



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: October 23, 2024

RE: Planning Department Recommendations

Please find attached, for your information, the Planning Department recommendations for the October 29, 2024 Board of Appeal's Hearing.

Also included are the Board Memos for: 358 Chestnut Hill AVE 21 Brighton MA 02134, 165 Park DR Boston 02215, 165R Park DR Boston 02215 and 615 Albany ST Roxbury 02118

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



Case	BOA1645114
ZBA Submitted Date	2024-08-27
ZBA Hearing Date	2024-10-29
Address	179 W Brookline ST Roxbury 02118
Parcel ID	0400441000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	32
Project Description	The project proposes converting a 2-unit building to a 1-unit. The project is within the Groundwater Conservation Overlay District and involves Substantially Rehabilitation.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

This project involves converting a two-unit dwelling into one-unit dwelling with only minor exterior changes to the windows and roof configuration. There are no zoning violations or major planning concerns.

Zoning Analysis:

This project requires a Conditional Use permit because it is within the Groundwater Conservation Overlay District and involves substantially rehabilitating the existing structure (Article 32). The Zoning Code states that to obtain a conditional use permit from the Board of Appeal (in addition to the standards set forth in Article 6), the Applicant must show that the Proposed Project has a suitably-designed ground water capture system and it does not negatively impact groundwater levels (specific standards are set forth in Section 32-6). To meet this requirement, the project must be reviewed by the Boston Water and Sewer Commission.

Recommendation:

In reference to BOA1645114, The Planning Department recommends APPROVAL WITH PROVISIO/S: the project is approved by the Boston Water and Sewer Commission.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1643116
ZBA Submitted Date	2024-08-21
ZBA Hearing Date	2024-10-29
Address	13 Winship ST Brighton 02135
Parcel ID	2205507000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000 (A)
Zoning Article	51
Project Description	Renovate existing single-family residential building to change occupancy to two-family by adding additional living space through a rear addition and by raising the roof to create an additional floor.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient

Planning Context:

The proposed project seeks to renovate the existing single-family residential dwelling at 13 Winship Street in Brighton. The renovation includes adding living space through a rear addition and raising the roof to create a third floor. This will also convert the occupancy from single-family to two-family. The current structure is a two-story building situated on a narrow lot measuring 20 feet by 124.5 feet. The property is bordered by a public parking lot and three multi-family residential buildings at 7, 9, and 9R Winship Street that share a large parcel. Winship Street primarily consists of two-family and single-family homes. This project would further the goals outlined in Allston-Brighton Needs Assessment (January 2024) as it would create housing that is accessible as this site is accessible to the #57 and #65 bus routes, is an allowed use, and retains and improves an existing structure.

Zoning Analysis:

The refusal letter for this project states four violations: excessive FAR, excessive height in stories, insufficient front yard, and insufficient side yard.



Regarding the FAR, the maximum allowed FAR in a 2F-5000 (A) subdistrict is 0.8. This project proposes an FAR of 1.3, which exceeds the limit. Relief should be granted due to two factors: the creation of additional living space and the unusually narrow lot. The parcel measures approximately 20 feet by 124.5 feet, which is significantly narrower than the typical lot width of at least 30 feet for two-family residential buildings in this area. As the project is proposing the creation of living space similar in size to the existing two-family residential buildings on a smaller parcel, the proposed FAR is reasonable, and relief is warranted.

Regarding the height, the maximum allowed height in a 2F-5000 (A) subdistrict is 3 stories or 35 feet. This project proposes a height of 3 stories and 32 feet 10 inches. Since the proposed height is below the maximum allowed, this dimension complies with the zoning requirements and should not be considered a violation.

Regarding the front yard and side yard, the minimum front yard is 20 feet or conform with the existing building alignment and the minimum side yard is 10 feet. This project proposes a front yard of 1 foot, a west side yard of 2.1 feet, and an east side yard of 0.8 feet. However, these are existing non-conformities as the proposed project is an extension of the original structure. The building width will remain 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_13 WINSHIP ST_ALT1590805 and are dated 3/21/24. They were prepared by JCBT Architect.

Recommendation:

In reference to BOA1643116, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1609149
ZBA Submitted Date	2024-06-04
ZBA Hearing Date	2024-10-29
Address	56 Bostonia AVE Brighton 02135
Parcel ID	2204736000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 1F-5000
Zoning Article	51
Project Description	The proposed project is a new single-family, three-story house.
Relief Type	Variance
Violations	Lot Area Insufficient Lot Width Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Rear Yard Insufficient

Planning Context:

The proposed project is a new single-family, three-story house. There is an existing single-family, two-story house on the parcel set to be demolished to make room for the proposed new construction. The parcel is surrounded by other single-family housing of a similar scale and design to the proposed project.

Zoning Analysis:

There are six violations: insufficient lot size, insufficient lot width, excessive FAR, excessive building height in stories, and insufficient rear and side yards. The lot size and width violations represent a pre-existing condition for this parcel that is shared by surrounding properties. For example, there are three other parcels with the exact same lot width and lot area on this block, indicating that existing zoning rules do not match conditions on this block.

The remainder of the violations stem from a building footprint that is slightly deeper (46') and wider (28') than is typical for the block. The side yard on the western side of the house is 5' instead of the required 10.'



While the FAR is not listed in the plans, it has been issued a violation for exceeding the currently allowed FAR of 0.5. Assessors' reports for surrounding properties suggest other FARs on the block fall between 0.2 and 0.7, a fairly wide range. Despite the side yard, rear yard, and height being contextually appropriate for the block, the additional half story and slight reductions in the rear and side yards do worsen the FAR citation.

As proposed, the project would need a variance to move forward (Section 7-3). There are potentially grounds for a hardship exception given that the insufficient parcel size and width cannot be easily changed and are pre-existing conditions that hinder the reasonable use of the land (Section 7-3(b-c)).

This project represents a case for zoning reform. Updating the Code to better match built conditions on this block, particularly lot width and lot area, could help reduce the need for certain variances.

Recommendation:

In reference to BOA1609149, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1650371
ZBA Submitted Date	2024-09-06
ZBA Hearing Date	2024-10-29
Address	103 Birch ST 20 Roslindale MA 02131
Parcel ID	2000228000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	67
Project Description	Erect a 1-unit dwelling on a 3,292 sq ft lot. The proposed dwelling unit is on a proposed subdivided lot; the subdivision is filed under application ALT1591693 (See BOA 1650369).
Relief Type	Variance
Violations	Parking design and maneuverability Lot Area Insufficient FAR Excessive Front Yard Insufficient Rear Yard Insufficient

Planning Context:

The proponent seeks to erect a 2.5-story, 1-unit dwelling. The proposed dwelling unit is on a proposed subdivided lot; the subdivision is filed under application ALT1591693 (See BOA 1650369). The existing 6,065 sq ft lot is at 99 Albano St and it is a corner lot at the intersection of Albano St and Birch St. The existing 6,065 sq ft lot holds a 2.5-story, 2-unit dwelling on the northwestern side of the lot. It also has a paved 20 ft-wide driveway next to the eastern side of the dwelling and open space on the remaining southeastern portion of the lot. The northwestern side of the lot will become a 2,773 sq ft lot (99 Albano St) and the southeastern side where this project is proposed will become a 3,292 sq ft lot (103 Birch St).

The surrounding area is within the Roslindale Square study area of the Squares + Streets Small Area Plan process and is within an area identified by residents as a small-scale residential area. It mostly consists of 1- and 2-unit homes. Additionally, due to the consistent rhythm of residential buildings, the lack of a residential structure at this corner lot produces a visible gap in the streetwall and inconsistency in the public realm. Considering these factors, the proposal to subdivide this lot to build new housing at this location fits within the surrounding residential context both in use and in form and takes an approach to infill that is consistent with the broader



neighborhood character. It also introduces new housing within proximity to transit resources by way of the Roslindale Village MBTA Commuter Rail stop and bus routes along nearby Washington St.

Most lots within this area range from being slightly smaller than 5,000 sq ft to slightly larger than 6,000 sq ft. The resulting square footage of both new lots from this subdivision (2,773 sq ft and 3,292 sq ft) would be smaller than the typical lot in this surrounding area. However, there are some nearby examples of 1-unit and 2-unit residential dwellings on lots that are between 2,800 and 3,000 sq ft in size, such as 1 Haslet St (1-unit, 3,000 sq ft), 3 Haslet St (1-unit, 3,000 sq ft), and 3 Penfield St (2-unit, 2,805 sq ft). The proposed subdivision and resulting condition of the buildings in relation to their lots would align with these existing typologies in use, building scale and lot size while adding a common typology to the residential street wall condition.

The proposed project establishes public-facing setbacks similar to some properties in the surrounding area while retaining as much usable open space as possible on the sections of the lot that are not public facing.

Due to this lot's corner condition, attention should be paid to the design of both public-facing facades. The proponent proposes a window well on the side of the building facing Birch St and a basement egress stair on the side of the building facing Albano St. The Planning Department's Urban Design division recommends site plan review to consider alternate designs for these public facing edges to improve the alignment of those sides of the building to the public realm. The front, rear and side yard setbacks of buildings within this area vary depending on building typology, parking design and lot condition.

The subdivision line is at the halfway point of the existing driveway, cutting the existing 20 ft-wide driveway in half to create two 10 ft-wide driveways. The project plans state that the existing driveway is currently used for 4 off-street parking spaces. The proponent proposes to alter the parking space ratios by having 2 tandem off-street parking spaces per lot with all 4 parking spaces sharing the paved driveway area. There is no physical fence or division proposed between the driveways at the new subdivided lot line. Due to the proposal of tandem parking, further site plan review is needed to determine what parking design would be best to support safe maneuverability of all potential vehicles.

Zoning Analysis:

This property is in the 2F-5000 (Two-Family Residential) zoning subdistrict of the Roslindale Neighborhood District. The proposed project has received violations specific to parking design, lot size dimensions, floor area ratio (FAR) and setback dimensions.



This project's parking design and maneuverability may propose issues due to the proposal of tandem parking (Art. 67, Sec. 32). The proposed parking area has no buffer from the lot line due to the lots being subdivided at the center of the driveway and the parking area being shared between lots. Relief for the side yard buffer violation would be appropriate as the proposal of a shared parking area removes the need for the proponent to create any new paved parking area. As mentioned, further site plan review on the tandem parking design would support safe maneuverability of the potential vehicles.

This subdistrict requires properties to have a minimum lot area of 5,000 sq ft (Art. 67, Sec. 9). There is also a maximum floor area ratio (FAR) requirement of 0.5, a minimum front yard setback requirement of 20 ft, and a minimum rear yard setback requirement of 40 ft (Art. 67, Sec. 9). Due to the subdivision, the corner lot on 103 Birch St has a resulting lot area of 3,292 sq ft, an FAR of 0.6, a front yard setback of 9.3 ft along Birch St, a front yard setback of 7.9 ft along Albano St, and a rear yard setback of 15.1 ft. As mentioned in the Planning Context, there are some precedents of similar lot size and unit count within the surrounding area and the proposed subdivision would match those typologies. Additionally, the proposed setback further aligns with the varied setbacks that exist within the surrounding area, thus aligning more closely with built form than the zoning requirements. FAR is also less representative of building scale indicating a need for zoning reform within this residential area to apply dimensional regulations that better limit building scale in a way affirming to the existing built context. Multiple properties within this area exceed the maximum FAR and thus relief would be affirming of this being a common building scale condition.

Site plans created by Peter Nolan & Associates, LLC. on April 6, 2023 and January 31, 2024.
Project plans created by Derek Rubinoff Architect on February 12, 2024.

Recommendation:

In reference to BOA1650371, The Planning Department recommends APPROVAL WITH PROVISIO/S: with attention to the removal or relocation of the window well proposed for the Birch St side and the basement egress stair proposed for the Albano St side on this public facing corner lot and with attention to the tandem shared parking area design and maneuverability.



Planning Department

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Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1650369
ZBA Submitted Date	2024-09-11
ZBA Hearing Date	2024-10-29
Address	99 Albano ST 20 Roslindale MA 02131
Parcel ID	2000228000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	67
Project Description	Subdivide an existing 6,065 sq ft lot at 99 Albano St into two smaller lots: the northwestern side of the lot to become a 2,773 sq ft lot and the southeastern side to become a 3,292 sq ft lot. Retain the existing 2-unit dwelling on the northwestern lot. An application to erect a 1-unit dwelling on the new southeastern lot is filed under application ERT1591731 (See BOA BOA1650371).
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) Usable Open Space Insufficient Parking design and maneuverability Parking or Loading Insufficient Lot Width Insufficient Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive

Planning Context:

The proponent seeks to subdivide an existing 6,065 sq ft lot at 99 Albano St into two smaller lots. The existing lot is a corner lot at the intersection of Albano St and Birch St. The existing 6,065 sq ft lot holds a 2.5-story, 2-unit dwelling on the northwestern side of the lot. It also has a paved 20 ft-wide driveway next to the eastern side of the dwelling and open space on the remaining southeastern portion of the lot. The northwestern side of the lot is proposed to become a 2,773 sq ft lot (99 Albano St) and the southeastern side to become a 3,292 sq ft lot (103 Birch St).

The existing 2-unit dwelling will remain on the new 2,773 sq ft lot and there are no alterations to the dwelling's structure or unit count. The new southeastern lot will be a corner lot at the



aforementioned intersection. An application to erect a 2.5,-story, 1-unit dwelling on the new southeastern lot is filed under application ERT1591731 (See BOA BOA1650371).

The surrounding area is within the Roslindale Square study area of the Squares + Streets Small Area Plan process and is within an area identified by residents as a small-scale residential area. It mostly consists of 1- and 2-unit homes. Additionally, due to the consistent rhythm of residential buildings, the lack of a residential structure at this corner lot produces a visible gap in the streetwall and inconsistency in the public realm. Considering these factors, the proposal to subdivide this lot to build new housing at this location fits within the surrounding residential context both in use and in form and takes an approach to infill that is consistent with the broader neighborhood character. It also introduces new housing within proximity to transit resources by way of the Roslindale Village MBTA Commuter Rail stop and bus routes along nearby Washington St.

Most lots within this area range from being slightly smaller than 5,000 sq ft to slightly larger than 6,000 sq ft. The resulting square footage of both new lots from this subdivision (2,773 sq ft and 3,292 sq ft) would be smaller than the typical lot in this surrounding area. However, there are some nearby examples of 1-unit and 2-unit residential dwellings on lots that are between 2,800 and 3,000 sq ft in size, such as 1 Haslet St (1-unit, 3,000 sq ft), 3 Haslet St (1-unit, 3,000 sq ft), and 3 Penfield St (2-unit, 2,805 sq ft). The proposed subdivision and resulting condition of the buildings in relation to their lots would align with these existing typologies in use, building scale and lot size.

The subdivision line is at the halfway point of the existing driveway, cutting the existing 20 ft-wide driveway in half to create two 10 ft-wide driveways. The project plans state that the existing driveway is currently used for 4 off-street parking spaces. The proponent proposes to alter the parking space ratios by having 2 tandem off-street parking spaces per lot with all 4 parking spaces sharing the paved driveway area. There is no physical fence or division proposed between the driveways at the new subdivided lot line. Due to the proposal of tandem parking, further site plan review is needed to determine what parking design would be best to support safe maneuverability of all potential vehicles.

Zoning Analysis:

This property is in the 2F-5000 (Two-Family Residential) zoning subdistrict of the Roslindale Neighborhood District. The proposed project has received violations specific to parking design and number of parking spaces, lot size dimensions, usable open space, and floor area ratio (FAR).



A 5 ft side yard buffer between the lot line and the parking area is required within this subdistrict (Art. 10, Sec 1) and this project's parking design and maneuverability may propose issues due to the proposal of tandem parking (Art. 67, Sec. 32). The proposed parking area has no buffer from the lot line due to the lots being subdivided at the center of the driveway and the parking area being shared between lots. Relief for the side yard buffer violation would be appropriate as the proposal of a shared parking area removes the need for the proponent to create any new paved parking area. As mentioned, further site plan review on the tandem parking design would support safe maneuverability of the potential vehicles.

This subdistrict requires properties to have a minimum lot area of 5,000 sq ft, a minimum additional lot area per unit of 3,000 sq ft that is triggered by the presence of a second unit, and a minimum lot width of 50 ft (Art. 67, Sec. 9). There is also a minimum usable open space per dwelling unit requirement of 1750 sq ft and a maximum floor area ratio (FAR) requirement of 0.5 (equal to 1,087 sq ft) (Art. 67, Sec. 9). Due to the subdivision, the lot on 99 Albano St has a resulting lot area of 2,773 sq ft, a lot width of 45.83 ft, a usable open space area per dwelling unit of 561 sq ft, and an FAR of 0.95. As such, 99 Albano St triggers an insufficiency for each of these regulations.

As mentioned in the Planning Context, there are some precedents of similar lot size, usable open space, and unit count within the surrounding area and the proposed subdivision would match those typologies. Additionally, FAR is less representative of building scale indicating a need for zoning reform within this residential area to apply dimensional regulations that better limit building scale in a way affirming to the existing built context. Multiple properties within this area exceed the maximum FAR and thus relief would be affirming of this being a common building scale condition.

Site plans created by Peter Nolan & Associates, LLC. on April 6, 2023. Project plans created by Derek Rubinoff Architect on February 12, 2024.

Recommendation:

In reference to BOA1650369, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to the tandem shared parking area design and maneuverability.



Planning Department

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Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1615071
ZBA Submitted Date	2024-06-13
ZBA Hearing Date	2024-10-29
Address	93 Howard Ave Dorchester MA 02125
Parcel ID	1300495000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-4000
Zoning Article	50
Project Description	Erect a new 3-story, 12-unit residential building with 9 surface parking spaces in a rear lot on a newly created lot. The proposed demolition of an existing 3-story residential building is under separate permit.
Relief Type	Variance
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Usable Open Space Insufficient Side Yard Insufficient Existing Building Alignment MFR Use: Forbidden

Planning Context:

The project proposes a new 3-story, 12-unit residential building, with 9 surface parking spaces located behind the new building.

