



*Planning Department*

**CITY of BOSTON**

MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: December 05, 2024

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the December 10, 2024, Board of Appeals Hearing.

Also attached is a Board Memos for: 155 Humboldt AVE Dorchester 02121- 157 Humboldt AV Dorchester 02121 and 112 Queensberry ST Boston 02215.

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



<b>Case</b>	BOA1629666
<b>ZBA Submitted Date</b>	2024-07-22
<b>ZBA Hearing Date</b>	2024-12-05
<b>Address</b>	20 Flavia ST Dorchester 02122
<b>Parcel ID</b>	1603560000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	The proponent is seeking to add a two-story addition to the rear of an existing two-story one-unit residential building.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient FAR Excessive Rear Yard Insufficient

**Planning Context:**

This single-family home at 20 Flavia St is in a predominantly small-scale residential area of mostly two- to three-story buildings. The existing house is one of the smallest, dimensionally, compared to others on the block and neighboring blocks. In this neighborhood, the distance between houses and the side yard line is often less than the required ten feet, and this lot has a regular-sized yard relative to other lots in the area. The proposed addition includes a new mudroom, a washer drier closet, and a powder room in the first level and an enlarged primary bedroom suite with a closet, a bathroom and an office in the second story.

**Zoning Analysis:**

Required side yards in this zoning district are 10 feet, but the existing non-conforming side yards are 6.1 feet on one side and 8.4 feet on the other. The proposed addition would extend the existing side yards along the rear addition, but not worsen the nonconformity. The existing house was built in 1927 and therefore Boston’s zoning code that was created in 1964.

The proposed addition would increase the Floor Area Ratio (FAR) from 0.45 to 0.56, exceeding the maximum allowed FAR of 0.5. This is a minimal increase over the limit, and given that the



proposed building will have a very similar FAR to other buildings on the block, it highlights a case for potential zoning reform to better align dimensional regulations with existing context.

Although the refusal letter cites an insufficient rear yard, the plans show a proposed rear yard of 28.4 feet, exceeding the 20-foot minimum requirement.

This recommendation is based on the plans titled KERN RESIDENCE AT 20 FLAVIA ST prepared by CIVIL ENVIRONMENTAL CONSULTANTS and dated 5/3/2024.

**Recommendation:**

In reference to BOA1629666, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1577332
<b>ZBA Submitted Date</b>	2024-03-06
<b>ZBA Hearing Date</b>	2024-12-05
<b>Address</b>	15 Packard AVE Dorchester 02124
<b>Parcel ID</b>	1703321000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 1F-6000
<b>Zoning Article</b>	65
<b>Project Description</b>	Addition of a third floor, side porch, and front portico to what is currently a two-story single-family dwelling.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (ft) Front Yard Insufficient Side Yard Insufficient

**Planning Context:**

Parcel is a 5,156 square foot lot just north of Morton Street to the northwest of central Lower Mills in Dorchester. A two-story single family house currently sits on the lot, and the proponent wants to add a third story to the structure. No other occupancy changes are proposed. The new story would allow for a new bedroom, a new family room, and two bathrooms. No additional kitchen is proposed, meaning that this addition is not on its own viable as an additional dwelling unit. The exterior of the first two floors does not substantively change, beyond the addition of a small portico to the front and a porch with a sliding door on the side.

The project is in line with planning goals in Housing a Changing City, Boston 2030 (2018), that detail the need to ensure diverse types of housing stock. In this case, maintaining an existing structure with overall improvements allows for the continued use of an existing housing structure.

This kind of improvement is an excellent example of the kinds of renovations and changes the Planning Department seeks to streamline via the new Neighborhood Housing Zoning initiative, announced in November 2024, where a clear goal is the eventual citywide allowance of maintenance and upgrades to existing structures without the need for zoning relief via



variances. While this particular project does not seek the addition of an ADU, the addition of a third story is also one of the proposed schemes for enabling attached or internal ADUs in Boston through the Planning Department's newly released ADU Guidebook, also released in November.

**Zoning Analysis:**

Per Article 65, Table C, the maximum FAR allowed in a 1F-6000 subdistrict in Dorchester is 0.5. The current structure, at 2605 square feet (per the tax assessor records), yields an FAR of 0.51, which is already nonconforming. Per the submitted plans, the proposed FAR would be 0.662, which would worsen the FAR violation by 0.15. Properties on the same block have FAR values as high as 0.7, suggesting that zoning's existing FAR is already incorrectly calibrated relative to existing conditions. Future zoning reform should consider adjusting dimensional regulations to at a minimum reflect baseline conditions. More ideally, zoning reform should allow for small-scale renovations to be accomplished by-right, as noted by the Neighborhood Housing Zoning initiative.

Per Article 65, Table C, the maximum allowed number of stories in a 1F-6000 in Dorchester is two and a half. The current building is two, and the proposal yields three, which would be a new violation. While the refusal letter cites height (feet) instead of height (stories), this appears to be incorrect. The proposed height is marked on plans alternately as both 26 and 31 feet, both of which are lower than the allowable 35 feet. Either way, while it is true that most buildings in the neighborhood are 2.5 stories tall, their perceived height is, in many cases, closer to 3 or 3.5 stories, given the degree to which grade changes on yards allow basements to be more or less visible as an entire story. As this site has less grade change than many neighbors, the perceived bulk is contextually similar.

Per Article 65, Table C, the minimum front yard depth in a 1F-6000 in Dorchester is 15 feet. The existing structure has a front yard of 11.5 feet, which is a preexisting nonconformity, and this proposal would worsen it to 8.5 feet, through the addition of a small portico. The portico is not enclosed, and simply provides better accessibility to the front door. Similar porticos are prevalent up and down the block and across the subdistrict, and these violations are de minimis. Future zoning reform should consider adjusting dimensional regulations to at a minimum reflect baseline conditions. More ideally, zoning reform should allow for small-scale renovations to be accomplished by-right, as noted by the Neighborhood Housing Zoning initiative.



Per Article 65, Table C, the minimum side yard depth in a 1F-6000 in Dorchester is 10 feet. The existing structure has a front yard of 10.7 feet, which conforms, and this proposal would lower it to 6.2 feet, through the addition of a small side porch. The porch is not enclosed, is at the rear of the side of the house, and its extent is restricted to the width of a proposed sliding door on the house. Similar side porches or carports with seating areas are prevalent across the subdistrict, and these violations are de minimis. Future zoning reform should consider adjusting dimensional regulations to at a minimum reflect baseline conditions. More ideally, zoning reform should allow for small-scale renovations to be accomplished by-right, as noted by the Neighborhood Housing Zoning initiative.

**Recommendation:**

In reference to BOA1577332, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1626437
<b>ZBA Submitted Date</b>	2024-07-12
<b>ZBA Hearing Date</b>	2024-12-05
<b>Address</b>	58 Cedrus AVE Roslindale 02131
<b>Parcel ID</b>	1805184000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 2F-5000
<b>Zoning Article</b>	67
<b>Project Description</b>	Add a second floor dwelling unit, changing use from single-family into two-unit residential building.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Side Yard Insufficient

**Planning Context:**

The existing building is a 1.5-story, single-unit residential building. The project proposes to add a full second floor with a second dwelling unit, resulting in a change of use from a one-unit to a two-unit building.

The existing lot has an approximately 18-foot front yard, 45-foot rear yard, five-foot side yard on the east, and a 10-foot side yard on the west with a driveway to surface parking in the rear.

Abutting the lot to the east is a 1.5-story, one-unit building and to the west is a 2.5-story residential building. The Phineas Bates Elementary School is across Cedrus Avenue from the site. Otherwise, the street is composed of a mix of 1.5- to three-story residential buildings with front, side, and rear yards consistent with the existing building on the site.

**Zoning Analysis:**

The project is cited for dimensional violations. Adding a second unit would create a new zoning violation of the minimum additional lot area required. 42 Cedrus Avenue is four parcels away from the site and is occupied by a two-family dwelling on a 4,840 square foot lot; similarly, 38 Cedrus Avenue is occupied by a two-family dwelling on a 4,840 square foot lot, according to Boston Assessing. In addition, two-family uses are allowed on the site, but given the size of the



lot, would be prohibited by this dimensional requirements. Therefore, the proposed ratio of units to lot size is consistent with the neighborhood context, and requiring a building to meet the dimensional requirement would prohibit reasonable use of the land.

The maximum FAR is 0.5. According to plan materials, the proposed FAR is 0.49. However, based on the plan materials, the first and second floors are approximately 1,056 square feet in gross floor area (as measured from the exterior faces of the walls per Article 2). The lot area is 4,084 square feet. Therefore, based on the materials, the proposed FAR is approximately 0.51, a de minimus amount greater than the maximum of 0.5. Reducing the FAR below 0.5 would require a change to the existing building footprint or an irregular second story that does not match the first story dimensions.

The minimum usable open space is 1,750 square feet per unit, and the project proposes 1,500 square feet per unit. The existing front, side, and rear yards will be unaffected by the proposed project. The rear yard currently includes a paved parking space, as well as a grassy space and three to five mature trees. This usable space is adequate in size to serve an additional unit. Two-unit buildings with similar dimensions to and the same size lot as the proposed project currently exist at 42 Cedrus and 38 Cedrus. Given the dimensions of the existing home and the lot, requiring more usable open space may limit the viability of adding a second unit on the site.

For a 2-family detached use, the minimum lot area is 5,000 square feet for one unit and 3,000 for an additional unit. The lot is 4,840 square feet and therefore is already non-compliant with the minimum lot area. Similarly, the minimum side yard is 10 feet. The project proposes maintaining the existing side yard of eight feet, four inches, therefore, continuing but not exacerbating an existing non-conformity.

The proposed project demonstrates a need for zoning reform in this area to establish dimensional regulations that better match existing context and allow improvement of existing structures.

The plans reviewed were prepared by HiARCHi Design Collaborative and dated April 23, 2024.

**Recommendation:**

In reference to BOA1626437, the Planning Department recommends APPROVAL.





Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1613879
<b>ZBA Submitted Date</b>	2024-06-11
<b>ZBA Hearing Date</b>	2024-12-05
<b>Address</b>	43 to 45 Wood AV 18 Mattapan MA 02126
<b>Parcel ID</b>	1807463000
<b>Zoning District &amp; Subdistrict</b>	Mattapan Neighborhood 1F-6000
<b>Zoning Article</b>	69
<b>Project Description</b>	The proponent is seeking to construct a second driveway.
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient Use: extension of nonconforming use

**Planning Context:**

No new plans have been submitted since the case went before the Zoning Board of Appeal on October 29, 2024 and was deferred. The original recommendation is below.

This project is proposing a second driveway with two vertical tandem spaces on the right side of 43-45 Wood Avenue, a new two-family building. A previous BOA case (BOA975323) was approved by the Board on October 19, 2019 and granted a variance to build the property (along with the first driveway, which is located to the immediate left of the structure).

**Zoning Analysis:**

The proposed project received violations for insufficient usable open space and an extension of a nonconforming use triggered by the addition of the second driveway. The project would require both a conditional use permit and a variance to move forward, but does not appear to meet the standards of either form of zoning relief. Given the existence of another driveway, a second driveway on the other side of the property is not an appropriate location (Section 6-3(a)). Additionally, there are no apparent special circumstances or conditions that justify the addition of a second driveway (Section 7-3(a)).

**Recommendation:**

In reference to BOA1613879, The Planning Department recommends DENIAL.



Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1571240
<b>ZBA Submitted Date</b>	2024-02-09
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	13 Clevemont AV Allston 02134
<b>Parcel ID</b>	2201758000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 3F-4000
<b>Zoning Article</b>	51
<b>Project Description</b>	Renovate an existing two and a half story, three unit residential building into a full three story, three unit residential building
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Lot Width Insufficient Lot Frontage Insufficient Parking or Loading Insufficient Additional Lot Area Insufficient Lot Area Insufficient Usable Open Space Insufficient

**Planning Context:**

The proposed project would renovate an existing two and a half story, three unit residential building into a full three story, three unit residential building with much larger units than currently exist. This includes the addition of a new floor, as well as a large extension of the building into the existing rear yard.

Clevemont St is one block South Cambridge St, a main thoroughfare for the area. Cambridge Street is a mix of commercial and residential buildings with service on multiple MBTA bus routes. On this portion of Cambridge Street, located less than 500 feet away, the residential buildings are a mix of two-family, three-family, and multi-family buildings. Cambridge Street will be a focus area for study of potential Squares + Streets as part of the upcoming Allston-Brighton Neighborhood Plan that will be launching this year.

This project would help advance the needs identified in the Allston-Brighton Needs Assessment (January 2024). The Allston-Brighton Needs Assessment sought to assess the community's



assets and needs. One of the central needs identified was a need for accessible and affordable housing. The proposed project would add to the housing stock as it would create larger housing units without displacing current residents. By creating larger units, current residents can look to expanding their household without moving. This project is also on a similar scale of its 2 and 3 family neighbors. The current building is smaller than its 3 family neighbors, and is considerably smaller than the large multi-unit residential building to the immediate north of the property. It is also accessible to transit due to the MBTA bus stop for the 57 and 501 route right outside the proposed project.

### **Zoning Analysis:**

There are a total of eleven violations for this proposed project, which can be combined into two different groups. The first group is the set of violations that are triggered by existing conditions that are not being changed and are being triggered due to the overall work on the project. The first two of these six violations are the lot area minimum and additional lot area per unit requirements. The proposed project would require 4,000 square feet for the first two units, with an additional 2000 per additional unit. The proposed project is located on a lot that is 3,226 Square feet which is 800 square feet under the minimum. This means that the additional lot area per unit for this project is 0 square feet. There is no change being made to the lot size in the proposed project.

The next two violations are also in regards to the existing condition of the lot and will not be changed during construction. These violations are Minimum Lot Width and Minimum lot frontage. The existing lot has a required minimum width of 45 feet. The current lot, which will be the same size after development, is 37.5 feet. The Minimum lot frontage required is also 45 feet for this parcel, and the existing lot frontage is 27 feet. Both conditions are already existing, and the proposed construction will not further extend the violations in any way. There is no way for the proponent to increase these values due to the existence of developed properties on both sides of the project and present a hardship that would prevent any sort of development.

