



MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: January 22, 2023

RE: BPDA Recommendations(Revised)

Please find attached, for your information, the BPDA's recommendations for the Zoning Board of Appeal's Hearing scheduled for Tuesday January 23, 2024.

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



Case	BOA1547345
ZBA Hearing Date	2024-01-23
Address	1457 VFW PKWY West Roxbury 02132
Parcel ID	2010637000
Zoning District & Subdistrict	West Roxbury Neighborhood MFR
Zoning Article	Article 56
Project Description	Change of occupancy from a retail store to a Cannabis store (Recreational use) with Delivery, Courier and manufacturing (i.e. extraction, processing, packaging) location.
Relief Type	Variance
Violations	Forbidden use (cannabis) Buffer zone conflict

Planning Context:

The parcel is a 16000 square foot property in West Roxbury, with VFW Parkway to the west and the Charles River to the east. The property contains two commercial buildings, and is directly north of a Mobil gas station and another commercial building. All of these properties sit within an MFR (multifamily residential zone), because these parcels are collectively just north of the Boston Trailer Park, the only trailer park within Boston city limits. The properties to the north, east, and south of this multifamily district are all commercial.

The current use is nonconforming commercial, and applicant seeks to continue that nonconformity with a change of use for the rear building to a cannabis establishment.

Zoning Analysis:

As noted in Article 56, Table A, cannabis establishments are a forbidden use in a MFR (multifamily residential) subdistrict. Historically, the BPDA has noted in prior ZBA cases that it opposes the placement of cannabis establishments in residential zones. That general guidance notwithstanding, this parcel's status as being zoned multifamily residential unreasonably restricts its use. It is a commercial building in an overwhelmingly commercial section of West Roxbury, along a large road. The site is not well suited for residential. This cannabis establishment is a delivery business and will have no customer presence. For the purposes of being a neighbor to surrounding residences and businesses, it should have no adverse impacts. As the tenant will only occupy a portion of the parcel, the applicant notes that their business will

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not be visible from the street. This makes this location well suited for a cannabis delivery business, and relief should be granted. This location is an example of the need for zoning reform, to better rezone (at a minimum) existing but established nonconformities to allow for a more normal life cycle of commercial properties without requiring perpetual variances for existing nonconformities.

On September 13, 2023, the applicant presented their business proposal to the Boston Cannabis Board. On September 20, 2023 at the voting meeting of the Boston Cannabis Board, the Board identified that this application is within the 2640' radius from another preexisting cannabis establishment, which makes this a forbidden use requiring zoning relief in the form of a variance. The Boston Cannabis Board then voted to grant the applicant a conditional license for a cannabis establishment, pending zoning relief from the Zoning Board of Appeals for a variance. This buffer zone was then added to Inspectional Services's list of violations in their updated refusal letter dated January 12, 2024.

More specifically regarding this buffer zone, "UpTop" is another existing cannabis dispensary approximately 700-800 feet to the southeast, on the other side of VFW Parkway. The Cannabis Board, in considering this condition at the aforementioned September 20, 2023 meeting, noted that while UpTop is a customer-facing business, this applicant is limited to delivery sales, and thus there is neither geographic market competition nor an increase in customer density, making the buffer requirement unreasonably restrictive. The BPDA affirms this conclusion, and relief should be granted.

Recommendation:

In reference to BOA1547345, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1539233
ZBA Hearing Date	2024-01-23
Address	81 Furbush RD West Roxbury 02132
Parcel ID	2007525000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	Art. 56
Project Description	Demolition of an existing deck and construction of a new sunroom deck of the same size and in the same location as the existing deck.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

This project will demolish an existing 12' x 13' deck located in the southeast rear yard that is accessible via the second floor of a 2-story residential dwelling and has stairs leading to the exterior of the ground level. The proponent will construct a new sunroom deck in the exact place of the existing deck that also has a 12' x 13' floor, will include a new set of stairs, and will have a sunroom that is about 12 feet high above the deck's floor with a pitched roof. This alteration would not change the depth of this proponent's structure into the rear yard but would change the height of the deck relative to the building. The pitch roof of the new sunroom would connect to and match the design of the existing dwelling's roof and would not be taller than the roof of the main building. These proposed changes to the rear deck would not be visible from the public realm as they do not extend above the dwelling or extend into either side yard of the building.

Zoning Analysis:

This property is located within the 1F-6000 (One-Family Residential) subdistrict of the West Roxbury Neighborhood District (Art. 56). This subdistrict requires a minimum rear yard depth of 30 feet. This property has an existing rear yard nonconformity of about 21 feet and this proposed alteration would extend that nonconformity. However, this extension of the nonconformity would not encroach further than the rear yard depth that is currently established by the existing nonconformity. Additionally, the proposed vertical addition of the sunroom would not extend beyond the building's existing height nor the maximum height as allowed in this subdistrict.



Site plans completed by C&G Survey Company on November 11, 2020. Project plans completion date not provided.

Recommendation:

In reference to BOA1539233, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1486245
ZBA Hearing Date	2024-01-23
Address	1260 Boylston ST Boston 02215
Parcel ID	0504230000
Zoning District & Subdistrict	Fenway Neighborhood NS-1
Zoning Article	Article 66
Project Description	Proposed use of an Immersive Gamebox establishment on the first floor of a newly constructed building. Immersive Gamebox is closest to an "amusement game machine in a commercial space". It is a "dry" social entertainment concept where customers play in interactive smart rooms. Scope of work will include construction of interior walls, 2 single restrooms, back of house area, and associated mechanical, electrical, and plumbing.
Relief Type	Conditional Use
Violations	Conditional use: Amusement Game Machines in Commercial Establishment

Planning Context:

This project proposes an immersive game room entertainment establishment on the ground floor of 1260 Boylston, a residential building in the Fenway neighborhood. This area of Boylston Street is a major commercial and entertainment center within the Fenway neighborhood, with a very diverse array of commercial and recreational establishments -- including restaurants/bars, fitness centers, and retail stores -- situated along the street. Furthermore, the project site is located a block away from the area of the Fenway neighborhood that includes Fenway Park, MGM Music Hall, and related bars/restaurants, making this general area a lively entertainment and leisure hub for both the Fenway neighborhood and Boston overall. The proposed use would be an appropriate fit for the existing neighborhood context.

Zoning Analysis:

The project site is located in a Neighborhood Shopping subdistrict. Since the proposed use of "immersive gamebox" is not a use that is named in the zoning code, the zoning refusal letter instead has coded it as an "Amusement Game Machine in Commercial Establishment," which is



a Conditional Use when located on the ground floor of Neighborhood Shopping subdistricts in Fenway.

As outlined in Section 6-3 of the zoning code, the conditions for granting appeal of a Conditional Use are as follows:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use.

As described in the Planning Context, the area in which this project is proposed to be located is a lively commercial subdistrict with a diverse variety of entertainment, leisure, and retail uses, none of which are functionally different in terms of neighborhood impact from the proposed use. The proposed use will function as a social entertainment center where all activity will be confined to its interior, with rooms and gaming facilities expressly created for this purpose. There will be a total of 9 computer gaming pods with a maximum capacity of 6 people per pod (54 occupants total if all pods are at maximum capacity). The establishment will not serve alcohol, further ensuring that it will not contribute to nuisance or other adverse effects. Due to its exclusively interior nature, there will be no serious hazard to vehicles or pedestrians from this use. The proposed use meets all the above conditions of approval for a Conditional Use.

The project plans reviewed are titled "Immersive Gamebox, Fenway" and prepared by GMA Architects. They were reviewed by ISD on June 6, 2023.



Recommendation:

In reference to BOA1486245, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1540780
ZBA Hearing Date	2024-01-23
Address	32 High ST Charlestown 02129
Parcel ID	0203168000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	Article 62
Project Description	Confirm occupancy as one family. Seeking to renovate the existing single-family structure including a rear addition and rear decks. Nominal fee.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient

Planning Context:

The project scope proposes interior and exterior renovations to an existing single-family dwelling in Charlestown. The scope of work includes an extension of living space into a currently uninhabited basement plus a 2 -story rear addition, as well as the addition of rear decks. All proposed exterior work, including the 2 story addition and decks, will be limited to the rear of the dwelling, maintaining street wall and design continuity in this primarily 3-story, rowhouse-style, Neighborhood Design Overlay District.

The dwelling is located in Charlestown’s Original Peninsula area, a residential area of the neighborhood composed largely of historic, 3-story clapboard and wood and masonry homes, many of which were built in the late 1700s through the early 1900s. PLAN: Charlestown (September 2023) sets out planning recommendations to preserve the existing historic character of the Original Peninsula, as well as Urban Design Guidelines meant to guide any alterations, additions, or new development within the district. Since the proposed rear addition and decks will not be visible from the street, NDOD design review does not apply to this project.

Zoning Analysis:

The proposed project has nonconforming side yards of 0' on each side, while 2.5' is the minimum required by zoning. This 0' side yard dimension is a pre-existing condition of the dwelling, and is repeated on the majority of parcels along High Street, due to the rowhouse



typology that is present throughout this area of the neighborhood. This 0' side yard condition of the dwelling is extended 12' back on both the west and east sides due to the rear addition that is in line with the existing building footprint.

Due to the extension of living area into the basement, as well as the proposed two-story addition, the dwelling's FAR increases from 1.35 to 2.28. This proposed FAR of 2.28 is in violation of the maximum allowed by zoning, which is 2.0. Much of this change is due to the additional living area (an extra 771 sf) proposed within the basement. The majority of this living area (630 sf) is pre-existing built area that was not originally included in the FAR, as it was previously not used as living space. The first and second floors will also have an additional 185 sf and 162 sf, respectively, of living area added on due to the proposed rear addition. All additional living area is either pre-existing or in line with the pre-existing building footprint, and because all additions are kept to the rear of the home, the overall design of the building will change very little. All additions are within character for the existing neighborhood context. The side yard and FAR violations exemplify the need to reform dimensional regulations in the Zoning Code to allow appropriate extension of existing non-conformities in line with existing building form.

The design of the proposed rear decks appear appropriate. Since they will be constructed at the rear of the dwelling, they will not be visible from the street.

The plans reviewed are titled "Proposed Additions to: 32 High Street, Charlestown, MA" and prepared by GCD Architects. They are dated January 6, 2024.

Recommendation:

In reference to BOA1540780, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1472285
ZBA Hearing Date	2024-01-23
Address	344 Bremen St East Boston 02128
Parcel ID	0106914000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000 (3-Family Residential)
Zoning Article	53, 27T
Project Description	Proponent seeks to build 6 unit, 4 story multifamily residence on a block with similar development.
Relief Type	Conditional Use, Variance
Violations	GCOD Applicability FAR Excessive Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Parking or Loading Insufficient IPOD Applicability Height Excessive (ft) Height Excessive (stories) Use: forbidden (6 unit multifamily)

Planning Context:

The proposed project is a 6 unit, 4 story multifamily residence that will replace a single story automotive repair shop. It is abutted on either side with other multifamily buildings of a similar scale and massing. The parcel is located directly across from the Bremen Street Community Park, and less than a half a block away from a public library branch. With the exception of a small church, this is a wholly residential block. It is a six-minute walk from the Airport T station, which is served by the Blue Line and the SL3 branch of the Silver Line (bus service).