The site is currently two lots of approximately 5,500 square feet each. There is a permit application (ALT1566047) currently under review to consolidate the two parcels into one 10,973 square foot lot. One of the lots contains an existing 3-story, 1-unit residential building. The proposed demolition of the existing residential building is being reviewed under a separate permit application. A retaining wall about 3 feet in height lines Howard Avenue in the front of the lot due to a grade change between the public sidewalk and the site. According to Google Maps imagery dated October 2023, there are a few mature trees on the site.

Abutting the site to the north is a 2.5-story, 2-unit residential building and to the south is a triple decker. To the rear of the site along Danube Street is a 3-story multifamily building. The site is



approximately 0.3 miles east of Blue Hill Avenue and 0.5 miles from the Uphams Corner MBTA commuter rail station.

The project is located within the planning area boundaries of the Roxbury Strategic Master Plan (RSMP) adopted in 2004 and just outside of the planning area boundaries of the Fairmount Indigo Corridor Plan. One of the overall goals of the RSMP is to “Provide a wider range of housing options for residents of diverse socioeconomic and age groups.” Although there is attention given to improving City of Boston parks, there are no overarching goals related to open space and no recommendations specific to protecting or cultivating open space or trees on private land. The Housing Chapter of the RSMP mostly focuses on income-restricted housing, however one of the recommendations is to: “Work with private, institutional, and community-based organization landowners to encourage and facilitate housing production on vacant land and buildings where appropriate.” The proposed project would utilize space on an existing vacant lot to increase housing opportunities. The RSMP also establishes Design Guidelines for Housing that encourages “rigorous architecture and urban design standards” for new housing in Roxbury. Several principles apply to all housing in all Roxbury sub-neighborhoods, including: “Appropriate housing density for each sub-neighborhood should be determined based on historical densities, land use and context” and “Open space and landscape treatment should be a consideration when evaluating design proposals.”

In addition, as the project proposes 10 or more units and requires zoning relief, it is subject to the City’s Inclusionary Development Policy (IDP) and is required to execute a housing agreement with the Mayor’s Office of Housing for an income-restricted IDP unit.

Zoning Analysis:

The zoning violations relate to the size and use of the proposed building, as well as the proposed parking.

In terms of size, the proposal would result in excessive FAR - zoning requires less than 0.8 and the project would be 1.1. Other existing properties in the neighborhood and in the same 3F-4000 subdistrict also exceed FAR, including 99 Howard Avenue which is only 3 parcels away and has an FAR of 1.27.

The proposal exceeds height - zoning requires less than 35 feet and the project would be 36 feet and 6 inches. The proposed height of 3 stories is consistent with both zoning and the neighborhood context. The proposed project includes a parapet in the central portion of the building. Based on the materials, it appears that removing the parapet would result in the



building being approximately 35 feet in height. The parapet does not reflect the architecture of the surrounding neighborhood, therefore, it is recommended that relief not be provided for height in feet; instead, the building design should be reconsidered without the proposed parapet.

The proposal provides an insufficient side yard on the south side - zoning requires 10 feet and the project would provide 3 feet. Existing neighborhood conditions do not conform to zoning. The abutting property on the south side has a side yard of approximately 8 feet on the north side and 5 on the south side. 97 Howard Street has a side yard of approximately 7 feet on the north side and zero on the south. Given the neighborhood context, zoning relief for no less than a 3-foot side yard is recommended.

The project is cited for insufficient usable open space - zoning requires 650 square feet per unit totaling 7,800 square feet and the project would provide 189 square feet per unit totaling 2,268 square feet. The project is designed with a deck providing private outdoor space for each unit. The materials provided do not provide dimensions for the deck, but it appears that they are approximately 4' deep by 8' wide with an enclosed mechanicals space about 4' in width. A 5' clearance is required to ensure accessibility for people in wheelchairs. In addition, the Mary Hannon Park is 0.2 miles away. In addition, for families, the playgrounds at Beauford Play Area and Winthrop Playground are both within 0.25 miles away on Danube Street. Given the neighborhood context and private open space for each unit, zoning relief is recommended; however the decks should be reconsidered to be at least 5'. Given the proposed side yards, this would result in a decrease in building width by 2'.

The project also provides insufficient additional lot area - zoning requires 2,000 square feet per additional unit totaling 24,000 square feet and the project would provide 10,973 square feet. However, the limited lot area does not introduce any new impacts beyond the other dimensional concerns and proposed multifamily use. Relief is recommended from the dimensional violations.

The project proposes a multifamily dwelling in a 3F district. However, there is an affordable, multifamily project to the rear of the proposed site and in the same 3F subdistrict at 34-40 Danube Street. In addition to the neighborhood context, the adopted RSMP establishes the goal of providing "a wider range of housing options." The proposed project would increase the number of housing units from the existing 1 unit to 12 units, therefore substantially advancing the goal of increasing housing opportunities. Zoning relief is recommended.



Finally, the zoning requires 1 space per dwelling unit, and the project provides 0.75 spaces per unit. According to the Boston Transportation Department (BTD) Mobility Scores, the site has a score of 55 and a recommended maximum parking ratio of 0.75 for rental and 1.0 for condo units. Therefore, the proposed parking ratio is consistent with the BTD Maximum Parking Ratio Guidelines. Plans reviewed are titled "91-93 Howard Avenue Boston, MA," prepared by CME Architects, Inc., and dated January 26, 2024.

Recommendation:

In reference to BOA1615071, the Planning Department recommends DENIAL WITHOUT PREJUDICE: that plans be reconsidered with a building height of 35' and private decks at least 5' deep.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1591933
ZBA Submitted Date	2024-04-19
ZBA Hearing Date	2024-10-29
Address	36 Akron ST 12 Roxbury MA 02119
Parcel ID	1201332000, 1201331000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 50
Project Description	Combine two lots, demolish an abandoned 1-unit building, and construct a 5-story, 9-unit residential building.
Relief Type	Conditional Use, Variance
Violations	Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Front Yard Insufficient Parking or Loading Insufficient Use: Forbidden (MFR) NDOD Applicability

Planning Context:

This site is within a residential neighborhood of Roxbury, just over 1/4 mile south of Nubian Square, a key mixed-use transit hub for the City. The surrounding area is composed primarily of one-, two-, and three-unit buildings, with a handful of larger apartment buildings nearby. The site is just one block away from the PLAN: Nubian Square boundary, so it was not included in any recommendations from that planning initiative. However, the Roxbury Strategic Master Plan (“RSMP,” 2004) identifies transit oriented development as a key strategy for the neighborhood for both housing opportunities and economic activity. Specifically, the plan cites that “Transit-Oriented Development offers the collateral benefit of lowering the need for parking and reducing traffic,” so a lower than 1:1 parking ratio is appropriate for this area. Additionally, the location of this site near a vibrant mixed-use hub, additional housing units are appropriate here.

The two parcels, if combined, would be larger than many in the area; the site would be 6,556 square feet. However, the parcelization within this same zoning district is relatively inconsistent,



with sizes ranging from 800 square feet to over 10,000 square feet. Given the large parcel size here, a multi-unit development is appropriate.

The typical building typology in this neighborhood is a mix of one-, two-, and three-unit buildings, built to a maximum of three stories. However, there are several apartment buildings within two blocks of the site that range between six and fourteen units, each of which are built to four stories. The proposed project would be four stories along Akron Street, but the grade of the site drops more than ten feet from the Akron Street side to the rear/side, resulting in a five story building towards the rear/side. As a result of this height, the building includes an elevator, which increases accessibility to the housing units, particularly for senior citizens and people with disabilities. The RSMP specifically identifies for housing that “it is a priority for Roxbury residents that neighborhood housing strategies also take into consideration the requirements of elderly and disabled persons.”

There are several large trees on the site, many that buffer between the existing properties and the neighboring building along Regent Street, and one prominent tree at the corner of the parcel on Regent Street and Akron Street. The RSMP calls for new construction to respond to the existing topography and retain natural features like large trees, so this should be a continued consideration in future design review of the project.

Finally, while Inclusionary Zoning took effect for all new projects with 7 or more units on October 1st, 2024, this project was originally filed before that date, when the City’s Inclusionary Development Policy applied to projects with 10 or more units.

Zoning Analysis:

Multifamily Residential is a forbidden use in this 3F-4000 subdistrict of Roxbury. However, there are small apartment buildings within this same subdistrict containing between 6 and 14 units. Given the location of the site and the size of the parcel, multifamily residential is an appropriate use for the site.

The proposed nine units require an additional 14,000 square feet of lot area (2,000 per additional unit over two units). The additional area available on the lot is 2,556 square feet, meaning only three units could be built as-of-right. Additionally, many of the surrounding parcels three or more units would be in nonconformity with this requirement. This is an area for zoning reform, where additional lot area is not reflective of the existing conditions for the area.



The proposed FAR for this building is 1.79, and the maximum allowed in this 3F-4000 subdistrict is 0.8. Many properties in the same subdistrict and near this site exceed the maximum FAR of 0.8, and are typically under 2.0. The proposed project exceeds the allowable height in both feet (35' max, 38' proposed) and stories (3 max, 4 proposed). The majority of nearby properties with one-, two-, and three-unit buildings comply with both height requirements. However, two apartment buildings in the same subdistrict and several others within two blocks of the site are built to four stories. The excessive height for this proposed project is further exacerbated because of the slope of the site. Along Akron Street (front of the property), the building is four stories and 38' tall, but to the rear of the site and visible from Regent St (side/front of the property) the building is five stories and 47' tall. This site is a corner parcel, so additional height may be appropriate at such a prominent location. There is precedent in the surrounding two blocks of corner parcels occupying a larger area of the lot, buildings with 0' setbacks at front lot lines, and exceeding the allowable height at four stories.

This site sits within a Neighborhood Design Overlay District, so design review by the Planning Department is recommended. Design review should look closely at the fenestration and materiality to minimize the impact of the building's height, particularly on the sloped-down side.

The minimum usable open space required for this project is 650 sf/unit, resulting in a total of 5,850 square feet. However, the proposed combined parcel is just over 6,500 square feet. The proposed project includes 348 sf of open space per unit through a combination of some private balconies and a large rooftop open space. There are also some landscaped open space areas at grade level, but the usability of these spaces is questionable because of the slope of the site and the retaining walls to manage the change in topography. Again, there are several large trees on the site, and further design review should confirm that they are maintained and that an appropriate landscaped buffer is provided to screen from the neighboring building on Regent Street.

The minimum front yard setback is 20' and the project proposes 13.5' along Akron Street and 10' along Regent Street. A rear yard setback is not indicated on the plans because this is a lot bounded by public ways on three sides of the parcel. Front yard setbacks in the surrounding area are typically closer to 5', clearly indicating a need to update zoning to reflect the built context.



The project is required to provide ten parking spaces (one per dwelling unit), but proposes seven parking spaces. Given the proximity to the nearby Nubian Square transit hub, this lower-than-required parking ratio is appropriate.

Plans reviewed are titled "36 Akron Street Boston MA 02119," prepared by Melton Ferre LLC, and dated October 15, 2024.

Recommendation:

In reference to BOA1591933, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to fenestration and screening to minimize the impact of building height and to look at landscaping and retention of existing trees on the site.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1375717
ZBA Submitted Date	2022-08-08
ZBA Hearing Date	2024-10-29
Address	10 Glenside AV Jamaica Plain 02130
Parcel ID	1102983000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 2F-9000
Zoning Article	55
Project Description	Build a new three-story, two-unit building with off-street parking spaces.
Relief Type	Variance
Violations	Lot Area Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Rear Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Screening & Buffering Req

Planning Context:

The proposed project sits on a currently vacant lot in an area in the Jamaica Plain that contains mostly two- and three-unit buildings. It proposes to erect a new two-unit residence on the site. The creation of new infill housing on empty lots throughout the City is in keeping with planning goals of increasing housing availability and density, as detailed in Housing a Changing City, Boston 2030 (September 2018).

The proposed project is on a residential street characterized by detached three-story homes. The proposed size and siting of the project is in keeping with the existing surroundings.

Zoning Analysis:

The proposed site has violations that include excessive FAR; insufficient lot area, height, yards, and usable open space; and screening and buffering requirements.

Under Article 55 of the Zoning Code, in an area zoned as 2F-9000, the maximum allowed FAR is 0.5; the minimum lot area for a 2-unit building is 9,000 square feet; the maximum building height is 2.5 stories; and minimum front and rear yards are each 20 feet, and side yards 10 feet.



The lot area and FAR violations stem from the unique size of this parcel (3,367 square feet), which should qualify for variances under Article 7. Additionally, most existing lots in the area are smaller than the required size and have buildings that exceed the allowed FAR, highlighting the need for zoning reform. Most of the buildings surrounding this lot are three stories tall with flat roofs. Based on Google Earth imagery of the block, front yards range from 0 to 12 feet, rear yards from 7 to 17 feet, and side yards from 0 to 20 feet. The proponent is proposing a three-story building, an almost 12' front yard, 3' side yards, and an almost 11' rear yard. While these dimensions do not comply with current zoning, they are consistent with the surrounding buildings and should therefore be permitted. This again highlights the need for zoning reform.

Article 55 also requires 2,250 square feet of usable open space for a two-unit building. The proposed project's parcel area is 3,367 square feet. As a result, the usable open space number is not feasible given the parcel size. This would mean that 70% of the parcel would need to be usable open space, and it would therefore not be viable to build a contextual residential building on the lot.

A proviso for a Planning Department Design Review has been added to this recommendation to address parking layout, in order to reduce impervious surface and provide additional screening and buffering. The amount of paving it shows in the plans still exceeds what typically exists on the surrounding lots; the majority of which have no off-street parking. This is significant because the amount and design of the parking proposed directly contribute to the site's screening and buffering, and usable open space violations.

The plans reviewed are titled 10 Glenside Avenue and were dated June 12, 2024. They were prepared by Vance Stein Architecture.

Recommendation:

In reference to BOA1375717, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to screening and buffering of parking areas to reduce impermeable area.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1605743
ZBA Submitted Date	2024-05-23
ZBA Hearing Date	2024-10-29
Address	25 W Howell ST Dorchester 02125
Parcel ID	0703440002
Zoning District & Subdistrict	Dorchester Neighborhood CC
Zoning Article	65
Project Description	Replace car wash currently on site with a new car wash and detailing facility, with four parking spaces and on-site vehicle queuing.
Relief Type	Variance, Conditional Use
Violations	Parking design and maneuverability Side Yard Insufficient Front Yard Insufficient Use: Conditional

Planning Context:

Parcel is an 18,242 square foot property with an existing car wash, located on the southeast side of the South Bay greater shopping center. Proponent seeks to construct a replacement car wash and detailing facility on site. The reconfigured site has an improved layout, with additional queueing space available for the facility through a proposed easement onto an abutting vacant parcel internal to the block. This would allow traffic to enter from the southern side of the parcel (Howell Street), line up on the internal side of the parcel, and enter the car wash on the far northern side of the parcel. The parcel is irregularly shaped, and this portion of South Bay regularly sees a combination of traffic for local businesses as well as to and from the primary shopping mall. The proposed two-lane easement to the southeast of the parcel would shift the building further to the front northeastern edge of the parcel. The planning question is whether this proposed design solution of increasing nonconformance with this reconfigured easement is appropriate or an improvement over the existing condition. The overall proposed queueing is certainly better than allowing traffic to spill onto public roads, but the individual violations should be considered individually.

Zoning Analysis:



The zoning refusal letter appears to incorrectly note the subdistrict as 3F-D-2000, instead of CC. 3F-D-2000 is adjacent to the CC subdistrict. Both the official zoning map 5A/5B for Dorchester and the designation calculated by the Boston Zoning Viewer find CC to be the correct zoning subdistrict for this parcel. This appears to be the source of the errant violations of dimensional regulations noted below.

Per Article 65, Section 41, "Such facilities shall have car spaces in the number specified by this Article, appropriate maneuvering areas and means of vehicular access to a street, shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic, and shall be accessible to physically disabled persons." In this case, because the design of the circulation does not prevent impediments on the lot itself, but instead requires a easement, there is a violation. As noted in the planning context, this design allows for queueing around the building, and is in fact an improvement to traffic and maneuverability on site. Given the ability of the easement to be a net positive, relief is appropriate.

Per Article 65, Section 15 and Table B, carwashes are conditional uses in CC districts. Given that a car wash is currently present on site, a carwash is contextually present in this area. Additionally, this portion of Dorchester near South Bay is home to many car-dependent commercial and industrial uses, and so a car wash is generally compatible as a rule. Relative to Article 6, the conditions required to approve a conditional use are all met. This revised car wash is appropriate, as is the current use; it should have no adverse effect, especially relative to the current condition; it improves safety for vehicles; it presents no nuisances and indeed likely reduces nuisance from traffic; and proposes adequate facilities for proper use. Relief via a conditional use permit is appropriate.

Per Article 65, Section 15 and Table D, no front or side yard setback is required in community commercial zones. The refusal letter cites both front and side yard setbacks as being violations, which suggests that community commercial zoning is not being applied. This is likely due to the plan reviewer's claim that 3F-D-2000 is the subdistrict, rather than CC, when measuring setbacks. To whatever degree dimensional violations are indeed present, relief is still appropriate.

Plans submitted by Val Williams, Smook Architecture, reviewed 4/16/24 by Frank D'Amato.

Recommendation:

In reference to BOA1605743, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1636269
ZBA Submitted Date	2024-08-06
ZBA Hearing Date	2024-10-29
Address	933 E Broadway 06 South Boston MA 02127
Parcel ID	0604485000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Creating an ADU out of an existing unfinished basement in a three-family triple decker.
Relief Type	Variance
Violations	Parking or Loading Insufficient Additional Lot Area Insufficient Forbidden Basement Unit

Planning Context:

The proponents are seeking to construct an ADU out of an existing basement that would serve as a fourth unit to a 3-unit triple decker. The surrounding context is a mix of residential housing types, including frequent triple deckers like the proposed project. Most buildings in the neighborhood have no front setbacks and are level with the grade of the street. The site in question and the two buildings to the east of it are on an elevated grade with a front setback. The first floor access is about a full story up from street grade and is set back 20 feet from the front lot line. The existing basement is unfinished and used for utilities. The proponent would drop the basement floor slab and renovate the basement to a finished status. The front main stairs would be given an additional flight down to access the basement while the rear stair that presently accesses the basement will be adjusted to end on the first floor. New window wells will be built along the east side of the house to allow for new secondary egress methods through the bedrooms while the entire unit will be sprinklered for additional fire protection. The windows for the unit will be above grade for the entire west end but are located closer to the ceiling with the sills being about 6'-0" from floor. With the east side window wells, there will be full windows to typical sill height allowing for more light and air in the bedrooms. The project does not expand the footprint of the building at all following dimensional regulations for ADUs. However to enter it, it will be accessed from the main entrance of the building but all units will have separate entrances through the shared staircase.



