



MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: April 16, 2024

RE: BPDA Recommendations

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Please find attached, for your information, BPDA recommendations for the April 25, 2024 Board of Appeal's Subcommittee Hearing.

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

<b>Case</b>	BOA1566165
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	16 Cook ST Charlestown 02129
<b>Parcel ID</b>	0201674000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	62
<b>Project Description</b>	Proponent is seeking to build a 13'X19' roof deck on the lower roof with exclusive sliding door access through a third floor rear bedroom.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Roof Structure Restrictions Rear Yard Insufficient Side Yard Insufficient Roof structure restrictions: one (above) is for means of access second is for roof deck on lower roof instead of main roof

**Planning Context:**

The project scope is the construction of a 13'x19' roof deck for the exclusive use of the top floor unit. Access to the roof deck would be through a glass door from the third-floor rear bedroom. There is no planned change to the building footprint or the property's use as a two-family.

The house itself is a two-family, three-story semi-attached building with a gable roof on a wholly residential block. The parcel is surrounded by homes of a similar style, height and use (two- or three-family housing) and is within a Neighborhood Design Overlay District. However, it does not trigger mandatory review since these changes would not be visible from the street.

**Zoning Analysis:**

The proposed project has four violations: two for roof structure restrictions, and two for insufficient rear and side yards. In seeking to extend the roof deck about 3' beyond the existing roof, this project worsens existing side and rear yard nonconformities. This could be scaled back in order to remove the overhang and maintain alignment with the lower roof.

Regarding the roof violations, there are two issues at hand that would require a conditional use permit. First, the proposed deck is located on the lower roof instead of the main roof as required



by Article 62-25. The other roof violation relates to means of access- a proposed glass sliding door instead of a bulkhead or roof hatch.

In terms of the roof deck's location on the second floor roof instead of the main roof, this seems to meet the standards for issuing a conditional use permit. It is proposed for an appropriate location. There are several other roof decks on the same block, according to satellite imagery dated May 2023. There is no anticipated nuisance or any adverse effects resulting from the lower level roof deck addition since it would not be visible from the street. From the plans, the addition appears adequate and generally appropriate.

Granting a conditional use permit would also be appropriate for the glass door as a means of access. Requiring roof hatch access is meant to avoid situations where a new headhouse would have to be built on the very top of the building to be able to use the roof deck. In this case, a new structure is not needed in order to access the deck. There are no foreseeable adverse impacts for the neighborhood or nuisances created by the door entry, and it seems both adequate and appropriate as a means of access.

**Recommendation:**

In reference to BOA1566165, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that roof deck footprint be reduced to eliminate overhang.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1542426
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	82 Washington ST Charlestown 02129
<b>Parcel ID</b>	0203943000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	62
<b>Project Description</b>	Proposed project would add a rear dormer and second floor rear deck.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Height Excessive (ft) Roof Structure Restrictions

**Planning Context:**

The proponent is seeking to add a second floor rear deck and a rear dormer to a three-story brick house. 82 Washington Street, located in the Bunker Hill neighborhood in Charlestown, is directly across the street from the Emmons-Horrigan-O’Neil Skating Rink. The ice rink is owned by the Massachusetts Department of Conservation & Recreation and triggers Parks Review pursuant to Ordinance 7.4.11. Built in 1839, the property is also within an MHC Historic Inventory Area because of its association with the Charlestown Wharf Company. However, it is not considered a landmark by the Landmarks Commission (BLC), as indicated by their online map of all historic districts and landmarks.

**Zoning Analysis:**

The proposed project has two violations: one for excessive building height in feet, and another for roof structure restrictions (changing the roof line). The total building height is unclear, and there is conflicting information in the submitted plans (page 10) and the accompanying proponent letter (page 2). The plans on page 10 show both the current and proposed rear building height as 42’7”, which surpasses this district’s 35’ cap. The proponent’s letter on page 2 lists the existing building height as 38’ and says that the rear dormer measures 35’4”. In either case, if this property’s height exceeds 35’, it would be a preexisting nonconformity. According to Article 2, building height is the distance from grade level to the highest point of the building. Since the proposed dormer is beneath the roof, it does not worsen this nonconformity even if the dormer is above 35’.



According to Article 62-25, modifying the roof line is not allowed in this district, “unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefore.” The rear seems to be an appropriate place for the addition of the dormer, especially since the change would not impact the historic front facade. There would be no apparent nuisances or adverse effects to the neighborhood that would result from the change in roof line. The dormer plans appear to be both adequate and appropriate, particularly with a similar dormer configuration on the same block (see 78 Washington Street). For these reasons, there appears to be a basis for issuing the conditional use permit.