The creation of 6 dwelling units is in line with Boston’s goals of increasing available housing units as outlined in Boston 2030 (September 2018). The proposed project’s scope is also supported by the housing goals for neighborhood residential areas outlined in PLAN: East Boston, adopted in January 2024. These call for the development of contextually sensitive and appropriately-scaled residential infill projects, especially on underdeveloped lots, as a means of increasing the number of safe, affordable, and accessible housing options available to East Boston residents.



PLAN: East Boston's draft zoning, which is pending Zoning Commission consideration, places the parcel within an EBR-4 residential subdistrict. EBR-4 subdistricts permit a maximum building height of 4 stories and 50', and allow for the by-right development of multifamily residential land uses, both of which this project proposes. The site's proposed 1:1 parking ratio also aligns with the PLAN's recommendations for the area. However, the project's front, side, and rear yard setbacks, and building lot coverage, building depth and minimum permeable area of lot figures do not comply with the dimensional requirements of the recommended zoning.

Zoning Analysis:

The proposed project currently sits in a 3F-2000 (3-Family Residential) subdistrict in the East Boston Neighborhood District. This project requires an IPOD permit for two reasons: first, it was submitted in May 2023, before the sunset date of the IPOD in November 2023; and second, because it seeks to erect a structure over 1,000 square feet of gross floor area (Section 27T-5).

Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that "(a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T." Applicable provisions of Article 27T include Section 7, which states that "Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns."

A large portion of violations in this case stem from its large scale, starting with excessive FAR. The proposed project's FAR is 2.39, the currently allowed figure is 1.0. The rear, side, and front yard insufficiencies as well as the project's lack of open space are also exacerbated by the proposed structure's substantial footprint, as well as the lot's narrow nature. The project's proposed setbacks not only exceed the standard required setback dimensions listed in the subdistrict dimensional table, but also exceed the adjusted-setback requirements determined by Article 53's dimensional regulations for narrow lots (Section 53-57). Other components of the proposed project, including building height, are appropriate to the planning context established in PLAN: East Boston for four stories and 40 feet in this area.



Recommendation:

In reference to BOA1472285, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: the proponent should consider a project that reduces lot coverage and building depth, and increases permeable area of lot as well as the project's front, side, and rear yards.

Reviewed,

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Director of Planning, BPDA



Case	BOA1534938
ZBA Hearing Date	2024-01-23
Address	250 Bremen ST East Boston 02128
Parcel ID	0106354000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 53, Article 25, Article 32
Project Description	Erect new eight unit residential dwelling with parking for six vehicles on existing parking lot.
Relief Type	IPOD Permit, Variance, Conditional Use
Violations	IPOD Applicability GCOD Applicability Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Rear Yard Insufficient Use: Forbidden (Multifamily) CFROD Applicability

Planning Context:

The project proposes to erect a new multifamily dwelling with eight units, parking for six vehicles, and a ground floor commercial space on an existing parking lot. This project is located on 250 Bremen Street in East Boston. This area is currently zoned for 3F-2000 under the current Article 53 and falls under the Groundwater Conservation Overlay District (GCOD) and the Coastal Flood Resilience Overlay District (CFROD). This section of Bremen Street contains a mix of two-family and three-family dwellings that sit at three stories high.

This project falls within PLAN: East Boston, which is expected to be adopted in January 2024. In regards to housing, PLAN: East Boston aims to expand access to housing options that are affordable, stable, and able to meet households' needs as they change over time (January 2023). Under the proposed PLAN: East Boston, this project would fall under the new proposed East Boston Residential-4 (EBR-4) Subdistrict which would allow for multifamily dwellings with a maximum building height of four stories.



Under the proposed amendments to Article 53, because this project falls under CFROD, it is subject to Article 25A. Under Article 25A, this includes information on the use and dimensional regulations that the project must meet.

The proposed site also has concerns from the Disabilities Commission due to the lack of accessible routes to the second floor units. The proposed lift only goes up to the second floor and opens directly into one of the units. It would leave the remaining two units on the second floor as well as the proposed units on the third and fourth floor with no access to the lift.

Zoning Analysis:

The proposed project is currently non-compliant with the additional lot area for each additional dwelling unit, the FAR, the height of building, the usable open space, the rear setback, the off-street parking requirement, and the use. A multifamily residential dwelling is currently forbidden under Article 53. As this particular section of Bremen Street contains a mix of two-family and three-family dwellings that sit at three stories tall, a multifamily dwelling that is four stories tall and would extend into the rear yard more than the abutting properties would fall out of alignment with the neighborhood's existing context and the built environment

The proposed project is also proposing 450 square feet of usable open space for the six units when Article 53 states that the minimum is 300 square feet per unit which means that for the proposed six units would need 1,800 square feet of usable open space. This does not meet the minimum required dimension. The proposed project is proposing parking for six vehicles. However, under Article 53, the required ratio for eight units is 1.75 which means that the proposed project is not meeting the required number of off-street parking spaces for the site.

The proposed project also sits in a GCOD so it will require review by the Boston Water & Sewer Commission. Even though the proposed project sits in a CFROD, a Resilience Review is not required at this time because this project does not meet the requirements for an Article 80 review. However, it is recommended that resiliency measures are taken due to the location.



The plans reviewed are titled 250 Bremen St and are dated 10/17/2023. They were prepared by Talia Cannistra from Port One Companies.

Recommendation:

In reference to BOA1534938, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE the proponent should reduce the number of proposed units, undergo review with the Boston Water & Sewer Commission, and ensure that resiliency measures are taken.

Reviewed,

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Director of Planning, BPDA



Case	BOA1539217
ZBA Hearing Date	2024-01-23
Address	116 Evans ST Dorchester 02124
Parcel ID	1702202000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	Article 60
Project Description	Confirm as a two-family dwelling and change to a three-family dwelling. Renovate and construct third story per plans submitted.
Relief Type	Variance
Violations	Additional Lot Area Insufficient Front Yard Insufficient Side Yard Insufficient Usable Open Space Insufficient

Planning Context:

The proposed project sits in a three-family residential area less than a quarter-mile from the Morton Street MBTA commuter rail stop. The site's immediately surrounding context consists of a mix of residential land uses (1-3 family) and structures (2.5-3 stories). It is important to note that the proposed project site sits outside of the recently approved PLAN: Mattapan's study area, while being located within the Greater Mattapan Neighborhood Zoning District. Because of this, the PLAN's planning and zoning recommendations will not apply to the review of this project

The project's scope, which proposes to increase the existing structure's occupancy from 2 to 3 dwelling units, is in keeping with City planning goals of increasing housing availability, as detailed in Housing a Changing City, Boston 2030 (September 2018). 3-family residential uses are allowed by-right for the site.

Zoning Analysis:

The project's front and side yard violations are existing conditions. While each dimension is proposed to be extended, such extensions occur in the vertical plane (1 story) and do not extend beyond the horizontal bounds established by the existing structure's footprint, thus limiting each's impact.



The project's insufficient usable open space and additional lot area violations stem from the proposed increase in occupancy (from 2 to 3 units). Neither the lot's total size nor its total amount of usable open space will be altered through the project, rendering the impacts of these violations minimal.

Future zoning reform in the area should update language relating to dimensional nonconformities (to permit certain extensions that do not worsen nonconformities) and remove "# of dwelling units" as a dimensional regulator (to reduce triggered violations on residential projects whose overall built form and site design are otherwise zoning compliant).

A proviso for BPDA Design Review has been added to this recommendation to address issues relating to the structure's overall design.

Recommendation:

In reference to BOA1539217, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1540489
ZBA Hearing Date	2024-01-23
Address	26 Newburg ST Roslindale 02131
Parcel ID	2001222000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	Article 67
Project Description	Change of occupancy from 1-family to 2-family. Minor additions to the front and rear of the building, and construction of roof dormers to create a new 3rd floor unit. Extension of living space into the basement.
Relief Type	Variance
Violations	Lot Area Insufficient FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient

Planning Context:

The proposed project is located in a residential neighborhood 0.5 miles away from the Bellevue Commuter Rail Stop. The street is characterized by 2 1/2 stories and triple-decker 2-family homes.

The project proposes to change the occupancy from a 1-family to a 2-family dwelling. In order to accommodate this change, the proponent is proposing to add minor additions to the front and rear of the building, construct roof dormers to create a new 3rd floor unit, and extend living space into the basement.

The proposed massing changes are consistent in scale and style with the existing neighborhood context. The addition of the second unit through the conversion of the existing 1/2 story attic into a full story is in keeping with the planning goals of increasing housing stock near a transit stop, outlined in Housing a Changing City (2018) and Imagine Boston 2030 (2017).

Zoning Analysis:

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The required minimum lot size in this district is 5,000 sq ft for a 1 or 2 unit detached house. At 4,487 sq ft, this lot is just below this threshold. However, this is an existing nonconformity and will not be exacerbated with the proposed changes, as the minimum lot size is the same for the existing 1 unit use and the proposed 2 unit use.

The project is not compliant with the required 0.5 FAR (proposed FAR is not disclosed). The proposed changes do not render the building out of context with the other dwellings in the neighborhood.

Article 67 2F-5000's requires 2 1/2 stories and the project proposes 3 stories. As stated in the planning context, this scale is consistent with the existing context. This is an opportunity for zoning reform to update the dimensional regulations to reflect what has already been built.

Article 67 2F-5000's requires a 20' front yard, 10' side yard, and a 40' rear yard. The existing building has a front yard of 9.9' on the west side of the building. The proposed addition would bring the east side of the building facade into alignment with the west side, and therefore the front yard violation would not change. The side and rear yard violations are preexisting and would not be affected by the proposed changes.

Similarly, the project's rear (32'.9") and side yard (20'.3" and 4.4') setbacks do not exacerbate the existing nonconformity.

Lastly, the project is not compliant with the required minimum usable open space per dwelling which is $1,750 \times 2 = 3,500$ SF. Given the size of the lot is 4,487 sq ft, meeting the minimum usable open space would require a significantly smaller building footprint, smaller driveway, and garage. The proposed changes marginally increase the existing building footprint as the majority of the changes would occur within the existing structure or to the 3rd floor addition. In addition, 2-family dwellings are an allowed use and the proposed scale of the building is overall in alignment with the existing context. This implies that it may be appropriate to reform the usable open space requirement to better reflect existing conditions and make it feasible for projects of allowed uses and scales to comply.

Recommendation:

In reference to BOA1540489, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review .



Reviewed,

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Director of Planning, BPDA



Case	BOA1539221
ZBA Hearing Date	2024-01-23
Address	246R Park ST West Roxbury 02132
Parcel ID	2001775000
Zoning District & Subdistrict	West Roxbury Neighborhood One-Family Residential (1F-6000)
Zoning Article	Article 56
Project Description	Demolish existing garage to then construct a larger and taller garage.
Relief Type	Variance
Violations	Height Excessive (ft) Rear Yard Insufficient Side Yard Insufficient

Planning Context:

The proposed project is located at 246R Park ST in the West Roxbury Neighborhood District. The proposal details the expansion of an existing two car garage in the northern corner of the lot. The expansion will entail the garage being expanded from 332 square feet to 528 square feet (3.5 additional feet to the west and 5.8 feet to the south) and a new height of 20 ft and 6 in.

The proposed height and density of the project is consistent with the existing context, which also contains two-story garages and outbuildings. While there are some existing non-conformities, including on the north eastern and north western sides of the garage, the proposed expansion minimizes the negative impact by expanding away from those existing violations. Furthermore, the extension will not result in the need for new pavement or the removal of existing tree canopy.