The next violation is insufficient front yard setback. This is another already existing condition. The requirement under the code is a 15 foot aggregate setback. The existing building has a setback of 9 feet. The proposed project would make no change to this in any way. In addition, the proposed project will lower an existing porch to create a sense of open space on a tight corner.



The last existing violation is in regards to minimum parking spaces. The zoning requires 1.75 spaces per unit or 5.5 for this project. The existing building has 0 parking spaces and the proposed project would maintain this number. Boston Transit Department Minimum parking ratios can act as a guideline for parking in new projects. The BTM ratio for this area is between 0 and 0.75 spaces per unit. The proposed project is inline with the guideline and its goals to reduce parking. In addition, the lot width is preventative to adding any parking to the project without demolishing part of the existing building, as the side yard is already prohibitively small.

The next set of violations are ones in which there is a material change being made to the dimensions of the project, which trigger new refusals for the property. The first of these violations is in regards to the rear setback for the property. The zoning requires a rear yard setback of 30 feet. The existing building has a rear setback of 28 feet. The proposed project would have a rear setback of 13.5 feet, 16.5 under the zoning minimum. This change is what is triggering many of the other violations, as it is decreasing the open space on the property while increasing the Floor Area Ratio. This ratio is in line with neighborhood context, as the current building occupies much less of the parcel than its neighbors. This increase in FAR will bring the project more in line with its immediate context.

The next violation is in regards to height. The zoning for this parcel allows for buildings with a height of up to 35 feet. The existing building is 32 feet, while the proposed project would increase this to 41.9 feet, triggering a violation. However, the proposed project is of equal height to its neighbor. The increase in height allows for a full third story and helps to create a better living space for residents, with full height ceilings and more usable interior space for each unit. The proposed height is of an appropriate size when compared to neighborhood character.

Another violation triggered by this project is the minimum open space requirement. The zoning requires 650 square feet of open space. The existing building has 1388 square feet of open space on the property. Due to the large extension into the rear of the property, this number decreases significantly under the new project. The proposed open space would total 550 square feet, around 100 square feet less than the zoning requirement. This area of Allston is characterized by dense residential blocks with two- and three-unit homes being predominant on lot sizes similar to the proposed project. This points to an appropriate contextual fit for the proposed project as the lot sizes in this area are prohibitive to increasing open space.



The last violation in regards to max FAR. The zoning code allows for a max FAR 0.8. The existing building has a FAR of 0.37 while the proposed project has an FAR of 1.7. This is due to both the extension into the rear yard occupying more of the plot, and the increase in height. While the FAR is higher than zoning would allow, the built fabric of the neighborhood does not support this conclusion. Many of the neighbors, including the neighbor directly to the west, are the same size as the proposed project. There is also a surrounding context of higher density, as apparent by the large multifamily nature of its neighbor. This is a case that highlights the need for zoning reform in the area to bring the code in line with existing conditions. This will also help to further planning goals by allowing for the creation of higher quality residences.

**Recommendation:**

In reference to BOA1571240, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department

MEMORANDUM

July 18, 2024

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

**FROM:** CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW  
MICHAEL SINATRA, OMBUDSMAN  
DYLAN NORRIS, PROJECT ASSISTANT  
MEGHAN RICHARD, SENIOR URBAN DESIGNER  
FORD DELVECCHIO, ZONING COMPLAINT PLANNER I

**SUBJECT:** 112-114 QUEENSBERRY STREET, FENWAY

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 112-114 Queensberry Street in the Fenway neighborhood of Boston (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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**PROJECT SITE**

The Proposed Project is located on an approximately 4,324 square foot parcel of land at 112-114 Queensberry Street in the Fenway neighborhood of Boston (the "Project Site"). The Project Site is currently occupied by a one story vacant commercial building.

**DEVELOPMENT TEAM**

The development team includes:

Proponent: Fenway Community Development Corporation



Suneeth P. John  
Nick Pittman  
70 Burbank St.  
Boston, MA 02115  
(617) 865-9871  
sjohn@fenwaycdc.org npittman@fenway.cdc

Legal Counsel: MQMLLP LLC  
Joseph Hanley  
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Architect: Embarc Studios, LLC  
Robert Del Salvio  
580 Harrison Ave, Suite 2W  
Boston, MA 02118  
(617) -766-8330  
Rdelsavio@embarcdesign.com

Development  
Consultant: Community Square Associates  
David Levy  
Dlevy@communitySQ.com  
617-877-6470

**PROPOSED PROJECT**

The previously developed, under-utilized, urban infill project site is 4,324 square feet and contains a vacant 2,184 square-foot commercial building, formerly a retail laundromat. The Proponent proposed to replace the existing one (1) story retail structure with an approximately six (6) story, 19,636 gross square foot, all-affordable residential rental building (“the Proposed Project”). The Proposed Project will include approximately twenty-four (24) rental units, consisting of eleven (11) studios and thirteen (13) one-bedrooms, creating a net residential area of approximately 12,545 square feet. All proposed units are anticipated to be income-restricted in perpetuity. The units will be made affordable to households earning not more than 30% and 60% of Area Median Income (“AMI”). The Proposed Project

will also include an interior subsurface bicycle storage room with approximately eighteen (18) resident bike parking spaces. The Proposed Project will also include approximately six (6) visitor bike parking spaces located on the sidewalk and rear yard of the project site. Any improvements to the public right of way will require PIC approval.

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

<b><u>Estimated Project Metrics</u></b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	19,636 SF
<b>Gross Floor Area</b>	
<i>Residential</i>	12,545
<b>Development Cost Estimate</b>	\$15,601,939
<b>Residential Units</b>	
<i>Rental Units</i>	24
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	24
<b>Parking spaces</b>	0

**PLANNING AND ZONING CONTEXT**

The Proposed Project is located at 112-114 Queensberry Street, in the Fenway neighborhood. This area of Fenway is characterized by residential multifamily buildings and ground floor commercial space that contribute to street level activation in selected locations. This context is established through variety of building typologies, from 4 story brownstones such as the Shattuck International House located immediately behind the property, to more modern brick and glass construction, such as at the new construction at 78 Queensbury Street. The Proposed Project location is adjacent to several open space resources, including the Emerald Necklace and Ramler Park.

This area of Fenway is well served by transit. The MBTA 55 bus route stops one block west of the proposed project. In addition, there are stops along Boylston Street to the north that serve the 8, 9, 19, 60, and 65 bus routes. The site also served by the D and E branches of the MBTA green line.

Panning staff reviewed the Proposed Project in the context of the neighborhood built form and city-wide policies including Housing a Changing City: Boston 2030, Complete Streets Guidelines, and the Urban Forest Plan. The Proposed Project would providing income-restricted housing in a location that would require no residential displacement. Staff found that the Proposed Project is well-aligned with planning goals, and would provide an opportunity for Bostonians from a wide range of income levels to share in the amenities and economic opportunities of the Fenway neighborhood.

### **ARTICLE 80 REVIEW PROCESS**

On May 9<sup>th</sup>, 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 BPDA sponsored and held a virtual public meeting on June 18<sup>th</sup>, 2024, via Zoom for the Proposed Project. The meeting was advertised in the Fenway News, Boston Guardian, and the Boston Sun, posted on the BPDA website, and a notification was emailed to all subscribers of the BPDA’s Fenway/Kenmore neighborhood update list. The public comment period ended on June 25<sup>th</sup>, 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:

- The revitalization of an underused commercial site for the creation of affordable housing.
- Project will be constructed to LEED Silver standards as well as Passive House Certification Standards
- Creating 24 new, deeply affordable rental units in the Fenway Neighborhood. Units which will range from 30% - 60% AMI, and including three (3) of units that will be set aside for formerly homeless individuals and families, per the Mayor’s Office of Housing (MOH) requirements.
- Creating approximately eighteen (18) resident bicycle parking spaces and six (6) visitor bicycle parking spaces. Designed in compliance with City of Boston, Bike Parking Guidelines.

The Proposed Project and any proposed improvements to the public realm are subject to PIC and BPDA Design Review.

**HOUSING PROGRAM AND INCLUSIONARY DEVELOPMENT POLICY**

Projects financed as one entity where at least 40% of the units are income-restricted are exempt from the Inclusionary Development Policy dated December 10, 2015 (the "IDP"). The Proposed Project is financed as one entity and contains twenty-one (24) income-restricted rental units, or 100% of the total units, surpassing 40% of the total units. As such, the Proposed Project is exempt from the IDP.

As currently proposed, six (6) units will be made affordable to households with incomes no greater than 30% of the Area Median Income ("AMI"), as published by the United States Department of Housing and Urban Development ("HUD") and eighteen (18) units will be made affordable to households with incomes no greater than 60% AMI. The affordability of the Proposed Project will be finalized through the public funding process and the ongoing affordability will be monitored under a MassDocs Agreement.

**RECOMMENDATIONS**

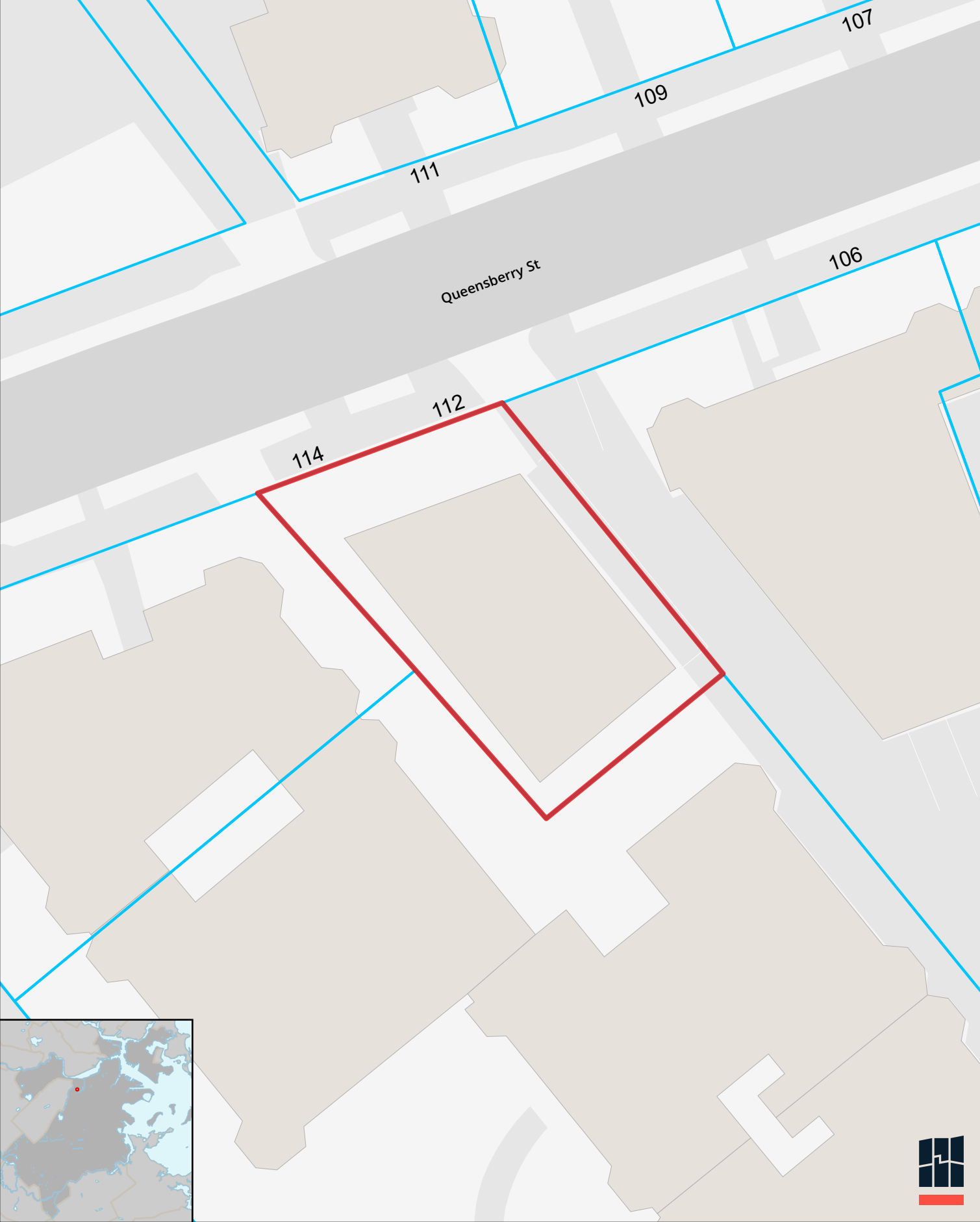
The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) take any other actions, and to execute any other agreements 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 112-114 Queensberry Street, proposed by Fenway Community Development Corporation (the "Proponent"), for the construction of a six (6) story, 24-unit residential building (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 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.

# 112-114 Queensberry Street



# 112-114 Queensberry Street



1:300





**SHARON DURKAN**  
**OFFICE OF BOSTON CITY COUNCILOR, DISTRICT 8**

May 8, 2024

Dylan Norris  
Boston Planning & Development Agency  
1 City Hall Sq, 9th Floor  
Boston, MA 02201

Re: 112 Queensberry Street

Dear Dylan,

I am writing in support of the Fenway Community Development Corporation's Small Project Review application to the BPDA for the 112 Queensberry Street Project. This project will add 24 permanently affordable rental units to the Fenway neighborhood.

The Fenway CDC has proven themselves to be an effective and reliable affordable housing developer who supports their residents in the Fenway neighborhood with a host of services from food access to job training. Their recent development, Burbank Terrace, which I was grateful to tour, will provide the Symphony area of the Fenway neighborhood with 27 affordable units, and I believe, serves as a good example of what the Fenway CDC is capable of replicating at 112 Queensberry Street.

The relentless and rapid increase in housing costs threatens economic and cultural diversity across our City and intensifies the urgency of supporting the creation of affordable housing. These units will be a significant contribution to the long-term affordable housing opportunities in the neighborhood.

As this goes through the process, I know the Fenway CDC, a great partner in the neighborhood, will be responsive to the community's needs and feedback.

Thank you for your consideration.