**Recommendation:**

In reference to BOA1542426, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Department of Parks and Recreation for review.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1452448
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	332 to 340 Summer ST Boston 02210
<b>Parcel ID</b>	0602688000
<b>Zoning District &amp; Subdistrict</b>	South Boston M-4
<b>Zoning Article</b>	Article 6
<b>Project Description</b>	The applicant seeks to continue using the premises for a public parking lot with a fee and a capacity of 40 vehicles until December 31, 2026
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Other Condition Necessary as Protection

**Planning Context:**

The site, an open-air parking lot with 40 spaces, sits within the M-4 subdistrict of South Boston and is flanked by office buildings and mixed-use six-story buildings with ground-floor restaurants/retail with residential above. Several open-air parking lots exist in the site's immediate vicinity.

City policy, including but not limited to Go Boston 2030 (2017), and Maximum Parking Ratios for Article 80 Development, do not consider surface parking the best use of a property particularly as it is 0.5 miles from South Station. Given the site's central location in a mixed-use district, attention should be paid to improving the site conditions for pedestrian experience and safety.

**Zoning Analysis:**

Based on its location within a Restricted Parking District, an open-air parking lot is a conditional use.

As outlined in Section 6-3A, Additional Conditions Required for Approval of Parking Facilities in a Restricted Parking District state that, "In a restricted parking district, the Board of Appeal shall grant a conditional use for an off-street parking facility, whether a parking lot, a public garage, or parking which is accessory or ancillary to any use other than Use Items numbered 1 through 15, only if the Board of Appeal finds that said facility meets one or more of the following conditions:

- a. It will serve a traffic demand not adequately provided for by public transportation; or



- b. It will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace legal on-street parking spaces that have been physically eliminated through permanent modification or demolition; or
- c. It is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or
- d. The facility constitutes a temporary parking lot use of land and that serious intent to reuse the land for an allowed use within a specified period of time has been demonstrated to the satisfaction of the Board of Appeal."

The parking lot appears to be well-utilized, thereby supporting condition (a) that it serves a traffic demand. That said, given the substantial amount of additional parking in the area and proximity to South Station, the use of the facility alone does not mean that the demand can only be served here. While the BPDA does consider this condition largely met, the site requires BPDA design review to improve pedestrian accessibility and screening from the right of way, with a minimum of 5'-0" wide planting and improving the pedestrian access point from the right of the way to clearly distinguish from vehicular traffic areas through the use of paving materials, landscaping buffers, or other means.

**Recommendation:**

In reference to BOA1452448, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to adding screening from the public right of way and neighboring uses.

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1554386
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	515 E First ST South Boston 02127
<b>Parcel ID</b>	0603366034
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	Article 68
<b>Project Description</b>	Change occupancy from office to nail studio.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Conditional use: Barber or beauty shop

**Planning Context:**

The project proposes a change of occupancy from an office to a nail salon in a pre-existing commercial space. The commercial space is on the ground floor of a pre-existing 4-story mixed-use residential building on E First Street in South Boston. The building is one of several similarly designed 4 story residential buildings, many of which have active ground floor uses, that have been developed alongside one another on the same block of E First Street within the last 10 years.

There are several commercial locations near the project site and further along E First Street. Next door to the proposed nail salon is a salon offering eyelash extensions. A real estate office, architecture office, hair salon and a deli are also located nearby. The proposed nail salon would fit the established context of ground-floor mixed uses along E First Street.

**Zoning Analysis:**

The proposed change of occupancy has been cited as needing a conditional use permit. 515 E First Street is located in a multi-family residential (MFR) subdistrict. Within this subdistrict, beauty salons are a forbidden use. However, since the proposed nail salon is re-tenanting a space previously used by an office (also a forbidden use, which received a Conditional Use permit), it falls under Section 9-2 of the zoning code: Change in Nonconforming Use. Per Section 9-2, a structure or land that is lawfully being used for a nonconforming use may change said use to another nonconforming use, provided that they are subject to conditions laid out in Article 6 and receive approval from the BOA.





As outlined in Section 6-3 of the zoning code, the conditions for granting 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, a nail salon fits the overall character of E First Street, which features several active ground floor uses, including an eyelash salon and a hair salon in the immediate vicinity. Adverse effects and nuisance from the nail salon are deemed minimal to none.

The plans are untitled, dated February 22, 2016. The name of the architects/engineers who created the plans cannot be found on the copy submitted.