Zoning Analysis:

The proposed project is located within the One-Family Residential (1F-6000) subdistrict. According to Section 56-40, part 7, accessory buildings may be erected in a side or rear yard; provided that no such accessory building is more than 15ft, meaning that the proposal exceeds the zoning limit by 5ft 6in. The project will not impact the surrounding tree and there appear to be garages in the surrounding area with approximate heights of 20ft. The refusal letter cites Article 56, Section 8 for height, which should refer to the primary structure. It does not cite



Section 56-40 for the accessory structure's height violation as noted above. The BPDA assumes that this accessory violation should be substituted in its place.

According to Article 56, Table D's regulations for 1F-6000, the side yard setback must be 10' minimum, and the rear yard setback must be 30' minimum. Plans for the primary structure were not provided with this appeal, but per GIS the primary structure has a side yard setback of approximately 7' and a rear yard setback of 28', both of which are violations. These remain unchanged and unaffected by the garage construction, and so these preexisting nonconformities are not being worsened, nor can they be easily rectified.

Recommendation:

In reference to BOA1539221, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1530397
ZBA Hearing Date	2024-01-23
Address	125 Redlands RD West Roxbury 02132
Parcel ID	2006036000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Alteration of existing attic living space, including removal of existing kitchen, relocation of existing bathroom, and conversion of existing bedroom (2) to study (2).
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

Imagine Boston 2030 expresses the need to preserve existing housing stock as a means for maintaining housing affordability within the city. The proposed development updates an existing housing development relative to changing needs without changing the neighborhood context. As per the Land Use and Planning section of Imagine Boston 2030, it is important to make the "regulatory review process more efficient and predictable." Thus where a variance has already been granted for excessive FAR, it would represent a hardship not to issue a continuation of the existing variance for the proposed development.

Zoning Analysis:

Pursuant to Article 56, the proposed development violates the zoning code through its excessive FAR. The FAR remains consistent through the proposed renovation and persists from the existing conditions. Additionally, the building size and height are consistent with the neighborhood. This application supports the need for zoning reform to prevent zoning violations when there are only internal changes made to existing buildings with non-conformities.

Recommendation:

In reference to BOA1530397, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1535026
ZBA Hearing Date	2024-01-23
Address	2250 Dorchester AVE Dorchester 02124
Parcel ID	1703556000
Zoning District & Subdistrict	Dorchester Neighborhood Lower Mills NS
Zoning Article	Article 65
Project Description	Move drive-thru window to the location of existing drive-up ATM and construct canopy. Install decorative fence in place of existing guardrail.
Relief Type	Variance
Violations	Parking or Loading Insufficient Rear Yard Insufficient Use: forbidden (drive-in bank) Screening & Buffering

Planning Context:

This site sits within the Lower Mills Neighborhood Shopping Subdistrict. The existing use of the property is a drive-through bank, offering a drive-up teller window and a separate drive-through ATM. The ATM and teller window are located on two separate sides of the building; this proposal includes moving the drive-up teller window to the location of the ATM, adding an additional teller window using a pneumatic tube system, and constructing a canopy. This consolidation, along with a reconfiguration of parking and replacing a guardrail with a fence all improve vehicle maneuverability on the site. Further, the consolidation to one drive-through window at the rear of the site improves the pedestrian experience along the street and reduces interactions with queuing vehicles.

This commercial area in Dorchester is home to several restaurants, bars, and consumer service establishments. It is designated as a Neighborhood Shopping subdistrict, which is intended to provide convenience goods and services to the larger neighborhood. Given the existing use of the site as a drive-through bank, it is appropriate to continue this use.



This site is comprised of nearly 90% impermeable surfaces with a combination of the surface parking lots and two commercial buildings. With a change in parking configuration and adding screening and buffering through this project, the proponent should explore efforts to increase permeable surfaces on the site, which is in line with City goals related to mitigating the urban heat island effect and mitigating flooding through water runoff.

Zoning Analysis:

This parcel is part of 3 adjoining parcels under common ownership. The proposed canopy sits on the same parcel as the bank, and the reconfigured parking is situated across the two adjacent parcels.

The existing use of a drive-through bank is forbidden in this Neighborhood Shopping Subdistrict. The applicant seeks to continue operating this forbidden use, and is flagged for this violation due to the proposed canopy and reconfiguration of the site which improves maneuverability and aesthetic design.

Pursuant to Article 65 Section 32, this site is located within the Lower Mills East Neighborhood Design Overlay District. The proposed canopy addition is designed in a similar style and using similar materials as the primary bank structure, and maintains the character of the building.

The project is cited for violating the minimum 20' rear yard requirement due to the newly proposed canopy. However, upon further review of the provided plans, the canopy is situated at least 25' away from the nearest property line.

The project is sited for insufficient parking; there are 18 existing parking spaces, 8 of which are located next to an adjacent commercial building under common ownership and marked "Bank Parking Only." These 8 spaces are being reconfigured to improve maneuverability and the proposed plans do not indicate a "Bank Parking Only" sign, resulting in 10 parking spaces for the bank use. Per Article 65 Section 41, this land use would require 5 parking spaces (1.0 per 1,000 GSF). This modification of parking does not result in a zoning violation.



Pursuant to Article 65 Section 39, the proposed wooden fence along the property line to the South does not satisfy Screening & Buffering requirements. As this is situated next to a residential subdistrict, such screening must include "trees and shrubs densely planted in a strip of at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence." The proponent should implement alternative screening & buffering measures after design review with the BPDA.

Finally, given the change in parking configuration and screening & buffering requirements, BPDA design review is recommended to confirm maneuverability, parking layout, and an increase in permeable surfaces on the lot through screening and buffering. Further, the 27' curb cut along Richmond Street should be reduced to 12', per the standard Public Improvement Commission practice for parking lots with fewer than 50 vehicles.

Plans reviewed are titled "2250 Dorchester Ave - Dorchester, MA", prepared by New Phase Design, and dated August 24th, 2023.

Recommendation:

In reference to BOA1535026, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to parking layout and maneuverability, decreasing curb cut widths, improving the screening and buffering measures, and increasing permeable surfaces on the lot.

Reviewed,

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Director of Planning, BPDA



Case	BOA1512575
ZBA Hearing Date	2024-01-23
Address	115 Adams St Dorchester 02122
Parcel ID	1501589000
Zoning District & Subdistrict	Dorchester Neighborhood
Zoning Article	3F-D-3000
Project Description	Creation of a 3 Story, 12 Unit apartment building with garage, roof deck, and Elevator
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Parking or Loading Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient Rear Yard Insufficient Usage - Multi Family Residential

Planning Context:

Reuse of vacant land for infill residential development is well aligned with housing production goals, as detailed in Housing a Changing City, Boston 2030 (September 2018). The subject parcel is located at the end of a residential block, abutting both public open space and private residential land uses. Apart from the neighboring Ronin Park, the site is surrounded by a residential fabric that closely hews to the use and dimensional standards of its underlying 3F-D (triple-decker) zoning. Few precedents for the proposed scale and building typology are found in the surrounding area.

Zoning Analysis:

This parcel is located in a 3F-D zoning district that was created in order to encourage the development of triple-decker housing. Multiple dimensional violations stem from a proposed lot coverage and scale that is incongruous with both the underlying zoning and built context. The proposed multi-family use (12 units) is forbidden by the zoning code in this subdistrict. The building site does not have enough additional square footage (2,000 SF per unit) to be within zoning regulations, and it does not have the needed open space required per unit.



The area is zoned for triple deckers, and development surrounding the parcel in question has stayed largely consistent with the original zoning. This project is much wider and deeper than many of the other developments nearby. The proposed project's lot coverage is excessively high, given the context of zoning and other dwellings in the area.

The excessive height of the proposed project is only in relation to the head house that allows for access to the roof; the proposed height is consistent with the contextual heights of the surrounding neighborhood. Impacts of height are mitigated by the proposal's location at the base of a retaining wall, below the grade of the abutting park.

Recommendation:

In reference to BOA1512575, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE.

Reviewed,

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Director of Planning, BPDA



Case	BOA1498625
ZBA Hearing Date	2024-01-18
Address	4 to 6 Milton Avenue, Dorchester MA 02124
Parcel ID	1701602000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3 Family Residential (3F-5000) Local Convenience (LC) Local Industrial (LI)
Zoning Article	60
Project Description	Owner seeks to add 6 spaces for used car sales in an empty area of car repair business. Entrance is through the garage
Relief Type	Conditional Use
Violations	Use: Conditional (used car sales)

Planning Context:

The proposed project is located in the Greater Mattapan Neighborhood District, within the 3F-5000, LC, and LI subdistricts. The proposed alterations are interior only– 6 parking spaces to be painted on for the purpose of selling used cars in an empty space on the premises, with an entrance through the garage. The immediate abutting lot to the east is residential, and the lot to the southwest of the parcel is empty. This parcel is part of a larger cluster of small businesses and institutions located less than a block away along Norfolk Street, including a church, a Jamaican restaurant, and a hair salon. The site is about 6 blocks away from the Talbot Avenue T stop on the Fairmount Line.

Given the parcel’s proximity to the Talbot Avenue T stop, the Fairmount Indigo Planning Initiative Corridor Plan should also be considered (September 2014). Recommendations from the study include supporting a variety of small businesses and championing wealth creation opportunities within the neighborhood.

Zoning Analysis:

Section 6-3 lays out the requirements for a conditional use approval, and the proposed project meets these standards. The slight change in use is not substantial (from a repair shop to a repair shop that sells up to six used cars at a time) and is appropriate for the location. There are



no serious adverse effects, no serious added hazards to drivers or pedestrians, no apparent nuisance, and a parcel this size in this district does not require off-street loading.

The last standard to meet for a conditional use approval is the “adequate facilities” provision. While the proposed project would require the addition of .5 off street-parking spaces (separate from the existing space inside the business that will be used to store the used cars), this is a minor deviation from the code and represents a case for zoning reform. The additional off-street parking space is not necessary for this project.

Recommendation:

In reference to BOA1498625, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1415566
ZBA Hearing Date	2024-01-23
Address	22 Torrey St Dorchester 02124
Parcel ID	1701731000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	Article 65
Project Description	Erect three story 5 unit building with 5 off-street parking spaces on newly created lot consisting of 49371 sf.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Parking design and maneuverability Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Front Yard Insufficient Forbidden MFR Use; Insufficient Lot Size

Planning Context:

This project was reviewed by the BPDA in December 2023. No changes have been made to the proposal since its last review, so the BPDA recommendation remains the same. It was deferred at the December 12, 2023 ZBA Hearing.

The project is located on a corner lot in Dorchester in a 3F-6000 subdistrict, one block away (<500 feet) from a Neighborhood Shopping and a Local Convenience District along Washington St. Washington St is lined with apartment buildings, bus stops, community amenities, and retail shops. Within its immediate vicinity, the project is abutted by a triple-decker to its East, and a garden and triple-decker to its North. To its West, the project is abutted by a 2 1/2 story dwellings and similarly designed triple-deckers. The proposed project is consistent in scale and massing within the neighborhood context.