Zoning Analysis:

The proposed basement unit would violate South Boston Neighborhood Zoning that fully restricts basement units. The existing house is on an elevated terrain compared to the street grade and other homes in context. With this and the fact that the house is not located in CFROD, flood concern is limited. The new unit would also be in line with the city's ADU program in turning existing basements into new livable spaces. This violation can be recommended for relief.

The two other violations are dimensional: insufficient lot area and insufficient parking. In regards to the insufficient lot area the required lot space with 4 units would be 5,000 square feet while this lot is 4,000 square feet. The ADU proposal would be in lines with the general purpose of the code and city recommendations of housing options. It poses minimal impact to the context and will not be expanding the built structure in any form. As to the insufficient parking violation, South Boston Neighborhood Zoning would require this lot to have 6 parking spaces (1.5 per dwelling unit). The lot does not have any existing parking which is a nonconformity with the existing parking regulation which would be 4 spaces. This zoning requirement can not be met on this site without decreasing the size of the existing structure through demolition. Both of these violations can be recommended for relief. 933 E Broadway St completed by Derek Rubinoff Architects on 06/03/2024.

Recommendation:

In reference to BOA1636269, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1415286
ZBA Submitted Date	2024-04-19
ZBA Hearing Date	2024-10-29
Address	131 Athens St 06 South Boston MA 02127
Parcel ID	0600267000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	Build a new single unit house on an empty lot.
Relief Type	Variance
Violations	FAR Excessive Parking or Loading Insufficient Rear Yard Insufficient Lot Area Insufficient Height Excessive Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Roof Structure Restrictions Screening and Buffering

Planning Context:

The existing site is a vacant 20' x 40' plot of land in between three-story multi-family buildings that take up the full capacity of their parcels with high lot coverage. The proposal would be a 18'-4" x 37'-2" footprint, four-story single-family house with roof deck off of a narrow street with narrow sidewalks. One of the neighboring buildings has windows, Juliet balconies, ventilation pipes and utility meters on the wall neighboring the property in question. The building on the opposite end has ventilation pipes facing the property. The buildings to the rear of the site take up their full parcels as well, blocking any access from the rear of the property in question to the parallel street of West Broadway south of the site.

Zoning Analysis:

Four of the dimensional violations are in regards to the yards. The rear yard that would be required is 20' while the proposed is less than 3'. The side yard requirement is 3' and the project is proposing less than 1' of side yard setback on both sides. The front yard setback required is



5' while the proposed setback is 0. The front elevation also has a 3' extension on the upper floors that hangs over the public sidewalk which is also a zoning violation. The front setback of 0' is contextual and in alignment with neighboring buildings; however, the building can not have an overhang over a public sidewalk without permission of the Public Improvement Commission. This is not recommended due to the impact of public domain and possible disturbance for future improvements of the sidewalk and road. Any revision of design must stay within the parcel lines. The side setbacks would interfere and disrupt the neighboring buildings windows and systems while also violating standard building code fire safety regulations. The side setbacks also prevent a means of egress from the rear due to their very limited space and the other properties blocking the rear from any public access posing another fire hazard. In future revisions the proponents should consider making the side setbacks larger to not disturb the neighboring buildings and to allow for a path in between the buildings.

The other dimensional violations are excessive FAR, excessive height, insufficient lot size and insufficient open space. The FAR maximum is 1.5, while the project is proposing 2.89. This can be recommended for relief due to the context having similar or higher FAR. The height maximum is 35' while the project is proposing 48'-6". This height would also not be contextually appropriate and should be more in line with the height of the neighboring building heights. The lot size required is 5,000 square feet while the lot is 800 square feet. This is a specific hardship to the site and can not be met so this would be recommended for relief. The open space required is 200 square feet while the proposal is 136 square feet. This is also a challenge to meet due to the hardship of the site and would be recommended for relief.

The remaining violations are insufficient off-street parking, roof structure restrictions violations, and improper screening and buffering. The site would be required to have two parking spaces (1.5 per dwelling unit) while it is demonstrating one parking space. Due to the limited sizing of the site, parking would cause the project to face challenges to match other zoning measures or even make it impossible to fully develop. Zoning does not allow for a roof deck or headhouse to exceed the zoning height requirements therefore causing both to be considered violations.

Lastly the refusal letter has identified a Screening and Buffering violation under Article 68 Section 31. The proponent should consider removing the garage to avoid this concern in future renditions. Plans reviewed "131 Athens Street plans" prepared by Choo & Company Inc, dated August 18, 2022.

Recommendation:

BOA1415286
2024-10-29
2 Planning Department



In reference to BOA1415286, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Proponents should consider a project that would have increased side setbacks, no overhang above the public sidewalk, a contextual height, and no parking garage.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1586051
ZBA Submitted Date	2024-04-01
ZBA Hearing Date	2024-10-29
Address	86 Pembroke ST Roxbury 02118
Parcel ID	0402865000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	The proposed project includes major interior and minor exterior renovations to convert the existing 2-unit building into a 1-unit building with a roof deck, a garage door on the rear garden level, and rear decks with a new curtain wall on the street and parlor levels. The proposed project also includes the addition of a groundwater recharge system.
Relief Type	Conditional Use, Variance
Violations	FAR Excessive GCOD Applicability Roof Structure Restrictions

Planning Context:

The site is located in the South End along Pembroke Street, and close to the intersection with Tremont Street. The site is currently occupied by a 5-story, 2-unit brick townhouse. The proposed project includes major interior and minor exterior renovations to convert the existing 2-unit building into a 1-unit building with a roof deck, a garage door on the rear garden level (also known as basement level), and rear decks with a new curtain wall on the street level and parlor level (also known as first floor). The basement renovation appears to include storage, mudroom and laundry in the front section of the basement while the rear of the basement will be reserved for the vehicle garage. The proposed project also includes the addition of a groundwater recharge system.

The abutting buildings on both sides share party walls and are nearly identical to the existing building on the proposed site. Similar townhouses line the street on both sides, consistent with the urban fabric of the neighborhood. Several nearby townhouses have roof decks and/or rear



decks that are similar to what is being proposed, and a few have garages similar to what is being proposed.

Zoning Analysis:

The proposed project is located within the South End Neighborhood District, in a Multifamily Residential (MFR) subdistrict, in Article 64 of the Zoning Code.

Excessive FAR is a condition worsened by the proposed alterations (allowable FAR is 2.0, existing is 2.34, and proposed is 2.99). The overall massing remains mostly unchanged, except for modifications to the rear facade. The bump-out window nooks will be replaced with a flat facade, rear balconies will be added, and the basement unit will be extended by about 3 feet toward the rear, where a garage entrance will also be added. However, as noted in the planning context the overall scale of the property still aligns with the existing scale of adjacent row houses. This presents a need for zoning reform within this part of the subdistrict in regards to the appropriate metric for building scale since most properties within the area vary in their conformity with the 2.0 FAR maximum and it restricts those properties from further additions or renovations. Metrics like building lot coverage can serve as an alternative to FAR.

The relevant neighborhood subdistrict contains roof structure restrictions as outlined in Section 64-34. The proposed roof deck atop the existing building is pulled back from the street-facing sides of the building, such that there is limited visibility from street level and will not visually affect the neighborhood fabric. There are existing similar such roof decks among the surrounding properties, including directly across the street at 105 Pembroke St.

The project is located in the Groundwater Conservation Overlay District (GCOD). The purpose of the GCOD is to protect wood pile foundations of buildings from being damaged by lowered groundwater levels. Projects that fall within GCOD, are required to obtain a conditional use permit.

The proposed project is also within a South End Landmark District and requires review and approval by the South End Landmark District Commission.

This project is also located within the Coastal Flood Resilience Overlay District (CFROD) (Art. 25A), though the regulations of the CFROD do not apply to this property.



The plans entitled 86 Pembroke prepared by Embarc Design on December 15, 2023 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1586051, The Planning Department recommends APPROVAL WITH PROVISIO/S: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD), that plans shall be submitted to the Boston Landmarks Commission for review.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1641033
ZBA Submitted Date	2024-08-15
ZBA Hearing Date	2024-10-29
Address	18 to 34 Main ST Charlestown 02129
Parcel ID	0203702000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Replacement of an existing roof deck to be more code compliant
Relief Type	Variance
Violations	Roof Structure Restrictions Height Excessive (ft)

Planning Context:

The proposed project seeks to renovate an existing unpermitted roof deck at 18-34 Main Street in Charlestown to ensure it is code compliant. The renovation will involve replacing the current spiral staircase leading to the roof deck and updating the deck's materials. No structural changes will be made. 18-34 Main Street consists of a series of three-story row houses, each with three units. Rear dormers are also present for the top units of these row houses.

This project would meet the standards for roof decks as set by PLAN: Charlestown (September 2023). The renovations to this roof deck will make it more compliant and meet the design standards.

Zoning Analysis:

The refusal letter states that there are two violations: roof structure restrictions, and excessive height in feet.

In regards to the roof structure restrictions, the proposed roof deck will meet the regulations set forth by Article 62 Section 25 and PLAN: Charlestown. Under Article 62 Section 25, roof decks are allowed as long as the construction does not relocate or alter the profile and/or configuration of the roof or mansard. Because this is a replacement of an existing roof structure, the profile and configuration of the roof will not be changed due to the roof deck.



Article 62 Section 25 also noted that an open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than 5 degrees. It also noted that the roof deck must meet the following requirements: a) such deck is less than 1 foot above the highest point of such roof, b) the total height of the building including such deck does not exceed the maximum building height allowed by Article 62, c) access is by roof hatch or bulkhead no more than 30 inches in height above such deck, and d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, 1 foot for each foot of height of such appurtenant structure from a roof edge that faces a street more than 20 feet wide. It will meet the requirements of being placed on a flat roof and is set back from Main Street. However, access is through a spiral staircase with a base on the fourth floor deck. It will also sit on the highest point of the roof and will be above the maximum allowed height of 35 feet. This also leads into the second violation because the height of the building is 47 feet. However, these are existing non-conformities as the proposed project will be replacing the existing roof deck and no design changes to the railing will be made. 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 ALT1608177 18-34 Main St Zoning Refusal Set 8-15-24_1 and are dated May 8, 2024. They were prepared by Timothy Sheehan Architect.

Recommendation:

In reference to BOA1641033, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Case	BOA1622057
ZBA Submitted Date	2024-07-02
ZBA Hearing Date	2024-10-29
Address	969 to 985 Bennington ST East Boston 02128
Parcel ID	0104376000
Zoning District & Subdistrict	East Boston Neighborhood NS
Zoning Article	53
Project Description	Change of legal use and occupancy from billiard club lounge, store, offices, studio & arts, takeout restaurant, and wireless communications to billiard club lounge, store, takeout restaurant, church, professional office, and eight (8) second story residential apartments. Scope includes new elevator, addition of windows, and interior building renovations.
Relief Type	Variance
Violations	FAR Excessive Usable Open Space Insufficient Parking or Loading Insufficient

Planning Context:

On October 15, 2024, the proponent provided ISD and the Planning Department with an updated scope and set of plans for the project. These updates showed changes to the project's site plan (including the addition of new bike parking and street trees) and proposed occupancy (replacing the proposed church use with a studio and arts use). 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 October 29, 2024 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 proposed project sits in an established mixed-use area in East Boston's Orient Heights Square. It's also located within the City's Coastal Flood Resilience Overlay District and, because



it sits within 100' of a public park, is subject to Ordinance 7.4-11 (Parks Design Review). The project's surrounding context consists of a mix of 1- to 4-story structures, housing both commercial and residential uses. The site sits within immediate proximity (1/4 mile) of several public transit options and publicly accessible open spaces, including: the MBTA's Orient Heights Station (which services the blue line), stops for the MBTA's 120 bus route, several blue bike stations, Constitution Beach, Noyes Playground, and the Mary Ellen Welch Greenway. The MBTA's blue line railroad immediately abuts the structure to the rear.

The project site is currently occupied by an existing two-story mixed-use commercial structure. The proposed project seeks to perform interior renovations to the structure to accommodate a change of occupancy from commercial-only uses to a mixed of ground-floor commercial uses with eight (8) residential units on the second story above. The project's existing ground floor commercial occupants, which include several established small businesses, are proposed to remain in operation following the project's completion. Outside of the addition of several window penetrations on the structure's rear (to accommodate the second story's rear dwelling units), no other exterior alterations to the structure are proposed by the project. Additionally, the project does not include plans for off-street parking in its proposal (an existing condition). Instead, it proposes to add four (4) new street trees to Bennington Street and bike parking for twelve (12) bikes (no street trees or bike parking currently exist on the site).

This project scope is supported by the planning goals for Orient Heights Square, as established by PLAN: East Boston (adopted January 2024). These include: (1) to support and preserve established small businesses in East Boston; (2) to encourage active uses, such as retail and restaurants, at the ground-floor; (3) to expand access to multi-modal transit options and infrastructure, such as biking and bike parking; (4) to expand the urban tree canopy, reducing East Boston's heat island effect; (5) to preserve the area's existing design character and structures of architectural significance; and (6) to expand housing opportunities and the number of available dwelling units accessible to transit.

Of note, because the existing structure sits flush with the parcel's rear lot line (zero rear yard setback), which abuts the MBTA-owned railroad, the project's proposed rear windows shall require State approval as well as additional correspondence from the MBTA/DOT for the change of commercial spaces to residential uses on the second story. The Planning Department is supportive of those petitions.



Zoning Analysis:

The proposed project has been cited with four zoning violations, relating to the project's FAR, usable open space, and off-street parking. These citations are listed upon the project's most recent refusal letter, dated 6/24/24. Since the proposed project's initial filing with the Inspectional Services Department (on 3/28/24), 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 Mixed-Use-4 (MU-4) subdistrict. MU-4 subdistricts allows a maximum building height of 4 stories/50' and permits a mix of both commercial and multi-family residential uses. The proposed project complies with both of these 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). While several of the project's raw dimensional figures are exceed the requirements of the area's updated zoning (such as for maximum building lot coverage, minimum permeable area of lot, and minimum front and rear yard setbacks), each of these are existing conditions, not proposed to be altered through the project. Because the proposed project will not worsen these existing dimensions, they will not constitute violations of the area's zoning (as per Section 53-30 of the Zoning Code - Nonconformity as to Dimensional Requirements). This makes the project dimensionally compliant with East Boston's updated zoning.

The updated East Boston zoning also makes changes to parking requirements for MU-4 subdistricts as well as in the regulation of projects within the CFROD. These updates remove previously present minimum parking requirements and prohibit the erection or extension of living space below the Sea Level Rise - Design Flood Elevation for all projects in the CFROD. The proposed project is in compliance with these provisions (the project does not propose parking nor any extension of living space below the SLR-DFE). This makes the project compliant with the other relevant requirements of East Boston's updated zoning.



Because the proposed project sits within 100' of a public park and proposes an increase in living space and exterior alterations to the existing structure, the provisions of Ordinance 7.4-11 (Parks Design Review) will apply to the project. A proviso for Parks Design Review has been added to the recommendation to satisfy that requirement.

Recommendation:

In reference to BOA1622057, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Department of Parks and Recreation for review 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 10/29/24 ZBA hearing; otherwise, the Planning Department recommends DEFERRAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1608586
ZBA Submitted Date	2024-06-03
ZBA Hearing Date	2024-10-29
Address	353 Cambridge ST Brighton 02135
Parcel ID	2201857000
Zoning District & Subdistrict	CC-1
Zoning Article	51
Project Description	Remove a proviso limiting conditional use permit for restaurants with takeout use to the petitioner only.
Relief Type	Conditional Use
Violations	Other Conditions Necessary as Protection

Planning Context:

Site is a vacant restaurant on Cambridge Street, a major mixed-use corridor, and was formerly home to a Regina Pizzeria. Petitioner seeks to remove the restriction on the existing proviso allowing takeout that limits it to the previous petitioner. Given the sufficient parking and mixed-use location, takeout is an appropriate use for a restaurant in this location.

Zoning Analysis:

The petitioner needs to update their conditional use permit in order to remove the condition the Board of Appeal attached to the prior awarding of zoning relief. Per Article 56, Table B, large takeout restaurants in Community Commercial subdistricts are a conditional use. This project is an extension of an existing restaurant space (under new ownership) with takeout use and represents a case for zoning reform. The City has an inherent interest in legalizing existing uses and lessening administrative burdens for small business owners, especially in cases where the use clearly supports the stated goals of the subdistrict.

Recommendation:

In reference to BOA1608586, The Planning Department recommends APPROVAL.

Reviewed,



Planning Department

CITY of BOSTON

Planning & Zoning Director



Case	BOA1538686
ZBA Submitted Date	2024-07-30
ZBA Hearing Date	2024-10-29
Address	86 Astoria ST Mattapan 02126
Parcel ID	1800843000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-6000
Zoning Article	60
Project Description	Renovate and reconfigure an existing two-story, three-family building with a two-story rear addition, enclosure of rear porches, and extension of living space into the attic and basement. Project scope includes relocating the third residential unit from the second story to the basement and extending that unit's living space along with the renovation of the basement into a habitable space.
Relief Type	Variance
Violations	FAR Excessive Rear Yard Insufficient Usable Open Space Insufficient Use: Forbidden (Basement Unit) Location of Main Entrance

Planning Context:

This project's ZBA hearing was originally scheduled for April 30, 2024. The project was deferred to a hearing on June 4, 2024 and then again to a hearing on July 30, 2024. New plans were submitted on September 20, 2024 in response to Building Code violations. The changes include removal of a window well at the side of the building, demolition of an existing entrance stair structure at the side of the building, and construction of a new entry/exit to the basement at the front entrance. On September 12, 2023, the proposed project had been cited for a violation based on the June 24, 2022 plans due to the location of the main entrance at the side of the building. The recently submitted plans from September 2024 address this zoning violation by constructing a new entrance to the basement at the front of the building. The Zoning Analysis has been edited to reflect this change, otherwise, the Planning Department's recommendation below remains the same.