Sincerely,

Sharon Durkan  
Boston City Councilor, District 8





**SHARON DURKAN**  
**OFFICE OF BOSTON CITY COUNCILOR, DISTRICT 8**

July 18, 2024

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

Re: 112-114 Queensberry Street

Dear Chair Rojas and members of the board,

I am writing in support of the Fenway Community Development Corporation's Small Project Review application to the BPDA for the 112 Queensberry Street Project. This project will add 24 permanently affordable rental units to the Fenway neighborhood.

The Fenway CDC has proven themselves to be an effective and reliable affordable housing developer who supports their residents in the Fenway neighborhood with a host of services from food access to job training. Their recent development, Burbank Terrace, which I was grateful to tour, will provide the Symphony area of the Fenway neighborhood with 27 affordable units, and I believe, serves as a good example of what the Fenway CDC is capable of replicating at 112 Queensberry Street.

The relentless and rapid increase in housing costs threatens economic and cultural diversity across our City and intensifies the urgency of supporting the creation of affordable housing. These units will be a significant contribution to the long-term affordable housing opportunities in the neighborhood.

Throughout the process, the Fenway CDC, a great partner in the neighborhood, has been responsive to the community's needs and feedback.

Thank you for your consideration.

Sincerely,

Sharon Durkan  
Boston City Councilor, District 8

# Boston Groundwater Trust

229 Berkeley St, Fourth Floor, Boston, MA 02116  
617.859.8439  
www.bostongroundwater.org

June 10<sup>th</sup>, 2024

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Executive Director

Christian Simonelli

Dylan Norris, Project Assistant Development Review  
Boston Planning & Development Agency  
One City Hall Square  
Boston, MA 02201-1007

Subject: 112-114 Queensberry Street Small Project Review Application Comments

Dear Mr. Norris,

Thank you for the opportunity to comment on the 112-114 Queensberry Street Small Project Review Application (SPRA) located in the Fenway. The Boston Groundwater Trust (BGWT) was established by the Boston City Council to monitor groundwater levels in sections of Boston where the integrity of building foundations is threatened by low groundwater levels and to make recommendations for solving the problem. Therefore, my comments are limited to groundwater-related issues.

As stated in the SPRA the project site is located within the Groundwater Conservation Overlay District (GCOD) as outlined in Article 32 of the City of Boston Zoning Code.

The SPRA also states that the Project will comply with the standards and requirements outlined in Article 32 of the Zoning Code. The Proponent must obtain a written determination from the Boston Water and Sewer Commission (BWSC) as to whether the Project meets the standards and requirements of Article 32. In addition, the Proponent must demonstrate that the Project meets the requirements of Section 32-6 of the Zoning Code by obtaining a stamped certification from a Massachusetts registered engineer that the no-harm requirements of Section 32-6 of the Zoning Code are met. The Proponent will provide both a copy of the written determination from BWSC and a copy of the stamped certification from a Massachusetts registered engineer to the BPDA and the Boston Groundwater Trust before issuing a Certification of Consistency.

I look forward to continuing to work with the proponent and the Agency to ensure that this project can only positively impact area groundwater levels.

Very truly yours,



Christian Simonelli  
Executive Director

CC: Maura Zlody, EEOS



To: Dylan Norris  
Project Manager  
Boston Planning and Development Agency

Re: 112-114 Queensberry Street

Date: June 10th, 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 112-114 Queensberry Street project currently proposed by Fenway CDC.

This project is an excellent opportunity for housing stability for older adults experiencing economic insecurity. Age Strong is pleased that 100% of the units in the proposal will be affordable in perpetuity. This aligns well with Age Strong's anti-displacement objectives for seniors to be able to age in place. We support the mix of one-bedroom and studio apartments to allow for a variety of living arrangements for older adults. Age Strong has developed these [Universal Design Guidelines](#). Below are some specific suggestions for the project. Please consider Age Strong as a resource for this development going forward.

### **Pickup/Dropoff**

The site's proximity to various modes of public transportation is advantageous.. Since there is no parking, 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 optimal to be as close to the entrance as possible. Since there is limited parking in the Fenway we recommend the implementation of a guest parking space. 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 have shown to be essential and again are in line with our anti-displacement goal for older adults.

### **Bicycle Storage**

We are pleased your proposal allows for 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**

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.

We encourage ample planting of trees to offer shade and protection in the proposed outdoor space. We suggest age-friendly seating in the form of benches with armrests and backrests, instead of the stone benches that are proposed. Benches help promote comfort, respite and can allow for social interaction. Community connection increases the health and well-being of older adults.

### **Indoor Space**

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. We look forward to a continued collaboration!

Best,

Andrea Burns, Age-Friendly Boston  
The Age Strong Commission

**Boston Water and  
Sewer Commission**



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

June 5, 2024

Mr. Dylan Norris, Project Assistant  
Boston Planning and Development Agency  
One City Hall Square  
Boston, MA 02210

Re: 112-114 Queensberry Street, Fenway  
Small Project Review Application

Dear Mr. Norris:

The Boston Water and Sewer Commission (Commission) has reviewed the Small Project Review Application (SPRA) for the proposed redevelopment project located at 112-114 Queensberry Street in the Fenway neighborhood of Boston. This letter provides the Commission's comments on the SPRA.

The proposed project is located on a parcels of land containing approximately 4,324 square feet (sf) improved with a 2,184 sf commercial building. The project proponent, Fenway Community Development Corporation (Fenway CDC), proposes to construct a six-story, residential building having approximately 19,426 gross square feet. The development will contain no automobile parking spaces, and 30 bicycle parking spaces.

The subject site is served by a commission owned and maintained 8-inch pit cast iron water main that was installed in 1898. The water main is part of the Commission's Southern Low-Pressure Zone.

Commission sewer and drain facilities in Queensberry Street serving the project site include a 18-inch by 15-inch brick sanitary sewer installed in 1923 and 30-inch reinforced concrete (RCP) drain pipe installed in 1922. A 15-inch RCP sanitary sewer and a 30-inch RCP drain pipe, both installed in 1922, are located within a BWSC easement in Private Alley No. 926.

The proponent should be aware that replacement of drain, sewer, and water pipes for Queensberry and Private Alley No. 926 is currently programmed in the Capital Improvement Program with construction expected to begin in 2025. This work may include changes in pipe alignment and elevation.



The Commission has the following comments regarding the proposed project.

### General

1. Prior to the initial phase of the site plan development, Fenway CDC should meet with the Commission's Design and Engineering Customer Services to review the planned water main, sewer and storm drainage system availability and planned upgrades that will impact the development.
2. Prior to demolition of any buildings, all water, sewer and storm drain connections to the buildings must be cut and capped at the main pipe in accordance with the Commission's requirements. The proponent must complete a Cut and Cap General Services Application, available from the Commission.
3. All new or relocated water mains, sewers and storm drains must be designed and constructed at Fenway CDC'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 backflow prevention devices in the facilities that will require inspection. A General Service Application must also be submitted to the Commission with the site plan.
4. The Department of Environmental Protection (DEP), in cooperation with the Massachusetts Water Resources Authority (MWRA) and its member communities, has implemented 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. The Commission has a National Pollutant Discharge Elimination System (NPDES) Permit for its combined sewer overflows and is subject to these new regulations [314 CMR 12.00, section 12.04(2)(d)]. This section requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of (I/I) for each new gallon of wastewater flow. In this regard, any new connection or expansion of an existing connection that exceeds 15,000 gallons per day of wastewater shall assist in the I/I reduction effort to ensure that the additional wastewater flows are offset by the removal of I/I. Currently, a minimum ratio of 4:1 for I/I removal to new wastewater flow added is used. The Commission will require proponent to develop a consistent inflow reduction plan. The 4:1 requirement should be addressed at least 90 days prior to activation of water service and will be based on the estimated sewage generation provided on the project site plan.
5. The design of the project should 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/>

6. The water use and sewage generation estimates were not stated in the SPRA. The Commission requires that these values be calculated and submitted with the Site Plan. Fenway CDC should provide separate estimates of peak and continuous maximum water demand for residential, irrigation and air-conditioning make-up water for the project. Estimates should be based on full-site build-out of the proposed project. Fenway CDC should also provide the methodology used to estimate water demand for the proposed project.
7. Fenway CDC should be aware that the US Environmental Protection Agency issued the Remediation General Permit (RGP) for Groundwater Remediation, Contaminated Construction Dewatering, and Miscellaneous Surface Water Discharges. If groundwater contamination is encountered, Fenway CDC will be required to apply for a RGP to cover these discharges.
8. The project sites are located within Boston's Groundwater Conservation Overlay District (GCOD). The district is intended to promote the restoration of groundwater and reduce the impact of surface runoff. Projects constructed within the GCOD are required to include provisions for retaining stormwater and directing the stormwater to the groundwater table for recharge.
9. The Commission will require Fenway CDC to undertake all necessary precautions to prevent damage or disruption of the existing active water and sewer lines on, or adjacent to, the project site during construction. As a condition of the site plan approval, the Commission will require Fenway CDC to inspect the existing sewer lines by CCTV after site construction is complete, to confirm that the lines were not damaged from construction activity.
10. It is Fenway CDC's responsibility to evaluate the capacity of the water, sewer and storm drain systems serving the project site to determine if the systems are adequate to meet future project demands. With the site plan, Fenway CDC must include a detailed capacity analysis for the water, sewer and storm drain systems serving the project site, as well as an analysis of the impacts the proposed project will have on the Commission's water, sewer and storm drainage systems.



## Water

1. Fenway CDC must provide separate estimates of peak and continuous maximum water demand for residential, commercial, industrial, irrigation of landscaped areas, and air-conditioning make-up water for the project with the site plan. Estimates should be based on full-site build-out of the proposed project. Fenway CDC should also provide the methodology used to estimate water demand for the proposed project.
2. Fenway CDC should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular Fenway CDC should consider outdoor landscaping which requires minimal use of water to maintain. If Fenway CDC 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 be considered.
3. Fenway CDC is required to obtain a Hydrant Permit for use of any hydrant during the construction phase of this project. The water used from the hydrant must be metered. Fenway CDC should contact the Commission's Meter Department for information on and to obtain a Hydrant Permit.
4. Fenway CDC will be required to install approved backflow prevention devices on the water services for fire protection, mechanical and any irrigation systems. Fenway CDC is advised to consult with Mr. Larry Healy, Manager of Engineering Code Enforcement, with regards to backflow prevention.
5. The Commission is utilizing a Fixed Radio Meter Reading System to obtain water meter readings. For new water meters, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, Fenway CDC should contact the Commission's Meter Department.





### Sewage / Drainage

1. In conjunction with the Site Plan and the General Service Application Fenway CDC will be required to submit a Stormwater Pollution Prevention Plan. The plan must:
  - 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 structures or treatment structures to be utilized during the construction.
  - 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.
2. The Commission encourages Fenway CDC to explore additional opportunities for protecting stormwater quality on site by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.
3. The discharge of dewatering drainage to a sanitary sewer is prohibited by the Commission. Fenway CDC is advised that 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, Fenway CDC will be required to obtain a Remediation General Permit from the Environmental Protection Agency (EPA) for the discharge.
4. Fenway CDC must fully investigate methods for retaining stormwater on-site before the Commission will consider a request to discharge stormwater to the Commission's system. The site plan should indicate how storm drainage from roof drains will be handled and the feasibility of retaining their stormwater discharge on-site. All are to retain, on site, a volume of runoff equal to 1.00 inches of rainfall times the impervious area. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer.
5. The Massachusetts Department of Environmental Protection (MassDEP) established Stormwater Management Standards. The standards address water quality, water quantity and recharge. In addition to Commission standards, Fenway CDC will be required to meet MassDEP Stormwater Management Standards.
6. Sanitary sewage must be kept separate from stormwater and separate sanitary sewer and storm drain service connections must be provided. The Commission requires that existing



stormwater and sanitary sewer service connections, which are to be re-used by the proposed project, be dye tested to confirm they are connected to the appropriate system.

7. The Commission requests that Fenway CDC install a permanent casting stating “Don’t Dump: Drains to Charles River” next to any catch basin created or modified as part of this project. Fenway CDC should contact the Commission’s Operations Division for information regarding the purchase of the castings.
8. If a cafeteria or food service facility is built as part of this project, grease traps will be required in accordance with the Commission’s Sewer Use Regulations. Fenway CDC is advised to consult with the Commission’s Operations Department with regards to grease traps.

Thank you for the opportunity to comment on this project.

Yours truly,

John P. Sullivan, P.E.  
Chief Engineer

JPS/apm

cc: K. Ronan, MWRA via e-mail  
P. Larocque, BWSC via e-mail  
P. Salvatore, BWSC via e-mail  
S. McFee, BWSC via e-mail



<b>Case</b>	BOA1653396
<b>ZBA Submitted Date</b>	2024-09-17
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	302 Summit AV Brighton 02135
<b>Parcel ID</b>	2101717000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 3F-4000
<b>Zoning Article</b>	51
<b>Project Description</b>	Add a fourth dwelling unit to an existing three and a half story, three unit building by adding two shed dormers and converting the existing attic. The plans also state that sprinklers will be added per NFPA 13R standards.
<b>Relief Type</b>	Variance
<b>Violations</b>	Height Excessive (ft) Height Excessive (stories) FAR Excessive Additional Lot Area Insufficient Parking or Loading Insufficient Usable Open Space Insufficient Use: forbidden (MFR)

**Planning Context:**

The Allston-Brighton Needs Assessment Report was adopted by the BPDA Board on January 18, 2024 and identifies increased housing access and affordability as one of Allston-Brighton's greatest needs. Although this project does not contain any Affordable Units, the report also highlights that community members who participated in the engagement to create the report “promoted supply-side solutions to the housing crisis, recommending an end to parking minimums, relaxation of zoning rules, and other measures to increase housing production in the neighborhood” (Allston-Brighton Needs Assessment Report, page 27). The proposed project aligns with this community priority identified in the Allston-Brighton Needs Assessment Report by adding an additional unit to this area.

In addition, this project aligns with the city goals of allowing Accessory Dwelling Units (ADUs), which is an additional residential unit added to an existing home.



The project would also include adding sprinklers to the building in compliance with NFPA 13R standards. This means the project would improve the fire safety for the three existing units as well as the proposed new unit.