The project proposes to erect a three-story, 5-unit multi-family dwelling on 4971 SF of a proposed subdivided lot (Filed in conjunction with ALT1357306 26 Torrey St subdivision). The construction of the 5-unit dwelling is in keeping with the planning goals of Housing a Changing City, Boston 2030 (September 2018) of increasing housing stock. Additionally, increasing housing stock near a commercial corridor encourages and supports a mixed-use core which is in keeping with goals outlined in Imagine Boston 2030 (September 2018).

Zoning Analysis:

The proposed project is in violation of the maximum 0.4 FAR at 1.13, minimum 50' lot width at 41.9', minimum 50' lot frontage at 44.23', maximum 2 1/2 stories at 3 stories, minimum 15' front yard at 9'.1" (17'.9" on another corner front yard), minimum 10' side yard at 0.2" (L), 3'.1" (R), and 5'.8"/6'.4".

While the proposed FAR is greater than the maximum FAR, the project is consistent in scale and massing within the neighborhood context. However, given that this project is infill development, the project should increase its side yard, particularly the 0.2" (L) side yard along Moody St, in turn reducing its FAR. Additionally, the project should increase its front yard to match the front yard setback of its neighbor, 26 Torrey St.

The lot width and lot frontage cannot be increased as the side yard separating the existing dwelling on 26 Torrey St cannot be decreased in a manner that will comply with the Building Code.

The project is proposing 5 units and is thus required to provide 1.25 parking spaces per unit. The project proposes 5 parking spaces, just shy of the required 6.25 units. This proposal is consistent with City's goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).



Recommendation:

In reference to BOA1415566, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to increasing the side yard from a zero lot line and front yard to ensure streetwall continuity.

Reviewed,

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Director of Planning, BPDA



Case	BOA1415562
ZBA Hearing Date	2023-12-12
Address	26 Torrey ST Dorchester 02124
Parcel ID	1701731000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	Article 65
Project Description	Subdivide 8,330 SF lot into two lots. Lot A shall have 3,359 sf and maintain existing 3 family with three off street parking spaces. Lot B shall contain 4971 sf and be newly identified as 22 Torrey Street with a proposed easement access from Moody Street to Torrey Street for access to parking space by 26 Torrey Street. Application is filed in conjunction with ERT1353053 for structure and other proposed off-street parking.
Relief Type	Variance
Violations	FAR Excessive Lot Width Insufficient Lot Frontage Insufficient Side Yard Insufficient Parking design and maneuverability Insufficient Lot Size

Planning Context:

The project is located on a corner lot in Dorchester in a 3F-6000 subdistrict, one block away (<500 feet) from a Neighborhood Shopping and a Local Convenience District along Washington St. Washington St is lined with apartment buildings, bus stops, community amenities, and retail shops. Within its immediate vicinity, the project is abutted by a triple-decker to its East, and a garden and triple-decker to its North. To its West, the project is abutted by a 2 1/2 story dwellings and similarly designed triple-deckers. The proposed project is consistent in scale and massing within the neighborhood context.

The project proposes to subdivide the existing 8,330 SF property into two parcels. The existing three-family dwelling would remain on 3,359 SF of the lot and an additional multi-family dwelling is proposed for the remainder of the lot (Application is filed in conjunction with ERT1353053 for structure and other proposed off-street parking.)



The division of the lot to accommodate 5-additional units is in keeping with the planning goals of Housing a Changing City, Boston 2030 (September 2018) of increasing housing stock. Additionally, increasing housing stock near a commercial corridor encourages and supports a mixed-use core which is in keeping with goals outlined in Imagine Boston 2030 (September 2018).

Zoning Analysis:

Given the reduced size of the lot through the proposed division of the lot, the existing dwelling is in violation of the maximum 0.4 FAR, minimum 50' lot width at ~30', minimum 50' lot frontage at 35.93', minimum 10' side yard at 5.1' (existing non-conformity) and 3.0', and minimum 6,000 SF lot size at 3359 SF. Lastly, the project's parking design and maneuverability is in violation of Section 65-41's design of space sizes and clear access regulations. The proposed project should increase the side yard fronting the 22 Torrey St lot which would in turn increase the lot frontage and lot width.

The parking design and maneuverability violation is an existing nonconformity as no changes are proposed for the parking.

Recommendation:

In reference to BOA1415562, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE with attention to increasing the side yard fronting the proposed 22 Torrey St lot.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1443137
ZBA Hearing Date	2024-01-23
Address	43 to 45 Stanton ST Dorchester 02124
Parcel ID	1702029000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	Art. 55 - Sec. 65-41, Art. 65 - Sec. 8, Art. 65 - Sec. 9, Art. 65 - Sec. 41
Project Description	Change of occupancy from convent to multifamily with 14 dwelling units with 16 parking spaces (reduced from 19 spaces on 11/06/2023 and added an HP parking space). Renovations of the existing structure, a four-story rear addition, and the addition of new systems such as a sprinkler system. Demolition of an existing one-story garage in the rear yard.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Rear Yard Insufficient Parking or Loading Insufficient Height Excessive (stories) Use - Multifamily

Planning Context:

This project proposes to renovate an existing three-story, 8,725 sq ft building that is currently used as a convent and to add a new four-story rear addition. The proposed renovation and addition will create 14 housing units and 16 parking spaces. This project was reviewed by the BPDA in July 2023, September 2023 and November 2023, and was recommended for Denial without Prejudice to the ZBA in all instances. The ZBA deferred the application on 7/25/2023, 9/26/2023 and 11/14/23.

The proposed rear addition will increase the building's gross floor area to 19,974 sq ft and therefore the project will be only 26 sq ft below the threshold for Article 80 Small Project Review. Although Article 80 review is not required for this project, its large scale means that extra attention should be paid to mitigating the impacts of the project on its surroundings, protecting and enhancing the public realm, and ensuring compliance of the project site design with the intent and purpose of the Zoning Code.



The existing site is unique in that it is larger than adjacent surrounding lots on the block by 4,000 sq ft or more and has existing front and rear yard parking spaces taking up much of the lot. The living area of the existing building is 3,000 sq ft or more than the living area of other adjacent buildings on this block in the same three-family (3F-6000) subdistrict. This is due to the property being formerly part of a large church to its north and its size being relatively appropriate when its accompanied use was related to that religious institution. Due to its large size, this property has existing zoning violations that the proposed project exacerbates and leads to further misalignment with the surrounding built context.

The proposed multifamily residential use aligns with the previous convent use by proposing more than three residential units in a structure that can and has accommodated that living function. This adaptive reuse project aligns with the goals stated in *Housing a Changing City, Imagine Boston 2030* (2017) by increasing housing units and preserving an existing building that was used for residential purposes for new housing opportunity.

However, the physical scale of the proposed addition is significantly misaligned with the existing building's height and with the height of existing, surrounding buildings. Most of the surrounding residential buildings are at or below three stories, including the existing building. While the proposed extension into the large rear yard is appropriate to accommodate more housing units, the proposed height for the addition exceeds the existing pattern for residential buildings and would be significantly visible to the public realm from the rear due to it being one story higher than the existing building.

The scale and impact of the building and site design are difficult to determine because the project plans do not provide enough three-dimensional detail of the project in context. The BPDA's Urban Design staff recommend that for a project this large in size, three-dimensional renderings are needed to better evaluate its appropriateness and needs for further mitigation as it pertains to scale and design alignment.

The proposed project design features a rear overhang for the addition above the proposed rear parking spaces that BPDA Urban Design staff have flagged as contradictory to the site's context and would require further redesign. Additionally, while the proposed number of parking spaces does not meet the required zoning parking minimums for the neighborhood district (1.5 spots to



14 dwelling units = 21), the proposed 16 parking spaces do not align with the City's goal of reducing dependence on private vehicles, as detailed in Go Boston 2030 (March 2017).

After the September 2023 deferral, the project plans have been changed to remove all proposed front yard parking spaces, reduce the number of parking spaces from 19 to 16 spaces, add an interior bike parking room with 16 bike parking spaces to the ground floor, convert the existing concrete front yard to a landscaped permeable lot area with a walkway, and change the proposed roof for the rear addition from a flat roof to a hipped roof to align with the existing building's historic architecture as a site within a Boston MHC Historic Inventory Area. These changes were a result of the community review process and initial review by ISD, as stated by the proponent in the project plans.

Zoning Analysis:

This property is located within the Three-Family Residential (3F-6000) subdistrict of the Dorchester Neighborhood District (Art. 65).

The 3F-6000 subdistrict requires a maximum floor area ratio (FAR) of 0.4, a maximum height in stories of 2.5 stories, a maximum height in feet of 35 ft, and a minimum rear yard depth of 30 ft (Art. 65 - Sec. 9). Due to the existing building's size as detailed in the planning context, both excessive FAR and excessive height are existing nonconformities for this building with an FAR of 0.52, a height of 3 stories, and a height of 37 ft. This project worsens these existing violations by proposing an increased FAR of 1.2, an increased height of 4 stories, and an increased height of about 49 ft. The rear yard addition also triggers a new insufficient rear yard depth violation with a reduced rear yard of 13.1 ft. These violations are a result of the proposed rear addition which would be taller in height than the existing building and which introduce a fourth story and about 12 additional feet in height. The design change from the originally proposed flat roof on the rear addition to an architecturally-appropriate hipped roof also increased the already-excessive height in feet.

The multifamily residential (MFR) use is forbidden in this subdistrict (Art. 65 – Sec. 8), but as stated in the planning context the proposed change of occupancy to multifamily residential is an appropriate land use change due to the previous use as a convent that could accommodate living arrangements. The existing building could accommodate a small multifamily use, but



further attention must be paid to how many more units this site can feasibly accommodate without producing a significant impact that this area is not appropriately regulated to receive.

Article 65 Table F (Art. 65 – Sec. 41, Off-Street Parking Requirements) requires 1.5 parking spaces per dwelling unit, which would require 21 parking spaces for this proposed development. The updated plans have reduced the originally proposed 19 spaces to 16 parking spaces, which worsens the parking insufficiency violation that the original plans already triggered. The number of parking spaces still do not align with the City's goal of reducing dependence on private vehicles, as detailed in Go Boston 2030 (March 2017). This violation signals a need for zoning reform in this subdistrict to better align off-street parking requirements with City policies around reducing private vehicle reliance.

Article 65 Table G (Art. 65 – Sec. 41, Off-Street Loading Requirements) requires 1.0 off-street loading bay for projects with a gross floor area greater than 15,001. The proposed project is not proposing an off-street loading bay for projects. Loading zones are applicable to active loading and unloading of commercial vehicles. Given that the proposed project is residential, a loading bay for commercial vehicles is not a necessity. This violation signals a need for zoning reform in this subdistrict to prevent larger fully residential projects like this from triggering off-street loading requirements that should be reserved for commercial uses.

Site plans completed by Control Point Associates, LLC on January 12, 2023. Project plans titled "Proposed Site Plan" completed by Context on August 3, 2023.

Recommendation:

In reference to BOA1443137, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Due to the size of this project, the proponent should submit more detailed building and site plans that include three-dimensional renderings to better evaluate project scale and impact. The proponent should also consider redesigning the rear addition for better alignment to the existing building with attention to height in the context of this residential fabric, parking design and overhang, and visibility of the addition from the public realm. Part of the parking redesign should also include further reduction and consolidation of parking spaces.