**Recommendation:**

In reference to BOA1554386, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1568243
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	36 to 42 W Broadway South Boston 02127
<b>Parcel ID</b>	0600023000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	68
<b>Project Description</b>	Confirm use of existing martial arts studio, with no internal or external work done to the building.
<b>Relief Type</b>	Forbidden Use
<b>Violations</b>	Use

**Planning Context:**

36 to 42 West Broadway is located at the confluence of Broadway and Dorchester Avenue in South Boston. The commercial node at this intersection is anchored by the MBTA Broadway subway and bus station. The area is characterized by mixed-use buildings, primarily with multifamily residential on upper levels and active ground floor uses. The subject building includes three stories of office use that comprise the upper levels, and an existing martial arts studio that is the subject of this appeal on a partially below grade garden level.

**Zoning Analysis:**

The subject address is located in a Multifamily/Local Services (MFR/LS) subdistrict of the South Boston Neighborhood District, governed by Article 68 of the Code. While the intent of such a mixed use zoning subdistrict is to foster a built environment generally consistent with what is currently found in the area, the proposed use is not allowed. Despite activating the ground floor in a manner that is contextually appropriate, because it falls into the category of gyms and fitness studios, the extant martial arts studio is considered a forbidden use. This misalignment of current use regulations with the planning goal of encouraging active ground floor uses represents a case for zoning reform like the land use modernization underway as part of Squares + Streets zoning. Likewise, because the proposed use is appropriate for this location, zoning relief is recommended.



**Recommendation:**

In reference to BOA1568243, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1573788
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	417 to 423C W Broadway South Boston 02127
<b>Parcel ID</b>	0601948000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	68
<b>Project Description</b>	Change occupancy to a fitness center (no work to be done).
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Nonconforming Use Change Use Regs

**Planning Context:**

Property is a four story mixed-use/commercial building on West Broadway in South Boston, with similarly sized buildings along this block and on adjacent blocks on the same side of the street as well as across. The zoning district of this parcel is Multifamily Residential / Local Services.

Applicant seeks to change the existing third floor use from a current nonconforming use of "Retail Store Light Manufacturing Photo Studio Office Space Wireless Communications Professional" to instead be a fitness center. The fitness center currently exists across the street at 416-418 West Broadway. This change from one nonconforming use to another conditional use requires a conditional use permit. No work is otherwise being done on the space, and no other dimensional regulations or building regulations are triggered. Allowing an existing business to generally be in the same location and continue to serve its existing customer base aligns with work happening in other City departments, like Economic Opportunity and Inclusion, and Small Business Development. As noted in Imagine Boston 2030, a core principle of planning citywide is to "encourag[e] job growth and small business growth."

**Zoning Analysis:**

Article 9, Section 2 notes that a change in a nonconforming use can be changed to another nonconforming use with a conditional use permit via Article 6, also noting that upon such a change, the existing permit would be terminated. Were this new conditional use permit to be granted, the current permit of retail space would be removed.

A change to a different fitness center use needs to meet the following conditions of Article 6:

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- the specific site is an appropriate location for such use: the center already exists in a similar space across the street, and no changes are needed to this new space to accommodate the use.
- the use will not adversely affect the neighborhood: the center already exists across the street without adverse effects.
- no hazard to vehicles or pedestrians: no outdoor effects should be noticeable by users of the public realm.
- no nuisance will be created: given the proposed use and lack of changes to the structure, no nuisance seems possible.
- appropriate facilities will be provided: these appear present per the plans.

Relief is appropriate via the granting of a conditional use.

Article 68, Table A notes that "fitness center or gymnasium" is a forbidden use in Multifamily Residential / Local Services. Therefore, in addition to the conditional use permit needed for the change of a nonconforming use, a variance is also needed for this particular forbidden nonconforming use. Given the lack of change needed on the existing structure and the presence of this use across the street, this use, while forbidden, does appear quite reasonable and well-suited for this location. Relief is appropriate via a variance, and zoning reform should consider adjusting use regulations to remove the forbidding of uses that are not only present but also desirable in commercial areas like this one.

**Recommendation:**

In reference to BOA1573788, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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<b>Case</b>	BOA1573885
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	18 Pond CIR Jamaica Plain 02130
<b>Parcel ID</b>	1902274000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 1F-9000
<b>Zoning Article</b>	Article 55
<b>Project Description</b>	Add rear shed dormer and two front gable dormers for additional bedroom and bathroom in the attic of existing single family dwelling.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive

**Planning Context:**

The proposed project is on a corner lot on a single-family residential street, 0.2 miles from Jamaica Pond. Pond Circle, the street upon which the dwelling is located, is lined with 2 1/2 to 3-story single-family dwellings. The project proposes adding a dormer to the front of the building and a dormer to the back of the dwelling. The proposed dormers do not increase the height of the building and are in keeping with the scale of the existing context.