The location of this project is well served by transit, as it is about 0.3 miles from the MBTA B line and the 65 bus and about 0.6 miles from the MBTA C line. This means that there is a lower need for parking on site.

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

### **Zoning Analysis:**

Due to the proposed dormers, this project violates the zoning regulations for height (in both feet and stories) and FAR. The allowed FAR is 0.8 and the allowed height is 35 feet or 3 stories. The existing building is 3.5 stories and approximately FAR 1.0, which means it already does not comply with zoning. The existing building is, however, aligned with the surrounding area, which implies that the zoning may need to be updated in this area to better align with existing conditions. The proposed dormer would further these existing non-conformities by increasing the FAR to 1.39 and the height to 4 stories. However, the dormers are stepped back from the street, which helps minimize the impacts of the additional height and massing. Additionally, much of the increase in FAR is due to the fact that the project creates additional gross floor area by converting the existing attic space (which does not count towards gross floor area) to livable space. Converting this existing space to livable area does not change the outside appearance of the building, and so although there is a substantial increase to the FAR, there is minimal increase to the massing of the building by adding the two shed dormers.

Due to the additional unit, this project violates the zoning regulations for use, parking, usable open space, and additional lot area.

The additional unit would make this building four units, which is not allowed in this 3-unit subdistrict. However, as discussed in the planning context, this use is aligned with planning goals to increase housing in Allston-Brighton and allow ADUs.

The project does not comply with the parking requirement of 1.75 spaces per unit (or 7 spaces for 4 units). The project has an existing 2 car garages, which makes a parking ratio of 0.5 for the



proposed 4 units. However, as discussed in the planning context, this lower parking ratio is appropriate to the transit assets in the area.

The project does not comply with the usable open space requirement of 650 sq ft per unit (or 2,600 sq ft for 4 units). The project contains approximately 1,449 sq ft of usable open space. However, because the project abuts a public park (Brian Honan Park) there is a lower need for usable open space on the lot.

The project violates the zoning requirement for additional lot area. This is because the zoning requires an additional 2,000 sq ft of lot area per unit, in addition to the minimum lot size of 4,000 sq ft for 2 units. This means that the zoning requires the lot to be at least 8,000 sq ft for four units. This lot is 4,593 sq ft. However, as discussed above, the use and parking, and open space provided is appropriate given the location of this project, which means this lot is sufficient for 4 units.

This recommendation was written using plans prepared by Derek A. Rubinoff, titled "302 Summit Ave. Proposed Attic Renovation," and dated 10/24/2024. These plans were reviewed by ISD on 11/19/2024.

**Recommendation:**

In reference to BOA1653396, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Department of Parks and Recreation for review.

Reviewed,

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1653330
<b>ZBA Submitted Date</b>	2024-09-17
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	105 Green ST Jamaica Plain 02130
<b>Parcel ID</b>	1901131030
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-5000
<b>Zoning Article</b>	Article 55
<b>Project Description</b>	Enclose the existing front porch, adding a 3' open-air landing, and move stairs closer to the front property line.
<b>Relief Type</b>	Variance
<b>Violations</b>	Front Yard Insufficient FAR Excessive Traffic Visibility Across Corner

**Planning Context:**

This existing one-unit residential building sits at the corner of Green Street and Elm Street, 350 feet away from the Green Street MBTA Orange Line Station. Opposite this intersection is an entrance to Johnson Park, which is a significant public park destination; Green Street is also a significant corridor for pedestrian and bicycle connectivity, and connects to the Southwest Corridor Park one block away. The immediately surrounding context includes a mix of one- to three-unit buildings and multifamily buildings. The existing building is of generally similar or smaller scale than its surrounding context. Buildings along this block and in the broader neighborhood have front yards that vary from zero to ten feet, with no consistent setback pattern. The existing building has an open-air front porch that extends 6.2' from the front of the building with a set of stairs extending toward the front of the property on Green Street. The proposal includes enclosing this existing porch, adding a three-foot landing and moving the set of stairs closer to the front property line. The parcel is a unique shape; it is significantly rounded at the corner of Elm Street and Green Street. This rounding means that the front yard is measured from the corner of the building to a point along the radius of this rounded parcel line, resulting in a significantly smaller front yard measurement than if the corner were squared off.



However, the proposed enclosed porch is in line with the neighboring property along Green Street.

**Zoning Analysis:**

The required front yard minimum in this 3F-5000 subdistrict is 15'. The existing building is nonconforming with a front yard of 7.9', and enclosing the existing porch and adding the front landing creates a 6' front yard. Although the landing is 3', the curve of the parcel results in a worsening of this existing nonconformity of 1.9'. Most properties along this block of Green Street do not comply with the 15' required front yard and have similar setbacks of around 5'-10'. Many other properties within this same subdistrict are also nonconforming with 0' front yard conditions.

The maximum FAR in this subdistrict is 0.6; the existing nonconforming FAR for this building is 0.74, and enclosing the porch results in a nominal increase to 0.76. Again, many of the properties on this same block and within this same subdistrict have an FAR greater than 0.6.

This presents a case for zoning reform, where the yard and FAR requirements do not accurately reflect the built context.

Finally, the project is cited for insufficient Traffic Visibility Across a Corner, pursuant to Section 55-41. This provision requires that no structure shall be higher than 2.5 feet above the curb "that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection." Based on measurements done on the scaled drawings, it appears that no part of the parcel sits within the triangle created by this measurement, meaning this violation should not be cited.

Plans are titled "105 Green Street Zoning Board of Appeals Submittal", prepared by Bloom Architecture, and dated May 10, 2024.

**Recommendation:**

In reference to BOA1653330, The Planning Department recommends APPROVAL.



Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department





<b>Case</b>	BOA1636283
<b>ZBA Submitted Date</b>	2024-08-06
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	9 Hillcroft RD Jamaica Plain 02130
<b>Parcel ID</b>	1902647000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 1F-9000
<b>Zoning Article</b>	Art. 55
<b>Project Description</b>	Convert an existing attic into living space with a full bathroom, dormer and updated windows.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories)

**Planning Context:**

This project proposes to convert an existing attic into a living space with a full bathroom, dormer, and updated windows. The proposed addition will be within an existing three-story, one-unit residential dwelling and the conversion will not change the property’s existing allowed use. The conversion will include an update to the second floor circulation for access to the third floor and a dormer addition with windows facing the rear of the property that will not be visible from the public realm on Hillcroft Rd. The three-story, one-unit residential property across the street at 14 Hillcroft Rd has a similar rear attic dormer addition, making this proposed project appropriate as it is similar to an existing built form in the area.

While the design components of the project align with the surrounding form, the project plans that were submitted incorrectly include a site plan for the nearby property at 48 Cedarwood Rd and the easement located at Parcel ID# 1902648000. The project plans thus do not include a site plan for the proponent’s property at 9 Hillcroft Rd and it is unclear then if the initial review of this project was done based on the site conditions of 9 Hillcroft Rd or the property at 48 Cedarwood Rd.

**Zoning Analysis:**

This property is in the 1F-9000 (One-Family Residential) zoning subdistrict of the Jamaica Plain Neighborhood District (Art. 55). The proposed project has received two violations specific to building standards (floor area ratio and height).



In the 1F-9000 subdistrict, a 0.3 FAR maximum and a 2.5-story maximum height are required. Based on the submitted project plans, the existing property has an FAR of 0.34 and will increase the FAR to 0.41 with the addition of the new living area. The existing property has a three-story height and that height will remain unchanged. While both of these building standards are excessive of the zoning maximums, they are common for the surrounding area in terms of building mass.

Additionally, since the proposed addition is focused on the rear and interior of the building, it does not produce significant changes to the public realm of the street. This indicates a need for zoning reform to provide greater building standard flexibility for residential properties, especially to encourage existing building forms and accommodate additional livable areas.

As mentioned, the project plans incorrectly include a site plan for the nearby property at 48 Cedarwood Rd and the easement located at Parcel ID# 1902648000. The project plans do not include a site plan for the proponent's property at 9 Hillcroft Rd. Additionally, the proponent highlights 3 expected violations specific to lot standards (lot area, front setback, and side setback) that are existing nonconformities and that are not cited within the project's refusal letter. This potentially indicates that the site plans that received zoning review are not the same as the proposed property. Corrected plans must be submitted for the correct property to confirm which existing nonconformities and new violations are applicable to this project.

This property is also located within the Jamaica Plain Neighborhood Design Overlay District. However, since the proposed attic addition faces the rear of the property, there is not a need for NDOD Review as the addition has no impact on the public realm.

**Recommendation:**

In reference to BOA1636283, The Planning Department recommends DEFERRAL: that the proponent resubmit plans with the correct site plans for the property at 9 Hillcroft Rd to confirm existing nonconformities and new zoning violations.



Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1645617
<b>ZBA Submitted Date</b>	2024-08-28
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	1182 to 1196 Hyde Park AV Hyde Park 02136
<b>Parcel ID</b>	1808949000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood NS-2
<b>Zoning Article</b>	69
<b>Project Description</b>	Change use of an existing restaurant with take-out services to be a restaurant with live entertainment, operating after 10:30 PM.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Parking or Loading Insufficient Nonconforming use change (Use: Conditional - Take-out restaurant) Use: Conditional (Restaurant with live entertainment operating after 10:30 p.m.)

**Planning Context:**

This project proposes to change the use of an existing restaurant to a restaurant with live entertainment operating after 10:30 PM.

This property is on Hyde Park Ave within the Cleary Square study area of the Squares + Streets Small Area Plan process (ongoing). This area is one of the Squares + Streets plan areas because it is a vital commercial center and is within proximity to transit resources by way of the Hyde Park and Fairmount MBTA Commuter Rail stops and bus routes along Hyde Park Ave. This level of transit access also minimizes the need for private vehicle usage as residents, customers and visitors can access the area through public transit resources.

This northern portion of Hyde Park Ave within the study area consists of a mix of office uses, take-out restaurant uses, service uses and vehicular uses. This specific property is on the block of Hyde Park Ave between Clay St and Webster St. It directly abuts a residential property to its north and shares part of its building with an auto repair shop to its south.

This property is one of the northernmost commercial properties on Hyde Park Ave within the study area as the remainder of the street to the north of Webster Street is predominantly



residential. Across the street from this block to the west are a convenience store, a car accessories store, a gas station and a parking lot.

Through the Cleary Square Small Area Plan process, residents have expressed interest in having more late night businesses within the existing commercial areas to increase commercial and cultural activity in and near the square. Considering these factors, the proposal to change the use of this property to include live entertainment does fit within the surrounding commercial context as well as the envisioned future of more late night business activity for the area.

**Zoning Analysis:**

This property is in the Cleary and Logan Square Neighborhood Shopping (NS-2) zoning subdistrict of the Hyde Park Neighborhood District (Art. 69). The proposed project has received three violations specific to land use standards (restaurant uses and parking/loading uses).

As mentioned, this property has an existing restaurant use with take-out, which is a Conditional use within the NS-2 subdistrict, thus triggering a “Nonconforming Use Change” violation (Art. 9, Sec. 2). As mentioned, this area has a variety of commercial properties including other properties that have a take-out restaurant use, such as a Dunkin’ location at the corner of Clay St and Hyde Park Ave. Due to this property’s location within an active commercial area, this take-out restaurant use is appropriate.

The proposed use of a restaurant with live entertainment, operating after 10:30 PM is Conditional within the NS-2 subdistrict (Art. 69, Sec. 11). As explained in the Planning Context, this proposed use aligns with expressed future vision of late night business activity in and near Cleary Square. Additionally, the project adheres to the criteria set forth in Art. 6, Sec. 3 pertaining to the conditions required for conditional use permit approval including that “the specific site is an appropriate location for such use, [...] the use will not adversely affect the neighborhood, [...] there will be no serious hazard to vehicles or pedestrians from the use, [...] no nuisance will be created by the use, [and] adequate and appropriate facilities will be provided for the proper operation of the use.” In regards to concerns of nuisance related to noise from late night entertainment, the City of Boston’s Noise Regulations as set forth in the Municipal Code provided additional protections to that end to keep noise at acceptable levels. As such, a conditional use permit is recommended to accommodate that activity.



These two restaurant and live entertainment regulations indicate a need for zoning reform aligned with the forthcoming Cleary Square Small Area Plan land use vision to further allow these uses to better accommodate diverse commercial and cultural activity.

Within the Hyde Park Neighborhood District (Art. 69), Commercial Uses are required to have a parking ratio of 1.0 off-street parking spaces per 1,000 sq ft of Gross Floor Area (Art. 69, Sec. 29). This existing property does not provide parking spaces and the proposed use change does not include the creation of new parking spaces. Due to this property's close proximity to both commuter rail and bus access, there is a reduced need for off-street parking and reliance on private vehicles as customers and visitors can access the location using these public transit resources. This indicates a need for zoning reform, like that advancing through Squares+Streets, to remove parking requirements for properties like this in commercial areas that are close to transit as it produces a regulatory barrier and encourages reliance on vehicles in areas where that is less necessary.

Existing conditions floor plans completed by National Floor Plans in April 2020.

**Recommendation:**

In reference to BOA1645617, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department

**MEMORANDUM****JUNE 13, 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  
MEGHAN RICHARD, URBAN DESIGNER II  
SAM VALENTINE, SENIOR LANDSCAPE ARCHITECT  
SAM ROY, SENIOR TRANSPORTATION PLANNER II  
FORD DELVECCHIO, PLANNER I  
CAMILLE PLATT, PROJECT MANAGER

**SUBJECT:** 157 HUMBOLDT AVENUE AND 64 WAUMBECK STREET, ROXBURY

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize the Director to: (1) issue one or more Certifications of Approval or Partial Certifications of Approval for The Nehemiah Development Project located at 157 Humboldt Avenue and 64 Waumbeck Street in Dorchester upon successful completion of the Article 80E Small Project Review process; and (2) execute and deliver any and all other documents, certifications or agreements as may be necessary and appropriate in connection with the foregoing and, or otherwise in connection with The Nehemiah Development Project.