This project proposes a 278 sq ft two-story rear addition to an existing two-story, three family building to accommodate the extension of a residential unit into the basement and the



renovation of the attic into livable space. Based on aerial imagery from 2019, this rear yard addition is already built, though it is not clear from the aerial view or the plans if the internal renovation has already been completed. This property is at the very end of a dead end street that leads directly into a park where the Walker Playground is located. The adjacent buildings on Astoria Street are residential and are between two and three stories in height. They also vary in yard depths and building lot coverage. Many of the adjacent buildings have a side yard condition to accommodate a driveway that reaches into rear yard parking spaces.

The built form and intended extended livable area for this project aligns with PLAN: Mattapan's (2023) in that the program stays within the three-story building scale maximum of the surrounding residential fabric. This property is assessed as a two-family residential property but is noted in the refusal letter as a three-story property possibly due to the project already being built. The two-story addition and internal extension of living space into the basement and attic to accommodate larger living space uses an internal ADU approach. The creation of the two-story addition to accommodate an internal ADU creates extra space within an existing structure that supports opportunities to accommodate growing living arrangements and the generation of extra income through an additional unit, in keeping with PLAN: Mattapan's residential fabric recommendations.

The proposed addition will include a projected entrance to the basement unit from the side yard that is visible from Astoria Street. This entrance leads into the living room and allows for access to other parts of the basement and the upper stories of the main dwelling.

Zoning Analysis:

This property is now located within the R2 (Residential-2) subdistrict of the Mattapan Neighborhood District (Art. 60). However, this project was filed and the refusal letter completed prior to the recent adoption of a residential zoning map amendment (adopted February 7, 2024). The refusal letter cites violations based on when this area was mapped as a 3F-6000 subdistrict. The 3F-6000 subdistrict still exists with updated regulations, but this property is now regulated by the R2 subdistrict.

When this property was previously mapped within the 3F-6000 subdistrict (Art. 60, Sec. 4), this project would be restricted to an FAR maximum of 0.8. The project proposes an FAR of 0.7, thus having a conforming FAR. Under the adopted and current R2 subdistrict (Art. 60, Sec. 4), there is no FAR regulation for properties built within that zoning district. The dimensional regulations within the R2 subdistrict require that a property that is adding an ADU on a lot over



5,000 sq ft is restricted to a maximum building lot coverage of 50%. Building lot coverage is defined as “the cumulative percentage of Lot Area covered by the largest Building Floor Plate of each building on the lot [and] excludes any one story detached building that is exempt from building code such as small tool or storage sheds, playhouses, and the like.” This property has a building lot coverage of 48% and thus is compliant with the current zoning.

Based on the 3F-6000 subdistrict (Art. 60, Sec. 4), this project would be required to have a minimum usable open space per unit of 600 sq ft. The project proposes about 616 sq ft of usable open space per unit based on the dimensional numbers provided in the plans, thus conforming with the usable open space requirements. The current R2 subdistrict (Art. 60, Sec. 4) does not have a usable open space per unit requirement, relying on permeable area of lot and yard requirements.

The 3F-6000 subdistrict (Art. 60, Sec. 4) requires a rear yard minimum of 30 ft and the proposed project has a rear yard depth of 23 ft 1 in. However, the R2 subdistrict (Art. 60, Sec. 4) has a 20 ft rear yard depth requirement, so the proposed rear yard depth is conforming with the existing rear yard dimensional regulation. This updated rear yard depth is meant to reflect the more common rear yard condition of existing properties mapped within the R2 subdistrict.

This property was cited for a violation related to the location of the main entrance (Art. 60, Sec. 4). Prior to the recent zoning text and map amendments for Article 60 (adopted February 7, 2024), the Location of Main Entrance regulation required a building with a main entrance that does not face a street to provide visual clues, such as a porch or covered walkway that direct one to the main entrance. The updated Location of Main Entrance regulation now includes other visual cues such as a walking path, lighting, or signage as potential options for cueing a main entrance if that entrance does not face the front lot line. No zoning relief is required.

Site plans completed by Neponset Valley Survey Association, Inc. on November 29, 2022.

Project plans completed by Hezekiah Pratt Architecture + Design on April 21, 2023 and revised on September 20, 2024.

Recommendation:

In reference to BOA1538740, The Boston Planning & Development Agency recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1615346
ZBA Submitted Date	2024-06-14
ZBA Hearing Date	2024-10-29
Address	374 E Eighth ST South Boston 02127
Parcel ID	0701380000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	This proposal seeks to add a third story addition, with a roof deck, to an existing dwelling unit. Additionally, the proposal includes the construction of a one car garage at the rear of the property.
Relief Type	Variance
Violations	FAR Excessive Rear Yard Insufficient Front Yard Insufficient Side Yard Insufficient

Planning Context:

374 E Eighth ST is a two-story, one unit row house located on a corner of E 8th St and Covington St in a primarily residential area. The lot on which the property sits is thin and rectangular with perpendicular lot lines that are slightly askew in comparison to other parcels for the accompanying rowhouses. The neighborhood has a diversity of housing types including other 2 and 3- story row houses, duplexes, and large multi-unit apartment complexes. Additionally, there is a single story commercial building, tenanted by a restaurant, directly across from the property and some mixed use spread throughout the neighborhood.

The proposal includes constructing a third story addition with a roof deck and building a garage, suitable for one vehicle, at the rear of the house abutting an alleyway. No other houses abutting the alleyway have vehicular access.

Zoning Analysis:

This project is a case for zoning reform to create dimensional regulation requirements that better match the scale of the building and surrounding area. The subject property was cited for four violations in total, three of which are dimensional in nature. Of the three dimensional



violations, two (insufficient front and side yard) are pre-existing conformities given the age of the house (built in 1890) and the adoption of the South Boston Neighborhood regulations for MFR/LS (most recently amended in 2019).

In the MFR/LS district (Article 68, Table D) a front yard of five (5) feet is required but the property has a previously existing nonconforming front setback of 4.3 feet. A side yard setback of three (3) feet is also required and the district and the site has an existing nonconforming side yard of zero (0) feet. The previously existing front or side setbacks are being extended with the addition but are not being worsened through this proposal and are still contextual with the neighborhood. Additionally, in the MFR/LS district a rear yard setback of 20 feet is required but a rear setback of 11 feet is proposed. This rear yard setback is necessary to facilitate the work proposed and is similar in dimension to other rear yards surrounding the dwelling.

The property was also cited for excessive FAR. A maximum FAR of 1.5 is permitted in the MFR/LS district. The property's current FAR meets this requirement at 1.5, however the proposed addition and garage will increase the site's FAR to 1.94. The proposed FAR, however, is consistent in massing and scale with the neighborhood given the diversity of building types present.

Recommendation:

In reference to BOA1615346, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Case	BOA1605291
ZBA Submitted Date	2024-05-22
ZBA Hearing Date	2024-10-29
Address	457 to 469A W Broadway South Boston 02127
Parcel ID	0601960000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	The proposed project is a ground-floor interior fit-out for a dental office.
Relief Type	Conditional Use, Variance
Violations	Use: conditional (dental office) Parking or loading insufficient

Planning Context:

This case originally went before the Board on August 13, 2024. It was deferred at that time due to a missing off-street parking violation, which is addressed in this updated recommendation. 457 to 469A West Broadway is a five-story, mixed-use development surrounded by other three- to five-story buildings with other service uses along with ground-floor retail and restaurants. This stretch of West Broadway is very walkable and has three local bus stops for two lines (the 9 and 10) within three blocks. The proposed project is a ground-floor interior fit-out for a dental office. At 2,272 square feet, the proposed office would occupy one of the two ground-floor commercial units.

Zoning Analysis:

The project is situated in the South Boston Neighborhood zoning district and the Multifamily Residential/Local Services (MFR/LS) subdistrict. The proposed use is a ground-floor dental office, which is conditional in this subdistrict (Article 68, Table A, "Professional Office" use item). Moving forward would require a conditional use permit.

Because the site is in an MFR/LS subdistrict and surrounded by other service uses, it is an appropriate location for a dental office use (Article 6-3(a)). With only eight dental chairs for patients, the use would likely add only minimal foot and car traffic and is unlikely to be a source



of nuisance. The facilities detailed in the plan also appear adequate and appropriate (Article 6-3(b-e)).

The proposed project also received an insufficient parking violation because no off-street parking has been added for this change of use (Article 68-33). However, the lack of off-street parking is a pre-existing condition that cannot be changed with the current footprint of the building. Also, as discussed above, an eight-chair dental office is unlikely to noticeably worsen foot and car traffic.

This project also represents a case for zoning reform. Future reform efforts could consider making certain uses like this one allowable by-right in MFR/LS subdistricts, especially where the use is clearly an essential "Local Service."

Recommendation:

In reference to BOA1605291, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1622071
ZBA Submitted Date	2024-02-02
ZBA Hearing Date	2024-10-29
Address	302 Chelsea ST East Boston 02128
Parcel ID	0106812000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53
Project Description	Build a rear addition to expand existing units, add a new unit, and add a roof deck.
Relief Type	Variance
Violations	FAR Excessive Rear Yard Insufficient Side Yard Insufficient Usable Open Space Insufficient GCOD Applicability Roof Structure Restrictions Parking or Loading Insufficient Additional Lot Area Insufficient Forbidden Use MFR

Planning Context:

This case was deferred from the 8/13/2024 meeting of the ZBA; no new plans were submitted, so the recommendation has not changed. The proposal seeks to add an 15'-11" rear addition with a 7'-0" deck and stairs on the back of the existing 3-unit house. This extension would include a new fourth unit, provide new bedrooms to the existing units, new bathrooms and a roof deck only accessible by the third floor unit. Presently the basement and first floor comprise one unit. The new addition would allow the basement to become an independent unit, creating a four unit building. This fourth unit would be located entirely below grade, a significant concern due to the project's location in the Coastal Flood Resiliency Overlay District (CFROD), where new residential living area must be elevated to protect against future flooding. PLAN: East Boston outlines how the neighborhood is uniquely vulnerable to threats of climate change especially in regards to flooding. The PLAN stresses the need for living space to live above sea level rise height as CFROD indicates. The addition would require an existing back deck to be demolished.



The neighboring residences are all very close to one another and have similar dimensions in size and setbacks to each other.

Zoning Analysis:

BOA1622071 was reviewed under the former zoning code subdistrict of 3F-2000 for the East Boston Neighborhood on February 02, 2024. Since then new zoning for Article 53 was adopted to implement PLAN: East Boston on April 24, 2024. The zoning violations from the old code are insufficient additional lot area per unit, roof structure restrictions, off street parking, forbidden multi-family residential use, excessive FAR, insufficient rear yard setback, Updated zoning places the proposed project in an EBR-3 subdistrict, under the new zoning for the EBR-3 subdistrict, violations would be: excessive building lot coverage, insufficient permeable area of lot, insufficient side yard, and insufficient rear yard. It would also violate Article 53-19 which prevents the extension of living area below grade in CFROD. It is also important to note the project is subject to review by the BWSC due to it existing in the Groundwater Conservation Overlay District.

The addition of another dwelling unit to this building would not be in line with zoning use as recommended in PLAN: East Boston and codified in new zoning. The zoning only allows a higher unit count for EBR-3 if the lot frontage is over 55'-0" while this site is only 25'-0". The side yard would not be a violation due to updated zoning set by Section 55-30 which states "A Building or use existing on the effective date of this Article and not conforming to any such applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered, enlarged, or extended, provided that, unless otherwise provided in subsection 2 of this Section 53-30, any enlargement itself: (a) does not increase any such dimensional nonconformity; and (b) otherwise conforms to the dimensional requirements of this Article". The rear yard setback requirement is 23'-0"; the proposed project would have only 10' of rear yard. The new addition would also violate the minimum permeable area which is 30% while the proposal would make it 14% and the maximum building lot coverage which is 60% but the proposal would make it 86%. If the proponent proposed an extension that left backyard space to be 23'-0" it would be in line with zoning as far as rear setback requirements, and A roof deck similar to the one proposed would also be in line with zoning and could be contemplated by a future project. However, as proposed, the project is not aligned with the recommendations and implementation of PLAN: East Boston.

Recommendation:

BOA1622071
2024-10-29
2 Planning Department



In reference to BOA1622071, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Proponent should consider a project that does not establish a new dwelling unit below the Sea Level Rise Design Flood Elevation and complies with updated zoning to implement PLAN: East Boston.

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1575584
ZBA Submitted Date	2024-02-28
ZBA Hearing Date	2024-10-29
Address	81 Lexington ST East Boston 02128
Parcel ID	0102918000
Zoning District & Subdistrict	East Boston Neighborhood 2F-2000
Zoning Article	53
Project Description	Erect a 3-story mixed-used building on a newly created 3,706 square foot lot. Building will consist of one local retail space at grade with eight residential units above. The project scope includes basement units, balconies, and a common roof deck. Proposed demolition of the existing building is tied to a separate permit.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Existing Building Alignment Parking or Loading Insufficient Forbidden Use (MFR); Forbidden Use (Local Retail); Forbidden Use (Basement Units)

Planning Context:

The proposed project was deferred from its initial ZBA hearing on 9/24/24. The Planning Department provided a recommendation for denial without prejudice for the project, citing design concerns relating to the project's proposed scale, setbacks, and excessive unit count as grounds for the denial. While the proponent has shared their intent to update the proposed project's designs to resolve that stated condition, those updates have yet to be submitted to/reviewed by ISD. Because of this, the Planning Department's recommendation remains the same.

The proposed project sits in an established residential area in the Eagle Hill area of East Boston. Its surroundings consist of 2.5-story to 4-story structures with single-family to multi-family residential uses and limited retail, restaurant, and commercial uses on the ground floors



of several nearby corner lots. The site sits within a quarter-mile of several bus stops - including those for the MBTA's 114, 116, 117, 120, and 121 routes - and is a half-mile from the MBTA's Airport Blue Line Station. It is also close (within a quarter-mile walk) to two community child care centers, Hugh R. O'Donnell Elementary, Mario Umama Academy K-8, Central Square Park, Eastie Farms, and East Boston's Shaw's grocery store.

The proposed project is sited on a corner parcel currently occupied by a 2.5-story three-family residential structure and a 38' x 50' surface parking lot. It seeks to demolish the site's existing structure and surface parking to erect a new 3-story mixed-use building, consisting of 8 dwelling units (including basement units and a common roof deck) and 1 ground-level local retail space. The recommendations of PLAN: East Boston (adopted January 2024) outline a need to improve access to neighborhood-serving retail and service amenities in residential areas, and support the development of small-scale commercial spaces on corner parcels within East Boston's neighborhood fabric (to support uses such as coffee shops, laundromats, etc.). The proposed project aligns with these planning goals.

The recommendations of PLAN: East Boston also promote the development of appropriately-scaled low-density residential infill, as a way to expand housing opportunities for East Boston residents and affirm the neighborhood's existing built character. Where possible, however, the PLAN recommends that preservation / renovation of the neighborhood's existing housing stock be utilized to accomplish these goals. While the proposed project does expand residential uses on the site (3 dwelling units existing, 8 dwelling units proposed), it does so in a way that exceeds the area's typical scale of building, with an occupancy greater than what currently exists in the site's surroundings (the area's largest residential structures have occupancies ranging from 4-6 dwelling units), and includes the razing of an existing residential structure. As a result, the proposed project creates a built scale that is out of scale with the area's existing urban form, and ultimately deviates from PLAN: East Boston's planning recommendations for residential areas.

Zoning Analysis:

The proposed project has been cited with 10 zoning violations relating to use, scale, and parking regulations. These citations are listed upon the project's most recent refusal letter, dated 2/27/24. 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 EBR-3 subdistrict. EBR-3 subdistricts allow a maximum building height of 3 stories/35' and permit residential uses up to 6 dwelling units on lots like 81 Lexington St that have a lot frontage greater than 55'. The proposed project exceeds the updated zoning at a height of 3 stories/40' building height and 8 dwelling units proposed).

Updated zoning for the area also removes previously present dimensional regulations (such as maximum FAR, minimum lot area, and minimum usable open space) and replaces them with updated dimensional regulations based on building form and environmental performance items (including maximum building lot coverage, maximum building floor plate, maximum building width, maximum building depth, 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) to better reflect the East Boston context.

In addition to its noncompliance with maximum building height and residential units, the project also proposes a built scale in excess of the majority of the updated dimensional regulations. Under new zoning, the project's violations would include excessive building lot coverage (75% permitted, 80% proposed), excessive building width (50' permitted, 75' proposed), insufficient permeable surface area of lot (15% required, ~10% proposed), insufficient front and side yards (3' required, 0' proposed), and insufficient rear yard (20.5' required, 20' proposed). The project's proposed building depth (70' permitted, 54' proposed) and building floor plate (3,000 square feet permitted, 2,938 square feet proposed) are the only dimensional figures in compliance with the updated East Boston zoning. These violations, together, result in an excessive building scale, out of context with the built character of the surrounding neighborhood.

Updated zoning for East Boston relaxes previously present use restrictions on basement dwelling units, when properties are not vulnerable to flooding (the proposed project does not sit in the City's Coastal Flood Resilience Overlay District), and allows ground floor retail on corner parcels like 141 Lexington. These conditions are commonly found throughout the site's surrounding area and East Boston, generally. The site's insufficient parking violation relates to the project's proposed zero-parking condition. While in violation of the area's zoning requirements (1:1 dwelling/space parking ratio required, totaling 8 required off-street spaces for the project), this condition is one commonly found throughout the Eagle Hill area, including on ~85% of the lots on the proposed project's immediately surrounding blocks.



While the project's proposed basement units, ground floor retail use, and lack of off-street parking are common neighborhood conditions contextual to the site, its dimensional violations (and the extent of their noncompliance - under both past and present zoning) point to a proposed building scale that significantly exceeds the site's surrounding built context. In this sense, the proposed structure is deemed an inappropriate addition to East Boston's Eagle Hill area.