**Zoning Analysis:**

The existing dwelling has a FAR of 0.36, 0.06 greater than the required maximum FAR of 0.3. Consequently, the excessive FAR is an existing nonconformity. With the proposed changes, the project marginally increases the FAR by 0.08. However, the proposed project is in keeping with the existing scale and does not alter the lot or exacerbate additional zoning regulations.

The project falls within the Neighborhood Design Overlay District (NDOD). The NDOD is a zoning tool, as detailed in Section 55-28., "established to protect the historic character, existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings within the Neighborhood Design Overlay Districts.". The dormers should be reviewed through the BPDA Design Review process to ensure the dormers protect the historic character of the neighborhood.

**Recommendation:**



In reference to BOA1573885, 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



<b>Case</b>	BOA1518380
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	104 Child ST Jamaica Plain 02130
<b>Parcel ID</b>	1103050000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-5000
<b>Zoning Article</b>	55
<b>Project Description</b>	Multiple additions on different sections of an existing dwelling including a 1-story addition expanding the living area, a 2-story addition with a 2-car garage on the ground floor, and a 2nd story above the the existing dwelling.
<b>Relief Type</b>	Variance
<b>Violations</b>	Existing Building Alignment Side Yard Insufficient Rear Yard Insufficient Front Yard Insufficient FAR Excessive

**Planning Context:**

The proposed project includes three additions to an existing, rectangular 1-story dwelling: a 1-story addition extending the western portion of the dwelling towards the street; a 2-story addition extending the eastern portion of the existing dwelling towards the street; and a second story above a section of the eastern portion of the existing dwelling.

The site is located in a residential neighborhood one block west of the Southwest Corridor and less than a half mile south of Green Street station on the Orange Line. Closer to Centre Street, Child Street is lined with triple-deckers with consistent front setbacks. On this block between Lee Street and Call Street, the housing typology is mixed with 1- to 3-story dwellings and setbacks that vary from a couple of feet to approximately 50 feet.

**Zoning Analysis:**

The proposed project is located in the Jamaica Plain neighborhood, three-family (3F-5000) subdistrict. There are no overlay districts.

The site is currently occupied by a dwelling unit located on the rear half of a 50-foot wide, 65-foot deep lot with existing rear and side yards of less than one foot. The neighboring property to the west of the proposed project is a 3-story dwelling unit on a corner lot with less than 5-foot

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front yards on both streets. The rear yard along the lot line of the proposed project site is less than 1 foot, but the other rear yard is approximately 30 feet and the existing dwelling on the proposed project site abuts this yard rather than the dwelling. On the eastern side of the proposed project is a parcel occupied by a 3-story dwelling sited in the rear of a much deeper lot, resulting in the proposed project abutting the front yard of the neighboring dwelling.

The proposed project proposes an 8 foot front, 1 foot on west side and 3 feet on east side yard, and 12 1/2 foot rear setback for the additions. Each of these violate the zoning requirements: 15 feet front; 7 feet from side lot line and 10 feet from structure on abutting lot provided the combined side yards are at least 17 feet; and 20 feet rear yard. The side and rear yards of the existing dwelling are non-conforming, and the proposed project has larger side and rear yards than the existing dwelling thus only extending an existing non-conformity. However, the 1-story addition in the western portion of the proposed project parcel will create a new condition of directly abutting the adjacent building, rather than abutting the rear yard of the adjacent lot. Therefore, the extension of this non-conforming side yard has new impacts on the abutting parcel.

In addition, the proposed project extends into the front yard 7 feet, resulting in a proposed 8 foot front yard. Where there is a well-defined modal setback along the stretch of Child Street closer to Centre Street, the front setback is closer to 13 feet. Therefore, the proposed nonconformity is not supported by planning, zoning, or neighborhood context nor any distinct features of the lot.

**Recommendation:**

In reference to BOA1518380, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a site plan that includes a front yard and side yard on the west side of the lot that conforms to front and side yard zoning requirements.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1521624
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	379 to 381 Blue Hill AVE Dorchester 02121
<b>Parcel ID</b>	1202669000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR/LS
<b>Zoning Article</b>	50
<b>Project Description</b>	New owner requesting continuation of use permit for takeout restaurant
<b>Relief Type</b>	Variance
<b>Violations</b>	Art. 06 Sec. 04: Other Conditions Necessary as Protection

### **Planning Context:**

The proposed project is a change of ownership for a takeout restaurant requiring a new conditional use permit, as the previous permit was issued with a proviso for the specific property owner. The property is located in a Multifamily Residential/Local Services subdistrict alongside several other local businesses including takeout restaurants and convenience grocery markets. This area of Blue Hill Avenue contains a mix of residential and small scale commercial uses among a larger context of continuous streetwall. No changes are proposed to the exterior of the building, and as such the building will remain consistent with the existing neighborhood fabric.