**PROJECT SITE**

The Nehemiah Development Project is a redevelopment proposal (as described below, the “Project”) for an approximately 15,740 square foot (0.36 acre) contiguous area of land (the “Project Site”) located at 157 Humboldt Avenue and 64 Waumbeck Street in Dorchester. The Project Site currently contains a vacant building fronting 157 Humboldt Avenue. Nuestra Comunidad Development Corporation and The Pleasant Hill Baptist Church, as the Proponents, are preparing to advance the Project at this time.

**DEVELOPMENT TEAM**

The development team includes:

**Proponents:** Nuestra Comunidad Development Corporation  
2565 Washington Street  
Roxbury, MA 02119

The Pleasant Hill Baptist Church  
155 Humboldt Avenue  
Dorchester, MA 02121

**Architect:** CoEverything  
1452 Dorchester Avenue, 4<sup>th</sup> Floor  
Dorchester, MA

**Landscape Architect:** TBD

**Legal Counsel:** Goulston & Storrs PC  
400 Atlantic Avenue  
Boston, MA 02110

**Civil Engineer:** Sherwood Consulting & Design  
1452 Dorchester Avenue, 4<sup>th</sup> Floor  
Dorchester, MA 02122

**Land Surveyor:** Daniel Maclsaac PLS  
1452 Dorchester Avenue, 4<sup>th</sup> Floor  
Dorchester, MA 02122

## **PROPOSED PROJECT**

Nehemiah Development is a joint venture between the Pleasant Hill Baptist Church (PHBC) and Nuestra Comunidad Development Corporation (NCDC). This new construction project will create 26 units of much needed family rental housing. This development will revitalize the neighborhood, located on the Dorchester/Roxbury line, as it entails the demolition of a blighted vacant building and adjacent lot with sustainable and energy efficient family housing. The Project will additionally offer approximately 2,000 square feet of vibrant community space for the future residents and community. The Project Site is an area of land adjacent to the existing Pleasant Hill Baptist Church. The Project Site includes a vacant structure at 157 Humboldt Avenue. This structure has been unused for over three decades. The second lot is vacant land located at 64 Waumbeck Street. The Project Site sits across



the street from an active playground known as the Trotter School Playground and is several blocks north of Boston’s Franklin Park. The design consists of a 4-story L-shaped building that will hold seven (7) one-bedroom units, fifteen (15) two-bedroom units, and four (4) three-bedroom units. The building will also feature high-performance sustainable design that exceeds the City of Boston’s net zero energy guidelines. The Project will incorporate sustainable and energy-efficient design principles featuring passive house design, LEED Gold certifiability, and solar panels to minimize environmental impact and reduce ongoing costs for residents.

The Project contemplates locating the parking access off of Waumbeck Street, allowing for an active street wall on Humboldt Avenue. The Waumbeck Street curb cut will be no more than twelve (12) feet wide in order to maximize pedestrian safety and minimize disruption of pedestrian experience on the accessible sidewalk. Access design and circulation are subject to Design Review. All driveway curb cuts must maintain flush sidewalks with monolithic concrete. All curb cuts will seek a curb cut permit from the PWD and/or PIC process. The Project will include approximately 26 interior-covered and secure bike parking spaces and approximately 6 exterior visitor post-and-ring bike parking spaces in compliance with the City’s Bike Parking Guidelines.

The table below summarizes the Project’s key statistics.

<b>Estimated Project Metrics</b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	32,577
<b>Gross Floor Area</b>	31,452
<i>Residential</i>	29,392
<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>	2,060
<i>Cultural</i>	0
<i>Parking</i>	1,125
<b>Development Cost Estimate</b>	\$17,638,644
<b>Residential Units</b>	26
<i>Rental Units</i>	26

<i>Ownership Units</i>	0
<i>Affordable Units</i>	26
<b>Parking spaces (Maximum)</b>	7

The number of parking spaces approved by BPDA is a maximum number of spaces.

**ARTICLE 80 REVIEW PROCESS**

On September 22, 2023, the Proponents filed a Small Project Review application with the BPDA. On March 7, 2024, BPDA staff hosted a virtual public meeting that was duly advertised in the local newspaper and distributed amongst the Roxbury and Dorchester email lists. The public meeting was well attended. The public comment period with respect to the Small Project Review application concluded on March 15, 2024.

**SUSTAINABILITY**

The Project will demonstrate environmental stewardship by designing for energy efficiency that meets the requirements of Article 37 of the Zoning Code, including measures allowing the Project to be LEED Gold certifiable. Additionally, the Project’s new building and site plan will comply with the Smart Utilities requirements found in Article 80B of the Zoning Code.

**ZONING**

The Project Site is located entirely within the 3F-4000 Subdistrict of the Roxbury Neighborhood District, and a portion of the Project Site (within 100 feet of the center line of Humboldt Avenue) is located within the Humboldt Avenue Boulevard Planning Zoning Overlay District. There are no additional applicable overlay districts. The Proponents anticipate obtaining appropriate zoning relief for the Project from the Zoning Board of Appeal.

**PLANNING CONTEXT**

The Proposed Project at 157 Humboldt Avenue is located in the Dorchester neighborhood, close to Franklin Park, and adjacent to the Trotter School Playground. As a “Main Boulevard”, the Roxbury Neighborhood District zoning includes specific design guidelines for Humboldt Avenue. The street is considered a crucial connection between residential and commercial clusters in the

neighborhood. The area is served by over a half dozen MBTA bus stops, including the 32, 34, 36, 38, and 44 bus routes.

The area immediately around the proposed project site is characterized by a variety of residential typologies ranging from one-family dwellings to multifamily dwellings. The sidewalks within the area are of average widths, with the road being one lane in both directions, with street parking along Humboldt Avenue. There are two larger parks nearby, the Trotter School Playground, and the Crawford Street Playground, however, there is a noted lack of smaller publicly accessible green space in the area. Additionally, the tree canopy along the street and sidewalk is lacking along much of Humboldt Avenue.

Key elements of the Roxbury Strategic Master Plan include the enhancement of the civic and cultural environment, promoting a diverse economy and range of housing options, creating safer transportation connections and a lively public realm. Providing accessible, affordable housing is particularly critical to achieve housing stability within the Roxbury community, as well as mitigate rising citywide housing costs. Citywide plans and policies including Complete Streets and The Urban Forest Plan, also informed staff review of the Proposed Project.

With respect to zoning requirements, the proposed project site is located within a Boulevard Planning District Overlay. Article 50 of the Boston zoning code codifies Boulevard Planning districts in the Roxbury neighborhood and establishes the design principles that projects must consider. The overall purpose of these guidelines is to preserve or enhance the street facade and public facing amenities to reinforce the cohesion of the main thoroughfare.

### **INCLUSIONARY DEVELOPMENT**

The Project is exempt from the Inclusionary Development Policy because it is financed as one entity and more than 40% of the dwelling units are income restricted. The Proponent expects all of the dwelling units within the Project to be made affordable to households ranging between up to 30% and up to 60% of the Area Median Income, as published by the United States Department of Housing and Urban Development. The affordability of the Project will be finalized through the public funding process and monitored under a MassDocs agreement.

### **URBAN CANOPY**

The construction of the Project will require the removal of three existing mature canopy trees, as determined by an arborist hired by the Proponents. A mitigation of

tree loss at the standard ratio of 1:1 trunk inches (caliper or DBH) is not achievable onsite. To best mitigate the loss of this urban canopy, which constitutes a total of 99 trunk inches, tree planting will be an important part of this Project and will occur under three categories: (1) canopy trees planted on the 157 Humboldt Avenue parcel, in the quantity of 5 trees minimum (totaling at least 15 trunk inches); (2) street trees planted at back of curb on Waumbeck Street and Humboldt Avenue, in the quantity of 7 trees minimum (totaling at least 18 trunk inches); and (3) pending further conversation with Pleasant Hill Baptist Church leadership about maintaining unobstructed open space in their churchyard for church programming, additional plantings in a quantity between 0 and approximately 8 trees to be planted on the 155 Humboldt Avenue parcel.

### **RECOMMENDATION**

Based on the foregoing, BPDA staff recommends that the BPDA Board authorize the Director to: (1) issue one or more Certifications of Approval or Partial Certifications of Approval for The Nehemiah Development Project located at 157 Humboldt Avenue and 64 Waumbeck Street in Dorchester, upon successful completion of the Article 80E Small Project Review process; and (2) execute and deliver any and all other documents, certifications or agreements as may be necessary and appropriate in connection with the foregoing and, or otherwise in connection with The Nehemiah Development Project.

Appropriate votes follow:

**FURTHER VOTED:** That the Director be, and hereby is, authorized to issue one or more Certifications of Approval or Partial Certifications of Approval for The Nehemiah Development Project located at 157 Humboldt Avenue and 64 Waumbeck Street in Dorchester, upon successful completion of the Article 80E Small Project Review process; and

**FURTHER VOTED:** That the Director be, and hereby is, authorized to execute and deliver any and all other documents, certifications or agreements as may be necessary and appropriate in connection with the foregoing and, or otherwise in connection with The Nehemiah Development Project, all upon terms and conditions determined to be in the best interests of the BRA.

# 157 Humboldt Avenue



1:500



# 157 Humboldt Avenue



1:500





To: Camille Platt, BPDA  
From: Yang Yang, PWD  
Date: 10/12, 2023  
Subject: 157 Humboldt Ave- Boston Public Works Department Comments

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Included here are Boston Public Works Department comments for 157 Humboldt Avenue SPRA.

**Project Specific Scope Considerations:**

The developer should verify the compliance of the existing pedestrian ramps as needed, specifically those at Humboldt ave, Howland street and Waumbek street intersections. The developer should coordinate with the Pleasant Hill Missionary Baptist Church on the closure of the existing driveway curb cut along Humboldt Avenue. The developer should also coordinate with the Parks Department regarding the street tree plantings.

**Site Plan:**

The 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 Right-of-Way (ROW):**

All proposed design and construction within the Public ROW shall conform to PWD Design Standards (<https://www.boston.gov/departments/public-works/public-works-design-standards>). Any non-standard materials (i.e. pavers, landscaping, bike racks, etc.) proposed within the Public ROW will require approval through the Public Improvement Commission (PIC) process and a fully executed License, Maintenance and Indemnification (LM&I) Agreement with the PIC. Please note that the comments below are specific to proposed work within the Public ROW.

**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 Americans 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.

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

**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.

**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/or stormwater management systems within the Public ROW. The ongoing maintenance of such systems shall require an LM&I Agreement with the PIC. Effects of water infiltration with respect to the adjacent underpass structure and underground MBTA tunnels that may be negatively impacted by infiltration may impact the ability to install such systems and should be considered. Coordination with PWD and MBTA will be required.



**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





# CITY *of* BOSTON

Michelle Wu, Mayor

**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](mailto: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



**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

**Boston Water and  
Sewer Commission**



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

October 23, 2023

Ms. Camille Platt, Project Manager  
Boston Planning and Development Agency  
One City Hall Square  
Boston, MA 02210

Re: 157 Humboldt Avenue, Dorchester  
Small Project Review Application

Dear Ms. Platt:

The Boston Water and Sewer Commission (Commission) has reviewed the Small Project Review Application (SPRA) for the proposed redevelopment project located at 157 Humboldt Avenue in Dorchester. This letter provides the Commission's comments on the SPRA.

The proposed project site is located on two parcels of land containing approximately 13,526 square feet (sf). The site is presently occupied by a vacant one-story building and empty lot. The project proponent, Pleasant Hill Missionary Baptist Church, proposes to demolish the existing building and construct a four-story, 26-unit residential condominium building having a gross floor area of approximately 30,385 sf. Proposed amenities include 6 surface parking spaces, interior bicycle storage area, and 2,000 sf of community space.

The Commission owns and maintains water, sewer, and storm drain infrastructure in Waumbeck Street and Humboldt Avenue.

Infrastructure in Humboldt Avenue includes a 12-inch pit cast iron water main that was installed in 1887 and cleaned and cement lined in 1966, a 12-inch sanitary sewer installed in 1966, and a 12-inch drain also installed in 1966.

Infrastructure in Waumbeck Street includes a 10-inch cement lined cast iron water main that was installed in 1966, a 10-inch sanitary sewer installed in 1893, and a 12-inch drain installed in 1930. Both water mains are a component of the Commission's southern high-pressure zone.



The Commission has the following comments regarding the proposed project.

General

1. Prior to the initial phase of the site plan development, Pleasant Hill Missionary Baptist Church, should meet with the Commission's Design and Engineering Customer Services Departments to review water main, sewer and storm drainage system availability and potential upgrades that could impact the development.
2. Prior to demolition of the building, all water, sewer and storm drain connections to the buildings must be cut and capped at the main pipe in accordance with the Commission's requirements. The proponent must complete a Cut and Cap General Services Application, available from the Commission.
3. All new or relocated water mains, sewers and storm drains must be designed and constructed at Pleasant Hill Missionary Baptist Church'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 backflow prevention devices in the facilities that will require inspection. A General Service Application must also be submitted to the Commission with the site plan.
4. The Department of Environmental Protection (DEP), in cooperation with the Massachusetts Water Resources Authority (MWRA) and its member communities, has implemented 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. The Commission has a National Pollutant Discharge Elimination System (NPDES) Permit for its combined sewer overflows and is subject to these new regulations [314 CMR 12.00, section 12.04(2)(d)]. This section requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of I/I for each new gallon of wastewater flow. In this regard, any new connection or expansion of an existing connection that exceeds 15,000 gallons per day of wastewater shall assist in the I/I reduction effort to ensure that the additional wastewater flows are offset by the removal of I/I. Currently, a minimum ratio of 4:1 for I/I removal to new wastewater flow added is used. The Commission will require proponents to develop a consistent inflow reduction plan. The 4:1 requirement should be addressed at least 90 days prior to activation of water service and will be based on the estimated sewage generation provided on the project site plan.
5. The design of the project should 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/>

6. The water use and sewage generation estimates were not stated in the SPRA. The Commission requires that these values be calculated and submitted with the Site Plan. Pleasant Hill Missionary Baptist Church should provide separate estimates of peak and continuous maximum water demand for residential, irrigation and air-conditioning make-up water for the project. Estimates should be based on full-site build-out of the proposed project. Pleasant Hill Missionary Baptist Church should also provide the methodology used to estimate water demand for the proposed project.
7. The Commission will require Pleasant Hill Missionary Baptist Church to undertake all necessary precautions to prevent damage or disruption of the existing active water and sewer lines on, or adjacent to, the project site during construction. As a condition of the site plan approval, the Commission will require Pleasant Hill Missionary Baptist Church to inspect the existing sewer lines on site by CCTV after site construction is complete, to confirm that the lines were not damaged from construction activity.
8. It is Pleasant Hill Missionary Baptist Church's responsibility to evaluate the capacity of the water, sewer and storm drain systems serving the project site to determine if the systems are adequate to meet future project demands. With the site plan, Pleasant Hill Missionary Baptist Church must include a detailed capacity analysis for the water, sewer and storm drain systems serving the project site, as well as an analysis of the impacts the proposed project will have on the Commission's water, sewer and storm drainage systems.