Reviewed,

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Director of Planning, BPDA



Case	BOA1479078
ZBA Hearing Date	2024-01-23
Address	841 Columbia RD Dorchester 02125
Parcel ID	1303314000 + 1303313000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	Article 65
Project Description	Combine parcels 1303313000 and 1303314000 to create new 7,098 sqft lot to be know as 841 Columbia Road. Erect new residential structure with 6 dwelling units and 6 parking spaces. Project will include one affordable unit.
Relief Type	Variance
Violations	Height Excessive (stories) FAR Excessive Lot Frontage Insufficient Side Yard Insufficient Front Yard Insufficient Parking or Loading Insufficient Forbidden Use (MFR)

Planning Context:

This project was previously recommended by the BPDA for Denial without Prejudice on 11/28/2023 and was deferred by the ZBA at that hearing. The most recent plans reviewed by ISD for this project are dated 09/01/2023. No revisions have been submitted since the 11/28/2023 hearing. The previous recommendation for this project, as detailed below, remains the same due to the lack of change in the proposed plans between ZBA hearing dates.

The proposed project sits in a three-family residential subdistrict along Columbia Road. It is located less than a 1/4 mile from the JFK/UMass MBTA stop. The site also sits within a Restricted Parking District and the Coastal Flood Resilience Overlay District.

The project proposes to combine two lots and erect a 6 unit residential structure, including basement living space. The lots are currently paved over and occupied by an 8 car garage. This scope, which replaces existing surface parking with housing, is consistent with both City



planning goals: to encourage appropriately-scaled residential infill development and create new housing (Imagine Boston 2030, 2016).

Because of the site's location in the CFROD, BPDA Urban Design and Climate Resilience staff strongly recommend the removal of Unit 1/2's basement living space. Basement dwellings are also forbidden for the site by zoning.

Zoning Analysis:

The project proposes a 6 unit residential structure on a double lot. The maximum occupancy allowed by zoning is 3 dwelling units per structure. Several semi-attached "6-pack" residences exist immediately surrounding the property. Because of this context, as well as the site's proximity to transit (<1/4 mile to JFK/UMass T stop), future planning efforts should seek to introduce MFR zoning for the area that accommodates multifamily uses in these common building forms.

The project's insufficient lot frontage and front yard setback are mitigated by the lot's location. The lot is setback ~35' from Columbia Road, behind another lot, and fronts a private access road that dead ends at the project site. Both the front and side yard setbacks align with the existing building alignment and setback conditions of the project's neighboring residences.

The project's proposed height (3 stories > 2.5 stories) and FAR (1.1 > 0.5) violations are conditions shared by the majority of the site's surrounding parcels. Less than 20% of the site's surrounding structure's comply with the FAR requirements of the area (majority ranging from 0.9 to 1.2). Future zoning reform efforts in the area should look to better align dimensional regulations, especially FAR, with what already exists.

Basement dwelling units are forbidden for the site by zoning in the Dorchester Neighborhood District (Art. 65 – Sec. 8) and are a further concern because this site sits within the Coastal Flood Resilience Overlay District (CFROD), exposing those units to flood risk.



While insufficient by the Code's standards, the project's 1:1 parking condition exceeds BTB's recommended maximum figure for the area (0.75 space/dwelling).

Recommendation:

In reference to BOA1479078, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE the proponent should explore a project which removes basement living space for units 1 and 2, reduces the number of parking spaces, and increases the permeable area of the lot.

Reviewed,

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Director of Planning, BPDA



Case	BOA1535335
ZBA Hearing Date	2024-01-23
Address	98 Bennington ST East Boston 02128
Parcel ID	0106580000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 53, Article 27T, Article 32
Project Description	Change occupancy from three 3 to four 4 unit residential dwelling remodeling erecting vertical addition with roof deck new rear decks extending living space 1 into basement
Relief Type	Variance,IPOD Permit
Violations	GCOD Applicability Additional Lot Area Insufficient Side Yard Insufficient Roof Structure Restrictions IPOD Applicability FAR Excessive Height Excessive (ft) Height Excessive (stories) Parking or Loading Insufficient Use: Forbidden (Multifamily)

Planning Context:

The property is located in a 3F-2000 residential subdistrict along Bennington Street, two blocks from East Boston's Central Square. It is also a part of the East Boston Interim Planning Overlay District (IPOD), implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and zoning protections were in place to guide and regulate new construction in the area. Projects within the IPOD should protect and enhance the neighborhood's existing context, in part by creating appropriate relationships of scale and continuity in character between established districts and new development.

The surrounding area is predominantly 3 story, 1-3 family homes. The existing building at 94 Bennington St is currently the same size and form as the abutting buildings. The proposed addition would make the building out of alignment with the neighborhood's existing context.

Zoning Analysis:



This proposed project requires an IPOD permit because it is within the East Boston IPOD Study Area and seeks to make an exterior alteration changing the cornice line, street wall, or building height of an existing building, (Article 27T Section 5). Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T. Applicable provisions of Article 27T include Section 7, which states that "Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns. Proposed Projects should also incorporate appropriate resiliency measures." The proposed project is not consistent with these elements, as Bennington Street's existing context largely consists of 3 story residential structures with average FARs of roughly 1.2, which is approximately in line with current zoning regulations (max height of 3 stories and FAR of 1.0). Therefore, the proposed project (with height of 4 stories and FAR of 1.64) should not receive these zoning variances. Article 27T Section 8 also states that the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an IPOD permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.

This project was previously reviewed by the BPDA for the ZBA hearing on November 28, 2023. Because no new plans have been submitted, the BPDA's recommendation has remained the same.

Recommendation:

In reference to BOA1535335, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1533260
ZBA Hearing Date	2024-01-23
Address	106 Barnes AVE East Boston 02128
Parcel ID	0101367001
Zoning District & Subdistrict	East Boston Neighborhood Two-Family Residential (2F-4000)
Zoning Article	53
Project Description	As proposed, project would add 2 dwelling units to the structure in 2-family subdistrict. One proposed unit in the basement is flood-prone and below DFE levels.
Relief Type	Variance
Violations	Parking or Loading Insufficient Forbidden use

Planning Context:

This project previously received a Denial without Prejudice recommendation that advised the proponent to “pursue a project with two units that does not extend living space below the Sea Level Rise Design Flood Elevation (SLR-DFE), that complies with the maximum two-family residential land use requirement, and that complies with the 1.0 off-street parking ratio for this subdistrict.” This could have been achieved by removing the basement unit from the plans while keeping the second dwelling unit.

PLAN: East Boston, adopted in January 2024, puts the parcel within the new EBR-2.5 subdistrict with a maximum of two dwelling units and a maximum of 2.5 stories. While the plan calls for more housing, it also details the neighborhood’s significant vulnerability to both coastal and inland flooding (January 2023). This was one of the concerns raised in the previous recommendation, and it does not appear to have been addressed with updated plans.

These unchanged plans still show a basement unit below the SLR-DFE height. The lot is within a FEMA Flood Hazard Area, and is a part of the Coastal Flood Resilience Overlay District (CFROD). Current flooding and predicted future flooding patterns suggest that the use of this basement for housing could pose a health or life risk to future occupants. Developing this unit

BOA1533260

2024-01-23

1 Boston Planning & Development Agency



also runs contrary to the draft Flood Resiliency Design Guidelines, which advise against the development of basement housing when it is below the SLR-DFE height (September 2019).

Zoning Analysis:

The proposed project is located in a 2F-4000 residential subdistrict. It proposes to increase the occupancy of the existing two-story structure from 1 to 3 dwelling units, including a basement dwelling unit. Existing adjacent buildings within this subdistrict are mainly one- or two-family residential dwellings. The proposed three-family residential use does not align with the predominant land use pattern in this context.

There are currently two parking spaces on the eastern portion of the lot. In the East Boston Neighborhood District, 1.0 parking spaces are required per dwelling unit for 1-3 unit dwellings (Article 53, Section 56). This lot has a driveway with two existing parking spaces. While no changes are proposed to parking design or configuration, the increase from 1 to 3 dwelling units triggers a parking violation, leaving the proposed parcel with less parking than required.

While not listed on the refusal letter, it appears that the proposed project would also be subject to East Boston IPOD regulations because it was submitted to the ZBA during the period when the IPOD was still in effect (Section 27T). Section 27T-8 lays out the standards that must be met for the issuance of an IPOD permit, including that the proposed project's benefits must outweigh its burdens. Given the substantial risk to health and life posed by flood risk for the basement unit, the project does not meet this standard.

Recommendation:

In reference to BOA1533260, The Boston Planning & Development Agency recommends DENIAL .



Reviewed,

Director of Planning, BPDA



Case	BOA1539060
ZBA Hearing Date	2024-01-23
Address	19 Pinecliff Rd, West Roxbury 02132
Parcel ID	2003008000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	Art. 56 Sec 7, Art. 56 Sec. 08
Project Description	Proposes a 3rd unit on the 3rd floor of an existing 2-family building.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Use: Forbidden (Three-family)

Planning Context:

The proposed project renovates the 3rd floor attic space of a 2-family building into a third unit. The changes do not alter the exterior of the house and the existing building is similar in scale to 2 to 3 story buildings in the area. The project thus supports the retention of existing buildings and adding additional housing with minimal impacts. The changes also align with the provisions of the City’s Additional Dwelling Unit program if the project were put forward by the homeowner.

The site is two lots west of a portion of Washington St. characterized by 2 and 3 family buildings. Adding additional housing options aligns with planning goals of improving housing stock.

Zoning Analysis:

Article 56 Section 7 limits the district to single family, but the lot is directly around the corner from a higher density street that includes a mix of 3F and multifamily buildings. This is a case for zoning reform that better reflects the existing context and uses.

Article 56 Section 8 limits the FAR to a maximum of 0.4. The proposed third floor unit would exceed the FAR, but as the project does not involve changes to the exterior, it will not impact the physical character of the neighborhood.

Future zoning reform for the area should consider updates to the use and dimensional regulations to better align with the existing context.



Recommendation:

In reference to BOA1539060, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1535266
ZBA Hearing Date	2024-01-23
Address	176 Minot ST Dorchester 02122
Parcel ID	1604042002
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	Article 65
Project Description	The building currently has 2 residential units (on the 2nd and 3rd story) and one commercial unit (on the ground floor and the basement). The project is proposing turning ground floor and basement (existing commercial portion of the building) into two residential units. There would be no exterior changes.
Relief Type	Variance
Violations	FAR Excessive Use: forbidden (multifamily and basement unit)

Planning Context:

The proposed project is on a residential street characterized by three story, three-family homes. The proposed project does not require any exterior additions which would bring the building out of alignment with the surrounding area in terms of building form. In terms of use, the project proposes 4 units, which is one unit greater than most buildings on this block. However, the two proposed residential units would replace an existing two story commercial use, and so the two proposed residential units do not represent a significantly higher impact use than what currently exists on the lot. In addition, adding more living space to existing dwellings is in keeping with planning goals of preserving housing stock and increasing housing availability and flexibility for growing living arrangements, as detailed in Housing a Changing City, Boston 2030 (September 2018).

Zoning Analysis:

Because this project proposes making this building four residential units, this would be considered a multifamily residential use, which is forbidden in this 2F district (Article 65 Table A). However, most other buildings on this block are three units, which indicates that the 2F designation of this area may need to be updated to better reflect the existing context.