Recommendation:

In reference to BOA1575584, The Planning Department recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a mixed-used project that maintains the proposal's ground floor retail space, but reduces its residential occupancy to no more than 6 dwelling units. Such a project should also amend the proposed structure's height, footprint, and setbacks to better align with the dimensional regulations of East Boston's updated zoning. .

Reviewed,

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

Planning and Zoning Director, Planning Department



Case	BOA1602742
ZBA Submitted Date	2024-05-15
ZBA Hearing Date	2024-10-29
Address	123 to 125 Broad ST Boston 02110
Parcel ID	0304041000
Zoning District & Subdistrict	Government Center/Markets Government Center/Markets Broad Street Protection Area
Zoning Article	32
Project Description	Change occupancy from brewery/restaurant, beauty salon, and offices to restaurant on the lower level with six (6) Residential units above. Scope includes reconfiguring floors 2 through 7 with new walls, finishes, kitchen/bathrooms, and FA/FP.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project was deferred from its initial hearing date on 7/30/24 and again on 9/24/24. Because no additional materials have been submitted since the issuance of the project's previous Planning Department recommendation, the contents of this recommendation remain unchanged.

The proposed project sits in the Board Street Protection Area within the Government Center / Markets District, Downtown. The project site immediately abuts the Rose Kennedy Greenway and also lies within the City's Groundwater Conservation Overlay District (GCOD), Coastal Flood Resilience Overlay District (CFROD, Greenway Overlay District, and a Restricted Parking District.

The proposed project's scope of work includes a change of use - from a mix of office, retail, and service uses to residential uses with a ground floor restaurant - and full renovation of the site's upper stories (floors 2-7) - to install the necessary accommodations for the six proposed dwelling units. This project scope constitutes a "substantial rehabilitation" - which is germane to the regulations of the GCOD - and is supported by the planning goals of PLAN: Downtown



(adopted December 2023): (1) to enhance access to housing Downtown; (2) to preserve Downtown's historic building fabric; and (3) to promote active ground floor uses. No exterior alterations to the existing structure are proposed by the project.

Zoning Analysis:

The proposed project sits within the Groundwater Conservation Overlay District (GCOD) and has a project scope categorized by a Commissioner's Bulletin as a "substantial rehabilitation." This classification satisfies the applicability requirements of the GCOD, as set for in Section 35-5 of the Zoning Code, thus triggering a required GCOD review for the project. A proviso for GCOD review has been added to the recommendation on that basis.

Recommendation:

In reference to BOA1602742, The Planning Department recommends APPROVAL WITH PROVISIO/S: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD) .

Reviewed,

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

Planning and Zoning Director, Planning Department

MEMORANDUM

FEBRUARY 15, 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
SARAH PECK, SENIOR PROJECT MANAGER
MICHELLE YEE, PLANNER I**

SUBJECT: 358 CHESTNUT HILL AVENUE, BRIGHTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 358 Chestnut Hill Avenue in Brighton (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; and (3) enter into a Community Benefit Contribution Agreement in connection with the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located on an approximately 17,620 square foot parcel of land at 358 Chestnut Hill Avenue in the Brighton neighborhood of Boston (the "Project Site"). The Project Site is currently occupied by a three-story commercial building containing a ground-floor convenience store and upper-story offices, with rear surface parking.

DEVELOPMENT TEAM

The development team includes:

Proponent: 358 Chestnut Hill Ave Realty Trust
 Fred Starikov
 Steve Whalen
 Alan B. Sharaf

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

Architect: Embarc
 Dan Artiges

Landscape Architect: Verdant Landscape Architecture

PROPOSED PROJECT

358 Chestnut Hill Ave Realty Trust (the “Proponent”) seeks to construct a six (6) story, approximately 28,540 gross square foot building that will include thirty (30) residential rental units and nineteen (19) off-street vehicle parking spaces (the “Proposed Project”). Of the thirty (30) rental units, eleven (11) units will be studio units, eight (8) units will be one-bedroom units, and eleven (11) will be two-bedroom units. The Proposed Project also will include an interior bicycle storage room with thirty (30) bicycle spaces and six (6) visitor bicycle storage spaces. The Proposed Project will include approximately 1,010 square feet of retail space.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	20,055
Gross Floor Area	20,055
<i>Residential</i>	19,045
<i>Office</i>	0
<i>Retail</i>	1,010

<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	
Development Cost Estimate	\$10,500,000
Residential Units	30
<i>Rental Units</i>	30
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	5
Parking spaces	19

PLANNING CONTEXT

The Proposed Project at 358 Chestnut Hill Avenue is located in the Allston-Brighton Neighborhood Zoning District’s Neighborhood Shopping (NS-1) Subdistrict. It is also located within the study area of the Allston-Brighton Needs Assessment, which was adopted by the BPDA Board in January 2024. This planning process did not yield updated zoning, but provided staff with insight relevant to the review of this Proposal. The Allston-Brighton Needs Assessment focused on assessing the community’s assets and needs. A central finding of the report noted the need for housing that is both accessible and affordable. This project meets the community needs identified in the report by providing transit-oriented housing including four income-restricted units.

While Historic Districts, designated by the Landmarks Commission, lie outside of zoning, the Proposed Project also sits in the Aberdeen Architectural Conservation District. This district helps protect the unique character of the romantic turn of the century style homes that are located in the area. During staff review of the project, input from the Aberdeen Architectural Conservation District Commission, informed a reduction of the height of the building from 7 to 6 stories. Due to the adjacent public park, the Proposed Project is also subject to a Parks Design Review as per

Ordinance 7.4-11. The number of parking spaces was also reduced to create additional usable landscape in the rear. A street tree was also added to the design, in the front of the building with multiple trees added to the rear.

ARTICLE 80 REVIEW PROCESS

On August 3, 2023, the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Boston Zoning Code (the “Code”). The BPDA sponsored and held a virtual public meeting on August 28, 2023, via Zoom. The meeting was advertised in the local newspapers, posted on the BPDA website and a notification was emailed to all subscribers of the BPDA’s Brighton neighborhood update list. The public comment period ended on September 15, 2023.

ZONING

The Project Site is located within an NS-1 (“Neighborhood Shopping”) zoning subdistrict under Article 51, the Allston-Brighton Neighborhood District. It is further located within the area of the Aberdeen Architectural Conservation District.

It is anticipated that the Proponent will require zoning variances owing to the following violations: Excessive Floor Area Ratio, Excessive Building Height, Insufficient Off-Street Parking, Insufficient Off-Street Loading. A conditional use permit will also be required for the proposed residential use on the ground floor level of the building.

Design approval by the Aberdeen Architectural Conservation District will be required, as well as approval by the Boston Parks and Recreation Commission, owing to the application of Municipal Code Section 7.4.11 (the “100-foot Rule”).

MITIGATION AND COMMUNITY BENEFITS

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

- The creation of new housing units, including five (5) affordable units in accordance with the City’s Inclusionary Development Policy;

- The expected creation of approximately sixty construction industry jobs to complete the Proposed Project; and
- A bikeshare contribution to the Boston Transportation Department in the amount of \$8,250, in accordance with Boston’s Bike Parking guidelines.

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

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

INCLUSIONARY DEVELOPMENT POLICY

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the “IDP”) and is located within Zone B, 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, five (5) units, or approximately 16.7% of the total number of units within the Proposed Project, will be created as IDP rental units (the “IDP Units”). Each of the five (5) IDP units will be made affordable to households earning not more than 70% of AMI, as based upon data from the United States Department of Housing and Urban Development (“HUD”), and published by the BPDA.

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

Unit Number	Number of Bedrooms	Square Footage	Percent of Area Median Income	Rent	ADA/Group 2 Designation (if any)
101	Two-bedroom	880	70%	\$1766	
203	Two-bedroom	810	70%	\$1766	
302	Studio	445	70%	\$1330	
401	Studio	430	70%	\$1330	
504	One-bedroom	625	70%	\$1559	

The location of the IDP Units will be finalized in conjunction with BPDA and Mayor's Office of Housing ("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.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Rental Housing Agreement and

Restriction (“ARHAR”) in connection with the Proposed Project; and (3) enter into a Community Benefit Contribution Agreement in connection with the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development at 358 Chestnut Hill Avenue in the Brighton neighborhood, proposed by 358 Chestnut Hill Ave Realty Trust (the “Proponent”), for the construction of a six (6) story, approximately 28,540 gross square foot building that will include thirty (30) residential rental units and nineteen (19) off-street vehicle parking spaces (the “Proposed Project”), in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the BPDA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute and deliver an Affordable Rental Housing Agreement and Restriction for the creation of five (5) IDP Units in connection with the Proposed Project; and

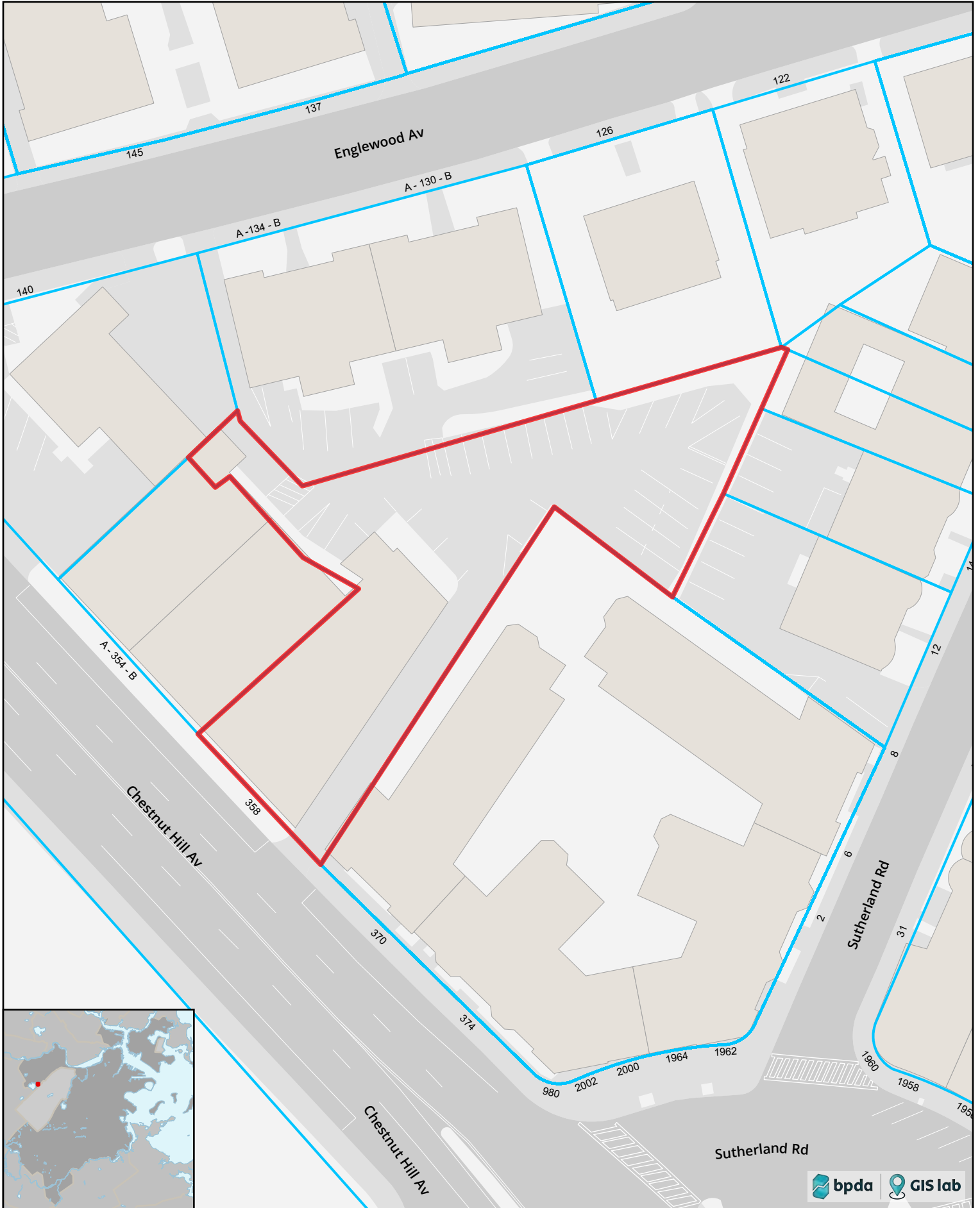
FURTHER

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

358 Chestnut Hill Avenue



1:600



358 Chestnut Hill Avenue



1:600



MEMORANDUM

August 17, 2023

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

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
QUINN VALCICH, SENIOR PROJECT MANAGER

SUBJECT: 165 PARK DRIVE, FENWAY

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue a Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the “Code”) in connection with the Project Notification Form submitted to the BPDA on December 14, 2022 (the “PNF”), by Transom Real Estate, LLC and Harbor Run Development, on behalf of THR Acquisition – Fenway, LLC (the “Proponents”) for the 165 Park Drive Project (the “Proposed Project”); (2) issue a Certification of Compliance under Section 80B-6 for the Proposed Project, upon successful completion of the Article 80 review process; and (3) take any and all actions and execute and deliver a Cooperation Agreement, an Affordable Housing Agreement, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located on an approximately 60,753 square foot site that is bordered by Kilmarnock Street to the east, Park Drive to the south and existing residential buildings and parking lots to the north and west (the “Project Site”). The property is currently occupied by the Holy Trinity Cathedral at the south-east corner of the Project Site and a parking lot in the center next to adjacent undeveloped space.

DEVELOPMENT TEAM

The development team includes:

Proponent/Applicant: THR Acquisitions – Fenway, LLC

Architect: The Architectural Team (TAT)
James J. Szymanski, AIA NCARB LEED AP

Landscape Architect: Copley Wolff
Sean Sanger

Legal Counsel: Pierce Atwood LLP
100 Summer St., 22nd Floor
Paula M. Devereaux, Esq.

Transportation Engineer & Permitting Consultant: Vanasse Hangen Brustlin, Inc.
Sean Manning
Michael Rooney

DESCRIPTION AND PROGRAM

The Proposed Project consists of two new residential buildings, built over a shared parking podium. Combined, the buildings will be approximately 130,221 sf and contain One-Hundred and Seventeen (117) total units. Building One contains Forty-Eight (48) affordable homeownership units, while Building Two contains Sixty-Nine (69) market-rate rental units.

There will be a maximum of Thirty-Four (34) vehicle parking spaces in the ground-floor garage, a maximum of Eight (8) vehicle parking spaces in an adjacent surface lot, and temporary space for a maximum of Two (2) motor vehicles within the designated drop-off area. With the exception of the drop-off area, all remaining spaces will be for the sole use of Holy Trinity Cathedral staff and patrons. All motor

vehicle parking spaces will be accessed via Kilmarnock Street. The curb cut size will be limited to a maximum of Twenty (20) feet wide.

The Proposed Project will include interior covered and secured resident bike parking with a minimum of One-hundred Seventeen (117) bike parking spaces. This resident bike parking room will be located within the lobby of Building One, but will be for use by and easily accessible to residents of Buildings 1 and 2. The Project will also include a minimum of Twenty (20) exterior visitor post-and-ring bike parking spaces in compliance with the City’s of Boston’s Bike Parking Guidelines. The Proponent will make a one-time “bikeshare” contribution of \$75,000.00.

The Proponent will continue working with BPDA staff on final details of design of both the building and landscape through Design Review. The Proponent team must meet with BPDA Urban Design at 50% Design Development, 100% Design Development, 50% Construction Documents and 100% Construction Documents. These meetings will be required in order to receive BPDA stamped plans at the conclusion of design review.

The estimated total development cost for the Proposed Project is Seventy Million Dollars (\$70,000,000).

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	130,221
Gross Floor Area	130,221
<i>Residential</i>	117,198
<i>Office</i>	0
<i>Retail</i>	0
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0

	<i>Parking</i>	13,023
Development Cost Estimate		\$70,000,000
Residential Units		117
	<i>Rental Units</i>	69
	<i>Ownership Units</i>	48
	<i>IDP/Affordable Units</i>	48
Parking spaces		42

ARTICLE 80 REVIEW PROCESS

On July 28, 2022, the Proponent filed a Letter of Intent (“LOI”) in accordance with the BPDA’s policy regarding Provision of Mitigation by Development Projects in Boston. The Proponent filed a Project Notification Form (“PNF”) describing the Proposed Project on December 14, 2022. Notice of the receipt by the BPDA of the PNF was published in the Boston Herald on December 14, 2022. The notice and PNF were sent to the City’s public agencies/departments and elected officials. Additionally, copies of the PNF were sent to the members of the Proposed Project’s Impact Advisory Group (“IAG”).

Pursuant to Section 80B-5.3 of the Code, a Scoping Session on the Proposed Project was held with the City’s public agencies and elected officials on January 3, 2023. The BPDA subsequently sponsored and held an IAG meeting on January 5, 2023, and a public meeting on January 30, 2023, to present the Proposed Project and solicit feedback on it. A joint IAG and Public Meeting was held on July 26, 2023.

In addition to the above-mentioned meetings, the Proponent conducted further community outreach and met with abutters and local elected officials before and during the Article 80 review process to discuss the Proposed Project.

PLANNING CONTEXT AND CITY STAFF REVIEW

The Proposed Project at 165 Park Drive is located within the Fenway Neighborhood Zoning District, in a multifamily residential-2 (MFR-2) subdistrict. Planning staff considered the project’s compliance with the requirements of this zoning subdistrict, which allows for moderate height and higher densities appropriate for a walkable, transit-rich location, as well as how the proposed income-restricted

ownership units and market-rate rentals contribute to the goals of Housing Boston 2030. Staff also analyzed the proposed project's proximity to the Emerald Necklace and Back Bay Fens across from Park Drive, which necessitates Parks Design review. Lastly, staff reviewed the building's relatability to surrounding residential buildings, many of which are inventoried by the Massachusetts Historical Commission.