In 2019 new owners applied for a removal of the proviso for the takeout restaurant and were subsequently approved. The proponent is not proposing changes to the property; an expiration of the previous proviso triggered the need for Board of Appeal.

### **Zoning Analysis:**

This property is located within the Roxbury neighborhood district, in a Multifamily Residential/Local Services (MFR/LS) subdistrict under Article 50. Within this subdistrict, small takeout restaurants are not identified as allowed, conditional, or forbidden. The history of appeals at this address signify that the site has been used for takeout restaurants since at least 2019. The pertinent violation (Article 06 Section 04) references a protective condition that the proviso for use as a takeout restaurant was tied to the ownership of the restaurant. Given the continuation of the same use for the property without additional modifications, the proponent should receive the same relief for the violation at the property.

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This appeal presents a case for future zoning reform, as uses should not be tied to the owner of a property. Reform to allow a wider range of businesses, including takeout, should make it easier to re-tenant appropriate spaces, and not limit zoning relief to individual businesses.

**Recommendation:**

In reference to BOA1521624, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1554816
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	4 to 10 Minot ST Dorchester 02122
<b>Parcel ID</b>	1604240000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood LC
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Updating the address on a health permit for an existing food pantry and confirming occupancy as a food pantry.
<b>Relief Type</b>	Variance
<b>Violations</b>	Use: Forbidden (food pantry)

**Planning Context:**

This site sits within a small commercial strip along Neponset Ave in Dorchester, near the interchange of I-93 and Morrissey Boulevard. Today, Harbor Health operates a Food Pantry at this site, and is seeking to confirm that occupancy as they update their address on a health permit. The Neponset Health Center is across the street from this site, which also operates a food pantry. There are several other small businesses in this commercial strip including restaurants, an ice cream shop, physical therapy, a beauty salon, a bank, and a law office. Given the existing operation as a food pantry and the surrounding context in a local commercial area, this is an appropriate use for the site.

**Zoning Analysis:**

This site is within a Local Convenience subdistrict. There is no land use category in Article 65 for "Food Pantry," which results in an interpretation that food pantries are forbidden. However, the site currently operates a food pantry and there is another operating across the street. The closest use may be considered either a Local Retail Business (allowed) or a Community Center (conditional). This presents a case for zoning reform, where a Food Pantry should have a designated land use or be incorporated explicitly in one. The land use modernization effort being advanced through Squares + Streets includes "food pantry" in the new land use definitions for "Grocery Store."

Plans reviewed are titled "Harbor Health Food Pantry Existing Conditions," prepared by Vision 3 Architects, and dated January 5th, 2023.



**Recommendation:**

In reference to BOA1554816, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1575041
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	46R Chickatawbut ST Dorchester 02122
<b>Parcel ID</b>	1604029000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 9, Article 65
<b>Project Description</b>	Construct a new side entry door for direct access to interior basement storage. No change in the habitable square footage.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Front Yard Insufficient Extension of Nonconforming Building

**Planning Context:**

The proposed project site sits in a two-family residential area in the Dorchester Neighborhood. Its surroundings comprise almost entirely of 2-2.5 story, 2-family residential dwellings. The site lies a quarter mile from the 201 bus stop and a half-mile from the Neponset River Greenway. The closest MBTA station is a mile away (Ashmont). The site currently houses a 2.5 story, single family residence.

The proposed project seeks to erect a new 3.5x11 enclosed side entry door leading directly to the structure's basement. This basement area is currently used for storage. However, it has egress windows that, with the creation of an independent stairwell egress, would make the space eligible for and compliant with the City's current ADU Program. This addition to the existing residential structure aligns with City planning goals to increase housing flexibility and, potentially, create additional housing units (Imagine Boston 2030, 2016).

**Zoning Analysis:**

The project's Article 9 (Nonconforming Uses) violation is incorrectly cited. Section 9.1, the cited provision, sets forth regulations for the extension of nonconforming uses and buildings with nonconforming uses. It triggers a conditional use permit for applicable proposed projects. Because this structure's use conforms to what is required in the Code (1F use in a 2F area is permitted), the provisions of Section 9.1 are not applicable.



The project's front yard violation is an existing nonconforming condition not proposed to be worsened through the project. While the addition does protrude into a required yard area, its bounds fall within those of the structure's established minimum setback dimensions. Because of this, the proposal has minimal impacts on its surroundings and should be deemed appropriate for the site.

**Recommendation:**

In reference to BOA1575041, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Kane", is written over a faint, light blue circular stamp.