In addition, Section 65.8 of the Code states “Dwelling Units in Basements are forbidden in the Dorchester Neighborhood District.” This provision exists to help prevent poor living conditions caused by dwelling units with insufficient access to light and air. However, the slope of this property makes it more suitable for a basement dwelling as some of the basement is above grade. In addition, a proviso for no building code relief has been added to this recommendation to ensure that the basement unit complies with all life safety regulations regarding basement dwelling units.

The project also received a zoning violation for excessive FAR. However, Article 65 Section 43 of the Zoning Code states that "A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements." The building was constructed in 1905 and basement space approved in 1986, both before Article 65 was adopted in 2002. The FAR nonconformity is therefore pre-existing and the project does not increase the nonconformity.

Recommendation:

In reference to BOA1535266, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1547581
ZBA Hearing Date	2024-01-23
Address	14 Hillside St, Mission Hill 02120
Parcel ID	1001116000
Zoning District & Subdistrict	Mission Hill Neighborhood 2F-4000
Zoning Article	Art. 59 Sec. 7, Art. 59 Sec. 37
Project Description	Change of occupancy a 3-family home.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Use: Forbidden (Three-family)

Planning Context:

The project is located in a Mission Hill neighborhood that has a mix of 2 and 3 unit buildings. It is within a 10 minute walk to transit centers including the Roxbury Crossing T-stop and bus stops at Tremont St. and Columbus Ave. The project proposes renovating the interior of an existing building to change occupancy to a 3-family home. Several other buildings in the area have been converted to include three units. The project preserves existing housing while providing more housing options, aligning with the goals of the 2018 Housing a Changing City plan.

Zoning Analysis:

The project is in a small 2F-subdistrict surrounded by 3F-subdistricts, with the majority of the street, including the lots across the street from the project, zoned as 3F. The neighboring property in the 2F-subdistrict is also a three-unit building. This is a strong case for zoning reform to better reflect the variety of 2F and 3F uses in the area.

By Article 59 Section 37 standards the project requires 3 off-street parking spaces, 1 per dwelling unit. There is space for 2 parking spaces in the existing driveway. This project should be considered an example of the need for zoning reform with respect to parking minimums. Reduced or eradicated parking minimums would encourage as-of-right projects like these that are located nearby transit centers.



Recommendation:

In reference to BOA1547581, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1535768
ZBA Hearing Date	2024-01-23
Address	297 Bunker Hill St. Charlestown 02129
Parcel ID	0201536000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	Art. 62
Project Description	The project intends to rebuild and enlarge an existing detached garage located at the rear of a residential building, merging it with the residential building through the creation of a mudroom, and creating a rear deck over the new connection and garage. This deck would be accessible via the first floor. In addition to this, the project also intends to develop a roughly 100 square foot roof deck on top of its existing mansard roof. The roof deck would be accessible through a new staircase from the third floor.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Rear Yard Insufficient Side Yard Insufficient NDOD Applicability Usable Open Space Insufficient Roof Structure Restrictions

Planning Context:

The project is located on a corner lot in the Charlestown Neighborhood District, within a Three-Family Residential (“3F”) Subdistrict. This project is located in the Original Peninsula area of the neighborhood, where urban design guidelines from PLAN: Charlestown also apply. As described in PLAN: Charlestown, developments in the Original Peninsula should strive to maintain regularity with or complement neighbors, which includes massing and the development of roof decks.

The current structures on the project site consist of a residential building and detached garage located behind the building. The site has a slight elevation, whereby the garage falls slightly below grade, and is separated from the main building by a small paved rear yard. Whereas



most other houses utilize on-street parking, a rear lot, or driveway to park cars, the garage makes for a unique characteristic of this property.

Currently, this area of Charlestown consists largely of multi-family rowhomes. The project shares common walls with 299 Bunker Hill Street. Immediate abutters to the project site are made up of three-story row homes of similar scale. This includes: 299 to 301 Bunker Hill Street (west of project site), 285 to 295 Bunker Hill Street (east), 8 to 22 Belmont Street (north), and 294 to 310 Bunker Hill Street (south).

Zoning Analysis:

The violations of this project site are due to three primary reasons: 1) limitations of the existing conditions of the site, 2) a moderate increase in gross floor area of the structure, and 3) alteration to the roof line due to the roof deck.

The proposed project triggers dimensional regulation violations of its existing structures as it does not meet the minimum side-yard requirement of 2.5 feet in width, per Article 62. Given that the existing building on the project site is a corner building and is a rowhome attached to its immediate neighbor, 299 Bunker Hill Street, by a common wall, the requirement for a side yard presents a hardship to meet this requirement. The existing accessory building is located directly on the rear lot line, a non-conformity that is extended by the incorporation of the accessory building into the principal structure. As one of the only properties in the area with a standalone garage, the existing structures make it difficult to accommodate the rear yard requirement.

Another violation that was raised, partly due to the property's existing characteristics, is its insufficiency of usable open space. Article 62 requires a minimum of 350 square feet of open space per dwelling. Currently, the existing open space of the site is roughly 211 square feet in total due to the layout of the residential building and detached garage. The proposed creation of the first-floor deck and roof deck will contribute about sixty total square feet, inclusive of the removal of some open space with the creation of the mudroom and garage addition, to the existing total open space, but still struggle to meet current usable open space requirements. The unique existing dimensional conditions of the proposed project make for side yard, rear yard, and usable open space hardship and relief should be granted on those fronts.

The proposed project also triggers a violation of the maximum floor area ratio (FAR) for the site. The Three-Family Residential Subdistrict allows for a maximum FAR of 2.0. The addition of the new decks will increase the floor area by roughly 100 square feet. While this is the case, it

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should be noted that the existing property is already nonconforming, exceeding the FAR limit by roughly 100 square feet. Thus, the total FAR of the addition with existing conditions amounts to roughly 2.2 FAR. PLAN: Charlestown highlights that massing must be composed in a manner that maintains regularity with or complements neighboring buildings. In the vicinity of the project, several properties with the same zoning limitations also exceed the FAR limit by a similar amount, showing that such massing is not uncommon and does not disrupt the existing neighborhood character. These properties include: 1 Bunker Hill Ct (2.1 FAR), 8 Sackville St (2.3 FAR), and 267 Bunker Hill St (2.1 FAR).

Lastly, the addition of the roof deck will trigger the need for approval from the Board of Appeal as it will alter the profile of the roof. Other buildings in the area with similar roof deck features include 287 Bunker Hill St and 15 Belmont St. It should be noted that the roof deck of the proposed project is set back from all roof edges, which aligns with PLAN: Charlestown's recommendation of reducing the visibility of roof decks from the public right-of-way.

This project also is within a Neighborhood Design Overlay District ("NDOD") and is subject to the Design Component of Small Project Review, as described in Section 80E-2 due to the exterior alteration of the roof shape.

The plans entitled "Renovations at 297 Bunkerhill Street, Charlestown, MA." prepared by Timothy Sheehan Architect on 09/26/23 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1535768, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO: that plans shall be submitted to the Agency for design review.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rand", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1390898
ZBA Hearing Date	2024-01-23
Address	161 Leyden ST East Boston 02128
Parcel ID	0101675000
Zoning District & Subdistrict	East Boston Neighborhood 2F-4000
Zoning Article	53
Project Description	Install roof deck atop existing multi-family residential building.
Relief Type	Variance, Conditional use
Violations	Roof Structure Restrictions Side Yard Insufficient Extension of Nonconforming Uses and Reconstruction and Extension of Nonconforming Buildings; Use Regulations Applicable in Residential Subdistricts

Planning Context:

The proposed development intends to add a 520 SF roof deck to an existing multi-family residential building in East Boston. Given the adoption of PLAN: East Boston in January 2024, recommendations from that plan are applicable to the proposed development. The planning goals for neighborhood residential areas outlined in PLAN: East Boston support the installation of open roof decks and recommend the adoption of updated and “form-based” zoning, derived from the neighborhood’s existing context, that seeks to allow homeowners who want to make small changes to their houses, such as what this project proposes, to do so without the need for variances.

PLAN: East Boston recommends the area in which the proposed site is located to be zoned as an EBR-3 subdistrict, allowing for buildings with heights up to three stories. As per draft Article 53, which follows from PLAN: East Boston, roof decks that follow regulations will not count towards the height of the building. However, despite the permissible added height, the draft zoning article includes the following within Section 53-25, Roof Structure Restrictions, the general rule that “no roofed structure designed or used for human occupancy... shall be erected or enlarged on the roof of an existing residential building.” This provision is given, unless the roof deck is able to meet certain parameters. The allowed parameters are as follows:



1. the deck is be erected on the main roof of a Building with a flat roof or a roof with a slope of less than five (5) degrees;
2. the deck is less than one (1) foot above the highest point of such roof;
3. access is: (a) by a roof hatch or bulkhead no more than thirty (30) inches in height above the deck; or (b) by a stairway headhouse no greater than ten (10) feet in height, eight (8) feet in width, and ten (10) feet in length, setback horizontally at least ten (10) feet from the roof edge(s) facing the public right of way, and
4. any appurtenant handrail, balustrade, hatch, or bulkhead is set back horizontally at least five (5) feet from all roof edges.

The proposed alteration is for a building with a flat roof, thus conforming to provision 1 and 2, as the roof maintains the same elevation across its structure, and the proposed roof deck raises the floor height by only 3” above the existing roof. Access to the roof deck is provided by a hatch that does not rise more than 30” above the roof deck, conforming to the 3rd provision. Violations occur in the 4th provision of the draft zoning, in which the western edge of the roof deck is proposed to only have a 10” setback from the roof edge. Dimensions are not provided to confirm the setback of the stair access railing from the roof edge, however this should also meet the 5’ setback requirement.

Zoning Analysis:

The relevant zoning article for this development is Article 53. Within the East Boston neighborhood district, the development site is located in a Two-Family Residential (2F-4000) subdistrict. Article 53, Section 51 sets forth the design guidelines for projects within the neighborhood, specifying that “Roofs or buildings should be designed to minimize the visibility of roof structure normally built above the roof and not designed to be used for human occupancy,” thus forbidding roof decks. However, with the recent passage of PLAN: East Boston and the related updates to the zoning code, the planning context for this location is more relevant than the existing zoning, indicating permission for the roof deck should it meet the dimensional regulations. The setback violation referenced in the Refusal Letter persists from the existing structure, and the side yard dimensions would remain unchanged regardless of whether or not a roof deck is approved onsite.

Recommendation:

In reference to BOA1390898, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review BOA1390898
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Design review should ensure that all roof deck elements are setback the recommended 5' from the roof edge.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1550520
ZBA Hearing Date	2024-01-23
Address	10A Park LN Jamaica Plain 02130
Parcel ID	1102448000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-5000
Zoning Article	Art 55
Project Description	The proposed project would replace an existing two car garage and basement with a expanded accessory building including a hobby shop and storage space with patio, and convert the existing driveway to a planted area and one surface parking space.
Relief Type	Variance
Violations	Front Yard Insufficient Height Excessive NDOD Applicability Parking or Loading Insufficient Application of Dimensional Requirements: Subsection 7 regarding Accessory Buildings in Side or Rear Yard Use: forbidden (trade)

Planning Context:

The proposed project is on a dead-end street off of Walnut Avenue, which runs along the western edge of Franklin Park. The street is lined with 2- to 3-story household units. The property currently has an existing accessory building, located in the side yard, in the form of a two-car garage. There is a double-width curb cut and paved driveway leading to the garage.