During project review, staff focused on improving the building's facade relative to Kilmarnock Street, which was modified to more directly follow the orientation of the street edge and reinforce the street wall formed by existing multifamily buildings. The project also responds to staff feedback regarding the amount of space dedicated to the drive aisle and drop-off area, which is designed to minimize visual impacts from the public right of way and prioritize pedestrian access through the site. Lastly, the expanded landscaped frontage on Park Drive, which is almost completely covered with surface parking in its present state, was reviewed with respect to the Emerald Necklace context across the street.

ZONING

The Proposed Project site is located within the Fenway Neighborhood District, as designated by Article 66 of the Boston Zoning Code (the "Code"). The Project has been designed to comply with the use, dimensional, and other requirements of the Code, but may require conditional use permits or other zoning relief from the City of Boston Zoning Board of Appeal.

Article 37

165 Park Drive will be designed and constructed to achieve Zero Net Carbon ready performance and LEED Silver / 60+ points certifiable. Additionally, the buildings will design and constructed to be:

- Low carbon with Building 2035 pCEI's at or below 1.3 kg CO₂e/sf-yr prioritizing building enclosure solutions including continuous insulated, low infiltration well managed window to wall ratio with good windows, all efficient electric space heating/cooling and DHW heating systems, and energy recovery ventilation with Passive House Certifiable target.
- Optimized for solar renewable energy output with a 82 kW array modeled on both buildings. System locations and sizes will be finalized prior to

Article 37 Design approval with a goal on onsite installation during construction.

- A LEED Gold target of 61+points will be finalized prior to Article 37 Design approval.

Additionally, the buildings will explore purchasing 100% renewable electricity with all common area meters and residential unit electric meters using Boston Community Choice Electricity's "Green 100" (100% renewable electricity) AND new owners will be informed of the benefits using renewable electricity and their ability to opt out of the BCCE program at no cost.

Prior to the completion of BPDA design review, the Proponent will provide supporting building performance modeling demonstrating compliance with the above and completed Climate Resiliency Checklist (please use the Developer Portal to access the new online Checklist and send us the resultant PDF).

SMART UTILITIES

The buildings and site plan comply with the Smart Utilities requirements found in Article 80B of the Code. The Project shall meet or exceed the 1.25" of stormwater infiltration per square inch of impervious development standard and will incorporate best practice green infrastructure standards within the public realm, when applicable. These elements include but are not limited to porous curb extensions, bio-retention strategies and/or rain gardens. The Proposed Project will also include smart streetlights standards for new sidewalks, including city shadow conduit and dual handholes in accordance with PIC requirements when applicable. The Proposed Project will also adhere to the City of Boston's EV readiness program and shall have 25% of parking spaces EVSE- Installed and the remaining 75% EV-Ready for future installation. Utilities in any City right of way will be designed to conform with Public Works Department standards and will undergo further review to ensure utility laterals are not in conflict with any landscape design feature such as tree pits (min. 3 feet clearance) and/or other green infrastructure elements. The Proposed Project will also provide access for up to 3 local telecom and fiber providers to ensure broadband equity and possible future deployment of smart technologies. The project has indicated the location of transformers and critical

infrastructure on the site plan so as to ensure coordination with Eversource and “right sized” infrastructure. The project shall also plan to address any conflicts reported through COBUCS if/as relevant. The project team and the contractor will continue to work with Smart Utilities for any additional coordination throughout design phases. The Proponent agrees to complete the Smart Utilities review prior to obtaining a Certificate of Compliance.

MITIGATION & COMMUNITY BENEFITS

The Proposed Project anticipates mitigation and community benefits for the Fenway neighborhood and the City of Boston as a whole, subject to design finalization and obtaining all necessary governmental approvals, as follows:

- **Increased Housing Supply and Affordability**
 - Approximately 117 new residential units supporting the City of Boston’s goals of increasing the housing supply, with approximately 41% of the total units designated as affordable housing
- **Public Realm and Transportation Improvements and Mitigation**
 - Commitment to mitigating any loss of trees from the project site on a caliper-inch basis. Trees will be replanted both on-site and in the vicinity in coordination with the City of Boston.
 - Upon issuance of the full Building Permit, the Proponent will make a one-time “bikeshare” contribution of Seventy-Five Thousand Dollars (\$75,000.00) to Boston Transportation Department (“BTD”) per the City’s Bike Parking Guidelines as well as identify space for one (1) 19-dock bikeshare station near the Project Site upon issuance of Certificate of Occupancy. The proponent will work with BTD and the BPDA to locate a nearby site for the station appropriately, with a goal of siting the station for year-round availability. Bikeshare stations may require Administrative Review by PIC.
 - Compliance with the BTD Electric Vehicle Readiness Policy for New Developments, requiring 25% of the parking spaces to be equipped with electric vehicle charging stations and the remaining 75% to be ready for future installation.
 - Compliance with the BTD Transportation Demand Management (“TDM”) Points System. The selected strategies will be specified and codified in the Transportation Access Plan Agreement (“TAPA”).

- **Sustainable Design/Green Building**
 - Commitment to an all-electric, Zero Net Carbon ready project; the proponent will target Zero Net Carbon compliance and a Passive House Certifiable project at Design Filing.
 - Compliance with the City’s Electric Vehicle (EV) policy by providing the equivalent of 25% of the total parking spaces with EV chargers at opening and sufficient infrastructure capacity for future accommodations for 100% of the total parking spaces.

- **Additional Benefits**
 - Approximately 150 construction jobs and 15 permanent jobs
 - Additional property tax revenue for the City of Boston

The Proponent will provide the BPDA with evidence indicating that the above-referenced mitigation and community benefits have been satisfied. BPDA-approved construction signage must be installed at the Site before and during construction of the Proposed Project. The signage must be in the form of panels at highly visible locations at the Site or around its perimeter and must be adjacent to each other. The BPDA will work with the Proponent to provide high-resolution graphics that must be printed at a large scale (minimum 8 feet by 12 feet).

AFFIRMATIVELY FURTHERING FAIR HOUSING

The Proposed Project incorporates the following Affirmatively Furthering Fair Housing (AFFH) Interventions:

Article 80 Interventions

- Provide an additional percentage of IDP units than required;
- Provide all IDP units on-site;

Marketing and Housing Access Interventions

- In the case of homeownership units, provide a preference to first-time/generation Homebuyers and develop marketing policies and procedures that are least likely to exclude preferred homebuyers.
- Agree to follow best practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process
- Agree to best practices in marketing the market-rate units that are inclusive of and welcoming to members of protected classes

- Adopt Boston’s Fair Chance Tenant Selection Policy as applicable to market-rate units;
- Develop and abide by a tenant screening policy requiring that CORI, Credit Score, Eviction History be assessed on an individualized basis rather than implementing a blanket policy that excludes applicants with CORIs, certain credit scores, and/or eviction histories;
- Work exclusively with local, multilingual, and culturally competent leasing/sales agents;
- Market all units across media types (print, social, audio, digital, etc.) targeting media type specifically consumed by members of protected classes; and
- Describe IDP units and link to MetroList on the Proposed Project’s primary marketing website.

The Proponent must submit to the Boston Fair Housing Commission—along with its Affirmative Fair Housing Plan for IDP units—a market-rate unit marketing plan detailing the adoption of the Boston Fair Chance Tenant Selection Policy as well as the other specific best practices that will be used to market the market-rate units.

INCLUSIONARY DEVELOPMENT COMMITMENT

Projects financed as one entity and where at least Forty percent (40%) of the units are income restricted are exempt from the Inclusionary Development Policy, dated December 10, 2015. The Proposed Project is financed as one entity and contains Forty-Eight (48) income restricted units, or Forty-One percent (41%) of the total units, surpassing Forty percent (40%) of the total units. As such, the Proposed Project is exempt from the Inclusionary Development Policy.

As currently proposed, Eighteen (18) units within the Proposed Project will be made affordable to households earning not more than 80% of the Area Median Income (“AMI”), as published by the United States Department of Housing and Urban Development (“HUD”), and Thirty (30) units will be made affordable to households earning not more than 100% of AMI. The affordability of the project will be finalized through the public funding process and the ongoing affordability of the project will be monitored under a MassDocs agreement.

RECOMMENDATION

Approvals have been requested of the BPDA for the Director to (a) issue a Determination pursuant to Section 80B-5.3(d) of the Code waiving further review of

the Proposed Project; (b) issue a Certification of Compliance under Section 80B-6; and (c) take any and all actions and execute and deliver a Cooperation Agreement, Affordable Housing Agreement, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

An appropriate vote follows:

VOTED: That the Director be, and hereby is, authorized to issue a Determination pursuant to Section 80B-5.3(d) of the Code which finds that the PNF adequately describes the potential impacts arising from the proposed 165 Park Drive project (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts, and waives further review of the Proposed Project pursuant to subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review by the BPDA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance pursuant to Section 80B-6 of the Code in connection with the Proposed Project upon successful completion of the Article 80 review process; and

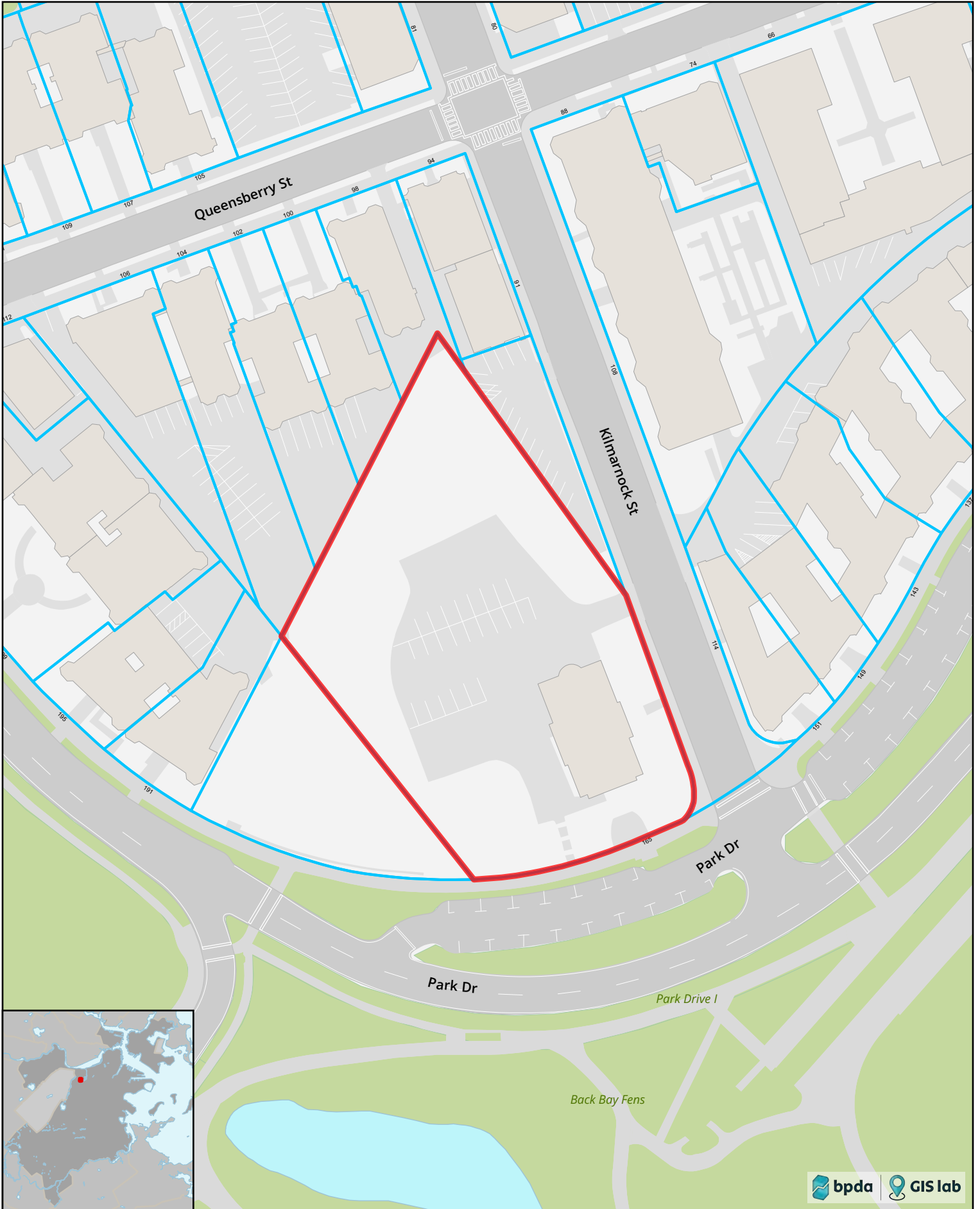
FURTHER

VOTED: That the Director be, and hereby is, authorized to take any and all actions and execute and deliver a Cooperation Agreement, an Affordable Housing Agreement, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

165 Park Drive



1:1,000



165 Park Drive



1:1,000





SHARON DURKAN
OFFICE OF BOSTON CITY COUNCILOR, DISTRICT 8

August 17, 2023

Priscilla Rojas
Boston Planning & Development Agency
1 City Hall Sq, 9th Floor
Boston, MA 02201

Re: 165 Park Drive

Dear Chair Rojas and Members of the Board,

I would like to thank the BPDA and members of the IAG for their work throughout the Article 80 review process for this proposal. Since being sworn in, I have quickly begun familiarizing myself with many proposals that are being put forward in the District, and I recognize that the proposal at 165 Park Drive aims to deliver one of the greatest needs in the neighborhood and the City: affordable housing.

At a time when the City of Boston is facing an acute housing crisis, affordable housing, specifically affordable homeownership in a transit-oriented neighborhood surrounded by many of the major employers in the region, is a welcome and needed addition. By providing 117 units of housing, 48 of which are set aside to be affordable homeownership opportunities, the proponent is opening the door to a neighborhood whose cultural, entertainment, educational, and research institutions have long attracted many to visit, but prohibited many from calling home. Furthermore, the developer has thoughtfully recognized the residential character of the neighborhood by designing two contextually appropriate buildings. The design works to knit the old together with the new, in a way that I hope will foster community integration between its surrounding neighbors with long histories on the street such as St. Cecilia's House and the Robert McBride House.

The desirability and liveability of our urban environment is, among other things, linked to access to green spaces. This project thoughtfully considers its adjacency to the historic Emerald Necklace and has designed a building that respects and enhances the surrounding public green space in the Back Bays Fens. Moreover, I can't go without mentioning that Holy Trinity has worked patiently and meticulously to bring the community into this process that also restores their historic church and improves the green space on their property. I hope that special attention is paid to preserving mature trees, one of our City's most precious resources, wherever possible.



SHARON DURKAN
OFFICE OF BOSTON CITY COUNCILOR, DISTRICT 8

Finally, I would like to recognize the crucial financial role Samuels & Associates will play in the development of the 48-unit affordable homeownership building. In a development and market landscape that disincentivizes residential projects, Samuels & Associates' subsidy of this project via their proposed lab development at 1400 Boylston Street, models a way in which the City's commercial and residential growth can and must be mutually reinforcing if our City is to achieve sustainable growth.

For these reasons, I would like to express my support, and hope that the board votes to approve this proposal today.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Durkan".

Sharon Durkan
Boston City Councilor, District 8

MEMORANDUM**September 12, 2024**

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

FROM: CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW
MICHAEL SINATRA, OMBUDSMAN
DYLAN NORRIS, PROJECT ASSISTANT
LYDIA HAUSLE, SENIOR TRANSPORTATION PLANNER
ALEXA PINARD, SENIOR URBAN DESIGN REVIEWER

SUBJECT: 615 ALBANY STREET, SOUTH END

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA"): (1) authorize the Director to issue a Certification of Approval for the proposed development located at 615 Albany Street in the South End Neighborhood (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) authorize the Director to execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; and (3) authorize the Director to enter into a Pilot Agreement for the Proposed Project, and to take any other actions, (4) adopt a Demonstration Project Plan under Massachusetts General Law Chapter 121B, Section 46(f) for the Proposed Project, (5) adopt certain findings relating to the Demonstration Project Plan, (6) authorize the Director to accept a Quitclaim Deed for a certain temporary, limited property interest in the Project Site, and (7) authorize the Director to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

BACKGROUND ON PILOT PROGRAM

On March 24th 2024, 615 Albany Street LLC (the "Proponent") applied to Mayor Wu's and the BPDA's Downtown Residential Conversion Incentive PILOT Program (the

“Pilot Program”). The Pilot Program was authorized by the BPDA Board on October 12, 2023 (“October Board Vote”) and as extended on July 18, 2024, (referred to collectively as the “Program”). The Program offers to approved applicants a tax abatement in exchange for converting their underutilized office building into multi-family residential rental units.

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

PROJECT SITE

The Proposed Project is located on an approximately 3,677 square foot parcel of land at 615 Albany Street in the South End Neighborhood (the “Project Site”). The Project Site is currently occupied by the former location of the five (5) story Naval Blood Research laboratory within the Boston University Medical Campus Institutional Master Plan Overlay.

DEVELOPMENT TEAM

The development team includes:

Proponent: 615 Albany Street LLC
 Greg McCarthy

Architect: Studio 47 Architects INC
 Bryan T Mulligan

BACKGROUND ON PILOT PROGRAM

On March 28th 2024, 129 Portland Street LLC (the “Proponent”) applied to Mayor Wu’s and the BPDA’s Downtown Residential Conversion Incentive PILOT Program (the “Pilot Program”). The Pilot Program was authorized by the BPDA Board on October 12, 2023 and as extended on July 18, 2024, (collectively the “Program”) and offers to approved applicants a tax abatement in exchange for converting their underutilized office building into multi-family residential rental units. The October Board Vote authorized the creation of a Demonstration Project Plan Area in Downtown Boston (the “Plan Area”) and the Plan Area establishes an area where the BPDA is able to act pursuant to Massachusetts General Law Chapter 121B (“Chapter 121B”) and provide a contract for payment in lieu of taxes (“Pilot Agreement”) pursuant to Chapter 121B.

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

PROPOSED PROJECT

The Proposed Project at 615 Albany is part of the Planning Department’s Office to Residential Conversion Program. 615 Albany Street LCC (“The Proponent”) is proposing the conversion of the existing five (5) story, 19,200 square foot underutilized office space to residential use. The proponent is proposing to extend the existing building by one (1) floor creating a six (6) story approximately 23,589 gross square foot residential building with 24 units. (the “Proposed Project”). The Proposed project have a net residential total of approximately 19,865 including: Twelve (12) studios, one (1) 1-bedroom, Six (6) 2-bedrooms, and five (5) 3-bedrooms. 17% of the units will be IDP units and 3% held for Voucher Holders as per the Program standards. The Proposed Project will also include an interior basement level bicycle storage room with twenty-four (24) resident bike parking spaces and 6 visitor bike parking spaces within the public right of way.

