed project intends to convert an existing 2.5-story, two-family residential property to a three-story, three-family 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 Front Yard Insufficient and Side Yard Insufficient violations are persistent from the existing condition of the property and are not worsened 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, traditional of 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 should be coincident.

The Parking or Loading Insufficient violation also merits relief due to the proximity of the project site to transit opportunities. 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,

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

Planning and Zoning Director, Planning Department



Case	BOA1398736
ZBA Submitted Date	2022-10-05
ZBA Hearing Date	2024-10-08
Address	5 Warren Av Hyde Park 02136
Parcel ID	1811031000
Zoning District & Subdistrict	Hyde Park Neighborhood 3F-4000
Zoning Article	Article 69
Project Description	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.
Relief Type	Variance
Violations	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 was previously reviewed by the Planning Department for the ZBA hearing on September 10, 2024. Because no new plans have been submitted, the Planning Department's recommendation has remained the same.

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 BTB'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.

This recommendation was written based on untitled and undated plans prepared by DK. These plans were submitted and reviewed by ISD on 8/14/2024.

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.

Reviewed,

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

Planning and Zoning Director, Planning Department

MEMORANDUM

April 11, 2024

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

FROM: CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
EBONY DAROSA, SENIOR PROJECT MANAGER
JEONG-JUN JUN, URBAN DESIGNER
JOSEPH BLANKENSHIP, SENIOR TRANSPORTATION PLANNER
MICHELLE YEE, PLANNER I

SUBJECT: 749 - 759 DUDLEY STREET, DORCHESTER (Renumbered by ISD to 751-757 Dudley Street)

SUMMARY: This Memorandum requests that the Director of the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning and Development Agency (BPDA) be authorized to: (1) issue a Certification of Approval for the proposed development located at 749-759 Dudley Street and 2 Virginia Street in Dorchester (the “Proposed Project”), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the “Code”); and (2) enter into an Affordable Rental Housing Agreement and Restriction in connection with the Proposed Project; (3) take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located at 749-759 Dudley Street and 2 Virginia Street and encompasses 9,906 square feet of land area, consisting of two, contiguous, rectangular shaped parcels along Dudley Street and Virginia Street, and public ways in the Uphams Corner neighborhood (“Project Site”). The Project Site is bounded to the east by a property owned by the Universal Church (Igreja Universal) at 761-765

and 767R Dudley Street, and by a parking lot at 0 Virginia Street, and a residence at 10 Virginia Street. The two onsite commercial buildings will be demolished to make room for the proposed multi-family residential/commercial development.

The 749-759 Dudley Street portion of the site is currently occupied by a clothing store (Rainbow) and is accessed from Dudley Street. The 2 Virginia Street portion of the site is currently occupied by one 3,754 sf, one-story masonry structure, constructed c.1994 and currently utilized as a warehouse structure for “Rainbow” and accessed from Virginia Street.

The Project Site is situated in a mixed-use residential and commercial section of Dorchester to the south-southeast of the intersection of Dudley Street and Virginia Street, and is uniquely situated in the Uphams Corner neighborhood and within walking distance of numerous public transportation opportunities in the area, including the MBTA Commuter rail station at Uphams Corner as well as several bus routes currently operating within the proximity of the Project Site that provide service throughout Downtown Boston as well as to Greater Boston neighborhoods.

Due to the availability of public transportation and the walkability of the surrounding neighborhood, the proposed mixed-use residential/commercial project is expected to rely more heavily on non-vehicular modes of transportation to access the site.

DEVELOPMENT TEAM

The Development Team for the Proposed Project consists of:

Project Proponent / Developer	Salzberg Family Realty Trust Mark Salzberg Stuart Salzberg
Architect	Stefanov Architects, Inc. Douglas Stefanov Maria Lavilla Canga
Landscape Architect	Verdant Landscape Architecture Katya Podsiadlo

<p>Article 80 Permitting Consultant</p>	<p>MLF Consulting LLC Mitchell L. Fischman, Principal Mark Feldman, Project Manager</p>
<p>Transportation Planner / Civil Engineer</p>	<p>Howard Stein Hudson Ian McKinnon (Transportation Planner) James Downing (Civil Engineer)</p>
<p>Zoning / Permitting Counsel</p>	<p>Dain, Torpy, Le Ray, Wiest & Garner, P.C. Joseph D. Feaster, Jr. Patricia Flanagan Clara Lee</p>