#### Water

1. Pleasant Hill Missionary Baptist Church should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular, Pleasant Hill Missionary Baptist Church should consider outdoor landscaping which requires minimal use of water to maintain. If Pleasant Hill Missionary Baptist Church 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 the building should be considered.
2. Pleasant Hill Missionary Baptist Church is required to obtain a Hydrant Permit for use of any hydrant during the construction phase of this project. The water used from the hydrant must be metered. Pleasant Hill Missionary Baptist Church should contact the Commission's Meter Department for information on and to obtain a Hydrant Permit.



3. Pleasant Hill Missionary Baptist Church will be required to install approved backflow prevention devices on the water services for fire protection, mechanical and any irrigation systems. Pleasant Hill Missionary Baptist Church is advised to consult with Mr. Larry Healy, Manager of Engineering Code Enforcement, with regards to backflow prevention.
4. The Commission is utilizing a Fixed Radio Meter Reading System to obtain water meter readings. For new water meters, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, Pleasant Hill Missionary Baptist Church should contact the Commission's Meter Department.

#### Sewage / Drainage

1. In conjunction with the Site Plan and the General Service Application Pleasant Hill Missionary Baptist Church will be required to submit a Stormwater Pollution Prevention Plan. The plan must:
  - 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 structures or treatment structures to be utilized during the construction.
  - 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.
2. Developers of projects involving disturbances of land of one acre or more will be required to obtain an NPDES General Permit for Construction from the Environmental Protection Agency and the Massachusetts Department of Environmental Protection. Pleasant Hill Missionary Baptist Church is responsible for determining if such a permit is required and for obtaining the permit. If such a permit is required, it is required that a copy of the permit and any pollution prevention plan prepared pursuant to the permit be provided to the Commission's Engineering Customer Services Department, prior to the commencement of construction. The pollution prevention plan submitted pursuant to a NPDES Permit may be submitted in place of the pollution prevention plan required by the Commission provided the Plan addresses the same components identified in item 1 above.



3. The Commission encourages Pleasant Hill Missionary Baptist Church to explore additional opportunities for protecting stormwater quality on site by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.
4. The discharge of dewatering drainage to a sanitary sewer is prohibited by the Commission. Pleasant Hill Missionary Baptist Church is advised that 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, Pleasant Hill Missionary Baptist Church will be required to obtain a Remediation General Permit from the Environmental Protection Agency (EPA) for the discharge.
5. Pleasant Hill Missionary Baptist Church must fully investigate methods for retaining stormwater on-site before the Commission will consider a request to discharge stormwater to the Commission's system. The site plan should indicate how storm drainage from roof drains will be handled and the feasibility of retaining their stormwater discharge on-site. All projects shall retain, on site, a volume of runoff equal to 1.00 inches of rainfall times the impervious area. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer.
6. The Massachusetts Department of Environmental Protection (MassDEP) established Stormwater Management Standards. The standards address water quality, water quantity and recharge. In addition to Commission standards, Pleasant Hill Missionary Baptist Church will be required to meet MassDEP Stormwater Management Standards.
7. Sanitary sewage must be kept separate from stormwater and separate sanitary sewer and storm drain service connections must be provided. The Commission requires that existing stormwater and sanitary sewer service connections, which are to be re-used by the proposed project, be dye tested to confirm they are connected to the appropriate system.
8. The Commission requests that Pleasant Hill Missionary Baptist Church install a permanent casting stating "Don't Dump: Drains to Boston Harbor" next to any catch basin created or modified as part of this project. Pleasant Hill Missionary Baptist Church should contact the Commission's Operations Division for information regarding the purchase of the castings.
9. If a cafeteria or food service facility is built as part of this project, grease traps will be required in accordance with the Commission's Sewer Use Regulations. Pleasant Hill Missionary Baptist Church is advised to consult with the Commission's Operations Department with regards to grease traps.
10. The Commission requires installation of particle separators on all new parking lots greater than 7,500 square feet in size. If it is determined that it is not possible to infiltrate all of the runoff from the new parking lot, the Commission will require the installation of



a particle separator or a standard Type 5 catch basin with an outlet tee for the parking lot. Specifications for particle separators are provided in the Commission's requirements for Site Plans.

Thank you for the opportunity to comment on this project.

Yours truly,

John P. Sullivan, P.E.  
Chief Engineer

JPS/rja

cc: K. Ronan, MWRA via e-mail  
M. Zlody, City of Boston via e-mail  
P. Larocque, BWSC via e-mail  
P. Salvatore, BWSC via e-mail



<b>Case</b>	BOA1667294
<b>ZBA Submitted Date</b>	2024-10-30
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	31 Gay Head ST Jamaica Plain 02130
<b>Parcel ID</b>	1002332000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain 3F-4000
<b>Zoning Article</b>	55
<b>Project Description</b>	Change use from three-units to four-units. Build a new kitchen on the ground floor as well as new sprinklers and fire alarm systems.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Usable Open Space Insufficient Parking or Loading Insufficient Lot Area Insufficient Forbidden Use (MFR); Forbidden Use (Basement Unit)

**Planning Context:**

The proposed project sits in an established residential area in the Jackson Square area of Jamaica Plain. Its surrounding context consists of a mix of 2.5- and 3-story residential structures with two-unit to multi-unit residential land uses. Small retail and commercial establishments occupy the ground floors of several nearby and abutting properties on the adjacent Minden Street. Additionally, the property sits within immediate proximity (quarter-mile) to the northern portion of the Centre Street neighborhood shopping area. This area is home to a variety of commercial land uses, including a variety of restaurants, retail establishments, the Martha Eliot Health Center, and a large "Stop & Shop" grocery store. The MBTA's Jackson Square Station (which services the orange line) and bus stops for the MTBA's 14 and 41 routes sit within a quarter-mile walk of the project site, as do several publicly accessible open space amenities, including: the Bromley Heath Playground, Bromley Heath Play Area, Jackson Square Playground and Sports Courts, Walden Garden, Hennigan Schoolyard, McLaughlin Playground, Jefferson Playground, Round Hill and Day Street Community Garden, Mozart Street Playground, and Southwest Corridor Park.





The project site is currently occupied by an existing 3-story, semi-attached, three-family dwelling. The structure's existing footprint occupies roughly fifty percent (50%) of the site's lot area. The remainder of the lot is occupied by a paved parking pad (with 2 off-street parking spaces) and an accessory garage/storage shed. The project proposes to increase the existing structure's occupancy from three (3) dwelling units to four (4) dwelling units by converting the structure's existing basement living space (currently operating as the lower portion of the structure's dual-basement/1st story dwelling unit) into an independent basement dwelling unit.

Because the basement dwelling unit is proposed to be created with two forms of egress; represents a single-unit addition to the structure's existing three-family residential land use; and does not involve any bump out, extension, or construction to the existing envelope of the structure, the proposal would be eligible for and likely compliant - pending Building Code approval - with the City's current Accessory Dwelling Unit (ADU) Program, were it to be owner-occupied. Because it is not an owner-occupied structure, a change of use - from a three-family to a four-family occupancy - is requested. No exterior alterations to the existing structure nor changes to the existing site plan are proposed as a part of the project.

This project scope aligns with Boston's broader housing- and ADU-related planning goals: to increase housing flexibility and availability ((Imagine Boston 2030, 2016); and to diversify Boston's housing stock through the allowance of internal ADUs citywide, such as the type of living space that this project proposes through its conversion of existing basement living space (Boston ADU Program, 2018). The project is also supported by the goals of the Planning Department's recently released ADU Pattern Book (November 2024): (1) to provide incremental, neighborhood scale housing that will bring more accessible and lower cost options to multi-generational families, one- and two-person households, young adults, seniors, and others; and (2) to empower residents to build wealth, and foster diverse, multi-generational living spaces in Boston.

### **Zoning Analysis:**

Section 55-8 of the Zoning Code details requirements for the creation of additional dwelling units (ADUs) in Jamaica Plain. It states that ADUs shall be allowed and exempt from zoning requirements in cases where such project adds no more than one (1) dwelling unit to the existing structure; does not involve any bump out, extension or construction to the existing



envelope of the structure which results in the addition of gross floor area; occurs within an owner-occupied structure; and is registered in accordance with Ch. 9-1.3 of the City of Boston Rental Registry Ordinance. The project's proposed basement dwelling unit meets all of these criteria, except the owner-occupancy requirement. This means the proposed basement unit is not considered an ADU by zoning, and is instead categorized as a standard dwelling unit, added to the structure's existing dwelling unit count and subject to the requirements of the Zoning Code.

The project's refusal letter cites the proposal with two forbidden use violations: one for the project's proposed multifamily residential use and another for its proposed basement dwelling unit. While in violation of the Code, the project's proposed multifamily residential use is one commonly found across the surrounding area, including on several of its immediately neighboring lots. Additionally, the project's new proposed dwelling unit is created not through an addition, but rather by converting already existing basement living space (currently operating as a lower level to the structure's existing ground floor dwelling unit) into a separate and distinct dwelling unit. Because of the presence of existing multifamily residential uses nearby to the project site, as well as the fact that no alterations to the existing structure's building footprint or total gross floor area are proposed nor needed to accommodate the proposed basement dwelling unit, the impacts of the potential impacts of the cited forbidden use violations will be minimal to the surrounding area. Further, the project's existing basement has two established means of egress, sufficient access to light and air through multiple window wells, and is sited outside of the City's Coastal Flood Resilience Overlay District (CFROD). These factors make the structure an appropriate, safe, and livable location for a basement dwelling unit. The proposed project's scope also includes the addition of a new sprinkler system for the basement unit and others within the building, to further increase the safety of the structure's dwelling units.

The project's remaining zoning violations - including for excessive FAR, insufficient usable open space, insufficient lot area, and insufficient off-street parking - all relate to existing building/site conditions and dimensional nonconformities, commonly found throughout the site's surrounding area and not proposed to be changed or worsened by the proposed project.

Future zoning reform in the area should consider updates which expand the allowance of MFR land uses and recalibrate dimensional regulations to better match the area's existing built context. Additionally, given the City's ongoing housing availability and affordability crises, the Planning Department should explore, through its broader zoning reform efforts, opportunities to



relax both owner-occupancy requirements for ADUs and the prohibition on basement dwelling units currently present in many of Boston's neighborhoods.

A proviso has been added to this recommendation to confirm that the basement unit's ceiling height meets the 7'6" threshold required for living space by the Building Code (no head height dimensions are listed in the project's proposed plans).

Plans reviewed titled, "31 Gay Head Street, Jamaica Plain, Massachusetts," prepared by Design Construction & Consulting Services LLC on 5/18/21.

**Recommendation:**

In reference to BOA1667294, The Planning Department recommends APPROVAL WITH PROVISIO/S: that the project's proposed basement ceiling height meets or exceeds the 7'6" minimum required for living space.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1537047
<b>ZBA Submitted Date</b>	2023-10-18
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	85 Mount Pleasant AVE Roxbury 02119
<b>Parcel ID</b>	0802582000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	Proponent seeks to demolish an existing addition and build a new larger one to convert the one-unit dwelling to a multi-unit dwelling.
<b>Relief Type</b>	Variance
<b>Violations</b>	Forbidden Use

**Planning Context:**

The proponent seeks to demolish an existing extension on the rear of the house and build a new larger one to redevelop the building to become a five-unit multifamily. The house on site is a three-story, one-unit dwelling. It is located on a lot that has a depth of 192' which is deeper in comparison to the surrounding lots. The existing house has an extension that uses the advantage of this depth allowing for more living space and a garage. The neighboring lot has a similar depth and also has a similar extension to a similarly designed house. The surrounding context is a mixture of different dwelling types and sizes. There are many multifamily buildings even in the 3-family zoned subdistrict. This project sits in the geography of the Roxbury Strategic Master Plan. Specific outlines in that plan describe the need for diversity in housing specifically with an increase of larger units as seen in this proposal and for safer residences with strong fire protection. With present building code, the project will be required to include sprinklers to protect the new residences being built.

**Zoning Analysis:**

The only zoning violation from this project is the use of multifamily being forbidden in this three-family subdistrict. This use is commonly found across the neighborhood in the same subdistrict. The project does not violate any other means of zoning that the other multifamily dwellings did because of their use. Due to the large size of the site it will not violate other zoning regulations designed to prevent excessive density of residences such as additional lot area and open space



per dwelling unit. With minimal impact on the neighborhood and being contextual this project falls in line with Section 7-3 and can be recommended for relief.

Plans reviewed "85 MT. Pleasant Avenue Residences" prepared by Khalsa Design Inc, dated August 27, 2024

**Recommendation:**

In reference to BOA1537047, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1632757
<b>ZBA Submitted Date</b>	2024-07-29
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	509 to 509A E Eighth ST South Boston 02127
<b>Parcel ID</b>	0702025000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Add a roofdeck and access stairs to an existing rowhouse.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Roof Structure Restrictions Side Yard Insufficient

**Planning Context:**

The property is a two-unit, three-story, (including a mansard top level) north-facing rowhouse in South Boston, two blocks north of Carson Beach. Proponent, the unit 2 owner, wants to build a roof deck with accompanying stairs down to the second story, entering into their unit. Many roofdecks already exist on other rowhouses on not only this block but the neighborhood at large, making this change contextually similar. Given the lack of open space on the lot itself, this change would increase usable open space for the proponent's dwelling unit.