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

Estimated Project Metrics	Proposed Plan
Gross Square Footage	23,589
Gross Floor Area	
<i>Residential</i>	19,817
<i>Mechanical/Service/Storage</i>	3,724
Development Cost Estimate	5,428,273
Residential Units	
<i>Rental Units</i>	24
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	5
Parking spaces	0
Bike Parking Spaces	30
<i>Secure (interior) spaces</i>	24
<i>Exterior visitor spaces</i>	6

PLANNING CONTEXT

The Proposed Project occupies a corner lot located in the South End Neighborhood, in an Institutional Subdistrict. The existing building is the former site of the Naval Blood Research Laboratory, a Naval research institution dedicated to the study of the safe preservation and transportation of blood. Immediately east and south of the project site is the Boston Medical Center (BMC) and Boston University Medical School campus, which contains mostly institutional buildings. These buildings tend to span entire blocks and are lacking any street level connection or openness to the public. There are very few public ground floor amenities in these buildings, which are mostly limited to a FedEx shipping center and a few fast-food retailers. Loading bays, access to parking garages, back-of-house uses, and service doors are located on the side streets off Albany Street, signifying a relatively inhospitable, unpopulated public realm.

There is also an Institutional Master Plan Overlay District that covers the project site, which is part of the Boston University Medical Center IMP. However, given that the proposed project is not an Institutional Use and has been sold by the joint ownership of Boston University and the Boston Medical Center to the proponent, the Proposed Project does not have to demonstrate consistency with the applicable Institutional Master Plan. Boston University has agreed to removal of the project parcel from the IMP Overlay, which will require a Zoning Commission vote, in order to achieve this regulatory modification.

The institutional nature of the environment to the east and south of the project site contrasts with primarily residential fabric to the north and west. Many structures along Albany Street are brick warehouse-type structures that define this area with consistent building language and a strong street wall. East Brookline Street, where the project site's side yard is located, is lined with traditional brick row houses. Like the existing building on the project site itself, these structures are protected under the South End Landmark District and are subject to Historic District Commission review.

The Proposed Project seeks to rehabilitate and expand an existing historic structure protected under the South End Protection Area and inventoried by the Mass Historic Commission (MHC). The former designation requires Boston Landmarks Commission (BLC) design review of the proposed project. Given that the preference from BLC, Urban Design, and the community (based on feedback in the most recent BU Medical Center IMP) is to preserve the existing building and adaptively reuse what has been a vacant structure for many years, the rear setback, FAR, and use violations are justifiable. This status also makes the former Naval Blood Research Laboratory a suitable candidate for the Office to Residential Conversion Program.

Launched in October 2023, the Downtown Residential Conversion Incentive Pilot Program "Downtown Conversion Program" aims to support owners and developers of older commercial office building space in converting to residential units. The Pilot Program was informed by both 1) the City of Boston's October 2022 Downtown Revitalization Report which analyzed and made recommendations for downtown economic revitalization, as well as 2) the PLAN: Downtown planning process which recommended a downtown office conversion program as a key strategy for achieving the PLAN goals. In order to encourage new use of underutilized office space, the Downtown Conversion Program offers a tax abatement and a

streamlined approval process to applicants who meet affordability and sustainability requirements. Accordingly, the Proposed Project would advance key recommendations of both the 2022 Downtown Revitalization Report and PLAN: Downtown.

The proposed project is located within the study area of the Harrison Albany Corridor Strategic Plan ('the Plan'), adopted by the BPDA Board in November 2011. Portions of this Plan were adopted into Article 64, the South End Neighborhood District, in 2012. Within the Harrison Albany Corridor Strategic Plan, the project site is located in the Boston Medical Center/Boston University Medical Campus sub-area. The Plan identifies a vision for this sub-area to blend the medical campus with adjacent residential and light industrial uses. The conversion of a vacant office/medical building to housing in the immediate vicinity of the medical campus is in line with the intent of the Plan and Citywide goals to increase available housing stock.

The existing building is located in the Coastal Flood Resilience Overlay District (CFROD), which requires that the building is flood-proofed and elevated to withstand the impacts of anticipated 2070 flood pathways. The proposed project shows a 21.65 finished floor elevation (FFE), which responds to the required two feet of freeboard above the 2070 SLR-BFE for the parcel. The proponent was asked to address the basement level windows to improve capacity for below-DFE floodproofing, and has done so by proposing masonry fill of the existing basement windows. This action will maintain the visual cues of the windows while limiting floodwater entrance pathways.

ARTICLE 80 REVIEW PROCESS

On June 5th, 2024 the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Boston Zoning Code (the "Code"). The Planning Department sponsored and held a virtual public meeting on July 8th, 2024 via Zoom for the Proposed Project. The meeting was advertised in the South End News, Boston Guardian and the Boston Sun, posted on the Planning Department website and a notification was emailed to all subscribers of the Planning Department's South End neighborhood update list. The public comment period ended on July 15th, 2024.

MITIGATION AND COMMUNITY BENEFITS

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

- Revitalizing the downtown neighborhood by converting underutilized office space to on-site housing, bringing foot traffic back to the neighborhood, generating a new customer base for restaurants and shops, and creating a more vibrant urban core.
- Creating five (5) on-site income-restricted units, including four (4) IDP Units made affordable to households at 60% AMI and one (1) Voucher Unit reserved for households with housing vouchers.
- Meeting, where applicable, COB Green Energy "Stretch Code"; as required by the BPDA office to residential Conversion Program
- The re-use of a vast majority of existing building components in order to minimize demolition waste and promote construction sustainability

As part of the scope of work, the Proposed Project will also include several improvements to the public realm. PIC approvals for all proposed improvements to the right-of-way shall be completed before building permit issuance for the Proposed Project. The physical mitigation improvements must be completed upon Certificate of Occupancy. Proposed public realm improvements for the Proposed Project include:

- Installing three (3) street trees in and around the Project Site on Albany St and E. Brookline St.
- Closing an existing, un-needed curb cut on E. Brookline St and reconstructing the sidewalk in this zone at sidewalk grade with a new vertical granite curb.
- Installing three (3) post-and-ring bike racks within the furniture zone along Albany St and E. Brookline St.
- Reconstructing four (4) ramps at and across the northwestern corner of the E. Brookline/Albany St intersection. New ramps will be directional ramps. If required, crosswalk markings will be refreshed and/or relocated to align with new ramps.

INCLUSIONARY DEVELOPMENT POLICY

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the "IDP") and is located within Zone A, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. The project is further subject to the affordability requirements of the BPDA's Downtown Residential Conversion Incentive PILOT Program dated July 10, 2023, which requires projects applying under the Pilot program to comply with the 2024 IZ requirements. In this case, five (5) units, or 20% of the total number of units within the conversion project, must be designated as income-restricted units, consisting of 17% of units as IDP units (the "IDP Units") made available to households earning not more than 60% of the Area Median Income, and 3% of units reserved for households who qualify with mobile housing vouchers (the "Voucher Units"). All four (4) of the IDP Units will be made affordable to households earning not more than 60% of Area Median Income ("AMI"), as based upon data from the United States Department of Housing and Urban Development ("HUD") and published by the BPDA as annual income and rent limits, and the one (1) Voucher Unit will be made available to households with mobile housing vouchers earning not more than 110% AMI, and rented at no higher than the Small Area Fair Market Rent ("SAFMR") published by MOH as annual rent limits and adjusted annually based upon data from HUD.

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

Unit Number	Number of Bedrooms	Unit Square Footage	Percentage of AMI	Rent	Group-2 Designation
1	Studio	480	60%	\$1,130.00	
3	Studio	490	60%	\$1,130.00	
6	Two-Bedroom	752	60%	\$1,499.00	Group 2A
13	Three-Bedroom	952	Voucher or 110% *	\$3,290.00	
19	Studio	454	60%	\$1,130.00	

* The Voucher Unit shall be marketed with a preference to voucher holders who qualify with incomes of not more than 110% AMI, as published by the BPDA and based upon data from the United States Department of Housing and Urban Development ("HUD"). In the event that no voucher holders apply and qualify, or no

voucher holders remain on the waitlist for the Voucher Unit, Eligible Households who are not voucher holders shall qualify with incomes of not more than 110% AMI and may be charged up to the SAFMR.

The location of the IDP Units and Voucher Unit 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 MOH published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units, and the rents for the Voucher Unit will be adjusted according to the MOH published SAFMR for the unit type available at the time of initial rental of the Voucher Unit. The IDP Units and Voucher Unit 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 and Voucher Unit 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;
- 2) Household size (a minimum of one (1) person per bedroom); and
- 3) Households with a housing voucher (in the Voucher Unit only).

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 and Voucher Unit 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 and Voucher Unit during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit and Voucher Unit. IDP Units and

Voucher 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 and Voucher Unit.

TERMS OF PILOT AGREEMENT

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

DEED CONVEYANCE

To comply with the rules and regulations of Massachusetts General Law Chapter 121B, Section 16, the BPDA must take an interest in the Project Site. To effectuate that the acquisition of such interest, the BPDA shall accept a Quitclaim Deed conveying temporary, limited rights in the Project Site to the BPDA. Additionally, the BPDA and the Owner of the Project Site will enter into an indemnification agreement which will ensure the BPDA does not have liability on the property.

DEMONSTRATION PROJECT PLAN

The Proponent is an applicant to the Downtown Office to Residential Conversion Incentive PILOT Program (the "Program"). As approved on October 12, 2023, the BPDA established a Demonstration Project Plan in a selected area comprising primarily Downtown Boston. Applicants whose project sites are outside the Program's boundary have been reviewed and accepted on a case by case basis. The Project Site at 615 Albany is outside of the boundaries of the existing Demonstration Project Plan area, therefore, a new Demonstration Project Plan must be adopted pursuant to Massachusetts General Laws Chapter 121B, Section 46(f), as amended, in order to effectuate the PILOT. The Proponent is undertaking the conversion of vacant office space in the City of Boston and creating in its place much needed housing. As such, a Demonstration Project Plan should be established to allow for the conversion of this vacant, decadent office building to

residential use, thereby prevent urban blight. The Proponent has duly applied and been accepted to the Program. Consistent with the October 12, 2023 board action and the July 18, 2024 board action to extend the Program, a Demonstration Project Plan should be established and undertaking to take all actions, as approved herein, to effectuate the conversion of the 615 Albany Project Site.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that: (1) the Director be authorized to issue a Certification of Approval for the Proposed Project; (2) the Director be authorized to execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; (3) the Director be authorized to enter into a Pilot Agreement for the Proposed Project; (4) that the BPDA adopt a Demonstration Project Plan under Massachusetts General Law Chapter 121B, Section 46(f) for the Proposed Project; (5) the BPDA adopt certain findings relating to the Demonstration Project Plan; and (6) the Director be, and hereby is, authorized to accept a Quitclaim Deed and execute an Indemnification Agreement for a temporary, limited property interest in the Project Site; and (7) the Director be, and hereby is, authorized to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development at 615 Albany Street, proposed by 615 Albany St LLC (the "Proponent"), conversion of the existing five (5) story, 19,200 square foot underutilized office space to residential use. Creating a six (6) story approximately 19,817 square foot residential building with 24 units (the "Proposed Project"), in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the BPDA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute and deliver an Affordable Rental Housing Agreement and Restriction for the creation of four (4) IDP Units and one (1) Voucher Unit in connection with the Proposed Project; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a contract for payment in lieu of taxes entered into among the BPDA, the City of Boston acting through its Assessing Department and the Proponent on terms substantially similar those presented herein; and

FUTHER

VOTED: The BPDA does hereby adopt as a Demonstration Project Plan pursuant to M.G.L. c. 121B, Section 46(f), for the Proposed Project consistent with the Downtown Office to Residential Conversion PILOT Program;

FURTHER

VOTED: That the Boston Redevelopment Authority ("BRA"), in connection with the development of the 615 Albany Street Proposed Project in the South End neighborhood of Boston hereby finds and declares:

- a) In order to prevent urban blight, it is in the public's interest for the BRA to assist with the conversion of decadent office space to much needed residential units in the City of Boston.
- b) The Project Site is either a blighted or decadent area, as those terms are defined in Massachusetts General Law Chapter 121B, as amended,
- c) The development of the Project Site in a manner consistent with the Downtown Office to Residential Conversion PILOT Program and this Memorandum, and requires the assistance of the BPDA,
- d) Based on (a), (b), and (c) above the Proposed Project constitutes a "demonstration project" under Massachusetts General Law Chapter 46(f), as amended,

FURTHER

VOTED: That the Director be, and hereby is, authorized to accept a Quitclaim Deed for a temporary, limited property interest in the 615 Albany

Project Site, and execute an Indemnification Agreement between the BPDA and the owner of the 615 Albany Street Project Site; and

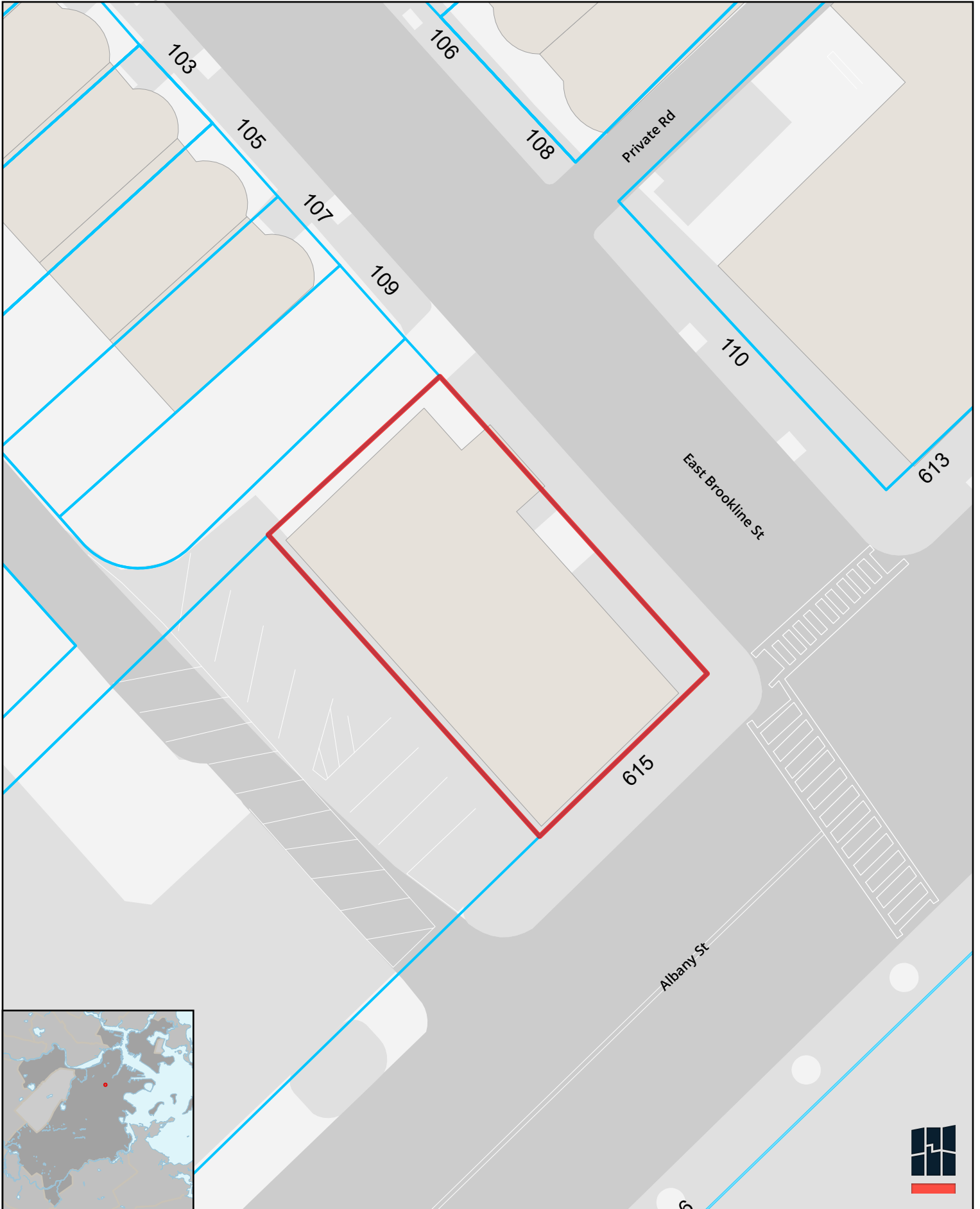
**FURTHER
VOTED:**

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

615 Albany Street



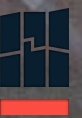
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615 Albany Street



1:300



**Boston Water and
Sewer Commission**

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



June 27, 2024

Dylan Norris
Boston Planning and Development Agency
One City Hall Square
Boston, MA 02201

Re: 615 Albany Street SPRA

Dear Dylan Norris:

The Boston Water and Sewer Commission (Commission) has reviewed the Small Project Review Application (SPRA) for the above referenced Project (Project). The Project site is located at 615 Albany Street at the corner of East Brookline Street in the South End neighborhood of Boston.

The proposed Project consists of the conversion of an existing commercial use building into a residential use building. It includes construction of a one-story vertical addition to the existing five-story building. The proposed Project is approximately 20,498 square feet in size and includes 24 residential units of different sizes and bedroom counts.

Water, sewer, and storm drain service for the Project site is provided by the Boston Water and Sewer Commission. Estimates of water demand were not provided in the SPRA. For domestic water the Project site is served on Albany Street by a 12-inch southern low ductile iron cement lined water main installed in 1990; and on East Brookline Street by a 12-inch southern low pit cast iron water main installed in 1902 and rehabilitated in 1974.