DESCRIPTION AND PROGRAM

The proposed mixed-use commercial/multi-family residential development (“Rainbow Building”) will include 3,263 gross square feet (“gsf”) of ground floor retail space and a management office, with five (5) floors above with forty-eight (48) residential rental units, a community room on the 2nd floor, nine (9) garage spaces and fifty-two (52) bike spaces with access from Dudley Street and Virginia Street, and with a total project size of 49,084 gsf of floor area in a 6-story building (“Proposed Project”). The proposed unit breakdown of the forty-eight (48) units is three (3) three-bedroom units, sixteen (16) two-bedroom units, three (3) one-bedroom units, and twenty-six (26) studio units. In total, there will be forty-two (42) market rate units and six (6) IDP units. The Proposed Project will advance the housing creation goals of the Boston Housing Strategy 2025.

The Developer plans to commence construction of the Proposed Project in the 1st quarter of 2025. There will be an estimated 50 construction jobs required to construct the Proposed Project, and the total development cost is expected to be approximately Twenty-Million Six Hundred and Eleven Thousand and Six-Hundred and Seventy-Eight Dollars (\$20,611,678.00).

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

Gross Square Footage	49,084
Gross Floor Area	49,084
<i>Residential</i>	39,510
<i>Office</i>	0
<i>Retail</i>	3,263
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	2,680
<i>Cultural</i>	0
<i>Parking</i>	3,390
Development Cost Estimate	\$20,611,678
Residential Units	48
<i>Rental Units</i>	48
<i>Ownership Units</i>	
<i>IDP/Affordable Units</i>	6
Parking spaces	9

ARTICLE 80 REVIEW PROCESS

On November 30, 2023, the Developer filed a Small Project Review Application (“SPRA”) with the BPDA for the Proposed Project, pursuant to Article 80E of the Boston Zoning Code. The BPDA sponsored public meeting was held online on January 16, 2024.

Prior to submitting this SPRA, the Proponent conducted preliminary community outreach and related BPDA pre-file review meetings on June 15, 2023, and November 9, 2023, to seek initial input and recommendations for improvements to the Proposed Project.

As part of this preliminary outreach process, the Proponent and its development team met with representatives and members of the Uphams Corner area, including

an introductory developer-sponsored neighborhood meeting on June 13, 2023, at the Kroc Center in Dorchester with a notice of the meeting circulated to the abutters of the Site, and where the Proponent shared project information with the attendees. In addition, after the filing of the SPRA with the BPDA on November 30, 2023, the development team provided an online briefing and responded to questions from the Dorchester Bay EDC on January 17, 2024, Upham's Corner Main Street Association on January 23, 2024, and the Uphams Corner Community Associations on February 8, 2024. This last online meeting included representatives from the Uphams Corner Westside Association, Wendover Street Association, Hancock Street Association, Eastman Elder Association, and Jones Hill Association. On March 28, 2024, the development team met online with the Sustainable Development Committee of Uphams Corner's Dudley Street Neighborhood Initiative (DSNI). Finally, the development team met with other local residents living in the vicinity of the Project Site, and briefed Dorchester's elected officials including, City Councilor John Fitzgerald, in order to gain valuable input on community priorities and concerns. The outreach resulted in Councilor Fitzgerald registering for support for the project. The BPDA comment period concluded on January 23, 2024.

COMMUNITY BENEFITS AND MITIGATION

- Adding or upgrading approximately 3,263 gross square feet of street level retail space along Dudley Street;
- Introducing new neighborhood residents who will provide support to the local community and utilize local businesses and a project scope and scale that is intended to further the residential policy goals of the Boston Housing Strategy 2025;
- Encouraging the use of alternative modes of transportation, such as mass transit, ride sharing services, and bicycle use due to the Proposed Site's unique location in Uphams Corner and close proximity to the MBTA Uphams Corner Commuter Line Station; the Proposed Site is also within a mile walk to the MBTA Red Line Savin Hill Station;
- Introducing sidewalk improvements for an existing bikeshare station located on Ramsey Street;
- Improving an underutilized site at the crossroads of numerous modes of public transit with ready access to Downtown Boston and the state highway system;
- Improving the safety and visual appearance of the Project Site and immediate area through planting of new street trees, widened sidewalks,

- improved lighting, and other streetscape amenities which will also enhance the pedestrian landscape and experience;
- Temporarily creating many new jobs from the construction and building trade industries.