Director of Planning, BPDA



<b>Case</b>	BOA1529077
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	162 to 164 Fairmount ST Dorchester 02124
<b>Parcel ID</b>	1702598000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Internal renovations to add living space that includes a bedroom and a sitting room to the existing attic.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive

**Planning Context:**

The proposed project seeks to update an existing two-family dwelling on 162-164 Fairmount Street in Dorchester. No changes to the external structure will be made as all changes will be made internally. This project will be adding living space to the existing attic as it will create a bedroom and a sitting room. This will turn the second-floor unit into a 4-bedroom unit. While this area is currently zoned as 2F-5000, Fairmount Street contains a mix of single-family, two-family, three-family, and multi-family residential buildings.

While there are no active neighborhood plans for Dorchester, this aligns with the City’s goal of preserving the existing units as noted in Housing a Changing City, Boston 2030 (September 2018). By adding additional living space, it will help enhance the existing housing unit while preserving the units in the neighborhood.

**Zoning Analysis:**

With the proposed project, the FAR would exceed the maximum allotted FAR for the area which is 0.5. The proposed project has an FAR of 0.607 which exceeds the maximum by 0.107. However, the FAR for the existing structure was already non-conforming with the area as the current FAR is 0.535. The increase in the FAR is due to the creation of additional living space in the attic that was previously unused. As neither the massing or density are changing with this proposal, zoning reform would allow for the extension of non-conformities when the structure otherwise conforms to dimensional requirements, to incentivize retention and improvement of existing structures.





The plans reviewed are titled 162-164 Fairmount Street and are dated 6/28/2023. They were prepared by Structures Home \* Work \* Living.

**Recommendation:**

In reference to BOA1529077, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1566270
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	14 Whitfield ST Dorchester 02124
<b>Parcel ID</b>	1701431000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-6000
<b>Zoning Article</b>	10, 65
<b>Project Description</b>	Proponent owns 14 Whitfield St and seeks to subdivide the property into two properties (14 and 16 Whitfield St). Property currently has a single side-by-side duplex residential building situated in the middle of the property, which houses two dwellings. Subdivision would divide the duplex, with each parcel having one half of the duplex, and subsequently converting the newly subdivided parcels into two single-family buildings. No other development proposed.
<b>Relief Type</b>	Variance
<b>Violations</b>	Limitation of Area for accessory use (parking) Lot Area Insufficient FAR Excessive Usable Open Space Insufficient

**Planning Context:**

The proposed project is located within the Fairmount Indigo Plan (2014), along Talbot Avenue. The Fairmount Indigo Plan is an initiative aimed at creating new links between neighborhoods, leveraging the opportunities provided by the Fairmount Indigo transit line with existing commercial districts. Understanding that housing is a major component to revitalizing commercial areas along the Fairmount Indigo line, the plan highlights the need for housing choice and reducing lots. While the proposed project is not an infill project, its reduction in parcel size may allow for improved affordability of the lot; future property owners will have access to purchase a smaller lot than one large lot, and may also help to reduce the cost of future homeownership on the site.

The proposed project is located on a residential block near Codman Square in Dorchester. The project intends to subdivide an existing parcel at 14 Whitfield Street into two parcels, 14 Whitfield Street and 16 Whitfield Street. 16 Whitfield Street is being reviewed synchronously by



the ZBA under case number BOA1564951. Given the scope of this proposed project, 14 Whitfield and 16 Whitfield Street will be given the same recommendation.

The site currently contains two residential units in the form of a single side-by-side duplex building. Subdivision would divide based on the existing shared wall of the duplex, resulting in each parcel having one half of the duplex, and subsequently converting the newly subdivided parcels into single-family housing.

The existing parcel is roughly 9,100 square feet in size, whereas neighboring parcels in the area are between 2,000 (11 Whitfield Street, 15-17 Whitfield Street) to 4,000 square feet (6 Whitfield Street, 10 Whitfield Street, and 12 Whitfield Street). Subdivision of the property would result in two new parcels that are both roughly 4,000 square feet in size, which would align more closely with existing neighborhood scale.

### **Zoning Analysis:**

The project is located within a 3F-6000 subdistrict in Dorchester. The subdivision of the existing 9,100 square foot property would create two parcels that are roughly 4,200 square feet and 4,900 square feet in size, which would fall short per the Zoning Code requirement of a minimum of 6,000 square feet, but would follow existing neighborhood block context, with most properties being between 2,000 to 4,000 square feet in size.

In addition to the lot size, the subdivision would have impacts on open space and FAR requirements. Currently, 3F-6000 subdistricts require that buildings provide 750 square feet of open space per dwelling unit, and limit FAR to 0.4. The existing property has nonconformities with regards to open space (as defined by Article 2 of the zoning code), due to limited size of the front yard and a rear yard that is paved over and largely used as parking. Given that the scope of the proposed project is a subdivision of an existing property, it would be difficult to create new open space from this process.