**Zoning Analysis:**

Article 68, Section 29 states that roof structures require a conditional use permit, and that the Zoning Board of Appeal consider "whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity." Given the many examples of other roof decks on this block and surrounding area, this roof deck does not appear to affect uniformity or character accordingly. The roof deck is fully shifted to the rear of the building, with the stairway at the rear of the building as well. This minimizes impact on the public realm, making this design solution the least intrusive option available.

A conditional use permit should only be granted, per Article 6, when the following conditions are met:



(a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted; (b) the use will not adversely affect the neighborhood; (c) there will be no serious hazard to vehicles or pedestrians from the use; (d) no nuisance will be created by the use; [and] (e) adequate and appropriate facilities will be provided for the proper operation of the use. Based on the design considerations noted above and the relatively small size of the lot, these conditions appear to be fulfilled, and relief by a conditional use permit is appropriate.

Article 68, Table D states that in MFR districts, side yards must be a minimum of 3'. This building has a side yard of 1.5', which is a pre-existing nonconformity. The roof deck is not otherwise worsening this condition, and relief is appropriate. Future zoning reform should adjust dimensional conditions to, at a minimum, bring current common yard violations into conformity.

**Recommendation:**

In reference to BOA1632757, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1600486
<b>ZBA Submitted Date</b>	2024-05-09
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	7 Beaver PL Boston 02108
<b>Parcel ID</b>	0502542010
<b>Zoning District &amp; Subdistrict</b>	Boston Proper H-2-65
<b>Zoning Article</b>	13, 32
<b>Project Description</b>	Reconstruct a three-story, one-unit residential building on a site with a recently demolished building.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Rear Yard Insufficient GCOD Applicability

**Planning Context:**

This site sits within a residential area of the Beacon Hill Historic District, one block north of the Boston Public Garden, and two blocks west of Charles Street. The proponent is proposing to reconstruct a now-demolished building; a previous submission of a similar reconstruction project was approved with provisos by the Zoning Board of Appeal on December 8, 2020. The allowances granted by the Zoning Board of Appeal expired in May of 2023 and the newly proposed plans no longer include the use of stackers for parking. The building reconstruction was proposed due to a building code violation for an unsafe and dangerous condition with the front facade and the structural elements that bore it.

Given the slight change in the project's design, and the reconstruction of a formerly-existing residential building, the proposal is still appropriate for this location.

**Zoning Analysis:**

The project sits within the Groundwater Conservation Overlay District (GCOD) and thus requires a Conditional Use Permit, per Article 32. Plans must be submitted to the Boston Water & Sewer Commission for review, comment, and approval.

The project is also cited for insufficient rear yard, per Article 13. The formerly-existing building was also in nonconformity with the rear yard requirements; the proposed condition is 0' and the minimum required depth is 30'. The parcel is only 33' deep, so this rear yard requirement would





prevent any structure from being built. This presents a case for zoning reform, where the dimensional regulations here do not accurately reflect what is built today.

The provisos attached to the earlier-approved proposal included approval from BWSC with regards to GCOD, and that revised drawings show a sloped roof that matches the previously existing dwelling. The new plans indicate that the slope of the roof matches with the adjacent building at 11 Beaver Place.

Since this project is within the Beacon Hill Historic District, and is visible from the public right of way, plans will need to be reviewed by the Landmarks Commission.

Plans reviewed are titled "7 Beaver Place Boston, MA 02108," prepared by cbt, and dated September 29th, 2023.

**Recommendation:**

In reference to BOA1600486, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Boston Landmarks Commission for approval.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1623668
<b>ZBA Submitted Date</b>	2024-07-08
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	39 Charles ST Boston 02108
<b>Parcel ID</b>	0501497000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper H-2-65
<b>Zoning Article</b>	8
<b>Project Description</b>	The proponent is seeking a ground floor change of use from a coin-operated laundromat to a restaurant with takeout. The existing residential units above will remain. The proposed work would include an interior fit-out for the proposed restaurant with takeout.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Use: forbidden (use item 37); Use: forbidden (use item 36A)

**Planning Context:**

The proposed project is a ground floor change of use from a coin-operated laundromat to a restaurant with takeout. The five existing residential units above will remain. The proposed work would include an interior fit-out for the proposed restaurant with takeout. Based on the provided plans, the project will not include any exterior alterations, so additional review by the Beacon Hill Historic District is not required. 39 Charles Street is on a busy mixed-use street in Beacon Hill that has buildings with primarily restaurant and retail uses on the ground floor and residential units above. Based on 2023 satellite imagery, the site is surrounded by similar uses. This includes five other restaurants on the block, including one right next door.

**Zoning Analysis:**

This address is regulated by underlying zoning. It is an apartment residential (H-2-65) subdistrict. The project received two forbidden use citations: one for Use Item 37 (for a restaurant without dancing/entertainment), and one for Use Item 36A (for a restaurant with takeout).



The project received a violation for insufficient off-street parking. However, this neighborhood is primarily served by public transit and off-street parking could not be created without demolishing part of the existing building. In commercial and retail corridors like this one, the parking requirement should be re-examined as the team continues to modernize the Code and better align it with the existing built environment.

Moreover, the City has an inherent interest in lessening administrative burdens for small business owners, especially in cases like these where the proposed use is in line with existing surrounding uses. Future zoning reform efforts could address the issue in this area by considering changing restaurants to an allowed use, and by allowing takeout as a component of restaurant uses.

The plans were prepared by SDA and are dated March 10, 2024.

**Recommendation:**

In reference to BOA1623668, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1671553
<b>ZBA Submitted Date</b>	2024-11-15
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	31 Massachusetts AV Boston 02115
<b>Parcel ID</b>	0503892000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper B-8-120b
<b>Zoning Article</b>	8
<b>Project Description</b>	The proposed project is to open a body art establishment in one of two ground floor units at 31 Massachusetts Avenue.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: conditional (body art establishment)

**Planning Context:**

The proposed project is a change of occupancy to a first-floor body art establishment in one of two ground floor units at 31 Massachusetts Avenue. Based on 2024 satellite imagery, this commercial unit is currently vacant. The site is located on a mixed-use block with another local service use and a restaurant use on the ground floor, so a body art establishment would be aligned with existing uses. The immediately surrounding area echoes the block's mixed-use character: there is a ground-floor convenience store and restaurant with three stories of residences above.

**Zoning Analysis:**

Body art establishments (Use Item 43A) are conditional uses in this district. However, this project is in line with existing uses, which suggests that there is an opportunity to update allowed uses in the Code so that it better matches existing conditions on the block. This project satisfies the criteria listed in Article 6 for the granting of conditional uses.

The plans were prepared by DHK Architects and are dated 12/23/2014.

**Recommendation:**

In reference to BOA1671553, The Planning Department recommends APPROVAL.



Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1660634
<b>ZBA Submitted Date</b>	2024-10-09
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	372 Marlborough ST Boston 02115
<b>Parcel ID</b>	0503614000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper H-3-65
<b>Zoning Article</b>	Underlying Zoning
<b>Project Description</b>	Renovate an existing building, reducing the overall unit count from 14 units to 4 units
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Rear Yard Insufficient GCOD Applicability Side Yard Insufficient

**Planning Context:**

The proposed project includes a full interior renovation to an existing structure and a reduction from fourteen small rental units to four large homeownership units. Changes to the structure include the addition of decks at the roof, as well as levels 1 and 3 of the building. Four parking spaces are proposed to be added to the interior of the building at the garden level (level 0) in the rear of the building off of the Public Alley. The proposed changes have no effect on the exterior dimensions of the building except to reduce the roof height through removal of existing headhouse and miscellaneous roof structures. Because this project scope constitutes substantial rehabilitation and is located in a Groundwater Conservation Overlay District, GCOD regulations are triggered.

**Zoning Analysis:**

Violations of the code exist for the rear yard setback and side yard setback. The rear yard setback is cited for violations in two cases, both with respect to the absolute dimension of the rear yard, where 25% of the lot depth is required (28'), and with respect to the public alley to the rear of the site. The side yard requirement in this subdistrict is ten feet plus one twentieth of the length of the wall parallel to the side lot line. The proposed project intends to maintain the existing rear yard setback of 3.7', and the existing zero lot line conditions (party walls) on either side of the building, contextual with the surrounding conditions. The project primarily makes



changes to the interior of the structure, with limited additions to the exterior of the building, focusing on the addition of interior space at the rear of the building below grade, and the addition of patio space above the rear addition, as well as changes to roof structures. No demolition is proposed to occur. Given that the addition is below grade, it does not affect the massing of the building and thus the nonconformities are existing conditions extended by the proposal.

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 BOA1660634, 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 design review based on location in the Back Bay Architectural District.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1639584
<b>ZBA Submitted Date</b>	2024-08-13
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	149 to 151 Pearl ST Boston 02110
<b>Parcel ID</b>	0304187000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper B-10
<b>Zoning Article</b>	8
<b>Project Description</b>	Remove a "petitioner only" proviso to extend an existing conditional use approval for restaurant use with takeout to new operators.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: Conditional (Restaurant with Take-Out)

**Planning Context:**

This four-story building has an existing ground floor restaurant with take-out and is located on the corner of Pearl Street and Purchase Street, a quarter of a mile away (five-minute walk) from South Station. This area is a pedestrian-oriented environment, with generally wide sidewalks and adjacent to the Rose Fitzgerald Kennedy Greenway; the plethora of restaurants and other ground-floor commercial spaces on this block serve workers, visitors, and residents. The current tenant received a take-out occupancy conditional use granted to that petitioner only. Given that the previous tenant was granted use for take-out, granting another take-out allowance should not be cause for broader concerns within the community and continues to provide a meaningful service to this vibrant part of Downtown Boston.

**Zoning Analysis:**

The property is located within a B-10 business district in Downtown Boston. In this B-10 district, restaurants with takeout are conditional uses. Again, it is reasonable to assume that continued operation of take-out under a new owner would continue to satisfy the conditions required for approval stated in Section 6-3, as deemed appropriate by the Board of Appeal.

**Recommendation:**

In reference to BOA1639584, The Planning Department recommends APPROVAL.





Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1663235
<b>ZBA Submitted Date</b>	2024-10-18
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	3 to 17 Lothrop ST Brighton 02135
<b>Parcel ID</b>	2200690000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 3F-4000
<b>Zoning Article</b>	Article 51
<b>Project Description</b>	Building a new, eight-unit, three-story townhouse style building with an interior one-car garage below each unit.
<b>Relief Type</b>	Variance
<b>Violations</b>	Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Parking or Loading Insufficient Front Yard Insufficient Lot Width Insufficient Use: forbidden (MFR)

**Planning Context:**

This project was previously reviewed by the Planning Department for the ZBA hearing on 11/26/2024. Because no new plans have been submitted, the recommendation has remained the same.

The proposed project involves building a new, 8-unit building on a newly combined lot. The lots currently contain two buildings: a two-unit building on 7-7A Lothrop St and a three-unit building on 9-11 Lothrop St. This means the project would result in a net gain of three units. The demolition of the existing structures will need to be approved on a separate application.

The Allston-Brighton Needs Assessment Report was adopted by the BPDA Board on January 18, 2024 and identifies increased housing access and affordability as one of Allston-Brighton's greatest needs. Although this project does not contain any Affordable Units, the report also highlights that community members who participated in the engagement to create the report “promoted supply-side solutions to the housing crisis, recommending an end to parking



minimums, relaxation of zoning rules, and other measures to increase housing production in the neighborhood” (Allston-Brighton Needs Assessment Report, page 27). The proposed project aligns with this community priority identified in the Allston-Brighton Needs Assessment Report by adding three additional units to this area.

The proposed building is a three-story, townhouse style building with an interior one-car garage below each unit. The project is just outside of (or about 0.2 miles from) the study area of the Western Avenue Corridor Study and Rezoning. The study (which was adopted by the BPDA Board on October 13, 2022) recommends various transportation improvements and envisions Western Avenue as a multimodal street with a new bikeway and transitway. The study recommends a maximum parking ratio of 0.5 spaces per unit for rental projects (or 1.0 spaces per unit for condominiums) (Western Avenue Corridor Study and Rezoning, page 66). Although the project’s proposed parking ratio (1.0 space per unit) does not comply with the existing minimum parking requirement within zoning, it exceeds the maximum parking ratio recommended for projects within the Western Avenue Corridor Study and Rezoning study area. This means that the planning context would support a lower parking ratio than what is currently proposed.

Additionally, the three proposed curb cuts eliminate too much on-street parking in comparison to the off-street parking created. Without any curb cuts, there would be room for approximately seven on-street parking spaces in front of this lot. With the three proposed curb cuts, there is room for two on-street parking spaces. This means a loss of five on-street spaces for a gain of eight off-street spaces. This does not meet the Boston Transportation Department standard, which is that curb cuts added at residential dwellings need to create a minimum of two off-street spaces for every one public on-street parking space that will be removed as a result (with a preferred ratio of three off-street spaces created for every one on-street space lost). The project should be reconfigured to have no more than one or two curb cuts and a ratio of at least two off street spaces for every one on-street space lost by the curb cuts; or to eliminate curb cuts.

The project’s garages would be accessed from a shared driveway which occupies most of the front portion of the lot. It appears from the plans that there is no way for pedestrians to access the front of the units except through this shared driveway space, which creates a significant concern for pedestrian safety. The project should be reconfigured so that there are pedestrian only paths to access the front of the units.



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

**Zoning Analysis:**

Many elements of this project violate zoning regulations, but are in alignment with surrounding properties. This indicates that it may be appropriate to reform the zoning for this area to better reflect built conditions. Firstly, because this is in a 3F district, the proposed multi-family residential use is forbidden. However, there are a number of multi-family buildings existing on the block (also zoned in the 3F district), including a 12-unit building at 12 Waverly St. Additionally, the proposed project has an FAR of 1.1, while the maximum FAR allowed by zoning is 0.8. Many existing buildings in this area have FARs between 0.8 and 1. The proposed rear yard is 14 ft, and while the zoning requires 40 ft, most rear yards in the area are also between 10-20 ft. Additionally, a larger rear yard is not necessary because the rear of this lot abuts an open space, which provides access to light and air.