PLANNING CONTEXT

The Proposed Project at 749-759 Dudley Street is located in the Dorchester Neighborhood Zoning District's Neighborhood Shopping subdistrict which is governed by Article 65 of the Zoning Code. This site is 0.2 miles from the Upham's Corner commuter rail station, along Dudley Street, which is characterized by the mix of commercial and residential uses that comprise Upham's Corner Main Street District. It is also located within the study area of the Upham's Corner Station Area of the Fairmount Indigo Planning Initiative, adopted by the BRA Board in October 2015. While this planning process did not yield zoning, it did provide staff with planning goals relevant to their review of the Proposal. These goals include the creation of transit-oriented housing, as well as efforts to strengthen business districts through the inclusion of active ground floor uses in new residential buildings.

While the proposed density of the site exceeds maximum height and FAR per Article 65, its consistency with the local planning context and provision of impact mitigating public realm features warrant appropriate zoning relief.

ZONING

The Project Site is located within the Neighborhood Shopping Subdistrict and is subject to Article 65 of the Zoning Code. The Project Site is located within the Neighborhood Business Subdistricts of Dorchester Neighborhood District and is subject to Article 65 of the Boston Zoning Code. The Project Site is also within the Neighborhood Shopping ("NS") Subdistrict, which is defined as an area that provides convenience goods and services to the larger Dorchester neighborhood. In the Neighborhood Shopping Subdistrict, multifamily dwelling use is allowed on the second floor and above and may be conditionally allowed on the first floor. There are numerous commercial uses that are allowed on the first floor including, but not limited to, a restaurant, bakery, local business, daycare, art gallery, and laundry service. The Project Site is also within the Upham Corner's Neighborhood Design Overlay District ("NDOD") because the neighborhood includes architecturally significant structures. Pursuant to Section 65-33 of the Zoning Code ("Code"), any

proposed project in this NDOD is subject to review by the Boston Landmarks Commission and is also subject to design guidelines set forth in Section 65-37.2. of the Code.

INCLUSIONARY HOUSING POLICY

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, six (6) units, or approximately 12.5% of the total number of units within the Proposed Project, will be created as IDP rental units (the “IDP Units”). All six (6) units will be made affordable to households earning not more than 70% of AMI, as published by the BPDA and based upon data from the United States Department of Housing and Urban Development (“HUD”).

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

Unit Number	Number of Bedrooms	Square Footage	Percentage of AMI	Rent	Group-2 Designation
203	One-bedroom	691	70%	\$1559	Group-2A
208	Three-bedroom	1369	70%	\$1978	
307	Studio	609	70%	\$1330	
404	Two-bedroom	973	70%	\$1766	
506	Two-bedroom	897	70%	\$1766	
603	One-bedroom	625	70%	\$1559	

The location of the IDP Units will be finalized in conjunction with BPDA and MOH staff and outlined in the Affordable Rental Housing Agreement and Restriction (“ARHAR”), and rents and income limits will be adjusted according to BPDA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units. IDP Units must be comparable in size,

design, and quality to the market-rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

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

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

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

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

In addition, the Proponent is required to make a partial unit IDP contribution of \$48,000 to the IDP Special Revenue Fund (“IDP Fund”), held by the City of Boston Treasury Department, and managed by the City of Boston Mayor’s Office of Housing. This payment will be made at the time of the building permit. Combined, this partial unit contribution together with the six (6) designated IDP Units fully satisfies the IDP requirements of the Proposed Project pursuant to the December 10, 2015 IDP.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BRA staff recommends that the Director

be authorized to: (1) issue a Certification of Approval for the Proposed Project located at 749-759 Dudley Street and 2 Virginia Street in Dorchester; and (2) enter into an Affordable Rental Housing Agreement and Restriction; and (3) take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development of a new multi-family residential development on a 9,906 square foot site to include approximately 49,084 gross square feet of floor area, and containing approximately forty-eight (48) residential rental units nine (9) parking spaces, and fifty-two (52) interior bike spaces (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the Boston Redevelopment Authority; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement for the creation of six (6) on-site IDP Units and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and