In terms of FAR, the subdivision would split the existing building into two buildings that are roughly 2,400 square feet each. This would make the FAR of the 4,200 sf lot to about 0.57 FAR and the 4,900 sf lot to about 0.48 FAR. While this exceeds the 0.4 FAR limit, it would be similar to neighboring properties, like 10 Whitfield Street (0.42 FAR), 11 Whitfield (0.64 FAR), and 12 Whitfield Street (0.41 FAR).



The project also raises a Limitation of Area violation. Article 10, Section 1 requires that any side yard that is being used for off-street parking be located more than five feet from the side lot line. The existing property has two driveways on either side of the residential building, with each serving one of the two units. Currently, the existing driveways are less than five feet from the side lot line, with one drive way less than a foot from the side lot line. Given the existing nonconformity and scope of the proposed project, it would be difficult to meet this requirement.

Lastly, while it was not highlighted in the initial violation, through the zoning analysis, it was determined that this proposed project would also require a use variance to permit the single-family use. Although zoning limits the use of the area to three-family housing, neighboring buildings consist of a mix of housing types, including: single-family (10, 11 Whitfield), two-family (12, 15-17 Whitfield 18-20 Whitfield), three-family (7 Whitfield) homes, and a condominium (9 Whitfield).

The plans entitled SUBDIVISION PLAN OF LAND LOCATED AT 14-16 WHITFIELD STREET, DORCHESTER, MA and AS-BUILT FLOOR PLANS LOCATED AT 14-16 WHITFIELD STREET, DORCHESTER, MA prepared by MASSACHUSETTS SURVEY CONSULTANTS on NOVEMBER 30, 2023 were used in preparation of this recommendation.

**Recommendation:**

In reference to BOA1566270, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1564951
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	16 Whitfield ST Dorchester 02124
<b>Parcel ID</b>	1701431000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-6000
<b>Zoning Article</b>	10, 65
<b>Project Description</b>	Proponent owns 14 Whitfield St and seeks to subdivide the property into two properties (14 and 16 Whitfield St). Property currently has a single side-by-side duplex residential building situated in the middle of the property, which houses two dwellings. Subdivision would divide the duplex, with each parcel having one half of the duplex, and subsequently converting the newly subdivided parcels into two single-family buildings. No other development proposed.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Limitation of Area for accessory use (parking) Lot Area Insufficient Usable Open Space Insufficient

**Planning Context:**

The proposed project is located within the Fairmount Indigo Plan (2014), along Talbot Avenue. The Fairmount Indigo Plan is an initiative aimed at creating new links between neighborhoods, leveraging the opportunities provided by the Fairmount Indigo transit line with existing commercial districts. Understanding that housing is a major component to revitalizing commercial areas along the Fairmount Indigo line, the plan highlights the need for housing choice and reducing lots. While the proposed project is not an infill project, the reduction in parcel size may allow for improved affordability of the lot; future property owners will have access to purchase a smaller lot than one large lot, and may also help to reduce the cost of for future homeownership.

The proposed project is located on a residential block near Codman Square in Dorchester. The project intends to subdivide an existing parcel at 14 Whitfield Street into two parcels, 14 Whitfield Street and 16 Whitfield Street. 16 Whitfield Street is being reviewed synchronously by



the ZBA under case number BOA1564951. Given the scope of this proposed project, 14 Whitfield and 16 Whitfield Street will be given the same recommendation.

The site currently contains two residential units in the form of a single side-by-side duplex building. Subdivision would divide based on the existing shared wall of the duplex, resulting in each parcel having one half of the duplex, and subsequently converting the newly subdivided parcels into single-family housing.

The existing parcel is roughly 9,100 square feet in size, whereas neighboring parcels in the area are between 2,000 (11 Whitfield Street, 15-17 Whitfield Street) to 4,000 square feet (6 Whitfield Street, 10 Whitfield Street, and 12 Whitfield Street). Subdivision of the property would result in two new parcels that are both roughly 4,000 square feet in size, which would align more closely with existing neighborhood scale.

### **Zoning Analysis:**

The project is located within a 3F-6000 subdistrict in Dorchester. The subdivision of the existing 9,100 square foot property would create two parcels that are roughly 4,200 square feet and 4,900 square feet in size, which would fall short per the Zoning Code requirement of a minimum of 6,000 square feet, but would follow existing neighborhood block context, with most properties being between 2,000 to 4,000 square feet in size.

In addition to the lot size, the subdivision would have impacts on open space and FAR requirements. Currently, 3F-6000 subdistricts require that buildings provide 750 square feet of open space per dwelling unit, and limit FAR to 0.4. The existing property has nonconformities with regards to open space (as defined by Article 2 of the zoning code), due to limited size of the front yard and a rear yard that is paved over and largely used as parking. Given that the scope of the proposed project is a subdivision of an existing property, it would be difficult to create new open space from this process.