The project would replace the existing garage with a new accessory building which would include basement storage and space for a workshop which appears to serve resident uses as home occupation or amenity space.

The City’s mobility plan, “Go Boston 2030” was adopted in 2017 to shift travel modes away from car use and towards transit, walking, and biking. Other citywide plans, including Heat Resilience Solutions for Boston, identify goals of increasing pervious surfaces and decreasing asphalt areas in order to promote green infrastructure. The City’s Urban Forest Plan also identifies protecting mature tree canopy as a priority.

Zoning Analysis:

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The proposed project is within the Jamaica Plain Neighborhood, One-Family Residential 1F-5000 subdistrict and within a Neighborhood Design Overlay District. According to Article 55, Section 41, Accessory Buildings in Side Yards shall be no more than 15 feet in height; nearer than 4 feet to any side or rear lot line; and require a 65 foot front yard.

The proposed accessory building is located in the eastern side yard of the property, aligned with the front facade of the existing primary structure for a front yard depth of 16 feet. The overall lot depth is 80 feet, with mature trees located in the rear yard and a steep slope to Park Lane and individual lots that would prevent placement at a depth of 65 feet. The reconstruction of the accessory building in the side yard is thus an appropriate variance for the hardship of the lot depth and topography. The proposed building height is in the refusal letter as 16'7"; the plans show that considerable analysis of existing roofline has been performed to propose a steeper pitch accommodating the workshop.

The ISD refusal letter includes a violation for trade uses. It is unclear from BPDA review of the plans that this would be an actual trade use, which is forbidden in the residential district, and not the equivalent of home occupation or resident storage space which would be allowed as an accessory use, as opposed to an accessory trade use which is forbidden in this district. Based on the BPDA review of the plans, the scale of the workshop and storage use will have no adverse impact on surrounding residential uses and will function as an accessory use to the primary dwelling, and is appropriate. This is a case for zoning reform to better align home occupation and accessory uses to updated practices. The violation for violation of off-street loading requirements appears to also derive from this categorization of use, as the proposed plans show a reconfiguration of the existing driveway from a non-conforming 20 feet wide to 10 feet, and provides sufficient parking for the residential use.

The project is located in a Neighborhood Design Overlay District, which establishes a process of design review for projects to protect the historic character, existing scale, quality of the pedestrian environment, character of residential neighborhoods, and concentrations of historic buildings. Because this involves the erection of a building of more than 300 gross square feet, it passes the threshold for BPDA Design Review to address the NDOD.

The ISD refusal letter notes that the project is pending complete Building Code review. Plans reviewed were entitled "Heinbeck Accessory Building" prepared by Jason Heinbeck Residential Design and dated 9/19/22.



Recommendation:

In reference to BOA1550520, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review

Reviewed,

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

Director of Planning, BPDA

MEMORANDUM

NOVEMBER 16, 2023

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

FROM: MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW
CASEY HINES, DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
STEPHEN HARVEY, SENIOR PROJECT MANAGER
ALEXA PINARD, URBAN DESIGNER III
LYDIA HAUSLE, SENIOR TRANSPORTATION PLANNER II
EILEEN MICHAUD, PLANNER I

SUBJECT: 1208C VFW PARKWAY, WEST ROXBURY

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a the Boston Planning & Development Agency authorize the Director to: (1) issue a Scoping Determination waiving further review pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the “Code”) for the 1208C VFW Parkway project (the “Proposed Project”, defined below) in the West Roxbury neighborhood of Boston; (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction and a Cooperation Agreement in connection with the Proposed Project; and take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located at 1208C VFW Parkway in West Roxbury (the “Project Site”). The Project Site contains approximately 53,644 square feet (“sf”) and currently contains a three story, 30,000 sf commercial office building. The Proposed

Project is situated within an approximately one mile walking distance from the West Roxbury Commuter Rail Station and is served by multiple MBTA Bus Routes.

DEVELOPMENT TEAM

Proponent: 705 Plantation Street Realty Trust – Richard L. Olstein

Legal Counsel: McDermott Quilty Miller LLP – Dennis Quilty, Esquire

Architect: Stull and Lee, Inc.

DESCRIPTION AND PROGRAM

The Proponent proposes the construction of a five (5) -story residential building with a max height of fifty-five (55) feet that will be approximately 62,140 gross square feet. The residential building will contain up to fifty-five (55) rental units, including nine (9) IDP Units, and a maximum of fifty-five (55) surface parking spaces (the “Proposed Project”).

The Proposed Project will be made up of fourteen (14) one-bedroom units, thirty-six (36) two-bedroom units, and five (5) three-bedroom units.

The Proposed Project will include fifty-five (55) interior, secure, resident bike spaces, and eight (8) post-and-ring bike racks to accommodate exterior parking for sixteen visitors.

The Proponent plans to commence construction of the Proposed Project in 2024. The total development cost is approximately Eighteen Million Dollars (\$18,000,000).

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	62,140
Gross Floor Area	61,204
<i>Residential</i>	61,106

<i>Office</i>	98
<i>Retail</i>	0
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	0
Development Cost Estimate	\$18,000,000
Residential Units	55
<i>Rental Units</i>	55
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	9
Parking spaces	55

ARTICLE 80 REVIEW PROCESS

On February 13, 2023, the Proponent filed a Letter of Intent with the BPDA for the Proposed Project, pursuant to Article 80 of the Code. The Proponent filed a Project Notification Form on May 11, 2023, which commenced a comment period that ran through June 16, 2023.

The BPDA held a Scoping Session on May 16th, 2023, an IAG meeting on May 30th, 2023, a Public Meeting on June 6th, 2023 and a Joint IAG/Public Meeting on November 6, 2023, all via Zoom. The meetings were advertised in the local newspapers, posted on the BPDA website and a notification was emailed to all subscribers of the BPDA’s West Roxbury neighborhood update list.

PLANNING CONTEXT AND CITY STAFF REVIEW

The proposed 55-unit multifamily residential project at 1208C VFW Parkway in West Roxbury is within a Community Commercial (CC) subdistrict subject to Article 56, the West Roxbury Neighborhood District. The project site is the most recent of several multifamily residential development proposals in the last 5 years within the boundaries of Baker Street to the east, the MBTA right of way to the north, and Charles Park Road to the south. These projects contribute to the evolving context of an area that is currently characterized by vast surface parking, low-density retail and commercial uses, and pockets of low-scale residential fabric. The proposed project, in addition to recent development proposals, indicates a need for more comprehensive planning in this part of West Roxbury.

The project site is encumbered by shared private access easements, and the MBTA's Zone of Influence (ZOI) site plan guidelines, both of which impact where buildings, open space, and parking may be located. These site considerations influenced the development of the proposed project, in addition to zoning requirements and Parks Commission design review guidelines. While the proposed project responds to the scale of nearby completed developments, its 55 foot height exceeds the zoning requirements. Zoning variance is also required for multifamily residential, which is a conditional use. The project is located within the MBTA's Zone of Influence (ZOI). The MBTA requires that the development team obtain an MBTA license prior to entering and/or performing any work on or over MBTA property or within the MBTA's ZOI.

ZONING

The Project Site is located within the West Roxbury Neighborhood Zoning District and the Community Commercial Subdistrict, which is governed by Article 56 of the Code.

The Proposed Project is anticipated to need relief from the Zoning Board of Appeals for the following variances:

- Use (Multifamily Conditional)
- Building Height Excessive

MITIGATION & COMMUNITY BENEFITS

The Proposed Project will provide a number of benefits to the West Roxbury neighborhood and the City of Boston as a whole, including the following:

- Creating a minimum of nine (9) affordable units, which will exceed the City's IDP requirements
- The Proponent will create an open space courtyard that will expand open space amenities provided by the recently completed Residences Off Baker development.
- The Proponent will construct and maintain a publicly- accessible pedestrian connection to/from Baker Street via a system of accessible ramps and a staircase. This mitigation measure is subject to BPDA, BTD, PWD, and other city or state agency review as needed. PIC approvals for proposed improvements shall be completed before building permit issuance for the Proposed Project. The physical mitigation improvements must be completed upon Certificate of Occupancy. This mitigation measure is subject to design review and BPDA discretion. The estimated value of this mitigation is \$315,000. In the event that circumstances change regarding this mitigation, the BPDA and the City will work with the Proponent to identify an alternative solution with comparable impact and estimated value.
- Upon issuance of the full Building Permit, the Proponent will make a one-time "bikeshare" contribution of \$15,125 to Boston Transportation Department ("BTD") per the City's Bike Parking Guidelines. The \$15,125 contribution is due upon issuance of the Certificate of Compliance.
- The Proponent commits to equipping approximately fourteen (14) electric bike charging stations.
- The project will comply with the Boston Transportation Department Transportation Demand Management Points System. The selected strategies will be specified and codified in the Transportation Access Plan Agreement ("TAPA"). For this project, minimum expected requirements include 70 TDM points.
- The Proponent shall make a twenty thousand dollars (\$20,000.00) contribution to City's Fund for Parks:

Recipient: City's Fund for Parks
Boston Parks and Recreation Department
1010 Massachusetts Avenue, 3rd Floor
Boston, MA 02118

Use: The contribution will be used to fund efforts to maintain green space and facilities at Billings Field near this Proposed Project in West Roxbury.

Amount: \$20,000.00

Timeline: The \$20,000.00 contribution is due upon issuance of the Certificate of Compliance.

- The Proposed Project, building and site plan, will comply with the Smart Utilities requirements found in Article 80B of the Code. The project will incorporate best practice green infrastructure standards within the public realm, when applicable along Baker Street. These elements include but are not limited to porous curb extensions, bio-retention strategies and/or rain gardens and tree infiltration. The Proposed Project will also include smart streetlights standards for new sidewalks, including city shadow conduit and dual handholes in accordance with PIC requirements. The Proposed Project will also adhere to the City of Boston's EV readiness program and shall have 25% of parking spaces EVSE- Installed and the remaining 75% EV-Ready for future installation. Utilities in any City right of way will be designed to conform with Public Works Department standards. The Proposed Project will also provide access for local telecom and fiber providers to ensure broadband equity and possible future deployment of smart technologies.
- The Proponent agrees to complete the Smart Utilities review prior to obtaining a Certificate of Occupancy. The items to be reviewed include:
 - On-going review of horizontal infrastructure and landscape features within the courtyard. Proper distances shall be maintained from tree-pits.
 - Utility laterals from Baker Street shall maintain 3 foot min. clearances from Tree Infiltration pits along the Right of Way as the design progresses
 - The project's Smart Street Light integration. The project team shall include city shadow conduit along Baker Street, in accordance with

sidewalk reconstruction and PIC review. This includes on-going review of broadband, fiber optic cabling, and shadow conduit along Baker St in order to preserve broadband equity and other dependent smart technologies.