The proposed side yards are about 3 ft, while the zoning requires 10 ft. Other neighboring properties also have some smaller, non-compliant side yards (around 5-6 ft). This indicates also that it may be appropriate to reform the zoning for this area to better reflect built conditions. Additionally, the side yards in this area which are larger are primarily used for driveways. Creating this amount of space on the side of the lot for a driveway is not necessary for this project, as parking is instead provided in garages, which are accessed through the front of the lot. The proposed 3 ft would also still allow light and air on the sides of the building.

The project also does not meet the zoning requirement for a 20 ft front yard because the proposed front yard is 19.24 ft. This is closer to the zoning requirement than the existing buildings on the lot or most neighboring buildings.

The project is also cited for having a lot frontage violation. However, the lot frontage of 147 feet exceeds the zoning requirement of 25 feet.

The proposed usable open space is 4,164 sq ft, which does not comply with the zoning requirement of 5,200 sq ft. However, the project abuts a public park, which can be used as a shared usable open space resource for residents of this property. This minimizes the need for all usable open space to be provided on the lot. The project also does not comply with the zoning requirement of 1.75 parking spaces per unit. However, as discussed in the planning



context of this recommendation, a lower parking ratio would be supported given the project's proximity to the Western Avenue Corridor Study and Rezoning study area.

In this subdistrict, the zoning requires a minimum lot area of 2,000 sq ft for 1 unit plus 2,000 sq ft for each additional unit. This means the zoning requires the lot to be a minimum of 16,000 sq ft for an 8-unit building. The existing lot is only 12,480 sq ft. This means a minimum of 6 units could be built on this parcel while complying with the minimum lot area requirement. However, given that the project has a sufficient amount of usable open space and parking, the lot area is sufficient for this number of units and a variance for the lot area violation should be granted.

This recommendation was written using plans prepared by Adam J. Glassman, titled "7-11 Lothrop Street," and dated 7/04/2024. These plans were reviewed by ISD on 9/16/2024

**Recommendation:**

In reference to BOA1663235, The Planning Department recommends DENIAL WITHOUT PREJUDICE project should be reconfigured to reduce or eliminate curb cuts and provide safe pedestrian access to the front of the units.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1538686
<b>ZBA Submitted Date</b>	2023-10-25
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	86 Astoria ST Mattapan 02126
<b>Parcel ID</b>	1800843000
<b>Zoning District &amp; Subdistrict</b>	Greater Mattapan Neighborhood 3F-6000
<b>Zoning Article</b>	60
<b>Project Description</b>	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.
<b>Relief Type</b>	Variance
<b>Violations</b>	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 multiple times to a hearing on June 4, 2024, July 30, 2024, and December 10, 2024. New plans dated September 20, 2024 were submitted that aim to address building code violations.

Changes include removing a window well, adding a new stair down to the basement unit at the front and entrance, demolishing the existing entrance stair structure at the rear. The plans do not impact the Zoning Code violations - the BPDA'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, this rear yard addition and the entrance to the basement-accessible unit 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 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. The entrance to the basement unit is visible from the front lot line and accessible from an open side yard due to it projecting out from the side of the main dwelling.

Site plans completed by Hezekiah Pratt Architecture and Design 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, reading "Anne Rando".

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1597917
<b>ZBA Submitted Date</b>	2024-05-02
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	11 to 5 Ashmont PK Dorchester 02124
<b>Parcel ID</b>	1603092000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-D-3000
<b>Zoning Article</b>	65
<b>Project Description</b>	Build a new four-unit residential building on a vacant lot. The building will include two private roof decks and five covered parking spaces.
<b>Relief Type</b>	Variance
<b>Violations</b>	Additional Lot Area Insufficient FAR Excessive Front Yard Insufficient Side Yard Insufficient MFR- Forbidden

**Planning Context:**

The proposed project is a three-story, four-unit residential building, each unit has two bedrooms and two bathrooms. The entrance of the proposed project is located on Ashmont Park, very close to Dorchester Ave and a three minute walk to the Ashmont MBTA Red Line Station and several bus routes including the 15, 18, 215, 22, 23, 26 and 45. It is close to areas with existing multi-family residential and mixed-use buildings, and the site is located very close to several other small businesses on the ground floor, including several restaurants.

With four residential units, the project fits with Boston’s goals to increase new housing production and availability (Housing a Changing City: Boston 2030, September 2018). Located within a 3-minute walk of the Red Line’s Ashmont stop, the site is also ideally located for public transit users. Allowing denser development in the land surrounding MBTA stops to reduce dependency on cars is a key part of the city’s plan to mitigate climate change (Go Boston 2030, March 2017). The project also helps contribute towards a similar goal set by the Boston Region Metropolitan Planning Organization—to reduce emissions from single-occupancy vehicles by encouraging transportation mode shift (Destination 2050 Planning Framework, February 2023).



**Zoning Analysis:**

The proposed project site is located in a 3F-D-3000 Subdistrict within the Dorchester Neighborhood District. The proposed project has several dimensional violations related to scale and massing, including excessive FAR, insufficient front yard, and insufficient side yard. The proposed FAR is 1.49, exceeding the maximum allowed 1.3. The front yard is proposed at 4'1", below the required 5', and the side yard is 3', also below the required 5'. The proposed FAR and yard dimensions are similar to the existing dimensions found in the surrounding context.

This project underscores the need for zoning reform. Better aligning dimensional regulations with the surrounding context—especially here, where adjacent lots are already zoned for multi-family residences—would help increase housing opportunities near transit. Therefore, we recommend a variance to allow small multi-family buildings to have lot sizes out of character with the neighborhood.

Although the Refusal Letter lists off-street parking requirements as a violation, the latest revised plan shows that the total number of units has been reduced from five to four. Zoning requires one and a 1/4 parking spaces per unit, so with four units, five parking spaces are required. Therefore, the project complies with this requirement. The Planning Department does not support this level of parking, particularly in a transit-oriented development area where residents have alternative transportation options and do not need to rely on cars. Mandating such high minimum parking requirements would harm the tree canopy, reduce usable open space, increase the number of curb cuts, and create other negative impacts.

The property is located in a Neighborhood Design Overlay District and will therefore need to go through Design Review.

**Recommendation:**

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



Planning Department

**CITY of BOSTON**

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1635245
<b>ZBA Submitted Date</b>	2024-08-02
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	64 Harvest ST Dorchester 02125
<b>Parcel ID</b>	0703121000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	This proposal is seeking to build a roof deck for the exclusive use of Unit 3.
<b>Relief Type</b>	Variance
<b>Violations</b>	Height Excessive (ft) Side Yard Insufficient

**Planning Context:**

64 Harvest ST is a three-story, three-unit triple decker in a primarily residential area. The lot on which the property sits is thin and rectangular with perpendicular lot lines that are slightly askew in comparison to other parcels for similar building types. The neighborhood has a diversity of housing types including other two and three-story row houses, duplexes, and large multi-unit apartment complexes. The neighborhood has a diversity of housing types including other triple decker's, duplexes, single- unit homes, and larger multi-unit apartment buildings (six units). Dwellings in the neighborhood depend heavily on front and rear porches for usable open space making the addition of a roof deck at the subject property appropriate. However, it should be noted that there are not any other roof decks, visible by aerial imagery, in the neighborhood. The proposal includes the construction of a roof deck for the exclusive use of the third story unit.

**Zoning Analysis:**

This project is a case for zoning reform to create dimensional regulation requirements that better match the scale of the building and surrounding area. The property was cited for two dimensional regulation violations (excessive building height (ft) and insufficient side yard). Of the two violations, one (insufficient side yard) is a pre-existing conformity given the age of the house (built in 1905) and the adoption of City of Boston Zoning Code (1956).



In the 3F-5000 district (Article 65, Table C) a side yard setback of 10 feet is required but the property has two pre-existing side setbacks of 2.6 feet and 3.3 feet. The maximum building height of 35 feet is permitted in the district. The foundation for the roof deck brings the building height to 35.66 feet. The minimal increase in height is appropriate and still contextual with the neighborhood. However, the property is located in a Neighborhood Design Overlay, meant to protect this historic character of the streetscape and as such the roof deck will need to be reviewed for compliance.

**Recommendation:**

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

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1634764
<b>ZBA Submitted Date</b>	2024-08-01
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	80 G ST South Boston 02127
<b>Parcel ID</b>	0701714000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Add a 3-story addition to the rear of an existing 3-story building. Both the existing building and the proposed addition contain 3 units for a total of 6 units. The project also includes adding a ground floor parking garage under both parts of the building containing 7 parking spaces.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Additional Lot Area Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient Parking design and maneuverability Height Excessive Roof Structure Restrictions (Reconfiguration of existing roof profile) Roof Structure Restrictions (Max allowed height on parcel exceeded) Residential Use Extensions in Rear Yard

**Planning Context:**

This project was reviewed by the Planning Department for the ZBA hearing on 11/26/2024. Because no new plans have been submitted, the recommendation has remained the same.

The project proposes adding a 3-story addition to the rear of an existing 3-story building. Both the existing building and the proposed addition contain 3-units for a total of 6-units. In the area where the addition is proposed, there is currently a 3 car garage, driveway, porch, and open space. The project also includes adding a ground floor parking garage under both parts of the building containing 7 parking spaces. The parking would be accessed using an existing 30 ft curb cut.



The proposed addition would create a very large lot coverage, leaving very little permeable area on this lot. Additionally, there is a large tree existing on the parcel which (although not shown on the plans) it seems would be cut down for this project. This is not in alignment with the planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increased tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees/plantings, 2022).

The existing building is also registered as a historic building in MACRIS, so any approved addition to this building should receive Planning Department design review after Zoning Board of Appeal approval.

### **Zoning Analysis:**

The proposed parking does not comply with Section 68-33.5 (parking design). This section requires that parking areas "provide appropriate maneuvering areas located within the Lot and appropriate means of vehicular access to a Street." The parking maneuverability could be improved by reducing the number of parking spaces so that the remaining spaces can be positioned at a 60 degree angle to allow safe maneuverability entering and leaving the parking area. Additionally, to improve vehicular access to the street, the curb cut should be reduced to no more than 24 ft to meet city standards and minimize the impact on pedestrians.

The front yard requirement in this area is 5 ft. Because this is a corner lot, it must comply with the front yard requirement on both sides of the lot that front onto streets. In this case, this is the West side of the lot that fronts onto G st and the North side of the lot that fronts onto Story St. On the West side of the lot that fronts onto G st, the proposed project would not change the existing front yard setback. On the North side of the lot that fronts onto Story St, the proposed addition would create a front yard setback of 2.9 ft. Because the existing sidewalk on Story St is not ADA-compliant, the project should comply with the required zoning setback of 5 ft in order to allow adequate space for an ADA-compliant sidewalk.

The project also does not comply with the rear yard requirement of 20 ft (it proposes 5 ft) and the side yard requirement of 3 ft (it proposes 2.8 ft). This is especially relevant because there is a large tree in the South-East (or side-rear) corner of the lot. Bringing the project more in conformity with the side and rear yard requirements may allow this tree to be maintained.





The zoning requires 1,200 sq ft of usable open space for this project. The project seems to have significantly less than this, although it is not clear from the plans exactly how much usable open space the project proposes. The site plan shows "proposed balconies," but these do not show on floor plans or elevations, so it is not clear how many balconies are proposed and which units they would be accessible from. The only other open space the plans seem to show are private roof decks for units 5 and 6. Because of the large size of the addition relative to the lot, there seems to be no usable open space on the ground level. Adequate usable open space for all residents (as well as permeable area, as discussed in the planning context) is a priority and should be increased for this project.

This recommendation was written using plans prepared by Gary W. Hendren, which were reviewed by ISD on 7/30/2024.

**Recommendation:**

In reference to BOA1634764, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Applicant should consider reconfiguring parking to improve maneuverability and curb cut should be reduced. Lot coverage should also be reduced to create usable open space and permeable area, and maintain existing tree canopy if possible. Set back on Story St should be increased to allow adequate space for a minimum ADA-compliant sidewalk.

Reviewed,

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

Planning and Zoning Director, Planning Department



<b>Case</b>	BOA1669915
<b>ZBA Submitted Date</b>	2024-11-08
<b>ZBA Hearing Date</b>	2024-12-10
<b>Address</b>	36 Orient AV East Boston 02128
<b>Parcel ID</b>	0101928000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-2.5
<b>Zoning Article</b>	53
<b>Project Description</b>	Amend BOA1466729 / ERT1371317 to include a rear deck on the proposed three story building.
<b>Relief Type</b>	Variance
<b>Violations</b>	Height Excessive (stories)

**Planning Context:**

The proposed project seeks to amend BOA1466729 / ERT1371317 to include the installation of a rear deck. BOA1466729 / ERT1371317 was previously approved by the Board of Appeal in August 2023 to erect a three-story two-unit building at 36 Orient Avenue. No major changes to the previously-approved structure will be made. The changes with this proposal include extending the previously approved rear deck on the second floor to be 24 feet long and moving the deck stairs to exit from the east side of the structure instead of from the rear. This area is zoned as EBR-2.5 and contains a mix of residential dwellings that range from two and a half to three stories.

This project would further the goals outlined in PLAN: East Boston (January 2024) to guide the growth of infill development in Orient Heights. Within PLAN: East Boston, key recommendations for this area included encouraging context-sensitive development which this project meets. The expansion of the rear deck helps enhance the living spaces to meet the property owner's needs.

**Zoning Analysis:**

The refusal letter states a violation in excessive building height in stories. Under Article 53, for an area zoned as EBR-2.5, the maximum allowed building height is 35 feet or two and a half stories. The original project, approved under BOA1466729 / ERT1371317, proposed a building height of 35 feet or three stories. This was approved by the Board of Appeal in August 2023, prior to the zoning amendments for PLAN: East Boston, which were adopted by the Zoning



Commission in April 2024. As the proposed structure has already been built and the extension of the proposed rear deck on the second floor does not alter the overall height of the structure, the building height is an existing non-conformity. Both the proposed deck and stairs will not extend the height of the building as they are located on the second floor and the stairs will not extend toward the roof. The stairs will also only go down toward the ground floor. Zoning relief is warranted as Section 53-30 allows the extension of non-conformities as 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 A1636385\_ZBA Review Plan\_36 Orient ave\_11.5.24 and are dated August 5, 2024. They were prepared by Designs by Oz.

**Recommendation:**

In reference to BOA1669915, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department