In terms of FAR, the subdivision would split the existing building into two buildings that are roughly 2,400 square feet each. This would make the FAR of the 4,200 sf lot to about 0.57 FAR and the 4,900 sf lot to about 0.48 FAR. While this exceeds the 0.4 FAR limit, it would be similar to neighboring properties, like 10 Whitfield Street (0.42 FAR), 11 Whitfield (0.64 FAR), and 12 Whitfield Street (0.41 FAR).



The project also raises a Limitation of Area violation. Article 10, Section 1 requires that any side yard that is being used for off-street parking be located more than five feet from the side lot line. The existing property has two driveways on either side of the residential building, with each serving one of the two units. Currently, the existing driveways are less than five feet from the side lot line, with one drive way less than a foot from the side lot line. Given the existing nonconformity and scope of the proposed project, it would be difficult to meet this requirement.

Lastly, while it was not highlighted in the initial violation, through the zoning analysis, it was determined that this proposed project would also require a use variance to permit the single-family use. Although zoning limits the use of the area to three-family housing, neighboring buildings consist of a mix of housing types, including: single-family (10, 11 Whitfield), two-family (12, 15-17 Whitfield 18-20 Whitfield), three-family (7 Whitfield) homes, and a condominium (9 Whitfield).

The plans entitled SUBDIVISION PLAN OF LAND LOCATED AT 14-16 WHITFIELD STREET, DORCHESTER, MA and AS-BUILT FLOOR PLANS LOCATED AT 14-16 WHITFIELD STREET, DORCHESTER, MA prepared by MASSACHUSETTS SURVEY CONSULTANTS on NOVEMBER 30, 2023 were used in preparation of this recommendation.

**Recommendation:**

In reference to BOA1566270, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1564366
<b>ZBA Hearing Date</b>	2024-04-25
<b>Address</b>	32 Laurie AVE West Roxbury 02132
<b>Parcel ID</b>	2010583000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	Art. 56
<b>Project Description</b>	A 448 sq ft, one-story rear addition to an existing two-story, one-family residential dwelling with one bedroom, one bathroom, and the remodeling of the existing kitchen on the first floor.
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Front Yard Insufficient Side Yard Insufficient

**Planning Context:**

This project proposes a 448 sq ft one-story rear addition to an existing two-story, one-family residential dwelling. The existing property has a shed in the northwestern corner of the rear yard and the proposal retains the shed. The side walls of the rear addition will be in line with the existing building’s side walls, thus extending the existing side yard depth into the rear.

Existing buildings within the surrounding area vary between one- and two-story buildings, similar to the built form of the existing building and its proposed addition. Some of these properties also have rear yard structures like sheds or rear decks, similar to the existing properties' rear yard condition. While this property does not have a driveway, several in the area do and thus produce side yard conditions where one side is smaller than the other.

The proposed addition would produce a 19.2 ft rear yard depth that appears shorter than the 20+ ft rear yard depth of adjacent properties.

**Zoning Analysis:**

This property is located within the 1F-6000 (One-Family Residential) subdistrict of the West Roxbury Neighborhood District (Art. 56). This subdistrict restricts front yard depth to a minimum of 20 ft, side yard depth to a minimum of 10 ft, and rear yard depth to a minimum of 30 ft. The existing front yard has a non-conforming depth of 19.2 ft and the proposed addition will not





change this nonconformity. The existing property has a nonconforming southwestern side yard depth of 7.6 ft and the proposed addition would extend this nonconformity. The proposed addition would reduce the rear yard from 35.2 ft to 19.2 ft, thus making it nonconforming with the dimensional regulation.

Multiple properties within the surrounding area have rear yard depths at or above 24 ft based on aerial measurement estimates of properties on the both sides of this block of Laurie Avenue. While the proposed addition would not encroach further than the side yard depth that is currently established by the existing nonconformity, the addition would produce a rear yard depth that is smaller than that of most surrounding structures. These estimates of rear yard depth present a case for zoning reform in this area since it seems that many surrounding properties have nonconforming rear yard depths. Additionally, many of these properties have variable side yard depths to accommodate driveways, thus producing nonconforming side yard conditions in the area.

Site plans completed by Neponset Valley Survey Association, Inc. on November 22, 2023.

Project plans completed by Harold McGonagle on January 12, 2024.

**Recommendation:**

In reference to BOA1564366, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: Proponent should resubmit plans with a proposal that more closely aligns with existing precedent of rear yard depth within the surrounding area.

Reviewed,

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

Director of Planning, BPDA