Estimates of sewage generation for the proposed Project were not provided in the SPRA. For wastewater discharges the Project site is served by a 66- by 68-inch combined sewer main on Albany Street; and by a 21-inch sewer main on East Brookline Street. For stormwater discharges the Project site is served by the same 66 by 68-inch combined sewer on Albany Street; and by a 42-inch storm drain on East Brookline Street.

The Commission comments regarding the Project are provided below.

General

1. The Proponent must submit a site plan and General Service Application to the Commission for the proposed Project. Prior to the initial phase of the site plan development the Proponent should meet with the Commission's Design and Engineering Customer Services to review water main, sewer and storm drainage system availability and potential upgrades that could impact the Project's development.
2. Any new or relocated water mains, sewers and storm drains must be designed and constructed at the Proponent's expense. They must be designed and constructed in conformance with the Commission's design standards, Water Distribution System and Sewer Use Regulations, and Requirements for site Plans. The site plan should include the locations of new, relocated, and existing water mains, sewers



and drains which serve the site, proposed service connections, water meter locations, as well as back flow prevention devices in the facilities that will require inspection.

3. With the site plan the Proponent must provide detailed estimates for water demand (including water required for landscape irrigation), wastewater generation, and stormwater runoff for the Project. The Proponent should provide separate estimates of peak and continuous maximum water demand for retail, irrigation, and air-conditioning make-up water for the Project.
4. It is the Proponent's responsibility to evaluate the capacity of the water and sewer system serving the Project site to determine if the systems are adequate to meet future Project demands. With the site plan the Proponent must include a detailed capacity analysis for the water and sewer systems serving the Project site, as well as an analysis of the impact the Project will have on the Commission's systems and the MWRA's systems overall. The analysis should identify specific measures that will be implemented to offset the impacts of the anticipated flows on the Commission and MWRA sewer systems.
5. Developers of projects involving disturbances of land of one acre or more are required to obtain an NPDES General Permit for Construction from the Environmental Protection Agency. The Proponent is responsible for determining if such a permit is required and for obtaining the permit. If such a permit is required for the proposed Project, a copy of the Notice of Intent and any pollution prevention plan submitted to EPA pursuant to the permit must be provided to the Commission's Engineering Services Department prior to the commencement of construction.
6. The design of the Project must comply with the City of Boston's Complete Streets Initiative, which requires incorporation of "green infrastructure" into street designs. Green infrastructure includes green spaces, such as trees, shrubs, grasses and other landscape plantings, as well as rain gardens and vegetative swales, infiltration basins, and paving materials and permeable surfaces. The proponent must develop a maintenance plan for the proposed green infrastructure. For more information on the Complete Streets Initiative see the City's website at <http://bostoncompletestreets.org/>

Sewage/Drainage

7. The Department of Environmental Protection (DEP), in cooperation with the Massachusetts Water Resources Authority (MWRA) and its member communities are implementing a coordinated approach to flow control in the MWRA regional wastewater system, particularly the removal of extraneous clean water (e.g., infiltration/ inflow ("I/I")) in the system. Pursuant to the policy new developments with design flow exceeding 15,000 gpd of wastewater are subject to the Department of Environmental Protection's regulation 314 CMR 12.00, section 12.04(2)(d). This regulation requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of infiltration and inflow (I/I) for each new gallon of wastewater flow added. The Commission will require the Proponent to develop an inflow reduction plan consistent with the regulation. The 4:1 reduction should be addressed at least 90 days prior to activation of water service and will be based on the estimated sewage generation provided with the Project site plan.



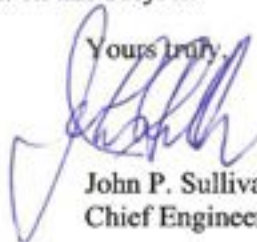
8. Sanitary sewage must be kept separate from stormwater at all times and separate sanitary sewer and storm drain service connections to the mains in the street must be provided for the redeveloped building. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer. If any existing stormwater and/or sanitary sewer service connections are to be re-used by the Project, the Commission will require that they be dye tested to confirm they are connected to the appropriate system.
9. The discharge of dewatering drainage to a sanitary sewer is prohibited by the Commission and the MWRA. The discharge of any dewatering drainage to the storm drainage system requires a Drainage Discharge Permit from the Commission. If the dewatering drainage is contaminated with petroleum products for example, the Proponent will be required to obtain a Remediation General Permit from the EPA for the discharge.
10. The Proponent must fully investigate methods for infiltrating stormwater on-site before the Commission will consider a request to discharge stormwater to the Commission's system. A volume of runoff equal to 1-inch of rainfall times the total impervious area on site must be infiltrated prior to discharge to a storm drain or a combined sewer system for projects less than 100,000 square feet of floor area. All projects at or above 100,000 square feet of floor area are required to retain, on site, a volume of runoff equal to 1.25 inches of rainfall times the impervious area. A feasibility assessment for infiltrating stormwater on-site must be submitted with the site plan for the Project. The site plan must show how storm drainage from roof tops and other impervious surfaces will be managed.
11. The Massachusetts Department of Environmental Protection (MassDEP) has established Performance Standards for Stormwater Management. The Standards address stormwater quality, quantity, and recharge. In addition to Commission standards, the proposed Project will be required to meet MassDEP's Stormwater Management Standards.
12. In conjunction with the site plan and General Service Application the Proponent will be required to submit a Stormwater Pollution Prevention Plan. The plan must:
 - Specifically identify how the Project will comply with the Department of Environmental Protection's Performance Standards for Stormwater Management both during construction and after construction is complete.
 - Identify specific best management measures for controlling erosion and preventing the discharge of sediment, contaminated stormwater or construction debris to the Commission's drainage system when construction is underway.
 - Include a site map which shows, at a minimum, existing drainage patterns and areas used for storage or treatment of contaminated soils, groundwater or stormwater, and the location of major control or treatment structures to be utilized during construction.
13. The Commission encourages the Proponent to explore additional opportunities for protecting stormwater quality by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.



Water

14. The Proponent is required to obtain a Hydrant Permit for use of any hydrant during construction of the Project. The water used from the hydrant must be metered. The Proponent should contact the Commission's Operations Department for information on obtaining a Hydrant Permit.
15. The Commission utilizes a Fixed Radio Meter Reading System to obtain water meter readings. If a new water meter is needed, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, the Proponent should contact the Commission's Meter Installation Department.
16. The Proponent should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular, the Proponent should consider indoor and outdoor landscaping which requires minimal use of water to maintain. If the Proponent plans to install in-ground sprinkler systems, the Commission recommends that timers, soil moisture indicators and rainfall sensors be installed. The use of sensor-operated faucets and toilets in common areas of buildings should also be considered.

Thank you for the opportunity to comment on this Project.

Yours truly,


John P. Sullivan, P.E.
Chief Engineer

JPS/as

cc: K. Ronan, Mass. Water Resources Authority, via email
P. Larocque, BWSC via email



To: [Dylan Norris]
From: [Hayden Budofsky], PWD
Date: [06/04/2024]
Subject: [615 Albany Street] - Boston Public Works Department Comments

Included here are Boston Public Works (PWD) comments for the 615 Albany Street SPRA.

Project Specific Scope Considerations:

The developer should coordinate with BTM and PWD to develop safety and accessibility improvements for pedestrians and cyclists in the area. The developer should coordinate with Parks & Recreation department in regards to the construction of four tree pits & the planting of four trees along both Albany Street and East Brookline Street. The developer shall consider moving or eliminating the tree at the northeastern edge of the development, as it takes away the preferred 8' right of way to give pedestrians on the sidewalk. The developer should also coordinate with PWD & BTM regarding the construction of two pedestrian ramps at the corner of East Brookline & Albany Streets and the subsequent relocation of crosswalks.

Pedestrian Access:

The developer should consider extending the scope of sidewalk improvements along the site frontage.

Site Plan:

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

Construction Within The Public vs Private Right-of-Way:

All work within the public way shall conform to Boston Public Works Department (PWD) standards. Any non-standard materials proposed within the public way (i.e. pavers, landscaping, bike racks, etc.) will require approval through the Public Improvement Commission (PIC) process and a fully executed License, Maintenance and Indemnification (LM&I) Agreement with the PIC.

All work within the public way shall conform to Boston Public Works Department (PWD) standards. Any non-standard materials proposed within the public way will require approval through the Public Improvement Commission (PIC) process and a fully executed License, Maintenance and Indemnification (LM&I) Agreement with the PIC.

Sidewalks:

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

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

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



PUBLIC WORKS DEPARTMENT

Boston City Hall • 1 City Hall Sq Rm 714 • Boston MA 02201-2024
The Office of the Streets, Transportation, and Sanitation
(617) 635-4900



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

Green Infrastructure:

The developer shall work with PWD, the Green Infrastructure Division, and the Boston Water and Sewer Commission (BWSC) to determine appropriate methods of green infrastructure and storm water management systems within the Public ROW. The ongoing maintenance of such systems shall require an LM&I Agreement with the PIC.

Driveway Curb Cuts

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

Discontinuances

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

Easements

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

Landscaping

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

Street Lighting

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

Roadway

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

Additional Project Coordination

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



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Resiliency:

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

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

Sincerely,

Jeffrey Alexis
Principal Civil Engineer
Boston Public Works Department
Engineering Division

CC: Para Jayasinghe, PWD
Todd Liming, PIC



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615 Albany Street - Naval Blood Building

Formal Comments

Worcester Square Area Neighborhood Association

John W. Stillwaggon, co-President

Construction is a matter of optimism; it's a matter of facing the future with confidence.

- Cesar Pelli

That very optimism should be part and parcel of every aspect of the construction process from design/build to neighborhood engagement. The property at 615 Albany Street also known as the Naval Blood Building has great potential to enhance the surrounding neighborhood and increase Boston's housing stock while preserving a critical structure within the historic South End. No person would say that the building shouldn't be renovated. Nor would they say that repurposing the building into housing would be a mistake.

At first glance, Mr. McCarthy's proposal should elicit joy among all shareholders for turning an empty, blighted building back into a productive structure. However, grave concerns have been raised by the immediate abutters closest to the property. Mr. McCarthy seemingly operates more linearly, thinking the engineering part of the process is separate from the design portion. In the case of renovation projects, one can easily argue that this furthest from reality. Both are linked, heavily dependent upon the other. (**See note below)

A recent article in the *Boston Globe*, "When the Tension Next Door is Building", perfectly encapsulates the issues faced by neighbors when developers are either careless, overconfident, and/or disregard the ramifications of their construction on the surrounding existing properties. Poor planning leads to anxiety, needless construction mishaps, and cost overruns. <https://www.bostonglobe.com/2024/07/10/real-estate/when-tension-next-door-is-building/>

The Old South Church is a perfect example of a historic structure being damaged when the MBTA was overconfident that building a new head house at the Copley station would damage the sacred building. Instead, Old South suffered a catastrophic foundation to ceiling crack, necessitating costly repairs and elevating the church community's anxiety level. Even the historic pipe organ could not be played until repairs were made stabilizing the building.

With the close proximity to 107 East Brookline Street (30 feet from rear wall to side wall), great care must be taken by Mr. McCarthy to ensure potential damage does not occur to the delicate surrounding buildings. How delicate are these buildings? Built on landfill using wooden pilings, the simple vibration from MBTA buses passing on a nearby street caused sufficient damage to warrant the re-routing of those bus routes. (This was in the early 2000's when Washington Street was being reconstructed). In addition, the outside wall of 107 is not the original exterior wall. The original wall was part of a brownstone that long ago was torn down. The visible, existing exterior wall is a thin cement covering over the fire barrier that once separated 107 from 109. Care must be taken to ensure 107's integrity.

Mr. McCarthy is relatively new to the Boston development process. His reputation within the greater Boston area is still undetermined. How does he respond to immediate neighborly concerns? Does he make empty promises? If and when he responds, is he timely? Does he show compassion and understanding for the issues at hand?

As it stands, questions have been raised regarding Mr. McCarthy's commitment to engage with the broader community. Despite multiple attempts from March until the present day to facilitate one-on-one communication between Mr. McCarthy and the abutters, each has been

unsuccessful. Veiled communication has only taken place via Zoom. It's easy to make empty promises on a Zoom call.

The abutters have been more than willing to meet at anytime, but Mr. McCarthy has been unwilling or unable to meet with them citing a plethora of reasons. In addition, the once-scheduled abutters meeting was canceled due to the larger scope of the project. The closest abutter to 615 Albany is long time resident (Cinda Stoner), living on East Brookline since the 1970's. Meeting with her would help Mr. McCarthy foster trust, thereby elevating his working neighborhood relationship. If Mr. McCarthy cannot meet with the abutters, what hope do they have for any promises to protect their buildings?!

The public meetings via Zoom that have occurred, have yielded little information to allay any fears. In most cases, the standard answer has been that his engineer is still working on it. Given the linkage between design and engineering especially for renovation/repurposing projects**, the abutters have every right to question Mr. McCarthy's intentions. The abutters will be there long after the project is completed. What unrealized impacts will arise?

Further, at the most recent meeting vis-a-vis Boston Planning, a simple question about trash handling by the eventual occupants was again met with an unspecified answer. Simple things like this ARE part of the design process which can easily effect the engineering process. Will there be a smelly, unsightly, rat-infested dumpster located behind the building souring the entire street? Leaving the problem to the eventual occupants is unfair to the longtime residents and unfair to the future residential occupants. If a simple question such as this cannot be answered satisfactorily, again, what other design issues will be left in its wake? The difference is in the details, and the details are woefully lacking.

****Note**

Unlike new construction projects, where the design/build process is much more linear, renovation/repurposing projects can go sideways/upside down when the unexpected occurs. The unexpected often times, is the norm rather than the exception. An example of this can be found at another renovation property of Mr. McCarthy's located at 4-6 East Springfield Street. In this case, underground storage tanks were found when excavating the site. It is the assumption of this author that proper care was taken removing those tanks, identifying what those tanks once contained, and any ground contamination remediated according to State DEP guidance. Further, Boston Landmarks Commission rejected his first set of plans for his East Springfield property. When it comes to the Naval Building, what hidden issues might present themselves during the construction phase causing a re-engineering, redesign further impacting the abutters?

Community benefits?

Given the 30-year tax abatement to Mr. McCarthy for this property, what tangible benefits does Mr. McCarthy intend to bring to the community? Yes, the building will be redone decreasing a blight in the neighborhood. Yes, he'll help remediate Boston's low housing stock. Yes, he intends to redo the sidewalks and plant some trees. Other tangible community benefits seem to be lacking. A donation to the neighborhood association(s)? Boys and Girls club? Future rebuild of the South End library? It doesn't have to be much but something to show that he's committed to greater community good.

Summary

To fully support Mr. McCarthy's plans for 615 Albany Street and re-establish the hope and optimism generated for this needed project, he needs to do several things:

- 1). He needs to come out of the Zoom shadow and meet with the abutters directly, earnestly, and quickly.
- 2). Mr. McCarthy has only formally presented the plans to the Blackstone/Franklin Neighborhood Association. Given the project falls within the Worcester Square Area Neighborhood Association, a formal presentation to the aforementioned association is required.
- 3). He needs to ensure the integrity of the surrounding buildings. ie. Geo-monitoring, pre-construction measurements, etc.
- 4). He needs to complete the engineering aspect of the project to see how it might impact the overall design.
- 5). He needs to respect the process that neighborhood involvement has in such projects
- 6). He needs to consider tangible benefits to the neighborhood in light of the 30-year tax abatement.

By delving into the above, he'll restore and build optimism in the project while building a better future for the neighborhood. In addition, it will ensure a timely, cost-effective construction process for himself, for the immediate neighbors, and the broader community.

Thank you.

John W. Stillwaggon, Co-President
Worcester Square Area Neighborhood Association



To: Dylan Norris
Project Manager

Boston Planning and Development Agency

Re: 615 Albany Street

Date: July 15th, 2024

Dear Mr. Norris

The City of Boston's Age Strong Commission is submitting the following comments on the Small Project Review Application (SPRA) for the 615 Albany Street project proposal. We welcome this conversion as it will bring additional market rate residential housing to the South End neighborhood. As the older adult population is projected to be the fastest growing population in Boston, this project is an excellent opportunity for housing stability for older adults experiencing economic insecurity. We support the mix of one, two, and three-bedroom apartments with a preponderance of studio apartments. Studio apartments being an optimal option for individual senior living.

Age Strong has developed general [universal design](#) guidelines. Specific recommendations for this project, below.

Pickup/Drop-off

In terms of public transportation, the site's proximity to various bus routes is advantageous. Since there is no parking proposed in this conversion project, we suggest a clear plan for resident pickup and drop off. Perhaps a 15 minute parking allowance in front of the building. Some older adults require the use of mobility devices, and it is best to be as close to the entrance as possible. A similar suggestion would be a designated parking space near the site. This type of parking space is beneficial for older adults who use the services of visiting home health aides or personal care attendants. These services are essential and are in line with our anti-displacement goal for older adults.

Bicycle Storage

We are pleased your proposal creates ample bicycle storage. We suggest the proposed storage space also includes bicycle placement that does not require overhead lifting of

bicycles, which some older adults might find too difficult. Alternatively, you could designate some ground level bicycle spaces, “age-friendly.”

Outdoor Space/Trees/Benches

Buildings built now must reflect the reality of climate change. The proposal does not show any type of overhang or awning at the main entrance. We recommend the consideration of this as a protection from precipitation and sun/heat, which can have adverse effects on older adults. Awnings are beneficial for residents as they enter and exit the building, and wait for transportation pick-up. Protection should be provided to individual units including awnings and overhangs over windows, especially on the south facing side.

We appreciate the proposed planting of trees to offer shade and protection on Albany and East Brookline Streets. We suggest age-friendly seating in the form of benches with armrests and backrests. Benches help promote comfort, respite and can allow for social interaction. Community connection increases the health and well-being of older adults.

Indoor Space

The proposed rooftop common space will be a welcome addition for residents. If space allows, please consider including an accessible community room towards the front of the building on the first floor. This would allow for social participation and camaraderie for residents. This space could include age-friendly chairs and tables for games, puzzles, and other activities that promote both healthy interaction and tools for increasing brain activity and creativity. This space can be used for group exercise to maintain health.

Thank you for your consideration of these comments and recommendations.

Best,

Andrea Burns, Age-Friendly Boston

The Age Strong Commission