- Verification of compliance with the City of Boston EV Readiness Policy for New Developments, including EV chargers and needed infrastructure. The project shall have 25% of parking spaces be EVSE-Installed EV; and the remaining 75% of parking spaces shall be EV-Ready for future installation, to the maximum extent.
 - Location of transformers and critical infrastructure so as to ensure coordination with Eversource and “right sized” infrastructure.
 - A plan to address relevant conflicts reported through COBUCS if/as relevant. The project team and the contractor will continue to work with BT&D and Smart Utilities as needed.
- The project has committed to LEED Gold / 77 points, has a modeled Building 2035 pCEI = 1.29 kg CO₂ e/sf-yr, and includes a 79 kW solar PV system(s). In support of the City of Boston's Carbon Neutral 2050 goal the Project will assess and, unless deemed infeasible, achieve Zero Net Carbon Building performance by committing to purchasing 100% renewable electricity for common area loads and setting up new resident unit meter using Boston Community Choice Electricity Program's “Green 100” option and informing residents of the benefits of using renewable electricity and their ability to opt down or out at any time at no cost.
 - Additionally, the Project is pursuing Passive House Standard. Based on the Passive House Feasibility Study outcome, we are on track to meeting PHIUS's stringent energy reduction goals. In pursuit of meeting Passive House Standard, the design team is taking into consideration PHIUS' sister certification program requirements. This includes, EPA Energy Star New Home Program, DOE Zero Energy Ready Home Requirements, and the EPA Indoor Airplus requirements.
 - All apartments will receive HERS ratings that meet or exceed ENERGY STAR Homes v3.1 requirements. Additionally, the Project(s) are designed to a LEED Gold certifiable level and will include detailing to maximize conservation while maintaining a healthy building environment.

- Furthermore, the building envelope will include continuous exterior insulation in all walls, roofs, and slab components which results in very good assembly U-values and increases the building's thermal mass.
 - The projects will be designed for a continuous sealed air barrier with a maximum of 3.0 Air Changes per Hour leakage at 50 Pascals. Should the project seek full Passive House Certification the airtightness will increase to 0.06 ACH/cfm/sf.
 - Additionally, the building will have all electric heating, cooling and domestic hot water systems. Domestic hot water shall be provided by in-unit hybrid heat pumps. Heating and cooling shall be provided by air source heat pumps connected to an interior branch controller serving individual fan coil units. Bathroom faucets will be rated for 1.0 gallons per minute and showerheads will be rated for 1.5 gallon per minute. 100% of lighting, including interior, exterior, and parking lot lighting will be high efficacy LED. High efficiency appliances (ENERGY STAR where applicable) will be installed throughout, including refrigerators, dishwashers, clothes washers, and clothes dryers.
- Creating approximately one hundred (100) temporary construction and labor jobs

AFFIRMATIVELY FURTHERING FAIR HOUSING

The Proposed Project has agreed to the following Affirmatively Furthering Fair Housing (AFFH) Interventions.

Article 80 Interventions

- Provide all IDP Units on-site
- Increase the percentage of IDP units to 16% of total units
- Exceed proportion of 2+ bedroom units than is present in the community
- Increase the percentage of ADA/Group-2 units to approximately 13% of total units

Marketing and Housing Access Interventions

- Allow tenants in IDP units to pay security deposits and last month rent over three-month period.

- Agree to follow best practices in marketing market-rate units that are inclusive and welcoming to members of protected classes including the following:
 - Adopt the City's Fair Chance Tenant Selection policy for all units including market-rate units
 - Work exclusively with local, multilingual, and culturally competent leasing agents
 - Market units on all of Boston's dominant languages
 - Market units across all media types (print, social, audio, digital, etc.), targeting media types specifically consumed by members of protected classes
 - Describe IDP Units and link to Metrolist on the Proposed Project's primary marketing website
- Commitment to working with the City/BHA to offer Rental Assistance Demonstration ("RAD") and or Project Based Voucher ("PBV") units within the Proposed Project, to be determined based on feasibility and availability of obtaining the voucher products within the Proposed Project.

Proponent must submit a market-rate marketing plan detailing the specific best practices that will be utilized to the Boston Fair Housing Commission for review and approval as part of the marketing plan review and approval for IDP units.

Displacement Mitigation

- The site is currently occupied by a 30,000 square foot commercial building that accommodates primarily office uses. These tenants have been kept informed of the property status. As the redevelopment process moves forward the current lease terms will be honored and the Proponent will assist tenants with relocation, including finding alternative accommodations to minimize the possibility of business closures.
- Occupancy of the building has declined since the COVID pandemic. Currently, there are only two tenants with long-term leases. The Proponent has offered assistance in locating alternative space, helping with the cost and burden of relocating, and performing any necessary improvements to new space at a discounted rate. In addition, a formal agreement has been reached with Kids Club (the largest and most active tenant), providing them a minimum of two

(2) years notice before vacating the building as well as a substantial financial payment to assist with their relocation.

Non-Profit Partnership

- The Proponent has committed to continue to discuss opportunities to expand affordable housing in the West Roxbury Neighborhood with the B’nai B’rith Housing, an organization that is developing the adjacent 1208D VFW Parkway site. The Proponent may enter into agreements with the B’nai B’rith as potential and ongoing relationships, housing interventions, or other various benefits, are considered and determined.

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone C, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, nine (9) units within the Proposed Project will be created as IDP units (the “IDP Units”), or approximately 16% of the total number of units within the Proposed Project, exceeding the requirements of the IDP. All IDP units will be made affordable to households earning not more than 70% of the Area Median Income (“AMI”), as based upon the United States Department of Housing and Urban Development (“HUD”) and published by the BPDA.

The proposed sizes, location, and rental price for the IDP units are as follows:

Unit Number	Bedroom Count	Square Footage	Percentage of Area Median Income	Maximum Rent	ADA/Group-2
100	2	854	70%	\$1,766	Group-2
106	2	843	70%	\$1,766	Group-2
204	1	702	70%	\$1,559	Group-2
208	2	901	70%	\$1,766	
302	2	921	70%	\$1,766	Group-2
311	3	1,121	70%	\$1,978	Group-2
403	1	692	70%	\$1,559	
406	2	809	70%	\$1,766	Group-2

506	2	884	70%	\$1,766	Group-2
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The location and area of the IDP Units will be finalized in conjunction with BPDA staff and outlined in the Affordable Rental Housing Agreement and Restriction (“ARHAR”) and rents and income limits will be adjusted according to BPDA published maximum sales prices and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units. IDP Units must be comparable in size, design, and quality to the market-rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

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

Preference in the lottery will be given to applicants who meet the following criteria, to be further defined in the Marketing Plan, weighted in an order set forth in the Marketing Plan:

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

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

A deed restriction will be placed on each of the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of

any subsequent purchaser of the IDP Units during this fifty (50) year period must fall within the applicable income limit for each IDP Unit. The IDP Units may not be rented out by the developer prior to rental to an income eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

As no partial unit payment is required, the nine (9) designated IDP Units fully satisfies the IDP requirements pursuant to the December 10, 2015, IDP.

RECOMMENDATIONS

Based on the foregoing, staff recommends that the BPDA approve the Proposed Project and authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Code; (2) issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of design review as part of the Article 80 Large Project Review process; and (3) execute and deliver an Affordable Rental Housing Agreement and Restriction and a Cooperation Agreement and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Preliminary Adequacy Determination under Section 80B-5.3(d) of the City of Boston Zoning Code (the "Code"), which (i) finds that the Project Notification Form ("PNF") together with any additional material and comments received by the BPDA adequately describes the potential impacts arising from the proposed 1208C VFW Parkway project (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts, and (ii) waives further review of the Proposed Project under subsection 3 of Section 80B-5 of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA") d/b/a the Boston Planning & Development Agency ("BPDA"); and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Boston Zoning Code upon the successful completion of the Article 80B Large Project Review process; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement and Restriction for the creation of nine (9) Inclusionary Development Units and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project; and

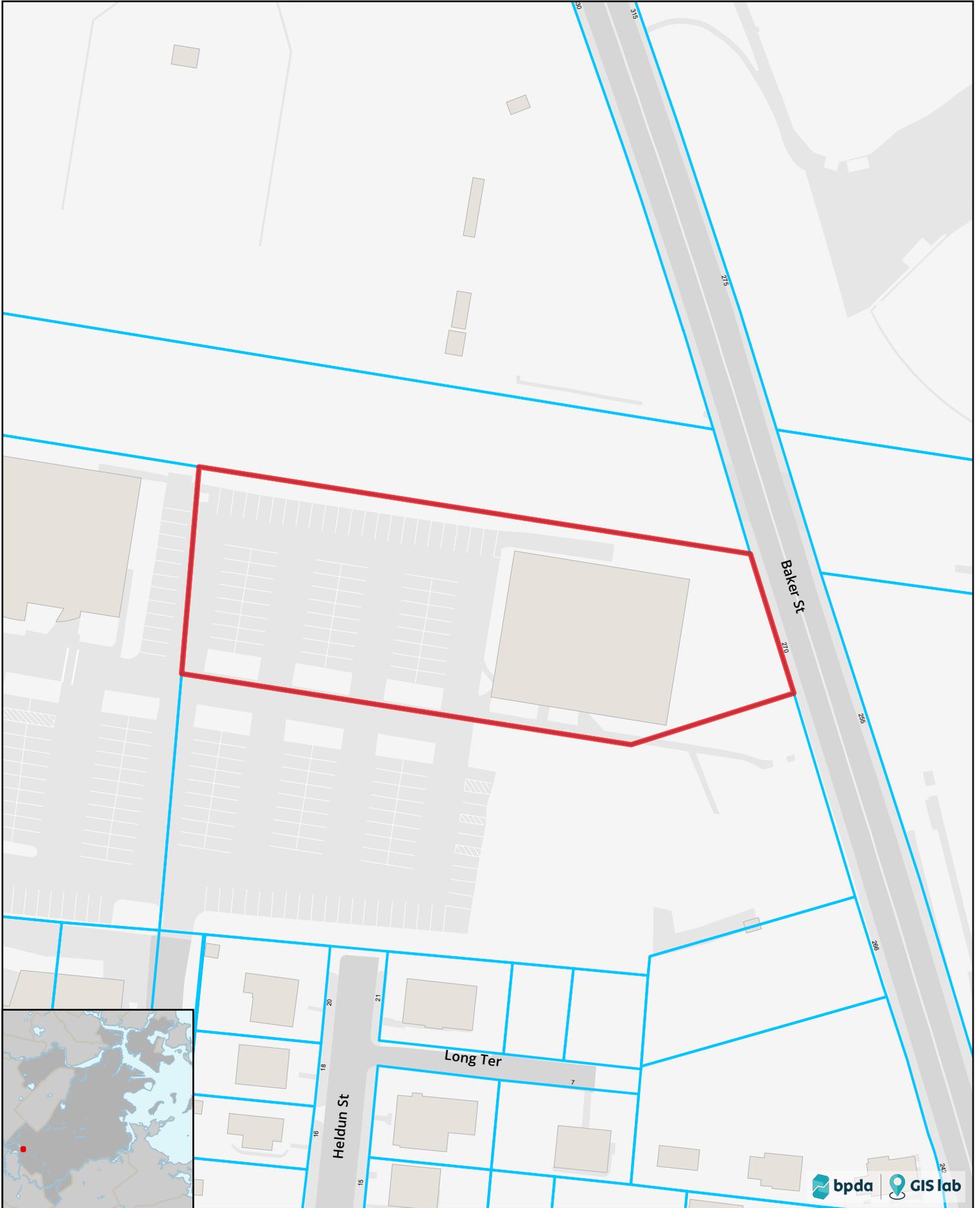
FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Cooperation Agreement, and any and all other agreements and documents which the Director deems appropriate and necessary in connection with the Proposed Project, all upon terms and conditions determined to be in the best interests of the BPDA.

1208C VFW Parkway



1:1,000



1208C VFW Parkway



1:1,000