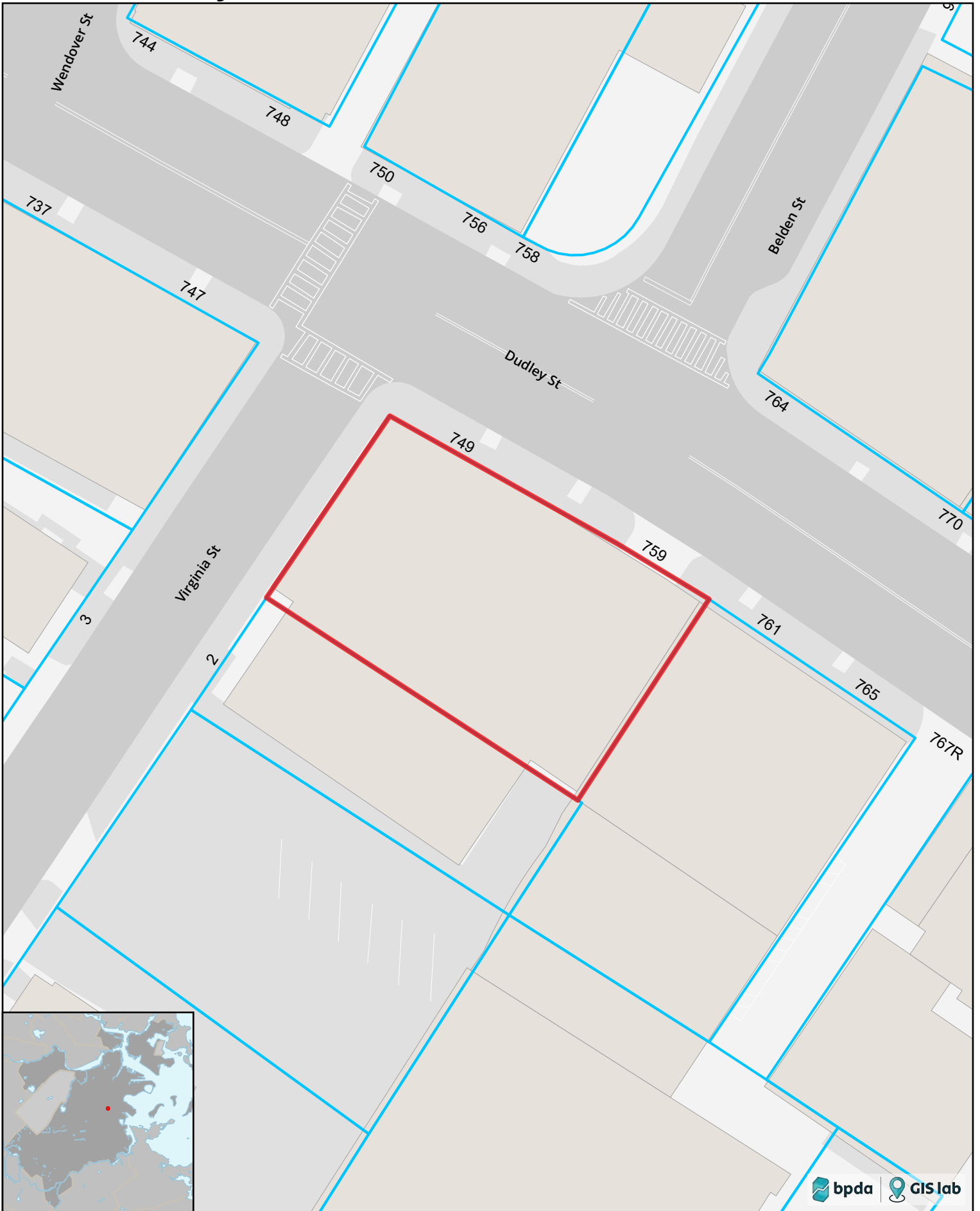
FURTHER

VOTED: That the Director be, and hereby is, authorized to take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

749-759 Dudley Street



1:400



749-759 Dudley Street



1:400





JOHN FITZGERALD
Boston City Councilor
District 3

April 5, 2024

James Arthur Jemison, Director
Boston Planning and Development Agency
One City Hall Square
Boston, MA 02201

Re: 749-759 Dudley Street

Dear Director Jemison,

As the City Councilor for District 3, I write in support of Mark and Stuart Salzberg's proposal to build a mixed use development, located at 749-759 Dudley Street in the Uphams Corner neighborhood of Dorchester.

The proposed mixed-use development will continue to enhance the Upham's Corner area. During a time where we know there is a housing shortage, the addition of 48 units will be a small resolution to the issue at hand. Continuing to activate the first floor level with a commercial space will be a wonderful addition to the Dudley Street corridor.

Mark and Stuart have done an extensive community process, meeting with all abutting neighborhood associations, Uphams Corner Main Streets and the Dorchester Bay Economic Development Corporations. I strongly support the aforementioned proposal and hope the board can also by approving this development. Please do not hesitate to reach out to me if you have any questions.

Sincerely,

John FitzGerald
Boston City Councilor, District 3